UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

RECEIVED - LN
April 11, 2025 10:10 AM
CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: jlg

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 1:23-CV-01097

FIRST AMENDMENT RIGHT OF ACCESS: OBJECTION, MOTION, AND DECLARATION FOR DISTRICT JUDGE PAUL L. MALONEY TO CORRECT & MINIMIZE OR REMOVE REDACTIONS[1]

(NOT FOR CONSIDERATION BY A MAGISTRATE JUDGE)

Plaintiff brings this objection, motion, and declaration pursuant to 28 U.S. Code § 1746; Michigan Code of Judicial Conduct, Canons 1, 2, and 3; U.S. Const. amend. I, V, IX, and XIVI; Case Law (6th Cir.); and 18 U.S. Code § 4 - Misprision of felony.

1. I am the Plaintiff in this lawsuit, domiciled in Genesee County, Michigan.

2. I understand that there is no longer an open case in this court.

3. This document is being specifically filed regarding the **local court records** held by the **Western District of Michigan**, not the ongoing lawsuit after it was transferred to Tennessee.

[1] This lawsuit was originally filed on October 13, 2023, in the United States District Court for the Western District of Michigan (hereinafter "MIWD") as case no. 1:23-cv-01097. On October 25, 2024, MIWD transferred this lawsuit as ordered in ECF 127 to the United States District Court for the Middle District of Tennessee (hereinafter "TNMD") as case no. 3:24-cv-01282. The language used in the file stamps of each page filed is slightly different between the two courts. MIWD uses the term "ECF No." (which I abbreviate as "ECF"), while in place of that, TNMD uses the term "Document" (which I abbreviate as "DOC"). Both courts use the term "PageID" (which I abbreviate as "PID"). Citations to the court record in this lawsuit will be notated without the case name or number, using the starting DOC/ECF number, followed by both the beginning and ending PID. The Notice of Electronic Filing for this transfer is recorded in TNMD DOC 131, at which point the DOC/ECF number from MIWD was retained and continued, but the PID was reset after DOC 130, PID 5727, to restart at zero.

Initials: _____

4. This document, along with those filed with this court during February of 2025, were/are intended to **correct the court record** in this closed Michigan docket (case #1:23-cv-01097) in the United States District Court for the Western District of Michigan. These documents were **not** filed with this court in an effort to impact the ongoing active litigation in the matters transferred to Tennessee, as was wrongfully presumed by Magistrate Judge Ray Kent (hereinafter "Magistrate Judge").

5. The MIWD Magistrate Judge filed an ORDER REJECTING PLEADING on February 24, 2025, in ECF 139, PID 5738, and another on February 27, 2025, in ECF 140, PID 5948, both including the following language:

> "The case was transferred to the Middle District of Tennessee on October 25, 2024. All further questions/inquiries should be directed to said Court."

6. Unfortunately, this order was neither an accurate nor appropriate response to my filings, since I was **not** attempting to impact any matter in the active case which was transferred to the Middle District of Tennessee, through my filings in ECF 139 & 140 in MIWD, but rather how the court records had been redacted by the Western District of Michigan on October 28, 2024, subsequent to a MIWD court order in ECF 137, PID 5736, **after** this lawsuit was transferred to the Middle District of Tennessee on October 25, 2024, in ECF 127, PID 5706-5710.

7. The Middle District of Tennessee has no jurisdiction, authority, or control over the court records **held by the Western District of Michigan** in case #1:23-cv-01097. Those requests must be made directly to the United States District Court for the Western District of Michigan, as I had correctly filed them. (Though there may have been some confusion, which I will explain.)

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8. Some of the language in the documents filed in February may have been broader than the scope of simply correcting the court records in Michigan, but that was in an attempt to quickly address substantial misconduct occurring in both courts, by filing nearly identical documents in both courts and cases, for each court to address in matters relevant to and within the jurisdiction of each court.

9. Any language, objections, or requests within the jurisdiction of either court, was intended to be addressed by whichever court has the lawful jurisdiction and authority to make those corrections **while ignoring that which is beyond their jurisdiction and authority**, to hopefully be addressed separately by the other court, in response to filings I made directly with them.

10. I can see how that might have been confusing with how I filed the documents since I tried to bundle my pleadings together, in an effort to expedite addressing so many material issues simultaneously, by bad actors sabotaging my lawsuit and usurping my time and resources in two different federal courts concurrently. For that, I apologize and respectfully resubmit those filings along with this clarification, for direct consideration and action by District Judge Paul L. Maloney (hereinafter "District Judge").

11. Regardless of any language in the documents attached, I am **not** seeking any action by this court that is outside this court's authority or jurisdiction.

12. This document and the prior filings attached are intended for action by the United States District Court for the Western District of Michigan, **only in relation to the records held by that court in case 1:23-cv-01097.**

13. I am not seeking any action by the Western District of Michigan in the ongoing matters in Tennessee or related to case 3:24-cv-01282.

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DOCUMENTS NEEDING CONSIDERATION BY JUDGE PAUL L. MALONEY
(REGARDING UNREDACTING MY AMENDED COMPLAINT IN MIWD COURT RECORDS)

14. FIRST OBJECTION TO ALL MOTIONS TO DISMISS, FOR SUMMARY JUDGEMENT, AND MOTIONS/ORDERS TO REDACT AND SEAL DOCUMENTS[2].

15. DECLARATION AND MOTION TO CORRECT AND MINIMIZE OR STRIKE AND REMOVE REDACTIONS, WHILE UNSEALING ALL RECORDS[3].

16. DECLARATION AND MOTION TO FILE UNDER SEAL REGARDING DEFENDANT WALKER'S CLAIMED PRIVACY CONCERNS RELATED TO HIS HOME ADDRESS[4].

17. SECOND OBJECTION TO ALL DISPOSITIVE MOTIONS, REDACTED AND SEALED FILINGS, WITH DECLARATION ABOUT JUDICIAL MISCONDUCT IN MICHIGAN CAUSING SUBSTANTIAL DELAYS IN SERVICE[5].

OBSTRUCTION OF JUSTICE, JUDICIAL BIAS, AND MISPRISION OF FELONY BY MAGISTRATE JUDGE RAY KENT AND OTHER FEDERAL ACTORS

18. Upon information and belief, I have suffered judicial bias, obstruction of justice, and misconduct by Magistrate Judge Ray Kent, fraudulent and deceptive misconduct by Nashville Bankruptcy Judge Charles M. Walker and his counsel by the United States Attorney's Offices in both Michigan and Tennessee.

19. Nashville Bankruptcy Judge Charles M. Walker's **home address** is clearly and openly listed on the **public record** and was never "private" as falsely claimed.

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[2] ECF 139-1, PID 5739-5770 | https://rico.jefffenton.com/1-23-cv-01097/ecf/139-1.pdf

[3] ECF 139-1, PID 5771-5887 | https://rico.jefffenton.com/1-23-cv-01097/ecf/139-1.pdf

[4] ECF 140-1, PID 5949-5988

[5] 3:24-cv-01282, DOC 222, PID 1164-1214 | https://rico.jefffenton.com/3-24-cv-01282/doc/222.pdf

20. I have suffered hundreds of hours in damages and a substantial amount of money due to misconduct by court staff and officers in both Michigan and Tennessee.

21. I have acted in good faith and filed documents under seal with both courts to quickly and easily prove this, without compromising defendant Walker or anyone else's privacy.

BACKGROUND

22. This lawsuit was originally filed on October 13, 2023, in the United States District Court for the Western District of Michigan (MIWD) in case# 1:23-cv-01097.

23. On October 18, 2023, in MIWD, District Judge Jane M. Beckering filed an ORDER OF RECUSAL[6] in ECF 3, PID 2092.

24. On October 18, 2023, in MIWD, the CLERK OF COURT (E. Siskind) filed a NOTICE REGARDING REASSIGNMENT OF CASE[7] in ECF 4, PID 2093, stating as follows:

> "NOTICE is hereby given that this case has been reassigned to District Judge Paul L. Maloney for all further proceedings pursuant to Order (3). Judge Jane M. Beckering is no longer assigned to the case."

25. On October 19, 2023, in MIWD, an ORDER OF REFERENCE[8] was filed by the District Judge to Magistrate Judge Ray Kent in ECF 6, PID 2096.

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[6] ECF 3, PID 2092 | https://rico.jefffenton.com/1-23-cv-01097/ecf/3.pdf

[7] ECF 4, PID 2093 | https://rico.jefffenton.com/1-23-cv-01097/ecf/4.pdf

[8] ECF 6, PID 2096 | https://rico.jefffenton.com/3-24-cv-01282/doc/6.pdf

Initials: JF

26. On August 19, 2024, in MIWD, I filed a MOTION TO RECUSE[9] the Magistrate Judge for judicial misconduct and bias in ECF 60, PID 4736-4739.

27. On August 19, 2024, in MIWD, I also filed a MOTION TO EXTEND SERVICE DEADLINE[10] in ECF 61 & 61-1, PID 4740-4743.

28. On August 19, 2024, in MIWD, I also filed an OBJECTION TO THIS COURT'S "ORDER REGARDING SERVICE[11]" in ECF 62, PID 4744-4760.

29. On September 12, 2024, the MIWD District Judge filed an ORDER VACATING ORDER OF REFERRAL AND DISMISSING MOTION FOR RECUSAL[12] in DOC 71, PID 5045, stating in substantial part as follows:

> "Shortly after Plaintiff Fenton filed this lawsuit, the Court issued an order referring the action to Magistrate Judge Kent (ECF No. 6)... Plaintiff disagreed with the manner in which Magistrate Judge Kent has proceeded and filed a motion for recusal (ECF No. 60) in which he accuses the Magistrate Judge of a lack of impartiality. Without any consideration of the merits of the pending motion for recusal, the Court VACATES the order of referral (ECF No. 6). And, because the Court vacates the order of referral, the Court DISMISSES Plaintiff's motion for recusal as moot (ECF No. 60). IT IS SO ORDERED."

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[9] ECF 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf

[10] ECF 61, PID 4740-4743 | https://rico.jefffenton.com/1-23-cv-01097/ecf/61.pdf | https://rico.jefffenton.com/1-23-cv-01097/ecf/61-1.pdf

[11] ECF 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf

[12] ECF 71, PID 5045 | https://rico.jefffenton.com/3-24-cv-01282/doc/71.pdf

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30. Upon information and belief, this appears to have been a way for the court to remove the Magistrate Judge, in response to my substantive concerns about his bias and misconduct, while "saving face" and not needing to reach a determination about the merits of my motion.

31. Upon information and belief, unfortunately since the court refused to address the **merits** of my MOTION TO RECUSE[13], the court did not provide me with any **consideration** to compensate me for the damages wrongfully caused by the Magistrate Judge.

FEBRUARY FILINGS WERE INTENDED FOR THE DISTRICT JUDGE

32. Every document I filed with MIWD after District Judge Paul L. Maloney's September 12, 2024, ORDER VACATING ORDER OF REFERRAL AND DISMISSING MOTION FOR RECUSAL[14] in DOC 71, PID 5045, I filed to be heard, considered, and acted upon **directly by District Judge Paul L. Maloney**, since he remains the **only judge assigned** to this matter in the Western District of Michigan, subsequent to his September 12, 2024 order.

33. It, therefore, seems *extremely* **inappropriate** to find the Magistrate Judge *interfering* in this case again, obstructing my rights, hiding crimes and corruption in the court records by the defendants, wasting significant amounts of my time and money, rejecting my filings in this matter, when his involvement in this case was **vacated** by the District Judge, and I can see no honest, ethical, or lawful reason or authority by which he is involved in this case any longer. Especially not without addressing the substantial **merits** of my MOTION TO RECUSE[15] and providing me with **consideration** to compensate for the damages he and the court have improperly caused me.

34. Upon information and belief, I further believe that any involvement in this case by the Magistrate Judge after the date of **September 12, 2024**, has escalated **beyond** judicial bias and

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[13] ECF 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf

[14] ECF 71, PID 5045 | https://rico.jefffenton.com/3-24-cv-01282/doc/71.pdf

[15] ECF 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf

misconduct (including violations of Canons 1, 2, and 3 from Michigan's Code of Judicial Conduct), to **criminal** obstruction of justice, violations of my first, fifth, ninth, and fourteenth amendment civil rights, and misprision of felony.

THE REAL NEED (IF EVER ONE EXISTED)

35. All that needed to be redacted from my complaint, was the following **four words** containing defendant Walker's:

		Example:
(1) **House Number**	|	1234
(2) **Street Name**	|	Defendant Drive
(3) **City**	|	Nashville
(4) **+4 Code** (last four)	|	0000

36. That's it! Just ***four words***, in *one sentence*, on only *one page* of my complaint!

37. According to Microsoft Word, my amended complaint[16] contains:

- one hundred and thirty-eight pages (138)
- six hundred and ninety-one paragraphs (691)
- two thousand five hundred and sixty-seven lines (2,567)
- thirty-one thousand and fifteen words (31,015)

38. **All** of which has been completely redacted or sealed from the public, for the alleged purpose of concealing those **four words** in defendant Walker's address, despite being **public record** for anyone to easily find (with interactive maps, pictures, and a floorplan of his home), available on the county's website, by any rudimentary Internet search.

39. I do not believe that is a reasonable, responsible, or lawful action, by any party involved.

[16] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

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DEFENDANT: CHARLES M. WALKER ALTERNATIVE EMAIL SERVICE RECEIVED SERVICE: 9/30/2024 (or earlier)

in:sent

Missed Earlier Email - Important

Tim Schell to charles_walker Tue, Sep 24, 2:48 PM (7 days ago)

Hello -
I emailed a few days ago but I am not sure the message was received since I did not hear back. My earlier correspondence concerned matters regarding certain outstanding payments to the court I believe I still owe. As of now, it might be best to consider that I have tried to remit timely whatever is due in order to avoid late fees and/or penalties

I also want to inform you that you have been named as a defendant in lawsuit 1 23-cv-01097 in the U.S. District Court for the Western District of Michigan. You should have received service of process by registered/certified mail pursuant to Michigan rule of civil procedure 2.105. Details of served process and the entire case can be found and downloaded here.

freely downloadable civil action in its entirety

If you choose not to accept the relevant U.S. mail and/or decline to enter an appearance in the matter, a default judgment against you will be entered since you now have knowledge of the case

Website URL with Tracking Code

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Washington, DC	12:51 PM
Columbus, OH	Sep 30
Columbus, OH	Sep 30
Washington, DC	Sep 30
Luxembourg	Sep 30
Nashville, TN	Sep 30
Columbus, OH	Sep 30
Washington, DC	Sep 30
Columbus, OH	Sep 30
Washington, DC	Sep 30
Washington, DC	Sep 30
Washington, DC	Sep 30
Washington, DC	Sep 30

in:sent

Missed Earlier Email - Important

Tim Schell to charles_walker Tue, Sep 24, 2:48 PM

Tim Schell
charles_walker@tnmb.uscourts.gov
Sep 24, 2024, 2:48 PM
Missed Earlier Email - Important
gmail.com

Hello -
I emailed a few ... since I did not hear back. My earlie... outstanding payments to the court I be... that I have tried to remit timely wh...

I also want to in... lawsuit 1 23-cv-01097 in the U.S. District Court for the Western District of Michigan. You should have received service of process by registered/certified mail pursuant to Michigan rule of civil procedure 2.105. Details of served process and the entire case can be found and downloaded here.

freely downloadable civil action in its entirety

If you choose not to accept the relevant U.S. mail and/or decline to enter an appearance in the matter, a default judgment against you will be entered since you now have knowledge of the case.

https://9190eeeb.streaklinks.com/Ckz11FRUW2oPZeeowsq3dOG/https%3A%2F%2Fservice.jefffenton.com

Link to Website with Tracking Code

Tracking

Viewed 10d ago
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1 link opened
latest 2mo ago

336 total views 1 total click Learn more

Detroit, MI	Dec 3
Unknown location	Oct 28
Bedford, IA	Oct 27
Unknown location	Oct 27
Reston, VA	Oct 25
Reston, VA	Oct 17
Columbus, OH	Oct 15
New York, NY	Oct 11
Reston, VA	Oct 10
Reston, VA	Oct 10
Reston, VA	Oct 10
Columbus, OH	Oct 9
Columbus, OH	Oct 8

RICO SERVICE: EMAIL VIEWED 336 TIMES & LINK OPENED ONCE M.D. Tenn. Case 3:24-cv-01282 (FENTON v. STORY et al.)

40. Above are the results from serving Judge Walker via email, using alternative service[17]. As of December 13, 2024, this email had been viewed by Judge Walker and forwarded repeatedly throughout Washington DC (government channels I'm assuming), Virginia, New York, Tennessee, Ohio, Michigan, and other states, while being viewed at least **336 times**!

[17] DOC 177, PID 234-250 | https://rico.jefffenton.com/evidence/2024-11-18_fenton-motion-for-alternative-service.pdf

REPORTERS COMMITTEE FOR FREEDOM OF THE PRESS[18] OPEN COURTS COMPENDIUM (6TH CIRCUIT)

THE ROOT OF ACCESS RIGHTS[19]

"Generally, the Sixth Circuit adheres "to a policy of openness in judicial proceedings." Applications of Nat'l Broad. Co., 828 F.2d 340, 343 (6th Cir. 1987) (citing Brown & Williamson Tobacco Corp. v. FTC, 710 F.2d 1165, 1176–81 (6th Cir. 1983)). "Openness in judicial proceedings promotes public confidence in the courts." Id. at 347."

"The Sixth Circuit has traced the roots of the rights of access back to the 19th Century when the D.C. Circuit explained that "[a]ny attempt to maintain secrecy, as to the records of this court, would seem to be inconsistent with the common understanding of what belongs to a public court of record, to which all persons have the right of access." In re Knoxville News-Sentinel Co., 723 F.2d 470, (6th Cir. 1983) (quoting Ex Parte Drawbaugh, 2 App. D.C. 404, 407 (1894))."

"Similarly, "[t]hroughout our history, the open courtroom has been a fundamental feature of the American judicial system." Brown & Williamson, 710 F.2d at 1177. "Openness in judicial proceedings promotes public confidence in courts." Applications of NBC, 828 F.2d at 347. The same principles that support access to court rooms also supports access to court records because "court records often provide important, sometimes the only, bases or explanations for a court's decisions." Brown & Williamson, 710 F.2d at 1177."

[18] https://www.rcfp.org/open-courts-compendium/6th-circuit/

[19] https://www.rcfp.org/open-courts-compendium/6th-circuit/

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"[T]he First Amendment right of access to criminal proceedings is grounded generally in a 'purpose of assuring freedom of communication on matters relating to the functioning of government.'" Indianapolis Star v. United States, 692 F.3d 424, 429 (6th Cir. 2012) (quoting Richmond Newspapers v. Virginia, 448 U.S. 555, 575 (1980)). This right of access extends to more than just a criminal trial, but also generally applies to other criminal proceedings, criminal records, civil proceedings, and civil records. Id. 429–30; Detroit Free Press v. Ashcroft, 303 F.3d 695 n.11 (6th Cir. 2002) (explaining that the Sixth Circuit and all other circuit courts that have addressed the issue have "agreed that the press and public have a First Amendment right to attend civil proceedings…"); Applications of NBC, 828 F.2d at 347 ("the importance of some pretrial proceedings dictates that the rule of openness not be confined to the actual trial"); Brown & Williamson, 710 F.2d at 1177–78 ("The Supreme Court's analysis of the justifications for access to the criminal courtroom apply as well to the civil trial" and the same justifications require that access to judicial records also be subject to the First Amendment right of access)."

