UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MICHIGAN

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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: jlg / SCANNED BY: 10/7

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 1:23-CV-01097

CONCERNS REGARDING THE TRANSFER OF THIS ACTION TO THE U.S. DISTRICT COURT FOR THE MIDDLE DISTRICT OF TENNESSEE[1]

First plaintiff would like to thank this court for their change of heart to transfer this case to a jurisdiction where a remedy is possible, rather than dismissing the action and along with it well over a year of Plaintiff's all consuming and diligent work to be heard. Any conflicts of interest and concerns voiced herein, are not meant to radiate more loudly than Plaintiff's sincere appreciation for a chance to reach a lawful and desperately needed remedy.

1. Common sense would logically lead any *reasonable* litigant to believe that since this lawsuit is against **5-judges** (in Tennessee), **10-attorneys** (in Tennessee), **5-law firms** (in Tennessee), **2-real estate firms** (in Tennessee), **2-real estate brokers** (in Tennessee), **2-banks**, **3-courts** (in Tennessee), and **5-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, that it

[1] Citations to the court record in this lawsuit will be notated without the case name or number, using the starting ECF Number, followed by both the beginning and ending Page ID, which is abbreviated as "PID."

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might be extremely difficult if not impossible for Plaintiff's lawsuit to ever be heard based upon the true merits of the case, in the United States District Court for the Middle District of Tennessee.

2. That was Plaintiff's primary concern and the reason why he filed his lawsuit in Lansing Michigan, while believing that he had every right to do so, due to diversity of citizenship.

3. The reason why Plaintiff *proactively* filed his "Motion to Maintain Venue" was because he anticipated that the **defendants** in his lawsuit would motion to move his lawsuit to Nashville, where they might likely expect a more favorable outcome, in spite of the law, not because of it.

4. To be completely clear, Plaintiff's concern when he filed his lawsuit, was that the powerful and influential bad actors in Tennessee would seek to transfer his lawsuit to a court where they had more influence over the outcome. Never did Plaintiff anticipate needing to defend himself against the Court itself in Michigan, a Federal Magistrate, or Judge. That wasn't even a thought.

5. No part of this lawsuit was filed with the intent to battle, disrespect, defame, or disparage the federal courts, or Plaintiff would have added a Bivens count to his complaint for the Middle Tennessee Federal Bankruptcy Court, where the judge (Charles M. Walker) and trustee (Henry Edward Hildebrand, III) were involved with the Chancery Court in the RICO scam to steal his property. Despite that being a completely legitimate claim and cause of action, Plaintiff is a *pro se* party with no interest or training in the law, who never wanted to be involved in any litigation in the first place, who understands that he has no *realistic* chance at challenging the entire federal government and winning on his own, regardless of the law, evidence, and crimes committed.

6. Plaintiff came to the Federal Courts in peace, seeking honest justice. It was this federal court in the Western District of Michigan which chose to *proactively* attack Plaintiff,

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overwhelmed him with a slew of false allegations and mischaracterizing narrative, while literally exceeding their lawful *authority*[2] in an attempt to deny him justice by *proactively* dismissing his lawsuit, despite the highly credible testimony by his mother (with clear and convincing evidence) that the defendants have acted in abhorrent defiance of the law, while Plaintiff's very life and financial sustainability depends upon him being able to obtain *justice* as a *remedy* for the damages he's been unconscionably caused.

7. If that was honestly taken to heart, believed, and justly acted upon by this court, there is not a rule, deadline, process, procedure, which Plaintiff could fail to meet, provided he continued working diligently in good faith, honestly working toward justice, which could reasonably justify dismissing Plaintiff's case **without allowing it to be litigated and heard based on its merits.**

8. The Constitution of the United States of America, the judicial mandate of the courts, the canons, the federal rules, there is nothing which the court cannot make an exception or an accommodation for, to help an obviously abused litigant reach a lawful and just remedy, from those who illegally harmed him.

9. To call anything less *"in the interest of justice"* is frankly putrid, insulting, dishonest, and unethical misconduct.

