DISTRICT COURT OF THE UNITED STATES [1]
(FOR THE EASTERN DISTRICT OF MICHIGAN, SOUTHERN DIVISION)

David Schied,
Sui Juris Grievant

v.
Karen Khalil, et al
Defendants

Case No. 2:15-cv-11840
Judge: Avern Cohn

GRIEVANT DAVID SCHIED'S "*WRIT OF MANDAMUS IN ORDER FOR INTERLOCUTORY APPEAL*"
WITH ACCOMPANYING
"*MEMORANDUM AT LAW*" AND *QUESTIONS OF LAW*
ON
ACTION TAKEN BY THE COURT
THAT
CONCLUSIVELY RESOLVED A *CLAIMED RIGHT* BY PROCEDURAL "*MOTION*"
THAT IS
EFFECTIVELY UNREVIEWABLE ON APPEAL OF FINAL JUDGEMENT
BUT WHICH IS
***COLLATERAL* TO THE *SUBSTANTIVE* MERITS OF THE FILINGS "*STRICKEN*"**
AND
HAS A FINAL AND IRREPARABLE EFFECT ON THE CASE

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[1] "The term 'District Courts of the United States,' as used in the rules, without an addition expressing a wider connotation, has its historic significance. It describes the constitutional courts created under article 3 of the Constitution. Courts of the Territories are legislative courts, properly speaking, and are not District Courts of the United States. We have often held that vesting a territorial court with jurisdiction similar to that vested in the District Courts of the United States does not make it a 'District Court of the United States." *Mookini v. United States*, 303 U.S. 201 (1938) citing from *Reynolds v. United States*, 98 U.S. 145 , 154; *The City of Panama*, 101 U.S. 453 , 460; *In re Mills*, 135 U.S. 263, 268 , 10 S.Ct. 762; *McAllister v. United States*, 141 U.S. 174, 182 , 183 S., 11 S.Ct. 949; *Stephens v. Cherokee Nation*, 174 U.S. 445, 476 , 477 S., 19 S.Ct. 722; *Summers v. United States*, 231 U.S. 92, 101 , 102 S., 34 S.Ct. 38; *United States v. Burroughs*, 289 U.S. 159, 163 , 53 S. Ct. 574.

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248-974-7703

Defendant
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Zenna Elhasan
Wayne County Corporation Counsel
500 Griswold St., 11th Floor
Detroit, Michigan 48226
313-224-5030

Defendants
The Insurance Company of the State of Pennsylvania
AND
American International Group, Inc.
Plunkett Cooney
Charles Browning
Warren White
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Bloomfield Hills, Michigan 48304
248-901-4000

Defendants
Karen Khalil
Redford Township 17th District Court
Cathleen Dunn
John Schipani
Redford Township Police Department
Joseph Bommarito
James Turner
David Holt
Jonathan Strong
"Police Officer" Butler
Tracey Schultz-Kobylarz
Charter Township of Redford
DOES 1-10
Jeffrey Clark, attorney
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Defendants
Michigan Municipal Risk Management Authority
James T. Mellon
Mellon Pries, P.C.
2150 Butterfield Dr., Ste. 100
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David Schied (hereinafter "*Grievant*"), being one of the People[2] and having established this case as a *suit of the sovereign*[3] acting in his own capacity, herein

[2] PEOPLE. "*People are supreme, not the state*." [*Waring vs. the Mayor of Savannah*, 60 Georgia at 93]; "*The state cannot diminish rights of the people*." [*Hertado v. California*, 100 US 516]; Preamble to the US and Michigan Constitutions – "*We the people ... do ordain and establish this Constitution...*;"

accepts for value the oaths[4] and bonds of all the officers of this court, including attorneys. Having already presented his causes of action to this Article III District

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"...at the Revolution, the sovereignty devolved on the people; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves..." [*Chisholm v. Georgia* (US) 2 Dall 419, 454, 1 L Ed 440, 455, 2 Dall (1793) pp471-472]: "*The people of this State, as the successors of its former sovereign, are entitled to all the rights which formerly belonged to the King by his prerogative*." [*Lansing v. Smith*, 4 Wend. 9 (N.Y.) (1829), 21 Am. Dec. 89 10C Const. Law Sec. 298; 18 C Em.Dom. Sec. 3, 228; 37 C Nav.Wat. Sec. 219; Nuls Sec. 167; 48 C Wharves Sec. 3, 7]. See also, *Dred Scott v. Sandford*, 60 U.S. 393 (1856) which states: "*The words 'people of the United States' and 'citizens' are synonymous terms, and mean the same thing. They both describe the political body who, according to our republican institutions, form the sovereignty, and who hold the power and conduct the Government through their representatives. They are what we familiarly call the 'sovereign people', and every citizen is one of this people, and a constituent member of this sovereignty*."

[3] *McCullock v. Maryland*, 4 Wheat 316, 404, 405, states "*In the United States, Sovereignty resides in the people, who act through the organs established by the Constitution*," and *Colten v. Kentucky* (1972) 407 U.S. 104, 122, 92 S. Ct. 1953 states; "*The constitutional theory is that we the people are the sovereigns, the state and federal officials only our agents*." See also, *First Trust Co. v. Smith*, 134 Neb.; 277 SW 762, which states in pertinent part, "*The theory of the American political system is that the ultimate sovereignty is in the people, from whom all legitimate authority springs, and the people collectively, acting through the medium of constitutions, create such governmental agencies, endow them with such powers, and subject them to such limitations as in their wisdom will best promote the common good*."

[4] OATHS. Article VI: "*This Constitution, and the laws of the United States... shall be the supreme law of the land; and the judges in every State shall be bound thereby; anything in the Constitution or laws of any State to the contrary notwithstanding... All executive and judicial officers, both of the United States and of the several States, shall be bound by oath or affirmation to support this Constitution*."

Court of the United States as a *court of record*[5], *Grievant* hereby proceeds according to the course of Common Law[6].

Incorporated herein by reference are the Statements and Evidence contained in accompanying documents of: [7]

1) *"Memorandum of Law and Jurisdiction"* **(**as being a copy also of "*Exhibit #4*" that was previously filed with the "*Writ for Change of Judge...and Change of Venue...*" previously **served on these defendants and their attorneys on 6/27/15**) (Bold emphasis added)

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5 "*A Court of Record is a judicial tribunal having attributes and exercising functions independently of the person of the magistrate designated generally to hold it, and proceeding according to the course of common law, its acts and proceedings being enrolled for a perpetual memorial*". [*Jones v. Jones*, 188 Mo.App. 220, 175 S.W. 227, 229; *Ex parte Gladhill*, 8 Metc. Mass., 171, per Shaw, C.J. See also, *Ledwith v. Rosalsky*, 244 N.Y. 406, 155 N.E. 688, 689].

6 COMMON LAW. – According to *Black's Law Dictionary* (Abridged Sixth Edition, 1991): "*As distinguished from law created by the enactment of legislatures [admiralty], the common law comprises the body of those principles and rules of action, relating to the government and security of persons and property, which derive their authority solely from usages and customs of immemorial antiquity, or from the judgments and decrees of the courts recognizing, affirming, and enforcing such usages and customs*." *"[I]n this sense, particularly the ancient unwritten law of England*." [1 Kent, Comm. 492. *State v. Buchanan*, 5 Har. & J. (Md.) 3G5, 9 Am. Dec. 534; *Lux v. Ilaggin*, G9 Cal. 255, 10 Pac. G74; *Western Union Tel. Co. v. Call Pub. Co*., 21 S.Ct. 561, 181 U.S. 92, 45 L.Ed. 765; *Barry v. Port Jervis*, 72 N.Y.S. 104, 64 App. Div. 268; *U. S. v. Miller*, D.C. Wash., 236 F. 798, 800.]