"The test for deciding if the First Amendment right of access applies to a particular proceeding or record is the "experience and logic" test: "if (1) that proceeding [or record] has 'historically been open to the press and the general public' and (2) 'public access plays a significant positive role in the function of the particular process in question.'" Indianapolis Star, 692 F.3d at 429 (quoting Press-Enterprise Co. v. Superior Court, 478 US. 1, 8 (1986)). Once the First Amendment right of access attaches, it can only be overcome "where a party can show a compelling reason why

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certain documents or portions thereof should be sealed [and] the seal itself [is] narrowly tailored to serve that reason." Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (citing Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 509–11 (1984))."

"In contrast to the First Amendment right of access that applies when the "experience and logic" test is met, "[a] common law right of access generally applies to all public records and documents, including judicial records and documents." In re Morning Song Bird Food Litig., 831 F.3d 765, 777–78 (6th Cir. 2016) (citing Nixon v. Warner Commc'ns, Inc., 435 U.S. 589, 597 (1978)). The common law right of access "may be curtailed if, in the exercise of the court's sound discretion, [the court] determines that non-disclosure is warranted." United States v. Dejournett, 817 F.3d 479, 485 (6th Cir. 2016). This discretion "does not, however, imply that the District Court operates without standards." Id. (quoting Brown & Williamson, 710 F.2d at 1177). This discretion must "be exercised in light of the relevant facts and circumstances of the particular case," and must identify the "'relevant facts and circumstances' justifying non-disclosure…" in the case. Id. (quoting Brown & Williamson, 710 F.2d at 1177). For example, the common law right of access "does not reach materials properly submitted to the court under seal or otherwise kept confidential for important policy reasons." In re Morning Song Bird Food Litig., 831 F.3d at 778 (citations omitted)."

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OVERCOMING A PRESUMPTION OF OPENNESS[20]

"Whether access is sought under the First Amendment or the common law right of access, the party opposing disclosure bears the burden of showing compelling reasons to support confidentiality. In re Morning Song Bird Food Litig., 831 F.3d 765, 772 (6th Cir. 2016) (citations omitted). When the First Amendment right of access applies, the burden on a party seeking closure "is a heavy one: '[o]nly the most compelling reasons can justify non-disclosure of judicial records.'" Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (quoting In re Knoxville News-Sentinel Co., 723 F.2d 470, 476 (6th Cir. 1983)). "[T]he greater the public interest in the litigation's subject matter, the greater the showing necessary to overcome the presumption of access. Id. at 305 (citing Brown & Williamson Tobacco Corp. v. FTC, 710 F.2d 1165, 1179 (6th Cir. 1983)). The asserted interest in closure may not be based on platitudes, speculation or conjecture, but instead must be identified with specificity. Id. at 307–08. "The proponent of sealing … must 'analyze in detail, document by document, the propriety of secrecy, providing reasons and legal citations.'" Id. at 305–06 (quoting Baxter Int'l, Inc. v. Abbott Labs., 297 F.3d 544 548 (7th Cir. 2002))."

"The presumption of openness may be overcome only by an overriding interest based on findings that closure is essential to preserve higher values and is narrowly tailored to serve that interest." Application of Nat'l Broad. Co., 828 F.2d 340, 343 (6th Cir. 1987) (quoting Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 510

[20] https://www.rcfp.org/open-courts-compendium/6th-circuit/

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(1984)); see also Rudd Equip. Co. v. John Deere Constr. & Forestry Co., 834 F.3d 589, 593 (6th Cir. 2016) (holding that court records should only be sealed when "there is a compelling reason why certain documents or portions … should be sealed … [and] the seal itself must be narrowly tailored to serve that reason"). In the context of sealed court records, the Sixth Circuit has identified a limited category of interests that may be compelling enough to overcome the presumption of openness: (1) national security; (2) trade secrets; (3) fair trial rights of criminal defendants; (4) privacy rights of participants and third parties, especially innocent third parties; (5) privileged information; and (6) "information required by statute to be maintained in confidence." Id. at 308 (citations omitted); Brown & Williamson, 710 F.2d at 1179."

"The burden is not as great when it is the common law right of access that is being analyzed. The common law right of access "may be curtailed if, in the exercise of the court's sound discretion, [the court] determines that non-disclosure is warranted." United States v. Dejournett, 817 F.3d 479, 485 (6th Cir. 2016). This discretion "does not, however, imply that the District Court operates without standards." Id. (quoting Brown & Williamson, 710 F.2d at 1177). This discretion must "be exercised in light of the relevant facts and circumstances of the particular case," and must identify the "'relevant facts and circumstances' justifying non-disclosure…" in the case. Id. (quoting Brown & Williamson, 710 F.2d at 1177). Moreover, the common law right of access "does not reach materials properly submitted to the court under seal or otherwise kept confidential for important policy reasons." In re Morning Song Bird Food Litig., 831 F.3d 765, 778 (6th Cir. 2016) (citations omitted)."

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ORIGINAL VERSUS AMENDED COMPLAINT

41. In a NOTICE OF INTENT TO TRANSFER ACTION[21], filed in MIWD in ECF 72, PID 5046-5050 on September 12, 2024, District Judge Paul L. Maloney, stated in part:

> "Plaintiff Jeffrey Fenton filed this lawsuit without the benefit of counsel. The initial complaint named almost 30 defendants located in Florida, Massachusetts and Tennessee. The Magistrate Judge issued a report recommending, in part, that the Court dismiss the lawsuit for improper venue. While authority for that course of action exists when a plaintiff proceeds under the in forma pauperis statute, 28 U.S.C. § 1915, Plaintiff had paid the filing fee. Therefore, the undersigned rejected that portion of the report and recommendation."
>
> "Plaintiff recently filed an amended complaint. In the amended complaint, Plaintiff named 35 defendants, all but two of which are located in Tennessee. Plaintiff named Bank of America as a defendant and Plaintiff contends Bank of America is located in Tampa, Florida. Plaintiff also named Cadance Bank as a defendant, which Plaintiff asserts is located Case 1:23-cv-01097-PLM-RSK ECF No. 72, PageID.5046 Filed 09/12/24 Page 1 of 52 in Tupelo, Mississippi. Plaintiff resides in Fenton, Michigan, in Genessee County. Genessee County is located in the United States District Court for the Eastern District of Michigan. Plaintiff continues his efforts to serve the defendants and no defendant has made an appearance in this lawsuit."

[21] ECF 72, PID 5046-5050 | https://rico.jefffenton.com/1-23-cv-01097/ecf/72.pdf

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On pages 24 and 25 of my SECOND OBJECTION TO ALL DISPOSITIVE MOTIONS, REDACTED AND SEALED FILINGS, WITH DECLARATION ABOUT JUDICIAL MISCONDUCT IN MICHIGAN CAUSING SUBSTANTIAL DELAYS IN SERVICE[22], filed in TNMD on March 7, 2025, in DOC 222, PID 1164-1214, the following was stated:

"This lawsuit is against five judges, ten attorneys, five law firms, two real estate firms, two real estate brokers, two banks, three courts, one county, and five state government entities in Tennessee, many of whom have strong relationships rippling through the political, legal, and economic fabric of the Mid-State, with some having connections and influence which exceeds any lawful office of the courts or the state.[23]"

"**PLEASE NOTE:** I never had concerns that the honest interests of justice in my lawsuit would not stand up to any legitimate and honestly impartial screening process."

"I was concerned that the natural and almost inevitable prejudice of the court, or any collective of professionals in a common trade, would grant the *benefit of the doubt* to their peers before I would have enough time to shore up my lawsuit with robust facts, sworn testimony, and evidence, while working the kinks out of my complaint and improving it to the best of my ability with the help and resources within my reach, **to where my lawsuit could stand on its own**, and survive any legitimate, honest, and impartial screening."

[22] DOC 222, PID 1164-1214 | https://rico.jefffenton.com/3-24-cv-01282/doc/222.pdf

[23] DOC 102, PID 5440 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf

Initials:

"That goal was reached when I was able to file my FAC[24], which was my hope from the very beginning, as communicated with the court[25], and why I did not bring summonses for the court to execute in Lansing, the day I filed my lawsuit on October 13, 2023."

THE IMPORTANCE OF SUBSTANTIVE FACTS AND FILINGS IN MY FIRST AMENDED COMPLAINT[26] TO OUR "FIRST AMENDMENT RIGHT OF ACCESS"

42. The public's right to know how the federal courts prioritize and allocate resources for the benefit of different socioeconomic demographics in our country, such as indigent and disabled litigants in this case, far exceeds any legitimate privacy concerns by the defendants, which **the court could easily compensate** for by using **single line-level redactions** to conceal any home addresses without the need to redact any section, full page, or document in this lawsuit.

43. For a better understanding of the challenges I have and continue to face in the Federal Courts and in Tennessee's state courts prior, the level of impropriety by the defendants and their counsel, acting contrary to the honest interests of justice in this matter and others, please read both my DECLARATION EXPLAINING MY PURSUIT OF JUSTICE[27], filed in TNMD on February 6, 2025, in DOC 207, PID 583-619, as well as my NOTICE TO ALL BAR MEMBERS[28] filed in TNMD February 27, 2025, in DOC 216, PID 984-1015.

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[24] DOC 66, PID 4870-4972 | https://rico.jefffenton.com/3-24-cv-01282/doc/66.pdf

[25] DOC 54-1, PID 4375 | https://rico.jefffenton.com/evidence/2023-10-11_usdc-wdm-emily-can-file-in-lansing.mp3
DOC 10, PID 2109-2114 | https://rico.jefffenton.com/3-24-cv-01282/doc/10.pdf

[26] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

[27] DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

[28] DOC 216, PID 984-1015 | https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf

18 U.S. CODE § 4 - MISPRISION OF FELONY[29]

"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both." (June 25, 1948, ch. 645, 62 Stat. 684; Pub. L. 103–322, title XXXIII, §330016(1)(G), Sept. 13, 1994, 108 Stat. 2147.)

CONCLUSION

44. It is critical that the public, justice advocates, court reform advocates, indigent and *pro se* rights advocates, court watchers, court oversight boards, government and court watchdogs, as well as people involved in numerous state and federal "equal access to justice[30]" programs, along with segments of society interacting with all different tiers of our justice system, have full unfettered access to the filings in this lawsuit. **A government "for the people by the people" cannot fix problems which are <u>hidden</u> from them.**

45. EXPERIENCE AND LOGIC TEST: "The test for deciding **if** the First Amendment right of access applies to a particular proceeding or record is the "experience and logic" test: "if…

(1) that proceeding [or record] has 'historically been open to the press and the general public' and

[29] https://www.law.cornell.edu/uscode/text/18/4

[30] https://www.acus.gov/ | https://eaja.acus.gov/?action=list&entity=CaseRecord

Initials:

(2) 'public access plays a significant positive role in the function of the particular process in question.'" Indianapolis Star, 692 F.3d at 429 (quoting Press-Enterprise Co. v. Superior Court, 478 US. 1, 8 (1986)). Once the First Amendment right of access attaches, it can only be overcome **"where a party can show a compelling reason why certain documents or portions thereof should be sealed [and] the seal itself [is] narrowly tailored to serve that reason."** Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (citing Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 509–11 (1984)) (emphasis added).

46. Per the **first prong** of the court's "experience and logic" test (above), **amended complaints** in federal civil rights lawsuits **have** 'historically been open **to** the press and the general public'.

47. Per the **second prong** of the court's "experience and logic" test (above), **public access** and **transparency** in court proceedings and government operations is **essential** to promoting honest, ethical, fair, and lawful dealings amongst the people.

> "Where transparency and accountability are stifled, corruption inevitably thrives." — Jeffrey Ryan Fenton

48. On October 28, 2024, an order was entered by District Judge Maloney in ECF 137, PID 5736, ordering **broad redactions** of entire substantive documents in my lawsuit, including my **First Amended Complaint**[31], instead of yielding to case law by the Sixth Circuit Court of Appeals, stating, **"where a party can show a compelling reason why certain documents or portions**

[31] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

thereof should be sealed [and] the seal itself [is] narrowly tailored to serve that reason." Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (citing Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 509–11 (1984)) (emphasis added).

49. Everything I have filed, which has been sealed or redacted in this lawsuit to date, in both MIWD and TNMD should be made publicly available again, **except for word-level or line-level redactions which the court can effectuate to address any real privacy concerns,** without redacting, sealing, or restricting from the public any more than is "absolutely necessary".

50. I know of no **honest** compelling reason for redacting **any** document in this lawsuit, but in the event the court found it reasonable to conceal any (or all) of the defendant's home addresses, they could easily do so with **word-level or line-level redactions,** without redacting, sealing, or restricting a substantial portion of any document in this lawsuit.

51. To repeat, "Once the First Amendment right of access attaches, it can only be overcome "where a party can show a compelling reason why certain documents or portions thereof should be sealed [and] the seal itself **[is] narrowly tailored to serve that reason."** Shane Grp., Inc. v. Blue Cross Blue Shield of Mich., 825 F.3d 299, 305 (6th Cir. 2016) (citing Press-Enterprise Co. v. Superior Court, 464 U.S. 501, 509–11 (1984)) (emphasis added)."

52. This document has been filed in an attempt to persuade MIWD to correct this oversight, error, or injustice; to be in compliance with the Sixth Circuit case law cited in the previous paragraph.

Initials:

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

All rights reserved.

Executed on April 8, 2025.

JEFFREY RYAN FENTON, PRO SE
17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
HTTPS://JEFFFENTON.COM
(P) 615.837.1300
#TNinjustice
#iAMhuman

I'm a natural man, not a corporation or property. Please treat my case accordingly.

DOCUMENTS REGARDING (CASE: 1:23-CV-01097):

1. FIRST AMENDMENT RIGHT OF ACCESS: OBJECTION, MOTION, AND DECLARATION FOR DISTRICT JUDGE PAUL L. MALONEY TO CORRECT & MINIMIZE OR REMOVE REDACTIONS (NOT FOR CONSIDERATION BY A MAGISTRATE JUDGE)
   https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf

2. SECOND OBJECTION TO ALL DISPOSITIVE MOTIONS, REDACTED AND SEALED FILINGS, WITH DECLARATION ABOUT JUDICIAL MISCONDUCT IN MICHIGAN CAUSING SUBSTANTIAL DELAYS IN SERVICE (3:24-cv-01282 [2025] DOC 222)
   https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf

3. NOTICE TO ALL BAR MEMBERS (3:24-cv-01282 [2025] DOC 216)
   https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf

CERTIFICATE OF SERVICE

I hereby certify that on April 9, 2025, I mailed the foregoing or above-named papers to the United States District Court for the Western District of Michigan, at their address below, for filing in case number 1:23-cv-01097.

I further certify that on or before April 15, 2025, I am serving these same documents to the defendants or their counsel by first class or priority mail with postage prepaid at the addresses listed below. If for any reason beyond my control, I am unable to complete either on the date specified, I will do so on the very next business day.

U.S.D.C. WESTERN DISTRICT OF MICHIGAN
113 FEDERAL BLDG
315 W ALLEGAN ST RM 113
LANSING, MI 48933-1514

RYAN D. COBB
UNITED STATES ATTORNEY'S OFFICE
330 IONIA AVE NW
GRAND RAPIDS MI 49503-2549

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct.

All rights reserved.

Executed on April 8, 2025.

JEFFREY RYAN FENTON, PRO SE
17195 SILVER PARKWAY, #150
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https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf Case 1:23-cv-01097-PLM-RSK (FENTON v. STORY et al.)

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

RECEIVED
MAR 07 2025
US DISTRICT COURT
MID DIST TENN

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 3:24-cv-01282

SECOND OBJECTION TO ALL DISPOSITIVE MOTIONS, REDACTED AND SEALED FILINGS, WITH DECLARATION ABOUT JUDICIAL MISCONDUCT IN MICHIGAN CAUSING SUBSTANTIAL DELAYS IN SERVICE[1]

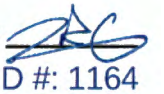
This objection and testimony is brought pursuant to 28 U.S. Code § 1746, § 455(a), (b)(1); U.S. Const. amend. I, V, and XIV; 18 U.S. Code § 4 - Misprision of felony; and Case Law.

1. On October 25, 2024, Assistant United States Attorney Ryan D. Cobb filed DEFENDANT HON. CHARLES WALKER'S MOTION FOR REDACTION AND REFILING OF DOCUMENTS in ECF 131[2], PID 5728-5729, supported by a brief filed in ECF 132[3], PID 5730-5731.

[1] This lawsuit was originally filed on October 13, 2023, in the United States District Court for the Western District of Michigan (hereinafter "MIWD") as case no. 1:23-cv-01097. On October 25, 2024, MIWD transferred this lawsuit as ordered in ECF 127 to the United States District Court for the Middle District of Tennessee (hereinafter "TNMD") as case no. 3:24-cv-01282. The language used in the file stamps of each page filed is slightly different between the two courts. MIWD uses the term "ECF No." (which I abbreviate as "ECF"), while in place of that, TNMD uses the term "Document" (which I abbreviate as "DOC"). Both courts use the term "PageID" (which I abbreviate as "PID"). Citations to the court record in this lawsuit will be notated without the case name or number, using the starting DOC/ECF number, followed by both the beginning and ending PID. The Notice of Electronic Filing for this transfer is recorded in TNMD DOC 131, at which point the DOC/ECF number from MIWD was retained and continued, but the PID was reset after DOC 130, PID 5727, to restart at zero.

[2] https://rico.jefffenton.com/1-23-cv-01097/ecf/131.pdf

[3] https://rico.jefffenton.com/1-23-cv-01097/ecf/132.pdf

Initials: 

2. The motion expressed concern related to "Judge Walker's private home address" being publicly disclosed on my "AMENDED COMPLAINT FOR TORTIOUS CONDUCT AND INJUNCTIVE RELIEF[4]" (hereinafter "FAC"), filed on August 21, 2024, in DOC 66[5], PID 4870-4972.

3. First let me say that defendant Walker's address was included in this lawsuit, the same as every other party in this lawsuit, including myself, because I believed it to be a required element of the complaint. Especially for establishing "diversity jurisdiction", which was a substantial portion of the basis for the JURISDICTION AND VENUE which I believed was correct when I filed the complaint.

4. Similarly, I was aware of no concerns regarding my doing so, especially as related to any one party more so than any other party. I knew nothing of any safety concerns or perceived threats. This information was publicly sourced and therefore readily available to anyone else seeking his address. At the same time, I understand the concept of "the less the better", and the principle of "security through obscurity", while I have absolutely no principle interests which conflict with the desire or need to keep defendant Walker's (or any litigants') home address as private as is realistically possible.

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[4] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

[5] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/3-24-cv-01282/doc/66.pdf

I DO NOT OBJECT TO THE PRIMARY STATED OBJECTIVE, I OBJECT TO THE UNNECESSARILY BROAD IMPLEMENTATION

5. I take absolutely no objection at all to the stated primary objective here, of making it so that defendant Walker's address is not publicly disclosed in any way, shape, or form through the litigation in this lawsuit or any related public platform.

6. The part which I take extreme offense with and object to, is how this was proposed to be implemented and how in fact the court ordered it implemented thereafter, because both are excessively broad and unduly burdensome upon me, while significantly compromising the interests of justice in my lawsuit and hiding the single best document to date, needed to clearly identify and understand what the most substantial "interests of justice" are in this lawsuit.

7. As a nation whose government is "for and by the people", the public has both a right and a responsibility to be informed about how our publicly funded courts are treating disadvantaged litigants, such as myself, who are economically forced to represent themselves *pro se*, despite the horrific odds against them in doing so.

COURT TRANSPARENCY AND EQUAL PROTECTION UNDER THE LAW

8. Our constitution requires that all litigants be "equally protected" under the law, but in reality, we know that is far more of an American ideal than it is a reality, regardless of any laws or constitutions to the contrary. The courts have a history of by far benefiting the wealthy, highly educated, socially and politically affluent and connected sectors of society, over both the common middle-class and certainly indigent litigants such as myself.

