

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 25-5592¹

DECLARATION AND NOTICE OF UNRESOLVED THRESHOLD FILINGS, ACCESS
BARRIERS, RECORD-CORRECTION ISSUES, AND GOOD CAUSE FOR STAY,
EXTENSION, PANEL REVIEW, AND STRUCTURED BRIEFING

This notice and testimony is respectfully brought pursuant to 28 U.S. Code § 1746.

I, Jeffrey Ryan Fenton, declare under penalty of perjury as follows:

1. I am the Plaintiff-Appellant in this appeal. I proceed without counsel.
2. I file this declaration and notice in support of my emergency motion for stay, extension, panel review, and structured threshold relief. I am not abandoning this appeal. I am asking the Court to prevent default, forfeiture, and unfair merits briefing while unresolved threshold issues remain outstanding.

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. This appeal is not procedurally ready for fair merits briefing. Unresolved threshold issues include access, ADA accommodation, caption correction, service disputes, public access, sealed and redacted records, digital-media exhibits, record transmission, truth-certification issues, and the district court's no-good-faith certification.

4. The present posture is fundamentally unfair because the district court dismissed the case wholesale before fairly resolving those threshold matters. That left me required to brief the entire case on appeal while the record, caption, access conditions, and service posture remain unresolved or mischaracterized.

5. I placed ADA and access limitations in the record from the first day this federal case was filed. My original filing included my Tennessee ADA modification request for temporary use in this federal case, ECF 1-38, PID 2032-2045. That request sought procedural and technical flexibility, additional time, electronic communications, patience, and accommodations for OCPD, ADHD, anxiety, Non-24 sleep disorder, poverty, and forced geographic distance from court.

6. My mother's declaration was also filed with the original complaint. It described my disability-related legal-writing burden, inability to efficiently multitask substantial concurrent projects, tasks, filings, the need to restart after interruptions, all-night legal work, and overwhelm. ECF 1-2, PID 49-53.

7. Five days after filing the complaint, I filed my Pro Se Application for Electronic Filing and Service, ECF 5, PID 2094-2095. That request was not a convenience request. It was part of the access structure I needed because of my disabilities, poverty, and forced geographic distance from court.

8. I have repeatedly informed the courts that fourteen-day response periods are not meaningfully accessible for substantial filings, at least not for me. Because of my disabilities, pro se status, poverty, record volume, lack of ECF access, and the number of unresolved threshold issues, fourteen days may be consumed merely determining what must be filed before I can research, draft, revise, cite, format, and file a proper response.

9. This is central to why my objections and requests for relief are late. I did not disregard the Court. I repeatedly tried to explain that my disability-related limitations and the court-created unresolved posture make compressed deadlines functionally inaccessible.

10. Each time the court refuses to apply the truth in my pleadings to the matters before it, or refuses to clarify which facts, filings, issues, or threshold requests matter, the court substantially increases my burden and pushes justice further beyond my reach.

11. My filings have repeatedly preserved access, service, and record-correction issues, including but not limited to ECF 1-38, ECF 1-2, ECF 5, ECF 16, ECF 17, ECF 60, ECF 61, ECF 62, ECF 70, ECF 71, ECF 72, ECF 92, ECF 109, ECF 110, ECF 111, MIWD ECF 139-1, ECF 140-1, ECF 141-1, and TNMD DOC 177, DOC 197, DOC 207, DOC 212, DOC 216, DOC 222, DOC 223, DOC 224, and DOC 238 through 238-3.

12. These issues were not late-created after dismissal. They began with the original complaint and continued throughout the case.

***PRO SE* LITIGANT - MERITS RULE OVER TECHNICALITIES**

13. 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

² DOC 1-35, PID 1960

counsel. See *Haines v. Kerner*, 404 U.S. 519, 92 S. Ct. 594 (1972).

QUALIFIED AMERICAN WITH DISABILITIES ACT LITIGANT

14. 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.

15. 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. My ADA and access requests have always sought judgments based on actual law, truth, and record evidence, not the technical manipulation of words, procedural traps, or whether I can cite and argue law better than trained attorneys.

16. 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 doctors³ and a declaration⁴ regarding my disabilities are on file in this federal lawsuit. Medications I take regularly can only control these afflictions, not cure them.

17. I previously filed caption-correction materials that appear in DOC 24, pages 34-35, including an official corrected Court of Appeals caption. I did not intend those materials to be treated as part of the motion later reduced by the Court to an “abeyance” request. They were separate case-opening or caption-correction materials submitted at the same general time and apparently docketed together by the Clerk.

