EXHIBIT R

TNMD DOC 238 — RULE 59 OBJECTION, DECLARATION, AND MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL

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

JEFFREY RYAN FENTON, PLAINTIFF v. **VIRGINIA LEE STORY ET AL.,** DEFENDANTS	**CASE NO. 3:24-CV-01282** RECEIVED APR 23 2025 U.S. DISTRICT COURT MIDDLE DISTRICT OF TN

OBJECTION TO MEMORANDUM OF OPINION AND ORDER[1], AND JUDGMENT ENTRY[2], WITH DECLARATION AND RULE 59 MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL[3]

Plaintiff brings this objection, declaration, and motion pursuant to 28 U.S. Code § 1746; Tennessee Code of Judicial Conduct, Canons 1, 2, and 3; U.S. Const. amend. I, V, IX, and XIVI; TENN. R. SUP. CT. 2.15 & 8.3; F.R.Civ.P. 11(b) and 59; 18 U.S. Code § 4 - Misprision of felony, and Case Law.

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

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

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

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

[3] 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. I was born in Washington State during 1969.

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

PRO SE LITIGANT – MERITS RULE OVER TECHNICALITIES

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

QUALIFIED AMERICAN WITH DISABILITIES ACT LITIGANT

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

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

7. I suffer from several cognitive disabilities: Obsessive-Compulsive Personality Disorder (OCPD) DSM-5 301.4 (F60.5), Generalized Anxiety Disorder (GAD) DSM-5 300.02 (F4L1), Attention-Deficit Hyperactivity Disorder (ADHD) DSM-5 314.01 (F90.2), Circadian Rhythm Sleep Disorder (CRSD) Non-24-Hour Sleep-Wake Disorder (Non-24) DSM-5 307.45 (G47.24). Letters from my doctors[5] and a declaration[6] regarding my disabilities are on file in this federal lawsuit. Medications I take regularly can only control these afflictions, not cure them.

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[4] ECF 1-35, PID 1960 | https://rico.jefffenton.com/1-23-cv-01097/ecf/1-35.pdf

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

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

ODE TO THE TENNESSEE PREDATORS[7]

AMERICANS WITH DISABILITIES ACT[8] — NO STATE HAS IMMUNITY

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

42 U.S. CODE § 12203[9] (A) PROHIBITION AGAINST ADA RETALIATION AND COERCION

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

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

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

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

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

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

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

42 U.S. CODE § 12203[10] (B) ADA INTERFERENCE

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

42 U.S. CODE § 12205[11] — ADA ATTORNEY'S FEES

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

FEDERALLY UNCONSTITUTIONAL ACTS — NO STATE OFFICER HAS IMMUNITY —

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

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

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

BACKGROUND

8. Due to concerns about page count, and the bulk of filings this Court has chosen to glaze over with a single order, the background for this objection, declaration, and motion has been filed concurrently in a separate document, to expedite addressing substantive matters in this primary document.

9. Though the background is believed to be relevant, and to speak volumes regarding the Court's decisions and omissions in this matter, it is also believed that quickly and directly addressing the Court's claims in the Memorandum of Opinion and Order[12] as filed by District Judge Patricia A. Gaughan on March 26, 2025, in DOC 236, PID 1491-1503, is of greatest importance in the outstanding matters remaining before this court.

RESPONSE TO 03/26/2025 MEMORANDUM OF OPINION AND ORDER (HEREINAFTER "MOOAO")

10. In the second paragraph of page 2[13] of the MOOAO, the court stated in part, "Plaintiff's Amended Complaint is unwieldy and rambling and virtually impossible to parse for cogent specific factual allegations of wrongdoing and claims against each of the 34 Defendants."

11. I believe it is prejudicial to the administration of justice for the court to lend the credibility of their office to make unsubstantiated remarks about my complaint more derogatory than I can remember any of the defendants making, in a meaningful capacity.

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

[13] DOC 236, PID 1492 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

12. Admittedly, my Amended Complaint[14] (hereinafter "FAC") is short on citations, a problem which with the court's permission I would like to fix and had hoped to do so in my Second Amended Complaint, to make several improvements and corrections since the transfer of this lawsuit to a different court and case number, before this litigation was prematurely terminated.

13. Due to the massive scope of this lawsuit, and the fact that I only have a high school education, while trying to survive egregious ADA abuse and unconscionable litigious trauma, with horrific levels of attorney and judicial misconduct, and deprivation of my rights with no honest or lawful reason, jurisdiction, justification, or process (which nobody to date has meaningfully denied or challenged), I have done my best, and frankly I would like to see anyone do any better against the wall of power that I am up against in this lawsuit.

14. Where the court claimed that my complaint is "virtually impossible to parse for cogent specific factual allegations of wrongdoing and claims against each of the 34 Defendants", I find that statement to be materially misleading because there are actually hundreds, if not thousands of pages of sworn testimony and evidence on court record in this matter", which provide "specific factual allegations of wrongdoing[15] and claims against [many if not most] of the 34 Defendants."

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[14] See attached "Plaintiff's Exhibit A" | This is an **exact** copy of ECF 66, PID 4870 through ECF 66-10, PID 5007, with the **only** changes being an "Exhibit" stamp added to page 1 of the complaint (on PID 4870), and **visible** word-level (black-color) redactions of the defendant's **home addresses** on pages 4 (PID 4873) and page 5 (PID 4874); to protect the privacy of the defendants while maintaining a publicly referenceable record. I Jeffrey Ryan Fenton swear under the **penalty of perjury** that no other edits, redactions, additions, or deletions have been made to this exhibit, from the Court's scanned files in ECF 66, PID 4870 through ECF 66-10, PID 5007, which I purchased directly through PACER, filed by MIWD on 8/21/2024. In every other way this printed exhibit is **identical** to the source digital files I purchased from PACER in ECF 66, PID 4870 through ECF 66-10, PID 5007.

https://rico.jefffenton.com/1-23-cv-01097/66.htm

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

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

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

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

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

15. Furthermore, I have provided extensive sworn testimony by my elderly mother[16], who is a highly reputable retired pediatric nurse, substantiating my factual claims under the penalty of perjury, with clear and convincing evidence, which this court has failed or refused to consider or address to date.

16. I have proven with this evidence and testimony the **truth** of the **facts** contained in the record of this lawsuit, while I have not seen any defendant to date challenge those facts, under the penalty of perjury, for over *two hundred days*, since the majority of the defendants received service or some notice about this lawsuit.

17. Therefore, I believe that an honestly impartial court would need to acknowledge that **"the facts are <u>not</u> in dispute"**. While even if they were in dispute, that would be an issue for a **jury** to determine, not a judge.

18. Upon information and belief, even in the alternate, if a **judge** was to make such a determination, it could not be done lawfully in good faith without providing me with a **hearing** in an impartial tribunal, which has **never** taken place. (As I have repeatedly testified to under the penalty of perjury while providing clear and convincing evidence.)

- Obergefell v. Hodges, 576 U.S. 644 (2015)[17]
- Fuentes v. Shevin, 407 U.S. 67 (1972)[18]
- Goldberg v. Kelly, 397 U.S. 254 (1970)[19]
- Kelly v. Wyman, 294 F. Supp. 893 (S.D.N.Y. 1969)[20]
- Trop v. Dulles, 356 U.S. 86 (1958)[21]

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

[17] https://supreme.justia.com/cases/federal/us/576/644/

[18] https://supreme.justia.com/cases/federal/us/407/67/

[19] https://supreme.justia.com/cases/federal/us/397/254/

[20] https://law.justia.com/cases/federal/district-courts/FSupp/294/893/1883805/

[21] https://supreme.justia.com/cases/federal/us/356/86/

19. I believe that this is completely inappropriate, and an egregious violation of my constitutional rights to a **jury trial**[22]**.**

20. I have been completely destroyed[23] and rendered destitute for nearly **six years**, without any lawful reason, good conduct, due process, jurisdiction, or equal protection under the law, while denying my participation in hearings, after I had my home illegally seized under the fraudulent color of law, essentially forcing me out of the State of Tennessee, **by actions which meet the common law definition for kidnapping**, while they continue to **unlawfully restrain my constitutional rights** for no honest, lawful, good faith purpose whatsoever.

COMMON LAW KIDNAPPING[24]

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

MODEL PENAL CODE § 212.1 DEFINES KIDNAPPING AS FOLLOWS[25]

> "A person is guilty of kidnapping if he **unlawfully removes another from his place of residence** or business, **or a substantial distance from the vicinity where he is found**, or if he **unlawfully confines another for a substantial**

[22] https://www.law.cornell.edu/constitution/sixth_amendment
https://www.law.cornell.edu/constitution/seventh_amendment

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

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

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

period in a place of isolation, with any of the following purposes:

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

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

The federal kidnapping statute is 28 USC § 1201.

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

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

23. As stated on page 30[26] of my SECOND MOTION TO STAY ALL DISPOSITIVE MOTIONS UNTIL SERVICE IS COMPLETED AND THE COURT HAS RULED ON PLAINTIFF'S OUTSTANDING EXPEDITED MOTIONS, WITH CLARIFICATIONS ABOUT HOW TO PROCEED[27]:

> "District courts conduct trials and hearings, resolving disputes by determining the facts and applying the law to those facts.[28]"

"Upon information and belief, therefore entertaining any dispositive motion at this point would be extremely **premature**, because the court hasn't "conduct[ed any] trials [or] hearings" yet, nor have they begun to "determin[e] the facts", or to "apply[] the law to those facts"."

"Upon information and belief, I have invested well over *six thousand* hours of work into this lawsuit to date, working at least *ten hours* per day, and at least *six days* per week (often seven), for the past *two years,* nonstop."

MOOAO, PAGE 5, PARAGRAPH 1, PID 1492

24. In the first paragraph of page 5[29] of the MOOAO, the court stated in part, "Plaintiff has responded to Defendants' motions."

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[26] DOC 224, PID 1350 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

[27] DOC 224, PID 1321-1423 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

[28] https://www.uscourts.gov/about-federal-courts/court-role-and-structure/about-us-district-courts

[29] DOC 236, PID 1492 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

25. That statement by the court is **materially misleading** and constitutes fraud on the court pursuant to the State of Tennessee's definition for "fraud" in Tenn. R. Sup. Ct. 1.0(d)[30] TERMINOLOGY.

"FRAUD" | TENN. R. SUP. CT. 1.0 (D) | TERMINOLOGY

> "(d) "Fraud" or "fraudulent" denotes an intentionally false or **misleading statement of material fact, an intentional omission from a statement of fact of such additional information <u>as would be necessary to make the statements made not materially misleading</u>**, and such other conduct by a person intended to deceive a person or tribunal with respect to a material issue in a proceeding or other matter" (emphasis added).