7 The referenced documents in this list, as having all been provided in "hard copy" Evidence of court entries – submitted under Oath of accuracy by Grievant and others – that provide undeniable Evidence that defendant attorneys and their clients have a long history of FRAUD upon the Court, and that the numerous state and federal judges associated with and dismissing these previous cases without proper address of the filings and the Evidence have criminally aided and abetted in the treasonous usurpation of power and authority, committing themselves to what amounts to "*domestic terrorism*" in the unauthorized takeover and tyrannical railroading of legitimate government *policy and practice under color of law*.

2) All previous filings admitted to this case on this and all other co-Defendants as also found at: **http://cases.michigan.constitutionalgov.us/david-schied/2015_SchiedvJudgeKarenKhaliletalinUSDCEDM/**
3) All Statements, Affidavits, and Evidence previously filed in this case to include the initial filing to open this case and the more recent filing of
   a) "*Writ for Change of Judge Based on Conflict of Interest and Change of Venue Based on Proven History of Corruption*" and its accompanying *"Sworn and Notarized Affidavit of Truth of David Schied"* and all supporting "*exhibits*".
   b) Grievant's "*Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's Writ for Change of Judge Based on Conflict of Interest and Change of Venue on Proven History of Corruption"* and all supporting "*exhibits*";
   c) Grievant's "*Response of Denial of 'MMRMA's Motion to Strike Grievant's Previous Combined Response and Reply to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances in Their Motion to Dismiss in Lieu of Answer and Their MMRMA's Response to Plaintiff's Writ for Change of Judge Based on Conflict of Interest and Change of Venue on Proven History of Corruption*" and "*Grievant's Order adding Attorney James Mellon and Mellon Fries, P.C. as Co-Defendants for Reason of Obstruction of Justice and Dishonoring This Article III Court by 'Fraud Upon This Court' and for the Reasons Stated in Grievant's Previously Filed 'Combined Response and Reply to Attorney James Mellon's and Mellon Fries, P.C.'s Fraudulent Conveyances...*" and all supporting "*exhibits*";
   d) Grievant's "*Objections and Order to Strike 'Defendant, The Insurance Company of the State of Pennsylvania ("ISCOP" and the American International Group, Inc.'s ("AIG") 'Answer to 'Plaintiff's' Complaint' Based on a Pattern of Gross Omissions, Intentional Deception, Frivolous Filing, and Obstruction of Justice (Under F.R.C.P. Rule 11); and for Summary Judgment and/or Declaratory Ruling and Sanctions Against Defendants' Intentional Failure to Answer Within 20 Days (as required under F.R.C.P. Rule 56a)*" and all supporting "*exhibits*";
   e) "*Grievant David Schied's Order of Denial of Defendants' ("Judge") Khalil and Redford Township, et. al Seeking Dismissal by Judgment on the Pleadings [UNDER FED.R.CIV.P.12(c)] Based on Defendants' Intent to Defraud the Court and to Violate Attorney Code of Ethics Through a 'Pattern and Practice' of Attorney Testifying and Gross Omissions Proven in Connection to a Past History of the Same*" + 27 itemized "*Exhibits*" of Evidence.

f) "*Grievant David Schied's Order of Denial of Defendants' ('Judge') Khalil and Redford Township, et. al Motion Seeking Permission to Expand Page Limit for Brief [in Support of Motion by Redford Defendants Seeking Dismissal by Judgment on the Pleadings Under Fed.R.Civ.P.12(c)] Based on Defendants' Intent to Defraud the Court and to Violate Attorney Code of Ethics Through a 'Pattern and Practice' of Attorney Testifying and Gross Omissions Proven in Connection to a Past History of the Same*" + 18 itemized "*Exhibits*" of Evidence.
g) "*Grievant David Schied's 'Objection' and 'Writ of Error' to Magistrate Michael Hluchaniuk's 'Order' and 'Amended Order' Striking Responses and Motions (DKT. 36, 38, 58, 63), Granding Motion to Strike (DKT. 57), Granting Motion to Stay (DKT. 75) and Setting Deadlines' Based Upon Constitutional Issues Related to the Supremacy Clause and Due Process Clause of the Constitution of the United States; the Thirteenth Amendment of the Constitution; and Based Upon Grievant's Previously Filed 'Writ for Change of...Venue Based on Proven History of Corruption' and Grievant's 'Writ of Error and Reversal in Assignment of Magistrate and Engagement of Ex Parte Proceedings and Mandamus for Proceeding in Common Law Under the Constitution in an Article III Court of Record*."

This action is being taken because **I DO NOT CONSENT to the reference of Grievant David Schied as a corporate fiction in ALL CAPS of lettering as "*plaintiff*"** ("DAVID SCHIED, plaintiff"), **nor do I consent** to the mischaracterization of *sui juris* Grievant David Schied as operating in a "*pro per*" or "*pro se*" capacity. **Note that all "*summons*" were issued with notice to all co-Defendants that Grievant David Schied is "*sui juris*."**

This action is being taken because **I DO NOT CONSENT** to the assignment of this case, otherwise attempted to be "*filed*" in Ann Arbor and ultimately filed in Flint, being subsequently sent to Detroit, in the heart of Wayne County, situated in a building believed to be leased by Defendant Charter County of Wayne to the

United States District Court with a proven proclivity toward contributing to the *domestic terrorism* being carried out, hand-in-hand with state and county government imposters, as usurpers of *The People's* power and authority.

"*Silence can only be equated with fraud where there is a legal or moral duty to speak, or where an inquiry left unanswered would be intentionally misleading. . .*" ***U.S. v. Tweel*, 550 F.2d 297, 299. See also *U.S. v. Prudden*, 424 F.2d 1021, 1032; *Carmine v. Bowen*, 64 A. 932**

TABLE OF CONTENTS

TABLE OF AUTHORITIES

FEDERAL

MICHIGAN

OTHER

INDEX OF EXHIBITS

QUESTIONS PRESENTED

Question #1:

> **"*Does a federal District Court judge's (or magistrate's) failure to observe state laws and state court rules governing the judicial obligation to investigate one litigant's (Grievant Schied's) criminal 'complaint' – and the selective application instead of 'local court rules' against that same litigant in response to a fellow State BAR of Michigan member's 'motion' to strike Grievant's criminal allegations and Evidence against the judge's peer group of other judges (or the magistrate's supervisory judges) – constitute a violation of the Rules of Decision Act (June 25, 1948, Ch. 646, 62 Stat. 944) as codified in 28 U.S.C. § 1652*"** ("*The laws of the several states, except where the Constitution or treaties of the United States or acts of Congress otherwise require or provide, **shall** **be regarded as rules of decision in civil action in the courts of the United States**, in cases where they apply*.")
>
> Grievant Schied answers "*absolutely*."
>
> Defendants would answer "*no*."

Question #2:

> **"*Is the federal judiciary barred under the Rules of Decision Act (1948) and the Rules Enabling Act (1934) from using Article I ('legislative') rulings to limit or 'abridge' substantive state and federally granted rights as was done recently when Magistrate Hluchaniuk issued his 'Order' and 'Amended Order' to 'strike' the substantive Evidence and Allegations that Grievant Schied entered into the Court of Record in support of Grievant's 'Writ for Change of Venue' out of the District Court in located in Detroit based upon clear evidence of theft and corruption infiltrating that federal court?"*"**
>
> Grievant Schied answers "*absolutely*."
>
> Defendants would answer "*no*."