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>

18. The correction remains unresolved. It includes not only party names, but whether parties are sued individually, officially, or as private actors with no official capacity.

19. The continuing caption defect prejudices me because the docket continues to present the case in a narrowed and inaccurate manner even though I already submitted corrected caption materials.

20. I also seek correction of the false threshold framing that treated this case as if it involved scattered or decentralized party geography, Maryland defendants, or address confusion that justified prejudicial procedural treatment.

21. There were never Maryland defendants in the actual party structure. The issue came from leftover address-template remnants and correctable address information in the original complaint, not from false party identity, bad faith, or an implausible party structure.

22. I told court staff when filing that some addresses were incomplete, unknown, or required correction. I did not realize that some South Dartmouth, Massachusetts template remnants remained. I did not bring summonses for service on the filing day because I understood that I had time to amend as a matter of right before service, and to correct the complaint and summons information before any defendant had to respond. I intended from the beginning to file my First Amended Complaint before service.

23. The repeated address problem should have been treated as a correctable service, summons, caption, or address issue. It should not have been used to create an implication that the case was frivolous, scattered, implausible, deceptive, or improperly pleaded.

24. After reading Magistrate Judge Kent's R&R and District Judge Maloney's subsequent order in ECF 31, I reasonably believed the immediate danger was that the Court might

characterize my case as frivolous, implausible, or insufficiently substantiated. I therefore worked to build a sworn evidentiary record, including large declarations and evidence, to show that the facts were not frivolous. That is also why my mother filed a substantial declaration: to help substantiate the record facts and show that this was not a frivolous lawsuit.

25. Judge Kent assumed the worst of my intentions in nearly all matters despite substantial sworn testimony, filings, and record materials attempting to correct him and clarify my posture. That forced me to keep repeating and expanding my pleadings in an effort to be heard, not because I refused to be concise, but because the court continued taking detrimental action while failing to apply my sworn testimony and evidence to the case.

26. During the first year of this case, I was forced to defend myself primarily against court-created threshold barriers and efforts to preemptively dismiss my lawsuit, instead of reaching the ordinary posture where I could directly address the merits of each actor's arguments. The central fight has been for access, correction, fair process, and truthful treatment of the record before any fair merits briefing could occur.

27. My lawsuit is not frivolous, elective, retaliatory, or profit-seeking. It concerns catastrophic property loss, deprivation of resources necessary to sustain life, denial of due process, federal jurisdiction over bankruptcy and property issues, court access, disability accommodations, and misconduct affecting the integrity of judicial proceedings both in state and federal courts.

28. This case was always central to the damages I experienced while living in Middle Tennessee. I lived in Middle Tennessee for approximately twenty-five years as a peaceful, hard-working person. I was not forced out because I was a social nuisance, an undesirable neighbor, or a danger to the community. I was never arrested and did not receive even one traffic citation during

those twenty-five years. I did not voluntarily leave Tennessee either; I loved it there and had planned for decades to spend the rest of my life in Tennessee. I was forced out of my home, support systems, healthcare, property base, and Tennessee life by the events and misconduct described in this case, with almost no notice, before discovery even began in my purported “divorce.”

29. Even more disturbingly, I lost my home under false and malicious pretenses and fraudulent orders from a state court that lacked jurisdiction, while I was denied ADA accommodations and any honest and fair due process. The judge and opposing counsel had a relationship I later learned was publicly controversial in Williamson County, Tennessee, and they completely failed or refused to disclose that relationship to me.

30. Afterward, while performing substantial research in an effort to understand what I had experienced and why, I found multiple media articles showing that Judge Binkley and Attorney Story had repeatedly been exposed by the media, with public outcry about their apparent conflicts of interest when appearing in the same court together. Those reports further showed that they were locally known and ill-reputed for being partying⁵ and vacationing⁶ buddies, as well as close family friends for decades.

31. They wrongfully ordered the deprivation of my home without any opportunity to save my property, or at the very least to mitigate my losses, before the forced deprivation of my critically needed, constitutionally protected, property interests. Moreover, this wrongful eviction and deprivation of my home was executed and enforced by four armed deputies from the Williamson County Sheriff’s Office, based on a court order over property matters for which the state court was specifically prohibited from exercising jurisdiction because the federal bankruptcy

⁵ ECF 44, PID 3740-3741 | https://rico.fentonvstory.com/evidence/2018-09-24_tenn-binkley-defends-partying-with-lawyers.pdf

⁶ ECF 43, PID 3726-3729 | https://rico.fentonvstory.com/evidence/2018-08-30_tennessean-story-hosts-vacations-with-judges.pdf

court had both original and exclusive jurisdiction over the property once my former wife and her counsel listed it in her secret bankruptcy petition (which occurred 39 days before any action was filed in state court) and specifically asked the bankruptcy court to sell it. That occurred without notice to me⁷ or any opportunity to save my property, despite my status as a lawfully deeded co-owner as tenants by the entirety⁸, and despite tenants/roommates who were also denied notice and participation in the bankruptcy court by special request of my former wife's counsel in section 9 of her bankruptcy petition, in nonstandard plan provisions.

