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**

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APR 23 2025
U.S. DISTRICT COURT
MIDDLE DISTRICT OF TN

DECLARATION OF UNCONSTITUTIONAL DESTRUCTION AND OPPRESSION[1] WITH ADA INTERFERENCE, COERCION, INTIMIDATION, AND RETALIATION

(IN SUPPORT OF MY RULE 59 MOTION TO AMEND JUDGEMENT OR FOR A NEW TRIAL)

This testimony is brought pursuant to 28 U.S. Code § 1746; 42 U.S. Code § 1983, § 1985, and § 12101 et seq; T.C.A. §16-3-803, § 23-3-112, § 39-14-112, § 39-15-502, § 39-17-309, § 39-16-402, § 39-16-403, § 39-16-503, § 39-16-504, § 39-16-507, § 39-16-510; Tenn. Sup. Ct. R. 8 & 10, Tenn. Sup. Ct. Administrative Policy #2.07; the Constitution of Tennessee; and the U.S. Constitution.

I, Jeffrey Ryan Fenton, declare under oath as follows:

1. I was born in Washington State during 1969.
2. I am domiciled in Genesee County, Michigan.

[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.

3. Ms. Fawn Fenton (hereinafter "Ms. Fenton", "wife", or "ex-wife") and I were together for fifteen years, thirteen during which we were married, in Tennessee.

PRO SE LITIGANT - MERITS RULE OVER TECHNICALITIES

4. I am acting in a *pro se*[2] capacity in this lawsuit by necessity and entitled to a liberal reading and less stringent standards since my filings have been prepared without the assistance of counsel. See *Haines v. Kerner,* 404 U.S. 519, 92 S. Ct. 594 (1972).

QUALIFIED AMERICAN WITH DISABILITIES ACT LITIGANT

5. I am a qualified ADA party with disabilities affecting my communication and cognitive functions, which make research for and drafting of legal pleadings exceptionally slow and challenging.

6. I request any accommodations the court can provide to help me fully participate in, be protected by, and receive justice through the federal judiciary as would a party without these disabilities.

7. I suffer from several cognitive disabilities: Obsessive-Compulsive Personality Disorder (OCPD) DSM-5 301.4 (F60.5), Generalized Anxiety Disorder (GAD) DSM-5 300.02 (F4L1), Attention-Deficit Hyperactivity Disorder (ADHD) DSM-5 314.01 (F90.2), Circadian Rhythm Sleep Disorder (CRSD) Non-24-Hour Sleep-Wake Disorder (Non-24) DSM-5 307.45 (G47.24). Letters from my doctors[3] and a declaration[4] regarding my disabilities are on file in this federal lawsuit. Medications I take regularly can only control these afflictions, not cure them.

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[2] DOC 1-35, PID 1960

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

[4] DOC 32, PID 3296-3309 | https://rico.jefffenton.com/evidence/fenton-declaration-of-disabilities.pdf

ODE TO THE TENNESSEE PREDATORS[5]

AMERICANS WITH DISABILITIES ACT[6] — NO STATE HAS IMMUNITY

42 U.S.C. § 12202. State immunity: "A State shall not be immune under the eleventh amendment to the Constitution of the United States from an action in Federal or State court of competent jurisdiction for a violation of this chapter. In any action against a State for a violation of the requirements of this chapter, remedies (including remedies both at law and in equity) are available for such a violation to the same extent as such remedies are available for such a violation in an action against any public or private entity other than a State."

42 U.S. CODE § 12203[7] (A) PROHIBITION AGAINST ADA RETALIATION AND COERCION

"Retaliation: No person shall discriminate against any individual because such individual has opposed any act or practice made unlawful by this chapter or because such individual made a charge, testified, assisted, or participated in any manner in an investigation, proceeding, or hearing under this chapter."

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[5] Throughout this document, the term "Tennessee Predators" and "Predators" refers to the defendants in this lawsuit. This is based on the fact that the preceding litigation executed by the defendants was what I have learned to recognize as "Predatory Litigation" since, as explained in various filings throughout this lawsuit, as well as online at the two web addresses below:

https://tninjustice.org/predatory-litigation-101/ | The exploitation of our courts for predatory criminal practices must be stopped.

https://jefffenton.com/predatory-litigation-how-us-courts-were-designed-to-produce-justice-why-they-fail-how-to-restore-justice-again/

Courts should be keen to *predatory litigation* in any case involving a *pro se* litigant, where counsel chooses to elevate *process* and *procedures* above *merits* and *conduct*. That is a tell-tale sign that the council or court's priorities are not in alignment with real justice.

[6] https://www.law.cornell.edu/uscode/text/42/12202

[7] https://www.law.cornell.edu/uscode/text/42/12203

42 U.S. CODE § 12203[8] (B) ADA INTERFERENCE

"Interference, coercion, or intimidation: It shall be unlawful to coerce, intimidate, threaten, or interfere with any individual in the exercise or enjoyment of, or on account of his or her having exercised or enjoyed, or on account of his or her having aided or encouraged any other individual in the exercise or enjoyment of, any right granted or protected by this chapter."

42 U.S. CODE § 12205[9] — ADA ATTORNEY'S FEES

"In any action or administrative proceeding commenced pursuant to this chapter, the court or agency, in its discretion, may allow the prevailing party, other than the United States, a reasonable attorney's fee, including litigation expenses, and costs, and the United States shall be liable for the foregoing the same as a private individual."

FEDERALLY UNCONSTITUTIONAL ACTS — NO STATE OFFICER HAS IMMUNITY —

The U.S. Supreme Court stated that "when a state officer acts under a state law in a manner violative of the Federal Constitution, he comes into conflict with the superior authority of that Constitution, and he is in that case *stripped of his official or representative character* and is **subjected in his person to the consequences of his individual conduct.** The State has no power to impart to him any immunity from responsibility to the supreme authority of the United States." *Scheuer v. Rhodes*, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

[8] https://www.law.cornell.edu/uscode/text/42/12203

[9] https://www.law.cornell.edu/uscode/text/42/12205

MY LIFE BEFORE INTERFERENCE BY TENNESSEE'S PREDATORS

8. According to Wikipedia[10]: "Williamson County[11] is ranked as the wealthiest county in Tennessee, as well as among the wealthiest counties in the country. In 2006 it was the 17th-wealthiest county in the country according to the U.S. Census Bureau[12], but the Council for Community and Economic Research ranked Williamson County as America's wealthiest county (1st) when the local cost of living was factored into the equation with median household income. In 2010, Williamson County is listed 17th on the Forbes list of the 25 wealthiest counties in America."

BRENTWOOD MARITAL RESIDENCE

[10] https://en.m.wikipedia.org/wiki/Williamson_County,_Tennessee

[11] https://williamsoncounty-tn.gov/

[12] DOC 43, PID 3713-3716 | https://rico.jefffenton.com/evidence/2017-2021_census-brentwood-tennessee-v-fenton-michigan.pdf

9. My ex-wife and I owned a beautiful home located at 1986 Sunnyside Drive[13], Brentwood[14], TN, 37027 (hereinafter "marital residence," "residence," "property," or "home"). We purchased our marital residence on April 29, 2011, for $350,000[15].

10. I invested everything that I had into the purchase and renovation of our home, including all my premarital retirement funds[16] along with proceeds from my own premarital duplex[17].

11. This investment was further complemented by nearly a decade of my "sweat equity," including thousands of hours of labor making and supervising roughly $200,000 of improvements[18] to our property.

12. This work was also my primary contribution to our family for much of the time between 2011 and 2018, during which my ex-wife built her career in architecture and doubled her vocational value.[19]

13. Together we had roughly $550,000[20] invested in our home, plus thousands of hours of work.

14. The money my ex-wife and I invested in our marital residence wasn't to raise its curb appeal or add flashy trim that could realize immediate returns upon investment if sold. We

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[13] DOC 19-1, PID 2624-2628 | https://rico.jefffenton.com/evidence/2011-04-29_1986-sunnyside-brentwood-tn-deed.pdf

[14] DOC 19-1, PID 2629 | https://rico.jefffenton.com/evidence/1986-sunnyside-brentwood-tn-2019-property-taxes.pdf

[15] DOC 42, PID 3631-3657 | https://rico.jefffenton.com/evidence/2011-04-29_1986-sunnyside-premarital-assets-invested.pdf
DOC 19-1, PID 2620-2623 | https://rico.jefffenton.com/evidence/2011-04-29_fenton-marital-residence-tenancy-by-entirety.pdf

[16] DOC 42, PID 3631-3657 | https://rico.jefffenton.com/evidence/2011-04-29_1986-sunnyside-premarital-assets-invested.pdf

[17] DOC 214, PID 921 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf

[18] DOC 42, PID 3665-3676 | https://rico.jefffenton.com/evidence/1986-sunnyside-property-improvement-highlights.pdf

[19] DOC 43, PID 3702-3704 | https://rico.jefffenton.com/evidence/2017-04-06_wifes-belated-raise-after-protest.pdf

[20] DOC 42, PID 3665-3676 | https://rico.jefffenton.com/evidence/1986-sunnyside-property-improvement-highlights.pdf

invested into the core features of the home[21]—replacing the roof[22], remediating mold[23], and removing/replacing many of the electrical and mechanical systems[24] for improved health, safety, efficiency, and comfort. The work performed on the property was done with the expectation that we would live there for the next twenty years, not quickly "flip" it.