10. "Truth is treason in the empire of lies." —*Doctor Ron Paul*

11. DISMISSAL OF SUIT:

12. Note: [Copied verbiage; we are not lawyers.] It can be argued that to dismiss a civil rights action or other lawsuit in which a serious factual pattern or allegation of a cause of action has

[2] Citation by Judge…

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been made would itself be violating of procedural due process as it would deprive a pro se litigant of equal protection of the law vis a vis a party who is represented by counsel. Also, see Federal Rules of Civil Procedure, Rule 60 - Relief from Judgment or Order (a) Clerical Mistakes and (b) Mistakes; Inadvertence; Excusable Neglect; Newly Discovered Evidence; Fraud, etc. *Warnock v. Pecos County*, Texas, 88 F3d 341 (5th Cir. 1996)

13. "... the right to file a lawsuit pro se is one of the most important rights under the constitution and laws." *Elmore v. McCammon* (1986) 640 F. Supp. 905

14. "The plaintiff's civil rights pleading was 150 pages and described by a federal judge as *"inept"*. Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." *Puckett v. Cox*, 456 F. 2d 233 (1972) (6th Cir. USCA)

15. ... in a "motion to dismiss, the material allegations of the complaint are taken as admitted". From this vantage point, courts are reluctant to dismiss complaints unless it appears the plaintiff can prove no set of facts in support of his claim which would entitle him to relief (see Conley v. Gibson, 355 U.S. 41 (1957)). Walter Process Equipment v. Food Machinery, 382 U.S. 172 (1965)

16. "However inept Cochran's choice of words, he has set out allegations supported by affidavits, and nowhere denied, that Kansas refused him privileges of appeal which it afforded to others. *** The State properly concedes that if the alleged facts pertaining to the suppression of Cochran's appeal were disclosed as being true, ... there would be no question but that there was a violation of the equal protection clause of the Fourteenth Amendment." *Duncan v. Missouri*, 152 U.S. 377, 382 (1894)

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17. Plaintiff filed his lawsuit in Michigan in hopes of honestly finding a court which was not compromised or corrupted by the nefarious relationships of unaccountable power. Never did he anticipate or expect that this court would make themselves a party to his lawsuit or side with the defendants, *proactively* attacking him, interfering with the *administration of justice*, and trying to eject his lawsuit in a manner which literally superseded the lawful discretion and authority of the court, before he could even serve it. Had this even have been a thought or a concern, Plaintiff would have never filed his lawsuit in Lansing Michigan.

IT ALL STARTED WITH A FEW BAD ACTORS

(NOW THE CRIMES ARE IN THE COVERUPS)

This all started with two or three primary bad actors from Williamson County Tennessee, who have been allowed to ride roughshod over the community while the local government has protected them, participated in, executed, and enforced their lawless orders against member of the community. Their criminal influence in the region, to *"practice law"* in a predatory manner, in complete violation with their *oaths of office* and the State's Rules of both Judicial and Professional Conduct, while the Tennessee Board of Professional Responsibility has protected them and refused to accept, file, and act upon complaints against them (at least in Plaintiff's many attempts), has been widely recognized, while other officers of the courts and local professionals have joined into their criminal misconduct, expanding the reach and influence of their enterprise.

Whether true or false, the courts are not receptive to a party making claims like that, which is why Plaintiff has been compelled to file substantial *evidence* on the record, to demonstrate to the court the *true voracity of his claims*, in hopes that the court will allow his complaint to move forward so that he might have a chance to obtain justice, regardless of the size, shape, power, influence, or

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reach of the defendants.

OBSTRUCTING PLAINTIFF'S PURSUIT FOR JUSTICE

Due to the nature of these facts and the number of powerful people who this case implicates (with real tangible evidence), rather than being helped by any division of law enforcement, government, or the courts, additional obstacles have been repeatedly erected, to obstruct Plaintiff's path and *pursuit for justice*. Unfortunately, many such obstructionists, who seem to constantly raise the hurdles that Plaintiff much jump over as a *pro se* (to have even a *remote* chance at justice against such a powerful horde), are employed by different divisions of our government and courts, while having sworn an oath to uphold the Constitution of the United States of America and to *"administer justice without respect to persons"*.

So far, nobody has been willing to *"administer justice"* in Plaintiff's cases (including the preceding cases in Tennessee), *"without respect to persons"*, in compliance with the court's own rules of conduct, or obeying the supreme law of the land.