Question #3:

> ***"Is the federal judiciary barred from both legislating and adjudicating its own legislation using a Magistrate subject to Article I limitations – on an issue concerning allegations of "bad" and/or criminal behavior against federal judges – as was done in context of Magistrate Hluchaniuk using 'local court (procedural) rules' to summarily and substantially strike the incriminating Evidence of Grievant's filings without adjudicating the 'merits' of the controversy?***
>
> Grievant Schied answers "*absolutely*."
>
> Defendants would answer "*no*."

Question #4:

> ***"Does the federal judiciary have any obligation to 'independently' investigate and/or adjudicate controversy against the infringement of rights by government when the judiciary itself – though being constitutionally 'independent' is also lawfully 'bound' to constitutional guarantees under Article III – is the entity being charged with that unconstitutional behavior?***
>
> Grievant Schied answers "*absolutely*."
>
> Defendants would answer "*no*."

SUMMARY BASIS OF A MANDAMUS FOR INTERLOCUTORY APPEAL

This "*Writ of Mandamus for Interlocutory Appeal*" is brought *importantly* because of compelling circumstances involving the two very differing contentions of the opposing parties, and the unique role that the decision-makers play in this District Court, as both the traditional adjudicators and the criminally "*accused*."

On one hand, **Grievant David Schied has presented compelling Evidence of the alleged crimes committed by the "*decision-makers*" own peer group of other United States District Court judges, which is subject to cited Michigan statutes and court rules requiring "*any*" *judge with reasonable cause to believe a crime or crimes have been committed*" to begin an investigation and to order an immediate arrest warrant.** Such reasonable cause has been defined under Michigan law as being a formal "*complaint*," sworn and signed by Oath and presented before a judicial official. What presents the greatest area of contention and controversy regarding this circumstance is the FACT that the criminal allegations and the Evidence submitted to this federal District Court pertains to constitutional and statutory violations perpetrated by members of both the Michigan and the United States judiciary.

On the other hand, the State BAR of Michigan attorneys representing the quasi-government as "*chartered*" corporations of co-defendants and their "*self-insured*" risk management associations contend simply that the criminal allegations

of Grievant are the equivalent of delusional aberrations being perpetrated by Grievant as a "*paper terrorist*," a "*vexatious litigant,*" a "*frivolous filer*" and "*member of the sovereign citizen (terrorist) movement*." They present both state and federal judicial rulings that they conclude proves "*prima facie*" that their mischaracterizations about Grievant's litigation (and "*terrorist*") history are correct, and which somehow prove that his allegations of criminal government corruption and racketeering are ludicrous and the deranged.

The crux of the problem herein rests in the FACT that the co-defendants and their attorneys have presented ONLY the rulings in those former state and federal cases as somehow supplying the "*prima facie*" evidence that the current federal civil allegations in the District Court, levied by Grievant against some old and some new co-defendants, are unfounded and merely part of the ongoing disturbing pattern of Grievant. The co-defendants are thus using these contentions as their reasoning for dismissing Grievant's "*Complaint/Claim for Damages*" altogether, in summary fashion, based upon their "*pleadings alone*" and/or "*in lieu of answer*."

Grievant, meanwhile, has "*responded*" completely and competently to the co-defendants' assertions, which consist of mere repetitions of unsupported written "*denials*" and formal declarations that they "*do not have sufficient information to form an answer to the complaint,*" compelling Grievant to rely upon his own "*proofs*" of Evidence. In such response, Grievant has submitted mounds of

Evidence and explanatory statements proving that **those prior "*administrative*" and/or "*legislative*" rulings of state and federal judges were *never litigated on the merits* of those earlier "*complaints;*" but instead were summarily dismissed in a "*pattern and practice*" that otherwise repeatedly deprived Grievant of his constitutional guarantees to due process – CRIMINALLY – *under color of law,*** and in the similar fashion to which the co-defendants were subsequently – and continuing – to request the dismissal of Grievants current "*complaint/claims*" against them in this instant federal case.

The federal legal issue at hand is defined by the FACT that **Co-Defendants have thus sought to have most, if not all, of Grievants' incriminating statements and controverting Evidence against those previous state and federal judges "*stricken*" from the instant case and Court of Record by claim that Grievant's "*Response*" filings exceed the page limit for responsive filings as set by the "*local court rules*"** of this federal District Court. **Grievant's counter-argument is that certain Michigan state statutes and court rules** – and even federal codes and regulations – **as well as both Michigan and United States constitutions govern both the *substantive* and *procedural* obligations of the federal judges and magistrates,** who are otherwise respectively charged with either judicially adjudicating or administrating this case.

At this point in the administration of this case – and with the above being a very abbreviated summary of the degree to which Grievant's Evidence implicates the employees and court "*officials*" of the District Court of Detroit in particular as being in many ways "*dishonest*" – **Magistrate Michael Hluchaniuk has administratively granted the co-defendants' "*motion to strike*" and has *sui sponte* stricken other of Grievant's filings while threatening to "*recommend dismissal of this lawsuit in its entirety*" so to deny Grievant his constitutionally guaranteed right to a jury trial on these facts.** Grievant contends that such action is being undertaken in gross mischaracterization of Grievant personally and as a private party to this case, *under color of* the Court's interest and obligation to all parties to expeditiously and efficiently manage this case.

Grievant has filed his "*objection*" to the magistrate's "*Order*" and "*Amended Order Striking Responses and Motions*..." of Grievant, citing that **certain state and federal statutes and state and federal constitutions supersede "*local court rules*" in governing the *substantive* results of this circumstance and the *procedural* path that the federal judiciary should take toward the substantive resolve of this procedural *controversy*.** Thus, Grievant is filing this instant "*Writ of Mandamus in Order for Interlocutory Appeal*" along with a "*Memorandum of Law*" in support of the mandamus that brings "*Questions of Law*" specifically pertaining to: 1) "*Whether judicial 'legislation' is constitution*;" 2) "*Whether*

judicial 'independence' authorizes 'bad' behavior;" 3) "*Whether 'substantive' evidence can be 'procedurally' stricken*;" and, 4) "*Whether a 'pattern and practice' of government 'coercion' constitutes 'treason' and/or 'domestic terrorism.'*"

FACTUAL HISTORY AND THE "*IMPORTANCE*" OF THE CASE FILINGS BEING STRICKEN

Importantly, the Court of Appeals should begin their inquiry into the Order "*striking*" four sets of Grievant's substantive filings by looking at the procedural means – to include timing – by which Magistrate Hluchaniuk's action occurred and the actual **construction** of the digitally signed "*Amended Order Striking Responses and Motion (Dkt. 36, 38, 58, 63) Granting Motion to Strike (Dkt.57), Granting Motion to Stay (Dkt. 75), and Setting Deadlines*." Notably, despite knowing full well that Grievant Schied, having a *forma pauperis* standing issued by the District Court, did not qualify as an attorney to be an electronic filer and was thus, exempted from the requirement by Local Court Rules to use the PACER system for accessing documents through the Internet, Mag. Hluchaniuk still referred to all documents referenced by his "*Order*" and "*Amended Order*" by only their docketing reference, "*setting deadlines*" without fully disclosing to Grievant any other form of description or the names of the actual documents involved with this his written "*decision*."

