EXHIBIT V

6TH CIR. DOC. 24 — MOTION FOR CONTINUANCE AND NOTICE OF JUDICIAL AND PROFESSIONAL MISCONDUCT

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

RECEIVED
JUL 23 2025
KELLY L. STEPHENS, Clerk

JEFFREY RYAN FENTON, PLAINTIFF v. **VIRGINIA LEE STORY ET AL.,** DEFENDANTS	**CASE NO. 25-5592**[1]

MOTION FOR CONTINUANCE TO PREPARE CRIMINAL AND ETHICS FILINGS, WITH NOTICE OF JUDICIAL AND PROFESSIONAL MISCONDUCT, AND FAILURE TO ENFORCE CODES OF CONDUCT AS REQUIRED TO MAINTAIN A FAIR AND IMPARTIAL TRIBUNAL

This notice and testimony is respectfully brought pursuant to 18 U.S. Code §§ 4, 666, 1001, 1503; 28 U.S. Code §§ 530B, 1746; F.R.Civ.P. 6(b) and 11(b); the Tennessee Code of Judicial Conduct, the Codes of Conduct for United States Judges, and the Tennessee Rules of Professional Conduct.

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

1. If the essence of this lawsuit could be boiled down to **one point**, that point would be **the right to litigate in a court honestly and fairly, without justice being directly or indirectly defeated by attorney and judicial misconduct, of a fraudulent and biased nature.**

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

PRIMA FACIE EVIDENCE OF JUDICIAL BIAS AND MISCONDUCT

2. 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[2],

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[2] **NOTICES ABOUT TENNESSEE STATE COURT MISCONDUCT, OBSTRUCTION, AND FELONY FRAUD:**
ECF 1-1, PID 34-47 | https://rico.jefffenton.com/evidence/2022-02-01_fenton-affidavit-of-story-binkley-fraud-on-court.pdf
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 23, PID 2863-2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-transcript-audio-markers.pdf
ECF 23-4, PID 2920 | https://rico.jefffenton.com/evidence/2019-08-29_chancery-hearing-audio-recording.mp3
ECF 24, PID 2921-2947 | https://rico.jefffenton.com/evidence/2019-08-29_authentic-chancery-transcript-and-audio.pdf
ECF 52, PID 4174-4179 | https://rico.jefffenton.com/evidence/2021-03-21_knoxnews-coa-removes-judge-binkley-for-bias.pdf
ECF 54-1, PID 4368 | https://rico.jefffenton.com/evidence/2021-03-21_knox-news-binkley-threatens-prior-restraints.mp4
ECF 58-4, PID 4712-4716 | https://rico.jefffenton.com/evidence/2024-02-16_tnsc-manookian-disbarment-opinion-justice-lee.pdf
ECF 58-5, PID 4718-4722 | https://rico.jefffenton.com/evidence/2024-05-02_reguli-lawsuit-against-wilco-tn-gov-corruption.pdf
ECF 68, PID 5009-5029 | https://rico.jefffenton.com/evidence/2024-08-22_memorandum-of-law-about-void-tn-court-orders.pdf

NOTICES TO MICHIGAN FEDERAL COURT ABOUT MISCONDUCT, OBSTRUCTION, AND FELONY FRAUD:
ECF 14, PID 2181-2187 | https://rico.jefffenton.com/evidence/2024-01-09_objection-to-wdm-report-recommendation.pdf
ECF 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf
ECF 60, PID 4736-4739 | https://rico.jefffenton.com/evidence/2024-08-10_motion-to-recuse-wdm-magistrate-judge-kent.pdf
ECF 101, PID 5375-5390 | https://rico.jefffenton.com/evidence/2024-10-08_counter-affidavit-correcting-storys-false-claims.pdf
ECF 99, PID 5328-5342 | https://rico.jefffenton.com/evidence/2024-10-08_motion-for-sanctions-against-story-for-lying.pdf
ECF 100, PID 5343-5374 | https://rico.jefffenton.com/evidence/2024-10-08_motion-all-filings-be-under-penalty-of-perjury.pdf
ECF 102, PID 5391-5468 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf
ECF 140-1, PID 5949-5988 | Documents Filed Under Seal Regarding Defendant Walkers Claimed Privacy & Safety Concerns
ECF 141-1, PID 5991-6096 | https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf

NOTICES TO TENNESSEE FEDERAL COURT ABOUT MISCONDUCT, OBSTRUCTION, AND FELONY FRAUD:
DOC 176, PID 225-233 | https://rico.jefffenton.com/evidence/2024-11-08_fenton-reply-to-storys-opposition-to-sanctions.pdf
DOC 177, PID 234-250 | https://rico.jefffenton.com/evidence/2024-11-18_fenton-motion-for-alternative-service.pdf
DOC 197, PID 445-486 | https://rico.jefffenton.com/evidence/2025-01-10_motion-for-ecf-and-remote-participation.pdf
DOC 207, PID 583-685 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
DOC 211, PID 689-723 | https://rico.jefffenton.com/evidence/2025-02-08_objection-to-dispositive-defendant-motions.pdf
DOC 212, PID 730-907 | https://rico.jefffenton.com/evidence/2025-02-10_tn-motion-to-minimize-or-remove-redactions.pdf
DOC 214, PID 911-975 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf
DOC 216, PID 984-1015 | https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf

is *prima facie* evidence of **judicial bias** sufficient to disqualify[3] any judge and void[4] any subsequent orders. I also believe this is evidence of judicial malfeasance and obstruction of justice[5].

3. Furthermore, I believe that this is *often* evidence of "fraud on the court by officers of the court", indicative of judicial misconduct and willful participation by the presiding judge, because they allowed the misconduct to **falsely stand as though proper**, and inappropriately impact, mislead, interfere, and color the court record; despite being the judge's responsibility to prevent this from happening, **to protect the rights of all litigants involved in the matter.**

4. Only a partial sampling of the sworn testimony, evidence, and notices I have provided to this court regarding falsified court records, fraud on the court, obstruction of justice, coupled with serious and egregious professional and judicial misconduct has been cited in this document. Reference my extensive filings and declarations on docket in this case, most of which have been ignored to date by every court involved, for a far more comprehensive itemization of the

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DOC 217, 218, 219 | 2025-02-18 Documents Filed Under Seal Regarding Defendant Walkers Claimed Privacy & Safety Concerns
DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf
DOC 223, PID 1215-1320 | https://rico.jefffenton.com/evidence/2025-03-05_second-motion-to-extend-time-for-service.pdf
DOC 224, PID 1321-1423 | https://rico.jefffenton.com/evidence/2025-03-09_second-motion-to-stay-all-dispositive-motions.pdf
DOC 238-2, PID 1707-1750 | https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf
DOC 238-2, PID 1751-1752 | https://rico.jefffenton.com/evidence/2024-07-20_repeating-patterns-of-court-racketerring.mp3
DOC 238-3, PID 1753-1798 | https://rico.jefffenton.com/evidence/declaration-of-destruction-oppression-ada-interference.pdf
DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