9. Therefore, to hide the real merits of this case, from public review and oversight, preventing judicial research, justice advocacy and efficiency experts, court reform and watchdog

organizations, political activists and analysts, civil rights advocates and organizations, along with other court watchers and members of the public interested in studying our court system along with how our government chooses to allocate our tax dollars to best "serve" and benefit our nation and the people herein, through the administration of our courts; the current excessive level of redaction is extremely short-sighted, socially irresponsible, completely unnecessary, blatantly dishonorable, and unreasonably heavy-handed. Likewise, due to the over-reaching breadth of this action, I must question the sincerity of the motives.

10. The actions taken serve to effectively cover-up a year's worth of wrestling with the court as I fought to simply keep my lawsuit from being defeated *sua sponte* while the court refused to even provide me with ECF filing privileges or to assist with service in any way, choosing to leverage their "discretion" *contrary to* the honest *interests of justice* in my case, which the court refused to acknowledge prior to the filing of my FAC[6].

11. My FAC[7] is the single best document filed in my lawsuit, tying together thousands of pages of sworn testimony and evidence, which I have literally invested thousands of hours of painstaking research and writing into perfecting to the best of my ability to date. Much of which is self-evident if not irrefutable with the evidence filed in this lawsuit, so both the court and the defendants can see the gravity of the merits in my lawsuit, simply by reading it and testing the evidence and sworn testimony clearly provided. (The public also has a critical need, right, and justice interest in being able to freely review this lawsuit, in its entirety, unimpeded.)

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[6] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

[7] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

12. As stated in previous filings, the heart of this lawsuit is about **public corruption** amongst high-ranking officers of the Tennessee Court System[8], some who are literally entrusted with the oversight of the "practice of law" throughout the state. Some who use their offices[9] and influence to protect some of the worst actors in the State of Tennessee, such as some of the defendants in this lawsuit, while retaliating against their enemies, who just happen to be some of the best and most patriotic, honest, attorney whistleblowers[10] the state has known in recent years. Now the court has chosen to hide the evidence of that, which is frankly reprehensible and criminal.

13. Our nation right now is in as near of a state of emergency[11] as I have ever witnessed, due to official misconduct, felony crimes, and public corruption by officials in nearly every branch and division of state and federal governments, while a massive percentage of those people, at least in leadership positions, are BAR members[12].

14. It is in the best interest of our nation to start requiring those who wish to "practice law" to uphold if not emulate the core **values** of the court's ethical canons, with honesty, integrity, good-faith, and honor which is central to those canons, along with the court's codes of conduct, for practicing attorneys and judges. Simply stated, "lip service" is not enough.

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8 DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
DOC 207, PID 583-619 | https://rico.jefffenton.com/3-24-cv-01282/doc/207.pdf
DOC 207-1, PID 620-639 | https://rico.jefffenton.com/3-24-cv-01282/doc/207-1.pdf
DOC 207-2 | PID 640-684 | https://rico.jefffenton.com/3-24-cv-01282/doc/207-2.pdf
DOC 207-3, PID 685 | https://rico.jefffenton.com/3-24-cv-01282/doc/207-3.pdf

9 DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

10 DOC 58-5, PID 4718-4722 | https://rico.jefffenton.com/evidence/2024-05-02_reguli-lawsuit-against-wilco-tn-gov-corruption.pdf
DOC 58-3, PIC.4632-4710 | https://rico.jefffenton.com/evidence/2024-02-16_tnsc-disbarred-whistleblower-brian-manookian.pdf
DOC 58-4, PID 4712-4716 | https://rico.jefffenton.com/evidence/2024-02-16_tnsc-manookian-disbarment-opinion-justice-lee.pdf

11 https://doge.gov/ | https://www.justice.gov/criminal/criminal-pin

12 https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf

15. Any attorney who is seeking to defeat a *pro se* litigant by the courts rules of *process* and *procedure* (technicalities), who does not hold the **merits** in at least as high of esteem, along with their **conduct** and their clients', is violating the privilege of *practicing law* in a way which resembles "legal work", but without the critical essence of honesty, integrity, good-faith, honor, and justice **required** prior to interacting with anyone else's family, property, or freedom.

16. According to Gallup Polls[13], "Americans' confidence in their nation's judicial system and courts dropped to a record-low 35% in 2024."

17. This isn't rocket science, this isn't a case for fancy legal footwork, rather it is a case to get back to the basics, to protect the *constitutional* rights, and even the most basic *natural* human rights, of our beloved nation, over the private interests of official misconduct and public corruption, while running "our" courts into the ground, in a manner which is repugnant to the rule of law and the oaths of office taken by every member therein.

18. Upon information and belief, there are aspects of this lawsuit which have no statute of limitations, and which no court can lawfully release the defendants from liability for the crimes they have committed, without providing a reasonable remedy as required by law. Actions have been taken by some of the defendants in this lawsuit, which tread dangerously close to treason, who have not only violated their oaths of office but have also brought shame and dishonor upon the judiciary, while demonstrating how decent people can be catapulted from a life of comfort and provision, which they spent much of their lives working hard to build, to becoming literally **destitute** and **homeless**[14] with only a **five-day notice over a holiday weekend**, when not one action or order by the Tennessee courts was honest, lawful, for the purposes claimed, or adjudicated by a court with the lawful

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[13] https://news.gallup.com/poll/653897/americans-pass-judgment-courts.aspx

[14] DOC 214, PID 911-975 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf

authority and jurisdiction to hear and dispose of the matters before it. That is not reasonable, nor should it be protected, preserved, defended with public funds, or immune from providing a remedy.

19. This isn't conjecture, this is testimony sworn true under the penalty of perjury, while to date I don't know of a single defendant who has been willing to testify to **anything** under the penalty of perjury, yet they are leveraging state, county, and federal funds to fight **against** the interests of justice in the matters before this court, to further deprive my family of our life, liberty, and property, under the false and fraudulent "color of law", which nobody has even been willing to defend to date, except to say that it is none of the court's business while disavowing jurisdiction and claiming immunity for crimes clearly committed with malicious criminal intent.

RESPONSIBILITY OF BAR MEMBERS TO COMPLY WITH THE COURT'S CODES OF CONDUCT

20. It is a core responsibility of every BAR member to operate in strict compliance with the court's **codes of conduct**, which is **foundational** to being **entrusted** with the **privilege** to "practice law", yet the defendants in this lawsuit and now even some of their counsel has clearly failed or refused to do so. This has already been repeatedly proven[15] to this court, regarding the defendants and their counsel in this case. This perverts many of the pleadings before the court by the defendants, while wasting my extremely limited time and resources for obtaining an honest and

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[15] DOC 101, PID 5375-5390 | https://rico.jefffenton.com/evidence/2024-10-08_counter-affidavit-correcting-storys-false-claims.pdf
DOC 99, PID 5328-5342 | https://rico.jefffenton.com/evidence/2024-10-08_motion-for-sanctions-against-story-for-lying.pdf
DOC 99, PID 5328-5342 | https://rico.jefffenton.com/evidence/2024-10-08_motion-for-sanctions-against-story-for-lying.pdf
DOC 177, PID 234-250 | https://rico.jefffenton.com/evidence/2024-11-18_fenton-motion-for-alternative-service.pdf
DOC 197, PID 445-486 | https://rico.jefffenton.com/evidence/2025-01-10_motion-for-ecf-and-remote-participation.pdf
DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
DOC 211, PID 689-723 | https://rico.jefffenton.com/evidence/2025-02-08_objection-to-dispositive-defendant-motions.pdf
DOC 212, PID 730-907 | https://rico.jefffenton.com/evidence/2025-02-10_tn-motion-to-minimize-or-remove-redactions.pdf
"DECLARATION AND MOTION TO FILE UNDER SEAL REGARDING DEFENDANT WALKER'S CLAIMED PRIVACY CONCERNS RELATED TO HIS HOME ADDRESS"

lawful remedy for egregiously unconstitutional acts, against my critically needed property and financial interests, without which I have no means (outside sparse family charity) to survive long enough to have these arguments heard, about that which should have **never happened** to anybody, while to date nobody has even begun to provide a reasonable or lawful explanation for the actions by the defendants, in any way.

21. This is precisely why my "AMENDED MOTION TO REQUIRE ALL FILINGS TO INCLUDE A CERTIFICATION STATING THEIR CONTENTS ARE FACTUALLY TRUE AND COMPLIANT WITH F.R.C.P. RULE 11(B), SWORN TO UNDER THE PENALTY OF PERJURY (EXPEDITED CONSIDERATION REQUESTED)[16]" is **critically needed** under the circumstances, **prior** to considering **any** motion by the defendants before this court, or burdening me with needing to respond to their multiple motions to dismiss, when they still haven't even answered my complaint based upon the merits, while swearing under the penalty of perjury they are telling the truth.

22. Somehow the burden in all matters keeps being heaped onto my shoulders, when not one defendant to date has acted honestly, lawfully, and ethically, complying with the codes of professional and judicial conduct, in the preceding Tennessee matters, nor have they provided any explanations why not, or been willing to lawfully remediate any portion of the harm they caused.

23. Despite leveraging and abusing the resources of multiple offices of public trust, which have been and continue to be betrayed by some of the defendants for private and even criminal interests, in direct violation of state and federal constitutions, statutory laws, and the court's codes of conduct, which are **not optional**. Some of the defendants are actually entrusted

[16] DOC 100, PID 5343-5353 | https://rico.jefffenton.com/evidence/2024-10-08-motion-all-filings-be-under-penalty-of-perjury.pdf

with the oversight and enforcement of the court's codes of conduct, to **protect** the "practice of law" throughout the state, while they themselves refuse to practice good professional conduct or to require their friends to.

24. Upon information and belief, although this is not before a Michigan court, I believe that the principles expressed in the following language are foundational to the "practice of law" in much (if not all) of our nation, including in the State of Tennessee.

MICHIGAN COURT RULE 9.103 STANDARDS OF CONDUCT FOR ATTORNEYS

> "(A) General Principles. The **license** to **practice law** in Michigan is, among other things, a continuing proclamation by the Supreme Court that the holder is **fit** to be **entrusted** with professional and judicial matters and to aid in the **administration of justice** as an attorney and counselor and as an officer of the court. It is the **duty** of every attorney to **conduct himself or herself at all times** in **conformity** with standards imposed on members of the bar **as a condition of the privilege to practice law**. These standards include, but are not limited to, the rules of professional responsibility and the rules of judicial conduct that are adopted by the Supreme Court" (emphasis added).

25. Without which, I do not believe that **any** paper filed is actionable by the court as presented. This is a foundational **prerequisite to practice**, which is being blatantly and repeatedly violated by the defendants and their counsel, in furtherance of having the courts take actions which directly conflict with their purpose, values, and existing law. In short, these actions seek to exercise unaccountable power over the lives, liberty, property, and **interests of others**, which substantially conflicts with the supreme law of the land and the honest purpose for which the "practice of law" and governance exists.

26. Keeping much of the court records hidden from the public, via redactions and sealing, while there is **no order** to date to seal any records in this case, yet thousands of pages in

this lawsuit have simply "disappeared[17]" from public access and continue to remain sealed in this case with no explanation, notice, or order from the court, to obviously obfuscate and hide the crimes committed by the powerful defendants along with what is currently taking place between the defendants, their counsel, and the courts in this lawsuit.

27. This is comparative to owning or controlling a military which has no allegiance to any country.

28. This essentially converts the "practice of law" into a power grab, the stronger prevail while the weaker will perish, regardless of the merits, without any moral compass, or what is typically perceived as the "heart" and "soul" of a nation, institution, or business. To align the power of "our" courts with such an unconstitutional, inhumane, and oppressive agenda would be the end of that institution providing reasonably justifiable value to "our" nation or "our" people herein. (Please read more related to this in my "DECLARATION EXPLAINING MY PURSUIT OF JUSTICE[18]" filed in DOC 207, PID 583-685.)

29. It is imperative that nothing in this lawsuit be withheld, redacted, sealed, or otherwise hidden from the public, except that which is absolutely critical, with a reasonable, honest, and lawful purpose; without redacting one word, page, or document more than is absolutely necessary.

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[17] Including **all** of DOC 1, PID 1-2090 | https://rico.jefffenton.com/3-24-cv-01282/1.htm | **2090 sealed pages**
Including **all** of DOC 66, PID 4870-5007 | https://rico.jefffenton.com/3-24-cv-01282/66.htm | **137 sealed pages**
Including all of DOC 112, PID 5609-5615 | https://rico.jefffenton.com/3-24-cv-01282/doc/112.pdf | **6 sealed pages**
Including all of DOC 113, PID 5616-5622 | https://rico.jefffenton.com/3-24-cv-01282/doc/113.pdf | **6 sealed pages**
Including all of DOC 115, PID 5633-5639 | https://rico.jefffenton.com/3-24-cv-01282/doc/115.pdf | **6 sealed pages**
Including all of DOC 118, PID 5658-5664| https://rico.jefffenton.com/3-24-cv-01282/doc/118.pdf | **6 sealed pages**
DOC 112, 113, 115, and 118 are in regard to the service of judges, while I have no objection to **line level redactions** concealing **any** home address, but everything else in those documents should remain publicly viewable, especially while some of them continue to actively contest being properly served. More importantly, **nothing** should be redacted or sealed by the court without a court order or some other communication from the court **notifying me** about the action, while hopefully having an opportunity to be heard first.

[18] DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

COURT AND JUDICIAL REFERENCES

30. This lawsuit originated in the United States District Court for the Western District of Michigan (hereinafter "MIWD").

31. This case was assigned to United States District Judge Paul L. Maloney[19] of the MIWD Court (hereinafter "District Judge").

32. On October 19, 2023, in DOC 6, PID 2096 this case was referred[20] by the District Judge to United States Magistrate Judge Ray Kent (hereinafter "Magistrate Judge").

33. On August 10, 2024, I filed a MOTION TO RECUSE[21] the Magistrate Judge for judicial misconduct and bias in DOC 60, PID 4736-4739.

34. On September 12, 2024, in DOC 71, PID 5045 the District Judge filed an "ORDER VACATING ORDER OF REFERRAL AND DISMISSING MOTION FOR RECUSAL[22]", at which point the Magistrate Judge was removed from this case.

35. Upon information and belief, out of respect for the court and the named judges above, along with the belief that judges do not like being called out by name in legal filings, along with the belief that courts in general respond negatively to legal filings which repeatedly accuse officers of the court of misconduct, I will refer to both the District Judge and the Magistrate Judge in the remainder of this filing without the use of their personal names.

36. Although this filing must repeatedly address what I believe can only be reasonably interpreted as court misconduct, for the purpose of protecting my constitutional and lawful rights to equal protection and due process, by an impartial tribunal, through a fair court process, I do not

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[19] DOC, PID 2093 | https://rico.jefffenton.com/3-24-cv-01282/doc/4.pdf

[20] DOC 6, PID 2096 | https://rico.jefffenton.com/3-24-cv-01282/doc/6.pdf

[21] DOC 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf

[22] DOC 71, PID 5045 | https://rico.jefffenton.com/3-24-cv-01282/doc/71.pdf

do so with any joy, malice, or disrespect for the court whatsoever. I likewise do not seek to disparage the court or any member of the court in any way. (To understand my **motives** in this action, please see my "DECLARATION EXPLAINING MY PURSUIT OF JUSTICE[23]" filed in DOC 207, PID 583-685.)

37. At the same time, I have been placed in a situation, at no fault of my own, where I must speak honestly about and confront the professional and judicial misconduct which I have and continue to experience "under color of law".

ORDERS CONTRARY TO THE INTERESTS OF JUSTICE

38. On July 8, 2024, the Magistrate Judge filed an "ORDER REGARDING SERVICE[24]" in DOC 55, PID 4378-4384, finally giving me the green light to *serve* my lawsuit, for the very first time since this lawsuit was filed on October 13, 2023. Unfortunately, he simultaneously made several other orders which significantly favored the defendants while *undermining* my ability to freely move forward with serving my lawsuit. I believe that these other orders were clearly prejudicial against me, were in direct opposition to the honest interests of justice and were in fact the result of judicial bias and misconduct by the Magistrate Judge, who made it clear he sought to dismiss my lawsuit prior to moving forward with service, discovery, or any litigation.

39. As the court has been noticed in multiple documents filed in this lawsuit, with slight variations in language, but the same primary message[25], I do not have the education, skills, or

[23] DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

[24] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[25] DOC 62, PID 4758-4759 | https://rico.jefffenton.com/3-24-cv-01282/doc/62.pdf

resources necessary to simultaneously fight *both* the court and the roughly 34 high-profile litigants along with their counsel. The court must act in the honest and impartial interests of justice or this lawsuit fails.

40. To place me at an even greater disadvantage than my poverty, I have significant communication disabilities[26] which make it far more difficult for me to argue matters before the court, especially when I am forced to argue *against* the court itself, in an effort to merely be treated *fairly*, without losing *substantive rights* purely for failure to argue each and every sentence stated by the court.

41. The court is supposed to be a neutral arbiter of facts and law, and when they are *not*, every sentence spoken by the court can chip away at the *substantive rights* of a litigant.

42. When a litigant lacks the ability or resources to stand-up for the truth and correct the court about each false allegation or assertion made, while fighting to retain and restore their rights, from any narrative seeking to undermine the credibility of their lawsuit, their motives, their person, or how they have tried to proceed in the matters before the court, without also being able to simultaneously proceed in the litigation of their lawsuit in regards to the defendants, the court can easily pre-stage a case for a premature dismissal, by misusing their *discretion* contrary to the honest *interests of justice*, as has repeatedly happened in this case, for much of the first year.

"One of the biggest problems to date in this lawsuit is that [the Magistrate Judge] has proactively taken an adversarial posture in opposition to the honest interests of justice, choosing to act in the interests of the defendants even prior to Plaintiff having an opportunity to serve them. Plaintiff cannot handle having one more opponent against him, particularly the largest one in the nation - the U.S. legal system. Lawfully, he never should have to fight the opposition and the court too."

DOC 60, PID 4737 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf

"Particularly for a plaintiff with numerous mental disabilities, it should not be his job to police the judge or the court. He or they should act according to justice and due process on their own."

[26] DOC 52, PID 4254-4257 | https://rico.jefffenton.com/evidence/tn-ada-disabilities-exploited-for-advantage-ocpd-merck.pdf

DOC 32, PID 3296-3309 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-declaration-of-disabilities.pdf

DOC 1-38, PID 2032-2045 | https://rico.jefffenton.com/evidence/2020-07-08_tnsc-coa-ada-request-for-modification.pdf

43. This is especially a problem for people with "Obsessive Compulsive Personality Disorder" like myself[27], by undermining my footing, placing me in an unclear, clouded, confusing, and compromised position with the court, not knowing where I stand, while needing to push forward still to confront the defendants in this lawsuit, without any sure, stable, or secure foundation for any action I must try to fight and defend against.

FOR EXAMPLE: CONSIDER THE SERVICE OF THIS LAWSUIT

44. Fed. R. Civ. P. 4(m)[28] Time Limit for Service. "If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant <u>or order that service be made within a specified time</u>. **But if the plaintiff shows *good cause* for the failure, the court *must* extend the time for service for an appropriate period.** This subdivision (m) does not apply to service in a foreign country under Rule 4(f), 4(h)(2), or 4(j)(1), or to service of a notice under Rule 71.1(d)(3)(A)" (emphasis added).

45. What's the commonsense intent of this rule?

46. I believe to prevent people from dilly-dallying around, and to have matters promptly litigated, while ensuring that there is *enough time* for any legitimate matter or need.