Such construction of the *Order* and *Amended Order* by Mag. Hluchaniuk, by design, presented to the Co-Defendants an immediate procedural advantage over Grievant by their regularity of access to their own PACER accounts. **Magistrate Hluchaniuk having not provided any separate order or instructions to the clerk for Grievant to receive a copy of the "*docketing*" record, then prejudiced this action against Grievant's ability to distinguish the "*stricken*" documents from any other documents in the file**; and **while also modeling "*permission*" to all of the co-defendants' attorneys that they too may thereafter refer to previous filings by mere docket numbers rather than names as appearing on the cover page of each filed document.** (Bold emphasis added)

This above-described action by Hluchaniuk on behalf of the Court was carried out in the same "*pattern and practice*" Grievant had readily recognized and had been basing his previous action of issuing, on 6/30/15, a "*Writ for Change of...Venue Based on Proven History of Corruption*" **which stated initial facts as follows *verbatim* (in excerpt from the original filing) about the corrupted types of actions that take place against Grievant Schied by the employees and fiduciary "*officials*" of the District Court operating in Detroit:**

Substantive Cause for Removal of This Case to a Different Venue Outside of Wayne County and to the USDCEDM in Ann Arbor

1. Such a stated background then is predicated upon factual Statements and Evidence that indicate "*Defendants, by their acts of intentional indifference and reckless disregard of [Grievant]'s prior 'filed documents' in notice about racketeering and corruption, served to place [Grievant] specifically **at risk for***

retaliation *by Defendants, in addition to increasing the risk to the general public after having previously received formalized reports from [Grievant] about Defendants' pattern and practice of instituting state created dangers*." [Compl. ¶ 165]

2. It is a matter then for a jury to decide whether or to what extent the actions of the Defendants, including but not limited to the Charter County of Wayne and the Charter Township of Redford, actually created such "*state created dangers*" and then abused their individual and collective powers to retaliate against *Grievant* David Schied for having exposed such "*racketeering and corruption*" being carried out within and/or throughout the county as presented in those previous filings.
3. With that *issue of fact* yet to be determined by claim that *state created dangers* existed then, and continue to persist until the present, *Grievant* drove first to the federal court in Ann Arbor in an endeavor to avoid any possibility of being exposed to such similar risks in Wayne County where Judge Sean Cox and other judges of the Eastern District of Michigan (Southern Division) are located in Detroit, the bankrupt government metropolis at the purported center of the alleged *racketeering and corruption*.
4. Upon arriving to the federal court in Ann Arbor, *Grievant* was informed that in 2011 the clerk's office for that federal building had been closed, and that alternatively, *Grievant* could drive to the next closest location of the federal court in Flint, Michigan for filing his federal Complaint/Claims in order to reasonably avoid the proximity of – and the possibility of retaliation from – all of the Defendants, individually or collectively.
5. On Thursday, 5/21/15, upon arrival to the clerk's office of the federal District Court in Flint however, the *agent* for the U.S. District Court for the Eastern District of Michigan (hereinafter "USDCEDM"), Clerk "**Doreen W.**," stated without giving reason, that she was sending the entirety of *Grievant*'s filings to Detroit. Within a matter of a couple more minutes, she announced that the "*random computer-assigned*" judge to the case was Sean Cox, the brother of the former Michigan attorney general Mike Cox and the brother-in-law of the recently-retired Wayne County Commissioner Laura Cox.
6. ***Grievant*** **turned in to the USDCEDM Clerk's office in Flint a total of nineteen (19) copies of the written Complaint/Claim** addressed to the District Court of the United States, along with handwritten and individualized "*Summons in a Civil Action*" (hereinafter "*Summons*") for each of the seventeen (17) named co-Defendants. One of the remaining two copies of the Complaint/Claim received by "*Clerk Doreen*" was for scanning into the computer system, and the other was for the judge assigned to the case.
7. Clerk Doreen clarified that *Grievant* needed TWO copies of the Summons prepared by *Grievant*, and kindly made the required second set of copies from all of *Grievant*'s handwritten original, **binding both copies to each of the 17 Complaints/Claims so that each "*Summons and Complaint*" were individually packaged.** She stated that the USDCEDM judge would rule upon *Grievant*'s motion for waiver of fees and costs as supported by *Grievant*'s accompanying Affidavit, and that after signing each of the Summons, **the Detroit clerk's office**

would send the entire package of these 17 individualized (handwritten) Summons and (typed) Complaints back to *Grievant* in a single box.

8. **Yet despite *Grievant*'s reliance upon Clerk Doreen W.'s assurances, clerks for the USDCEDM in Detroit did NOT send back the 17 Complaints/Claims to *Grievant*** along with the original handwritten Summons (and the twin copy of each of those summons). Instead, the Detroit clerk's office sent back their own newly fashioned Summons, **changing the captioned names on nearly all of those summons from what was otherwise written by *Grievant* on both page 1 of the "*Summons in a Civil Action*" and on page 2 of the "*Summons and Complaint Return of Service*" (hereinafter "*Return of Service*").**
9. Paragraphs 3 through 9 above are supported as matters of FACT by "*Exhibit #1*" as the **"*Sworn and Notarized Affidavit of Truth of David Schied*"**.
10. Significantly, even prior to receiving back those *Summons* and *Return of Service* from the USDCEDM clerks Detroit, which were postmarked on 6/1/15, being **11 days after *Grievant*'s original filing of his Complaint/Claim in Flint, *Grievant* received a phone call on 6/2/15 from an attorney identifying himself as James Mellon, attorney for the named Defendant Michigan Municipal Risk Management Agency (hereinafter "MMRMA"). Upon return of that call attorney Mellon revealed the following:**

a) That he had already read "*most of*" *Grievant*'s filing of Complaint/Claim;
b) That he had received his copy of the Complaint/Claim from the MMRMA;
c) That he thought MMRMA did not receive the Complaint/Claim along with the Summons, but had instead received their copy from John Clark, the city attorney for Redford Township, located at Giamarco, Mullins, and Horton law firm.
d) Mr. Mellon stated that he intended to file a motion to dismiss his client based upon his claim that the claim is "*frivolous*" and "*there is no direct action against a governmental pool or an insurance company*."
e) Mr. Mellon admitted that his client is providing insurance coverage to Redford Township and various employees, the (other) parties to which the alleged wrongful conduct complained about refers.
f) In finishing the call, Mr. Mellon ended by stated, "*Well, I'm sure Judge Cox will get a quick handle on it*," implying that the appointed judge Sean Cox would be motivate to *control* the direction of this case in the favor of his clients.

11. **Grievant David Schied did not receive the newly constructed Summons digitally signed by the Clerk of the Court David J. Weaver's associate or subordinate clerk, "D.Peruski," until two to three days after Mr. Mellon's phone call, around 6/4/15. Yet again, besides unlawfully tipping off the Defendants and their attorneys about the filing of this Complaint, the clerks of the USDCEDM withheld from Grievant all of the Complaints/Claims that Grievant was compelled to surrender** in Flint two weeks earlier under promise that those documents would be returned to Grievant along with Summons.
12. Grievant was thus compelled to telephone the USDCEDM clerk's office on 6/5/15 and was informed by "Clerk Leanne" that Grievant's Complaints/Claims were still sitting in a box on top of another clerk's desk in another office. When

asked the name of the clerk whose desk and office that was, Leanne refused to reveal that person's name. Moreover, although Clerk Leanne promised to send out the box that very day by Federal Express, the box that actually arrived via the U.S. Post Office was not postmarked for three more days, on 6/8/15.