26. This is probably the most repeated **conduct violation** by many if not most of the defendants, their counsel, and both State and Federal Courts to date, in Michigan and Tennessee.

27. While nobody needs to take my word for it, there is **clear and convincing** if not **irrefutable evidence** filed in the court record, which every party has been **noticed** about in multiple documents[31], though I haven't had an opportunity yet to call out every instance. (I'm waiting for the court to address the substantial **attorney and judicial misconduct** first, without which I will never honestly have a chance at equal protection under the law and due process of law in any court[32].)

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[30] ECF 41, PID 3572 | https://rico.jefffenton.com/evidence/tennessee-rules-of-judicial-and-professional-conduct.pdf
https://www.tncourts.gov/rules/supreme-court/8

[31] DOC 216, PID 984-1015 | https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf
DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

[32] While I believe that the court's failure and unwillingness to honestly and openly address this misconduct, especially in lawsuits involving disadvantaged *pro se* litigants, and even more especially after the misconduct has been **documented and brought to the court's attention**, is *prima facie* evidence of judicial bias sufficient to **disqualify** any judge and **void** any subsequent orders.

28. As for the **truth** regarding the court's statement that "Plaintiff has responded to Defendants' motions", please see one of the notices which I provided the court below on pages 38-41 of my SECOND MOTION TO STAY ALL DISPOSITIVE MOTIONS UNTIL SERVICE IS COMPLETED AND THE COURT HAS RULED ON PLAINTIFF'S OUTSTANDING EXPEDITED MOTIONS, WITH CLARIFICATIONS ABOUT HOW TO PROCEED[33].

ALL RIGHTS RESERVED TO ADD, AMEND, AND FURTHER SUBSTANTIATE[34]

(104) Due to the large number of defendants in this matter and outstanding motions which I need to both file and respond to in order to protect my rights, I have worked hard to file documents on the record recently which testify to and prove the **truth** to counter false claims made by multiple defendants in their motions. This way I can focus more resources on trying to clearly articulate the truth, rather than swatting down lies, in a more robust, comprehensive, and hopefully understandable fashion[35].

(105) Due to the depth and breadth of this lawsuit, and the high number of powerful bad actors involved, most of whom have repeatedly violated the court's codes of conduct and acted in ways contrary to law and unbecoming of officers of the court, in many matters it is extremely difficult to quickly and concisely state the **truth**, while presenting it in a manner which makes sense and is believable on the face. That is not my fault. That is one of the strategic elements of *predatory*

[33] DOC 224, PID 1321-1423 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf
[34] DOC 224, PID 1358-1361 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf
[35] DOC 224, PID 1358 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

litigation[36] which makes it difficult to catch, articulate, and communicate to others, to reach help.

(106) Therefore I have worked hard to articulate, explain, and evidence many complex matters on the record in declarations focused on communicating specific aspects, such as my "DECLARATION EXPLAINING MY PURSUIT OF JUSTICE[37]", my "NOTICE TO ALL BAR MEMBERS[38]", and my "DECLARATION REGARDING FINANCES, MARITAL ROLES, PROPERTY, EDUCATION, EARNING CAPACITY, SPOUSAL SUPPORT, AND FRAUD[39]."[40]

(107) My hope is that the court and/or the defendants will consider the facts, truth, and evidence in those documents, while applying those pleadings as objections and replies to any motions by the defendants or portions thereof claiming otherwise, to substantially reduce the scope of pleadings which I must individually address to prevent another miscarriage of justice. Without requiring me to redundantly copy and paste substantial chunks of facts and pleadings into multiple objections to motions filed by the defendants, alleging similar claims. (I honestly don't know *how* to communicate the *truth* about many of these matters in a more concise fashion than I already have.)

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

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

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

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

[40] DOC 224, PID 1359 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

(108) This would make far more efficient use of the court's time and everyone else's in this matter, to help quickly dispense with frivolous claims without exhausting more of my critically limited time and resources, defending myself against and responding to motions, or portions therein, which probably *never* should have been filed by opposing counsel in the first place. Considering the **truth** exposed and evidenced in the record by my filings, combined with the requirements in F.R.Civ.P. Rule 11(b)[41], not to file documents "for any improper purpose[42]", and "[b]y presenting to the court a pleading, written motion, or other paper[43]" that the defendant's counsel "certifies that to the best of the person's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances[44]" that the claims therein "are warranted by existing law or by a nonfrivolous argument[45]", with meaningful "evidentiary support[46]", with only those denials which are "warranted on the evidence[47]".

(109) That does **not** mean that I am *forfeiting* my right or opportunity to provide the court with a direct, robust, well researched rebuttal to each and every claim made by every defendant, should the court require me to in order to apply the *truth* in my *pleadings* for my benefit to any matters being considered by the court. That will certainly take me a lot more time, while I believe that the interests of justice

[41] https://www.law.cornell.edu/rules/frcp/rule_11
[42] F.R.Civ.P. Rule 11(b)(1)
[43] F.R.Civ.P. Rule 11(b)
[44] F.R.Civ.P. Rule 11(b)
[45] F.R.Civ.P. Rule 11(b)(2)
[46] F.R.Civ.P. Rule 11(b)(3)
[47] F.R.Civ.P. Rule 11(b)(4)

in the matters before this court require the court to provide me extensions of time as are reasonably needed, to protect my constitutional rights to due process and equal protection under the law, while obviously needing to make some accommodations to compensate for the almost impossible odds of having thirty-four well-funded professionals, plus almost as many attorneys representing them, against *one* indigent *pro se* litigant with significant communication *disabilities*[48] and only a high school *education*. The goal is a **substantially just** result, all the same.[49]

> "Following the simple guide of rule 8(e) 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**" (emphasis added). *Conley v. Gibson*, 355 U.S. 41 at 48 (1957)

(110) I have tried to address many of the false claims repeated by multiple defendants, in the best way I know how to communicate them. If I need to later go back and provide direct pleadings to each and every claim in every motion, I can and will do so, while specifically reserving my right herein, provided the court will allow me extensions of time as are necessary for that to be realistically possible for me.[50]

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[48] 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

[49] DOC 224, PID 1360 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

[50] DOC 224, PID 1361 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

(111) I am doing this in good faith to provide both the court and the defendants with a high-profile view of my posture in this lawsuit. Hopefully, the court and the defendants can work to consolidate and/or strike the defendants' most frivolous motions, or portions therein, pending before this court, so I can focus on addressing those which the defendants and/or the court believe have honest, reasonable, merit considering the scope of this lawsuit, rather than being overtaxed with more attorney misconduct further delaying and deferring justice in these critical time sensitive matters.

MOOAO, PAGE 5, PARAGRAPH 2, PID 1495

29. In the second paragraph of page 5[51] of the MOOAO, the court stated in part, "Plaintiff's opposition briefs are convoluted and unclear and do not specifically respond to or rebut the legal arguments made by the moving Defendants in support of their motions."

30. First, they were **not** "opposition briefs", except in the most general sense. While I believe that it is materially false statement, that they are "convoluted and unclear" as claimed by the court, when understood and accepted as the filings which they actually were. (I believe that the "relief requested" is the standard of review for determining the purpose of court filings.)

31. While I informed the court that I had not yet had **time** to "specifically respond to or rebut the legal arguments made by the moving Defendants in support of their motions" in light of the almost non-stop **attorney** and **judicial misconduct** which I noticed the court about.

32. Furthermore, I clearly told the court that I could, would, and specifically **reserved my right** to reply to each and every motion with precise specificity, after the judge made an

[51] DOC 236, PID 1495 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

appearance in this matter and addressed my multitude of filings regarding egregious **attorney** and **judicial misconduct**.

33. Which I was still waiting for[52] when the court unreasonably **dismissed** my lawsuit, causing me extreme and unjustifiable damages, without one single hearing; while coloring the court record with multiple **false** claims and **material misrepresentations** contained in this MOOAO.

34. In my SECOND MOTION TO STAY ALL DISPOSITIVE MOTIONS UNTIL SERVICE IS COMPLETED AND THE COURT HAS RULED ON PLAINTIFF'S OUTSTANDING EXPEDITED MOTIONS, WITH CLARIFICATIONS ABOUT HOW TO PROCEED[53], I stated at the end in the CONCLUSION:

MOTION TO STAY ALL DISPOSITIVE MOTIONS UNTIL COMPLETED

STAY PHASE-1, RULING ON CRITICAL MOTIONS[54]

> "I move the court to **stay** all dispositive motions until the following tasks or events are completed, and I have **afterwards** had a fair opportunity to respond to each individual dispositive motion remaining, filed by the defendants and/or their counsel:"
>
> "Until after the court rules on 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

[52] Not idly waiting, I have been working **non-stop**, approximately ten hours per day, six or more days per week, documenting the misconduct (as evidenced in the court record) while noticing the court to act, to enforce the codes of conduct and ethical canons to maintain an impartial tribunal by protecting my lawful and constitutional rights, in alignment with the judicial oath of office.

[53] DOC 224, PID 1321-1423 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

[54] DOC 224, PID 1363-1364 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

(EXPEDITED CONSIDERATION REQUESTED)[55]" filed on October 10, 2024, in DOC 100, 100-1, PID 5343-5374."

"Until after the court rules on my "MOTION TO FILE ELECTRONICALLY AND FOR REMOTE PARTICIPATION (EXPEDITED CONSIDERATION REQUESTED)[56]" filed on January 21, 2025, in DOC 197, 191-1, PID 445-486."

"If the court denies *either* of the two motions above, *then* I move the court to escalate my motion for **sanctions**[57] against defendant Story and/or her counsel, and to extend this stay until after the court rules on that motion, or in the alternate the court *sua sponte* orders sanctions against defendant Walker[58] and/or the U.S. Attorney's Offices[59] for their deception and misconduct, resulting in the loss of literally hundreds of hours of my time and work, due to dishonest and deceptive claims, which are unreasonable in light of the "DECLARATION AND MOTION TO FILE UNDER SEAL REGARDING DEFENDANT WALKER'S CLAIMED PRIVACY CONCERNS RELATED TO HIS HOME ADDRESS", filed in DOC 217, 218, and 219."

