18-7897 ORIGINAL

NO._____

IN THE

SUPREME COURT OF THE UNITED STATES

LARAEL OWENS., Larael K Owens

vs.

MARIA ZUCKER, MICHEL P MCDANIEL, POLK COUNTY DEPARTMENT OF REVENUE, MARK MCMANN, TAMESHA SADDLERS. RESPONDENT(S)

Case No.18-12480

Case No. 8:18-cv-00552-JSM-JSS

THE UNITED STATES COURT OF APPEALS FOR THE ELEVENTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Larael K Owens

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QUESTIONS PRESENTED

1.Does a State Judges have authority to preside over a case when He/She has a conflicts of interest Does absolute immunity apply when a judge has acted criminally under color of law and without jurisdiction, as well as actions taken in an administrative capacity to influence cases?

2.Does Eleventh Amendment immunity apply when officers of the court have violated 31 U.S. Code § 3729 and the state has refused to provide any type of declaratory relief?

3.Does Title IV-D, Section 458 of the Social Security Act violate the United States Constitution due to the incentives it creates for the court to willfully violate civil rights of parties in child custody and support cases?

4.Has the United States Court of Appeals for the Third Circuit erred in basing its decision on the rulings of a Federal judge who has clearly and willfully violated 28 U.S. Code § 455.

5.Can a state force a bill of attainder on a natural person in force you into slavery

6.Can a judge have Immunity for their non judicial activities who knowingly violate civil rights

7. If a person obtains subject matter should they be denied access to the Federal courts

LARAEL OWENS OBTAIN FEDERAL SUBJECT MATTER JURISDICTION

Federal question jurisdiction (a) in the well pleaded complaint Rule your claim must be based in federal law

Federal law Title IV-D of the Social Security Act pub .L. No 93-647, 88 Stat 2351(1975),42 USC 651 (8/22/1996), as amended. Created Owens cause of action

42 USC 658 (a) and (f) provides profit for practice of the above;

By contrast, Title 42, The Public Health and Welfare, is a non-positive law title. Title 42 is comprised of many individually enacted Federal statutes- such as the Public Health Service Act and the Social Security Act- that have been editorially compiled and organized into the title, but the title itself has not been enacted

42 USC 1983 Deprivation of rights under color of law itself provides Owens relief

(b) Non positive federal creates Owens cause of action, And federal law itself provides Therefore the federal district court has subject matter jurisdiction under federal question jurisdiction

8.Can a natural person be forced into a contract

TITLE IV—GRANTS TO STATES FOR AID AND SERVICES TO NEEDY FAMILIES WITH CHILDREN AND FOR CHILD–WELFARE SERVICES TABLE OF CONTENTS OF TITLE[2]

Part A—BLOCK GRANTS TO STATES FOR TEMPORARY ASSISTANCE FOR NEEDY FAMILIES

Sec. 401. Purpose (b) No Individual Entitlement.—This part shall not be interpreted to entitle any individual or family to assistance under any State program funded under this part.

The statutory "substantial compliance" requirement, see, e.g., 42 U. S. C. A. §609(a)(8) (Nov. 1996 Supp.), does not give rise to individual rights; it was not intended to benefit individual children and custodial parents, but is simply a yardstick for the Secretary to measure the system wide performance of a

State's Title IV-D program, BLESSING, DIRECTOR, ARIZONA DEPARTMENT OF ECONOMIC SECURITY v. FREESTONE et al. certiorari to the united states court of appeals for the ninth circuit

Sec. 403. Grants to States (iii) Noncustodial parents

(III) In the case of a noncustodial parent who becomes enrolled in the project on or after the date of the enactment of this clause, the noncustodial parent is in compliance with the terms of an oral or written personal responsibility "contract" entered into among the noncustodial parent, the entity, and (unless the entity demonstrates to the Secretary that the entity is not capable of coordinating with such agency) the agency responsible for administering the State plan under part D, which was developed taking into account the employment and child support status of the noncustodial parent, which was entered into not later than 30 (or, at the option of the entity, not later than 90) days after the noncustodial parent was enrolled in the project,

See. Alexander v. Bothsworth, 1915. "Party cannot be bound by contract that he has not made or authorized. Free consent is an indispensable element in making valid contracts."