> "Our whole system of law is predicated on the general fundamental principle of equality of application of the law. 'All men are equal before the law,' "This is a government of laws and not of men,' 'No man is above the law,' are all maxims showing the spirit in which legislatures, executives, and courts are expected to make, execute and apply laws. But the framers and adopters of the (Fourteenth) Amendment were not content to depend... upon the spirit of equality which might not be insisted on by local public opinion. They therefore embodied that spirit in a specific guaranty." *Truax v. Corrigan*, 257 U.S. 312, 332

However unfortunate, ugly, embarrassing, disparaging that may seem, none of that is in any way, shape, or form Plaintiff's fault. The bad actors chose this path. The bad actors have refused the slightest remedy or cure. The bad actors did nearly everything wrong and illegal instead of

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right and just.

THE CURRENT STATE OF OUR NATION

Currently in the United States of America, there is no greater threat to our national security and civil unrest throughout our nation than **corruption** within all three branches of our government and their countless agencies, both state and federal.

It is almost impossible to watch TV or be engaged with social media in any capacity without being bombarded with interwoven stories and propaganda from both the far right and the far left, constantly inundating and overwhelming people from every side, to the point that people have begun asking if either primary political party, if any of our governance, if any court, rule, law, order, constitution, either state or federal is actually real, honest, true, tangible, for the purposes claimed, written in good-faith, within realistic reach, available to honestly protect those less powerful, or if we have all been conned by our government for perverse private interests who are running the show behind the scenes, or through some form of a "shadow government".

This is not a lawsuit about conspiracy theories. This is not lawfare. This is not prospective litigation. This is a lawsuit about what has actually, honestly, truthfully occurred (hence thousands of pages of sworn testimony and real evidence.) Whatever anyone wants to interpret that to mean, that is their business, but the purpose of this lawsuit is to expose and address the **truth** about what these bad actors **have done** (seeking a remedy for the damages caused to Plaintiff's family), while demanding the government, courts, and players therein take reasonable action to protect the integrity of our courts and the lawful interests of both the people and the state, neither of which profit when corruption thrives. It is only by the state aligning their interests with that of the people and the honest *administration of justice* that society and *public trust in the judiciary* can improve.

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THERE IS NO APPETITE FOR CONFRONTING JUDICIAL MISCONDUCT AND CORRUPTION IN THE COURTS OR LOCAL GOVERNMENTS

Despite corruption being at an all time high throughout our nation, the resources and resolve to confront it, discipline, correct, and remove it, while restoring real honest justice to the people, is critically absent if not nearly non-existent.

At the same time honest, patriotic, God fearing, constitution loving attorneys have been disbarred at an alarming rate the past several years, whenever they dare to confront judicial misconduct and corruption, especially in certain geographic locations which have historically struggled with judicial misconduct and public corruption, such as Middle Tennessee has.

> "It is deeply distressing that the Department of Justice, whose mission is to protect the constitutional liberties of the people of the United States, should even appear to be seeking to subvert them by extreme and dubious legal argument[3]." *United States v. Chadwick*, 433 U.S. I at 16 (1976)

> "It is dangerous to be right when the government is wrong."—*Judge Andrew P. Napolitano*

Many courts and government bodies appear to act as though they **value** "avoiding the *appearance* of impropriety" **over** "avoiding actual *impropriety*" (as demanded in the constitutions, canons, state and federal laws, the court's own rules, oaths of office, etc…)

That is an unreasonably unconstitutional short-term mindset that sows decay and injustice into our judiciary and government, which without correction can and may destroy our nation.

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[3] As Plaintiff has felt regarding this court's rhetoric about venue, seeking to dismiss his lawsuit for filing it in their court, claiming some malintent on his part, while they don't feel compelled to provide him with any protection, despite the unconscionable injustices he has suffered, the efforts he has invested, and the weight of the merits of his case. (It has been like assaulting a victim of violent crime, after they barely escape with their life, then confide in local police in hopes of protecting himself and others.)

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> "The exposure and punishment of public corruption is an honor to a nation, not a disgrace. The shame lies in toleration, not in correction." — *Theodore Roosevelt*

When you confront, correct, or remove those who commit misconduct from the judiciary, you strengthen the judiciary, while healing social injustices, which can in turn produce substantial long-term benefits and deepen trust between the government, courts, and the people.

When you cover-up misconduct and deny a lawful remedy to those honestly harmed by it, you sow a lie (often many lies) into an institution based upon supporting and promoting the *truth* with honest *justice*. At that point, the execution of "law" becomes perverted and gets reduced down to *procedure*, *form,* and *process*.