15. It was not possible in 2019 for us to sell our home, either by auction or on the market, without losing a substantial amount of money, for which we had no means of compensation or recovery. That is why I fervently fought to keep our property[25], but the bad actors in this lawsuit refused to allow it.

16. However, over the next few years, the property nearly doubled in value due to its location, as we expected. The market needed time, which is evidenced by the fact that the home appreciated roughly $100,000[26] per year for the next four consecutive years.

PREDATORY LITIGATION[27]—THE BLEEDING BEGINS

17. That home is currently worth more than $900,000[28] and was our sole asset and retirement investment. Yet defendant Chancery Court for Williamson County Tennessee (hereinafter "Chancery Court") forced the liquidation of our home for just $324,360[29]—

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21 DOC 42, PID 3665-3676 | https://rico.jefffenton.com/evidence/1986-sunnyside-property-improvement-highlights.pdf

22 DOC 60, PID 60

23 DOC 1-2, PID 57

24 DOC 1-2, PID 58

25 DOC 1-17, PID 692-702 | https://rico.jefffenton.com/evidence/2019-07-29_response-to-wifes-motion-to-sell-residence.pdf
DOC 18-7, PID 2526-2589 | https://rico.jefffenton.com/evidence/2019-08-29_husbands-one-and-done-answer-to-all.pdf

26 DOC 52, PID 4211-4217 | https://rico.jefffenton.com/evidence/2023-05-31_1986-sunnyside-brentwood-tn-appreciation.pdf

27 https://tninjustice.org/predatory-litigation-101/ | The exploitation of our courts for predatory criminal practices must be stopped. https://jefffenton.com/predatory-litigation-how-us-courts-were-designed-to-produce-justice-why-they-fail-how-to-restore-justice-again/
Courts should be keen to *predatory litigation* in any case involving a *pro se* litigant, where counsel chooses to elevate *process* and *procedures* above *merits* and *conduct.* That is a tell-tale sign that the council or court's priorities are not in alignment with real justice.

28 DOC 52, PID 4211-4217 | https://rico.jefffenton.com/evidence/2023-05-31_1986-sunnyside-brentwood-tn-appreciation.pdf

29 DOC 48, PID 4019-4029 | https://rico.jefffenton.com/evidence/2019-10-29_1986-sunnyside-real-estate-deed-fraud.pdf

suspiciously the exact amount due on our mortgages plus auctioning fees and closing costs—without one dollar to myself or to Ms. Fenton (to the best of my knowledge) despite all the time, money, and other resources we had invested in it.

18. That is a *six hundred-thousand-dollar* net difference and **loss** (in just four years), between myself and my ex-wife, had the defendants in this case not illegally and unethically **interfered** with our lives.

MY VOCATIONAL AND ECONOMIC POTENTIAL

19. That is likely more money than I have the education, aptitude, and vocational capacity to earn **throughout the remainder of my life combined.**

20. Therefore, I cannot prioritize any vocational pursuit (it would be irresponsible of me to try), at the expense of **losing time** critically needed to research law and bring this case to trial, to receive the remedy I am ethically and lawfully due, for the crimes committed by the defendants against myself and my family.

HOW ADHD AND OCPD AFFECT MY MULTI-TASKING AND PRODUCTIVELY

21. This lawsuit must remain my primary focus and chief pursuit until a lawful remedy is reached. Especially since my disabilities[30] of ADHD and OCPD specifically impede my ability to successfully multi-task major projects and pursuits concurrently, such as *pro se* litigation, vocational training, and obtaining gainful employment in a new professional field, as the harm caused by the defendants now necessitates.

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[30] DOC 32, PID 3296-3309 | https://rico.jefffenton.com/evidence/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
DOC 52, PID 4254-4257 | https://rico.jefffenton.com/evidence/tn-ada-disabilities-exploited-for-advantage-ocpd-merck.pdf

INTERFERENCE WITH MY FINANCIAL INDEPENDENCE & SUSTAINABILITY

22. The defendants may claim that my disabilities aren't their problem, which would be true if not for the fact that they intentionally, strategically, attacked, exploited, and overwhelmed my most significant disabilities for the express purpose of committing fraud on both State and Federal courts concurrently, deceptively influencing and assisting in a fraudulent Federal Bankruptcy action[31], to unconscionably and illegally deprive me and my two lawful tenants/roommates[32] of "adequate protection" as required by bankruptcy rules and law[33], while unconstitutionally stealing our significant, critically needed, and extremely valuable Brentwood, Williamson County property interests[34].

THE UNLAWFUL AND OPPRESSIVE ORDERS OF PROTECTION

23. To make matters even worse, the same group of bad actors who stole my home, also ordered an oppressive *default* "order of protection" against me for many years, despite knowing that it "interferes" and prevents me from qualifying for and obtaining suitable employment, which defendant Story acknowledged herself in Chancery court during the August 1, 2019, hearing[35].

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[31] DOC 19-2, PID 2632-2646 | https://rico.jefffenton.com/evidence/2019-04-26_ausbrooks-story-fraudulent-bk-petition.pdf

[32] DOC 45, PID 3800-3807 | https://rico.jefffenton.com/evidence/2019-03-26_fenton-sunnyside-roommate-lease-merriman.pdf
DOC 45, PID 3808-3813 | https://rico.jefffenton.com/evidence/2019-04-09_fenton-sunnyside-roommate-lease-garcia.pdf

[33] DOC 38, PID 3445-3496 | https://rico.jefffenton.com/evidence/2019-04-26_bankruptcy-crimes-rules-and-laws-violated.pdf

[34] DOC 1-12, PID 479-596 | https://rico.jefffenton.com/evidence/2019-10-29_tn-wilco-deed-fraud-ada-financial-exploitation.pdf

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

THE FRAUDULENT ORDER INTERFERES WITH MY EMPLOYMENT

24. I clearly informed the Tennessee Court of Appeals and the Tennessee Supreme Court about my need for the fraudulent "protective order" to be removed **so that I could pass pre-employment background checks and obtain suitable employment**[36], but none of them showed any interest or care whatsoever. Despite being repeatedly informed that my elderly mother (whom the Tennessee Courts dumped me on), has a life-threatening immunity disorder[37], **preventing me from obtaining employment outside her home** after COVID-19, for as long as I continue to reside with her. This was further substantiated with letters and an affidavit[38] executed by my mother on October 13, 2020, filed with the Tennessee Court of Appeals, along with notes from her doctors.

25. This has been further substantiated since, in an extensive seventy-two-page declaration[39] (with evidence attached) by my mother, titled "DECLARATION OF MARSHA ANN FENTON REGARDING SON JEFFREY RYAN FENTON AND TENNESSEE LEGAL PROCEEDINGS", filed in this lawsuit on January 19, 2024, in DOC 18 through DOC 18-10, PID 2417-2616.

26. To dismiss both of our sworn testimonies, filed under the penalty of perjury, combined with substantial clear and convincing (if not irrefutable) evidence, while leaving me **destroyed** and **unemployable**, after more than five years, for no honest lawful reason or any opportunity to be heard and defend myself, would be an abuse of discretion by this court, clearly

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[36] DOC 1-28, PID 1658 | https://rico.jefffenton.com/evidence/2021-01-19_tnsc-immunity-disorder-strike-expunge-op.pdf
DOC 50, PID 4082-4086 | https://rico.jefffenton.com/evidence/2020-10-16_coa-emergency-motion-reporting-misconduct.pdf

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

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

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

proving judicial bias and rendering any subsequent ruling **void**.

27. At some point, somebody must respond honestly and lawfully to what the defendants have done to me or pay for the damages caused by trespassing upon my life, liberty, and property in an almost incomprehensibly violent, destructive, inhumane, and oppressive manner.

> "No judicial process, whatever form it may assume, can have any lawful authority outside of the limits of the jurisdiction of the court or judge by whom it is issued; and an attempt to enforce it beyond these boundaries is nothing less than **lawless violence.**" *Ableman v. Booth*, 21 Howard 506 (1859) (emphasis added).
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> 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. 5 -Klugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985) (emphasis added).
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> "An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, **as inoperative as though it had never been passed.**" *Norton v. Shelby County*, 118 U.S. 425 p. 442 (emphasis added).
>
> **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 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).

THE REAL PURPOSE OF THIS PREDATORY ORDER

28. The real purpose of this "order of protection" was to assassinate my character prior to my first appearance in court, to "set the stage" for defendant Story's fraudulent narrative[40]. This act strategically disempowered me, effectively "silencing my voice", while simultaneously empowering defendants Story and Binkley to exceed the lawful limits of the court's authority and jurisdiction, with complete disregard for the actual law, under the fraudulent pretense of "protecting" my ex-wife.

29. This further positioned the defendants to leverage the Williamson County Sheriff's Office in the **execution** and **enforcement** of multiple **felony crimes** against me, while they **trespassed** upon my property, treated me like a dangerous felon **inside my own home**, and wrongfully evicted me from **my property,** with **no** *honest*, *lawful*, *good faith* purpose, cause, or reason whatsoever, while telling me, **"don't come back"** (or something substantially similar) just before exiting **my driveway**.