See. Montgomery v state 55 Fla. 97-45S0.879 a. "Inasmuch as every government is an artificial person, an abstraction, and a creature of the mind only, a government can interface only with other artificial persons. The imaginary, having neither actuality nor substance, is foreclosed from creating and attaining parity with the tangible. The legal manifestation of this is that no government, as well as any law, agency, aspect, court, etc. can concern itself with anything other than corporate, artificial persons and the contracts between them."

9. Did both court's error in dismissing the case

LIST OF PARTIES

All parties appear in the caption of the case on the cover page

Petitioner Larael K Owens is the Plaintiff in case 8:18 -cv-00552-JSM-JSS in United States District Court, Middle District of Florida which was appealed to United States Court of Appeals for the Eleventh Circuit, 18-12480.

Respondents : MARIA ZUCKER HEARING OFFICER, MICHEL P MCDANIEL JUDGE, FLORIDA POLK COUNTY DEPARTMENT OF REVENUE, MARK MCMANN LAWYER, TAMESHA SADDLERS EX-SPOUSE were all listed as Defendants in Plaintiffs initially filed complaint in United States District Court,

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TABLE OF AUTHORITIES CITED

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31 U.S. Code § 3729(a)(1)(A)(B)(E), False claims.

42 U.S. Code § 658, Title IV-D, Section 458, Social Security Act, Incentive payments to states.....

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Owens asks the Court to take judicial notice of the fact that he is without counsel, is not schooled in the law and legal procedures, and is not licensed to practice law. Therefore his pleadings must be read and construed liberally. See Haines v. Kerner, 404 US at 520 (1980); Birl v. Estelle, 660 F.2d 592 (1981). Further Owens believes that this court has a responsibility and legal duty to protect any and all of Owens constitutional and statutory rights. See United States v. Lee, 106 US 196,220 [1882]

Petitioner respectfully prays that a writ of certiorari issue to review the judgments below

Larael K Owens, on behalf of himself, hereby petitions for a writ of certiorari to review the judgments of the United States District Court.&. Middle District of Florida, There was no fair opportunity to support my complaint or good faith determination in either the United States District Court, Middle District of Florida or the United States Court of Appeals for the Eleventh Circuit, Both courts made errors in Dismissing

OPINIONS BELOW

The District Court decision DENYING Petition Affidavit of indigencv entered on March 8,2018 then on April 26, 2018 The District Court made a error by dismissing Plaintiff Owens 1st complaint without prejudice to file an amended complaint Then on May 31, 2018 The District Court made a error again by dismissing Plaintiff Owens amended complaint Then on June 21, 2018 Plaintiff Owens Motion for Leave to Proceed in Forma Pauperis on Appeal was DENYING Then on July 10, 2018 Plaintiff Owens Affidavit of Indigency was DENYING Then on November 6, 2018 The U.S Eleventh Circuit Court made a error by DENYING Owens Motion for Leave to Proceed in Forma Pauperis on Appeal Then on December 14, 2018 The U.S Eleventh Circuit Court made a error by DISMISSING case for failure to pay filing and docketing fees

JURISDICTIONAL STATEMENT

No petition for rehearing was timely filed in my case

The United States Court of Appeals for the Eleventh Circuit final judgment was entered on December 14, 2018 The jurisdiction of this Court is invoked under 28 U.S. Code § 1254(1).

CONSTITUTIONAL PROVISIONS INVOLVED

Fifth Amendment, U.S. Constitution.....

STATUTORY PROVISIONS INVOLVED

CONSTITUTIONAL PROVISIONS INVOLVED

This case involves the **Fifth, Eleventh and Fourteenth Amendments to the United States Constitution**
Amendment V No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids "double jeopardy," and protects against self-incrimination. It also requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty or property" and requires the government to compensate citizens when it takes private property for public use.

Amendment XI The Judicial power of the United States shall not be construed to extend to any suit in law or equity, commenced or prosecuted against one of the United States by Citizens of another State, or by Citizens or Subjects of any Foreign State.