"This is the only way I know of, without the top two motions, where I will have access to the resources necessary to litigate this lawsuit for a remedy,

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[55] DOC 100, PID 5343-5374 | https://rico.jefffenton.com/evidence/2024-10-08_motion-all-filings-be-under-penalty-of-perjury.pdf

[56] https://rico.jefffenton.com/3-24-cv-01282/doc/197.pdf | https://rico.jefffenton.com/3-24-cv-01282/doc/197-1.pdf

[57] DOC 99, PID 5328-5342 | https://rico.jefffenton.com/evidence/2024-10-08_motion-for-sanctions-against-story-for-lying.pdf

[58] DOC 217, 218, 219 | "DECLARATION AND MOTION TO FILE UNDER SEAL REGARDING DEFENDANT WALKER'S CLAIMED PRIVACY CONCERNS RELATED TO HIS HOME ADDRESS"

[59] 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
DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf

unless the court orders some of the defendants to provide me with counsel due to their substantial egregious attorney and judicial misconduct[60] both in this matter as well as in the precipitating Tennessee actions."

STAY PHASE-2, COMPLETING SERVICE & COMPELLING APPEARANCES[61]

"I move the court to extend this stay of all dispositive motions, until I am able to complete the initial service of this lawsuit and the four outstanding defendants (to follow) have been compelled by the court to make an appearance in this matter, as explained in my "SECOND MOTION TO EXTEND TIME AND ASSIST WITH PERFECTING SERVICE[62]", filed with the court this past week."

"Below are the four outstanding defendants who have been served, yet have failed or refused to make an appearance in this matter to date (contact information for each is included in this motion[63]):"

(1) Attorney Kathryn Lynn Yarbrough[64] (BPR# 032789)
Proofs of Service: DOC 95, PID 5213-5234; DOC 180, PID 281-296

(2) Bankers Title & Escrow Corporation[65] (TN SOS Control #000259388)
Proof of Service: DOC 201, PID 493-509

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60 DOC 22, PID 2818-2862 | https://rico.jefffenton.com/evidence/2019-08-01_chancery-hearing-transcript.pdf
DOC 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf
DOC 24, PID 2921-2947 | https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf
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
DOC 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

61 DOC 224, PID 1364-1365 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

62 https://rico.jefffenton.com/evidence/2025-03-05_second-motion-to-extend-time-for-service.pdf

63 https://rico.jefffenton.com/evidence/2025-03-05_second-motion-to-extend-time-for-service.pdf

64 DOC 95, PID 5213-5234 | https://rico.jefffenton.com/3-24-cv-01282/doc/95.pdf
DOC 180, PID 281-296 | https://rico.jefffenton.com/3-24-cv-01282/doc/180.pdf

65 DOC 201, PID 493-509 | https://rico.jefffenton.com/3-24-cv-01282/doc/201.pdf

(3) Attorney Alexander Sergey Koval[66] (BPR# 029541)
Proof of Service: DOC 192, PID 379-408

(4) Spragins, Barnett & Cobb, PLC[67] (TN SOS Control #000334328)
Proof of Service: DOC 221, PID 1129-1163

STAY PHASE-3, CASE MANAGEMENT, STRIKING FRIVELOUS DEFENDANT MOTIONS, AND CREATING A SCHEDULING ORDER[68]

"I move the court to strike any motions filed by the defendant's counsel, which fail to clearly comply with F.R.Civ.P. 11(b), in light of my pleadings already filed on record in this case."

"I move the court to strike frivolous motions, or parts thereof, filed by the defendants or their counsel, either based on the merits of my objections and recent filings, per this motion as outlined herein, or *sua sponte* in the interests of justice. To substantially reduce the workload for me in filing individual objections, or in the alternative to *notify* me that the court will *not* do so, thereby narrowing and/or clarifying the scope of work before me."

STAY PHASE-4, REQUIRING ALL DEFENDANTS TO ANSWER MY COMPLAINT BASED ON THE MERITS, CERTIFIED TRUE UNDER THE PENALTY OF PERJURY[69]

"I move the court to enter an order requiring every defendant in this lawsuit to file an answer based upon the **merits** of my complaint, while including specificity about any claims they seek to dispute or disavow, while including a

[66] DOC 192, PID 379-408 | https://rico.jefffenton.com/3-24-cv-01282/doc/192.pdf
[67] DOC 221, PID 1129-1147 | https://rico.jefffenton.com/3-24-cv-01282/doc/221.pdf
DOC 221-1, PID 1148-1163 | https://rico.jefffenton.com/3-24-cv-01282/doc/221-1.pdf
[68] DOC 224, PID 1365 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf
[69] DOC 224, PID 1366 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

declaration or affidavit with language specifically certifying that their claims, testimony, and contentions are in fact **correct** and **true**, sworn to under the penalty of perjury."

"I move the court to ensure that those orders are executed in a manner which ensures that any defendant found and proven later to have lied or provided material misrepresentations in their answer will be guilty of committing perjury."

"If for any reason this court denies this request, I move the court to provide me with an explanation or justification for this decision."

STAY PHASE-5, SET EXPECTATIONS REGARDING THE ROLE OF THE PRO SE STAFF ATTORNEY, NOTICE OF I SHOULD WAIT FOR THEIR INITIAL REVIEW[70]

"I move the court to notify me what the role is of the *pro se* staff attorney[71], clarifying what my expectations should be, and whether or not I should *wait* upon the completion of their *initial review* prior to proceeding with filing more objections to the defendant's outstanding motions."

STAY PHASE-6, ANSWERING QUESTIONS AND PROVIDING CLARIFICATIONS[72]

"To quickly recap a concern: I am struggling to understand **how** best and most efficiently to respond to the defendants motions to dismiss. Whether to draft and file papers which address specific **topics** and **claims**, for example "Objection to all Defendant Claims that Service was Untimely", or whether I need to redundantly copy and paste the same responses into separate objections which I

[70] DOC 224, PID 1366 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

[71] DOC 209, PID 687 | https://rico.jefffenton.com/3-24-cv-01282/doc/209.pdf

[72] DOC 224, PID 1367 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

must file for each and every defendant making similar claims. Similarly, the interests of justice as related to each objection could be many pages long (possibly ten or twenty pages) and likely won't change much between objections, so do I need to redundantly repeat (copy and paste) that content into each and every individual objection?"

"I move the court to answer those questions while noticing me about the most practical and efficient means for me to object to the defendant's remaining motions, so that we can quickly move past these matters to timely address the substantial merits of this lawsuit."

STAY PHASE-7, ALLOW ME TIME TO RESPOND TO ALL REMAINING DISPOSITIVE MOTIONS AFTER THE COURT HAS RULED ON THE ABOVE[73]

"In the event that any part of this motion to stay is denied, I move the court to provide me an extension of time in all matters until the court has ruled on this motion and provided me notice of the order, and I have **afterwards** had a fair opportunity to respond to each individual dispositive motion remaining by the defendants and/or their counsel."

"**I emphatically object to any party being released from this lawsuit and to this lawsuit to be dismissed**, for any reason prior to this court addressing my papers and pleadings regarding attorney and judicial misconduct by the defendants and their counsel—along with that performed by the previous district court in Michigan—**while allowing me an opportunity to fairly respond after**

[73] DOC 224, PID 1367 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

the court has ruled on those matters, to protect my interests in any and all matters before this court, prior to any dispositive rulings" (emphasis added).

> The plaintiff's civil rights pleading was 150 pages and described by a federal judge as "inept". Nevertheless, it was held "Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities." *Picking v. Pennsylvania Railway*, 151 F.2d. 240, Third Circuit Court of Appeals

TENN. R. SUP. CT. 2.15
(RESPONDING TO JUDICIAL AND LAWYER MISCONDUCT)

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

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

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

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

Comment

[1] Taking action to address known misconduct is a **judge's obligation**. Paragraphs (A) and (B) impose an obligation on the judge to **report to the appropriate disciplinary authority** the known misconduct of another judge or a lawyer that raises a substantial question regarding the **honesty**, **trustworthiness**, or **fitness** of that judge or lawyer. Ignoring or denying known misconduct among one's judicial colleagues or members of the legal profession **undermines a judge's responsibility** to participate in efforts to ensure public respect for the justice system. This Rule limits the reporting obligation to those offenses that an independent judiciary **must** vigorously endeavor to prevent[74] (emphasis added).

[2] A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, but receives information indicating a substantial likelihood[75] of such misconduct, **is required** to take appropriate action under paragraphs (C) and (D). Appropriate action may include, but is not limited to, communicating directly with the judge who may have violated this Code, communicating with a supervising judge, or reporting the suspected violation to the

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

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

appropriate authority or other agency or body. Similarly, actions to be taken in response to information indicating that a lawyer has committed a violation of the Rules of Professional Conduct may include but are not limited to communicating directly with the lawyer who may have committed the violation, or reporting the suspected violation to the appropriate authority or other agency or body (emphasis added).

TENN. R. SUP. CT. 8.3
(REPORTING PROFESSIONAL MISCONDUCT)

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

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

Comment

[1] Self-regulation of the legal profession **requires** that members of the profession initiate disciplinary investigation when they **know** of a violation of the Rules of Professional Conduct. Lawyers have a similar obligation with respect to judicial misconduct. An apparently isolated violation may indicate a pattern of

misconduct that only a disciplinary investigation can uncover. Reporting a violation is especially important where the victim is unlikely to discover the offense (emphasis added).

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

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

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

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

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

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

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

MOOAO, PAGE 5, PARAGRAPH 2, PID 1495

35. In the second paragraph of page 5[76] of the MOOAO, the court stated in part, "Instead, in his first "objection," Plaintiff primarily **complains** that documents have been filed under seal in the case. (See Doc. No. 211)."

36. Upon information and belief, the term **"complains"** sounds derogatory and I believe is meant to color the court record by portraying me in an offensive and unfavorable light.

37. The court has not commented upon any the **language** in the defendant's motions as if they are "complaining", rather the court proports that their filings are proper, factual, honest, and in good faith, despite several filings from me that they clearly are not, with substantial evidence proving the same.

MOOAO, PAGE 5, PARAGRAPH 2, PID 1495

38. At the end of the second paragraph on page 5[77] of the MOOAO, the court stated in part, "His second objection consists of a **virtually incomprehensible series of complaints** he apparently has about the proceedings in this case, including filings under seal and the time he was afforded to effectuate service of process. (See Doc. No. 221)."

39. Correction, the document cited by the Court in this sentence is Doc. No. 222.

40. Upon information and belief, this statement is materially false as could be easily proven by any honest and impartial linguistics expert.

41. Upon information and belief, those filings of mine are actually very comprehensible, they simply contain notice of facts about **attorney** and **judicial misconduct** which the court has shown no interest in and has refused to address to date, as if conduct is irrelevant.

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[76] DOC 236, PID 1495 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[77] DOC 236, PID 1495 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

MOOAO, PAGE 5, PARAGRAPH 3, PID 1495

42. In the last line of page 5[78] of the MOOAO, the court stated in part, "Plaintiff has filed a number of other motions, **declarations**, and notices in the case…" (emphasis added).