30. This order was misused for many purposes, none of which were legal or honestly admitted by counsel in the petition for the order or any subsequent filings. This was essentially a **tool of terrorism** by the Williamson County Chancery Court, defendants Story, Ausbrooks, Binkley, and Beeler. It was the proverbial **"noose"** around my neck for *six years*, which was pulled so tight that I was hyperventilating as the Williamson County Sheriff's Office trespassed upon my property and unlawfully seized my home.

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[40] DOC 19, PID 2617-2716 | https://rico.jefffenton.com/evidence/2019_tn-court-motions-in-chronological-order.pdf
DOC 22, PID 2818-2862 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-hearing-transcript.pdf
DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf

COERCING AND EXTORTING COOPERATION THROUGH THE THREAT OF INCARCERATION

31. This order along with the **threat of incarceration**[41] was used to repeatedly **bully** me, to **intimidate** and **coerce** my cooperation **as they stole my home** under the fraudulent color of official right and law. It was used to **threaten** and **extort my silence** about their crimes and misconduct against me. It was used to **pressure** and **punish** me when I attempted to assert and defend my constitutional rights, and finally it was used to **retaliate** against me, by **intentionally causing me emotional distress** (as they held my most coveted **civil rights hostage** for five more years[42] without providing me with a *reason*, *notice*[43], *motion*, or *hearing*; still to date) after I reported the fraudulent misconduct by defendants Story and Binkley to defendant Coke[44] with the Administrative Offices of the Courts. This qualifies as Hobb's Act "**extortion**[45]" by "force or fear[46]", as well as "under color of official right[47]" and "color of law". This also qualifies as "official misconduct[48]" and "official oppression[49]". This qualifies as "harassment[50]" and "civil rights intimidation[51]". This qualifies as ADA[52] Interference, Coercion, Intimidation, and

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41 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

42 DOC 1-31, PID 1794-1873 | https://rico.jefffenton.com/evidence/2020-09-24_5yr-op-ext-retaliation-no-notice-motion-hearing.pdf

43 DOC 54-1, PID 4369 | https://rico.jefffenton.com/evidence/2020-09-30_wilco-inquiry-about-extended-op-and-sales-records.mp3

44 DOC 26-1, PID 3259 | https://rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-phone-call.mp3
DOC 26, PID 3227-3258 | https://rico.jefffenton.com/evidence/2020-02-13_tnsc-aoc-ada-gc-john-coke-transcript.pdf
DOC 57-1, PID 4527 | https://rico.jefffenton.com/evidence/2020-09-09_tn-aba-free-legal-answers-site-question-closed.pdf

45 https://www.justice.gov/archives/jm/criminal-resource-manual-2402-hobbs-act-generally

46 https://www.justice.gov/archives/jm/criminal-resource-manual-2403-hobbs-act-extortion-force-violence-or-fear

47 https://www.justice.gov/archives/jm/criminal-resource-manual-2404-hobbs-act-under-color-official-right

48 https://law.justia.com/codes/tennessee/title-39/chapter-16/part-4/section-39-16-402/

49 https://law.justia.com/codes/tennessee/title-39/chapter-16/part-4/section-39-16-403/

50 https://law.justia.com/codes/tennessee/title-39/chapter-17/part-3/section-39-17-308/

51 https://law.justia.com/codes/tennessee/title-39/chapter-17/part-3/section-39-17-309/

52 https://www.law.cornell.edu/uscode/text/42/12202

Retaliation[53]. Under the Americans with Disabilities Act, this also qualifies for awards of reasonable attorney's fees[54], while there is no state immunity[55] available under the Eleventh Amendment of the United States Constitution for violations of this act.

32. When the truth is finally realized about how this so-called "order of protection" has been executed, manipulated, and misused for malicious criminal purposes, serving as an unlawful civil restraint and coercive threat against my life and liberty, it will become clear how defendants Story, Binkley, Beeler, and others unlawfully stripped me of my most fundamental natural human rights. This includes the wrongful deprivation of my ability to qualify for and secure appropriate employment under the circumstances crucial for my survival amidst the defendants' cruel, unethical, and illegal actions.

33. Furthermore, it unjustly deprived me of my Second Amendment right to keep and bear arms—an essential constitutional freedom—depriving my ability to **protect my family** during one of the most volatile decades our country has known during my lifetime, without any legitimate reason, lawful jurisdiction,[56] or authority. Further prohibiting me from enjoying the sports of hunting and shooting with my friends, both being significant recreational activities in Michigan.

34. If this lawsuit is dismissed for any reason prior to curing these injustices, this court combined with the defendants and their counsel herein, will have committed another felony crime against myself and my family, even if the court enjoys immunity from prosecution, it would be ghastly irresponsible if not negligent to dismiss this lawsuit and everything I have invested over the past two years in an attempt to reach a remedy, without at the very least terminating this wrongful

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[53] https://www.law.cornell.edu/uscode/text/42/12203

[54] https://www.law.cornell.edu/uscode/text/42/12205

[55] https://www.law.cornell.edu/uscode/text/42/12202

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

order so that I can freely **move forward** and **qualify for critically needed employment** and **enjoy my constitutional rights** unimpeded.

TENNESSEE COURTS UNLAWFULLY DESTROYED ME AND RENDERED ME HOMELESS

35. Today, I have absolutely no income, savings, or real property as a direct result of the defendant's cruel, criminal, abusive, depraved, bullying, oppressive, ethically and lawfully unjustifiable conduct[57], spanning state and federal courts in Tennessee.

INTERFERENCE WITH MY HEALTH

36. Toward the end of 2019, I lost my Tennessee health insurance coverage (provided by my ex-wife's employer) suddenly and without notice. Then I was forcefully geographically displaced, against my will, hundreds of miles away to the State of Michigan to survive. Where I no longer had physical access to my health care providers, for physical or mental health, also abruptly losing access to most of my support systems I had developed during my adult life.

INTERFERENCE WITH MY MEDICATION REGIMEN

37. Even more critically, I lost access to many of the medications which I had taken for years, to treat my disabilities, which had helped me to function at my best. These drugs had previously helped me to hone my focus to complete complex legal research and writing, to be able to reduce distractions, to concentrate my time, energy, and resources to complete one meaningful project or legal filing at a time, and to be physically capable of determining when "good enough" was really the best that I could do under the circumstances, so that I could actually **finish** projects, tasks, documents, and filings.

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

INTERFERENCE WITH MY ABILITY TO ARTICULATE CONCISELY & LITIGATE

38. **Finishing** tasks is one of the most difficult challenges for people with "obsessive-compulsive personality disorder", which I suffer from. Due to the massive scope of this lawsuit, combined with how completely and unconscionably I had been destroyed, further exacerbated by losing access to Vyvanse, my ADHD medication for the better part of three years, it was literally impossible for me to tell my own story about what the defendants had done to me, especially in any sort of concise, linear, or structured format.

39. That didn't stop me from trying though, I spent over a year writing on average twenty-five to fifty pages per day, every day. Often working 12-16 hours per day, rewriting what I had written the day before while trying to improve it to no end, but I couldn't do it. After I lost my access to Vyvanse, I couldn't tell my own story to save my life. The defendants had made the truth **too big of a story to tell**, while also making it so outrageous that it was unlikely that anyone would believe me.

VYVANSE—THE ONLY ADHD DRUG THAT WORKS FOR ME

Radnor Psychiatric Group, PLC
5123 VIRGINIA WAY
SUITE C-11
BRENTWOOD, TENNESSEE 37027

Telephone: (615) 373-5205
Fax: (615) 373-5165

RE: Jeffrey Fenton

To Whom It May Concern:

Jeffrey Fenton has been a patient under my care since 2012. He is treated for a severe Generalized Anxiety Disorder, Attention Deficit Disorder, and suffers from an Obsessive Compulsive Personality Disorder. He also has specific phobias regarding weather, driving across bridges, and flying, along with obsessive concerns over his health.

I have prescribed medication including Lexapro 40 mg a day, Vyvanse 70 mg a day, Xanax 1 mg every six hours as needed, and Restoril 30 mg at night for chronic insomnia. He also has continued to see Terry Huff, LCSW, in psychotherapy. Despite his compliance with his medication and therapy, his symptoms continue to be disabling.

Sincerely,

Richard E. Rochester, M.D.
RER/sde

RETURNING TO MY TENNESSEE PSYCHIATRIST

40. My first few years in Michigan, I couldn't find a suitable replacement for my mental health care providers. In fact, I couldn't even find a Michigan doctor who would continue my pre-existing regimen of medications which I had taken for many years in Tennessee. After the onset of COVID-19, I returned to seeing my Tennessee Psychiatrist (Doctor Richard Rochester in Brentwood, Tennessee), over the phone again for the next couple of years.

MICHIGAN MEDICAID REFUSED TO PAY FOR TENNESSEE PRESCRIPTIONS

41. The problem with this solution, was that though he would prescribe me all the same medications as I had been taking for years, once I was on Michigan's Medicaid program (almost immediately upon arrival in Michigan), they would only pay for prescriptions which were prescribed by doctors who were *members* of the Michigan Medicaid System, which of course my Tennessee Psychiatrist was not a member of. Therefore, I could get the prescriptions, and pharmacies in Michigan would fill them (being the same pharmacy chains who had filled my prescriptions for years), but I had to *pay cash* for them.