The Eleventh Amendment was the first Constitutional amendment adopted after the Bill of Rights. The amendment was adopted following the Supreme Court's ruling in Chisholm v. Georgia, 2 U.S. 419 (1793). In Chisholm, the Court ruled that federal courts had the authority to hear cases in law and equity

brought by private citizens against states and that states did not enjoy sovereign immunity from suits made by citizens of other states in federal court. Thus, the amendment clarified Article III, Section 2 of the Constitution, which gives diversity jurisdiction to the judiciary to hear cases "between a state and citizens of another state."

Amendment XIV Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Section 2. Representatives shall be apportioned among the several states according to their respective numbers, counting the whole number of persons in each state, excluding Indians not taxed. But when the right to vote at any election for the choice of electors for President and Vice President of the United States, Representatives in Congress, the executive and judicial officers of a state, or the members of the legislature thereof, is denied to any of the male inhabitants of such state, being twenty-one years of age, and citizens of the United States, or in any way abridged, except for participation in rebellion, or other crime, the basis of representation therein shall be reduced in the proportion which the number of such male citizens shall bear to the whole number of male citizens twenty-one years of age in such state. Section 3. No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability. Section 4. The validity of the public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion, shall not be questioned. But neither the United States nor any state shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void. Section 5. The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

The Fourteenth Amendment addresses many aspects of citizenship, the rights of citizens and the equal protections of the laws. Civil Rights, Due Process Clause and Equal Protection Clause are important integral rights that apply to this case.

Civil Rights A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Discrimination occurs when the civil rights of an individual are denied or interfered with because of the individual's membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, political affiliation and in some instances sexual orientation.

Due Process The Fifth Amendment says to the federal government that no one shall be "deprived of life, liberty or property without due process of law." The Fourteenth Amendment, ratified in 1868, uses the same eleven words, called the Due Process Clause, to describe a legal obligation of all states. These words have as their central promise an assurance that all levels of American government must operate within the law ("legality") and provide fair procedures. Substantive Due Process Substantive due process has been interpreted to include the right to work in an ordinary kind of job, marry, and to raise one's children as a parent

Equal Protection The Equal Protection Clause of the Fourteenth Amendment of the U.S. Constitution prohibits states from denying any person within its territory the equal protection of the laws. This means that a state must treat an individual in the same manner as others in similar conditions and circumstances. The Federal Government must do the same, but this is required by the Fifth Amendment Due Process.

STATUTORY PROVISIONS INVOLVED

18 U.S. Code § 241 - Conspiracy against rights If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same.

18 U.S. Code § 242 - Deprivation of rights under color of law Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both. 18 U.S. Code § 286, Conspiracy to defraud the U.S. Government Whoever enters into any agreement, combination, or conspiracy to defraud the United States, or any department or agency thereof, by obtaining or aiding to obtain the payment or allowance of any false, fictitious or fraudulent claim, shall be fined under this title or imprisoned not more than ten years, or both.

18 U.S. Code § 287, False, fictitious or fraudulent claims Whoever makes or presents to any person or officer in the civil, military, or naval service of the United States, or to any department or agency thereof, any claim upon or against the United States, or any department or agency thereof, knowing such claim to be false, fictitious, or fraudulent, shall be imprisoned not more than five years and shall be subject to a fine in the amount provided in this title.

18 U.S. Code § 371, Conspiracy to defraud the United States If two or more persons conspire either to commitany offense against the United States, or to defraud the United States, or any agency thereof in any manner or for any purpose, and one or more of such persons do any act to effect the object of the conspiracy, each shall be fined under this title or imprisoned not more than five years, or both.