13. When Grievant David Schied opened the box with the Complaints/Claims, he found the original handwritten Summons still attached, and with one of those bounded handwritten Summons and the Complaint/Claim packages entirely missing from the box. Thus, **Grievant had only to deduce that someone or ones at the Clerk David J. Weaver's office under employed at the USDCEDM, and working alongside Judge Sean Cox, had STOLEN the Complaint/Claim earmarked for delivery to the American International Group, Inc. (AIG) and gave it to the Defendants at Redford Township.**
14. **The acts of the clerks of the USDCEDM, as both *agents* and coworker associates of Judge Sean Cox, of changing the wording of the original Summons written by Grievant David Schied, then delaying the return of the Complaints/Claims while simultaneously providing Defendants with a copy of this document, served to provide the Clerk David J. Weaver's peer group and the Judge Sean Cox's peer group of other public functionaries employed in the judicial system(s) operating in Wayne County, with an *unfair and inappropriate advantage* by undermining the Federal Rules of Civil Procedure restricting the number of days for Defendants to "*Answer*" the Complaints/Claims to 21 days.** (Bold emphasis)
15. Notably, since the issuance of legitimate "*service*" by delivery all Complaints/Claims – and for a *second* time upon Defendants Redford Township and the MMRMA – a local attorney Warren White of Plunkett Cooney representing Defendants The Insurance Company for the State of Pennsylvania and AIG – requesting even more time by extension of two more weeks. **These preliminary acts by the clerks of the USDCEDM are indicative of the *pattern and practice* of corruption previously experienced by Grievance David Schied in Wayne County in prior court cases and when reporting crimes of corruption in Wayne County that were frequently committed *under color of law*, such as by dismissal of all these prior court cases and previous criminal complaints.**

(Bold emphasis)

Thus, **the above TWO examples demonstrate the proclivity, as well as the "*pattern and practice*" of those under employ of the District Court in Detroit for using *procedural* means to undermine the *substantive* rights of Grievant;** so to prejudice these and other subsequent actions against Grievant and to award favor toward the all-State-BAR-of-Michigan attorneys representing the

"*chartered*" corporate government(s) as "*defendants*" in Grievant's current and former cases.

THE NAMES OF GRIEVANT'S FILINGS BELIEVED TO BE THE ONES "*STRICKEN*" BY MAGISTRATE HLUCHANIUK

As best as Grievant can tell, the files being referenced by Mag. Hluchaniuk's "*Order*" and "*Amended Order*" as being stricken were named as follows by Grievant as *filed* into the actual *Court of Record*:

DOCKET #36:
"*Response to Attorney Dividde A. Stella's, Attorney Zenna Alhasan's, and Wayne County Corporation Counsel's Fraudulent Conveyances in their 'Motion to Dismiss'*" (time-stamped as filed 7/9/15) [8]

[8] **The plethora of Evidence presented into the Court of Record for this case to disprove the fraudulent "*responsive*" claims of the Wayne County Corporation Counsel showed that: a) when Defendant Judge Khalil had unlawfully sent Grievant to be jailed in the Midland County Jail, the judges of the Midland County Circuit Court committed a series of unlawful acts *under color of law* to deprive Grievant and those acting on his behalf of his rights to due process when confronted with filings of Habeas Corpus and for an immediate "*show cause*" hearing; b) after all remedies were exhausted on *procedural* and *substantive* efforts in "*state*" for the release of David Schied from his false incarceration, federal judge Denise Page Hood fraudulently ruled to also dismiss the Habeas Corpus and "*show cause*" filed in the federal court despite that she otherwise should have recused herself from those proceedings because Grievant had a fairly recent "*judicial misconduct*" complaint pending against her with the Judicial Council the Sixth Circuit; c) Grievant's evidence proved that the actual *cause* underlying the Defendant Charter County of Wayne's public declaration to the state of a "*fiscal state of emergency*" was indeed "*domestic terrorism*" by federal definition, and that what should actually be used to pay for that "*terrorism*" is the charter county's $100,000,000,000 (ONE HUNDRED BILLION DOLLARS) "*errors and omissions*" insurance policy that pays up to that amount against claims of "*terrorism*" as Grievant Schied has formalized in this instant case.** (Bold emphasis)

DOCKET #38:
"*Grievant's Combined 'Response' and 'Reply' to Attorney James Mellon's and Mellon Pries, P.C.'s Fraudulent Conveyances in Their 'Motion to Dismiss in Lieu of Answer' and Their 'MMRMA's Response to Plaintiff's 'Writ' for Change of Judge Based on Conflict of Interest and Change of Venue Based on 'Proven' History of Corruption*"" (time-stamped as filed 7/15/15) [9]

DOCKET #58:
"*Grievant's Objections and Order to Strike 'Defendants, The Insurance Company of the State of Pennsylvania ("ICSOP") and American International Group, Inc.'s ("AIG") Answer to 'Plaintiff's' Complaint' Based on a Pattern of Gross Omissions, Intentional Deception, Frivolous Filing, and Obstruction of Justice (Under F.R.C.P. Rule 11)* ***and for*** *Summary Judgment and/or Declaratory Ruling and Sanctions Against Defendants' Intentional Failure to Answer Within 20 Days (as required under F.R.C.P. Rule 56a)*" [10]

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[9] **The plethora of Evidence presented into the Court of Record in this filing disproved the fraudulent "*responsive*" claims of attorney James Mellon on behalf of Defendant MMRMA proved: a)** a long state and federal history of judicial and executive branch corruption in a "*chain-conspiracy*" of cover-up of unresolved government crimes taking place against Grievant in which the actual allegations have never been "*litigated on the merits*" by any court or addressed by any criminal prosecutor or grand jury despite repeated demands under Grievant's persistent exercise of his First Amendment right to "*redress of grievances*;" **b)** Evidence that in carrying out the above, both state and federal judges and executive branch officials repeatedly disregarded sworn and notarized ***Affidavits*** of both Grievant and of 3rd Party Witnesses; **c)** Evidence that, as further elaborated elsewhere in this document, that federal District Court judge (the late) Lawrence Zatkoff committed serious injury to grievant by first substantively "*striking*" the entirety of Grievant's filings then summarily "*dismissing*" Grievant's rewrite of that federal complaint against numerous judicial and executive branch officials, using deceptive means and the unlawful application of (or "*color of*") "*rules of procedure*;" **d) Evidence that after serving as a legal intern for his uncle, Lawrence Zatkoff, nephew Justin Zatkoff was hired to work as a law clerk for the Michigan Supreme Court (where he resided at the time of Grievant's filing in 2015) when public records and news reports otherwise both demonstrate that federal judge Lawrence Zatkoff's nephew had clearly been involved in publicly lewd conduct and domestic violence with his girlfriend.**

[10] The plethora of Evidence presented into the Court of Record in this filing disproved the fraudulent "*responsive*" claims of the Plunkett-Cooney law firm, on behalf of the publicly-bailed-out insurance company of AIG that proves: **a)** that

DOCKET #63:
"*Writ of Error and Reversal in Assignment of Magistrate and Engagement of Ex-Parte Proceedings* ***and Mandamus for Proceeding in Common Law Under the Constitution in an Article III Court of Record*****"** [11]

racketeering crimes, corruption, and domestic terrorism are not simply related to Grievant Schied's case but – upon close inspection of the details of another crime victim of Michigan attorneys and judges, Krystal Price, who had also been victimized by the federal magistrates and judges in Detroit – **there is ample evidence that the "*domestic terrorism*" is systemic**; **b)** that the systemic corruption of the Michigan judiciary was identified in 2010 by the newly retired Michigan Supreme Court's "*chief*" justice Elizabeth Weaver, who subsequently published her 765-page book, *Judicial Deceit: Tyranny and Unnecessary at the Michigan Supreme Court*; **c)** that since earlier filings by Grievant in this case were still not enough to comprehensively cover the scope and breadth of the actual degree of constitutional transgressions against Grievant over the years of both the judicial and executive branches refusing to follows their Oaths and their Duties under Michigan statutes to investigate, indict, arrest, and prosecute the alleged perpetrators to the crimes that Grievant was reporting, there was still even more evidence against more law firms and against the former judges Jeanne Stempien (who was the former "*chair*" for the Attorney Grievance Commission) and Cynthia Diane Stephens (who was promoted to the Michigan Court of Appeals shortly after her ruling against Grievant) of what is otherwise known as the "*Wayne County Circuit Court*."