32. Even if the state court had lawful jurisdiction to hear matters related to the deprivation of my property, which it did not, that deprivation could not be honestly and ethically ordered without meaningful and substantive due process, which I never received.

33. The property at issue was my home where I lived, my life savings, my labor, my improvements, and both my premarital⁹ and marital retirement investments. The home was forced to auction for \$324,359 on October 30, 2019, resold four months later for \$540,000 on February 14, 2020, and recently resold for \$925,000¹⁰ on April 14, 2026, as shown by the 2026 resale notice submitted with this declaration. I received nothing¹¹ from the forced loss of that home and property base, while we invested more money and labor into improving the core systems of that property¹², than any other owner since, based on what I can see in the resale documents available to me.

⁷ ECF 52, PID 4208-4210 | https://rico.fentonvstory.com/evidence/2022-03-15_ustp-bk-fraud-referral-confirmed-no-notice.pdf

⁸ ECF 19-1, PID 2620-2623 | https://rico.fentonvstory.com/evidence/2011-04-29_fenton-marital-residence-tenancy-by-entirety.pdf

⁹ ECF 42, PID 3631-3657 | https://rico.fentonvstory.com/evidence/2011-04-29_1986-sunnyside-premarital-assets-invested.pdf

¹⁰ https://rico.fentonvstory.com/evidence/2026-04-14_1986-sunnyside-drive-brentwood-tn-resale.pdf

¹¹ ECF 48, PID 4002-4003 | https://rico.fentonvstory.com/evidence/2019-10-10_chancery-no-proceeds-from-forced-auction.pdf

¹² ECF 42, PID 3665-3676 | <https://rico.fentonvstory.com/evidence/1986-sunnyside-property-improvement-highlights.pdf>

34. Upon information and belief, more was stolen from me almost instantly, in the loss of my home, than I can realistically expect to earn, with my education and vocational history, throughout the rest of my life combined.

35. I have primarily been a blue-collar worker most of my life. I have only a high-school education. When I was younger, I often held two and even three jobs at a time. Even so, I did the best I could with what I had and built a life of substance and comfort while owning a home in Williamson County, Tennessee, the wealthiest county in the state and one of the wealthiest counties per capita in the nation.

36. Only once in my life have I earned more than \$50,000 in a single tax year from any job I have held, and even that one year was still less than \$60,000. I made a lot with a little, and then the property, savings, labor, and stability I built were taken from me anyway. I never needed extended-family or government assistance to survive until I was ambushed by dishonest and unethical bar actors in Williamson County.

37. The consequences have never been abstract. Since 2019, I have lacked basic financial independence, including the ability to purchase ordinary necessities such as food, gas, insurance, medications, counseling, psychiatry, toiletries, soap, shampoo, toothpaste, toilet paper, shelter, utilities, and other life-sustaining needs without family or public assistance. Medicaid and food assistance help me survive now, but I never needed any of that before I was destroyed by the events described in this case.

38. The court knows, or has been repeatedly notified, of the significance of these events and the ramifications they had on my life. Unfortunately, the court has refused to meaningfully

acknowledge them before treating my case as implausible, devoid of merit, or not taken in good faith.

39. This is why I object so strongly to any framing of this case as frivolous, geographically scattered, or elective. The case concerns critical needs and the sustainability of life after resources were taken without proper process, proper law, proper duty, meaningful hearing, or lawful adjudication. My property was taken without considering the catastrophic impact that would have upon my life and my basic ability to sustain myself afterward.

40. My Rule 59 filing, including DOC 238 through DOC 238-3, was not merely my disagreement with dismissal. It raised the substance of manifest injustice, clear legal error, access denial, false record framing, fraud on the court, disability interference, and unresolved threshold issues.

41. I did not know the technical labels “manifest injustice” and “clear legal error” when I first tried to explain these issues. But I tried my best, as a pro se litigant, to explain precisely those same concepts in substance: that the court’s orders mischaracterized the record, ignored preserved facts and access barriers, and produced an unjust dismissal posture which was frankly unfair and dishonest.