[3] Tenn. R. Sup. Ct. 2.11(a)(1) | https://www.tncourts.gov/rules/supreme-court/10#CANON%202
28 U.S. Code §§ 455(a), (b)(1) Disqualification of justice, judge, or magistrate judge | https://www.law.cornell.edu/uscode/text/28/455

[4] WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850); Norton v. Shelby County, 118 U.S. 425 p. 442 ; Liteky v. U.S., 114 S.Ct. 1147, 1162 (1994); Liljeberg v. Health Services Acquisition Corp., 486 U.S. 847, 108 S.Ct. 2194 (1988); Taylor v. O'Grady, 888 F.2d 1189 (7th Cir. 1989); Levine v. United States, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954); United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996); 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); El-Kareh v. Texas Alcoholic Beverage Comm'n, 874 S.W.2d 192, 194 (Tex. App.-Houston [14th Dist.] 1994, no writ); see also Evans v. C. Woods, Inc., No. 12-99-00153-CV, 1999 WL 787399, at *1 (Tex. App.-Tyler Aug. 30, 1999, no pet. h.); Cadenasso v. Bank of Italy, p. 569; Estate of Pusey, 180 Cal. 368,374 [181 P. 648]; People v. Massengale and In re Sandel; Long v. Shorebank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999); Omer. V. Shalala, 30 F.3d 1307 (Colo. 1994); Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23; Conley v. Gibson, 355 U.S. 41 at 48 (1957); Geiler v. Commission on Judicial Qualifications, (1973)

[5] 18 U.S.C. §§ 1001 & 1503 | https://www.law.cornell.edu/uscode/text/18/1001 | https://www.law.cornell.edu/uscode/text/18/1503

criminal misconduct taking place in this docket by the defendants, their counsel, along with each court, district judge, and magistrate judge who has participated in this matter.

5. I have been advocating throughout this lawsuit that **misconduct cannot produce justice**[6] while providing numerous documented examples of judicial and professional misconduct by the defendants in this lawsuit, their counsel, and the Federal District Courts, first in Michigan and now in Tennessee.

6. I have filed substantial sworn testimony[7] clarifying that I do not bring this lawsuit to disparage the courts or the bar members therein. The courts are only disparaged by the dishonest, unethical, and fraudulent **actions** of their officers. Including in the recent order by this court[8] to dismiss this lawsuit without a single hearing to date, where the court falsely claimed[9] that my lawsuit is "totally implausible, devoid of merit, and no longer open to discussion."

7. **That is simply <u>not</u> true**, at least regarding plausibility and merit.

8. Similarly, on the order (DOC 245[10]) denying my Rule 59 Motion to Alter Judgement or for a new Trial[11] (DOC 238 through 238-3), the Court stated, "Plaintiff's 64-page Objection and Motion is **virtually incomprehensible** and does not demonstrate any circumstance warranting relief from the Court's judgment under Rule 59(e), and nothing in his Objection and Motion alters the Court's conclusion that this action was properly dismissed" (emphasis added).

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[6] DOC 207, PID 596 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf

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

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

[9] DOC 236, PID 1498 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[10] DOC 245 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

[11] DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf
DOC 238-3, PID 1753-1798 | https://rico.jefffenton.com/evidence/declaration-of-destruction-oppression-ada-interference.pdf

9. I believe that the court's statement claiming that any of my filings are **"virtually incomprehensible[12]"** is materially **false** and misleading, but even if it were true, my filings have been logically organized and presented to the best of my ability, while I have operated honestly, diligently, transparently, and in good faith with every paper I have filed in this federal lawsuit, satisfying the criteria established in *Haines v. Kerner* for *pro se* litigants.

***HAINES V. KERNER*, 404 U.S. 519 (1972)**

10. In *Haines v. Kerner*, the Supreme Court established that *pro se* litigants should be held to less stringent pleading standards than those drafted by lawyers. The court's decision in this case emphasized the importance of liberally reviewing *pro se* complaints, **seeking the substance of their claims** even if they are not formally perfect. This case ensures that individuals representing themselves in court are not penalized for a lack of formal legal knowledge.

11. *Haines v. Kerner* also held that **a complainant must be offered the opportunity to present evidence of their claims,** which this court has repeatedly denied me any opportunity to do in this case. Furthermore, *Haines v. Kerner* remains binding and controlling law on all courts in this nation.

12. Upon information and belief, this is another situation where the officers of the court are **construing the sworn testimony and facts in my pleadings contrary to the honest interests of justice**.

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[12] One of the primary factors causing my pleadings to be expansive, long-winded, repetitive, complicated, and possibly confusing, which might cause them to *feel* "overwhelming" (I believe this is being misrepresented as "incomprehensible"), is the fact that this court has refused to acknowledge or respond to the bulk of my filings in this lawsuit, while making materially **false** claims and levying the power of this court contrary to my critical interests, as well as the honest interests of justice in the matters before this court. This forces me to devote significant time, resources, and page count to **restating the truth again**, in hopes of preventing another manifest injustice. At the same time, my disabilities are such that I will unconsciously repeat important facts **until I become convinced that someone has heard me.** Until someone in a position of power is willing to honestly **hear the truth of my testimony**, while fairly applying the law to that truth, to provide me some ethical and lawful relief, I know of no other way for me to successfully proceed in this matter.

F.R. CIV. P. RULE 8(E)[13]

(e) Construing Pleadings. Pleadings must be construed so as to do justice.

13. This aspect of my pleadings is not *discretionary*. This is a core principle of pleading which the courts have repeatedly ignored, causing me repeated and prolonged injury, rather than giving me the "benefit of the doubt" in any substantive matter. This is another clear indicator of the *judicial bias*[14] and *impropriety* which I have been forced to contend with in this case.

14. As I have stated repeatedly in this lawsuit, in slightly different ways, with my high school education, lack of financial resources (which is largely the defendant's fault), and the realistic limitations caused by my substantial legitimate, documented and disclosed, ADA disabilities[15], I cannot and should never need to, fight and defend myself against **both the court** and the powerful **defendants** in this matter, concurrently[16]. This is an egregious violation of my constitutional rights, a misappropriation of state and federal tax dollars and other resources, a violation of multiple offices of public trust, and a violation of the fiduciary duties of this court and the presiding judge. This is a clear and fundamental abuse of this court's discretion, resources, and power, for the protection, coverup, and advancement of private criminal interests, working in conjunction with the State of Tennessee, their agents and assigns, to the significant detriment of public welfare, health, and safety, for egregious, oppressive, unconstitutional, and unlawful purposes, in polar opposition to each officers sworn oath.