18 U.S. Code § 1031, Major fraud against the United States (a) Whoever knowingly executes, or attempts to execute, any scheme or artifice with the intent— to defraud the United States; or to obtain money or property by means of false or fraudulent pretenses, representations, or promises, in any grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, including through the Troubled Asset Relief Program, an economic stimulus, recovery or rescue plan provided by the Government, or the Government's purchase of any troubled asset as defined in the Emergency Economic Stabilization Act of 2008, or in any procurement of property or services as a prime contractor with the United States or as a subcontractor or supplier on a contract in which there is a prime contract with the United States, if the value of such grant, contract, subcontract, subsidy, loan, guarantee, insurance, or other form of Federal assistance, or any constituent part thereof, is $1,000,000 or more shall, subject to the applicability of subsection (c) of this section, be fined not more than $1,000,000, or imprisoned not

more than 10 years, or both. (b) The fine imposed for an offense under this section may exceed the maximum otherwise provided by law, if such fine does not exceed $5,000,000 and-the gross loss to the Government or the gross gain to a defendant is $500,000 or greater; or the offense involves a conscious or reckless risk of serious personal injury. (c) The maximum fine imposed upon a defendant for a prosecution including a prosecution with multiple counts under this section shall not exceed $10,000,000. (d) Nothing in this section shall preclude a court from imposing any other sentences available under this title, including without limitation a fine up to twice the amount of the gross loss or gross gain involved in the offense pursuant to 18 U.S.C. section 3571(d). (e) In determining the amount of the fine, the court shall consider the factors set forth in 18 U.S.C. sections 3553 and 3572, and the factors set forth in the guidelines and policy statements of the United States Sentencing Commission, including— the need to reflect the seriousness of the offense, including the harm or loss to the victim and the gain to the defendant; whether the defendant previously has been fined for a similar offense; and any other pertinent equitable considerations. (f) A prosecution of an offense under this section may be commenced any time not later than 7 years after the offense is committed, plus any additional time otherwise allowed by law. (g)(1) In special circumstances and in his or her sole discretion, the Attorney General is authorized to make payments from funds appropriated to the Department of Justice to persons who furnish information relating to a possible prosecution under this section. The amount of such payment shall not exceed $250,000. Upon application by the Attorney General, the court may order that the Department shall be reimbursed for a payment from a criminal fine imposed under this section. (2) An individual is not eligible for such payment if— that individual is an officer or employee of a Government agency who furnishes information or renders service in the performance of official duties; that individual failed to furnish the information to the individual's employer prior to furnishing it to law enforcement authorities, unless the court determines the individual has justifiable reasons for that failure; the furnished information is based upon public disclosure of allegations or transactions in a criminal, civil, or administrative hearing, in a congressional, administrative, or GAO report, hearing, audit or investigation, or from the news media unless the person is the original source of the information. For the purposes of this subsection, "original source" means an individual who has direct and independent knowledge of the information on which the allegations are based and has voluntarily provided the information to the Government; or that individual participated in the violation of this section with respect to which such payment would be made. (3) The failure of the Attorney General to authorize a payment shall not be subject to judicial review. (h) Any individual who— (1) is discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of employment by an employer because of lawful acts done by the employee on behalf of the employee or others in furtherance of a prosecution under this section (including investigation for, initiation of, testimony for, or assistance in such prosecution), and (2) was not a participant in the unlawful activity that is the subject of said prosecution, may, in a civil action, obtain all relief necessary to make such individual whole. Such relief shall include reinstatement with the same seniority status such individual would have had but for the discrimination, 2 times the amount of back pay, interest on the back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorney's fee's.

18 U.S. Code § 1951(a)(b)(2), Interference with comm. by threats or violence Whoever in any way or degree obstructs, delays, or affects commerce or the movement of any article or commodity in commerce, by robbery or extortion or attempts or conspires so to do, or commits or threatens physical violence to any person or property in furtherance of a plan or purpose to do anything in violation of this section shall be fined under this title or imprisoned not more than twenty years, or both. As used in this section— (1) The term "robbery" means the unlawful taking or obtaining of personal property from the person or in the

presence of another, against his will, by means of actual or threatened force, or violence, or fear of injury, immediate or future, to his person or property, or property in his custody or possession, or the person or property of a relative or member of his family or of anyone in his company at the time of the taking or obtaining. The term "extortion" means the obtaining of property from another, with his consent, induced by wrongful use of actual or threatened force, violence, or fear, or under color of official right. The term "commerce" means commerce within the District of Columbia, or any Territory or Possession of the United States; all commerce between any point in a State, Territory, Possession, or the District of Columbia and any point outside thereof; all commerce between points within the same State through any place outside such State; and all other commerce over which the United States has jurisdiction.