42. Subsequently I had to switch my medications to cheaper forms of generic alternatives, while paying cash for them each month, continuously borrowing the money from my family.

43. The most significant downside to this was that there was no generic for Vyvanse and I couldn't afford the cash price ($300 - $400 per month), while Vyvanse is the only ADHD medication which has ever worked for me.

I LOST AFFORDABLE ACCESS TO VYVANSE FOR THREE YEARS

44. As a temporary substitute my doctor tried Adderall which helped me a tiny bit (it was slightly better than nothing at all), but it made me jittery, there were significant peaks and troughs, the affect was not smooth like Vyvanse, and my window of improved focus and best functioning went from about 10 hours per day with Vyvanse, down to roughly four hours per day with Adderall, while still failing to provide my mind with the "overall sense of calm" consistently experienced with Vyvanse.

45. My doctor and I tried Adderall extended-release capsules, we tried taking it twice per day, but nothing really worked to help with my ADHD until I was finally able to switch over to a Michigan mental health care provider, roughly two years ago, at which point I was finally able to slowly begin taking Vyvanse again. (This required several failed attempts at working with mental health professionals, trying to find the right practitioner who would prescribe me the medications which I had successfully taken for many years in Tennessee.)

46. Due to my elderly mother's life-threatening immunity disorder, our household remained on strict quarantine for a long time, which postponed me continuing the search for suitable Michigan health care providers after my fist attempts failed, right before COVID hit.

DIFFERENT WORLDVIEWS IN STATE GOVERNANCE AND HEALTHCARE

47. There are some significantly different worldviews in governance and healthcare between Tennessee and Michigan. For example, in Tennessee, my ex-wife's gynecologist would prescribe her antidepressants a year at a time. I don't know of a doctor in Michigan who will prescribe the same antidepressants without wanting to see the patient every three months.

48. Similarly, I've had a very difficult time getting Xanax for my anxiety or prescription sleep medications so I can rest peacefully in Michigan, but they sell recreational marijuana all over the place. It is simply different world views, about what is good and bad for society, while the laws are structured in favor of their viewpoint. Unfortunately, Michigan's viewpoint has never allowed me to return to the regimen of medications which worked best for me in Tennessee.

MICHIGAN AUTOMATED PRESCRIPTION SYSTEM (MAPS)

49. Upon information and belief, Michigan healthcare workers have also educated me about a program called "Michigan Automated Prescription System[58]" (hereinafter "MAPS"), which I'm told was a response to the opioid epidemic, and though none of my medications are opioids, this system is used to closely monitor all controlled substances prescribed in the State of Michigan.

50. Upon information and belief, my understanding is that MAPS assigns a score to each controlled substance, then they aggregate the scores of each patient under each prescribing practitioner, and divide that by their total number of patients, to calculate the average score per patient. If that score is above a certain threshold, then the medical license for that prescribing physician or nurse is at risk of being penalized or lost for abusively overprescribing controlled substances.

51. Upon information and belief, which doesn't sound bad at first, until you learn how low the threshold is per patient, especially when compared to how high the values are for ADHD medications, under the MAPS system. I was told by my current provider that by taking Vyvanse

[58] https://www.michigan.gov/lara/bureau-list/bpl/health/maps
https://www.house.mi.gov/hfa/PDF/LARA/LARA_DIFS_Subcmte_Testimony(BureauofProfessionalLicensing_3-1-16).pdf
https://www.ojp.gov/ncjrs/virtual-library/abstracts/prescription-drug-monitoring-program-michigan-state-profile

alone (at a lower dosage than I took for years in Tennessee), the score for that one medication is so high, it automatically pushes me over the target threshold per patient, harming the prescriber's overall average. Therefore, if I want to take Vyvanse to help my brain work (to have any chance at reaching a remedy through this lawsuit), then they will prescribe me no other controlled substances, for any reason. (Not because of the impact on my health, good or bad, but because of the risk to the prescribing practitioner's medical license under MAPS.)

52. Beginning to take Vyvanse again, to help with my ADHD, in exchange for losing access to every other controlled substance I used to take to help with anxiety and insomnia, is the choice I made a little over two years ago (the first opportunity I had to obtain Vyvanse with Michigan Medicaid) so that I could begin to pull my thoughts together to file this lawsuit.

53. This is the state of my medications currently.

GEPHYROPHOBIA (THE FEAR OF GOING OVER BRIDGES)

54. Therefore, I can't do things, like driving over the Cincinnati bridge[59]currently, which requires me to have Xanax (to cope with gephyrophobia), because I don't have access to Xanax anymore. Similarly, I can't maintain any sort of regular sleep schedule, bedtime, or daily routine, because I have Non-24[60] and my body doesn't operate with a normal 24-hour circadian rhythm. In many ways I have sacrificed my comfort and rest, in exchange for having my brain work, as well as it can under the circumstances.

55. Let me be perfectly clear that I have chosen to prioritize my ADHD medication during this season over medications for anxiety and insomnia specifically so that I have the best

[59] I have gephyrophobia as explained in the MOTION TO MAINTAIN VENUE filed on 10/20/2023 in ECF 7, PID 2097.

[60] https://my.clevelandclinic.org/health/diseases/12115-circadian-rhythm-disorders

chance possible at litigating for a remedy[61]. Without Vyvanse, I believe that justice would remain beyond my reach. Especially with the current culture of our courts, without the State of Tennessee proactively showing an interest in holding the bad actors accountable.

56. This is the focus and purpose of my life now. Fighting to improve the judicial integrity of Middle Tennessee, demanding common-sense policy changes to help protect Tennessee litigants while seeking to hold the bad actors accountable to protect the ethical "practice of law" throughout the state. In many ways, it is too late to save my life, but it's not too late to save the lives, property, and liberty of other Tennessee families.

I SHOULD NOT BE PENALIZED FOR HOW TENNESSEE'S PREDATORS KNOWINGLY STACKED THE DECK AGAINST ME

57. By the bad actors coaching my ex-wife to terminate spousal support (which she had previously agreed to pay and had paid prior to the defendants involvement[62]), while also having her secretly quit paying our mortgage payments (as previously agreed[63]), and to fraudulently file for bankruptcy[64] (without lawful need or notice) while specifically requesting the court sell our jointly purchased, owned, deeded, and improved marital residence, which I was lawfully in possession of, all without ethical or legal notice, without a hearing or adversarial proceeding in Federal Court as required by bankruptcy rules and law, while the Chancery Court illegally terminated my only stream of income in that moment (tenant/roommate rents[65]), wrongfully evicting me from my

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61 Against a legion of powerful and well financed bad actors.

62 DOC 44, PID 3769-3770 | https://rico.jefffenton.com/evidence/2018-12-22_projected-gross-taxes-alimony-net.pdf
DOC 27, PID 3260-3275 | https://rico.jefffenton.com/evidence/2018-07-12_arons-and-associates-divorce-planning.pdf

63 DOC 43, PID 3720-3721 | https://rico.jefffenton.com/evidence/2018-05-02_family-budget-living-apart.pdf
DOC 1-26, PID 1317-1318 | https://rico.jefffenton.com/evidence/2018-10-27_verbal-settlement-agreement.pdf

64 DOC 19-2, PID 2632-2646 | https://rico.jefffenton.com/evidence/2019-04-26_ausbrooks-story-fraudulent-bk-petition.pdf

65 DOC 1-17, PID 692-702 | https://rico.jefffenton.com/evidence/2019-07-29_response-to-wifes-motion-to-sell-residence.pdf

Brentwood home, without equal and due process, an impartial tribunal, lawful jurisdiction[66], or just cause, rendering me literally homeless within the State of Tennessee (almost instantly), and subsequently forcing my geographic displacement by roughly 600 miles away from the Chancery Court and the section of Middle Tennessee which I had called "home" for the past 25-years. Not out of any willful desire or plan to ever move to Michigan, but rather simply to obtain emergency replacement shelter and provision from my extended family, so that I could **physically survive** the cruel and unconscionable orders of Tennessee's state and federal courts.

58. Let me state unequivocally, that defendants Chancery Court, Story, and Binkley knew[67] prior to their unlawful August 29, 2019, order[68], wrongfully evicting me from my Brentwood home[69] (and subsequently the state of Tennessee), that I can't drive over the Cincinnati Bridge[70] without help[71]. They also knew that as a direct result of their eviction, I would be displaced to the State of Michigan, to stay with my extended family. They also knew that once I was on the east side of the Cincinnati Bridge (the side leading to Michigan), I didn't have the resources or ability to be physically present in Tennessee's courts or to travel back and forth so that I could be physically present to defend myself in Tennessee's courts again. This was all well known by the court and counsel prior to them wrongfully evicting me from my Brentwood home and forcing me to the east side of the Cincinnati Bridge, in a desperate attempt to survive their cruel and careless crimes against myself and my family.