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

[14] DOC 207, PID 598 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
DOC 238, PID 1534 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

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

[16] ECF 11, PID 2128-2129 | https://rico.jefffenton.com/1-23-cv-01097/ecf/11.pdf
ECF 60, PID 4737-4738 | https://rico.jefffenton.com/1-23-cv-01097/ecf/60.pdf
ECF 62, PID 4748-4749, 4758-4760 | https://rico.jefffenton.com/1-23-cv-01097/ecf/62.pdf
DOC 222, PID 1176, 1194 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf

FAILING TO MEET BASIC FEDERAL PLEADING REQUIREMENTS

15. This court has accused me[17] of "fail[ing] to meet basic federal pleading requirements necessary to state a plausible claim in federal court", when in truth the court and counsel in this matter have repeatedly refused to construe my pleadings in compliance with Rule 8(e) of the Federal Rules of Civil Procedure, whereas "Pleadings must be construed so as to do justice."

16. This court is holding my *pro se* pleadings to a **higher standard** than it has held the pleadings by the multitude of bar attorneys, who have repeatedly filed false, fraudulent, and misleading papers, while violating F.R.Civ.P. Rule 11(b) almost non-stop, as I have documented for this court, time and time again[18]—without any acknowledgement, accommodations, preventative measures, correction, discipline, sanctions, or **any** proper supervisory response, by which to maintain an **impartial** atmosphere in this tribunal, **where the truth is welcome**, rather than hidden, lied about, and ridiculed, so it can be **easily heard**, that justice might be honestly and realistically **possible** in the matters before this court.

17. Moreover, this court has allowed the influential bar defendants and their counsel to repeatedly lie, file documents for malicious, obstructive, and improper purposes, while misapplying case law, ignoring the critical constitutional merits of this lawsuit, and my damages which continue to exponentially compound each day that justice is delayed or denied—without executing and filing the statutory certification mandated by 28 U.S. Code § 1746.

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[17] DOC 236, PID 1494 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[18] ECF 100, PID 5343-5374 | https://rico.jefffenton.com/evidence/2024-10-08_motion-all-filings-be-under-penalty-of-perjury.pdf
DOC 211, PID 710-711 | https://rico.jefffenton.com/evidence/2025-02-08_objection-to-dispositive-defendant-motions.pdf
DOC 216, PID 1001-1003 | https://rico.jefffenton.com/evidence/2025-02-24_notice-to-all-bar-members.pdf

FALSE AND FRAUDULENT STATEMENTS IN COURT ORDERS

18. I pointed out repeatedly in my Rule 59 Motion[19], along with in other prior filings, that this court is seriously **misrepresenting the facts**, with **false** and **materially misleading** statements, which meet the Tennessee Supreme Court's definition for "**fraud**[20]".

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

> "(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 as would be necessary to make the statements made not materially misleading**, 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).

FRAUDULENTLY AND DECEPTIVELY MISAPPLYING CASE LAW

19. Similarly, in the most recent order (DOC 245[21]), this court **deceptively** stated[22], "The disposition of a motion to alter or amend a judgment under Fed. R. Civ. P. 59(e) is entrusted to the discretion of the district court. Huff v. Metropolitan Life Ins. Co., 675 F.2d 119, 122 (6th Cir. 1982). Such motions are generally only granted when there is: (1) a clear error of law; (2) newly discovered evidence; (3) an intervening change in controlling law; or (4) a need to prevent manifest injustice. Intera Corp. v. Henderson, 428 F.3d 605, 620 (6th Cir. 2005)."

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[19] DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

[20] https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-8-rules-professional-conduct

[21] DOC 245, PID 1824-1825 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

[22] DOC 245, PID 1824 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

20. Although this case law is likely accurate, the **deception** perpetrated by the judge who wrote this was by **implying** that my lawsuit fails to satisfy this criteria, while wrongly denying my Rule 59 Motion, despite this very same case law **requiring** that my Rule 59 Motion be granted.

21. This is another example, like that of the Michigan Magistrate Judge[23], where **false statements** were written into the court record **as if true**, when they were completely **false**, and even nonsensical (once the truth is known), while using *case law* completely **out of context**, and/or **misapplying case law** to strategically and intentionally obstruct justice by disregarding, ignoring, and dismissing my complaint, along with the substantive, critical, constitutional claims throughout my lawsuit.

22. I don't know what more I can say to convince this court that only through **honestly and openly <u>hearing</u> and weighing the <u>truth</u>**, while applying applicable state and federal laws, along with both constitutions **to that truth**, can this court render a ruling in this matter which does not cause further wrongful deprivation of my most basic natural unalienable and constitutional rights, as well as cause criminal injustice to continue to compound. This is all common sense in my mind, while I have repeatedly documented the fraud and misconduct continuing to be committed by the law firms and attorneys representing the defendants in this case, while petitioning this court to uphold their fiduciary duties. The extent which this court has and continues to allow attorney misconduct, while joining it with judicial misconduct[24], pretending as if their motions and pleadings are proper and lawful, **proves this court's bias** and complicity in the crimes continuing to be committed against me, under the fraudulent *color of law* in this matter.

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

[24] DOC 211, PID 702, 707-708 | https://rico.jefffenton.com/evidence/2025-02-08_objection-to-dispositive-defendant-motions.pdf

RACKETEERING BY THE COURT ENTERPRISE

23. As I have previously notified the court and evidenced on the record[25] in this case, this is one of the predominant deceptive characteristics of *racketeering* by and through the *court enterprise*, often seen practiced by the presiding judge. These small (in size) unlawful interjections with *fraudulent narratives* look legitimate at a distance, giving them the *appearance* of "legal work", but they are unethical and dishonest in nature, seeking not to do justice but injustice, while the **case law** cited by the court **fails to apply** to the honest **truthful facts**. (At least in the manner presented by the judge who executes the orders.)

WHY MY RULE 59 MOTION SHOULD HAVE BEEN GRANTED

24. Of the four qualifying criteria stated by this court (see paragraph nineteen above) for granting a Rule 59 Motion, this lawsuit honestly satisfies and qualifies for at least two of those:

25. "Such motions are generally only granted when there is: **(1) a clear error of law**" and "**(4) a need to prevent manifest injustice.** Intera Corp. v. Henderson, 428 F.3d 605, 620 (6th Cir. 2005)" (emphasis added).

26. Any honest and competent person familiar with the court's codes of conduct (especially a bar member), who is acting in **good faith** and has read the majority of my pleadings in this lawsuit, **reasonably should know that**.

[25] DOC 238-2, PID 1751-1752 | https://rico.jefffenton.com/evidence/2024-07-20_repeating-patterns-of-court-racketerring.mp3

TENN. R. SUP. CT. 1.0
(TERMINOLOGY: KNOWINGLY, REASONABLY SHOULD KNOW)

(f) "Knowingly," "known," or "knows" denotes actual awareness of the fact in question. **A person's knowledge 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).