There can be no *reasonable expectation* that any court action can produce *justice,* short of honesty, integrity, truth, and an evenhanded application of authority, without "respect to persons". Yet it is happening every day throughout our country.

> Society's commitment to institutional justice requires that judges be solicitous of the rights of persons who come before the court. **Geiler v. Commission on Judicial Qualifications*, (1973) 10 Cal.3d 270, 286.

> "The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury." *Owen v. City of Independence*

> "Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them." *Miranda v. Arizona, 384 U.S. 426, 491; 86 S. Ct. 1603*

> "It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full

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> authority to prevent all violations of the principles of the Constitution."
> *Downs v. Bidwell, 182 U.S. 244 (1901)*

Every court to date has overwhelmed Plaintiff with procedural demands and technical requirements, citing the courts' local rules and procedures, as justification for him being denied justice, while ignoring an unfathomable amount of judicial and professional misconduct, allowing false claims of law by bad actors[4] in open court, without providing any oversight, accountability, or disciplining the BAR members involved, ignoring their oaths of office along with the rules of judicial and professional conduct, thereby reducing the activity of the court to process, form, and procedures amongst friends, looking and sounding official, but absolutely repugnant of the rule of law or any office of public trust[5].

Plaintiff has significant disabilities which affect his ability to communicate concisely and articulate clearly what has happened to him. He has no problem recognizing or comprehending what happened, but he doesn't know how to **say it**, specifically in a way which is "politically correct" with "legalese", in a way which will compel the court to take his testimony at face value without discounting it or disregarding it all together for being offensive, disrespectful, disparaging, etc…

Plaintiff doesn't know how to communicate to the court that the actions by the officers in the Tennessee courts were offensive, disrespectful, disparaging, contemptuous, etc… how should he communicate unconscionable conduct performed by some of the court's "finest", when nobody will listen to that testimony, acknowledge it, and accept it at face value[6], or help render

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

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

[6] There are people outside the court who have acknowledged having similar experiences, with some of these same people, yet the court refuses to act, acknowledge, question, correct, discipline, or help.

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assistance based upon the **truth**[7]?

Each party who has a responsible role[8] in the courts, especially those belonging to the judiciary[9], having a supervisory duty, along with being required to correct, report, discipline both attorney and judicial misconduct[10], especially misconduct which involves dishonesty and fraud, who Plaintiff reaches out to for help, like he is with this court, amongst other less formal attempts, where Plaintiff testifies to the truth, provides clear and convincing evidence about the fraud and other misconduct, yet the Officer of the Court refuses to obey the court's rules of conduct, their oath of office, and the law, by disciplining or reporting the misconduct to the proper authorities, vacating void judgments for obvious bias, and awarding Plaintiff damages where a rule for damages applies, becomes an accessory after the fact, refusing to intervene, interfering with the administration of justice[11], and adding to the girth of this lawsuit.

> "When appeal is taken from a void judgment, the appellate court must declare the judgment void, because the appellate court may not address the merits, *it must set aside the trial court's judgment and dismiss the appeal.* A void judgment may be attacked at any time by a person whose rights are affected." See *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192, 194 (Tex. App.-Houston [14th Dist.] 1994, no writ); see also *Evans v. C. Woods, Inc.*, No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.-Tyler Aug. 30, 1999, no pet. h.) (emphasis added).
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> "The Court Has a Responsibility to Correct a Void Judgment: The statute of limitations does not apply to a suit in equity to vacate a void

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[7] That is one of the reasons why there are so many pages filed in this lawsuit, to prove that Plaintiff went far above and beyond reasonable attempts to notify the supervisory divisions of the courts (for years) to try and reach a remedy, but none was available.

[8] https://www.uscourts.gov/rules-policies/current-rules-practice-procedure/federal-rules-civil-procedure

[9] https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges

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

[11] https://www.law.cornell.edu/wex/obstruction_of_justice

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> judgment." (*Cadenasso v. Bank of Italy*, p. 569; Estate of Pusey, 180 Cal. 368,374 [181 P. 648].) This rule holds as to all void judgments. In the other two cases cited, *People v. Massengale* and *In re Sandel*, the courts confirmed the judicial power and responsibility to correct void judgments (emphasis added).
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> "A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, or an order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court." See *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999) (emphasis added).
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> "When rule providing for relief from void judgments is applicable, relief is not discretionary matter, but is mandatory." *Omer. V. Shalala*, 30 F.3d 1307 (Colo. 1994) (emphasis added).