47. Notice this says, "if the plaintiff shows *good cause* for the failure, the court **<u>must</u>** extend the time for service..." (emphasis added). This isn't even discretionary, except in determining whether or not the plaintiff has *good cause*.

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[27] DOC 52, PID 4254-4257 | https://rico.jefffenton.com/evidence/tn-ada-disabilities-exploited-for-advantage-ocpd-merck.pdf
DOC 32, PID 3296-3309 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-declaration-of-disabilities.pdf
DOC 1-38, PID 2032-2045 | https://rico.jefffenton.com/evidence/2020-07-08_tnsc-coa-ada-request-for-modification.pdf

[28] https://www.law.cornell.edu/rules/frcp/rule_4

48. Why is this? I believe because the most critical element in this rule is to ensure that the plaintiff has *enough time* to serve, providing he/she is earnestly and steadfastly working toward that end, to substantiate and bring their lawsuit as quickly as they reasonably can under the circumstances, without compromising the integrity of their case by acting haphazardly as if the "deadline" were more important than the substance, coherency, and actionability of their lawsuit.

49. Upon the honest and impartial review of my actions over the past year, I doubt that many people would question my devotion, commitment, and efforts toward doing exactly that, with every dollar, minute, and brain cell at my disposal.

ORDER REGARDING SERVICE

50. On July 8, 2024, five months and nineteen days after I filed my first expedited motion for service[29], MIWD finally filed an order[30] granting me an opportunity to proceed in good faith with the service of my lawsuit, <u>for the very first time since this lawsuit was filed</u>.

51. Unfortunately, the same order[31] which finally granted me permission to move forward with service, at the same time prevented me from being free to do so, without first needing to address several other prejudicial and untoward inclusions in that order, which significantly favored the defendants while materially diminishing my rights and remedies to due process, effectively *prestaging* my case for a premature dismissal, upon my almost certain failure to complete every demand by the hard set deadline provided by the Magistrate Judge.

52. This was without any consideration for "good cause" in the outstanding tasks

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[29] DOC 16, PID 2258-2266 | https://rico.jefffenton.com/3-24-cv-01282/doc/16.pdf

[30] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[31] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

required before I could serve (completing and filing my FAC[32] – for the benefit of the court and all involved), or the physical and financial means to accomplish service (how to print and serve tens-of-thousands of pages of filings, along with digital media, without any income or savings, due purely to the crimes by the defendants against me), while denying me even simple ECF filing privileges.

53. This hard deadline provided by the Magistrate Judge for service failed to take into consideration what resources were realistically within my reach or would be required to facilitate service for my lawsuit, while refusing any assistance by the court or the United States Marshal Service to help serve, likewise refusing any economical proposition or accommodation for electronic/digital document delivery or service.

54. Everything which I was forced to face, create, engineer, overcome for service of this lawsuit was in spite of the Magistrate Judge's efforts to *sua sponte* dismiss my case; not out of any cooperation, assistance, or accommodation by MIWD to help me have a fair opportunity to be protected by the federal courts or to enjoy equal protection under the law and real due process.

55. Had he responded in a timely fashion to my "expedited motions", or simply communicated more fluidly with me so that I could understand what to expect and how I could proceed, without forcing me to wait months at a time in limbo, it would have saved at least six months of daily contentious struggle for me, while drafting and filing thousands of pages of sworn testimony and evidence in an effort to convince MIWD that the merits of this lawsuit are righteous, worthy, and true.

56. Upon information and belief, this is now evidenced by the fact that no defendant to date has meaningfully contested the facts while certifying their claims are accurate, true, and filed

[32] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

in compliance with F.R.Civ.P. 11(b), sworn to under the penalty of perjury[33], as much if not most of my filings have been certified and sworn to be accurate and true, filed in pursuit of the honest interests of justice.

57. Forcing me to waste my critical time and resources as the highly disadvantaged *pro se* litigant, to *wrestle* with the court in a desperate attempt to *regain* my constitutional rights to remedies, which I was and am entitled to, had the court never *interfered* and sought to deprive me of those rights in the first place.

"SUBSTANTIVE RIGHTS" BASED ON THE COURT'S RULES VERSUS THE "DISCRETION OF THE COURT"

58. For the sake of this illustration, let's assume that me *winning* my lawsuit is 100% completely in the "interests of justice", and that nothing contrary could even pretend to be in the interests of justice instead.

59. I am given a set amount of time to serve. That is my **right** (to seek a remedy) according to the court's rules (for the sake of argument). This is not a *discretionary* matter, which any prejudice *should* be able to deprive me of. For lack of not knowing more accurate terminology, I will call this my *"substantive right"*.

60. I begin with a 90-day *substantive right* to serve my lawsuit. I can remain confident and secure in my standing[34] before the court, as long as I am able to meet that deadline.

61. I also begin with a *substantive right* to obtain more time, as is reasonably and practically needed, to serve my lawsuit, for *good cause*. "But if the plaintiff shows *good cause* for the

[33] DOC 100, PID 5343-5353 | https://rico.jefffenton.com/3-24-cv-01282/doc/100.pdf

[34] I'm not referring to the legal term "standing", but this is the best word I know to articulate "my posture, position, my interests in my case, before the court".

failure, the court *must* extend the time for service for an appropriate period." So as long as the court communicates with me on a timely basis, and I am able to ask for more time as needed, and the court is willing to approve that *before* I would otherwise run out of time, then I can continue to remain confident and secure in my standing before the court. That would allow me then to focus all of my time, energy, and resources on completing that task as quickly as I can, without any fear that I may have compromised my *substantive right* to serve or to obtain necessary extensions to serve based upon *good cause*. Because I would still be operating within my *substantive rights* as defined by the court's rules.

62. Unfortunately, that was not my experience. Instead the Magistrate Judge chose to **go silent** for five months and nineteen days, without responding to my *multiple* motions for service[35], where I had requested additional time to serve, clarification about where I stood with the court regarding service and how I could proceed, along with financial and technical accommodations to help make service realistically within my means, considering the scope of this lawsuit.

63. I requested help with service by the United States Marshal Service, which I was told the court might help with as they frequently do with indigent litigants, but MIWD refused. Worse though than the refusal to help was the refusal to respond, while leaving me in suspense for almost six months, during most of which I was no longer exercising my *substantive rights* because I was

[35] DOC 16, PID 2258-2266 | https://rico.jefffenton.com/3-24-cv-01282/doc/16.pdf
DOC 16-1, PID 2267-2330 | https://rico.jefffenton.com/3-24-cv-01282/doc/16-1.pdf
DOC 35, PID 3392-3393 | https://rico.jefffenton.com/3-24-cv-01282/doc/35.pdf
DOC 36, PID 3394-3396 | https://rico.jefffenton.com/3-24-cv-01282/doc/36.pdf
DOC 36-1, PID 3397 | https://rico.jefffenton.com/3-24-cv-01282/doc/36-1.pdf
DOC 61, PID 4740-4741 | https://rico.jefffenton.com/3-24-cv-01282/doc/61.pdf
DOC 61-1, PID 4742-4743 | https://rico.jefffenton.com/3-24-cv-01282/doc/61-1.pdf

essentially *forced* into "default", since I failed to serve by the deadline provided by the rules[36], while the court refused to rule on my motion for service[37] for an exceptionally long period of time, despite the fact there was clearly *good cause* and the court couldn't even dismiss my lawsuit without *first* providing me *some* opportunity and *notice* by which I realistically *could* serve it.

64. Unfortunately, this deprived me of my *substantive rights* involving service, at no fault of my own, while only allowing me to serve based upon the "discretion of the court" rather than the secure standing of exercising my *substantive rights*. Whether the court is aware of any difference or not, there is a significant difference for the plaintiff whose life *depends* upon the successful litigation of a lawsuit, but who the court deprives of the opportunity or notice by which they can continue to operate *securely* within their "substantive rights".

65. Personally, I believe that this is a tactic employed by some courts and judges to exhaust the *substantive rights* of litigants, thereby giving the court *discretionary power* over every facet of the case thereafter. To be dismissed at any point for virtually any reason, because the litigant is no longer operating within their *substantive rights*, even when the court itself cheated the litigant out of the opportunity to remain within their *substantive rights*. By refusing to timely grant a motion which would have allowed the litigant to remain in good standing before the court, or to *communicate* and clarify for the litigant what they need to do under the circumstances to remain in good standing before the court.

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[36] Largely caused by the disruption, trauma, work, and time consumed to respond to the "Report and Recommendation" issued by the magistrate judge in DOC 8, on December 13, 2023. Along with a need to perform excessive *"damage control"* in an effort to prevent the court from proactively dismissing my lawsuit *sua sponte*, as the Magistrate made clear was his desire in that report.

[37] DOC 16, PID 2258-2266 | https://rico.jefffenton.com/3-24-cv-01282/doc/16.pdf

66. On December 13, 2023, on page 6 of the "Report and Recommendation[38]", under the title "III. RECOMMENDATION" the Magistrate Judge wrote, "Accordingly, I respectfully recommend that plaintiff's motion to maintain venue (ECF No. 7) be DENIED and that this lawsuit be DISMISSED."

67. On January 25, 2024, on page 2, paragraph 2, of the "ORDER ADOPTING IN PART AND REJECTING IN PART REPORT AND RECOMMENDATION[39]", written by the District Judge, he stated:

> "2. Discretion to Dismiss Lawsuit. The Magistrate Judge explained that, for lawsuits filed in the wrong venue, the district court exercises its discretion when deciding whether to transfer or to dismiss the action. Plaintiff asserts that the authority cited by the Magistrate Judge involved lawsuits subject to the screening under 28 U.S.C. § 1915(e), which does not apply because he paid the full filing fee.
>
> The Court agrees with Plaintiff. At this point in the litigation, the Court lacks authority to dismiss this lawsuit for improper venue (emphasis added). Ordinarily, a defendant must raise improper venue by motion prior to a responsive pleading. *See* Fed. R. Civ. P. 12(b)(3). The failure to raise improper venue in the first motion constitutes a waiver of the defense. Fed. R. Civ. P. 12(h)(1). Plaintiff is not a prisoner and he paid the filing fee and, therefore, his complaint cannot be screened under 28 U.S.C. § 1915(e). *See Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999); *Benson v. O'Brian*, 179 F.3d 1014, 1017 (6th Cir. 1999). Following Supreme Court authority, the Sixth Circuit permits a district court to *sua sponte* dismiss a complaint when the allegations are completely frivolous and utterly devoid of merit. *Velarde v. Biden*, No. 23-1465, 2023 WL 8317823, at *1 (6th Cir. Nov. 14, 2023) (citing *Apple*, 183 F.3d at 479). This exception, when a cause of action is totally implausible, permits a court to dismiss the action *sua sponte* because

[38] DOC 8, PID 2106 | https://rico.jefffenton.com/evidence/2023-12-13_wdm-fenton-report-and-recommendation.pdf

[39] DOC 31, PID 3291-3295 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf

the lawsuit does not present a case or controversy under Article III, meaning that the court lacks subject matter jurisdiction. *Id.* The Magistrate Judge's conclusion that the lawsuit was filed in the wrong forum does not address the merits of Plaintiff's causes of action and, therefore, does not fall under the exception identified in *Apple*."

68. After this order[40] by the District Judge on **January 25, 2024**, the Magistrate Judge did not make another *appearance* in this matter until **July 8, 2024**, when he finally decided to file an order regarding service[41].

69. The Magistrate Judge's posture and attitude upon his return, as I experienced from his "ORDER REGARDING SERVICE[42]", I interpreted as "I might not have the authority to *sua sponte* dismiss your lawsuit, but I'm not going to lift a finger to help you either." Admittedly that is conjecture on my part, but it is reasonably based on the totality of filings made in this matter by the Magistrate Judge.

70. He specifically seemed upset about not being allowed to dismiss my lawsuit prior to it even being served.

71. In DOC 55, PID 4380, toward the bottom of page 3 of the Magistrate Judge's "ORDER REGARDING SERVICE[43]", he stated:

> "Next, plaintiff wants the U.S. Marshals Service (USMS) to serve 32 summonses with his 2,090-page initial pleading. Plaintiff points out that service will involve paying "thousands of dollars in printing costs" for his appendices and that he cannot afford this expense. See Combined Motion at PageID.2259. *See* Combined Motion at PageID.2259..."

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[40] DOC 31, PID 3291-3295 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf

[41] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[42] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[43] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

72. In DOC 55, PID 4381, at the top of page 4 of the Magistrate Judge's "ORDER REGARDING SERVICE[44]", he stated:

> "Fed. R. Civ. P. 4(c)(3) authorizes the Court to order service by the USMS in certain circumstances, At the plaintiff's request, the court *may* order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court. The court *must* so order if the plaintiff is authorized to proceed in forma pauperis under 28 U.S.C. § 1915 or as a seaman under 28 U.S.C. § 1916."
>
> "Here, the Court is not required to order the USMS to serve the defendants because plaintiff is not proceeding in forma pauperis. Plaintiff is a private litigant who paid the filing fee to institute this lawsuit."

To glance back at the District Judge's order[45] in DOC 31, PID 3292, he stated:

> "Plaintiff asserts that the authority cited by the Magistrate Judge involved lawsuits subject to the screening under 28 U.S.C. § 1915(e), which does not apply because he paid the full filing fee... The Court agrees with Plaintiff."

FACTS AND CONCLUSIONS REGARDING SERVICE

73. The magistrate judge expressed an interest in dismissing my lawsuit *sua sponte*, but the district judge over-ruled that recommendation, because it literally exceeded the *authority* of the court (at that stage), since I paid the *four hundred dollar* filing fee.

74. The magistrate judge was trying to apply a screening process under 28 U.S.C. § 1915(e) to my lawsuit, which simply did not apply because I did not file my lawsuit in *forma pauperis*.

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[44] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[45] DOC 31, PID 3291-3295 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf

75. I am in fact an indigent litigant, without any income or savings, as a direct result of the obscene criminal misconduct committed against me and my family by the defendants[46] in this lawsuit, at absolutely no fault of my own.

76. Under Fed. R. Civ. P. 4 Summons (c) Service. "(3) By a Marshal or Someone Specially Appointed. At the **plaintiff's request**, the court **may** order that service be made by a United States marshal or deputy marshal or by a person specially appointed by the court…" (emphasis added).

77. Later in that same paragraph[47] it states, "…The court **must** so order if the plaintiff is authorized to proceed in *forma pauperis* under 28 U.S.C. §1915 or as a seaman under 28 U.S.C. §1916" (emphasis added).

78. Upon information and belief, the Magistrate Judge refused to assist with service because he was not absolutely **forced** to assist per the clearly defined rules of the court, rather he was allowed *discretion* to act in the *interests of justice* in the matter of service, which unfortunately he *chose* not to do.

79. I never tried to force the court's hand to assist me with service. My efforts were to seek the courts assistance, accommodations, and clarification about how I might efficiently and cost effectively serve my lawsuit in the honest interests of justice, without literally being defeated by the cost of service, potentially costing tens-of-thousands of dollars, which I clearly had no means of being able to afford.

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[46] DOC 214, PID 911-975 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf

[47] Fed. R. Civ. P. 4(c)(3) | https://www.law.cornell.edu/rules/frcp/rule_4

80. I simply asked[48] as instructed in Fed. R. Civ. P. 4(c)(3)[49], "...At the **plaintiff's request**, the court **may** order that service be made by a United States marshal..." (emphasis added). Ultimately the court wasn't forced to help me, so the Magistrate Judge refused. After which I had to quickly resort to extreme measures[50] to figure out **how** I could reasonably satisfy service in compliance with the court's rules, in a manner which both made sense and was physically within my reach, for an amount of money which I thought that my family could afford to loan me.

81. I would have qualified for filing my lawsuit in *forma pauperis,* but I knew it would subject my lawsuit to an additional level of *screening*, which due to the expansive nature of my lawsuit, and the high number of powerful and influential officers of the court whom my lawsuit is against, while seeking to hold them accountable, I was concerned it might not survive.

82. "This lawsuit is against five judges, ten attorneys, five law firms, two real estate firms, two real estate brokers, two banks, three courts, one county, and five state government entities in Tennessee, many of whom have strong relationships rippling through the political, legal,

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[48] DOC 16, PID 2258-2266 | https://rico.jefffenton.com/3-24-cv-01282/doc/16.pdf
DOC 35, PID 3392-3393 | https://rico.jefffenton.com/3-24-cv-01282/doc/35.pdf
DOC 36, PID 3394-3396 | https://rico.jefffenton.com/3-24-cv-01282/doc/36.pdf
DOC 36-1, PID 3397 | https://rico.jefffenton.com/3-24-cv-01282/doc/36-1.pdf

[49] https://www.law.cornell.edu/rules/frcp/rule_4

[50] DOC 69, PID 5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf
DOC 65-1, PID 4798 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-website-instructional-video.mp4
DOC 59, PID 4724 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-wilco-rico-deed-fraud-intro.mp4
DOC 59, PID 4723-4735 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-wilco-rico-video-declaration.pdf
DOC 65-3, PID 4822-4850 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-document-index.pdf
DOC 65, PID 4794-4820 | https://rico.jefffenton.com/evidence/1-23-cv-01097_plaintiff-flash-drive-1-info.pdf
https://rico.jefffenton.com/1-23-cv-01097/ | https://rico.jefffenton.com/3-24-cv-01282/
https://service.jefffenton.com | https://jefffenton.com/digital-service-package-for-lawsuit/
https://jefffenton.com/digital-service-package-for-lawsuit/fenton-filings-since-service/
DOC 177, PID 234-243 | https://rico.jefffenton.com/3-24-cv-01282/doc/177.pdf
DOC 177-1, PID 244-250 | https://rico.jefffenton.com/3-24-cv-01282/doc/177-1.pdf

and economic fabric of the Mid-State, with some having connections and influence which exceeds any lawful office of the courts or the state.[51]"

83. **PLEASE NOTE:** I never had concerns that the honest interests of justice in my lawsuit would not stand up to any legitimate and honestly impartial screening process.

84. I was concerned that the natural and almost inevitable prejudice of the court, or any collective of professionals in a common trade, would grant the *benefit of the doubt* to their peers before I would have enough time to shore up my lawsuit with robust facts, sworn testimony, and evidence, while working the kinks out of my complaint and improving it to the best of my ability with the help and resources within my reach, **to where my lawsuit could stand on its own**, and survive any legitimate, honest, and impartial screening.

85. That goal was reached when I was able to file my FAC[52], which was my hope from the very beginning, as communicated with the court[53], and why I did not bring summonses for the court to execute in Lansing, the day I filed my lawsuit on October 13, 2023.

86. In a handwritten emergency objection filed in DOC 10, PID 2109-2114, I stated in part, "I have ADHD & OCPD, letters from my doctors are on file. I did not receive the mail with the Report and Recommendation until the evening of 12/27/2023, just two days ago. I have been awake franticly working on a response for the past two days to try to keep my case from being dismissed. <u>I have been working on my "First Amended Complaint" 12-16 hours per day 6-days+ per week since I filed this case on 10/13/2023. I need another week or two to finish that so I can file it and serve everyone</u>" (emphasis added).

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[51] DOC 102, PID 5440 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf

[52] DOC 66, PID 4870-4972 | https://rico.jefffenton.com/3-24-cv-01282/doc/66.pdf

[53] DOC 54-1, PID 4375 | https://rico.jefffenton.com/evidence/2023-10-11_usdc-wdm-emily-can-file-in-lansing.mp3
DOC 10, PID 2109-2114 | https://rico.jefffenton.com/3-24-cv-01282/doc/10.pdf

87. That was my timeline and expectations at that point, had the Magistrate Judge not **attacked** my lawsuit and **interfered** with my work on my FAC[54].