"COLORING" THE COURT RECORD WITH A FRAUDULENT NARRATIVE

27. This is **evidence** of the court acting under *"color of law"*, while *"coloring"* the court's records **fraudulently**, violating their oaths of office and the court's codes of conduct, while obstructing justice, committing fraud on the court, egregiously violating the litigants' constitutional rights to due process and equal protection under the law. To be clear, this is **evidence** that the presiding judge is engaged in egregious **impropriety** and **felony fraud**.

JUDICIAL MISCONDUCT, OVERREACH, AND CIVIL RIGHTS INTIMIDATION, VIRTUE SIGNALING TO THE COURT OF APPEALS NOT TO OVERTURN THIS

28. I also need to address the fact that this court has stated in the past couple of orders[26], "The Court further certifies, pursuant to 28 U.S.C. §1915(a)(3), that an appeal from this decision could not be taken in good faith."

29. **That is wholly inappropriate for a judge to say in this matter!** This court has egregiously and unethically (if not illegally) ignored the majority of my sworn testimony, verifiable

[26] DOC 236, PID 1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
DOC 245, PID 1825 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

Initials:

evidence, and clear court transcripts **proving** my claims are **true** and **accurate** in this matter, denying me even a single hearing, in stark violation of *Haines v. Kerner*, along with every accommodation I have requested to provide me with better and more affordable access to the court (such as ECF[27]).

30. I should have been granted ECF filing privileges at the very beginning of my lawsuit, almost two years ago. Then when this lawsuit was transferred from a court which I had physical access to, in the State of Michigan, to a court 600 miles away in the State of Tennessee, which I clearly don't have physical access to, the court should have immediately granted me ECF access and remote participation as requested.

31. Instead, upon information and belief, the court has acted to make litigation as **difficult** and **expensive** for me as possible, to break me down, wear me out, and exhaust my resources, prior to ever reaching a remedy for the crimes which the defendants have clearly committed against myself and my family.

32. I believe under the circumstances that this is a direct violation of the participating judge's **fiduciary duties**, including the **Duty of Care**, the **Duty of Loyalty**, the **Duty of Obedience**, and the **Duty of Disclosure**.

[27] ECF 14, PID 2181-2187 | https://rico.jefffenton.com/evidence/2024-01-09_objection-to-wdm-report-recommendation.pdf
ECF 62, PID 4744-4760 | https://rico.jefffenton.com/evidence/2024-08-09_objection-to-wdm-order-regarding-service.pdf
ECF 60, PID 4736-4739 | https://rico.jefffenton.com/evidence/2024-08-10_motion-to-recuse-wdm-magistrate-judge-kent.pdf
ECF 102, PID 5391-5468 | https://rico.jefffenton.com/evidence/2024-10-09_concerns-about-transferring-to-tennessee.pdf
DOC 197, PID 445-486 | https://rico.jefffenton.com/evidence/2025-01-10_motion-for-ecf-and-remote-participation.pdf
DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf

33. **Thousands of pages** of my lawsuit are **sealed** or **redacted** in this matter currently between two different federal district courts (TNMD and MIWD), in direct contravention of 18 U.S. Code § 4[28], and this court has chosen to call the **truth** "totally implausible[29]" and simultaneously, "no longer open to discussion[30]". While refusing to even allow me a single hearing, to present the court with **evidence of my claims**[31]. Despite this court having been candidly noticed about the **ongoing threat** to the lives, property, health, and safety of the **general public** throughout Middle Tennessee[32]. While also being noticed about the active harm currently being caused by bad actors (named in this lawsuit) holding powerful positions of public trust in Tennessee. Some who are literally charged and trusted with the **oversight of the "practice of law"** throughout the entire state, while providing clear evidence of how their offices have been illegally leveraged **to protect some of the most unethical, dishonest, and abusive actors the state**.

34. At the same time, these same bad actors have leveraged their office(s) and public funds to unlawfully retaliate against, harass, sanction, suspend, and even disbar some of the most honest, ethical, fearless, patriotic attorneys[33] that Tennessee has known in recent years. Attorneys who have laid down their lives and their practices, to do what almost every other law firm in Middle Tennessee has been afraid or refused to do, defending the people's liberties over state and private

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[28] 18 U.S. Code § 4 - Misprision of felony | U.S. Code | US Law | LII / Legal Information Institute

[29] DOC 236, PID 1498 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[30] DOC 236, PID 1498 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf

[31] Substantial evidence is also on court record in this lawsuit, proving the honest voracity of my claims, leaving this court no honest, "good faith", ethical, or lawful excuse or escape for failing or refusing to exercise the court's authority toward the interests of justice.

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

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

criminal interests, who have dared to report, stand-up against, and challenge court corruption, judicial fraud and misconduct in Middle Tennessee's courts.

35. Now this court appears to be acting in lock step with the dishonest agenda[34] of the MIWD Magistrate Judge, where they appear to want nothing more than to **dismiss this lawsuit** while **burying the evidence** of a multitude of egregious felony crimes, committed by many powerful and influential, yet unconscionably dishonest and unethical officers of Tennessee's Court System, while further claiming that "an appeal from this decision could not be taken in good faith[35]."

36. It is highly improper for ANY Judge to claim that my lawsuit is "implausible" without providing any cogent specific factual allegations, contentions, objections, disbeliefs, evidence, or examples from my pleadings, which substantiate that conclusion. Especially while continuing to **hide** thousands of pages of my lawsuit and pleadings from the **public**, claiming it is "no longer open to discussion", without saying **why** or providing any "good faith" lawful justification for that determination either. Even more especially while denying me any opportunity to present the court with evidence of my claims, as required for *pro se* litigants according to Supreme Court case law in *Haines v. Kerner,* 404 U.S. 519 (1972). Further improperly demanding, "that an appeal of this decision could not be taken in good faith."

37. That is a preposterous overreach of authority, spanning at least three offices!

38. Besides which it is the **jury's** role to determine what the **facts** of the case are, essentially deciding **what the truth is**, based on the evidence presented. The judge instructs the

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[34] DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf
DOC 238-2, PID 1707-1750 | https://rico.jefffenton.com/evidence/2025-04-08_miwd-first-amendment-right-of-access.pdf

[35] DOC 236, PID 1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
DOC 245, PID 1825 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

jury on the law, and the jury applies that law to the facts **they have determined**. It is the jury's role, not that of a judge, to decide what version of the facts is most credible and accurate.

39. **Judges are not allowed to play dictatorial roles of judge, jury, executioner, coverup administrator, and the appeals court all in one.**

40. That screams of "judicial misconduct" to anyone who takes the time to read this lawsuit and the wealth of honest, detailed declarations I have filed in it, while evaluating the reams of clear and convincing evidence filed alongside my declarations, to further substantiate my claims—to know the truth about what has transpired against my family in Tennessee, both in the precipitating matters, as well as the crimes which continue to take place in this federal lawsuit.