11 The plethora of Evidence presented into the Court of Record in this filing disproved AGAIN even more fraudulent "*responsive*" claims of attorney James Mellon on behalf of Defendant "MMRMA" by Grievant's submission of: **a)** Evidence that at the front and center of Grievant's the first several years of long history of Michigan injustice was **the Plunkett-Cooney law firm (appearing again now as attorneys in this instant case)** and its "*partner*" attorney Michael Weaver, against whom Grievant Schied had early on filed Attorney Grievance Commission complaints and formal Crime Reports against, to no avail;
b) Evidence that when presented with overwhelming evidence in 2011 of Plunkett-Cooney attorney Michael Weaver's blatant FRAUD upon the federal court in 2011 (which was originally filed by Grievant in the Washtenaw County Circuit Court and was fraudulently "*removed*" by Weaver to the federal court), the federal District Court's case manager and federal judge Denise Page Hood took action similar to what has since occurred in this case with Hood having summarily "*dismissed*" all of the evidence without hearing and without "*litigating the merits*" and subsequently did the same in dismissing that state-turned-federal case

Note that Mag. Hluchaniuk's *Order* and *Amended Order* both refer to **Docket Item #58** (above) merely as a "*Motion for Summary Judgment*" and refer to **Docket Item #63** merely as a "*Petition for Writ of Mandamus*."

There were two filings, shown as listed below, that Mag. Hluchaniuk referenced as being "*motions to dismiss (Dkt. 24, 27)*" on the first page of his *Order* and *Amended Order*, which reflected the co-Defendants' cover-page captions as follows:

DOCKET #24:
"*Motion to Dismiss by Defendant Wayne County*" (filed 6/19/15)

DOCKET #27:
"*MMRMA'S Motion to Dismiss in Lieu of Answer*" (filed 6/22/15)

Thus, the Evidence of the Court of Records demonstrates *prima facie* Magistrate Hluchaniuk has ***procedurally*** *stricken* from the record Grievant's ***substantive*** claims on the record[12] **that the attorneys for the co-Defendants have**

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altogether *under color law*, and to the detriment of Grievant (thus, giving cause for Grievant to file his "*judicial misconduct*" complaint with the Sixth Circuit).

[12] Long ago Grievant recognized in Michigan courts that the judges who were unlawfully dismissing his various "*motions*" and "*responses*" against the government defendants' attorneys were being "*aided and abetted*" by the clerks of the court. Notably, one of the many Claims and Evidence "*stricken*" by Mag. Hluchanuic shows that after Grievant began detailing the "*prima facie*" contents of his *motions* and *responses* within the cover page titles of his filings, the clerks logged Grievant's filings into the docketing records under the non-descriptive heading of "*miscellaneous motion*" or "*miscellaneous response*" so that the actual subject matter being dismissed by the lower court judges would not revealed to the public or to any reviewing appellate court.

committed *sanctionable* – likely *criminal* – misrepresentations and fraud upon the federal Court...using Local Court Rules as justification of his actions in favor of the co-Defendants' State BAR of Michigan attorneys (of which Mag. Hluchaniuk is a fellow card-carrying BAR member) ***without litigating the merits*** **of Grievant's substantive claims**.[13]

Notably, Mag. Hluchaniuk bases his striking of "*Grievant's Combined 'Response' and 'Reply'*" (cited by Hluchaniuk as "*Dkt. 38*") upon Defendant MMRMA's "*motion to strike plaintiff's ("Dkt. 57" filed on 7/29/15) response to its motion to dismiss*" **BEFORE litigating the merits of – and while failing altogether to address – Grievant's previously-filed "*Writ for Change of...Venue Based on Proven History of Corruption*" (filed on 6/30/15)**. This again demonstrates **the proclivity of the decision-makers of the federal District Court for the Eastern District of Michigan[14] in Detroit for bending the rules of**

[13] In this instant case, it is clear when comparing the actual content of Grievant's cover pages with the content of the docketing record and "*orders*" issued thus far, that the clerks, magistrate and judge(s) are modifying and *interpreting* the filings as different than the cover-page names of what Grievant is actually filing; while otherwise ignoring them except to the extent that these evidentiary filings are being summarily "*stricken*" from the record in the same "*pattern and practice*" being evidenced by those records about Grievant's preceding state and federal cases. This, practically speaking, is itself *prima facie* evidence of "*bad behavior*" and a "*cover-up*" by federal court officials and employees.

[14] Grievant Schied has long asserted that there is widespread support for the belief that the government(s) operating in Michigan are severely lacking in ethics and transparency. *See* **"EXHIBIT A"** as the recent article published on 11/9/15 by the

procedure – and/or to cherry-pick which rules to apply to which filings – so as to substantially "*stack the deck*" against Grievant while providing at least the *appearance*[15] of preferential treatment toward the alleged criminal operatives of the "*chartered*" quasi-government corporation known as "*Wayne County*" and the "*errors and omission*" insurer [the Michigan Municipal Risk Management Authority ("MMRMA")] for the other co-Defendants known as "*the Redford*

Detroit Free Press depicting that in a conclusive study published by the Center for Public Integrity, **Michigan measured dead last in ethics and transparency.**

[15] *See also*, Bam, Dmitry. *Making Appearances Matter: Recusal and Appearance of Bias*. BYU Law Review; Vol. 2011, Issue 4. (28 U.S.C. §455, the federal recusal statute, is presented in two parts: "*Section 455a is a catch-all provision that requires disqualification whenever a judge's 'impartiality might be reasonably questioned*." Bam stated (p.943), *"[J]udges have always interpreted the statute narrowly. This is partly because judges apply the law to themselves, and most judges hesitate to admit that they are so biased or so interested in a case as to be unable to render a fair, impartial decision. Research in cognitive psychology has recognized various biases that may affect judicial decision making on recusal, including unconscious bias and self-serving bias."* Bam added (pp.942-43) while citing Bassett, Debra. *Judicial Disqualification in the Federal Courts*. 87 Iowa L. Rev. 1213, 1214 (2002): "*A second recusal statute, 28 U.S.C. §144 allows litigants to seek disqualification of a district court judge...by affidavit...However, judges have adopted a narrow definition of prejudice and continue to review the affidavit to determine whether the litigants have satisfied the statutory requirements. In other words, the very judge whose fairness is under review rules on the sufficiency of the affidavit*." Bam goes on to point out that most all states have also adopted the American Bar Association's "*Code of Judicial Ethics*" which apply to all full time judges and all legal and quasi-legal proceedings. In Michigan, these "*Rules of Professional Practice*" can be found in on the Michigan Supreme Court's website listed under "*Other Rules*" and captioned, "*Michigan Code of Judicial Conduct*;" and with "*Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in All Activities*."

Defendants" and many other corporate municipalities throughout Michigan. (Bold emphasis)

Equally notable is the FACT that the content of Grievant's filings "*stricken*" by Mag. Hluchaniuk were packed with literally hundreds of documents of Evidence proving the deprivation of his constitutionally guaranteed rights to due process and jury trial in the previous state and federal cases referenced by the co-Defendants' motions to procedurally "*strike*" Grievant's substantive "*responses*" and to summarily "*dismiss*" Grievant's substantive "*complaints/claim for damages*" as in this instant case.