88. That was before I had a chance to process everything and understand what was really happening, when I realized that the court, or at least the Magistrate Judge, was biased against my case and actively *sought* to dismiss my lawsuit and all the work I had done, jeopardizing years' worth of my work and potentially my only chance to ever reach justice in my lifetime.

89. That realization struck terror into my heart, reminding me of every predetermined and corrupt court experience I had in Tennessee. Further punctuated by the events which followed[55], which quickly caused me to believe that I needed to set aside work on my FAC to first prioritize filling substantial facts, sworn testimony, and evidence on record to demonstrate to that court and the Magistrate Judge that the honest interests of justice require that my lawsuit not be dismissed, even if I had accidentally filed my lawsuit in the "wrong" venue. There certainly was no malice, misconduct, or unethical motives in my choice of venue. I acted in good faith, to the best of my abilities, against incredible odds, as I explained to that court exactly what my motives, logic, and intentions were. Still, the resolve of the Magistrate Judge seemed unaffected while literally my life and liberty depended upon that court acting in good faith or I was doomed.

90. My belief at that point was that I was being taxed with the "burden of proof" to largely prove the strength of the merits in my lawsuit, before I even got a chance to serve it. But if I did not, the Magistrate Judge and that court were postured and waiting to dismiss my lawsuit upon the first motion to dismiss, by any of the defendants, for the lawsuit being filed in the "wrong venue", as the

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[54] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

[55] DOC 11, PID 2115-2162 | https://rico.jefffenton.com/3-24-cv-01282/doc/11.pdf
DOC 15, PID 2188-2257 | https://rico.jefffenton.com/3-24-cv-01282/doc/15.pdf
DOC 31, PID 3291-3295 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf

court had claimed. I likewise believed that the defendants were sure to attempt filing motions to dismiss citing claims about venue and jurisdiction, which in fact nearly every defendant did, regardless whether the venue was in fact "wrong" or not, simply in an attempt to have the lawsuit dismissed or alternately to force it to be transferred to the Middle District of Tennessee, where the defendants have deep and even controlling ties throughout much of the court system.

91. One thing I would like to clearly point out is that the Magistrate Judge *gave* me far less than he *took* from me in this matter. Meaning that the only motions he granted in my case were to partially *compensate* for all the extra work and time **which he cost me.** I do not believe that there was any net positive effect, for myself or the court, from the Magistrate Judge's involvement in this matter. The only people his contribution appears to have benefitted are the defendants in this lawsuit, by significantly diminishing my *substantive rights* in this matter, while forcing me to operate and rely upon the "discretion of the court", to prevent my lawsuit from being dismissed for simple technical matters, which were not within my means to satisfy without either assistance or timely communication by the court, no matter how much time, effort, and money I invested.

92. There were two major roadblocks obstructing justice during the first year of this lawsuit, first was when the Magistrate Judge actively *attacked* my lawsuit and literally exceeded the lawful *authority* of that court in his efforts to *sua sponte* dismiss my lawsuit. The second, much like the first, was because the Magistrate Judge *refused* to do anything to assist in the honest interests of justice, which according to that court required this lawsuit to be transferred to TNMD, due to issues of venue and jurisdiction. While also requiring this lawsuit to be served by the quickest, most efficient and cost-effective means possible, both which were within the discretion of that court and the Magistrate Judge, both which the Magistrate Judge completely refused me any assistance with or accommodation toward.

93. When a judge has *bias* like that, and exercises almost all of their *discretion* to the detriment of one party, it is almost impossible to survive and escape with your "substantive rights" intact.

94. Now my case was finally transferred to the United States District Court in the Middle District of Tennessee[56], which I honestly do believe was a good faith action by that court, in the honest interests of justice, which I am honestly thankful for, but there has still been a tremendous amount of damage done to my *substantive rights*, requiring that I continue wasting my time, energy, and money fighting to claw-back, argue, and advocate for my rights to litigate for a cure, which I never should have been deprived of in the first place.

TRANSFERRING MY LAWSUIT TO NASHVILLE ON THE "FOURTH DOWN"

95. To use a football metaphor to summarize how my standing in this lawsuit has been substantially compromised by the Magistrate Judge's work in this matter: I'm finally on the right field to "have a chance to win" (theoretically), but the Magistrate Judge wasted my first *three* downs. Now on **fourth down**, with the defendants all on their home field, beefed-up, psyched-out, and ready to crush, the District Judge finally intervened and benched the Magistrate Judge, to step in and toss me the ball **on my 10-yard line**, while the defendants all blitz me and high-five each other.

96. Somehow this doesn't feel very "fair", as in "equal protection" under the law and "due process" of law.

97. <u>I deserve at least a **first down**, for my very first attempts on *Nashville's* field, with service called *good* with *reasonable efforts* or better to every defendant</u>.

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[56] DOC 127, PID 5706-5710 | https://rico.jefffenton.com/3-24-cv-01282/doc/127.pdf
DOC 131 | https://rico.jefffenton.com/3-24-cv-01282/doc/131.pdf
DOC 165, PID 139 | https://rico.jefffenton.com/3-24-cv-01282/doc/165.pdf

98. That would be the least of my *substantive rights* in this matter, had the Magistrate Judge not cheated me out of them. Now, instead, I must argue and fight for the court's *discretion* to compensate for my *substantive rights,* which were wrongfully deprived. Forcing me to live every day by only the grace and discretion of the court, without any sense of security or sureness in my standing, when none of this was because the court or anyone else did me any favors, while I am honestly due far more than I ever can or will receive.

99. The only chance I have, is if a referee gets assigned who is honestly impartial and unbiased, while being powerful enough to stand their ground against the defendant's constant push, who *sua sponte* acts in the real interests of justice while correctly and sharply disciplining misconduct, without any *professional courtesy* or deference favoring members of the BAR.

100. This lawsuit wouldn't still be here without substantial meaningful merits, of constitutional significance, which require lawful litigation to remedy.

101. To cite the District Judge again, from the top of page 3 in his "ORDER ADOPTING IN PART AND REJECTING IN PART REPORT AND RECOMMENDATION[57]", he stated:

> "Following Supreme Court authority, the Sixth Circuit permits a district court to *sua sponte* dismiss a complaint when the allegations are completely frivolous and utterly devoid of merit. *Velarde v. Biden*, No. 23-1465, 2023 WL 8317823, at *1 (6th Cir. Nov. 14, 2023) (citing *Apple*, 183 F.3d at 479). This exception, when a cause of action is totally implausible, permits a court to dismiss the action *sua sponte* because the lawsuit does not present a case or controversy under Article III, meaning that the court lacks subject matter jurisdiction. *Id.* The Magistrate Judge's conclusion that the lawsuit was filed in the wrong forum does not address the merits of Plaintiff's causes of action and, therefore, does not fall under the exception identified in *Apple*."

[57] DOC 31, PID 3293 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf

102. On information and belief, had the merits of my lawsuit been frivolous, lacking or defective, I have absolutely no doubt that the Magistrate Judge would have attacked my lawsuit on those grounds and dismissed my lawsuit *sua sponte* as the District Judge demonstrated there is case law to support in those situations. The fact that he did *not* even attempt to attack the merits of my lawsuit, while not one defendant to date has been willing to challenge the merits with specificity, sworn to under the penalty of perjury, just as my complaint was executed, despite the outrageous, absurd, heinous, and unconscionable claims, against a legion of high profile, powerful officers of the Tennessee courts, should speak volumes about the meritorious substance and undeniability of my claims, along with the real justice interests in allowing this lawsuit to proceed to trial.

NUMEROUS DISPOSITIVE MOTIONS PRIOR TO ANSWERING MY COMPLAINT

103. On information and belief, there can be no dispositive motion which can matter in comparison without first substantially addressing the honest merits of this lawsuit. Any challenge failing to substantially address the merits, with specific testimony sworn to under the penalty of perjury, is frivolous gamesmanship, spawned in bad faith, for interest's contrary to the honest interests of justice, and should be struck down *sua sponte* by the court without exhausting more of my time and resources on frivolous and comparatively inconsequential matters.

104. I filed a MOTION TO RECUSE[58] the Magistrate Judge on 8/19/2024, before I could serve my lawsuit, for the reasons repeatedly stated herein. I felt that failing to prioritize this prior to service would be detrimental to my lawsuit, which I can exhaustively explain if needed, but hopefully the threat to my interests are obvious by this point.

[58] DOC 60, PID 4736-4739 | https://rico.jeffrenton.com/3-24-cv-01282/doc/60.pdf

105. I also filed an extensive objection[59] to the Magistrate Judge's "ORDER REGARDING SERVICE[60]", which I likewise believed that failing to prioritize filing prior to service would be detrimental to my lawsuit. I can elaborate greatly upon this, should the court be interested in hearing more.

106. It is frankly *exhausting* trying to fight *both* the court and thirty-four powerful and influential defendants, *plus* their counsel, in hopes of one day reaching *justice*.

107. At the same time, I also filed a motion to extend service[61], to once again try to compensate for all the time the court wasted, by interfering with my lawsuit, compelling me to file substantial evidence and sworn testimony on record, to prove the gravity of the merits, before I could proceed with service. For fear that otherwise my lawsuit would be dismissed, as the Magistrate Judge had voiced his intentions to do, because of what I can only conclude to have been, judicial impropriety and bias.

108. Unfortunately, MIWD responded improperly to my filings[62], making it necessary for me to exhaust more time and resources documenting previous events, to wrestle more with both courts, in an attempt to regain my *substantive rights* to serve my lawsuit and proceed thereafter without being penalized for the lapse of time between when my lawsuit was initially filed on October 13, 2023, and when I was finally able to file my FAC[63] and receive my summonses back executed from that court[64] on August 21, 2024, so that I could finally **begin** to serve my lawsuit.

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[59] DOC 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf

[60] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[61] DOC 61, PID 4740-4743 | https://rico.jefffenton.com/evidence/2024-08-14_fenton-motion-to-extend-service-deadline.pdf

[62] DOC 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf
DOC 61, PID 4740-4743 | https://rico.jefffenton.com/evidence/2024-08-14_fenton-motion-to-extend-service-deadline.pdf
DOC 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf

[63] DOC 66, PID 4870-4972 | https://rico.jefffenton.com/3-24-cv-01282/doc/66.pdf

[64] I first brought "pre-printed summons forms to be signed by the clerk of the court on January 19, 2024." As is explained on Page 6 of my "OBJECTION TO THIS COURT'S "ORDER REGARDING SERVICE"" filed in DOC 62, PID 4749.
DOC 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf

CONFRONTING JUDICIAL MISCONDUCT

109. I don't know how difficult it is for most people to accuse a judge of bias or misconduct, in a constructive manner which has the potential of yielding meaningful relief, **but for me it is extremely difficult, stressful, time, and labor intensive.** Requiring at times **months of rewrites,** while second guessing myself daily, not about whether or not my conclusions are accurate and true, but about whether or not the court will be receptive and help or instead they will retaliate against me, causing further harm to my life, lawsuit, and any hope of one day reaching a remedy.

BUILDING A FRAUDULENT NARRATIVE INTO THE COURT'S RECORD TO JUSTIFY A PREDETERMINED OUTCOME

110. Although a judge may casually write a *false* claim of fact into the record, it is nowhere near as casual or easy for a litigant to correct the record to show that claim was in fact **false**.

111. Below is an easy example from DOC 55[65], PID 4383, where the Magistrate Judge *falsified* the court record, repeating a *fraudulent narrative*, which failed to even be a **logical sentence**, when realistically considered:

> "Finally, plaintiff renews his request for "ECF filing and service access" by characterizing his request as an ADA accommodation. See Motion (ECF No. 16, PageID.2259). In denying plaintiff's first request, this Court concluded that allowing plaintiff "the privilege of electronic filing is not warranted" and that "allowing plaintiff to engage in electronic filing will not promote the efficient operation of the Court or secure the just, speedy and inexpensive determination of this lawsuit." Order (ECF No. 9, PageID.2107)."

[65] DOC 55, PID 4383 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

112. As for the truth: my family has spent thousands of dollars on paper and ink toner because MIWD required me to file every document on printed paper. While often needing to also drive an hour or more each way to the court, wasting a significant amount of time and money on travel and fuel, requiring afterwards more money be spent on expedited mailing services.

113. My family has paid over two thousand dollars directly to the United States Parcel Service alone, related to this lawsuit, much of which could have been saved had the court simply allowed me the privilege of ECF filing.

114. I have no income or savings of any kind, due to the negligent, cruel and criminal actions by the defendants[66]. The only way I have been able to afford to bring this action is by borrowing the money from my elderly mother, against the hope that I will one day win it back in court and can repay my mother's meager retirement savings before she needs it.

115. Moreover, the court has needed to scan in over five thousand pages as flat scanned images, when almost all of my documents began as "true" digitally created full-color PDF documents, with optical character recognition enabled, that could be searched in seconds, many containing electronic bookmarks linked to section headings for fast reference, in addition to embedded electronic indexes. A few of my larger documents, such as my FAC[67], even have a hyperlinked table of contents built-in, making them substantially faster, easier, and more intuitive to navigate, search, and work with in their original digital format.

116. It fails to even be a **logical** sentence to say that "allowing plaintiff to engage in electronic filing will not promote the **efficient** operation of the Court or secure the just, speedy and **inexpensive** determination of this lawsuit" (emphasis added).

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[66] DOC 214, PID 911-975 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf

[67] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

117. The files were by definition far more *efficient* in their native digital form, which the court rejected and refused to allow me to file them as, despite encouraging if not requiring electronic filing by attorneys, because the *benefits to the court* has been well substantiated and proven. This was a case where the person writing the "facts" into the court record was much more important by rank than whether or not the alleged facts claimed were even logical or had the potential to be true.

118. When someone is completely broke and destitute, saving thousands of dollars in **avoidable** printing and delivery **expenses** is substantial!

119. I'm likewise willing to wager that sparing the court's clerks of this totally unnecessary workload in scanning, which substantially reduced the value and *efficiency* of the records held by the court, cannot honestly be justified without prioritizing inconveniencing me over any possible probative value which bringing my lawsuit might provide.

120. Just because a Magistrate Judge repeatedly makes the same claims in the court record to pre-stage my case for a premature dismissal, does not mean that they are in fact true, or even logically could be, in this instance.

121. The point which I'm trying to make here is that it is not as simple as stating a *counter-fact* to correct a **false** claim written into the court record by a **judge**.

122. In order for that task to be effective and not just insulting, inviting retaliation and backlash by the court, it takes an exceptional amount of time, patience, and effort to not just make the factual claim or correction, but **to make a case** for why you reasonably believe that the judicial misconduct took place to begin with. You have called a judge's character into question, you better be able to do that in a way which causes the reader to view that from your perspective, while reasonably coming to the same common-sense conclusions, or you have just stacked the odds further against yourself.

123. My point is, this creates **far more work and anxiety** than simply correcting an erroneous statement.

124. Hence once I took the time and invested the resources at my disposal, including *weeks* of work while postponing my ability to serve, to articulate to the best of my ability the bias and misconduct I experienced from the Magistrate Judge, and how his prejudicial order sought to **substantially reduce my rights** in seeking a remedy and cure through litigation, MIWD had a *responsibility* to address those concerns, but it unfortunately refused to do so, by claiming that my objection was not *timely* enough and hence was dismissed without reconciliation, since I was unable to file it within *fourteen days* of the biased and wrongful order.

125. That is fundamentally unfair.

14 DAYS TO FILE OBJECTIONS

126. On December 29, 2023, in DOC 11, PID 2115-2162[68], during one of my very first filings in this matter, titled, "DECLARATION IN SUPPORT OF OBJECTION TO 12/13/2023 REPORT AND RECOMMENDATION", I shared some of the limitation and challenges presented by my disabilities, as directly related to the court process in litigation. On page ten, paragraph 38 of that document[69], I informed the court:

> **"I can not respond to anything within 14 days. I don't even have time to do the research and understand what I'm replying to or how I should reply in fourteen days."**

127. Which I noticed the court verbatim about again on January 19, 2024, in DOC 15[70], PID 2232, on page 48, paragraph 221 of that document.

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[68] DOC 11, PID 2115-2162 | https://rico.jefffenton.com/3-24-cv-01282/doc/11.pdf

[69] DOC 11, PID 2123 | https://rico.jefffenton.com/3-24-cv-01282/doc/11.pdf

[70] DOC 15, PID 2188-2257 | https://rico.jefffenton.com/3-24-cv-01282/doc/15.pdf

128. To then leave biased orders in place, substantially endangering my lawsuit, due to missed deadlines which were never fair, realistic, or in the honest interests of justice to start, while refusing to consider the substantive merits of my objections, due to a simple *technicality* such as my inability to confront all the misconduct, needing to draft and file a motion for recusal[71] along with my objections[72] to the unfair orders in an attempt to preserve my *substantive rights* in this lawsuit (while needing to simultaneously proceed with service), all simply discarded as "untimely", despite the substantial "justice" interests in my pleadings, because I simply wasn't able to complete it all within *fourteen* days, seems honestly unfair and unreasonable.

> "**Pro se pleadings are to be considered without regard to technicality**; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers." *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240; *Pucket v. Cox*, 456 2nd 233 (emphasis added).
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> "**Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants.** They should not raise barriers which prevent the achievement of that end. Proper pleading is important, <u>but its importance consists in its effectiveness as a means to accomplish the end of a just judgment</u>." *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938) (emphasis added).
>
> "Following the simple guide of rule 8(f) that **all pleadings shall be so construed as to do substantial justice**"... "The federal rules reject the approach *that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome* **and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.**" The court also cited Rule 8(f) [8(e)] FRCP, which holds that all pleadings shall be construed to do substantial justice. *Conley v. Gibson*, 355 U.S. 41 at 48 (1957) (emphasis added).

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[71] DOC 60, PID 4736-4739 | https://rico.jefffenton.com/evidence/2024-08-10_motion-to-recuse-wdm-magistrate-judge-kent.pdf

[72] DOC 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf

129. Technicalities aren't supposed to rule over **merits** or **conduct** in cases involving *pro se* litigants, yet I have suffered from the loss of my *substantive rights* in critical matters, where as a result I must continue to fight more attorney misconduct in Tennessee, as unethical counsel keep trying to reach back to the "hand-off", pre-staged and offered to them by the Magistrate Judge[73], which justly MIWD ignored and refused to enforce[74], yet rightly should have over-ruled or stricken from the record, so not to unfairly impede my progress moving forward[75].

130. As a result, the previous misconduct by the Magistrate Judge has continued to usurp my time, energy, and resources, forcing me to continue fighting a battle which I had already devoted substantial and critical time, energy, and resources to defending, and based upon the merits of my defenses filed, I should have reasonably won and received relief from needing to ague further.

131. Failing to meet a technical deadline by a disabled *pro se* litigant, faced with needing to confront and survive judicial misconduct, actively acting *contrary* to the honest interests of justice in the matters before the court, is fundamentally unfair and wrong.

132. The court bears the burden of operating fairly and impartially and in any instance where they do not the court needs to correct any damage unfairly caused the litigant, restoring their rights to move forward and litigate for a cure, unmolested.

133. In this case MIWD did allow me to move forward and to continue litigating for a cure, which I am honestly thankful for, but to my great detriment they refused to correct the damage I was unfairly caused by the Magistrate Judge's wrongful orders. Hence, they continue to cause me unjust damages.

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[73] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

[74] DOC 72, PID 5046-5050 | https://rico.jefffenton.com/3-24-cv-01282/doc/72.pdf

[75] DOC 127, PID 5706-5710 | https://rico.jefffenton.com/3-24-cv-01282/doc/127.pdf

134. It's difficult to articulate the amount of trauma this has and continues to cause me, when I never should have had to confront judicial misconduct to receive justice through any court.