The fact is, when Plaintiff's efforts result in null, he needs to reasonably document that, or nobody will likely **believe** that he ever put forth the effort, **to the best of his ability.** While he loses opportunities to litigate for a cure, based upon how **long** it takes him to bring whatever action might one day with a little luck and the grace of God, help him finally obtain justice.

Each time that a cure is reasonably sought, and justice is denied, this lawsuit gets thicker and thicker until someone finally accepts the **truth**, as the truth, and applies the **law** to it, so that Plaintiff can be in some capacity restored and **free to move on with his life.**

It is not reasonable that any judge would view Plaintiff's efforts to date, without acknowledging the obscene amount of criminal misconduct performed by defendants Binkley and Story in the Williamson County Chancery Court, at the very least. You can't objectively review

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the record without being assaulted by it[12].

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (emphasis added).

That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989) (emphasis added).

The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice", *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954).

"Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself sua sponte under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989) (emphasis added).

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based, not on section 144, but on the Due Process Clause.") (emphasis added).

This cannot be ignored its fact recorded! Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. *Const. Amend.*

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

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5 -Klugh v. U.S., 620 F.Supp. 892 (D.S.C. 1985) (emphasis added).

Being an ADA litigant[13] who struggles with ADHD and OCPD, as the courts have all been informed, yet seem to intentionally continue to target and specifically exploit those disabilities and weaknesses of his, by injecting additional conflict, indecision, confusion, and obfuscation into the matters before the court. This overwhelms Plaintiff's ability to know how I need to proceed to protect his interests, while disrupting his focus, and defeating his ability to reply and file in a timely fashion, resulting in Plaintiff's defeat time and time again, without ever honestly addressing a single real merit of the actions before the court.

Plaintiff filed this lawsuit in Michigan, not for any bad-faith, devious, or malintent motive as previously suggested by Magistrate Kent, but rather in hopes of breaking free of the corruption which is so prevalent throughout the courts in Middle Tennessee, which unfortunately Plaintiff learned about the hard way, by experiencing it. Plaintiff has acted honestly, respectfully, and in good faith in every court to date, and has been absolutely destroyed beyond belief or justification as a result.

The defendants in this case have cruelly deprived Plaintiff of his most basic human right and need to be functionally self-sufficient, as he had been all his life prior to their interference with his life, liberty, and property. The defendants went so far as to deprive Plaintiff of his most basic and critical rights, property, and freedom, causing his life to no longer remain realistically self-sustainable, at absolutely no fault of his own. Nor can his life become self-sustainable again, without some lawful or equitable intervention and remedy being ordered by the court.

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[13] ADA

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This is not an elective lawsuit for frivolous purposes or prospective litigation. Plaintiff's life, freedom, and property were wrongfully deprived by the defendants, and his ability to rebuild the most modest life to survive and sustain himself past the lifespan of his 79-year old mother, is not reasonably possible as things currently stand, without the court or a jury delivering substantial justice as a remedy. This is a very time sensitive matter, and it would be beyond unjust if his ability to have his lawsuit heard continues to be deprived without first addressing the real, substantial, outrageous, and unlawful merits of what Plaintiff has been forced to endure, at the hands of many people employed by his tax dollars, combined with the misconduct of their *friends*.

No reasonable person would deny that what Plaintiff has experienced under the fraudulent *"color of law"*, was a cruel and unusual miscarriage of justice *(if it really happened)*. Instead, they pretend that it could never really happen, while much of the public has no idea that it ever could. Plaintiff used to also believe this fallacy.

The disturbing part is after learning about the crisis in *"family courts"* across our nation, and in fact the world, anyone educated, experienced, and employed in the *practice of law*, especially within the judiciary, sees unconscionable attorney and judicial misconduct regularly, if not on a daily basis. Nothing in this lawsuit is beyond the realm or reasonable plausibility for those educated and employed in the judiciary.

To then fail or refuse to be attentive, interested, and concerned about the misconduct by lower courts, as presented and proven throughout this lawsuit, seems to be either irresponsible, negligent, or corrupt. While denying the obviously injured party every benefit which judicial discretion *could* offer, seems contrary to the oath of office along with the honest *interests of justice*.

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How can dismissing this lawsuit for a technical reason without considering the magnitude of the merits, be remotely *"in the interest of justice"*. That would require a different **definition** of the word *"justice"* than Plaintiff is familiar with.