41. Upon information and belief, **any pretense of the "practice of law" absent honesty, integrity, and ethical conduct is a *"color of law"* crime against the public!**

18 U.S. CODE § 666 - THEFT OR BRIBERY CONCERNING PROGRAMS[36] RECEIVING FEDERAL FUNDS (HOPEFULLY LIKE THE COURTS)

COURT'S INSTRUCTION NO. 40
FRAUD – GOOD FAITH DEFENSE

1) The good faith of a defendant is a complete defense to the charges contained in Counts Two and Five through Ten because good faith on the part of a defendant is, simply, inconsistent with an intent to defraud.
2) A person who acts, or causes another person to act, on a belief or an opinion honestly held is not punishable under this statute merely because the belief or opinion turns out to be inaccurate, incorrect, or wrong. An honest mistake in judgment or an honest error in management does not rise to the level of criminal conduct.
3) But a defendant does not act in good faith if, for example, even though he honestly holds a certain opinion or belief, he also knowingly makes materially false or fraudulent pretenses, representations, or promises to others.
4) While the term "good faith" has no precise definition, it encompasses, among other things, a belief or opinion honestly held, an absence of malice or ill will, and an intention to avoid taking unfair advantage of another.

[36] https://www.law.cornell.edu/uscode/text/18/666

Initials:

FORMER TENNESSEE HOUSE SPEAKER AND HIS CHIEF OF STAFF[37] CONVICTED OF BRIBERY AND KICKBACK CHARGES

42. Upon information and belief, the illustration on the prior page is an excerpt from the jury instructions from the recent Glen Casada and Cade Cothren corruption, bribery, and kickback trial brought by the FBI in Nashville, which concluded roughly a month ago. These instructions give some of the **required** elements and some of the **prohibited** elements for claiming a **good faith defense**. Importantly, **a dishonest act is never done in "good faith".**

43. Former Tennessee House Speaker Glen Casada was found guilty on 17 counts, and Cade Cothren was found guilty on all 19 counts.

A GOOD FAITH DEFENSE

44. Upon information and belief, according to the Department of Justice in this illustration, a **good faith defense** only applies where the official acts **honestly**.

45. In the third paragraph of this illustration it specifically states, "While the term "good faith" has no precise definition, it encompasses, among other things, **a belief or opinion honestly held, an absence of malice or ill will, and an intention to avoid taking unfair advantage of another.**"

46. Please note in that last paragraph, it says "**an intention to avoid**", this is saying that just because something is done absent of malice, does **not** satisfy the responsibilities for an official to have acted "in good faith". Due to their oath of office, employment by the people, and the critical need for public trust, officials **also** have a **duty of active** and **intentional care.**

[37] https://www.justice.gov/usao-mdtn/pr/former-tennessee-state-representative-and-his-chief-staff-convicted-bribery-and
https://www.newschannel5.com/news/house-speaker-glen-casada-found-guilty-on-17-of-19-counts-cothren-guilty-on-all-charges
https://www.wsmv.com/2025/05/16/corruption-trial-former-tn-house-speaker-chief-staff-found-guilty/

Initials:

It's not just a matter of avoiding getting caught "doing something wrong", but also whether or not the official is **operating honestly, ethically, and lawfully**, fulfilling the fiduciary duties required of their office. (Such as honesty, fairness, impartiality, supervising others, correcting, disciplining, and/or reporting attorney and judicial misconduct to the proper authorities, etc.[38])

CONCLUSIONS ABOUT GOOD FAITH

47. Upon information and belief, as long as this court continues to leave **false statements**[39] and material misrepresentations standing in the court records as if actual **true** facts, this court, along with the defendants and their counsel, **are operating in bad faith**, misdirecting[40] public resources to strategically and intentionally benefit private criminal interests, wholly repugnant of the rule of law, our state and federal constitutions, and every office of justice.

48. Certainly, a court and judge who have operated *biasedly* in **bad faith** (as is obvious in this case by the **false statements**[41] written by this court into the **record**, which remain uncorrected to date), denying my critical constitutional rights to due process and equal protection under the law, especially when wrongfully deprived of "constitutionally protected", highly valuable, and needed essential property interests, to have any realistic chance at survival without becoming a significant liability upon government and/or extended family, contrary to the judge's

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[38] Tenn. R. Sup. Ct. 2.11(A)(1), Tenn. R. Sup. Ct. 2.12, Tenn. R. Sup. Ct. 2.15, Tenn. R. Sup. Ct. 2.6, Tenn. R. Sup. Ct. 8.3, Tenn. R. Sup. Ct. 8.4

[39] DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

[40] 18 U.S. CODE § 666 - Theft or Bribery Concerning Programs Receiving Federal Funds (If for nothing else, for their government funded counsel to deprive my family of justice, refusing me even ECF filing, which I have repeatedly told the court I need and the only logical reason I can think of for the court to deny my request for ECF filing, is to intentionally making filing as difficult, time consuming, and expensive (unaffordable) for me as possible, obstructing my ability to timely file (due to my disabilities and poverty). Instead helping the defendants get away with multiple felony crimes while a number of federal offices have been involved in misconduct in this lawsuit, contributing to the coverup with defendant Walker's fraudulent—or at least materially misrepresented—concerns for his alleged safety.)

[41] DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

oath of office[42] and the court's ethical canons[43], as I have proven herein and in my Rule 59 Motion[44], has no ethical business declaring in their order[45], **"an appeal from this decision could not be taken in good faith."**

MY INVESTMENT IN SEEKING JUSTICE THROUGH THIS LAWSUIT TO DATE[46]

49. As of June 1, 2025, the MIWD docket consisted of **141 primary docket entries**, containing **6,096 pages**. As of that same date, the TNMD docket contained roughly **114 additional primary docket entries**, containing another **1825 pages**, for an aggregated total of approximately **255 primary docket entries**, containing **7,921 pages filed** in this lawsuit, the majority of which have been drafted, substantiated, evidenced, executed, and filed by me.

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

51. "I maintained that pace for most of the second year also, and I have **never** worked on it less than *ten hours per day*, *six days per week* since.*[47]"

52. From October 13, 2023, to April 22, 2025, (when I calculated this) is *five hundred and fifty-seven* (557) days in total. Which divided by seven days per week equals a little over *seventy-nine*

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[42] https://www.law.cornell.edu/uscode/text/28/453

[43] https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges

[44] DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

[45] DOC 236, PID 1491-1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
DOC 237, PID 1504 | https://rico.jefffenton.com/3-24-cv-01282/doc/237.pdf
DOC 245, PID 1824-1825 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

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

[47] DOC 238-3, PID 1791 | https://rico.jefffenton.com/3-24-cv-01282/doc/238-3.pdf | *This statement was true at the time of writing, which was on April 22, 2025, though I took some time off to clear my head after this court wrongfully dismissed my lawsuit.

weeks. Multiplied by a minimum of *sixty hours* of work per week, equals another *four thousand, seven hundred, and forty* (4,740) hours of work.