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66 DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf
DOC 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

67 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

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

69 DOC 1-12, PID 479-596 | https://rico.jefffenton.com/evidence/2019-10-29_tn-wilco-deed-fraud-ada-financial-exploitation.pdf

70 Officially called the "John A. Roebling Bridge", referred to as the "Cincinnati Bridge" herein.

71 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

59. I was wrongfully displaced from Tennessee against my will and strong protest, strictly due to the unlawful and criminal acts of the defendants. They should not gain the added advantage of being able to force me to litigate in a court which I do not reasonably have access to (roughly 600 miles away), where I cannot be actively present (in person or remotely), to fully participate in every phase of this lawsuit.

60. Furthermore, the defendants have strongly objected to MIWD having jurisdiction to hear this matter, while that court is reasonably and practically within my reach.

EQUITABLE ESTOPPEL

61. Case law from across the nation makes perfectly clear that litigants should not benefit from their own misconduct. "'[Equitable estoppel] is wholly independent of the limitations period itself and takes its life, not from the language of the statute, but from the equitable principle that *no man will be permitted to profit from his own wrongdoing* in a court of justice.' (*Battuello*, 64 Cal. App. 4th 842, 847-848, 75 Cal. Rptr. 2d 548 quoting *Bomba v. W.L. Belvidere, Inc.* (7th Cir. 1978) 579 F.2d 1067, 1070.)" *Lantzy v. Centex Homes*, 73 P. 3d 517 (Cal. 2003) (strongest emphasis added).

62. Unless this court allows this litigation to proceed while also allowing me ECF filing privileges and to participate in this lawsuit remotely[72], *equitable estoppel* is being **ignored** by the courts and the defendants continue to profit (through unjust enrichment and other unlawful means), from their cruel, depraved, bullying, abusive, and criminal misconduct[73].

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[72] DOC 197, PID 445-486 | https://rico.jefffenton.com/evidence/2025-01-10_motion-for-ecf-and-remote-participation.pdf

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

SYMPTOMS AND SIGNS OF OCPD — FROM MERCK MANUALS[74]

"In patients with obsessive-compulsive personality disorder, preoccupation with order, perfectionism, and control of themselves and situations interferes with flexibility, effectiveness, and openness. Rigid and stubborn in their activities, these patients insist that everything be done in specific ways."

"To maintain a sense of control, patients focus on rules, minute details, procedures, schedules, and lists. As a result, the main point of a project or activity is lost. **These patients repeatedly check for mistakes and pay extraordinary attention to detail.** They do not make good use of their time, often leaving the most important tasks until the end. **Their preoccupation with the details and making sure everything is perfect can <u>endlessly</u> delay completion.** They are unaware of how their behavior affects their coworkers. **When focused on one task, these patients may neglect all other aspects of their life.**"

PREDATORY TACTICS: ATTACK AND DESTROY SO CRUELLY, ABSOLUTELY, <u>AND LAWLESSLY THAT NOBODY WILL EVER BELIEVE THE TRUTH</u>

63. This deprives the victim of resources to seek a remedy, while causing the *truth* to be so *outrageous* that it is treated as "unbelievable" by the courts, law enforcement, and the public.

64. I've written tens of thousands of pages of documents and drafts in desperate attempts to articulate the depth and breadth of the damages caused me by the defendants. Attempting to reach help, accountability, protection, a remedy or cure, which is unreasonably overwhelming given the scope of this case and the number of bad actors directly involved. Further

[74] Obsessive-Compulsive Personality Disorder (OCPD) - Psychiatric Disorders - Merck Manuals Professional Edition DOC 52, PID 4254-4257 | https://rico.jefffenton.com/evidence/tn-ada-disabilities-exploited-for-advantage-ocpd-merck.pdf

exacerbated by their friends in high places who continue to cover for their overt misconduct and felony crimes, while refusing to intervene and help the injured party.

65. I believe this is a strategic and intentional element of *predatory litigation*[75], as I have learned to recognize the preceding Tennessee actions to have been.

66. I believe that one of the goals of *predatory litigation*, is to make the **truth** so outrageous, overwhelming, illegal, unreasonably cruel, and at times downright sadistic, that most people will **never believe the truth**, if or when the victim or "mark" is able to understand and communicate what has happened to them.

THERE CAN BE NO "JUSTICE" IN A COURT OF "FRIENDS"

67. This is one of the major reasons why no judge should hear a legal argument or case presented by one of their friends or prior associates[76]. Not because of intentional bias as is clear in this case, but because of the subconscious **preformed trust** of the *known* party, automatically giving them an *unfair* advantage over the *unknown* party.

68. This is especially true when dealing with *pro se* litigants, who judges rarely side with or believe over counsel in the first place.

ADJUDICATING THE MATTER VERSUS JUDGING THE PERSON

69. The almost unsurmountable challenge for the *unknown* party, is in addition to not knowing the credibility of their claims, the judge must also determine the credibility of their *person*, their honesty, their integrity, their mental health, their motives, whether their knowledge of the

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[75] https://tninjustice.org/predatory-litigation-101/
https://jefffenton.com/predatory-litigation-how-us-courts-were-designed-to-produce-justice-why-they-fail-how-to-restore-justice-again/

[76] DOC 43, PID 3726-3729 | https://rico.jefffenton.com/evidence/2018-08-30_tennessean-story-hosts-vacations-with-judges.pdf
DOC 44, PID 3740-3741 | https://rico.jefffenton.com/evidence/2018-09-24_tenn-binkley-defends-partying-with-lawyers.pdf

relevant law is accurate or displaced, almost none of which the judge is contemplating about the attorney, especially when that attorney is someone the **judge already knows**, is fond of, respects, has a relationship with (the closer the relationship, the more prone to error and natural bias), and ultimately whom the judge trusts or favors, at least on a subconscious level.

THE "BENEFIT OF THE DOUBT"

70. When one of the judge's close personal friends (such as defendant Story), whom the judge has known and trusted for years (at least on some professional level), whom the judge is fond of, has great respect for, who has influence in the community and the courts, who has influence with the judge's family and friends, along with in local politics, especially when that person has been a close family friend for decades (as defendant Story has been with the Binkley family), the judge is automatically inclined by both conscious and subconscious **human nature** to hear, receive, and believe or give her claims "the benefit of the doubt" in court. At the very least, more so than any *unknown* party, especially a *pro se* litigant (often looked down on, despised, ridiculed, abused, and ignored by BAR members).

71. Yet the disparity does not stop there, that is merely the starting point.

72. Using defendants Story and Binkley, from this case for example, during the first hearing I had counsel, but that made truly little difference whatsoever. Defendant Story was taken at face value by defendant Binkley, with nearly every word spoken treated as if a matter of fact, without material evidence, verification, or proofs, even when in direct violation of the court's rules of conduct and local laws.

73. That's a poor example of what I'm trying to convey though, because there *was* nefarious intent involved on the part of both defendants Story and Binkley, while I'm trying to

provide an example where *absent* nefarious intent, it is *still* unreasonable to expect a judge to overcome the subconscious bonds and trust in relationships (human nature), to have any realistic chance of providing an *unknown* party with an honestly impartial tribunal, as is constitutionally required to operate courts of equity or law in this great nation.

AN EXAMPLE WITHOUT JUDICIAL MISCONDUCT

74. Using a hypothetical example instead, removing all misconduct and criminal intent from the court and judge (in a best-case scenario), but not from the *known* and *trusted* attorney, who is a close family friend of the judge (a common reality, our judicial system must anticipate and responsibly protect the public from—human nature), let me explain the impact that both honest and predatory testimony has, by the known party in court, on the tribunals "impartiality" (assuming the judge is trying to act honestly in good faith), and how that impacts the unknown party's testimony, how the court receives it, and the resulting access to justice realistically within reach of the *unknown* party.

WHEN CLAIMS BY BOTH PARTIES ARE SIMILAR IN NATURE

75. In the above example, when the testimony provided by both the known (liked, previously trusted, friend of the judge) and *unknown* parties are **close** or **similar** in nature, meaning that the two parties' claims aren't very different from each other, rather they are slightly different variations of primarily the same thing, the judge is in the best position to honestly hear, pause, and contemplate the claims by the *unknown* party, the subtle differences between the claims of both parties, and the honest application of the law between the two.

76. This requires the judge to only make a conclusion about the **issues being heard**, and how the law is applied to those specific considerations, without the need to make any

significant conclusions about the honesty, character, integrity, lawful intent, mental health, motives, etc… about either party. Even more importantly, this does not require the judge to rule in a manner which is incongruent or even worse, which defies or offends their preformed beliefs about the *known* party (by human nature).

77. Hence the closer the claims between the *known* and *unknown* parties, the better chance the court has of honestly acting fairly and impartially.

WHEN THE KNOWN AND TRUSTED PARTY LIES

78. In contrast, back to the example before (assuming that the court and the judge honestly have the best of intentions), when the testimony provided by both the *known* (liked, previously trusted, friend of the judge) and *unknown* parties are **extremely far apart** and fundamentally different in nature, especially if offensive to each other or the publicly recognized nature of justice, the judge is almost certain to go with their **gut feeling**, by *continuing* to believe the *known* and trusted party, over the party of *unknown* honesty, character, integrity, mental health, motives, agenda, etc… that's simply human nature.