Plaintiff asked Google the following question: "what is the legal definition of justice as accepted by the federal courts." The top two answers provided by Google were:

(1) "A guarantee that no person shall be deprived of life, liberty, or property without the due process of law[14]."

(2) "Justice is the ethical, philosophical idea that people are to be treated impartially, fairly, properly, and reasonably by the law and by arbiters of the law, that laws are to ensure that no harm befalls another, and that, where harm is alleged, a remedial action is taken - both the accuser and the accused receive a morally right consequence merited by their actions (see: due process)[15]."

When considering the facts of Plaintiff's case and the evidence already on court record, neither of those definitions appear to instruct any honest arbiters of the law *(or justice)* to dismiss Plaintiff's lawsuit. So, Plaintiff explored further…

(1) "Protecting rights and punishing wrongs using fairness. It is possible to have unjust laws, even with fair and proper administration of the law of the land as a way for all legal systems to uphold this ideal[16]."

(2) "Justice, in its broadest sense, is the concept that individuals are to be treated in a

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[14] https://www.whitehouse.gov/about-the-white-house/our-government/the-judicial-branch/

[15] https://www.law.cornell.edu/wex/justice

[16] https://thelawdictionary.org/justice/ | Black's Law Dictionary Online (2nd Edition)

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manner that is equitable and fair[17]."

(3) "Maintenance of what is just or right by the exercise of authority or power; assignment of deserved reward or punishment; giving of due deserts[18]."

(4) "1) fairness. 2) moral rightness. 3) a scheme or system of law in which every person receives his/ her/its due from the system, including all rights, both natural and legal. One problem is that attorneys, judges and legislatures often get caught up more in procedure than in achieving justice for all[19]."

Justice is all that Plaintiff has sought, struggled, and fought to obtain! He has even been willing to accept "relative justice", but that hasn't even been within his reach. Authors color their words to promote and reinforce their narrative, to obtain their goals or support their agenda. Yet there can be no honest, impartial, exercise of justice which continues to deprive Plaintiff of his desperately **needed** life, liberty, and property (which the defendants have already carelessly and unlawfully deprived), without remotely equal and due process of law, as has irrefutably taken place to date, as evidenced throughout the court record in this lawsuit[20], as well as the records between the state and federal courts in Tennessee.

Society's commitment to institutional justice **requires that judges be solicitous of the**

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[17] https://en.wikipedia.org/wiki/Justice

[18] https://www.oed.com/dictionary/justice_n?tl=true

[19] https://dictionary.law.com/Default.aspx?selected=1086

[20] ECF 59, PID.4724 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-wilco-rico-deed-fraud-intro.mp4
ECF 59, PID.4723-4735 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-wilco-rico-video-declaration.pdf
ECF 53, PID.4258-4349 | https://rico.jefffenton.com/evidence/2024-03-13_irrefutable-proof-of-criminal-conspiracy.pdf
ECF 54-1, PID.4367 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-recorded-call.mp3
ECF 28, PID.3276-3288 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-call-declaration.pdf
ECF 38, PID.3445-3496 | https://rico.jefffenton.com/evidence/2019-04-26_conspiracy-against-rights-under-color-of-law.pdf
ECF 21, PID.2781-2817 | https://rico.jefffenton.com/evidence/2024-01-18_binkley-disqualification-for-bias-coercion.pdf
ECF 1-12, PID.479-596 | https://rico.jefffenton.com/evidence/2019-10-29_tn-wilco-deed-fraud-ada-financial-exploitation.pdf

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rights of persons who come before the court. **Geiler v. Commission on Judicial Qualifications*, (1973) 10 Cal.3d 270, 286.

"**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).

"**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, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment." *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).

Had these foundational principles of justice been applied in the preceding cases in Tennessee, it would have saved Plaintiff's life from an almost unbelievable deprivation of his rights, property, and freedom, without ever needing to bring this or any lawsuit to be able to survive.

To **dismiss** this case due to **any** *technical failure* or even *unintentional negligence* on the part of Plaintiff, as a *pro se* litigant, acting honestly in good faith, working far beyond the threshold of

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what any lawful citizen should be expected to navigate, execute, and endure, purely to be **allowed** to **survive unmolested**, by the government, the courts, and the officers therein, is beyond reasonable reconciliation.

> *"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[21]."*

"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, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment[22]."