135. This document and **several** others like it, I have worked on for **months**, in an attempt to confront that court again about what I can only conclude to have been more judicial misconduct, while as stated in the paragraphs above, it certainly is not as quick and simple as correcting an innocent error or misstated fact. My character and my case are on trial based upon how effectively I can communicate this misconduct to the court, hopefully to receive some fair remedy or consideration from the court, without offending **more** people in positions of power and authority over my case, or causing more bias against my case throughout the court system which unfortunately my case **must** confront and expose in order for me to have **any** chance at **ever** reaching **justice** in this lawsuit.

136. This gives new meaning to the term "walking on egg shells", and is an incredibly stressful, unfair, and exhausting burden, levied against the already obscenely outnumbered, out financed, out leveraged, disadvantaged *pro se* litigant, afflicted with numerous *disabilities*[76] directly impacting my ability to communicate, articulate, and litigate concisely and effectively, as I literally fight for my life for a drop of justice by which to restore that which I desperately need and should have never been interfered with, disturbed, or deprived, for any reason by the mighty, powerful, officers of the Tennessee courts—some who violated their oaths of office and should have been removed from the "practice of law" in the interest of protecting the public health and safety of the people of Tennessee long ago.

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[76] DOC 32, PID 3296-3309 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-declaration-of-disabilities.pdf
DOC 52, PID 4254-4257 | https://rico.jefffenton.com/evidence/tn-ada-disabilities-exploited-for-advantage-ocpd-merck.pdf
DOC 1-38, PID 2032-2045 | https://rico.jefffenton.com/evidence/2020-07-08_tnsc-coa-ada-request-for-modification.pdf

137. This is both unfair and incredibly unjust.

FISHER V. GATES (NO. 3-15-CV-127)

138. There is a "Report and Recommendation" (hereinafter "R&R"), in Fisher v. Gates[77], filed on April 10, 2017, written by U.S. Magistrate Judge Jeffery S. Frensley, in the United States District Court for the Middle District of Tennessee, which I am constantly drawn back to.

139. I don't know the whole case, all that I have read is the R&R. I found it while searching for case law involving *pro se* litigants in Middle Tennessee.

140. The words written in this R&R by Justice Frensley resonate so deeply with my own heart. I wish that my experiences in Tennessee's courts (or any court thereafter) reflected just a fraction of the core legal principles clearly outlined in that Report and Recommendation. It would have saved my life, and years' worth of needless suffering and struggle, trying to fight to get back what was stolen from me almost instantly, without any care for the law, ethics, canons, or human worth.

141. I can't express how much I *wish* that my "Report and Recommendation[78]" written by the Magistrate Judge in my case, echoed these findings!

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[77] DOC 43, PID 3705-3709 | https://rico.jefffenton.com/evidence/2017-04-10_usdc-tnmd-fisher-v-gates-pro-se-report.pdf

[78] DOC 8, PID 2101-2106 | https://rico.jefffenton.com/evidence/2023-12-13_wdm-fenton-report-and-recommendation.pdf

HIGHLIGHTS OF FISHER V. GATES

142. In the "discussion" on the bottom half of page 2[79], it states:

"The Court acknowledges that Defendants are acting pro se in this matter, and their pro se status is a factor for the court to consider in its good cause determination in setting aside a Defendant's default. *Dessault Systemes S. A. v. Childress*, 663 F. 3d 832, 844 (6th Cir. 2011)(Citing *Shepard Claims Serv., Inc. v. William Darrah and Associates*, 796 F. 2d 190, 194 (6th Cir. 1986). Nevertheless, pro se litigants are not exempt from the requirements of the Federal Rules of Civil Procedure. *McNeill v. United States*, 508 U. S. 106, 133 (1980). The Court also notes that "mere negligence or failure to act reasonably is not enough to sustain a default." *United States v. $22,050.00 in United States Currency*, 595 F. 3d 318, 327 (6th Cir. 2010)."

"While the failure of the individually named defendant to answer the complaint is clearly negligent, nothing before the court suggests that defendant acted to thwart the judicial proceedings or with reckless disregard for the effect of his conduct on the proceedings. *See, Childress*, 663 F. 3d at 841. It is clear from the pleadings that the defendant wishes to defend against this action. Therefore, the Court recommends that the default against the individually named defendant be set aside."

143. In the second to the bottom paragraph on page 4[80], it states:

"While it is certainly true that the answer does not respond to each and every specific averment in the complaint, viewing the Defendant's pleadings liberally, as it must for all documents filed by pro se litigants, and mindful of the requirement to do justice, it is clear that the individually named defendant has not

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[79] Fisher v. Gates and Gates Construction and Design, LLC | Case 3:15-cv-00127 | Document 62 | Filed 04/10/17 | Page 2 of 5 DOC 43, PID 3706-3707 | https://rico.jefffenton.com/evidence/2017-04-10_usdc-tnmd-fisher-v-gates-pro-se-report.pdf

[80] Fisher v. Gates and Gates Construction and Design, LLC | Case 3:15-cv-00127 | Document 62 | Filed 04/10/17 | Page 4 of 5 DOC 43, PID 3708 | https://rico.jefffenton.com/evidence/2017-04-10_usdc-tnmd-fisher-v-gates-pro-se-report.pdf

failed to plead or otherwise defend against this action and therefore the undersigned recommends that the Motion for Default Judgment for the individually named Defendant, Christopher Gates, be DENIED."

144. I am a *pro se* litigant who has *honestly* tried in *good faith* to *defend* myself against false, fraudulent, and malicious claims, for over five years, diligently and consistently.

145. I have always showed respect for the court I was before, and never acted in a manner which suggests I acted to *thwart the judicial proceedings* or with *reckless disregard for the effect of my conduct* on the proceedings

146. I have over five hundred pages of sworn testimony and evidence on record in the Williamson County Chancery Court, in docket #48419B.

147. I've also submitted over five hundred pages of "filings" to the Tennessee Court of Appeals and the Tennessee Supreme Court (middle divisions), yet my life remains destroyed by fraudulent "default" judgments, without notice, motion, or hearing, **when I never failed to plead.**

148. I filed an emergency ad-hoc divorce answer and counter complaint[81], including my sworn testimony, pleadings, and evidence regarding every fraudulent, malicious, claim against me, to the best of my ability, on short notice, on record in the Williamson County Chancery Court on August 29, 2019.

149. The document wasn't *titled* correctly, as I have repeatedly explained, because I didn't know how to title it, since it addressed a slew of fraudulent claims and actions against me, while having been filed on my very *first day* representing myself as a *pro se* litigant, that being the very first day in which I was ever "allowed" to file anything directly in court in docket #48419B.

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[81] DOC 1-18, PID 766 through DOC 1-22, PID 1038
DOC 1-18, PID 766-1038 | https://rico.jefffenton.com/evidence/2019-08-29_husbands-one-and-done-answer-to-all.pdf

150. I saw the documents physically in both defendant Binkley and Story's hands that same day in open court, on August 29, 2019, while they clearly understood that I had responsive pleadings in those filings relevant to the matters before the court[82]. They both had a responsibility to liberally apply my pleadings (construe my pleadings), **for my benefit** in the interest of justice, yet they have ardently refused to date, to ever use one single word for my benefit.

F.R.Civ.P. RULE 8(e)[83]

"Construing Pleadings. Pleadings **must** be **construed** so as to **do justice**" (emphasis added).

TENN. R. SUP. CT. 3.3 — CANDOR TOWARD THE TRIBUNAL

"(a) A lawyer shall not knowingly:"

"(2) fail to disclose to the tribunal legal authority in the controlling jurisdiction[84] known to the lawyer to be directly adverse to the position of the client and not disclosed by opposing counsel; or"

"(3) in an ex parte proceeding, fail to inform the tribunal of all material facts known to the lawyer[85] that will enable the tribunal to make an informed decision, whether or not the facts are adverse."

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[82] The August 29, 2019, audio recording from that hearing (recorded with permission) and court transcripts unquestionably prove.
DOC 23-4, PID 2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-audio-recording.mp3
DOC 23, PID 2863-2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-transcript-audio-markers.pdf

[83] https://www.law.cornell.edu/rules/frcp/rule_8

[84] Defendant Story had a responsibility to inform the Chancery Court and defendant Binkley that due to my ex-wife's bankruptcy, the federal courts had both original and exclusive jurisdiction over our marital residence, specifically prohibiting state courts from exercising jurisdiction over our home. Per 28 U.S. Code § 1334(e)(1),51 which states: "The district court in which a case under title 11 is commenced or is pending shall have exclusive jurisdiction—of all the property, wherever located, of the debtor as of the commencement of such case, and of property of the estate."

[85] Defendant Story also had a responsibility to inform the Chancery Court and defendant Binkley that my pleadings were all contained within my August 29, 2019, filing in Chancery Court, while informing the court about my pleadings regarding my ex-wife's claims in her complaint, giving me the benefit of my own sworn testimony and evidence, but she did not. She likewise had a responsibility to allow me to participate in the October 21st hearing over the phone as she had stated she would in open court on August 29, but she did not. She also was not allowed to file a fraudulent (materially misleading) affidavit in court on October 21st, claiming that I did not wish to defend myself further in the matter, when she knew that was not true. Defendant Story also had a responsibility to operate honestly and ethically in court, which she has refused to do, for well over five years of litigious torture.

Comment

"[5] Ordinarily, an advocate has the limited responsibility of presenting one side of the matters that a tribunal should consider in reaching a decision; the conflicting position is expected to be presented by the opposing party. **However, in an ex parte proceeding,** such as an application for a temporary restraining order or one conducted pursuant to RPC 1.7(c), **there is no balance** of presentation by opposing advocates. The object of an ex parte proceeding is nevertheless to yield a substantially just result. **The judge has an affirmative responsibility to accord the absent party just consideration.** As provided in paragraph (a)(3), **the lawyer** for the represented party **has the correlative duty to make disclosures of material facts known to the lawyer and that the lawyer reasonably believes are necessary to an informed decision**" (emphasis added).

151. This was never *optional* for the defendants, yet they refused to exercise good conduct and obey the law at that time, after which they have steadfastly refused to answer for their misconduct, or provide any honest and lawful justification whatsoever, while continuing to refuse to vacate their **void** orders ever since. This is blatant **official misconduct** and **official oppression**, in complete disregard for due process of law, equal protection under the law, and the rule of law!

152. Yet they have demanded that my life remain unreasonably destroyed by completely fraudulent, unheard, unproven, default judgments against me, when I clearly never failed to plead, as is reasonably evidence by the over five hundred pages of sworn testimony and evidence on the trial court record, with another five hundred pages or more of filings between the Tennessee Court of Appeals and the Tennessee Supreme Court.

153. I made this all extremely clear to the Tennessee Court of Appeals[86], while reporting the nonstop professional and judicial misconduct and fraud upon the court by defendants Story

[86] DOC 51, PID 4088-4135 | https://rico.jefffenton.com/evidence/2020-10-28_motion-to-supplement-and-correct-the-record.pdf

and Binkley[87], yet they refused to intervene or vacate the void judgments, though I obviously never failed to plead. Still, they refused to help, covered for their buddies, and left my life destroyed even beyond the point of being able to provide for myself, on the most basic level under the circumstances[88], so that I could literally survive.

154. As stated in the Fisher v. Gates R&R, "The Court also notes that "mere negligence or failure to act reasonably is not enough to sustain a default." *United States v. $22,050.00 in United States Currency*, 595 F. 3d 318, 327 (6th Cir. 2010).""

155. So please tell me, what has sustained my fraudulent, out of jurisdiction, in bad faith, extremely harsh and punitive "default" judgements, wrongfully depriving me of my life, liberty, pursuit of happiness, and property, without equal or due process or a hearing by which I was provided notice and could attempt to defend myself, from two disreputable family friends, involved in numerous acts of dishonor, misconduct, and disgust, while I sought refuge 577 miles away, in an attempt to survive their molestation of my family?

156. Until this is lawfully addressed, and my name, reputation, and constitutional rights are restored, with the fraudulent "protective orders" removed and expunged from my record, so that I can obtain the best employment which my skills can support, so that I *might one day* be able to *support myself* and afford *housing, food, and toiletries* again, without depending upon the charity of my extended family each and every day for survival, as I have since the lawless defendants **seized my property** and **destroyed me**, under "color of law" over five years ago, there can be ***no*** *dispositive motions* which are even remotely in the honest *interest of justice*.

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[87] DOC 50, PID 4082-4086 | https://rico.jefffenton.com/evidence/2020-10-16_coa-emergency-motion-reporting-misconduct.pdf
DOC 57-1, PID 4551-4557 | https://rico.jefffenton.com/evidence/2020-12-29_tnsc-bpr-complaint-against-story-binkley-etc.pdf
DOC 1-27, PID 1370-1664 | https://rico.jefffenton.com/evidence/2021-01-19_fenton-motion-to-escalate-to-tnsc.pdf
DOC 1-29, PID 1665-1681 | https://rico.jefffenton.com/evidence/2021-01-19_reported-misconduct-sought-help-tnsc-aoc-bpr.pdf

[88] DOC 1-28, PID 1658 | https://rico.jefffenton.com/evidence/2021-01-19_tnsc-immunity-disorder-strike-expunge-op.pdf

157. I shouldn't need to keep arguing that. It should be obvious to anyone who honestly and impartially reviews the record in this case.

158. I pray that the court will start lending its *discretion* towards the honest *interests of justice* by helping me obtain a just remedy or cure. Or at the very least *vacating* the reprehensibly **void** orders unlawfully depriving me of my life and liberty without due process. Again, this isn't rocket science, but it does require someone to *care* about those who lack the means, social, and political savvy to force them to care, obey their oaths of office, and *act honorably* in the honest *interests of justice.*

159. If I must fight every word spoken by the court, to not be proactively deprived of my *substantive constitutional rights* to equal and due process, then I will probably never know or experience *justice* in my lifetime, but it will *not* be for any lack of trying on my part.

160. This was a pattern which MIWD repeated on a number of occasions, including in the final transfer of this lawsuit to the Middle District of Tennessee. Though that was a good faith order in the honest interests of justice, which I am grateful for, it was followed up a day or two later with another order *contrary* to the honest interests of justice. This time acting to hide the felony crimes and corruption documented and evidenced in my FAC[89], under the guise of concealing just *four words* in one of the defendant's home addresses, rather than using a simple line level redaction as is often done by the courts. Simultaneously obfuscating the judicial misconduct by MIWD, by hiding the single best document to date which proves this lawsuit is well grounded in fact and law, with significant constitutional merits, yet that court chose to exercise the majority of their *discretion* for the **past year** *contrary to the honest interests of justice*, denying almost every request I made for accommodations and assistance, while seeking to dismiss my lawsuit without care or consideration for the critical constitutional merits involved, *until* I was able to file my FAC[90] and the court finally conceded that this lawsuit should be transferred to Nashville rather than simply being dismissed.

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[89] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

[90] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

161. It is therefore critical that my FAC be fully accessible to the public, unimpeded, so that people can determine why the court made that decision, while coming to understand the real merits and challenges which this lawsuit has and continues to face. It is also extremely important why two different federal courts, both in Michigan and Tennessee, have chosen to take actions to block public access to this FAC, for reasons so far stated, which honestly can't survive reasonable scrutiny. For all these reasons and more, for the honest interests of justice in the matters before the court in this lawsuit, for pubic transparency, honesty, integrity, and accountability involving many members of the Tennessee Court System herein, nothing which has been filed to date in this lawsuit should ever be redacted or sealed from the public. **Especially when it is true testimony sworn to under the penalty of perjury**, which nobody has been willing to deny yet under similar pains.

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

All rights reserved.

Executed on March 3, 2025.

JEFFREY RYAN FENTON, PRO SE
17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
(P) 615.837.1300
#TNinjustice
#iAMhuman

I'm a human being, not a corporation or property. Please treat my case accordingly.

DOCUMENTS REGARDING (CASE: 3:24-CV-01282):

1. SECOND OBJECTION TO ALL DISPOSITIVE MOTIONS, REDACTED AND SEALED FILINGS, WITH DECLARATION ABOUT JUDICIAL MISCONDUCT IN MICHIGAN CAUSING SUBSTANTIAL DELAYS IN SERVICE

CERTIFICATE OF SERVICE

I hereby certify that on March 4, 2025, I mailed the foregoing or above-named papers to the United States District Court for the Middle District of Tennessee, at their address below, for filing in case number 3:24-cv-01282.

I further certify that on or before March 10, 2025, I am serving these same documents to the defendants or their counsel by first class or priority mail with postage prepaid at the addresses listed below. If for any reason beyond my control, I am unable to complete either on the date specified, I will do so on the very next business day.

UNITED STATES DISTRICT COURT (TNMD)
719 CHURCH ST
NASHVILLE, TN 37203-6940

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WILSON ELSER MOSKOWITZ EDELMAN & DICKER, LLP
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ELECTRONIC SERVICE OPTIONS

Many of my filings in this lawsuit are also made publicly available on the Internet, through my list[1] of documents filed by myself in this lawsuit, since the release of my lawsuit service package[2]. I typically try to do this as quickly as I can after filing them in court, depending upon my workload. Not every filing warrants being electronically published in this manner, while my time is extremely limited, therefore I cannot provide any guarantees about which documents will or will not be made available online, or exactly when.

For those interested, these files are usually "true" digitally created PDF files, in full color, often with optical character recognition enabled, sometimes with electronic bookmarks, and occasionally with a built-in table of contents which is hyperlinked for easy and efficient referencing, in my largest and most significant documents, such as my amended complaint[3].

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct.

All rights reserved.

Executed on March 4, 2025.

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[1] https://jefffenton.com/digital-service-package-for-lawsuit/fenton-filings-since-service/

[2] https://jefffenton.com/digital-service-package-for-lawsuit/
ECF 69, PID.5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

[3] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

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IN THE UNITED STATES DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE NASHVILLE DIVISION

JEFFREY RYAN FENTON, PLAINTIFF v. **VIRGINIA LEE STORY ET AL.,** DEFENDANTS	**CASE NO. 3:24-CV-01282**

RECEIVED
FEB 27 2025
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

— NOTICE TO ALL BAR MEMBERS[1] —

Every bar defendant, their counsel, the management and owners of each of those law firms, every federal district judge and magistrate judge working in the United States District Court for the Middle District of Tennessee (recused or otherwise), along with all staff attorneys, licensed court clerks, and law clerks who have contact with this case including judges and other bar members chosen, appointed, or assigned to hear and/or administer this case hereafter by the court, every bar member and judge in the Sixth Circuit Court of Appeals who has knowledge of, contact with, or involvement with this case, every judge and attorney who has contact with, knowledge of, or involvement with this case who is employed or contracted by Williamson County or the State of Tennessee, including the Tennessee Supreme Court, the Tennessee Court of Appeals Middle

[1] This lawsuit was originally filed on October 13, 2023, in the United States District Court for the Western District of Michigan (hereinafter "MIWD") as case no. 1:23-cv-01097. On October 25, 2024, MIWD transferred this lawsuit as ordered in ECF 127 to the United States District Court for the Middle District of Tennessee (hereinafter "TNMD") as case no. 3:24-cv-01282. The language used in the file stamps of each page filed is slightly different between the two courts. MIWD uses the term "ECF No." (which I abbreviate as "ECF"), while in place of that, TNMD uses the term "Document" (which I abbreviate as "DOC"). Both courts use the term "PageID" (which I abbreviate as "PID"). Citations to the court record in this lawsuit will be notated without the case name or number, using the starting DOC/ECF number, followed by both the beginning and ending PID. The Notice of Electronic Filing for this transfer is recorded in TNMD DOC 131, at which point the DOC/ECF number from MIWD was retained and continued, but the PID was reset after DOC 130, PID 5727, to restart at zero.