THE BIGGER THE LIE, THE MORE LIKELY THE COURT TO BELIEVE IT

79. To make this disparity even more diabolical, the more evil, sadistic, cruel, abusive, inhumane, illegal, obscene, unconscionable, outrageous, unconceivable, implausible, the actions and claims by the *known* and trusted party (previously trusted, liked, friend of the judge), the more likely the judge will without delay rule strongly in favor of the known party and rule harshly against the interests of the *unknown* party[77]. (Regardless of the truth in the matters before the court.)

[77] As this court has repeatedly done in this lawsuit, with or without personal knowledge of the players, favoring the BAR defendants.

80. To do otherwise would first *require* the judge to *reject* their subconscious, gut-level, instinctive belief that the *known* party is *reasonably* honest, trustworthy, respectable, respecting of the court, competent, lawful, and operating in good faith for the purposes claimed.

81. It wouldn't just require a judge to face the shortcomings of a friend whom they previously trusted and/or thought highly about, to rule in favor of the *unknown* party, once there is this large of a disparity between the claims by both parties, but it would also force a judge to face their own shortcomings for having a friend who would attempt to improperly exploit their relationship, while committing fraud on the court, to intentionally cause unconscionable criminal harm to an innocent party, purely for their profit and gain, along with that of their client, their mutual friends, and fellow associates.

82. When the facts and case history show that it would take a **monster**, nearly devoid of a conscience, to fabricate such a foul plot, for the purpose of fraudulently robbing an ADA party of their highly valuable and critically needed property interests; **the judge is almost certain to rule in favor of their friend.** (It would require a massive departure from cultural norms to do otherwise.)

83. **"Impartiality" was never realistically possible in this scenario[78], in the first place.** While it was judicial misconduct and impropriety at the highest levels in the State of Tennessee, which has negligently allowed Tennessee judges to violate the ethical canons by refusing to recuse themselves, even when there are obvious conflicts of interest. At the same time the State has egregiously required the public to participate in and submit to the unlawful arbitrary

DOC 236, PID 1491-1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

DOC 237, PID 1504 | https://rico.jefffenton.com/3-24-cv-01282/doc/237.pdf

[78] As in this lawsuit, where the court has proactively acted in favor of the BAR defendants, showing an obvious **agenda** to dismiss this lawsuit without allowing one single hearing, to consider the facts or the evidence in the matters before the court, before terminating it.

exercise of biased and discriminatory power; often in "fixed" cases, while misappropriating the state's resources on doubling down and defending the unlawful exercise of power, instead of helping the injured parties and holding the bad actors accountable, to improve the honest judicial integrity throughout the state.

84. With each breath that each party violated the Constitution of the United States of America and my rights therein, they simultaneously forfeited any "qualified immunity" they may have been otherwise entitled to, had they obeyed the rule of law, operated in good faith, and not targeted, interfered, intimidated, coerced, extorted, retaliated, and oppressed a disadvantaged ADA litigant.

85. Shame on them for being such foul hideous creatures, but they shall not be spared from being held accountable for their actions, no matter what their titles or roles were.

86. This is a case where one honest, God fearing, law abiding, officer of the court with exceptional moral fortitude could have prevented this entire catastrophe (the illegal loss of my Brentwood property, my liberty, and years of my life), from taking place; but simply put **no such person existed** or played a role in the preceding Tennessee matters.

87. One of the sickest realities that I have learned about this, is the more cruel, criminal, evil, sadistic, and/or inhumane the actions and claims by the *known* and trusted BAR party, the more likely they will significantly reduce their time and costs in litigation, while winning very favorably in court, overwhelming the *unknown* party (the victim or "mark") with catastrophic financial damages, debilitating and consuming to survive, along with a *reality* and testimony which is *too large* and frankly *unbelievable* to be heard by most. This almost guarantees the success of the predatory counsel, increasing their predatory take, while protecting them from getting caught or ever having to face the consequences for the unconscionable and inhumane crimes they actually committed.

EVIDENCE THIS PREDATORY TACTIC WORKS TO HARM THE PUBLIC

88. The effectiveness of this predatory tactic is extreme, unconscionable, and currently **devoid of a remedy in the Sixth Circuit** unless the court reconsiders the MEMORANDUM OF OPINION AND ORDER filed by District Judge Patricia Gaughan in DOC 236, PID 1497-1498, (shown in part below):

> "Further, even without a motion to dismiss, federal courts are courts of limited jurisdiction and have an independent duty to police the boundaries of their jurisdiction in every case. *See* Fed. R. Civ. P. 12(h)(3). A district court "may, at any time, *sua sponte* dismiss a complaint for lack of subject matter jurisdiction pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure when the allegations of a complaint are totally **implausible**, attenuated, unsubstantial, frivolous, **devoid of merit**, or **no longer open to discussion**." *Apple v. Glenn*, 183 F.3d 477, 479 (6th Cir. 1999). In other words, summary dismissal of even a fee-paid complaint may be appropriate where the plaintiff's claims "**lack the legal plausibility** necessary to invoke federal subject matter jurisdiction." *Id.*"
>
> "Applying these standards, the Court finds that Plaintiff's action warrants dismissal. For multiple reasons, **Plaintiff's Complaint is totally implausible, devoid of merit, and no longer open to discussion**" (emphasis added).

WHEN THE COURT CLAIMS THAT THE TRUTH IS TOTALLY IMPLAUSIBLE

89. At this point, regardless of any intent to the contrary, the court has become an instrument of lawless oppression, unconstitutional deprivation, and in many cases, litigious terrorism; causing substantial harm to the life, liberty, property, health, and happiness of the people, while pretending that what plagues them is ***simply not real***. There are few insults greater to free and intelligent people than to dismiss their complaints as illegitimate and baseless, treating them without interest, care, respect or regard for their most basic natural human rights or constitutional rights in this great nation, destroying years' worth of work toward reaching a remedy for crimes which the state and the courts should have reasonably protected the public from and prevented from happening in the first place.

TENNESSEE'S OVERSIGHT OF THE "PRACTICE OF LAW" IS BEING LEVERAGED FOR CRIMINAL PURPOSES

90. When on top of that the bad BAR actors are buddies with people who are trusted to oversee and regulate the "practice of law" throughout the entire state, having enough influence to leverage the state's oversight boards to do their bidding (such as defendant Binkley has proven able to do[79] with former Attorney Whistleblower Manookian), while being protected from sanctions, discipline, and being disbarred as defendants Story and Binkley obviously are[80], that which was

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[79] DOC 1-14, PID 597-640 | https://rico.jefffenton.com/evidence/2021-03-21_knox-news-binkley-threatens-prior-restraints.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

[80] As proven by past complaints I've filed with the Board of Professional Responsibility of the Supreme Court of Tennessee, which defendant Garrett has chosen to ignore and refused to take action on. Repeatedly proven afresh each day that the State of Tennessee continues refusing to take action regarding the heavily documented **attorney** and **judicial misconduct** filed in this lawsuit and copied to the State of Tennessee, the Tennessee Supreme Court, the Administrative Offices of the Courts, the Board of Professional Responsibility of the Supreme Court of Tennessee, along with other divisions of State and County government, responsible for ensuring the lawful, honest, and fair use of **public resources and tax dollars**, for the public's broad benefit throughout the state, not just to benefit the *predators* who have influence and *control* over the courts and capital.

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

designed as an office of public trust, meant to safe-guard the public from the *unethical* "practice of law", becomes a *racketeering enterprise*[81] of criminal collusion, arbitrary power, deprivation, oppression, and corruption, perverting the state's courts and the power therein for dishonest, unethical, and obscene purposes, referred to by some ethics whistleblowers and victims of *predatory litigation* as **"state-sponsored terrorism"**.

91. It is for this exact reason that this lawsuit has been brought and must be allowed to proceed to trial, as long as the **Constitution of the United States of America** is not **dead letter**, provides any tangible **protection to the people**, and is still considered to be the **supreme Law of the Land.**

> "This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding[82]." U.S. Const. art. VI, cl. 2.
>
> "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 authority to prevent all violations of the principles of the Constitution.**" *Downs v. Bidwell*, 182 U.S. 244 (1901) (emphasis added).

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[81] Operation Greylord | https://www.fbi.gov/history/famous-cases/operation-greylord

Kids-for-Cash | https://www.npr.org/2022/08/18/1118108084/michael-conahan-mark-ciavarella-kids-for-cash

Thomas Girardi | https://rico.jefffenton.com/evidence/girardi-investigation-for-the-state-bar-of-california.pdf

Thomas Girardi | https://rico.jefffenton.com/evidence/girardi-lion-air-flight-610-crash-memorandum-order.pdf

https://davisvanguard.org/2023/06/petition-for-antitrust-complaint-against-state-bar-and-chairman-filed-and-decided-without-complainants-knowledge/

[82] The citation for the Supremacy Clause is U.S. Const. art. VI, cl. 2. This clause establishes that the Constitution, federal laws made in accordance with it, and treaties made under the authority of the U.S. are the supreme law of the land, overriding any conflicting state laws or constitutions.

https://constitution.congress.gov/browse/essay/artVI-C2-1/ALDE_00013395/

"Crime is contagious. If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy." *Olmstad v. United States*, (1928) 277 U.S. 438

TENNESSEE'S TREADING DANGEROUSLY CLOSE TO TREASON

92. Upon information and belief, the **truths** disclosed in this declaration along with other filings in this lawsuit, *show* that the *actions* and *inactions* by some of the powerful defendants, Williamson County, the State of Tennessee, both State and Federal Courts, and even divisions, departments, offices and/or officers of the United States of America, are treading dangerously close to **treason**. I have prayed, worked, and fought to compel state and federal courts to take this complaint seriously and **intervene**; to lawfully restore honest, ethical, protection to the "practice of law" and the public at large throughout the State of Tennessee. So far, everyone has refused.