42. The no-good-faith conclusion in DOC 42-1 is wrong, premature, and unsupported by any fair engagement with the record. These issues are nonfrivolous, record-based, and necessary for fair appellate review.

43. I have not pursued this case for money. I have pursued it out of principle, at tremendous physical, financial, emotional, and family expense, because I am human and people are not allowed to hurt other people so quickly, carelessly, and catastrophically without meaningful

due process. The reality is that my life has been unfairly destroyed (since the end of 2019), therefore at the very least something must be learned from my experience to help ensure this does not needlessly happen again to others.

44. My declaration explaining my pursuit of justice and my notice to all bar members are examples of filings I made to clarify that justice *is* my pursuit. Anyone standing in the way of honest and ethical treatment is not acting in the interests of justice, regardless of their job title or role. I do not understand how any honest and impartial review of my efforts can treat them as anything less than exhibiting exceptionally good faith against nearly impossible odds, at no fault of my own.

45. Several Tennessee state actors or represented parties received notice, service attempts, public docket access, counsel involvement, or state-connected involvement, yet continued to dispute whether service was good enough for them. I was attempting service while the case was in Michigan and understood Michigan service rules to require notice rather than to create a technical loophole for evading justice.

46. Three bankruptcy-related actors remain outstanding or unresolved, despite having been repeatedly served at substantial expense. These include one law firm and two attorneys. I moved the trial court to compel their appearance, but the court failed to rule on more than a dozen outstanding motions I filed, primarily seeking court access, honesty, and fairness safeguards to compel all involved to file honest pleadings while swearing they actually conform to F.R.Civ.P. 11(b), as I have repeatedly explained in filings. Without those safeguards, I have been the only party carrying the burden of filing honestly while swearing to the accuracy and good faith of my

filings. Yet I am the one the court claims lacks good faith, which I believe could only be true by changing the definition away from the substance of its publicly recognizable meaning.

47. The bankruptcy actors are important because ordinary immunity defenses may not apply to them in the same way, federal law recognizes circumstances where a bankruptcy trustee may be sued for acts or transactions in carrying on estate business, and the bankruptcy/property sequence is one of the clearest examples of criminal or structurally improper conduct in this case. This is why it remains critical for the Court to address these service and participation issues after everything I have done to serve the trustee and related actors.

48. The service and nonappearance issues should not be blurred together. The Tennessee state-actor service disputes concern notice, counsel involvement, and technical objections despite actual awareness. The bankruptcy-actor issues concern nonappearance, lack of compelled participation, and unresolved merits and accountability issues tied to the bankruptcy/property sequence.

49. What the Court reduced to a “motion for abeyance” was not merely an abeyance request. It was primarily a notice to the Court about substantial misconduct I had been documenting in the record all along. The request for abeyance to file ethical and criminal complaints was secondary to ensuring that what had transpired to date was squarely before the Court and not detached from what led to the dismissal and subsequent appeal. It was titled and intended as a “motion for continuance to prepare criminal and ethics filings, with notice of judicial and professional misconduct and failure to enforce the codes of conduct as required to maintain a fair and impartial tribunal.” Continuing the chain of custody of prior proceedings was the primary purpose; obtaining time and access to correct the record was secondary.

50. The Clerk's or Court's responses substantially mischaracterized the record to date. The Court stated that no briefing schedule would issue until IFP was granted or the filing fee was paid, yet treated the request as if I had failed to show grounds. The Court refused to consider the record until IFP or payment posture was resolved, and that delay was caused by the Court's threshold posture, not by me.

51. Had I known the Court would narrow my filing as it did, I would have filed separate papers to protect each request. I was filing, while I still could, exactly what I knew I needed before proceeding. Either I must be allowed to raise access, misconduct, caption, service, and record issues in advance, or everyone must wait while I catch up after the Court leaves those issues unresolved. I did everything reasonably within my power to lead with what I needed, instead of ending up stuck while the Court ignored my filings until I was stuck and then demanded performance.

52. The filing was heavily fortified with citations and proofs to show good cause and the need for the Court to act before merits briefing. The Court and Clerk failed to sufficiently engage the record before treating it as a simple abeyance request or as unsupported.

53. I have acted diligently and in good faith. I recently submitted judicial-conduct materials to the Circuit Executive through the proper administrative channel. I state that to show diligence, time burden, and good cause. I do not ask this Court to adjudicate the substance of those administrative matters in this emergency filing.

54. I did not negligently choose to ignore the appellant brief. I had been working on judicial-conduct and misconduct-preservation materials for months and hoped to complete that

preservation work before the Court ruled on IFP. When IFP was denied and the briefing schedule was later issued, everything accelerated.