Division, the Board of Professional Responsibility for the Supreme Court of Tennessee, and the Tennessee Administrative Office for the Courts, along with any other bar members who learn about the facts and misconduct documented in this lawsuit—including the supporting documents, declarations, evidence, and court records from the precipitating matters—is hereby given legal notice.

Depending upon your role in the Federal or Tennessee state court systems, and whether you are a judge, a supervising judge, or an attorney, each of you has a **duty** or **obligation** to report, inform, address, confront, correct, or discipline both attorney and judicial misconduct. It is not even a reasonable question to ask *whether* or not misconduct "that raises a substantial question regarding the lawyer's **honesty**, **trustworthiness**, or **fitness** as a lawyer[2]" (emphasis added) has taken place by (at the very least) defendants Story and Binkley in this case[3], after viewing the filings in this matter.

CLAIMING NOT TO SEE OR KNOW THE FACTS, EVIDENCE, DAMAGES, OR LAW TO ALLEVIATE LIABILITY

Attorneys are keen observers of the world around them. Many are slow to speak about facts and laws they claim to know, especially about matters which they are not getting paid to represent or to provide an opinion. Being an attorney is an occupation of arguing words, which often includes manipulating language in an attempt to make it best serve their interests in a matter.

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[2] Tenn. R. Sup. Ct. 2.15

[3] DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf
DOC 24, PID 2921-2947 | https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf
DOC 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

TENN. R. SUP. CT. 2.15

(Responding to Judicial and Lawyer Misconduct)

(A) A judge having **knowledge** that another **judge** has committed a violation of this Code that raises a substantial question regarding the judge's **honesty, trustworthiness**, or fitness as a judge in other respects **shall** inform the appropriate authority (emphasis added).

(B) A judge having **knowledge** that a **lawyer** has committed a violation of the Rules of Professional Conduct that raises a substantial question regarding the lawyer's **honesty, trustworthiness**, or **fitness** as a lawyer in other respects **shall** inform the appropriate authority (emphasis added).

(C) A judge who **receives information** indicating a substantial likelihood that another judge has committed a violation of this Code **shall** take appropriate action (emphasis added).

(D) A judge who **receives information** indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct **shall** take appropriate action (emphasis added).

Comment

[1] Taking action to address known misconduct is a **judge's obligation**. Paragraphs (A) and (B) impose an obligation on the judge to **report to the appropriate disciplinary authority** the known misconduct of another judge or a lawyer that raises a substantial question regarding the **honesty, trustworthiness**, or **fitness** of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession **undermines a judge's**

responsibility to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary **must** vigorously endeavor to prevent[4] (emphasis added).

[2] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood[5] of such misconduct, **is required** to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body (emphasis added).

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[4] Involving honesty and trustworthiness – exactly what is repeatedly shown and violated in the precipitating matters by defendants Binkley and Story (amongst others).

[5] **Everyone** on page one of this notice, has **"receive[d] information indicating a substantial likelihood of such misconduct."** Anyone who claims otherwise is either lying or only had very brief exposure to this case, without ever reading, or having a responsibility or duty to read, the documents served with this lawsuit to each and every defendant. I intentionally served these documents in my "lawsuit service package" (DOC 69, PID 5030-5042) to each defendant, for exactly this purpose.

TENN. R. SUP. CT. 8.3

(Reporting Professional Misconduct)

(a) A **lawyer** who **knows** that another **lawyer** has committed a violation of the Rules of Professional Conduct that raises a substantial question as to that lawyer's **honesty**, **trustworthiness**, or **fitness** as a lawyer in other respects, **shall inform** the Disciplinary Counsel of the Board of Professional Responsibility (emphasis added).

(b) A **lawyer** who **knows** that a **judge** has committed a violation of applicable rules of judicial conduct that raises a substantial question as to the judge's **fitness** for office **shall inform** the Disciplinary Counsel of the Board of Judicial Conduct (emphasis added).

Comment

[1] Self-regulation of the legal profession **requires** that members of the profession initiate disciplinary investigation when they **know** of a violation of the Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense (emphasis added).

[3] ...The term "substantial" refers to the seriousness of the possible offense and not the quantum of evidence of which the lawyer is aware. Similar considerations apply to the reporting of judicial misconduct.

DEFINITIONAL CROSS-REFERENCES "Substantial" See RPC 1.0(l)

TENN. R. SUP. CT. 1.0
(Terminology)

(f) "Knowingly," "known," or "knows" denotes actual awareness of the fact in question. **A person's knowledge may be inferred from circumstances** (emphasis added).

(j) "Reasonably should know," when used in reference to a lawyer, **denotes that a lawyer of reasonable prudence and competence would ascertain** the matter in question (emphasis added).

(l) "Substantial" or "substantially," when used in reference to degree or extent, denotes a material matter of clear and weighty importance.

(o) "Material" or "materially" denotes something that a **reasonable person** would consider important in assessing or determining how to act in a matter (emphasis added).

THREE PRIMARY DOCUMENTS ITEMIZING MISCONDUCT

Any licensed bar members who has read my "DECLARATION ABOUT PROFESSIONAL AND JUDICIAL MISCONDUCT DURING MY 8/1/2019 HEARING IN CHANCERY COURT[6]", my "DECLARATION CERTIFYING THE AUTHENTICITY AND ACCURACY OF 8/29/2019 TRANSCRIPT OF EVIDENCE AND AUDIO RECORDING OF HEARING[7]", or my "MEMORANDUM OF LAW REGARDING VOID TENNESSEE COURT ORDERS[8]" and claim that they have **not** "receive[d] information indicating a substantial likelihood of such misconduct[9]" is behaving in a manner which "raises a substantial question regarding [their own] **honesty** [and] **trustworthiness**[10]" (emphasis added).

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[6] DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf

[7] DOC 24, PID 2921-2947 | https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf

[8] DOC 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

[9] Tenn. R. Sup. Ct. 2.15, Comment [2]

[10] Tenn. R. Sup. Ct. 2.15 (A), (B)

For any bar member who has not specifically read any of these three documents, please do so. You are hereby given *notice* that the three documents named above (at the links provided in footnotes 6, 7, and 8 on the prior page) contain irrefutable evidence and testimony itemizing **substantial attorney and judicial misconduct**, including violations in compliance with the law; supervisory duties responding to judicial and lawyer misconduct; impartiality and preventing harassment; ensuring the right to be heard; candor toward the tribunal; fairness to opposing party and counsel; impartiality and decorum of the tribunal; truthfulness in statements to others; false statements of law in open court; fraud on the court; and even outright obstruction of justice by defendants Story and Binkley between my August 1, 2019, and August 29, 2019, "hearings" in Williamson County Chancery Court. Those are the only two hearings in which I was ever allowed to participate. The individual counts of misconduct are spelled out, while simultaneously proving my claims with the official transcripts of evidence[11] and specifying the exact violations of the codified State of Tennessee Rules of Professional and Judicial Conduct[12] showing those rules in context.

You have **now** "receive[d] information indicating a substantial likelihood of such misconduct[13]" which "raises a substantial question regarding [defendant Story's and Binkley's] **honesty** [and] **trustworthiness**[14]". Upon information and belief, your refusal to read, consider, and act upon that information is a violation of your oaths of office, court rules, and is sanctionable

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[11] DOC 22, PID 2818-2862 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-hearing-transcript.pdf
DOC 23, PID 2863-2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-transcript-audio-markers.pdf
DOC 23-4, PID 2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-audio-recording.mp3

[12] DOC 41, PID 3570-3608 | https://rico.jefffenton.com/evidence/tennessee-rules-of-judicial-and-professional-conduct.pdf

[13] Tenn. R. Sup. Ct. 2.15 (C), (D)

[14] Tenn. R. Sup. Ct. 2.15, Comment [2]

to compensate for my continued damages as a result and/or to pay for counsel to help me obtain an honest lawful remedy, made more difficult by more misconduct.

DECLARATION ABOUT PROFESSIONAL AND JUDICIAL MISCONDUCT

- **DECLARATION ABOUT PROFESSIONAL AND JUDICIAL MISCONDUCT DURING MY 8/1/2019 HEARING IN CHANCERY COURT**[15]
  - https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf
- August 1, 2019, Chancery Court Hearing Transcript of Evidence[16]
  - https://rico.jefffenton.com/evidence/2019-08-01_chancery-hearing-transcript.pdf
- Court Order from August 1, 2019, Hearing in Chancery Court[17]
  - https://rico.jefffenton.com/evidence/2019-08-01_chancery-court-order-with-counsel.pdf

DECLARATION CERTIFYING THE AUTHENTICITY AND ACCURACY OF 8/29/2019 TRANSCRIPT OF EVIDENCE AND AUDIO RECORDING OF HEARING

- **DECLARATION CERTIFYING THE AUTHENTICITY AND ACCURACY OF 8/29/2019 TRANSCRIPT OF EVIDENCE AND AUDIO RECORDING OF HEARING**[18]
  - https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf

MEMORANDUM OF LAW REGARDING VOID TENNESSEE COURT ORDERS

- **MEMORANDUM OF LAW REGARDING VOID TENNESSEE COURT ORDERS**[19]
  - https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf
- August 29, 2019, Chancery Court Hearing Transcript of Evidence[20]
  - https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-transcript-audio-markers.pdf
- August 29, 2019, Chancery Court Hearing Audio Recording[21]
  - https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-audio-recording.mp3
- Court Order from August 29, 2019, Hearing in Chancery Court[22]
  - https://rico.jefffenton.com/evidence/2019-08-29_chancery-court-order-once-pro-se.pdf

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[15] DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf

[16] DOC 22, PID 2818-2862 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-hearing-transcript.pdf

[17] DOC 19-6, PID 2669-2672 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-court-order-with-counsel.pdf

[18] DOC 24, PID 2921-2947 | https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf

[19] DOC 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

[20] DOC 23, PID 2863-2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-transcript-audio-markers.pdf

[21] DOC 23-4, PID 2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-audio-recording.mp3

[22] DOC 19-7, PID 2674-2677 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-court-order-once-pro-se.pdf

Due to the abundance of evidence, prior court records, and testimony filed in this lawsuit, it was not physically or financially possible (without substantial help) for me to serve each defendant *every* page filed in this matter, printed on *paper* media. That was estimated to cost tens-of-thousands-of-dollars in printing alone, which is far more money than I had access to. To compensate, while providing every defendant with *notice* of every document filed in this matter, I served the defendants a hybrid "lawsuit service package[23]", using a combination of *printed paper* and *digital media*.

In doing so, I did my best to ensure that the *most important* documents in this lawsuit, such as my amended complaint[24], were served to *every* defendant on printed paper and digitally.

EVERY DEFENDANT WAS SERVED SWORN TESTIMONY AND EVIDENCE OF SUBSTANTIAL FRAUDULENT ATTORNEY & JUDICIAL MISCONDUCT

Amongst those most important documents, which I served to *every* defendant in this lawsuit, on *printed* paper media, as part of my *lawsuit service package*[25], were every document itemized on the previous page, reporting, outlining, testifying, and proving nearly non-stop *attorney* and *judicial* misconduct by the defendants, specifically the unconscionably biased misconduct, executed with substantial fraud on the court and obstruction of justice, performed by and between defendants Story and Binkley, along with the Chancery Court.

Therefore, *every* defendant (and most likely their counsel) has already "receive[d] information indicating a substantial likelihood of such misconduct[26]" which "raises a substantial question regarding [defendant Story's and Binkley's] **honesty** [and] **trustworthiness**[27]".

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[23] DOC 69, PID 5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

[24] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-vs-story-first-amended-complaint.pdf

[25] DOC 69, PID 5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

[26] Tenn. R. Sup. Ct. 2.15 (C), (D)

[27] Tenn. R. Sup. Ct. 2.15, Comment [2]

Upon information and belief, all counsel for the defendants is hereby *noticed* that the defendants have each received this information, which all defendant counsel and the court has also been made aware of and directly served in this notice, making all bar members involved in this matter, and the law firms employing them, jointly and severally liable for taking the **appropriate actions**, required by the relevant court rules, codes of conduct, canons, and laws, along with **reporting this misconduct** to the appropriate authorities, rather than denying it, hiding it, or working to cover it up, to evade responsibility and/or liability.

Upon information and belief, there are way too many attorneys in this matter, willing to completely ignore their oaths of office, the critical constitutional and justice merits of this lawsuit, the court's ethical canons and codes of conduct, while elevating the courts **technical rules of process** and procedures over all the aforementioned, when in fact both merits and conduct are required to **trump** process and procedures, especially in cases involving *pro se* litigants.

Upon information and belief, elevating rules of process over conduct and merits is both professional misconduct and professional negligence. This unlawfully refuses to intervene or help mitigate damages for the injured party (me), causing my damages to continue to multiply instead. This is a violation of F.R.Civ.P. Rule 11(b)[28]. This is sanctionable to recover damages and/or the costs of counsel to help me receive a remedy which I am lawfully due, should the defendants refuse to concede and accept responsibility for their actions, without requiring substantial litigation which is beyond the reasonable reach of most *pro se* litigants.

[28] https://www.law.cornell.edu/rules/frcp/rule_11

Upon information and belief, the **defendants** caused the damage, the defendants are **responsible** for providing a reasonable remedy, regardless of how unfair the odds are in this case, as **public funds**[29] are being leveraged **against** the honest interest of **justice** to protect bad actors, in the matters before this court.

Upon information and belief, just because the defendants and their counsel make a remedy more difficult to reach does not make it any less required by the law and the honest interests of justice. While the defendants and their counsel are responsible for all additional damages I am caused and continue to suffer since the service of this lawsuit, while I am herein notifying **all** are **substantial**, unlawful, unconstitutional, criminal, abusive, and inhumane. Having had and continuing to daily have a **serious detrimental impact** upon my employability, my shelter, my ability to support myself, my ability to ever retire, along with my physical, mental, and emotional health.

MORE DOCUMENTED EVIDENCE OF MISCONDUCT

- Declaration of Irrefutable Proof of a Criminal Conspiracy Spanning State and Federal Courts[30]
  - https://rico.jefffenton.com/evidence/2024-03-13_irrefutable-proof-of-criminal-conspiracy.pdf
- Declaration of Facts About Fenton Family Financial Structure and Roles During Mariage, Entirety Property, Education, Vocational Experience, and Financial Capacity[31]
  - https://rico.jefffenton.com/evidence/fenton-family-finances-property-education-experience.pdf
- Declaration About Phone Call with Trustee John McLemore F.R.B.P Rule-7001 & 11 United States Code § 363[32]
  - https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-call-declaration.pdf
- Audio Recording of Call with Bankruptcy Trustee John McLemore[33]
  - https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-recorded-call.mp3

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[29] Please see my "DECLARATION EXPLAINING MY PURSUIT OF JUSTICE" filed in TNMD on 2/6/2025 in DOC 207. DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

[30] DOC 53, PID 4258-4349 | https://rico.jefffenton.com/evidence/2024-03-13_irrefutable-proof-of-criminal-conspiracy.pdf

[31] DOC 37, PID 3398-3443 | https://rico.jefffenton.com/evidence/fenton-family-finances-property-education-experience.pdf

[32] DOC 28, PID 3276-3288 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-call-declaration.pdf

[33] DOC 54-1, PID 4367 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-recorded-call.mp3

- Lawsuit Service Package[34]: https://service.jefffenton.com
- **AMENDED COMPLAINT FOR TORTIOUS CONDUCT AND INJUNCTIVE RELIEF**[35]
  - https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

- October 13, 2020, Affidavit of Marsha Ann Fenton[36]
  - https://rico.jefffenton.com/evidence/2020-10-13_affidavit-of-mother-marsha-ann-fenton.pdf
- January 16, 2024, Declaration of Marsha Ann Fenton Regarding Son Jeffrey Ryan Fenton and Tennessee Legal Proceedings[37]
  - https://rico.jefffenton.com/evidence/2024-01-16_marsha-fenton-sons-tn-legal-proceedings.pdf

Upon information and belief, **there is absolutely nothing "discretionary" here.** At some point the bar members involved need to do the right thing or forever be implicated in serious felony racketeering crimes with respect to their subsequent failures to intervene, their failures to "take appropriate action", their failures to "inform the appropriate authority", combined with actions to deflect, evade, or cover-up the defendant's egregious felony crimes committed, along with "substantial" court misconduct.

Many racketeering court cases don't begin as true RICO cases but become RICO cases due to the unlawful refusals to intervene by friends of the original offenders throughout the court system as they cover up felonies, commit *more* fraud on the court, and continue to falsify government and court records, and much more.

This case actually *began* as a *true* RICO action from the start: neither court action, not state nor federal, could stand on its own as a lawful, properly administered action. They both relied upon the racketeering between the two courts to enable each other (each pretending they were acting upon the lawful orders of the other court, when in fact neither court had the lawful jurisdiction and authority for taking my real property), while obfuscating the court records and

[34] DOC 69-1, PID 5030-5042 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-lawsuit-service-pack-details.pdf

[35] DOC 66, PID 4870-5007 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

[36] DOC 1-2, PID 48-63 | https://rico.jefffenton.com/evidence/2020-10-13_affidavit-of-mother-marsha-ann-fenton.pdf

[37] DOC 18, PID 2417-2616 | https://rico.jefffenton.com/evidence/2024-01-16_marsha-fenton-sons-tn-legal-proceedings.pdf

hiding the crimes committed by both, lost in the gaps between state and federal court records.

Upon information and belief, now, the RICO counts keep multiplying as officers of the court *keep choosing* to deny or dismiss my claims for basic technicalities without ever addressing the critical merits of this case or forcing a single defendant to answer for their unlawful actions.

How much more should I have "reasonably" tried in my desperate attempts to reach help and justice to receive *equal protection* under the law? I've done *everything* within my power, knowledge, and reach to try to obtain justice and hold the bad actors accountable **for years**, which is far more than most people could do, yet I've been denied the slightest ethical, humane consideration by the defendants and the State of Tennessee in this matter. That is frankly *unreasonable*!

TENN. R. SUP. CT. 8.4
(Misconduct)

It is professional misconduct for a lawyer to:

(c) engage in conduct involving **dishonesty**, **fraud**, **deceit**, or **misrepresentation** (emphasis added);

(d) engage in conduct that is **prejudicial to the administration of justice** (emphasis added);

(f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law;

Comment

[2] ...Although a lawyer is personally answerable to the entire criminal law, a lawyer should be professionally answerable only for offenses that indicate lack of those characteristics relevant to law practice. Offenses involving violence, **dishonesty**, **breach**

of trust, or serious **interference with the administration of justice** are in that category. ...a pattern of repeated offenses, even ones that are of minor significance when considered separately, can indicate indifference to legal obligation (emphasis added).

[3] A lawyer who, in the course of representing a client, knowingly manifests, by words or conduct, bias or prejudice based on race, sex, religion, national origin, disability, age, sexual orientation, or socio-economic status violates paragraph (d) when such actions are prejudicial to the administration of justice...

Upon information and belief, it is prejudicial to the administration of justice to file a motion to dismiss for any defendant in this matter without first reporting the **known** misconduct (or "reasonably should know") which they participated in, as evidenced by the documents in this lawsuit, to the court or the appropriate authorities.

TENN. R. SUP. CT. 1.2

(Scope of Representation and Allocation of Authority between Client and Lawyer)

(d) A lawyer shall not counsel a client to engage, or assist a client, in conduct that the lawyer **knows** or **reasonably should know** is *criminal* or *fraudulent*, but a lawyer may discuss the legal consequences of any proposed course of conduct with a client and may counsel or assist a client to make a good faith effort to determine the validity, scope, meaning, or application of the law.