43. Those **declarations** are the "cogent specific factual allegations of wrongdoing and claims[79]" which the court mistakenly accused me of not including in my complaint, as if also not present in the multitude of supporting documents filed in my lawsuit.

MOOAO, PAGE 6, PARAGRAPH 1, PID 1496

44. Midway through the first paragraph on page 6[80] of the MOOAO, the court stated in part, "Further, the Court will allow Plaintiff's Amended Complaint. Upon its own review and review of the Defendants' pending motions to dismiss, the Court finds that Plaintiff's Amended Complaint warrants dismissal."

45. My FAC was **already allowed** in the MIWD court, per F.R.Civ.P. Rule 4(m), as explained in filings.

46. Furthermore, my lawsuit was transferred from MIWD to TNMD **after** my FAC was filed and reviewed by the District Judge for the MIWD court, **in the interest of justice**.

47. My lawsuit **already survived dismissal** based upon the **content** of my FAC. In fact, the content of my FAC was what compelled the court to finally transfer my case from Michigan to the Middle District of Tennessee, instead of dismissing my lawsuit for being filed in the "wrong venue", as the Magistrate Judge had claimed, expressed his desire to dismiss this

[78] DOC 236, PID 1495 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
[79] DOC 236, PID 1492 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
[80] DOC 236, PID 1496 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

lawsuit, and actually attempted to do[81].

MOOAO, PAGE 6, PARAGRAPH 2, PID 1496

48. In the second paragraph on page 6[82] of the MOOAO, the court stated:

STANDARD OF REVIEW AND DISCUSSION

"Federal Rule of Civil Procedure 12(b)(6) allows a party to move for dismissal of a complaint on the basis that it "fail[s] to state a claim upon which relief can be granted." The purpose of a Rule 12(b)(6) motion to dismiss "is to allow a defendant to **test** whether, as a matter of law, the plaintiff is entitled to legal relief even if everything alleged in the complaint is true." Mayer v. Mylod, 988 F.2d 635, 638 (6th Cir. 1993). In ruling on the motion, the court must "**construe the complaint in the light most favorable to the plaintiff**, **accept its** [well-pleaded] **allegations as true**, and draw all reasonable inferences **in favor of the plaintiff**." *Directv, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007) (emphasis added).

To survive dismissal for failure to state a claim under Rule 12(b)(6), "**a complaint must contain sufficient factual matter, accepted as true**, to 'state a claim to relief that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff **pleads factual content** that allows the court to draw the reasonable inference that **the defendant is liable for the misconduct**

[81] ECF 8, PID 2101-2106 | https://rico.jefffenton.com/evidence/2023-12-13_wdm-fenton-report-and-recommendation.pdf
ECF 60, PID 4736-4739 | https://rico.jefffenton.com/evidence/2024-08-10_motion-to-recuse-wdm-magistrate-judge-kent.pdf
DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf

[82] DOC 236, PID 1496 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

alleged." *Ashcroft*, 556 U.S. at 678.

49. Upon information and belief, clearly this court is suggesting that my pleadings were not **"well-pleaded"**, while without doubt the court failed or refused to consider my FAC in compliance with the cited Standard of Review and case law, **without** "accept[ing] its **allegations as true**, and draw all reasonable inferences **in favor of the plaintiff.**" (Despite the defendants' failure or refusal to meaningfully challenge the facts, under the penalty of perjury, as many if not most of my filings have been certified, sworn, and attested true—with substantial supporting evidence.)

50. As for whether or not the substantial facts contained in my FAC are **"reasonable"** or **"true"**, those are issues to be heard and decided by a **jury** of my peers, not for the court to trespass upon my rights further, to arbitrarily discredit my claims without cross-examination or hearing.

51. This is a **verified complaint, sworn to under the penalty of perjury.** I have never been found by any court to be dishonest or to have acted in bad faith, or to have acted to interfere with or obstruct the wheels of justice. Nor have I ever "acted to thwart the judicial proceedings or with reckless disregard for the effect of [my] conduct on the proceedings.[83]" (*See Childress*, 663 F. 3d at 841.)

52. In the absence of sworn testimony or evidence proving my claims to be something other than the absolute truth, any honestly impartial tribunal **must afford my claims the "benefit of the doubt"**, or at the very least an evidentiary hearing to test the credibility of the substantial facts and evidence which I have filed in this matter.

[83] https://rico.jefffenton.com/evidence/2017-04-10_usdc-tnmd-fisher-v-gates-pro-se-report.pdf

53. It's unreasonable that the court would entertain any dispositive motion **prior** to first addressing the substantial **attorney** and **judicial misconduct** which I invested the time and work to document and **notice** the court about, to maintain an impartial tribunal where the truth is welcome and can be fairly and honestly heard, so not to violate my rights further.

54. This is a core judicial **responsibility** which is **essential** to the honest and impartial administration of justice.

55. As clearly stated in the first comment from TENN. R. SUP. CT. 2.15, "Taking action to address known misconduct is a **judge's obligation**."

56. As clearly stated in the second comment from TENN. R. SUP. CT. 2.15, "A judge who does not have actual knowledge that another judge or a lawyer may have committed misconduct, **but receives information indicating a substantial likelihood of such misconduct**, is **required** to take appropriate action…"

57. This court has received information not only "indicating a substantial likelihood of such misconduct" but sworn testimony and evidence **proving** the same in multiple filings.

58. This court and every judge who has participated in this matter to date, has failed or refused to obey this Tennessee Code of Judicial Conduct, and to fulfill their lawful **duty** thereunder.

59. Furthermore, I challenge anybody to **test the honesty of my pleadings in the primary causes of action** in Tennessee's state and federal bankruptcy courts in a **hearing**.

60. Similarly, this premature dismissal by the court fails to consider the totality of my filings in this matter, or even the totality of my filings since my FAC[84] was filed in ECF 66, PID 4870-5007. A document which has been suspiciously, and I believe illegally[85] hidden from the public in both federal courts. Despite literally hundreds of docket entries since then, many while there was no judge assigned to this matter to supervise court conduct and filings or to actively respond to my motions, while this lawsuit has been brought by a disadvantaged *pro se* litigant, who has acted honorably and honestly in all matters before this court, who has repeatedly noticed the court about egregious **attorney** and **judicial misconduct**, with **clear and convincing evidence** of the same.

MOOAO, PAGE 9, PARAGRAPH 1, PID 1499

61. On page 9[86] of the MOOAO, the court stated in part, "Further, to the extent his claims against Defendants can be deciphered, they are barred by the doctrines of Rooker-Feldman and res judicata."

62. That statement is both materially false (as I explain to follow) and was phrased in a discriminatory and unfavorable light.

ROOKER-FELDMAN DOCTRINE

63. I'm not seeking a federal appellate review of a state court action.

64. This is the first action involving me and the majority of the defendants.

65. Those defendants who did participate in state court litigation to my detriment are

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

[85] See attached "Plaintiff's Exhibit B" | https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf

[86] DOC 236, PID 1499 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

being sued for **crimes** they committed against me, in collusion, conspiracy[87], and conjunction with **federal** court bad actors (federal bankruptcy court), to which I was fraudulently prevented from participating, in direct violation of federal law[88].

66. While the United Stated District Court for the Middle District of Tennessee is directly over the United States Bankruptcy Court for the Middle District of Tennessee and was the court with both **original** and **exclusive jurisdiction**[89] over my Brentwood marital residence, despite never being involved in the disposition of my property, in direct violation of federal law.

67. No part of this is an appellate action.

68. Toward the bottom of page 9[90] of the MOOAO, the court stated:

> "Federal courts do not have jurisdiction over challenges to state court decisions, even if a plaintiff contends that a state court's action was unconstitutional or violated his rights. To determine whether the *Rooker-Feldman* doctrine bars a claim, the court must look to the source of the injury the plaintiff alleges in his federal complaint. *Cunningham v. Dep't of Children's Servs.*, 842 Fed. App'x 959, 963 (6th Cir. 2021). If the source of the injury claimed is a state court judgment, *Rooker-Feldman* applies and the Court lacks jurisdiction. *Id.* The source of the injury is determined by the requested relief. *Id.*"

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

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

[89] 28 U.S. Code § 1334(e)(1) "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." (See e.g., In re Palmer, 78 B.R. 402, 405-06 (Bankr. E.D.N.Y. 1987)

[90] DOC 236, PID 1499 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

"Here, whatever Plaintiff's claims against each of the 34 Defendants specifically are, he clearly indicates in his request for relief (and elsewhere in his Complaint) that the source, or "genesis," of his injury is "illegal and unconstitutional order(s)" of the Tennessee Chancery Court in his divorce proceeding, which he asks the Court to "vacate" and "expunge" and for which he seeks compensatory and punitive damages. (*See* Doc. No. 66 at ¶¶ 291-92, "Demand for Judgment"). The source of his alleged injury is clearly a state court ruling or rulings as to which *Rooker-Feldman* bars his claims."

69. The portrayal by the Court above is a material misrepresentation of my sworn testimony and scope of this lawsuit, as explained in the first paragraph of my complaint, on page 6[91].

FAC[92], PAGE 6, PARAGRAPH 1, PID 4875

III. INTRODUCTION

(1) GENERAL BACKGROUND

"The genesis of this complaint came colored as a domestic divorce action[93] (with no children), executed in Chancery Court—bundled along with a **completely unnecessary, strategically engineered, precisely timed, fraudulent[94] bankruptcy filing[95]** to cheat Plaintiff out of his property interests[96]

[91] ECF 66, PID 4875 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf

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

[93] ECF 1-17, PID 641-1369

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

[95] ECF 1-8, PID 74-478

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

while alleviating his ex-wife of all financial responsibility[97] for paying the significant transitional alimony[98] Plaintiff and his ex-wife had repeatedly agreed upon" (emphasis added).

70. For some reason the court chose to only comment on half of the conspiracy[99] this lawsuit exposes, involving the state court actors, without making any mention of the **federal** bankruptcy court actors, which actually preceded any action in the state courts, as I have repeatedly explained.

71. The court's statement that "The **source** of his alleged injury is clearly a state court ruling or rulings" is false (emphasis added).