55. As the Court did not promptly resolve the threshold access and readiness issues, I also shifted substantial focus to misconduct reporting as a lawful way to continue seeking a remedy while waiting for the Court to proceed.

56. I chose to finish months of rights-preservation work rather than attempt to defend the whole case in a single appellant brief under an unresolved omnibus dismissal posture, inaccurate caption, unresolved access conditions, unresolved service issues, and unresolved public-record issues.

57. I have paid filing fees twice, but the burden remains entirely on me to keep defending access, service, procedure, truth-certification, record correction, misconduct preservation, and merits preservation, while no defendant has filed an honest sworn answer on the merits.

58. A fixed short extension alone will not solve the problem if the same threshold defects remain unresolved. I respectfully need the Court to stay or structure briefing until the record is corrected, threshold access and service issues are reviewed, the caption is corrected, and the issues for merits briefing are meaningfully narrowed.

59. The ordinary combined page or word limit does not solve that problem. Without narrowing, I am forced to address every possible dismissal rationale, every service dispute, every access defect, every caption issue, every defendant argument, every sealed-record issue, every redacted-record issue, every digital-media issue, every IFP/no-good-faith issue, and every threshold issue at once.

60. That posture is especially harmful given my disability-related limitations. It forces panic-driven overinclusion and makes it impossible for me to determine what issue the Court expects me to brief first.

61. I do not remember whether I previously requested “one substantive issue at a time” in exactly those words. I request it now because my disabilities, the size of the record, the court’s failure to credit or clarify the sufficiency of any pleading to date, and the need to prevent process from defeating truth make staged issue-by-issue briefing the clearest accessible path forward.

62. I respectfully ask the Court to stay or structure briefing so that the Court first narrows the operative issues and permits staged review or one-issue-at-a-time briefing where necessary. I request this structure as a disability-related accommodation and as a practical case-management measure.

63. I also need clarification regarding digital-media exhibits filed in MIWD and TNMD. I do not know whether digital-media exhibits, audio files, video files, DVD exhibits, sealed materials, redacted materials, or nonstandard exhibits automatically transmit to the Sixth Circuit as part of the appellate record.

64. I need access to everything filed to date in both MIWD and TNMD because none of it has been fairly adjudicated. If digital media, sealed filings, redacted filings, or paper-only materials require special designation, forwarding, transmission, or supplementation, I respectfully request instruction and relief so that the appellate record is complete before merits briefing.

65. The structural history of this case also requires threshold review before ordinary merits briefing. This case was filed in MIWD, transferred to TNMD, all TNMD district and magistrate judges recused, the Chief Judge of this Court designated an outside judge, and the case

was then dismissed as implausible without a hearing, without access relief, without service clarification, without caption correction, and without threshold truth-testing.

66. That sequence creates public-confidence concerns. The case was treated as institutionally sensitive when transfer, recusal, and designation were necessary, but then treated as implausible when I needed access, accommodation, hearing, service assistance, record correction, and fair review.

67. It appears to me that the courts have shown little appetite for confronting the judicial misconduct and corruption issues implicated by this record. I believe this is also why no attorney has been willing to take the case: it implicates powerful actors and presents serious vocational risk. The courts cannot allow people to be harmed so badly that the truth becomes honestly implausible and then treat that implausibility as a reason no real remedy is within reach.

68. After the last service, access, and threshold filings, dismissal was no longer about what I failed to do. It was about what the court refused to do.

69. I respectfully request panel review, correction of the caption, review of the no-good-faith / IFP issue, review of the abeyance/access ruling, clarification and completion of the appellate record, protection of digital-media and sealed exhibits, active case management, staged pleadings or staged briefing, reasonable page-count relief or issue-specific page limits, narrowing of the record and issues for fair merits briefing, striking or disregarding frivolous, evasive, unsupported, or bad-faith defense pleadings, and clarification of which arguments, if any, the Court believes I have not already sufficiently answered, preserved, or rebutted in my pleadings, so that I may understand what remains genuinely outstanding and focus my limited time, disability-affected



capacity, and page count on the matters the Court actually needs addressed before any dismissal or default.

70. I further request that the Court treat this filing as an emergency notice that ordinary briefing cannot fairly begin until threshold access, record, caption, service, and issue-structuring problems are addressed.

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.

I expressly reserve all rights, objections, and arguments concerning venue, transfer, jurisdiction, forum access, preservation of claims, and all available remedies.

Executed on June 17, 2026.



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