It ***appears*** that Mag. Hluchanuik and the 90-year old Judge Avern Cohn may be taking the ***procedural*** path that the late federal judge Lawrence Zatkoff [16] took in 2009 against Grievant Schied in another case in which he first "*struck*" hundreds of documents of Evidence proving multi-level criminal corruption of federal

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[16] Undoubtedly, though Mag. Hluchanuik may have had numerous prejudicial reasons for "*striking*" Grievant's documents in the procedural fashion undertaken by his judicial peer, Lawrence Zatkoff, had done years prior. **One particular reason that Hluchanuik struck Grievant's filing (referred by him as "*Dkt.#38*") was because Grievant's reference to the FACTS and EVIDENCE showed that Zatkoff's nephew, Justin Zatkoff, was being currently employed by the Michigan Supreme Court despite public records showing him engaged in lewd sexual misconduct unbecoming of employment with the judiciary, and his involvement in at least one episode of domestic violence with what appears in photographs to be the same woman. (*See* "EXHIBIT B")**

government operatives.[17] That previous case was one in which the Detroit federal judge Zatkoff used the "*court rules*" to substantively "*strike*" the entirety of Grievant's federal "*complaint*," *forcing* Grievant, as a known "*forma pauperis*" litigant, to rewrite and re-serve all of these documents over again to the multitude of federal government co-defendants, as an "*Amended Complaint.*" Subsequently, after Grievant had miraculously done so while referencing that previously submitted Evidence, Zatkoff summarily dismissed the entire case without litigation of the merits, and in spite of Grievant's demand for a jury trial and a criminal grand jury investigation. Zatkoff reasoned, there were "*no facts upon which relief [could] be granted*."[18]

With regard to attorney Mellon's fraudulent assertion that Grievant is now "*attacking the abilities*" of 90-year old Judge Avern[19], Grievant need only refer to **"EXHIBIT C"** as the **Yahoo! News** article captioned, "*9th Circuit Judge*

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[17] *See* the case of *Schied v. Daughtrey*, et al. No. 2:2008-cv-14944. (E.D. Mich. 2009) which was elaborated upon in an earlier footnote referencing "*Docket #38*".)

[18] A video produced in 2011 by David Schied presenting both the backdrop and the means by which Zatkoff operated in carrying all this out can be found at: **http://www.powercorruptsagain.com/category/videos/** at the top of that page. That video also demonstrates how both the state and federal executive and judicial branches have unlawfully obstructed state and federal grand jurors' right to have answers (in response to their *duty* to request) about reports of crimes occurring within their jurisdictional "*district*", while repeatedly barring Grievant from his right to report his crimes under **18 U.S.C. §3332** to the federal special grand jury.

[19] *See* the top of page 1 of Mellon's recent filing of "*MMRMA's Response to Docket #79, Plaintiff's Objections to the Orders of the Magistrate Judge*," which is likely to be documented by the federal court clerk as "*Docket #80*."

Addresses Senility Among Federal Judge Head On" which cites federal appellate court judge William Canby who stated, "*It seemed to me if the goal is to work until you are no longer able, you will work a couple of years too long*."

ARGUMENT IN FAVOR OF "*IMPORTANT CAUSE*" FOR IMMEDIATE APPEAL ON THIS "*INTERLOCUTORY*" MATTER UNDER THE "*COLLATERAL ORDER DOCTRINE*"

The instant issue in controversy involves a claim of right that reflects a sweeping public policy at issue, one which pertains to reported crime victims' rights to criminal investigation, to criminal protection from "*the accused*," and to honest government services.

This issue refers to Michigan laws and court rules governing the duties of "*any judge*" (MCL 767.3) in receipt of a sworn complaint in report of a crime as "*probable cause*" to believe a crime has been committed, to conduct a proper "*inquiry*" into the matter and to "*order an immediate arrest warrant.*" (MCL 764.1a) Nevertheless, this issue involves federal codes and procedures as well (18 U.S.C. §3332; 18 U.S.C. §4; 18 U.S.C. §§241 and 242; 28 U.S.C. §§144 and 455 to name just a few).

OVERVIEW OF THE SUBSTANTIVE SCOPE OF THE ALLEGED FACTS

In this case, **Grievant has RECORDED and transcribed a report given to him by a Defendant MMRMA's attorney (Mellon), about an agent for the**

Michigan Attorney General being involved somehow with the clerk of the United States District Court, in a reported theft and forwarding of court documents to other co-defendants; so as to collectively provide these "*chartered*" municipal government corporation and their fellow State BAR members with a strategic and procedural advantage over Grievant in litigation.

Rather than to "*litigate the merits*" of Grievant's claims about this criminal activity, submitted under multiple *Affidavit(s) of Truth*, the federal judge and magistrate have virtually ignored these substantive filings. Instead, they have elected to procedurally *strike* the Evidence that Grievant has additionally submitted. This was Evidence that was also presented to the federal court under sworn *Affidavit* of accuracy and truthfulness along with Grievant's claim that **this Evidence demonstrates a "*pattern of practice*" of criminal behavior, not only against Grievant as an individual, but against a plethora of other people, against American society, and against the very constitutional foundations of state and federal governments.**

Such criminal behavior is reported to be involving both state and federal functionaries, operating from and within both the executive and judicial branches consisting quite literally as all being members of the State BAR of Michigan. These "*accused*" are being described as the elected and appointed "*gatekeepers*" of our civil society and justice, having both the *power* and the *duty* to prosecutorial

and judicial resolution of both criminal and civil complaints through procedural prescriptions written legislatively into laws and court rules.

Grievant claims the substantive Evidence being "*stricken*" by Magistrate Hluchaniuk on procedural grounds follows an evidentiary "*pattern and practice*" that has been extensively documented within the territorial boundaries of the Defendant Charter County of Wayne where the federal District Court of the United States operates, and where Grievant asserts, by sworn *Affidavit of Truth*, that an unresolved crime of *theft* has occurred against him.

Moreover, Grievant asserts that the Evidence being "*stricken*" is proof of "*domestic terrorism;*" which helps to explain the cause and reason behind the Defendant Charter County of Wayne publicly announcing a fiscal state of emergency in request for taxpayer resolve. (*See* **"EXHIBIT D"**) **Grievant thus, asserts that Defendant Insurance Company for the State of Pennsylvania ("ICSOP") and the American Insurance Group ("AIG"), having contracted with the "*charter*" county corporation for "*errors and omissions*" risk management insurance carrying a ONE BILLION DOLLAR coverage limit against "*terrorism,*" should otherwise pay for the crimes occurring within the scope of Defendant Charter County of Wayne's activities, not the taxpayers.**

Grievant further asserts that both state and federal fiduciary officials recognize the actual scope and impact of Grievant's criminal allegations, as all

these "*actors*" are attorneys, magistrates and judges that are listed State BAR of Michigan members "*in good standing*" that are being questionably "*regulated*" and "*supervised*" by a Michigan Supreme Court that has been formally deemed recently to be "*tyrannical*" lawbreakers by even one of their own, "*chief justice*" Elizabeth Weaver (and with her peer, the former Justice Diane Hathaway having gone to federal prison recently on a conviction of bank fraud).

As such, Grievant concludes that the substantive evidentiary filings now being procedurally "*stricken*" from the federal court records constitute the proverbial "*thread*" that holds the substantive key to unraveling and exposing a massive crime syndicate engaged in the coercion of Wayne County and Michigan government *policy and practice* through *domestic terrorism*; and for which – at least for the Defendant Charter County of Wayne – there is a privately contracted insurance policy to cover the damages associated with Defendant's public announcement of financial crisis and "*state of emergency*" in a call to action for a taxpayer bailout or federal bankruptcy proceedings. (See again, **"*Exhibit D*"** covering four options for resolve of the fiscal emergency, none of which involve the private insurance contract of the co-Defendants for some unknown reason.)