72. Clearly stated on page 12, paragraph 13, of my Amended Complaint:

> "The very first action, the ***predicate fraud***[100] which became the foundation for every other fraud, crime, unnecessary and unconscionable loss to follow, within this complaint, was a secretly executed, falsified, fraudulent bankruptcy petition (Case 3:19-bk-0269324[101]) executed and filed by defendant Ausbrooks through her Nashville law firm, defendant R&A[102], allegedly on behalf of Plaintiff's ex-wife. This matter gave birth to criminal activity and was the springboard to steal Plaintiff's home, retirement, and future. Plaintiff was

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97 ECF 27, PID 3260-3275 | https://rico.jefffenton.com/evidence/2018-07-12_arons-and-associates-divorce-planning.pdf

98 ECF 44, PID 44 | https://rico.jefffenton.com/evidence/2019-01-08_wifes-claims-about-alimony-and-lawyers.pdf
ECF 1-26, PID 1317-1318 | https://rico.jefffenton.com/evidence/2018-10-27_verbal-settlement-agreement.pdf

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

100 ECF 19-2, PID 2632-2646 | https://rico.jefffenton.com/evidence/2019-04-26_ausbrooks-story-fraudulent-bk-petition.pdf
ECF 45, PID 3817-3819 | https://rico.jefffenton.com/evidence/2019-04-26_bankrupcy-planned-for-when-employer-retires.pdf

101 ECF 1-8, PID 74-478

102 https://rico.jefffenton.com/evidence/2019-04-26_wifes-ch13-petition-3-19-bk-02693.pdf

strategically deprived of lawful notice[103] about this bankruptcy action in which his home was secretly included by *special request*."

73. This **predicate fraud** filed in the United States Bankruptcy Court for the Middle District of Tennessee on April 26, 2019, by Rothschild & Ausbrooks, PLLC was the **source of my injury**, not a state court action as this Court falsely stated. Moreover, I was illegally deprived of **notice**[104] in the bankruptcy action, thereby depriving me of participating, in stark violation of the Federal Rules of Bankruptcy Procedure and Federal Law[105].

74. This took place *thirty-nine days* before *any* action was filed in state court[106].

75. This action involved the following parties, whom I have **never** been involved in any litigation with, thereby making it impossible for the *Rooker-Feldman* doctrine to apply to this case.

Rothschild & Ausbrooks, PLLC
Mary Elizabeth Maney Ausbrooks
Alexander Sergey Koval
Henry Edward Hildebrand III
Charles M. Walker
Samuel Forrest Anderson
Bankers Title & Escrow Corporation
Spragins, Bartnett, & Cobb, PLCNS
Rubin Lublin TN, PLLC
Bank of America, N.A.
Cadence Bank

76. Furthermore, in defendant Walker's EXPEDITED CONSIDERATION AND EMERGENCY HEARING REQUESTED DEFENDANT HONORABLE CHARLES

[103] ECF 1-13, PID 565-566 | https://rico.jefffenton.com/evidence/2022-03-15_ustp-bk-fraud-referral-confirmed-no-notice.pdf
[104] ECF 52, PID 4208-4210 | https://rico.jefffenton.com/evidence/2022-03-15_ustp-bk-fraud-referral-confirmed-no-notice.pdf
[105] ECF 38, PID 3445-3496 | https://rico.jefffenton.com/evidence/2019-04-26_bankruptcy-crimes-rules-and-laws-violated.pdf
[106] ECF 53, PID 4258-4349 | https://rico.jefffenton.com/evidence/2024-03-13_irrefutable-proof-of-criminal-conspiracy.pdf

WALKER'S MOTION TO DISMISS[107] filed on November 13, 2024, in DOC 167, PID 143-146 (which his counsel should be sanctioned for filing per F.R.Civ.P. 11(b)[108]), in the top paragraph of page 2[109] of that filing, it states "Judge Walker presided over the ex-wife's bankruptcy case, but Plaintiff was not a party to that bankruptcy."

77. That is exactly why Judge Walker is being sued in this lawsuit, because according to the Federal Rules of Bankruptcy Procedure and Bankruptcy Law[110], I was REQUIRED to be made a party to that proceeding or at the very least provided **notice** and a **hearing** in Bankruptcy Court or in Federal District Court (the same court in which this lawsuit is currently filed), since Rothschild & Ausbrooks, PLLC specifically motioned the bankruptcy court **to sell my home**[111], which was **equally deeded**[112] **to me** as *tenancy by the entirety*[113], which I was lawfully in **possession** of, contained the sum total of my life savings and retirement investments[114], and was the only place I had to live within the State of Tennessee.

78. Judge Walker committed "fraud on the bankruptcy court" when he illegally granted the defendants permission[115] to sell my Marital Residence in DOC 66[116], filed on 9/27/2019, in case 3:19-bk-02693, stating "The Debtor will sell the real estate under **Section 363(f)(3)** subject to the liens of Bank of America, N.A. and Bancorp South" (emphasis added).

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[107] DOC 167, PID 143-146 | https://rico.jefffenton.com/3-24-cv-01282/doc/167.pdf

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

[109] DOC 167, PID 144 | https://rico.jefffenton.com/3-24-cv-01282/doc/167.pdf

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

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

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

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

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

[115] ECF 1-9, PID 226-227 | https://rico.jefffenton.com/evidence/2019-09-27_bk-order-to-sell-real-and-personal-property.pdf

[116] See attached "Plaintiff's Exhibit C" | ECF 1-9, PID 226-227
https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf

79. Property could **only** be sold under "**Section 363(f)(3)" IF** 363(f)(1) **"applicable nonbankruptcy law permits sale of such property free and clear of such interest"** (which it clearly did not) **AND IF** 363(f)(2) "**such entity consents**", while I was the entity whose consent was **required** by that law, and I clearly **did not consent**.

18 U.S. CODE § 157 BANKRUPTCY FRAUD AND 18 U.S. CODE § 152 CONCEALMENT OF ASSETS; FALSE OATHS AND CLAIMS; BY JUDGE WALKER & TRUSTEE HILDENBRAND, WITH DEFENDANTS AUSBROOKS AND KOVAL

80. The court needs to stop right here and study these documents (in attached "Plaintiff's Exhibit C"), because they are the "smoking gun" both giving this court **jurisdiction** as well as a **responsibility** to act, contact the appropriate authorities to **investigate these crimes**[117], and provide me with relief.

81. Anything less constitutes becoming a joinder to these bankruptcy crimes, fraud on the court, obstruction of justice, refusing to intervene, more egregious ADA violations and financial exploitation of the vulnerable (which there is no state immunity for), along with covering up these felony crimes in the court record, via 18 U.S. Code § 4 - Misprision of felony, as I have repeatedly notified the court regarding the fraudulent claims by defendant Walker and his counsel.

[117] DOC 53, PID 4258-4349 | https://rico.jefffenton.com/evidence/2024-03-13_irrefutable-proof-of-criminal-conspiracy.pdf
DOC 1-12, PID 479-596 | https://rico.jefffenton.com/evidence/2019-10-29_tn-wilco-deed-fraud-ada-financial-exploitation.pdf
DOC 38, PID 3445-3496 | https://rico.jefffenton.com/evidence/2019-04-26_bankruptcy-crimes-rules-and-laws-violated.pdf

18 U.S. CODE § 158 - DESIGNATION OF UNITED STATES ATTORNEYS AND AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION TO ADDRESS ABUSIVE REAFFIRMATIONS OF DEBT AND MATERIALLY FRAUDULENT STATEMENTS IN BANKRUPTCY SCHEDULES[118]

(a) **In General.**—The Attorney General of the United States shall designate the individuals described in subsection (b) to have primary responsibility in carrying out enforcement activities in addressing violations of **section 152** or **157** relating to abusive reaffirmations of debt. In addition to addressing the violations referred to in the preceding sentence, **the individuals described under subsection (b) shall address violations of section 152 or 157 relating to materially fraudulent statements in bankruptcy schedules that are intentionally false or intentionally misleading.**

(b) **United States Attorneys and Agents of the Federal Bureau of Investigation.**—The individuals referred to in subsection (a) are—

(1) the United States attorney for each judicial district of the United States; and

(2) an agent of the Federal Bureau of Investigation for each field office of the Federal Bureau of Investigation.

(c) **Bankruptcy Investigations.**—

Each United States attorney designated under this section shall, in addition to any other responsibilities, have primary responsibility for carrying out the duties of a United States attorney under section 3057.

[118] https://www.law.cornell.edu/uscode/text/18/158

(d) **Bankruptcy Procedures.—**

The bankruptcy courts shall establish procedures for referring any case that may contain a materially fraudulent statement in a bankruptcy schedule to the individuals designated under this section.

82. Furthermore, this order in DOC 66 by Judge Walker stated that my home was being sold pursuant to a Chancery Court order, when he knew that the state courts were specifically prohibited from exercising jurisdiction over property in a Federal Bankruptcy Estate: 28 U.S. Code § 1334(e)(1) "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." (See e.g., In re Palmer, 78 B.R. 402, 405-06 (Bankr. E.D.N.Y. 1987)

83. Even more egregiously, in this same order, defendant Walker granted the defendants permission to **liquidate** my personal property, without providing me a dollar in return (fraudulently based upon outdated state court orders, without lawful jurisdiction, which he reasonably should have known) to my substantial detriment, without ever **noticing** me about the motion or allowing me to participate.

84. Despite the order falsely stating in the first paragraph, "This matter came before the Court on September 25, 2019 upon the Debtor's Expedited Motion to Sell Real Estate and Personal Property **with notice given to all parties** pursuant to Local Rule 9075-1. There being no objections raised at the call of the docket, the Motion is found to be well taken and it is therefore ORDERED as follows…" (It's hard to object at the call of the docket, when the court intentionally deprives you of notice.)

85. **I was never provided notice!** (As confirmed by DOJ USTP Trial Attorney Megan Seliber in Nashville[119] by email on March 15, 2022, in DOC 52, PID 4208-4210.)

86. With the false claim that "all net proceeds from the sale of the property shall be deposited into the Chancery Court Clerk's Office and placed in an interest bearing account on behalf of the parties pending further orders of the Chancery Court for Williamson County, Tennessee", but in fact the Chancery Court has reported that **no funds were ever deposited** related to the sale of my home or personal property, nor was a dollar of consideration ever provided to me.

87. Until someone accounts for these federal bankruptcy crimes[120] committed against me, which the United Stated District Court for the Middle District of Tennessee has both **original** and **exclusive jurisdiction** over, it would be both negligent and improper for this court to dismiss my lawsuit.

VACATING VOID ORDERS AND REHEARING STATE ACTIONS ARE DIFFERENT

88. Requesting a court to vacate **void** orders is entirely different than "cases brought by state-court losers complaining of injuries caused by state-court judgments[121]".

89. Requesting the United Stated District Court for the Middle District of Tennessee to vacate **void** judgments levied against me in the State of Tennessee is absolutely within the jurisdiction of this court, while also being this court's responsibility.