53. Finally, by adding the *three thousand, seven hundred and forty-four* hours of work prior to filing on October 13, 2023, and the *four thousand, seven hundred, and forty* hours of work since that date, equals a minimum of *eight thousand, four hundred and eighty-four* **(8,484) hours of work** I have invested into this lawsuit, to date[48].

54. To provide some perspective regarding the economic equivalent of my time and work invested into this lawsuit so far, calculated based upon an average pay rate of *thirty dollars* per hour for my labor, this has been a total investment of *two hundred and fifty-four thousand, five hundred and twenty* dollars ($254,520) in my **time** and **labor** invested into this lawsuit, plus over *ten thousand dollars* ($10,000) in cash that I borrowed from family for supplies, software subscriptions, and service, which cost me over six thousand ($6,000) dollars in cash alone.

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

56. I believe that the court's *bias* and *impropriety* in this matter speaks for itself.

[48] As of April 22, 2025, when I researched and calculated this.

Initials:

HOW MUCH MORE WORK IS REASONABLY REQUIRED TO BE TREATED WITH BASIC HUMAN DIGNITY?

57. **How much more** work *should* the average member of our constitutional republic **need to do** in order to reasonably receive basic protection of their most fundamental natural human rights and constitutional rights in this great nation? (Like not having my home wrongfully seized and liquidated without one dollar to my benefit[49], with only a five-day notice[50] over a holiday weekend, by two known bad actors who honestly should **never** have been allowed to work **in the same court together**. Especially under any presumption or guise that either would uphold their ethical and lawful duties to act honesty, impartiality, and fairly, to reasonably protect the public's health, safety, and property from lawless criminal deprivation.)

58. Now the Court has fraudulently dismissed my lawsuit (writing materially false statements in the court orders, while misapplying case law), literally wasting years' worth of painstaking work and the last funds which I have access to for seeking a remedy in the foreseeable future.

59. This has been the height of absurdity in judicial misconduct and overreach, which in my view should be directly sanctionable and prima facie evidence of egregious judicial malfeasance, requiring the Court of Appeals and/or the Department of Justice to intervene, in the interests of justice.

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

[50] ECF 66, PID 4896 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-first-amended-complaint.pdf
DOC 207, PID 601 | https://rico.jefffenton.com/evidence/2025-01-20_declaration-explaining-my-pursuit-of-justice.pdf
DOC 214, PID 928-929 | https://rico.jefffenton.com/evidence/fenton-finances-roles-property-education-support-fraud.pdf
DOC 222, PID 1169 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf
DOC 238-1, PID 1595 | https://rico.jefffenton.com/3-24-cv-01282/doc/238-1.pdf

SEEKING JUSTICE AT ANY LAWFUL AND PEACEFUL COST

60. I'm filing this motion for a 90-day leave of the court, to provide me the time needed to document the crimes committed by the defendants, their counsel in this lawsuit, and the court actors who have actively participated in obstructing justice, fraud on the court, falsifying court records, misappropriating public funds, and hiding evidence of felony crimes in this case.

61. I need this leave to have time to complete this documentation as well as to reach out to the DOJ and FBI leadership responsible for investigating and convicting Glen Casada and Cade Cothren, since I expect they are familiar with the conduct currently being practiced by corrupt state actors in Middle Tennessee.

62. I also need time to file ethics complaints against several bad actors in this case, specifically including most if not every judge who has participated in this matter to date, while refusing to leverage their discretion toward the honest interests of justice in this case.

63. My goal is for **justice**[51], whether through a civil action, state, federal, court, or bar intervention, or criminal charges, arrests, and convictions.

64. Serious felony crimes are being committed in this lawsuit by judges and attorneys alike, state and federal, who have and continue to commit fraud on the court, with false claims of fact combined with material misrepresentations, while misapplying case law, filing documents for improper purposes, falsifying and obfuscating the court records with the technical equivalent of substantially inapplicable, but legal "sounding" gibberish.

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

THE PRIMARY SUBSTANCE OF THE DEFENDANT'S PLEADINGS

65. Bear in mind that I still haven't had time to **read** every motion filed by the powerful defendants against me, since this court has refused to allow me an opportunity to do so before dismissing my lawsuit, certainly without due care. However, of the filings which I have read so far by the defendants and their counsel, I have not seen **any** which appear to have been **honestly** and **thoroughly** filed in **good-faith**, while satisfying the general purpose of pleadings outlined in case law[52] (on the next page), except for the very first round where most defendants sought an extension of time to respond to my complaint, which I graciously granted to all who asked, without delay.

THE PURPOSE OF PLEADINGS

> "**Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants.** They should not raise barriers which prevent the achievement of that end. Proper pleading is important, but its importance consists in its effectiveness as a means to accomplish the end of a **just** judgment." *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938) (emphasis added).
>
> "The federal rules reject the approach *that pleading is a game of skill in which one misstep by counsel may be decisive to the outcome* **and accept the principle that the purpose of pleading is to facilitate a proper decision on the merits.**" The court also cited Rule 8(f) [8(e)] FRCP, which holds that all pleadings shall be construed to do substantial justice. *Conley v. Gibson*, 355 U.S. 41 at 48 (1957) (emphasis added).

[52] DOC 211, PID 704 | https://rico.jefffenton.com/evidence/2025-02-08_objection-to-dispositive-defendant-motions.pdf

TECHNICALITIES CAN'T LAWFULLY GOVERN PRO SE PLEADINGS

> "**Pro se pleadings are to be considered without regard to technicality**; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers." *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959); *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240; *Pucket v. Cox*, 456 2nd 233 (emphasis added).

66. Upon information and belief, after the initial extensions of time were granted to the defendants, most of the documents filed by the defendants and their counsel have been peppered with fraud, material misrepresentations, deception, inapplicable case law, and the likes.

67. I have yet to see **any pleading** filed by a defendant or their counsel seeking to honestly "**serve as a means of arriving at fair and just settlements of controversies between litigants**[53]", or "accomplish the end of a **just** judgment[54]", or to "**facilitate a proper decision on the merits**[55]".

68. Upon information and belief, this is an ethical violation of misconduct, and I believe also felony crimes of fraud on the court, falsifying court and government records, obstruction of justice, misprision of felony, and racketeering through the court enterprise[56], by most if not every attorney and law firm participating in the defense of the defendants in this lawsuit to date[57].

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

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

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

[56] 18 U.S.C. §§ 4, 666, 1001, 1506, 1519, 1951, 1962, etc…

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

PURSING JUSTICE THROUGH THE DOJ AND FBI

69. In the docket of this lawsuit[58], I have created an *administrative record* documenting much of this misconduct as it happened in real time (or as quickly as I could thereafter), in both federal courts. **The truth and evidence is immortalized in the court records of this lawsuit**[59], even if the courts continue to hide it from the public, lie about what it says, and refuse to act honestly, ethically, and lawfully regarding it. The **truth and evidence** I have filed should remain accessible to the DOJ and the FBI, which is where my focus must shift soon in order to try to file **criminal charges** with the FBI **again**.