93. Upon information and belief, with the amount of outrageous crimes committed against me by the defendants (as are irrefutably documented in this lawsuit[83]), despite holding multiple elevated offices of public trust in Tennessee (which they have repeatedly betrayed), if the law firms, attorneys, courts, and judges involved figure out a way *to deprive me of a remedy*, regardless of what "legal" theory their motions and orders are based on, or how craftily they are executed, **that will constitute an additional <u>felony crime</u>** (cause of action) against me **by every party involved**, including the court. That being another RICO count of racketeering via the courts, under color of law, office, or official right (Hobb's Act[84]), along with ADA "interference,

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

[84] https://www.justice.gov/archives/jm/criminal-resource-manual-2402-hobbs-act-generally
https://www.justice.gov/archives/jm/criminal-resource-manual-2403-hobbs-act-extortion-force-violence-or-fear

[84] https://www.justice.gov/archives/jm/criminal-resource-manual-2404-hobbs-act-under-color-official-right

coercion, or intimidation[85]", as well as more *extrinsic fraud*[86], commonly referred to as "fraud on the court by officers of the court", extending the statute of limitations indefinitely, until the court obeys the rules of judicial and professional conduct, acts honestly in *good faith*, while ethically and lawfully **providing me with a reasonable remedy.**

94. Upon information and belief, no one who continues leveraging offices of public trust, the state, the courts, or the "law"; to deprive peaceful people of their property and rights, **can enjoy any form of immunity** within the United States of America. There is no such Constitutional immunity that exists or can be provided to protect them from the consequences of their crimes. The proposition itself shows an intolerable level of disrespect, if not disdain, for the people, our flag, and the Constitution under which we live. Power and responsibility have always gone hand-in-hand. The defendants in this lawsuit have negligently, and in some cases egregiously exercised both.

MISAPPROPRIATION OF PUBLIC FUNDS, EGREGIOUS COURT MISCONDUCT, PROFESSIONAL NEGLIGENCE AND IMPROPRIETY

95. The State of Tennessee is involved in professional negligence and impropriety, along with every BAR member and law firm they employ to evade, deflect, and/or dismiss them from liability and responsibility for their actions under color of law, office, and official right.

96. Every dollar that Williamson County and the State of Tennessee spend to argue for immunity rather than to force the bad actors to ethically comply with the State of Tennessee's Rules of Judicial and Professional Conduct[87] is a misappropriation of public resources and tax

[85] 42 U.S.C. §§ 12202-12205 | https://www.law.cornell.edu/uscode/text/42/12202 | No state immunity for anyone.

[86] https://en.wikipedia.org/wiki/Extrinsic_fraud

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

dollars for private criminal purposes.

97. The deflection by the defendants from doing what is honest, ethical, and lawful, shall continue to create new, never-ending, **causes of action**, until the courts stop these bad actors from playing games and forces them to obey the law, including the ethical canons, applied equally for public benefit throughout the state.

98. I have been forced onto Medicaid and Michigan's Supplemental Food Assistance Program in order to survive the crimes committed against me by these powerful Tennessee bad actors, without any care or concern for whether or not it was even physically possible for me to survive their cruel, biased, and unlawful court orders.

MY LIFE REMAINS UNSUSTAINABLE AS A RESULT OF MY WRONGFUL EVICTION

99. Except for during a short period of State and Federally funded financial relief (around the time of COVID-19), I have not been able to afford my own shelter, utilities, or even essential toiletries like soap, shampoo, toothpaste or toilet paper since being forcefully rendered homeless from my Brentwood residence, on **September 3, 2019**, around noon, by the Williamson County Sheriff's Office, during my wrongful eviction.

100. This wrongful eviction was caused by excessive fraud on the court, including false claims of both fact and law in open court by defendant Story[88], while defendant Binkley played along with her misconduct and joined in instead of correcting, disciplining, or reporting Story's misconduct, as the State of Tennessee's Rules of Judicial Conduct require.

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

101. Instead, defendant Binkley issued illegal court orders[89], wrongfully depriving me of **both** my only steam of income, along with my valuable and critically needed Brentwood property interests, without the lawful jurisdiction to hear or dispose of either matter[90], while depriving me of equal and due process of law, and notice by which I could save, mitigate my losses in, or redeem my most essential property interests, as is constitutionally guaranteed.

FALSE CLAIMS ABOUT REAL ESTATE AND CONTRACT LAW IN OPEN COURT

102. These wrongful actions by the court were unfairly elicited and justified by defendant Story's false, fictitious, and fraudulent claims[91] about *common matters* of *real estate* and *contact law*, in open court on August 1, 2019. Every BAR member present in court that day should have reasonably known that defendant Story had materially misrepresented the law in those matters. While every defendant[92], Attorney, and Judge in this matter, should now reasonably know the same.

103. I was forcefully displaced, against my will, to the State of Michigan to obtain emergency replacement shelter and provision from my extended family, as a direct result of being wrongfully evicted from my Brentwood, Williamson County, residence on September 3, 2019.

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[89] DOC 19-6, PID 2669-2672 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-court-order-with-counsel.pdf
DOC 19-7, PID 2674-2677 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-court-order-once-pro-se.pdf
DOC 19-13, PID 2706-2709 | https://rico.jefffenton.com/evidence/2019-10-21_chancery-final-decree-of-divorce.pdf
DOC 1-31, PID 1794-1873 | https://rico.jefffenton.com/evidence/2019-10-21_order-of-protection-as-illegal-prior-restraint.pdf
DOC 1-31, PID 1794-1873 | https://rico.jefffenton.com/evidence/2020-09-24_5yr-op-ext-retaliation-no-notice-motion-hearing.pdf

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

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

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

DISCLOSING DISABILITIES & REPORTING FRAUDULENT MISCONDUCT

104. While I have repeatedly disclosed my disabilities[93] to the courts along with how the defendants herein have fraudulently, cruelly, and unconscionably exploited my disabilities[94] for **their own gain**, with no honest, moral, ethical, or lawful basis for their actions.

TRYING TO SURVIVE & SEEK A REMEDY IS MY FULL-TIME JOB NOW

105. The research of law and the development of skills needed to bring forth this lawsuit have been the most demanding full-time pursuit of my life. Between the "order of protection" and restrictions caused by COVID-19, followed by a need for caution to continue protecting my elderly mother's health (due to her life-threatening immunity disorder), plus the thousands of hours I have invested in legal research while seeking a remedy for the crimes committed against my family, it has not been possible so far for me to obtain or maintain any employment by which to help support myself and contribute towards my basic living expenses, in any meaningful capacity or duration.

F.R.CIV.P. RULE 2 — ONE FORM OF ACTION

106. I've done everything in my power to study law and cite my claims as accurately, completely, and timely as I know how, in my FAC[95].

107. There has been no less fruitful pursuit in my life than trying to compel the defendants, the Court and multiple Federal Judges to respect my natural and constitutional rights,

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[93] DOC 57-1, PID 4460 | https://rico.jefffenton.com/evidence/2019-09-23_seeking-ada-assistance-coa-referred-aoc.pdf
DOC 1-38, PID 2032-2045 | https://rico.jefffenton.com/evidence/2020-07-08_tnsc-coa-ada-request-for-modification.pdf
DOC 52, PID 4254-4257 | vhttps://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

[94] DOC 18-7, PID 2526-2589 | https://rico.jefffenton.com/evidence/2019-08-29_husbands-one-and-done-answer-to-all.pdf
DOC 57-1, PID 4419-4441 | https://rico.jefffenton.com/evidence/2019-09-20_halt-confronting-criminal-misconduct-by-story.pdf
DOC 57-1, PID 4452-4459 | https://rico.jefffenton.com/evidence/2019-09-23_notified-binkley-false-claims-in-storys-order.pdf

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

obey the law, and to not trespass upon my life, my liberty, my property, or my pursuit of happiness. To say that the defendants in this case have egregiously violated every last one, would be an understatement.

108. I began working full-time on this lawsuit, a little over a year before filing it on October 13, 2023. That first year, I worked a minimum of *twelve hours* per day, *six days* per week, often seven. That was a minimum of *three thousand, seven hundred and forty-four* (3,744) hours of work prior to filing on October 13, 2023.

109. I maintained that pace for most of the second year also, and I have **never** worked on it less than *ten hours per day*, *six days per week* since.

110. From October 13, 2023, to today (April 22, 2025) is *five hundred and fifty-seven* (557) days in total. Which divided by seven days per week equals a little over *seventy-nine* weeks. Multiplied by a minimum of *sixty hours* of work per week, equals another *four thousand, seven hundred, and forty* (4,740) hours of work.