THE CRUX OF THE ARGUMENT

Grievant has established claims in the proceedings of this instant case that give cause for an immediate *Interlocutory Appeal* on Magistrate Hluchaniuk's

procedurally "*striking*" Statements and Evidence, by substantive reason of the "*Rules of Decisions Act*" and U.S. Supreme Court definitions for proper criteria testing of the *Collateral Order Doctrine*. Grievant also incorporates support of his claims[20] by reference herein to the accompanying filing of the following:

> **"*Grievant David Schied's 'Memorandum of Law' in Support of Grievant's 'Writ of Mandamus for Interlocutory Appeal' With Questions of Law Pertaining to: Whether Judicial 'Legislation' is Constitutional; and Whether Judicial Independence Authorizes 'Bad' Behavior; Whether 'Substantive' Evidence Can Be 'Procedurally' Stricken; Whether Evidence of a 'Pattern and Practice' of Government Coercion Constitutes 'Treason' and/or 'Domestic Terrorism'*"**

While notice pleadings require merely "*short and plain statement*" showing that the pleader is entitled to relief [FRCP 8(a)(2)] code pleadings and allegations of fraud places additional burdens on a party to plead the "*ultimate facts*" of its case, laying out the party's entire case and underlying allegations with particularity. [FRCP 9(b)] Grievant has done so with the substantive content of the files targeted for procedural "*striking*" by the co-Defendants and magistrate who rely solely upon "*local*" court rules, and while overlooking and/or completely disregarding applicable state and federal laws and their underlying legislative and constitutional principles. This matter involves important questions about *substantive* and

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20 The ruling of *Digital Equipment Corp. v. Desktop Direct Inc.*, 511 U.S. 863 (1994) found that for purposes of determining appealability, . . . the Court will assume, but do not decide, that petitioner has presented a substantial claim on the merits. (p.877)

procedural laws and rules that deal with fiduciary duties, honesty in government, and victims' rights.

The Supreme Court of the United States delineated the test for the availability of interlocutory appeals[21], called the *collateral order doctrine*, for United States federal courts in the case of *Lauro Lines S.R.L. v. Chasser*, 490 U.S. 495(1989), holding that under the relevant statute (28 U.S.C. § 1291) such an appeal would be permitted only if: a) the matter appealed was conclusive; b) the matter appealed resolved important questions separate from the merits; c) the matter appealed would be effectively unreviewable on appeal from the final judgement in the underlying action.

In the case of *Cohen v. Beneficial Industrial Loan Corp*., 337 U.S. 541 (1949),[22] the Court also decided: a) that 28 U.S.C. §1292 allows appeals to the Court of Appeals of certain interlocutory orders not material to the case; b) that the

[21] The *Digital Equipment Corp.* case found that the district court can certify an order for interlocutory appeal if: (1) the order involves a "*controlling question of law as to which there is substantial ground for difference of opinion*;" and, (2) "*an immediate appeal from the order may materially advance the ultimate termination of the litigation*."

[22] The court stated, *"This decision appears to fall in that small class which finally determine claims of right separable from, and collateral to, rights asserted in the action, too important to be denied review and too independent of the cause itself to require that appellate consideration be deferred until the whole case is adjudicated."* (See also, *Bank of Columbia v. Sweeney*, 1 Pet. 567, 26 U. S. 569; *United States v. River Rouge Improvement Co.*, 269 U. S. 411, 269 U. S. 414; *Cobbledick v. United States*, 309 U. S. 323, 309 U. S. 328.)

interpretative purpose of 28 U.S.C. §1292 is to allow appeals from orders other than final judgements when they have a final and irreparable effect on the rights of the parties; c) that when final judgment comes, it will be too late effectively to review the present order, and the rights conferred by the statute, if applicable, will have been lost, probably irreparably; d) that the order appealed was appealable because it was a final disposition of a claimed right that was not an ingredient of the cause of action; e) that the claimed right presented a serious and unsettled question; f) that state statutes apply in federal courts, and **the laws of the states shall be regarded as rules of decisions in civil actions in the Courts of the United States**; g) that if all the state statute did was to create that liability, it would clearly be substantive; therefore, a procedure was prescribed by which the liability was insured.

The collateral order doctrine was more restrictively defined in *Digital Equipment Corp. v. Desktop Direct Inc.*, 511 U.S. 863 (1994), which added an explicit *importance* criterion to the test for interlocutory appeals. In that case, the Supreme Court stated that the only matters of sufficient importance to merit a collateral appeal were "*rights more deeply rooted in public policy*," and "*those originating in the Constitution or statutes, [or 'compelling public policy*

rationale']". (511 U.S. at 863 and 879).[23] These are examples of prejudgment decisions that involved rights too important to be denied review right away. (p.878)

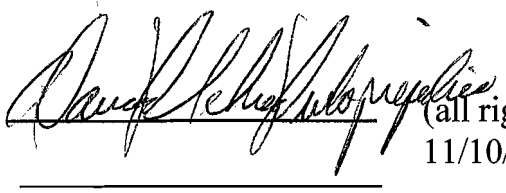
CONCLUSION AND ISSUANCE OF *WRIT OF MANDAMUS*

For the reasons cited above and in the accompanying "*Memorandum of Law*," and being one endowed with the spirit and sovereignty of "*We, The People*," acting in common law and with other proper grounds, Grievant Schied issues this instant "*Writ of Mandamus in Order for Interlocutory Appeal*."

AFFIDAVIT OF TRUTH

I declare under penalty of perjury that the forgoing is true to the best of my knowledge and belief. If requested, I will swear in testimony to the accuracy of the above if requested by a competent court of law and of record.

Respectfully submitted,



(all rights reserved)
11/10/15

David Schied
P.O. Box 1378
Novi, Michigan 48376
248-974-7703

[23] Where statutory and constitutional rights are concerned, "*irretrievabl[e] los[s]*" can hardly be trivial, and the collateral order doctrine might therefore be understood as reflecting the familiar principle of statutory construction that, when possible, courts should construe statutes (here § 1291) to foster harmony with other statutory and constitutional law, see, *e. g.*, *Ruckelshaus* v. *Monsanto Co.*, 467 U. S. 986, 1018 (1984); *United States ex rel. Milwaukee Social Democratic Publishing Co.* v. *Burleson*, 255 U. S. 407, 437–438 (1921) (Holmes, J., dissenting). (p.879)

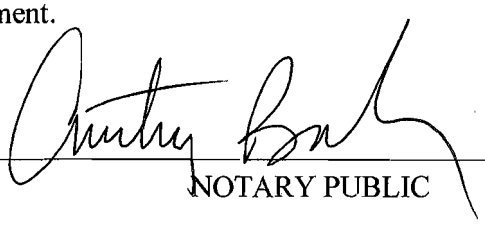
ACKNOWLEDGEMENT

STATE OF MICHIGAN)

) SS

OAKLAND COUNTY)

On this 10th day of November, 2015, before me appeared David Schied to me known or identified to me to be the person described in and who executed the forgoing instrument.



ANTHONY BARBOSA
NOTARY PUBLIC - MICHIGAN
WAYNE COUNTY
MY COMMISSION EXPIRES 08/17/2021
ACTING IN OAKLAND COUNTY

NOTARY PUBLIC MY COMMISSION EXPIRES