EXHIBIT L

TNMD DOC 222 — SECOND OBJECTION TO DISPOSITIVE MOTIONS AND DECLARATION CONCERNING JUDICIAL MISCONDUCT IN MICHIGAN

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

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US DISTRICT COURT
MID DIST TENN

JEFFREY RYAN FENTON,

PLAINTIFF

v.

VIRGINIA LEE STORY ET AL.,

DEFENDANTS

CASE NO. 3:24-cv-01282

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COURT TRANSPARENCY AND EQUAL PROTECTION UNDER THE LAW

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

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

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

10. The actions taken serve to effectively cover-up a year's worth of wrestling with the court as I fought to simply keep my lawsuit from being defeated *sua sponte* while the court refused to even provide me with ECF filing privileges or to assist with service in any way, choosing to leverage their "discretion" *contrary t*o the honest *interests of justice* in my case, which the court refused to acknowledge prior to the filing of my FAC[6].

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

MICHIGAN COURT RULE 9.103 STANDARDS OF CONDUCT FOR ATTORNEYS

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

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

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

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

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

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

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

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

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

COURT AND JUDICIAL REFERENCES

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

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

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

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

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

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

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

[19] DOC, PID 2093 | https://rico.jefffenton.com/3-24-cv-01282/doc/4.pdf
[20] DOC 6, PID 2096 | https://rico.jefffenton.com/3-24-cv-01282/doc/6.pdf
[21] DOC 60, PID 4736-4739 | https://rico.jefffenton.com/3-24-cv-01282/doc/60.pdf
[22] DOC 71, PID 5045 | https://rico.jefffenton.com/3-24-cv-01282/doc/71.pdf

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

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

ORDERS CONTRARY TO THE INTERESTS OF JUSTICE

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

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

[23] DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
[24] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf
[25] DOC 62, PID 4758-4759 | https://rico.jefffenton.com/3-24-cv-01282/doc/62.pdf

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

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

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

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

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

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

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

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

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

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

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

FOR EXAMPLE: CONSIDER THE SERVICE OF THIS LAWSUIT

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

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

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

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

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

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

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

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

ORDER REGARDING SERVICE

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

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

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

[29] DOC 16, PID 2258-2266 | https://rico.jefffenton.com/3-24-cv-01282/doc/16.pdf
[30] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf
[31] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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[40] DOC 31, PID 3291-3295 | https://rico.jefffenton.com/3-24-cv-01282/doc/31.pdf
[41] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf
[42] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf
[43] DOC 55, PID 4378-4384 | https://rico.jefffenton.com/3-24-cv-01282/doc/55.pdf

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

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

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

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

FACTS AND CONCLUSIONS REGARDING SERVICE

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

TRANSFERRING MY LAWSUIT TO NASHVILLE ON THE "FOURTH DOWN"

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

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

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

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

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

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

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

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

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

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

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

NUMEROUS DISPOSITIVE MOTIONS PRIOR TO ANSWERING MY COMPLAINT

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

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

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

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

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

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

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

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

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

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

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

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

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

CONFRONTING JUDICIAL MISCONDUCT

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

125. That is fundamentally unfair.

14 DAYS TO FILE OBJECTIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

137. This is both unfair and incredibly unjust.

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

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

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

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

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

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

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

HIGHLIGHTS OF FISHER V. GATES

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

"(a) A lawyer shall not knowingly:"

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

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

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

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

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

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

Comment

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CERTIFICATION AND DECLARATION

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

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

All rights reserved.

Executed on March 3, 2025.

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

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

CERTIFICATE OF SERVICE

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

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

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ELECTRONIC SERVICE OPTIONS

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

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

CERTIFICATION AND DECLARATION

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

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

All rights reserved.

Executed on March 4, 2025.

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

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

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

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