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[119] DOC 52, PID 4208-4210 | https://rico.jefffenton.com/evidence/2022-03-15_ustp-bk-fraud-referral-confirmed-no-notice.pdf

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

[121] DOC 236, PID 1499 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

CASE LAW INVOLVING VOID JUDGEMENTS (MINOR SAMPLING)

The Court Has a Responsibility to Correct a Void Judgment: The statute of limitations does not apply to a suit in equity to vacate a void judgment. (*Cadenasso v. Bank of Italy*, p. 569; Estate of Pusey, 180 Cal. 368,374 [181 P. 648].) This rule holds as to all void judgments. In the other two cases cited, *People v. Massengale* and *In re Sandel*, the courts confirmed the judicial power and responsibility to correct void judgments (emphasis added).

A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the **subject matter**, or lacks inherent power to enter the particular judgment, **or an order procured by fraud**, can be attacked at any time, **in any court**, either directly or collaterally, **provided that the party is properly before the court**. See *Long v. Shorebank Development Corp.*, 182 F.3d 548 (C.A. 7 Ill. 1999) (emphasis added).

When rule providing for relief from void judgments is applicable, **relief is not discretionary matter, but is mandatory.** *Omer. V. Shalala*, 30 F.3d 1307 (Colo. 1994) (emphasis added).

This cannot be ignored its fact recorded! Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, **or acted in a manner inconsistent with due process**, Fed. Rules Civ. Proc., Rule 60(b)(4), 28 U.S.C.A., U.S.C.A. *Const. Amend. 5 -Klugh v. U.S.*, 620 F.Supp. 892 (D.S.C. 1985) (emphasis added).

"Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; **they are not voidable, but simply void, and this even prior to reversal.**" *WILLIAMSON v. BERRY*, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850) (emphasis added).

"An unconstitutional act is not law; it confers no rights; it imposes no duties; affords no protection; it creates no office; it is in legal contemplation, **as inoperative as though it had never been passed.**" *Norton v. Shelby County*, 118 U.S. 425 p. 442 (emphasis added).

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

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, **defile the court itself**, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 7th Circuit further stated "a decision produced by fraud upon the court **is not in essence a decision at all, and never becomes final.**"

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

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

90. Granted, I haven't had **time** yet to write a rule 60(D)(3) motion yet, as I have been overwhelmed by needing to respond to misconduct, while pleading with this court to require **ethical conduct** by the courts and counsel, but that is my intent, while I tried my best to articulate that in my filings, with the knowledge I had at each phase of this lawsuit. (I'm not an attorney.)

F.R.CIV.P. 60(D)(3)[122]

91. Given the opportunity by this court, I will file a MOTION TO VACATE VOID JUDGEMENT DUE TO FRAUD ON THE COURT UNDER F.R.CIV.P. 60(D)(3) STRUCTURAL AND CONSTITUTIONAL VIOLATIONS BY OFFICERS OF THE COURT… to expose a judgement built not on **facts** or **law**, but on **fraud**.

92. The final citation provided by the Court at the top of page 10[123] of the MOOAO is misleading and does not apply to this case:

> "(M.D. Tenn. Mar. 22, 2019) (finding federal subject matter jurisdiction lacking where "Plaintiff's claims are, in essence, a request for this Court to overturn the state courts' interpretation of the parties' Marital Dissolution Agreement and divorce decree, which is prohibited by the Rooker-Feldman doctrine")."

93. The citation above gives the impression that some legitimate action took place in the state court to begin with (we had no "Marital Dissolution Agreement"), while in this case it was simply fraud stacked upon fraud, as clearly stated and evidenced throughout this lawsuit.

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[122] https://www.law.cornell.edu/rules/frcp/rule_60

[123] DOC 236, PID 1500 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

RES JUDICATA

94. In the second paragraph of page 10[124] of the MOOAO, the court stated:

> "Further, under Tennessee law, the doctrine of *res judicata* "bars a second suit between the same parties or their privies on the same claim with respect to all issues which were, or could have been, litigated in the former suit." *Jackson v. Smith*, 387 S.W.3d 486, 491 (Tenn. 2012). Accordingly, Plaintiff is collaterally estopped from challenging orders or decisions made by the Tennessee Chancery Court regarding his divorce and the disposition of marital assets, or any issues that he could have raised in the divorce action, in a second action. *Smith v. Dawson-Smith*, 111 Fed. App'x 360, 362 (6th Cir. 2004) (holding that *res judicata* barred a plaintiff's claims challenging decisions and issues that the plaintiff raised or could have raised and litigated in a state court divorce proceeding)."

95. For many of the same reasons as I've already explained regarding the *Rooker-Feldman* doctrine, the doctrine of *res judicata* does **not** apply to this lawsuit either.

96. The court records which I filed in this lawsuit from both precipitating state and federal actions was **not** for the purpose of relitigating either in any way (despite being fraudulently excluded from participating in the federal action as I just explained), rather they are **evidence** of felony **crimes** and **corruption**, fraud on the court by officers of the court, by the defendants.

97. Again, it is misleading for this Court to state that "Accordingly, Plaintiff is collaterally estopped from challenging orders or decisions made by the Tennessee Chancery Court

[124] DOC 236, PID 1500 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

regarding his divorce and the disposition of marital assets, or any issues that he could have raised in the divorce action, in a second action" because that is not what this lawsuit is doing. Furthermore, by stating such, this Court is inappropriately lending their credibility to bolster the legitimacy of the precipitating actions in Tennessee.

98. I did not even understand the fraudulent scam being played on me by the defendants at that time, while it took me approximately **three years** of constant legal research before I could understand the crimes committed against me by the bad actors in the bankruptcy court.

99. The doctrine of *res judicata* does not apply to this lawsuit.

MOOAO, PAGE 10, PARAGRAPH 2, PID 1500

100. In the second paragraph of page 10[125] of the MOOAO, the court stated:

> "Even if it were not barred by *Rooker-Feldman* and *res judicata*, Plaintiff's Amended Complaint fails to state a claim and is without merit for additional reasons stated by Defendants in their motions to dismiss."

101. This statement is prejudicial to the administration of justice and gives strong deference to the BAR members, violating my constitutional rights while failing or refusing to acknowledge or address any of the substantial misconduct which I noticed the court about, much of which is sown into those very same "motions to dismiss".

[125] DOC 236, PID 1500 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

DEFENDANT HILDENBRAND

MOOAO, PAGE 11, PARAGRAPH , PID 1501

102. A little more than halfway down page 11[126] of the MOOAO, the court stated in part:

> "In addition, as Defendant Henry E. Hildebrand, III demonstrates in his motion to dismiss and Plaintiff has not refuted, **Plaintiff has not alleged a plausible claim against him as the Chapter 13 Bankruptcy Trustee for Plaintiff's ex-wife's bankruptcy petition.** (*See* Doc. No. 185 at 4-5, citing *In re McKenzie*, 716 F.3d 404, 414 (6th Cir. 2013) (bankruptcy trustee has quasi-judicial immunity from suit by a third party for actions taken by the trustee on behalf of the estate and within the scope of his authority))."

103. I've not had **time** yet to **read** defendant Hildebrand's "motion to dismiss", but I certainly did "allege[] a plausible [and true] claim against him as the Chapter 13 Bankruptcy Trustee for [my] ex-wife's bankruptcy petition" in my FAC, actually multiple times, as I will demonstrate to follow.

104. It was a tremendous amount of work just trying to get defendant Hildebrand served, as was the case with most of the defendants on the bankruptcy side of this lawsuit. A few are still refusing to make an appearance in this matter, while I am waiting for the court to order them to make an appearance as clearly stated in my SECOND MOTION TO EXTEND TIME AND ASSIST WITH PERFECTING SERVICE[127]

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[126] DOC 236, PID 1501 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[127] DOC 224, PID 1215-1320 | https://rico.jefffenton.com/evidence/2025-03-05_second-motion-to-extend-time-for-service.pdf

105. As stated on page 27, paragraph 77 of my SECOND MOTION TO STAY ALL DISPOSITIVE MOTIONS UNTIL SERVICE IS COMPLETED AND THE COURT HAS RULED ON PLAINTIFF'S OUTSTANDING EXPEDITED MOTIONS, WITH CLARIFICATIONS ABOUT HOW TO PROCEED[128]:

> "In truth, I haven't had time yet to read every word filed in this matter by the defendant's counsel, but of the many motions which I have read, the facts have been perverted with material misrepresentations while not appearing to acknowledge the substantial constitutional merits or most significant justice interests woven throughout this lawsuit."

106. While I clearly reserved my right to do so, as explained earlier in this document, after a judge made an appearance and began resolving my outstanding motions.

107. It was Defendant Henry E. Hildebrand's duty[129] to provide me **notice** and a **hearing** in Federal Bankruptcy Court or in Federal District Court, since my home was listed as part of my ex-wife's bankruptcy estate.

108. It was Defendant Henry E. Hildebrand's duty to provide me and my two lawful tenants/roommates with **adequate protection** per 11 U.S.C. § 1205, which he failed to do, costing me hundreds of thousands of dollars in damages.

11 U.S. CODE § 363(P)[130]

> In any hearing under this section—
> (1) the trustee has the **burden of proof** on the issue of **adequate protection**; and
> (2) the entity asserting an interest in property [me] has the burden of proof on the issue of the validity, priority, or extent of such interest[131].

[128] DOC 224, PID 1321-1423 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf

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

[130] https://www.law.cornell.edu/uscode/text/11/363

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

109. I've explained this at great length in several documents in this lawsuit but below are some direct quotes from my FAC stating clear claims against defendant Hildebrand.

FAC[132], PAGE 12-13, PARAGRAPH 14-17, PID 4881-4883

(14) Entered on April 26, 2019, on Appendix D, Part 9, "Nonstandard Plan Provisions", the following request was included by defendant Ausbrooks[133]: "Debtor moves for permission to sell real property located at 1986 Sunny Side Drive Brentwood, TN 37027 Williamson County, within 180 days of confirmation with no payments being made in the interim. The liens of Bank of America, NA and BanCorp South shall be satisfied in full and all remaining proceeds after Debtor's homestead exemption and costs of sale shall be paid to the Chapter 13 Trustee for the benefit of the estate."

(15) To be clear, this language asked for permission to sell real property owned by Ms. Fenton *and* one other equally deeded party, the plaintiff, as tenancy by the entirety. This can be easily verified by checking the property deed[134] and/or the property tax records[135] on which Plaintiff was clearly named, the same being the legal responsibilities of both defendants Ausbrooks and **Hildebrand**.