70. Hopefully with the recent changes in leadership at both the DOJ and the FBI, coupled by the publicly disclosed corruption our federal government has recently been able to root out, I will be able to find someone interested in **upholding the law to protect the people** from powerful and corrupt state actors, committing crimes against the public through compromised courts. Hopefully this time I will find someone willing to assist me in filing criminal charges against the elite and unethical court predators, party to this case, to help protect the public good, health and safety, from the lawless racketeering common in Middle Tennessee's courts[60].

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[58] Citations are provided on pages two and three of this document.

[59] DOC 177, PID 240 | https://rico.jefffenton.com/evidence/2024-11-18_fenton-motion-for-alternative-service.pdf
DOC 238-3, PID 1784 | https://rico.jefffenton.com/evidence/declaration-of-destruction-oppression-ada-interference.pdf

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

TWO PRINCIPAL BAD ACTORS — MADE THIS ALL POSSIBLE

71. Upon information and belief, this is a case where **two principal bad actors**, former Williamson County Chancery Court **judge Michael W. Binkley** (known to have been arrested in a prostitution sting[61], having his charges dismissed and expunged the same day by corrupt[62] judge Casey Moreland[63], favoring his friends in cases he heard, abusing his office to promote his own private interests—judges and attorneys partying[64] and vacationing[65] together—much like Moreland, threatening and lying to the public[66], and rumored/suspected to have a drug problem[67]) and **Attorney Virginia Lee Story** (the infamous hostess of lake parties/vacations[68] for powerful Tennessee judges, attorneys, and decision makers).

72. For the record, **no state court or judge** in Tennessee **ever wrote a word** during my appeal to the Tennessee Court of Appeals, or thereafter to the Tennessee Supreme Court, to **validate**, **defend**, or **justify any action or word** by defendants Binkley or Story in Williamson County Chancery Court docket #48419B. They simply refused to lawfully and ethically intervene, to help the injured party, or to correct and/or report their fraudulent criminal misconduct which I repeatedly reported and evidenced on the record. Thereby becoming joinders in defendant Binkley's and Story's crimes against my family, while using their publicly funded offices to inappropriately deny me a remedy while covering for their misconduct.

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61 ECF 43, PID 3694-3695 | https://rico.jefffenton.com/evidence/2017-02-01_scene-ethics-complaint-against-two-judges.pdf

62 ECF 52, PID 4180-4201 | https://rico.jefffenton.com/evidence/2018-02-28_tn-judge-cason-moreland-fbi-criminal-complaint.pdf

63 ECF 54-1, PID 4358 | https://rico.jefffenton.com/evidence/2017-02-01_wsmv-binkley-arrest-expunged-by-moreland.mp4

64 ECF 52, PID 4174-4179 | https://rico.jefffenton.com/evidence/2021-03-21_knoxnews-coa-removes-judge-binkley-for-bias.pdf

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

66 ECF 54-1, PID 4368 | https://rico.jefffenton.com/evidence/2021-03-21_knox-news-binkley-threatens-prior-restraints.mp4

67 https://www.facebook.com/judgebinkley

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

73. The reason I point this out is because I have been **attacked** and **fraudulently discredited/obstructed** by at least two different federal judges at this point, one Michigan magistrate judge[69] and one Ohio district judge[70]. Where the clearly **false statements** written by both are now immortalized on the record, along with the **self-evidentiary truth**[71] to be discovered one day. Causing the credibility of at least two different federal district courts to be called into question, because they chose to lend the credibility of their offices and the federal courts to protect **known bad state court actors**, with unethical, perverted, and repulsive character traits, practices, and histories, **when even their friends and colleagues in Tennessee's state courts refused to do the same.**

74. Much of the damage in this case, which continues to exponentially multiply, could have been mitigated **many times over**, if anyone trusted with the administration of justice in this matter, had acted *honestly*, *ethically*, and *lawfully*, in compliance with the court's **codes of conduct**, and each judge's **oath of office**, "without respect to persons", while "do[ing] equal right to the poor and the rich." That's all that I have **ever** hoped for or expected from **any** court which I have submitted to, interacted with, and attempted to defend my rights while seeking justice through; but unfortunately I have yet to ever honestly experience in any meaningful capacity.

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[69] ECF 8, PID 2101-2106 | https://rico.jefffenton.com/1-23-cv-01097/ecf/8.pdf
ECF 55, PID 4378-4384 | https://rico.jefffenton.com/1-23-cv-01097/ecf/55.pdf

[70] DOC 236, PID 1491-1503 | https://rico.jefffenton.com/3-24-cv-01282/doc/236.pdf
DOC 245, PID 1824-1825 | https://rico.jefffenton.com/3-24-cv-01282/doc/245.pdf

[71] DOC 222, PID 1164-1214 | https://rico.jefffenton.com/evidence/2025-03-03_objection-judicial-misconduct-in-michigan.pdf
DOC 238, PID 1505-1568 | https://rico.jefffenton.com/evidence/2025-04-22_objection-to-memorandum-opinion-and-order.pdf

> "Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, ____ ____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So help me God."[72]"

75. Public tax dollars in this case are being gravely misallocated to the benefit of bad actors, and the substantial detriment of honest, ethical, and lawful people. **That's a crime!**

CONCLUSION

76. This lawsuit meets the *plausibility standard* by alleging **specific facts** tied to **misconduct**.

> "When considering a motion to dismiss pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure, the district court **must** accept all of the allegations in the complaint as **true**, and construe the complaint **liberally** in **favor** of the **plaintiff**" (emphasis added). — *Lawrence v. Chancery Court of Tennessee*, 188 F.3d 687, 691 (6th Cir. 1999). *See* also *Scheuer v. Rhodes*, 416 U.S. 232, 236 (1974).

77. In both this case[73] and the precipitating Tennessee matters[74], the courts have allowed bar members to engage in deception and exploit legal proceedings for unethical, dishonest,

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[72] https://www.law.cornell.edu/uscode/text/28/453

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

[74] ECF 1-1, PID 34-47 | https://rico.jefffenton.com/evidence/2022-02-01_fenton-affidavit-of-story-binkley-fraud-on-court.pdf
ECF 33, PID 3310-3391 | https://rico.jefffenton.com/evidence/2019-08-01_hearing-professional-and-judicial-misconduct.pdf

and predatory purposes, in direct violation of the court's codes of conduct[75]. As a result, my family has suffered financial losses exceeding one million dollars, possibly twice that when considering damages. I was **wrongfully and abruptly evicted** from my cherished Brentwood home[76], leaving me destitute and homeless—without **just cause, fair process, lawful justification, or any compensation whatsoever.** (No defendant has even been willing to argue this fact, so far to date.)