"Following the simple guide of rule 8(f) that <u>all pleadings shall be so construed as to do substantial justice</u>"... "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) FRCP, which holds that all pleadings shall be construed to do substantial justice[23].

"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, but its importance consists in its effectiveness as a means to accomplish the end of a just judgment[24]."

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[21] Jenkins v. McKeithen, 395 U.S. 411, 421 (1959); Picking v. Pennsylvania R. Co., 151 Fed 2nd 240; Pucket v. Cox, 456 2nd 233

[22] Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

[23] Conley v. Gibson, 355 U.S. 41 at 48 (1957)

[24] Maty v. Grasselli Chemical Co., 303 U.S. 197 (1938)

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"Due to sloth, inattention or desire to seize tactical advantage, lawyers have long engaged in dilatory practices... the glacial pace of much litigation breeds frustration with the Federal Courts and ultimately, disrespect for the law[25]."

The courts, the state, and the officers therein bear the burden to obey the *rule of law*, their *oaths of office*, along with the court's *rules of conduct.* In this case, the courts in Tennessee obviously failed, refused, or neglected to do so.

Plaintiff is due a remedy, despite his lack of financial fitness or legal proficiency. The defendants broke the law, repeatedly, unconscionably, beyond literal belief without viewing the evidence or knowing the character of the parties involved. They owe Plaintiff a remedy and a cure, not just an opportunity to wrestle wits with them while they pervert and misapply the law to cause even more criminal harm to Plaintiff and his family.

Whatever needs to be done to reach a remedy, the members of the court from the preceding matters are responsible and should be held accountable for the harm they chose to carelessly and illegally cause.[26]

With all due respect, the strategy which the courts have employed to date, of overwhelming Plaintiff from multiple sides simultaneously, while refusing to consider the **merits** of his case, the substance of his **testimony**, and the value of his **evidence**, refusing to **proactively comply** with the rule of law, the spirit of the law, the court's codes of conduct, and relevant case law, instead requiring Plaintiff to know enough to *"catch"* **the court misbehaving**, to then need to battle the

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[25] Roadway Express v. Pipe, 447 U.S. 752 at 757 (1982)

[26] #iamhuman

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court to remain neutral, or to not reduce his rights by failing to argue and object to every court order, lest his rights diminish automatically.

The path, pace, and trajectory of this case needs to desperately change, for Plaintiff to have any honest chance for justice at all. Needing to fight for his life against an obscene horde of high profile officers from the Tennessee courts, when there is honestly no reasonable, good-faith, honest defense for any of their actions concerning Plaintiff, or their failures to act and intervene, to help mitigate his damages and prevent him from suffering years longer, without one honest, lawful, just cause. *That just isn't reasonable.* It is certainly not just.

The bad actors in this lawsuit lord over the wealthiest county in the State of Tennessee, and one of the wealthiest per capita in our nation[27]. That gives them a substantial amount of influence throughout Tennessee governance, because that is precisely where many of the wealthiest and most influential, choose to put down roots and raise their families.

Some of the corruption and bad actors which this lawsuit seeks to hold accountable, are being protected by divisions of the Tennessee Supreme Court, who have actively covered up their misconduct and refused to discipline them despite knowing about the criminal misconduct which they have been involved in. That is a fact which Plaintiff can prove.

PLAINTIFF'S PREFERENCE IN VENUE

Plaintiff cannot afford to defend an out of state court battle. Plaintiff does not fly, he is terrified of driving over the Cincinnati Bridge, as both this court and the preceding courts in Tennessee have been informed.

[27] Williamson County Tennessee

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Plaintiff moves for this case to be transferred to the United States District Court in the Eastern District of Michigan, so that he will have an opportunity to participate in every way which the court allows him, while being within driving distance of the court.

Please see the other filings by Plaintiff in court on this same day, to understand to what degree the State of Tennessee might lawfully claim any jurisdiction in the matters before this court.

In the event that the courts demand this case be transferred to Tennessee, else providing Plaintiff no venue for a remedy, in that case Plaintiff requests that this case be transferred to the Eastern District of Tennessee, in Knoxville, so to have some insulation from the influence of the direct relationships of many involved.

Keeping this case in Michigan, is far more "in the interest of justice" for Plaintiff than moving this case to Knoxville.

Plaintiff would also be amiable to some courts in Ohio, specifically those on the west side of the Ohio river, so not to need to cross the bridge in Cincinnati.