ECF 19-1, PID 2620-2623 | https://rico.jefffenton.com/evidence/2011-04-29_fenton-marital-residence-tenancy-by-entirety.pdf
ECF 42, PID 3631-3657 | https://rico.jefffenton.com/evidence/2011-04-29_1986-sunnyside-premarital-assets-invested.pdf
ECF 42, PID 3665-3676 | https://rico.jefffenton.com/evidence/1986-sunnyside-property-improvement-highlights.pdf
ECF 19-1, PID 2629 | https://rico.jefffenton.com/evidence/1986-sunnyside-brentwood-tn-2019-property-taxes.pdf

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

[133] ECF 1-8, PID 144

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

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

(16) Examining this request on its face, imploring no more than common sense and the most fundamental knowledge about natural and constitutional rights in the United States of America, this request does not appear that it could have reasonably been made in good faith by defendant Ausbrooks for at least the following two reasons:

- Firstly, the request sought to sell the property owned by another.
- Secondly, the language promised all the proceeds of the sale to benefit only the party who made this request (and her creditors), without any language indicating if or how the proposed sale might be of any benefit to the other equally deeded and mutually interested property owner, namely, the plaintiff.

(17) That immediately reeks of foul play, yet defendant Ausbrooks filed the motion, all while personally and professional certifying[136] that her request was well grounded in law and made in good-faith and without bringing any of the obvious concerns and potential conflicts of interest to light. She failed or refused to perform any due diligence to protect the property interests of Plaintiff and to provide both Plaintiff and his two lawful tenants/roommates[137] with "adequate protection" as is required by law[138] and rules of professional conduct.

[136] F.R.B.P. Rule 9011 and 11 U.S. Code § 707

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

[138] https://www.law.cornell.edu/uscode/text/11/363

FAC[139], PAGE 20, PARAGRAPH 36, PID 4889

(5) SETTING THE STAGE—THE ENGINEERED EMERGENCY

(36) Defendants Story and Binkley worked with defendants Ausbrooks, Koval, and **Hildebrand** to "set the stage" in advance in the bankruptcy court for the predatory litigation they had planned, which they then executed in the Chancery Court. These defendants created the "emergency" in the bankruptcy court that the Chancery Court would afterward come in with a heavy hand and pretend to remediate.

FAC[140], PAGE 40-44, PARAGRAPH 82-91 , PID 4909-4913

(82) During a recorded phone call on July 2, 2020, with chapter 7 bankruptcy trustee John C. McLemore[141], Plaintiff reported the scam between the courts and its actors and that somehow Plaintiff was cheated out of his property interests. While asking Mr. McLemore what processes or procedures on the bankruptcy side didn't take place correctly as well as who was responsible for those tasks, his canned response was, "I can't be your attorney," which was also nearly everyone's response who Plaintiff asked this same question. However, this wasn't what Plaintiff wanted. Plaintiff sought information, not representation. He received minimal information with the calls he made seeking help. But slowly and surely he learned the sections of law which he literally devoted three years to

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

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

[141] ECF 54-1, PID 4367 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-recorded-call.mp3
ECF 28, PID 3276-3288 | https://rico.jefffenton.com/evidence/2020-07-02_bk-trustee-john-mclemore-call-declaration.pdf

studying almost all day every day before he could unravel the layers of fraud committed by both state and federal court actors and their minions, part of which was to intentionally obfuscate the facts between their separate court records.

(83) At 41:24 during the phone call with attorney McLemore, he stated, "They just completely walk completely all over your rights, in the state of Tennessee, or perhaps under the Bankruptcy Code. That's where your problem is, but I can't answer your question because I don't have enough information. I'm sorry."

(84) At 41:45 Plaintiff asked, "Is there some place in the code that you would just point me to, where I could start reading myself to try to understand? Because again, I don't have any money to hire an attorney."

(85) At 41:58 attorney McLemore responded, "You are in an area of the law that is as difficult as tax. But write this down, 11 United States Code 363. And have a good nap because it's a long statute and you probably will not understand a great deal of it. That's where you look."

(86) It needs to be noted that Mr. McLemore stated, "11 United States Code 363" (emphasis added). Plaintiff completely missed the "363" part of his sentence at the time. It was only upon transcribing part of that phone call for this complaint that Plaintiff realized Mr. McLemore had provided him with such precise information. Although Mr. McLemore provided some useful information to Plaintiff, he, like everyone else, refused to take responsibility or invest the energy to provide Plaintiff with a cure within his reach.

Adversary Proceeding in Federal District or Bankrupcy Court

The Trustee was required to provide Plaintiff and his two tenants/roommates with notices & hearings in federal court. Plaintiff had the following valid property interests: legal title, ownership, controlling, possession/enjoyment/use, beneficial, equitable, exclusion, investment, income, future. Plaintiff's tenants had secure one-year leasehold interests.

Rule 7001. Scope of Rules of Part VII

An adversary proceeding is governed by the rules of this Part VII. The following are adversary proceedings:

(1) a proceeding to recover money or property, other than a proceeding to compel the debtor to deliver property to the trustee, or a proceeding under §554(b) or §725 of the Code, Rule 2017, or Rule 6002;

(2) a proceeding to determine the validity, priority, or extent of a lien or other interest in property, but not a proceeding under Rule 3012 or Rule 4003(d);

(3) a proceeding to obtain approval under §363(h) for the sale of both the interest of the estate and of a co-owner in property;

(4) a proceeding to object to or revoke a discharge, other than an objection to discharge under §§727(a)(8),[1] (a)(9), or 1328(f);

(5) a proceeding to revoke an order of confirmation of a chapter 11, chapter 12, or chapter 13 plan;

(6) a proceeding to determine the dischargeability of a debt;

(7) a proceeding to obtain an injunction or other equitable relief, except when a chapter 9, chapter 11, chapter 12, or chapter 13 plan provides for the relief;

(8) a proceeding to subordinate any allowed claim or interest, except when a chapter 9, chapter 11, chapter 12, or chapter 13 plan provides for subordination;

(9) a proceeding to obtain a declaratory judgment relating to any of the foregoing; or

(10) a proceeding to determine a claim or cause of action removed under 28 U.S.C. §1452.

§363. Use, sale, or lease of property

skipped

(b)(1) The trustee, after notice and a hearing, may use, sell, or lease, other than in the ordinary course of business, property of the estate, trustee may not sell or lease personally identifiable information to any person unless—

(e) Notwithstanding any other provision of this section, at any time, on request of an entity that has an interest in property used, sold, or leased, or proposed to be used, sold, or leased, by the trustee, the court, with or without a hearing, shall prohibit or condition such use, sale, or lease as is necessary to provide adequate protection of such interest. **(skipped)**

(f) The trustee may sell property under subsection (b) or (c) of this section free and clear of any interest in such property of an entity other than the estate, only if—

(1) applicable nonbankruptcy law permits sale of such property free and clear of such interest; **(failed)**

(2) such entity consents; **(failed)**

(g) Notwithstanding subsection (f) of this section, the trustee may sell property under subsection (b) or (c) of this section free and clear of any vested or contingent right in the nature of dower or curtesy.

(h) Notwithstanding subsection (f) of this section, the trustee may sell both the estate's interest, under subsection (b) or (c) of this section, and the interest of any co-owner in property in which the debtor had, at the time of the commencement of the case, an undivided interest as a tenant in common, joint tenant, or tenant by the entirety, only if— **(failed)**

(1) partition in kind of such property among the estate and such co-owners is impracticable;

(2) sale of the estate's undivided interest in such property would realize significantly less for the estate than sale of such property free of the interests of such co-owners;

(3) the benefit to the estate of a sale of such property free of the interests of co-owners outweighs the detriment, if any, to such co-owners; and **(failed)**

(87) Plaintiff's overall takeaway from the conversation at the time was that Mr. McLemore had confirmed his suspicion that *something improper* had taken place, but Plaintiff still did not understand where, how, or by whom. The idea that the bankruptcy code is extremely complicated stuck with Plaintiff as did Mr. McLemore's suggestion to read "11 United States Code." After spending over thirty minutes on the call with Mr. McLemore, as he looked through the busy and complicated docket for the case, the overall tone that stuck with Plaintiff at the time

was Mr. McLemore's statement, "I can't answer your question because I don't have enough information. I'm sorry."

(88) Some of Trustee McLemore's statements about "notice" were also not understood by Plaintiff at that time. Throughout much of 2020 to 2021, Plaintiff sought help through the Appellate Court, Supreme Court, Admin Office, and BPR. Each attempt absolutely consumed and overwhelmed Plaintiff as he tried to learn how to communicate with them with or without their rules and procedures as he struggled to articulate a series of crimes he still didn't even fully comprehend. Most offenses were buried under the most absurd domestic "dog and pony show" in the Chancery Court, which served as nothing more than a strategic distraction, but one that Plaintiff spent all of his energy fighting against for the first few years.....until he finally learned enough to see past it.....that none of it mattered.....that it was all fraud.

(89) Plaintiff later filed complaints for bankruptcy fraud and racketeering with both the FBI[142] and the DOJ/USTP.[143] To Plaintiff's knowledge, nothing remedial was done as a result of these complaints and others. Plaintiff's third year of research was spent studying the bankruptcy code and seeking a federal cure since the State ardently refused to help Plaintiff in any way. Month after month, year after year, as Plaintiff reached out for help and studied the law as suggested by defendant Coke, he slowly learned as he assembled more pieces of the puzzle.

[142] ECF 1-29, PID 1704-1707; ECF 1-30, PID 1771-1792

[143] ECF 1-30, PID 1758-1761

(90) Neither court in Tennessee, state or federal, could legally force the sale of the marital home. It was of *zero benefit* to the "bankruptcy estate" since the amount due on the mortgages was about equal to the amount for which the home auctioned. As such, any legitimate court would have ordered the trustee to remove it as "burdensome to the estate."

(91) So why didn't this ever happen in accordance with the Federal Rules of Bankruptcy Procedure and bankruptcy laws? The reason is that defendants Binkley, Story, Yarbrough, Beeler, Ausbrooks, Koval, and **Hildebrand** skipped it. They leveraged the Chancery Court and defendant Binkley to literally circumvent the Federal Rules of Bankruptcy Procedure and multiple sections of bankruptcy laws even though the state court was specifically forbidden from exercising jurisdiction over property included in a bankruptcy estate.

FAC[144], PAGE 48, PARAGRAPH 100, PID 4917-4918

(100) Another important aspect of the matters precipitating this action is that Plaintiff was portrayed as not having any interest in the home. Defendant **Hildebrand** had not just a duty, but a moral obligation, to check the deed for the home to verify who the proper owners were. He did not do this, or if he did, he ignored the fact that Plaintiff was co-owner[145] of the property as a tenancy by the entirety[146]. Defendant Ausbrooks[147] also shares culpability because she failed to pursue due diligence as well.