78. Moreover, the individuals responsible for executing this action did so through a state court, despite federal law (**28 U.S. Code § 1334(e)(1)**) explicitly **prohibiting** state courts from exercising jurisdiction over my property[77]. Under the circumstances—**which were unknowingly created by my ex-wife and her counsel**[78]—the federal courts had **both original and exclusive jurisdiction** over our assets[79], a fact which every bar member involved should have reasonably known. (No defendant has been willing to argue this fact either, so far to date.)

79. The continued misconduct and improper filings by the defendants and their counsel in this matter, further compound my damage while wrongfully depriving me of any assistance or a remedy, without investigating the abusive fraudulent misuse of our courts or the felony crimes grotesquely committed under "color of law" by the compromised courts, judges, law firms, attorneys, and officials party to this lawsuit, **as the evidence filed in this case unquestionably proves.**

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[75] https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges
https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-10-code-judicial-conduct
https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-8-rules-professional-conduct

[76] ECF 1-12, PID 479-596 | https://rico.jefffenton.com/evidence/2019-10-29_tn-wilco-deed-fraud-ada-financial-exploitation.pdf
ECF 59, PID 4724 | https://rico.jefffenton.com/evidence/1-23-cv-01097_fenton-vs-story-wilco-rico-deed-fraud-intro.mp4

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

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

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

80. Instead Williamson County, the State of Tennessee, the Tennessee Court System, the United Stated District Courts, and the United States Attorney's Offices in both Michigan and Tennessee, have and/or are misdirecting critical public resources (18 U.S. Code § 666) to defend this elite class of corrupted Tennessee officials and attorneys, who have exploited public trust and resources for private criminal gain, as thoroughly evidenced throughout the record of this lawsuit. Which is being illegally and unethically facilitated by the Federal District Courts in Michigan, Ohio, and Tennessee, in direct contravention of 18 U.S. Code §§ 4, 1001 and 1503, along with the Codes of Conduct for United States Judges[80], the Tennessee Code of Judicial Conduct[81], and the Tennessee Supreme Court's Rules of Professional Conduct[82]. The courts are, in effect, treating the ethical **codes of conduct** as optional and **irrelevant** to the administration of justice, **when nothing could be further from the truth.**

81. Absent strict adherence to the court's ethical codes of conduct, there is no institution in our nation more capable of causing **substantial harm** to our **republic** and the **people** of the United States of America, than this nations state and federal court systems.

82. Anyone choosing to exercise power over the lives, rights, and property of the people, does so with both the **responsibility** and the **liability** to do so honestly, ethically, and lawfully. There is no power to exercise outside those limits, while any attempt to do so is a perverse violation of the oaths of office and trust bestowed upon any public office.

83. What the courts have done in this matter is not only unconstitutional, but it is dishonest, deceptive, discriminatory, unfair, unjust, defiant of sound reason, historically

[80] https://www.uscourts.gov/administration-policies/judiciary-policies/ethics-policies/code-conduct-united-states-judges

[81] https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-10-code-judicial-conduct

[82] https://www.tncourts.gov/courts/supreme-court/rules/supreme-court-rules/rule-8-rules-professional-conduct

irresponsible and negligent, as well as careless regarding the well-known flaws common to human nature, witnessed on every continent around the globe, throughout thousands of years, where without exception power exercised without robust systems of transparency and accountability has caused crime and corruption to exponentially grow, while trampling the lives and liberties of the bulk of the people.

84. No state has the lawful jurisdiction and authority to randomly injure their citizens at will, without consequence. All sovereignty began with **God**, was given to the **people**, who in turn gave a **portion** of their sovereignty to the **state**, who in turn gave a **portion** of each state's sovereignty to our **federal** government.

85. Today both state and federal governments in this nation act as if all sovereignty began with them and never trickled down to the people. **That is both blasphemy and treason, while ALL officials must be held accountable for their crimes against our country.**

86. This case is not about technicalities—it is about truth, accountability, and the rule of law. The record before this Court contains sworn declarations, documentary evidence, and legal authority that establish a pattern of misconduct, obstruction, and systemic bias that no honest tribunal can ignore. I have acted in good faith, under oath, and with relentless diligence to expose these violations—not only to seek justice for myself, but to uphold the integrity of the judicial system itself. The Court now stands at a crossroads: to either correct the record and restore due process, or to allow injustice to calcify into precedent. I respectfully urge this Court to choose the former.

87. Therefore, I respectfully move this Court for a 90-day continuance in this appeal, prior to the issuance of a case schedule, so I can document material criminal misconduct by the defendants and court officers, and pursue appropriate filings with the DOJ, the FBI, and relevant ethics authorities.

PRAYER FOR RELIEF

Plaintiff respectfully prays that this Honorable Court:

I. IMMEDIATE PROCEDURAL RELIEF

1. **Grant a 90-day continuance** in this appeal before entering a scheduling order, in order to:

- Complete documentation of criminal misconduct and ethical violations.
- Submit complaints and referrals to oversight agencies, including the DOJ and FBI.
- Prepare ethics filings regarding the conduct of attorneys and judicial officers involved in this matter.

2. **Permit remote participation and electronic case access** for Plaintiff, including CM/ECF filing privileges, consistent with ADA accommodation standards and F.R.Civ.P. Rule 5.

3. **Ensure public access to all filings**, including unsealing of any records withheld without procedural justification, to maintain transparency and preserve judicial integrity. (This request includes both MIWD case number: 1:23-cv-01097 and TNMD case number: 3:24-cv-01282.)

II. SUBSTANTIVE RELIEF PRESERVED FOR FURTHER REVIEW

Should the Court determine it appropriate upon further briefing and consideration, Plaintiff further prays:

1. That this Court **vacate prior dismissal orders**, including DOC 236, 237, and 245, on the grounds of procedural irregularity, judicial bias, and deprivation of rights under Haines v. Kerner, 404 U.S. 519 (1972).

2. That this action be **restored to the active docket** of the U.S. District Court for the Middle District of Tennessee and pending motions adjudicated on their merits, including those filed under Rule 59(e), 28 U.S.C. §§ 1746 and 455, and F.R.Civ.P. Rules 8(e) and 11(b).

3. That the Court **issue appropriate sanctions or disciplinary referrals** against any officer of the court found to have obstructed justice, committed fraud on the court, or knowingly filed materially false or misleading statements.

4. That all prior filings by Defendants not sworn under penalty of perjury be **stricken or compelled for resubmission**, certified per 28 U.S.C. § 1746 and F.R.Civ.P. Rule 11(b).

5. That Plaintiff be awarded:

- **Compensatory damages** for deprivation of rights, property loss, and obstruction of access to justice.
- **Punitive damages** for willful, malicious, or reckless disregard of Plaintiff's federally protected rights.
- **Reasonable costs, expenses, and attorney's fees**, under 42 U.S.C. § 1988 or other applicable statutes (if counsel is later retained).

6. That such other and further relief be granted as this Court deems just, equitable, and necessary to preserve the rule of law and protect the public interest.

Initials:

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

— *Theodore Roosevelt*

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 July 22, 2025.

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