Again, keeping this case in Michigan is preferred by Plaintiff more so than Ohio, and Ohio is more preferred than in Knoxville, and Knoxville is more preferred than Nashville.

In any case where the court is located out of state, Plaintiff will need ECF privileges to compensate for the extensive mail time. It also is quite burdensome to need to notify so many parties manually with each paper filed.

Plaintiff understand that some of those locations could probably only be by agreement between the parties, but those are his preferences.

If all else fails, and there is no path for Plaintiff to proceed without transferring this case to Nashville, as an absolute last resort, Plaintiff would still prefer that over the court dismissing the

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case for lack of a proper venue.

Thank you for this opportunity to provide my feedback, again, I do appreciate the court transferring this case anywhere over dismissing it, along with well over a years' worth of my constant and diligent work.

PRO SE LITIGANT – MERITS RULE OF LAW OVER TECHNICALITIES

18. I am acting in a *pro se*[28] capacity in this lawsuit by necessity and entitled to a liberal reading and less stringent standards since my filings have been prepared without assistance of counsel. See *Haines v. Kerner,* 404 U.S. 519, 92 S. Ct. 594 (1972).

DECLARATION

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.

Executed on October 4th, 2024

JEFFREY RYAN FENTON, PRO SE

17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
(P) 615.837.1300

[28] ECF 1-35, PID.1960

Initials:

CERTIFICATE OF SERVICE

I hereby certify that on October 5, 2024, I am mailing the foregoing papers to the defendants or their counsel, by first class mail, at the addresses below. If for any reason, beyond my control, I am unable to complete this on the date specified, I will mail them on the very next mailing day.

VALERIE HENNING MOCK
WILSON ELSER MOSKOWITZ EDELMAN & DICKER
17197 N LAUREL PARK DR STE 201
LIVONIA, MI 48152-7901

BRIAN JOSEPH GALLAGHER
LENNON MILLER PLC
151 S ROSE ST STE 900
KALAMAZOO, MI 49007-4719

SANDRA J. DENSHAM
PLUNKETT COONEY
333 BRIDGE ST NW STE 530
GRAND RAPIDS, MI 49504-5365

MICHAEL L. GUTIERREZ
BUTZEL LONG PC
300 OTTAWA AVE NW STE 620
GRAND RAPIDS, MI 49503-2308

BRET CHANESS
RUBIN LUBLIN, LLC
3145 AVALON RIDGE PL STE 100
PEACHTREE CORNERS, GA 30071-1570

ALAN RHENEY
SPRAGINS, BARNETT & COBB, PLC
312 E LAFAYETTE ST
JACKSON, TN 38301-6220

BANK OF AMERICA, N.A.
ATTN: OFFICER, MANAGER, OR AGENT
4909 SAVARESE CIR
TAMPA, FL 33634-2413

MARY BETH AUSBROOKS
ROTHSCHILD & AUSBROOKS, PLLC
110 GLANCY ST STE 109
GOODLETTSVILLE, TN 37072-2314

R L MOORE
BANKERS TITLE & ESCROW CORPORATION
3310 WEST END AVE STE 540
NASHVILLE, TN 37203-6802

CARL A NEUHOFF, JR.
HOSTETTLER, NEUHOFF & DAVIS, LLC
421 E IRIS DR STE 300
NASHVILLE, TN 37204-3140

KATHRYN LYNN YARBROUGH
408 PREAKNESS DR
THOMPSONS STATION, TN 37179-5238

ALEXANDER SERGEY KOVAL
281 PARAGON MILLS RD
NASHVILLE, TN 37211-4034

HENRY EDWARD HILDEBRAND III
217 LAUDERDALE RD
NASHVILLE, TN 37205-1821

CHARLES M. WALKER
1925B WARFIELD DR
NASHVILLE, TN 37215-3422

THOMAS E. ANDERSON
215 GLENSTONE CIR
BRENTWOOD, TN 37027-3916

ELECTRONIC SERVICE OPTIONS

This document will also be available on the Internet, on my list[1] of documents filed by myself in this lawsuit, since the release of my lawsuit service package[2].

Executed on October 4, 2024

JEFFREY RYAN FENTON, PRO SE

17195 SILVER PARKWAY, #150
FENTON, MI, 48430-3426
CONTACT@JEFFFENTON.COM
(P) 615.837.1300

[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