111. Finally, by adding the *three thousand, seven hundred and forty-four* hours of work prior to filing on October 13, 2023, and the *four thousand, seven hundred, and forty* hours of work since that date, equals a minimum of *eight thousand, four hundred and eighty-four* (**8,484**) hours of work I have invested into this lawsuit, to date.

112. Calculated based upon an average pay rate of *thirty dollars* per hour for my labor, that is a total investment of *two hundred and fifty-four thousand, five hundred and twenty* dollars ($254,520) in my time and labor invested into this lawsuit, plus over *ten thousand dollars* ($10,000) in cash that I borrowed from family for supplies, professional subscriptions, and service, which cost me over six thousand ($6,000) dollars in cash alone.

113. Completely and entirely wasted by one single careless court order, calling it all **"implausible"** and **"devoid of merit"**, without a single hearing, despite thousands of pages of evidence and sworn testimony, already filed on court record, proving beyond any reasonable doubt that the majority of my claims are in fact **true**, and can not be honestly denied or defended by the defendants or their counsel, but this court chose to intervene on their behalf, claiming that it is **"no longer open to discussion."**

114. Now the Court has fraudulently dismissed my lawsuit, literally wasting years' worth of painstaking work, and the last funds which I have access to for seeking a remedy in the foreseeable future.

115. Obviously, I'm not going to be able to receive lawful and equitable relief by bringing a lawsuit against this entire wall of power that I am up against, at one time.

116. Over a dozen different lawsuits could easily be broken out of this one. Probably twice that many could.

117. Moving forward I will pursue common law remedies in an effort to avoid the obvious conflicts of interest present in the Federal Courts regarding these state level bad actors.

118. If I must file a lawsuit again, I expect that I will do so in Michigan's State Court System, under the long-arm statute of the State of Michigan.

119. The State of Tennessee has been illegally depriving my rights and interfering with my ADA employability from a distance, under the VAWA's Full Faith and Credit Provision in 18 U.S.C. § 2265 for over five years without due process, an impartial tribunal, notice, hearing, or lawful jurisdiction, so I'm confident that I can receive a lawful remedy from a distance as well.

120. The State of Tennessee and the defendants had their chance to handle these claims in their own court, with a home field advantage, but just as I anticipated in my AMENDED DECLARATION VOICING PLAINTIFF'S CONCERNS ABOUT TRANSFERRING THIS ACTION TO TENNESSEE[96] filed in ECF 102, PID 5391-5465, they couldn't withstand the temptation of obstructing justice again, by dismissing this lawsuit without taking any remedial action whatsoever.

121. The additional count(s) of racketeering which have now taken place in the Federal Courts, have revived the statute of limitations for pressing criminal charges against all parties, which I will explore with Attorney General Pam Bondi, FBI Director Kash Patel, and Deputy Director Dan Bongino.

122. Since the current order of the court to dismiss this lawsuit[97], predominately consists of extrinsic fraud (aka "fraud on the court by officers of the court") as outlined in my OBJECTION TO MEMORANDUM OF OPINION AND ORDER , AND JUDGMENT ENTRY , WITH DECLARATION AND RULE 59 MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL, there is no longer a statute of limitations for me obtaining a civil remedy. Especially as long as the Court's continue to deny me one. It's my responsibility to try, but it's the court's responsibility (along with all court officers) to act ethically and lawfully.

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[96] DOC 102, PID 5391-5468 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf

[97] DOC 236, PID 1491-1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

ADDITIONAL CRIMINAL & CIVIL COUNTS NOT MENTIONED IN COMPLAINT

123. As stated in part on page 7 of the MEMORANDUM OF OPINION AND ORDER filed by District Judge Patricia A. Gaughan on March 26, 2025, in DOC 236, PID 1497, "to state a claim in federal court, the allegations in the complaint must be sufficient to give the defendants "fair notice of what [the plaintiff's] claims [against them] are and the grounds upon which they rest." *Swierkiewicz v. Sorema N.A.*, 534 U.S. 506, 514 (2002)"

124. I have been completely destroyed[98] and rendered destitute for nearly **six years**, without any lawful reason, good conduct, due process, jurisdiction, or equal protection under the law, while denying my participation in hearings, after I had my home illegally seized under the fraudulent color of law, essentially forcing me out of the State of Tennessee, **by actions which meet the common law definition for kidnapping**, while they continue to **unlawfully restrain my constitutional rights** for no honest, lawful, good faith purpose whatsoever.

COMMON LAW KIDNAPPING[99]

> "Kidnapping is a crime at common law consisting of an **unlawful restraint of a person's liberty by force or show of force.** Under modern law, this crime usually only requires that the victim be taken to another location or concealed, but historical definitions required bringing the victim to another state or country."

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

[99] https://www.law.cornell.edu/wex/kidnapping

MODEL PENAL CODE § 212.1 DEFINES KIDNAPPING AS FOLLOWS[100]

"A person is guilty of kidnapping if he **unlawfully removes another from his place of residence** or business, **or a substantial distance from the vicinity where he is found**, or if he **unlawfully confines another for a substantial period** in a place of isolation, with any of the following purposes:

- to hold for ransom or reward, or **as a shield or hostage**; or
- **to facilitate commission of any felony** or flight thereafter; or
- **to inflict bodily injury on or to terrorize the victim or another; or**
- **to interfere with the performance of any governmental or political function.**

"Kidnapping is a felony of the first degree unless the actor voluntarily releases the victim alive and in a safe place prior to trial, in which case it is a felony of the second degree. **A removal or confinement is unlawful within the meaning of this Section if it is accomplished by force, threat, or deception**, or, in the case of a person who is under the age of 14 or incompetent, if it is accomplished without the consent of a parent, guardian or other person responsible for general supervision of his welfare."

The federal kidnapping statute is 28 USC § 1201.

125. Upon information and belief, I don't remember a defendant yet materially denying or challenging these facts. Therefore, I don't know by what lawful or ethical authority the court can continue refusing to acknowledge these **facts** as **true**.

[100] https://www.law.cornell.edu/wex/kidnapping

126. Any part of which this court does not believe, then this court owes me an **evidentiary hearing**, which I have mentioned repeatedly, to fulfill this court's responsibility to hold hearings to determine the facts, prior to applying the law to misconduct and material falsehoods.

127. My "AMENDED COMPLAINT FOR TORTIOUS CONDUCT AND INJUNCTIVE RELIEF" lists roughly fifty violations of civil & criminal law (with court rules), with eleven specifically being felony crimes, along with fourteen separate causes of action. That is not in any way, shape, or form an exhaustive list of the criminal and civil violations by the defendants, nor is it an exhaustive list of the counts and causes of action which the defendants wrongfully harmed me by, which I am lawfully due a remedy for and am seeking to secure.

128. That is merely my best effort to date to provide everyone notice about the crimes committed against me by the defendants.

129. A principal concept of law in that once a party has been give **notice** of harm they have caused you, they become **liable** to provide a reasonable **remedy**.

130. The defendants, their counsel, the owners of those law firms, the officers of the court who have interfered with these proceedings, you have all been given legal **notice**[101] of the damages you have and continue to cause me.

131. **I therefore have a claim against each of you**, your family's and your heirs, due to myself, my family, and my heirs, which will transcend any court order which denies me a reasonable lawful, equitable remedy, into perpetuity.

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

132. I encourage everyone involved to contact me regardless of the outcome of this lawsuit, to settle my claims against you, as soon as possible.

133. No party to this lawsuit will be released from this claim unless they specifically obtain from me a fully executed **RELEASE OF ALL CLAIMS**, notarized and signed by myself.

134. No coerced action or order from any court can alleviate this liability or sever this claim.

135. I cannot afford to notice the defendants again about this claim, but you can check the status of this claim at any time by visiting my website at https://claims.jefffenton.com.

136. You have all been given legal notice.

137. **I reserve all rights to remedies in every form.**

CONCLUSION

138. Upon information and belief, no defendant in this case to date has meaningfully challenged the facts in this lawsuit, the prior court records as presented, or the supporting evidence, while swearing under the penalty of perjury that their claims are lawful, filed without misconduct, in the honest interests of justice, and are actually true; as almost all of my testimony in this lawsuit has been sworn, attested, and certified accurate.

139. Therefore, it would be inappropriate, unfair, and biased for the court to treat the facts as anything less than the actual **truth**. To proceed without assuming that my claims are true, would further violate my constitutional rights to equal and due process by an impartial tribunal. At this stage, it is unreasonable to deny me the "benefit of the doubt", since my testimony is sworn to under the penalty of perjury, while including extensive supporting evidence, some of which is literally irrefutable, showing the court who the bad actors are regardless of their claims and filings.

Especially in the absence of any sworn testimony or evidence challenging the facts, it's inappropriate for the court to treat them as less than **true**.

140. If the court disagrees with this assessment, then at the very least they owe me an **evidentiary hearing**, where I can be heard and prove the **truth** of my claims.

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 22, 2025.

JEFFREY RYAN FENTON, PRO SE
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The biggest threat to the freedom and prosperity of the American people,
are state and federal government employees, who are willing to write **lies** into court
and government records, as if the **truth**, while hiding from accountability
behind government **immunity**.
—*Jeffrey Ryan Fenton*

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