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

[145] ECF 1-27, PID 1416-1430

[146] ECF 1-13, PID 541-542

[147] ECF 1-34, PID 1895 | FRBP Rule 9011

FAC[148], PAGE 87, PARAGRAPH 234, PID 4956

- Defendant **Hildebrand**, if he had checked, would have found Plaintiff listed on the deed for the home and should have provided notice of the bankruptcy to Plaintiff, which he did not do and thus violated due process.

FAC[149], PAGE 94, PARAGRAPH 253, PID 4963

(253) Defendant **Hildebrand** should have checked the deed for the home, which listed Plaintiff as an owner of it, and provided notice of the bankruptcy to Plaintiff, which he did not do and thus violated due process.

11 U.S. CODE § 323 - ROLE AND CAPACITY OF TRUSTEE[150]

"(b) The trustee in a case under this title has capacity **to sue and be sued**" (emphasis added).

MOOAO, PAGE 12, PARAGRAPH 0, PID 1502

110. Toward the top of page 12[151] of the MOOAO, the Court stated in part, "Multiple Defendants are entitled to Eleventh Amendment immunity in this case".

111. Upon information and belief, that is an **argument**, not a **fact**. There is a "split in the circuits" currently regarding judicial immunity, as evident in "Kids for Cash".

112. I know of no doctrine which has done more harm to the United States of America or to the "practice of law" in this country, than governmental immunity.

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

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

[150] https://www.law.cornell.edu/uscode/text/11/323

[151] DOC 236, PID 1502 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

113. The Court has a responsibility to protect my **constitutional rights** over advocating for toxic and self-defeating doctrines such as government immunity.

114. Every government employee being sued is because they violated their oaths of office and/or committed (or chose to participate in) felony crimes against me. This has nothing to do with the legitimate government roles they held, rather how those roles could be unethically and unlawfully exploited for private criminal interests, as this lawsuit clearly proves.

115. Government immunity was not created so that state and federal actors can rob, rape, and pillage the people without consequence or accountability. Unfortunately, it is frequently used in this way and needs to be reigned in for the "practice of law" to hold any real value for "we the people"[152].

116. There is far more mention of the government's rights, and the duty I have to them, in this court order, than my natural and constitutional rights, and the duty government has to me. Surely there is a balance somewhere, which this order mistakenly overlooked.

NO DEFENDANT MEANINGFULLY DISPUTED THE FACTS FOR ROUGHLY 200 DAYS (AUGUST 21, 2024[153] – MARCH 26, 2025)

03/26/2025 MY EFFORTS TO REACH JUSTICE IN THIS MATTER

117. As of March 26, 2025, the MIWD docket consisted of 140 primary docket entries, containing 5988 pages. As of that same date, the TNMD docket contained roughly 106 additional primary docket entries, containing another 1504 pages, for an aggregated total of approximately 246 primary docket entries, containing 7,492 pages filed in this lawsuit.

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

[153] Most of the defendants received service or some notice about this lawsuit prior to mid-September, 2024.
DOC 223-1, PID 1242-1243 | https://rico.jefffenton.com/evidence/3-24-cv-01282_fenton-v-story-service-spreadsheet.pdf

118. ALL DISCARDED WITH ONE ORDER!

119. So far the federal courts have gone to unfair, dishonest, and frankly unreasonable ends (which I have repeatedly noticed the court about and proven in my filings) to stifle and bury the **truth** along with **clear and convincing evidence** about unconscionable court misconduct, felony crimes, corruption, and fraud on the court by officers of the court, committed by the defendants and some of their counsel.

120. Upon information and belief, an honest, ethical, impartial, and conscientious court would have rushed in to aid me long ago, while forcing the defendants and their counsel to answer for their **misconduct**, prior to proceeding with any other matter, and certainly before entertaining any dispositive orders to terminate this lawsuit and years' worth of painstaking work, and borrowed money, in search of a remedy I am clearly due, if not many times over.

121. Although there is no "private right of action" for Title 18 crimes, there are *civil remedies* available for victims of some title 18 crimes. (*See* 18 U.S. Code §§ 1030, 1595, 1964, and 3771.)

CONCLUSION

122. I move this court to change their order, to reduce the scope of this lawsuit to whatever this court will allow to proceed without wasting hundreds of thousands of dollars worth of work towards a desperately needed remedy, and service I cannot afford to execute again.

123. I move this court to grant my motion for ECF filing and remote participation so that I can have the opportunity to answer every defendant motion as I have previously reserved my rights to do so.

124. I move this court to provide me with counsel so that a remedy can be within my realistic reach. There are multiple statutes for providing me counsel, under the ADA as well as under 18 USC and 11 USC.

125. If this court refuses, then I move this court for a new trial, because no court has yet to hear any portion of this lawsuit, and clearly the Middle District of Tennessee has jurisdiction over property claims and bankruptcy claims arising out of Middle Tennessee.

126. I have much more to say, and further corrections to add to this, but I'm out of time and must get this to FED EX!

127. It is materially unfair to force me to need to summarize two years' worth of pleadings into one document.

CERTIFICATION AND DECLARATION

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

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

All rights reserved.

Executed on February 22, 2025.

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It is pointless to argue **case law** with people who refuse to acknowledge the **truth**.
—*Jeffrey Ryan Fenton*

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

1. OBJECTION TO MEMORANDUM OF OPINION AND ORDER, AND JUDGMENT ENTRY, WITH DECLARATION AND RULE 59 MOTION TO ALTER JUDGMENT OR FOR A NEW TRIAL

2. DECLARATION OF UNCONSTITUTIONAL DESTRUCTION AND OPPRESSION WITH ADA INTERFERENCE, COERCION, INTIMIDATION, AND RETALIATION (IN SUPPORT OF MY RULE 59 MOTION TO AMEND JUDGEMENT OR FOR A NEW TRIAL)

3. Plaintiff's Exhibits A, B, C, and D

CERTIFICATE OF SERVICE

I hereby certify that on April 22, 2025, I sent 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 April 23, 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 April 22, 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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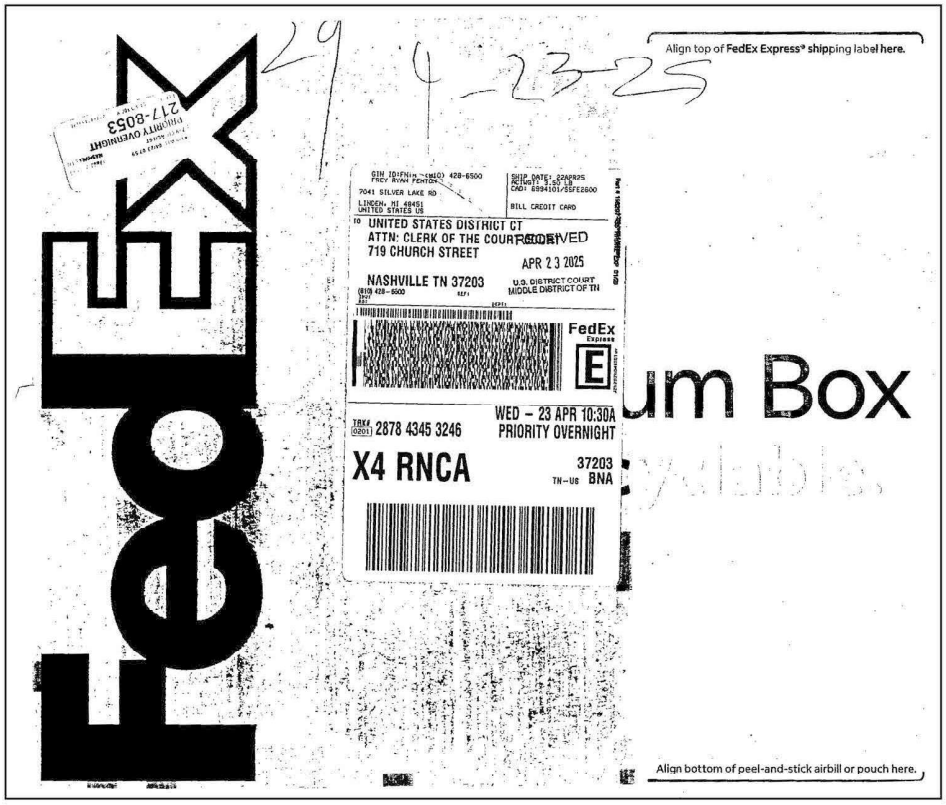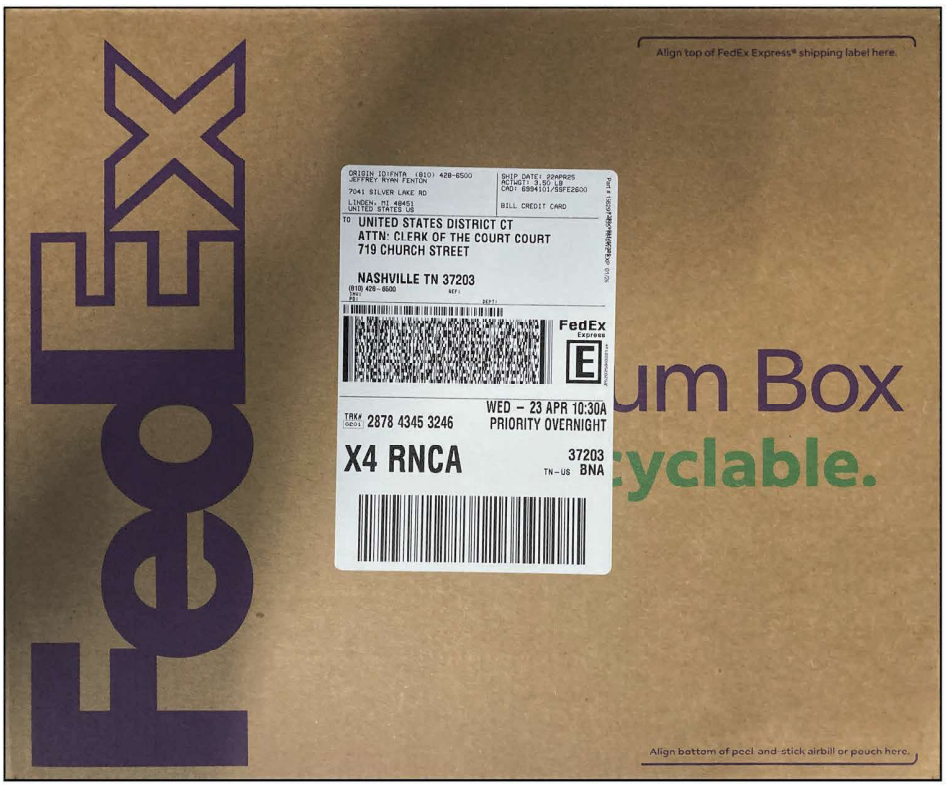
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