Comment

[10] ...In some situations the lawyer may be permitted or **required** by Rule 1.6 **to reveal the client's wrongdoing**. See RPC 1.6(b)(1) and (c)(1). In any

case, however, the lawyer is required to avoid assisting the client, for example, by drafting or delivering documents that the lawyer knows are fraudulent or by *suggesting how the wrongdoing might be concealed.* A lawyer may not continue assisting a client in conduct that the lawyer originally supposed was legally proper but then discovers is *criminal* or *fraudulent.* The lawyer must, therefore, withdraw from the representation of the client in the matter. See RPC 1.16(a). In some cases, withdrawal alone might be insufficient. It may be necessary for the lawyer to give notice of the fact of withdrawal and to disaffirm any opinion, *document*, affirmation or the like. See RPC 4.1.

TENN. R. SUP. CT. 1.6
(Confidentiality of Information)

(b) A lawyer may **reveal information** relating to the representation of a client to the extent the lawyer reasonably believes necessary:

(1) to prevent the client or another person from committing a crime, **including a crime that is reasonably certain to result in substantial injury to the financial interest or property of another**, unless disclosure is prohibited or restricted by RPC 3.3;

(2) to prevent the client from committing a fraud that is **reasonably certain to result in substantial injury to the financial interests or property of another** and in furtherance of which the client has used or is using the lawyer's services, unless disclosure is prohibited or restricted by RPC 3.3;

(3) **to prevent, mitigate, or rectify substantial injury to the financial interests or property of another** that is reasonably certain to result or has resulted

from the client's commission of a fraud in furtherance of which the client has used the lawyer's services, unless disclosure is prohibited or restricted by RPC 3.3;

(c)(3) to comply with RPC 3.3, 4.1, or other law.

NOTICING THE DEFENDANTS ABOUT THE OUTRAGEOUS MISCONDUCT

- https://rico.jefffenton.com/evidence/2019-08-30_emergency-attempt-to-correct-court-order.pdf
- https://rico.jefffenton.com/evidence/2019-08-30_judgment-wrong-emergency-call-to-court.mp3
- https://rico.jefffenton.com/evidence/2019-08-30_notified-story-beeler-false-claims-in-court-order.pdf
- https://rico.jefffenton.com/evidence/2019-08-30_story-lied-when-notified-false-claims-in-order.pdf
- https://rico.jefffenton.com/evidence/2019-09-16_story-letter-demanding-two-grand-for-storage.pdf
- https://rico.jefffenton.com/evidence/2019-09-21_notice-listing-agreement-coerced-null-and-void.pdf
- https://rico.jefffenton.com/evidence/2019-09-21_auctioneer-refused-to-stop-illegal-auction.pdf
- https://rico.jefffenton.com/evidence/2019-09-23_notified-binkley-false-claims-in-storys-order.pdf
- https://rico.jefffenton.com/evidence/2019-09-26_story-letter-demanding-thirty-five-hundred.pdf
- https://rico.jefffenton.com/evidence/2019-09-28_illegal-coerced-auction-wilco-rico-deed-fraud.pdf
- https://rico.jefffenton.com/evidence/2019-10-06_harassing-threatening-stalking-spying.pdf
- https://rico.jefffenton.com/evidence/2019-10-10_chancery-no-proceeds-from-forced-auction.pdf
- https://rico.jefffenton.com/evidence/2019-10-10_notice-to-court-and-title-co-auction-was-illegal.pdf
- https://rico.jefffenton.com/evidence/2019-10-10_notified-bankers-title-sale-illegal-unauthorized.pdf
- https://rico.jefffenton.com/evidence/2019-10-21_fraudulent-final-affidavit-by-virginia-story.pdf
- https://rico.jefffenton.com/evidence/2019-10-21_order-of-protection-as-illegal-prior-restraint.pdf
- https://rico.jefffenton.com/evidence/2019-10-29_closing-for-illegal-auction-wilco-rico-deed-fraud.pdf
- https://rico.jefffenton.com/evidence/2019-11-12_settlement-offer-mitigate-losses-story-refused.pdf
- https://rico.jefffenton.com/evidence/2019-11-12_proof-story-received-my-settlement-offer.pdf
- https://rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-phone-call.mp3
- https://rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-transcript.pdf
- https://rico.jefffenton.com/evidence/2020-05-01_coa-hivner-8-29-19-hearing-transcript-recorded-call.mp3
- https://rico.jefffenton.com/evidence/2020-05-05_notified-story-about-her-fraudulent-affidavit.pdf
- https://rico.jefffenton.com/evidence/2020-07-08_tnsc-coa-ada-request-for-modification.pdf
- https://rico.jefffenton.com/evidence/2020-09-09_tn-aba-free-legal-answers-site-question-closed.pdf
- https://rico.jefffenton.com/evidence/2020-09-24_5yr-op-ext-retaliation-no-notice-motion-hearing.pdf
- https://rico.jefffenton.com/evidence/2020-09-30_wilco-inquiry-about-extended-op-and-sales-records.mp3
- https://rico.jefffenton.com/evidence/2020-10-16_coa-emergency-motion-reporting-misconduct.pdf
- https://rico.jefffenton.com/evidence/2020-10-28_motion-to-supplement-and-correct-the-record.pdf
- https://rico.jefffenton.com/evidence/2020-10-30_storys-objection-to-correcting-the-court-record.pdf
- https://rico.jefffenton.com/evidence/2020-12-29_tnsc-bpr-complaint-against-story-binkley-etc.pdf
- https://rico.jefffenton.com/evidence/2021-01-19_reported-misconduct-sought-help-tnsc-aoc-bpr.pdf
- https://rico.jefffenton.com/evidence/2021-01-19_tnsc-immunity-disorder-strike-expunge-op.pdf
- https://rico.jefffenton.com/evidence/2021-01-26_trustees-final-account-and-distribution-report.pdf
- https://rico.jefffenton.com/evidence/2021-01-27_notified-ausbrooks-fraud-misconduct-damages.pdf
- https://rico.jefffenton.com/evidence/2021-12-02_fbi-mark-shafer-binkley-story-corruption.mp3
- https://rico.jefffenton.com/evidence/2023-12-13_wcso-racketeering-official-oppression.pdf

The information and evidence is here. Upon information and belief, the refusal by anyone to avail themselves of it, to avoid their responsibility to report it, is unlawful conduct in

and of itself. It is certainly an intentional failure to intervene. You have been noticed. You enjoy the prestige and privileges of being bar members, but you have a sworn duty which comes in tandem and cannot be severed or ignored without opening yourselves, your employers, and your law firms up to liability and consequences. This is especially true for Williamson County and the State of Tennessee, which are literally misappropriating tax dollars to cover-up multiple felonies committed against me and my family under their employment and supervision, to continue depriving me of justice.

Upon information and belief, no matter what anyone thinks about this lawsuit or the defendants involved, the evidence about their misconduct is extreme, unconscionable, and actionable as already filed, without needing any more evidence or testimony than is supplied. Attorneys in Tennessee have been sanctioned, suspended, or disbarred for less.

Upon information and belief, I don't see how anything "just" can be done in this matter without the court first addressing the attorney and judicial misconduct which is clearly recorded in the court's records as well as in this lawsuit. Addressing this misconduct is the first step towards becoming **honest** about what actually has transpired so that we can begin to work towards a responsible remedy.

In time, if I am unable to reach a reasonable remedy through the court, I plan to file Freedom of Information Act requests and subpoena defendants, their counsel, and other bar members who have been involved in this case, to determine whether or not those parties have responsibly fulfilled their obligations to report the misconduct by the defendants, which a self-regulated profession, with an independent judiciary, must vigorously endeavor to prevent.

I encourage everyone to retain written evidence they did in fact report this misconduct to the "proper disciplinary authority". For any bar member who has not specifically read either of the aforementioned three documents, please know that those are far from the only documents in my lawsuit which more than reasonably satisfy the criteria for having "receive[d] information indicating a substantial likelihood of such misconduct" which "raises a substantial question regarding [their] **honesty** [and] **trustworthiness**." Those are just three of the most clear and specific documents about misconduct, which break down the language used by defendants Story and Binkley in court, in some places one sentence at a time, as is proved by the certified original transcripts of evidence specifying the exact codified violations of the State of Tennessee Rules of Professional and Judicial Conduct[38].

RULE 11. SIGNING PLEADINGS, MOTIONS, AND OTHER PAPERS; REPRESENTATIONS TO THE COURT; SANCTIONS

(a) Signature. Every pleading, written motion, and other paper must be signed by at least one attorney of record in the attorney's name—or by a party personally if the party is unrepresented. The paper must state the signer's address, e-mail address, and telephone number. Unless a rule or statute specifically states otherwise, a pleading need not be verified or accompanied by an affidavit. The court must strike an unsigned paper unless the omission is promptly corrected after being called to the attorney's or party's attention.

(b) Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later

[38] DOC 41, PID 3570-3608 | https://rico.jefffenton.com/evidence/tennessee-rules-of-judicial-and-professional-conduct.pdf

advocating it—an attorney or unrepresented party certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

(1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;

(2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;

(3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and

(4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

(c) Sanctions.

(1) In General. If, after notice and a reasonable opportunity to respond, the court determines that Rule 11(b) has been violated, the court may impose an appropriate sanction on any attorney, law firm, or party that violated the rule or is responsible for the violation. Absent exceptional circumstances, a law firm must be held jointly responsible for a violation committed by its partner, associate, or employee.

(3) On the Court's Initiative. On its own, the court may order an attorney, law firm, or party to show cause why conduct specifically described in the order has not

violated Rule 11(b).

(4) Nature of a Sanction. A sanction imposed under this rule must be limited to what suffices to deter repetition of the conduct or comparable conduct by others similarly situated. The sanction may include nonmonetary directives; an order to pay a penalty into court; or, if imposed on motion and warranted for effective deterrence, an order directing payment to the movant of part or all of the reasonable attorney's fees and other expenses directly resulting from the violation.

Upon information and belief, if the court is healthy and operating as designed, there should be two sides to this lawsuit, both a **public side**, where I am representing myself *pro se* in the court room, along with a **private side**, where the court must take action and discipline misconduct which a self-regulated profession, with an independent judiciary, "must vigorously endeavor to prevent".

This notice is in regard to actions by bar members on both sides of this lawsuit, but is likely most critical on the private side, behind closed doors.

In the past, the Board of Professional Responsibility of the Supreme Court of Tennessee has repeatedly tried to deflect responsibility for their failures to act and discipline misconduct on the private side, on my inability to reach justice on the public side. Using the unwillingness of the FBI, DOJ, or other law enforcement agency to press criminal charges, as an excuse presented to argue that no meaningful attorney or judicial misconduct took place, and justification for the board's refusal to discipline defendant Story's misconduct along with others, in the matters before this court.

What I want to make perfectly clear though, is that my success or failure on the public side, in no way, shape, or form absolves any bar members of their obligations to take action and report attorney and judicial misconduct on the private side.

Upon information and belief, my success or failure on the public side could easily have little or nothing to do with the true merits of my lawsuit, or the unconscionable misconduct performed by the defendants in precipitating Tennessee matters.

Upon information and belief, it is me against "all the king's horses and all the king's men." If I reach justice on the public side, it will be because of God's grace and an honest, brave, rare, incredibly honorable judge who is willing to face the fire to stand up for what is true and lawful. I'm praying for this, but I know that the odds are steeply stacked against me, as my experiences to date proves.

My point in saying this is to emphasize that whatever does or does not happen on the public side absolutely does **not** absolve any bar member involved of their oaths of office to comply with these laws, rules, and **obligations** on the private side. It is common knowledge that misconduct reported by bar members, and especially by judges, is taken far more seriously than that reported by the public, and has a far better chance of being acted upon by the state oversight boards.

Upon information and belief, a judge can recuse themselves from the case to avoid the appearance of impropriety, as well as a real conflict of interest. Recusal, however, does not release a judge from his or her oath of office and obligations thereunder, to act upon and report both attorney and judicial misconduct on the private side.

"A judge who receives information indicating a substantial likelihood that another judge has committed a violation of this Code **shall** take appropriate action[39]."

"A judge who receives information indicating a substantial likelihood that a lawyer has committed a violation of the Rules of Professional Conduct **shall** take appropriate action[40]."

RECUSALS DON'T NEGATE RESPONSIBILITIES

In the "ORDER REASSIGNING CASE" (DOC 165) by Chief District Judge William L. Campbell, Jr, filed on November 7, 2024, he stated:

"I hereby recuse myself in this case. As all District and Magistrate Judges of the Middle District of Tennessee have recused in this matter, a District Judge from outside the District will be designated by the Sixth Circuit Court of Appeals. When the designation is made, the case will be reassigned."

I honestly don't know much about how cases are assigned to district or magistrate judges, to what extent each judge reviews the filings in the matter, how they determine if they should recuse themselves from a particular matter and how they communicate that to the court.

Upon information and belief, my take-away after reading the "ORDER REASSIGNING THE CASE[41]" is that every district judge and magistrate judge in the Middle District of Tennessee must have reviewed the filings in my lawsuit. If that is the true, then my logic follows that there should be several reports by the respective federal judges to the "appropriate

[39] TENN. R. SUP. CT. 2.15(C)

[40] TENN. R. SUP. CT. 2.15(D)

[41] DOC 165, PID 139 | https://rico.jefffenton.com/3-24-cv-01282/doc/165.pdf

disciplinary authority" about defendant Story and Binkley's misconduct in the Chancery Court.

Upon information and belief, at the very least, I hope that formal reports have been filed by Chief United States District Judge William L. Campbell, Jr. and Magistrate Judge Barbara D. Holmes about the obvious and overwhelming attorney and judicial misconduct (involving excessive dishonesty, fraud, and untrustworthiness), while I hope that due to the circumstances, the Tennessee Supreme Court or the State of Tennessee is taking action to investigate those reports, **outside the direct supervision of defendant Garrett** and her direct reports.

Upon information and belief, I believe that the other judicial defendants in this matter, from the Court of Appeals and Bankruptcy Court, have the same **obligations** for reporting the misconduct which they have been *noticed* about in this lawsuit. I'm expecting they will claim not to have been party to the criminal misconduct by defendants Story and Binkley in previous matters, but if they are still now failing or refusing to report it (again), after having clearly received legal notice without any ambiguity or lack of knowledge to blame, I believe that their continued failure or refusal to formally take action, to obey their oaths of office and the codes of conduct, by reporting this serious judicial and attorney misconduct to the appropriate authority, will reasonably be the equivalent of affirmatively supporting and participating in this misconduct, becoming a joinder in the crimes committed, even if not previously explicitly implicated by their actions and inactions.

Upon information and belief, if a party wishes to disavow being part of an illegal and unethical action, they must reasonably separate themselves from the perpetrators of that crime by acting differently than the perpetrators, specifically taking action to report and/or discipline that misconduct in accordance with their oaths of office and the codes of conduct thereunder.

Upon information and belief, if this case ends without the Board of Professional Responsibility of the Supreme Court of Tennessee taking serious disciplinary actions against, at the very least, defendants Story and Binkley, to protect the public from the continued criminal misconduct by both, the evidence already filed in this case implicates that organization (and potentially the Tennessee Supreme Court, the Administrative Offices of the Court, along with whomever oversees the top decision makers in both of those divisions) of being corrupted beyond benefit to the people of Tennessee.

Upon information and belief, disciplinary actions[42] by the Board of Professional Responsibility of the Supreme Court of Tennessee should have absolutely nothing to do with who is friends with their leadership or who their enemies are, but unfortunately it clearly does, or defendant Garrett would have taken action against defendants Story and Binkley years ago, when I first reached out to her for help, but she has repeatedly refused.

Upon information and belief, the Board of Professional Responsibility of the Supreme Court of Tennessee has waged war against honest, ethical, patriotic, defenders of justice[43], who have the courage to stand up against and challenge judicial misconduct and corruption in Tennessee. That is abhorrent, unconstitutional, and must be quickly corrected for the honest and ethical "practice of law" along with the public health and safety of the people at large, throughout the State of Tennessee.

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[42] DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

[43] DOC 58-3, PIC.4632-4710 | https://rico.jefffenton.com/evidence/2024-02-16_tnsc-disbarred-whistleblower-brian-manookian.pdf
DOC 58-4, PID 4712-4716 | https://rico.jefffenton.com/evidence/2024-02-16_tnsc-manookian-disbarment-opinion-justice-lee.pdf
DOC 58-5, PID 4718-4722 | https://rico.jefffenton.com/evidence/2024-05-02_reguli-lawsuit-against-wilco-tn-gov-corruption.pdf
DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

Upon information and belief, my case has an overwhelming abundance of evidence, yet no attorney (I know of) will touch it, not for lack of merit, substance, or potential lawful and equitable remedies, but rather because no attorney is willing to *gamble* their practice and their livelihood on the court honoring the **law** above their **relationships** with some of the powerful and influential defendants in this matter.

Upon information and belief, it is my honest and steadfast belief that in matters involving significant judicial misconduct and court corruption in Tennessee, **attorneys can no longer help protect the people** in a meaningful capacity or provide much real value to the public at all, nor will they be able to **until the people are able to compel the State of Tennessee to quit retaliating against attorneys**, sanctioning them (for miniscule matters far less "substantial" than those herein), suspending, and disbarring those honest, courageous defenders of justice.

It is for that reason and others that I have brought this lawsuit, **to fight for what is just, honest, lawful, honorable, righteous, and true.** To try to demand that the court obey the law and operate honestly and ethically for the substantial protection of the public, not for the benefit of the select few powerful bad actors who have the connections to leverage the "law" or rather the courts to do their bidding, in spite of the law, the ethical canons, the Constitution of this great nation and even the Tennessee State Constitution.

This land is a national treasure not owned by a select few, but by the people at large who inhabit it.

Upon information and belief, some of the courts in Tennessee have clearly lost their way. There is negative peer pressure in Tennessee right now compelling attorneys throughout the state to turn their heads, set their expectations low, not challenge certain attorneys in front of

courts and judges who favor them, while ignoring attorney and judicial misconduct by certain protected parties, in direct opposition of the codes of conduct. For fear of retaliation and retribution by unsavory characters, the likes of Moreland, Binkley, and their brothers in power behind closed doors, who wield substantial influence in Tennessee's shadows but have no honest lawful place in a government for and by the people.

Upon information and belief, the courts have a responsibility to end this depraved injustice and restore honest justice to the "practice of law" throughout the State of Tennessee. This has gone on for too long and cannot be honestly and reasonably justified. The problem as I see it, is that the people making administrative decisions haven't been required to answer for the misconduct or their failures to address it, for way too long. **It is time for that to change.**

The principles which this lawsuit is contending for are at the forefront of the minds of America currently, in a historic capacity. The crimes and corruption currently being exposed, throughout offices of trust in every branch of state and federal government, are bursting at the seams presently with fraud and abuse, the likes of which this nation and possibly the world has never before seen on such a massive scale.

It is time to return honest justice to the practice of law, throughout the State of Tennessee.

I hope that this court and the defendant's counsel will choose to be part of the solution, rather than being the exclamation point ascribed to punctuate the problem.

CERTIFICATION AND DECLARATION

By signing below, I, Jeffrey Ryan Fenton, certify that this document has been executed in good faith, in the honest pursuit of justice, and in strict compliance with F.R.Civ.P. 11(b).

Pursuant to 28 U.S. Code § 1746, I declare under penalty of perjury that the foregoing is true and correct, except as to matters herein stated to be on information and belief, and as to such matters, I certify as aforesaid that I verily believe the same to be true.

All rights reserved.

Executed on February 24, 2025

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