18 U.S. Code § 1961(1)(A)(B)(2)(3)(4)(5), Racketeering activity (1) "racketeering activity" means (A) any act or threat involving murder, kidnapping, gambling, arson, robbery, bribery, extortion, dealing in obscene matter, or dealing in a controlled substance or listed chemical (as defined in section 102 of the Controlled Substances Act), which is chargeable under State law and punishable by imprisonment for more than one year; (B) any act which is indictable under any of the following provisions of title 18, United States Code: Section 201 (relating to bribery), section 224 (relating to sports bribery), sections 471, 472, and 473 (relating to counterfeiting), section 659 (relating to theft from interstate shipment) if the act indictable under section 659 is felonious, section 664 (relating to embezzlement from pension and welfare funds), sections 891-894 (relating to extortionate credit ransactions), section 1028 (relating to fraud and related activity in connection with identification documents), section 1029 (relating to fraud and related activity in connection with access devices), section 1084 (relating to the transmission of gambling information), section 1341 (relating to mail fraud), section 1343 (relating to wire fraud), section 1344 (relating to financial institution fraud), section 1351 (relating to fraud in foreign labor contracting), section 1425 (relating to the procurement of citizenship or nationalization unlawfully), section 1426 (relating to the reproduction of naturalization or citizenship papers), section 1427 (relating to the sale of naturalization or citizenship papers), sections 1461-1465 (relating to obscene matter), section 1503 (relating to obstruction of justice), section 1510 (relating to obstruction of criminal investigations), section 1511 (relating to the obstruction of State or local law enforcement), section 1512 (relating to tampering with a witness, victim, or an informant), section 1513 (relating to retaliating against a witness, victim, or an informant), section 1542 (relating to false statement in application and use, of passport), section 1543 (relating to forgery or false use of passport), section 1544 (relating to misuse of passport), section 1546 (relating to fraud and misuse of visas, permits, and other documents), sections 1581-1592 (relating to peonage, slavery, and trafficking in persons).,[1] sections 1831 and 1832 (relating to economic espionage and theft of trade secrets), section 1951 (relating to interference with commerce, robbery, or extortion), section 1952 (relating to racketeering), section 1953 (relating to interstate transportation of wagering paraphernalia), section 1954 (relating to unlawful welfare fund payments), section 1955 (relating to the prohibition of illegal gambling businesses), section 1956 (relating to the laundering of monetary instruments), section 1957 (relating to engaging in monetary transactions in property derived from specified unlawful activity), section 1958 (relating to use of interstate commerce facilities in the commission of murder-for-hire), section 1960 (relating to illegal money transmitters), sections 2251, 2251A, 2252, and 2260 (relating to sexual exploitation of children), sections 2312 and 2313 (relating to interstate transportation of stolen motor vehicles), sections 2314 and 2315 (relating to interstate transportation of stolen property), section 2318 (relating to trafficking in counterfeit labels for phonorecords, computer programs or computer program documentation or packaging and copies of motion pictures or other audiovisual works), section 2319 (relating to criminal infringement of a copyright), section 2319A (relating to unauthorized fixation of and trafficking in sound recordings and music videos of live musical performances), section 2320 (relating to trafficking in goods or services

bearing counterfeit marks), section 2321 (relating to trafficking in certain motor vehicles or motor vehicle parts), sections 2341-2346 (relating to trafficking in contraband cigarettes), sections 2421-24 (relating to white slave traffic), sections 175-178 (relating to biological weapons), sections 229-229F (relating to chemical weapons), section 831 (relating to nuclear materials), (2) "State" means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, any territory or possession of the United States, any political subdivision, or any department, agency, or instrumentality thereof; 'person" includes any individual or entity capable of holding a legal or beneficial interest in property; "enterprise" includes any individual, partnership, corporation, association, or other legal entity, and any union or group of individuals associated in fact although not a legal entity; 'pattern of racketeering activity" requires at least two acts of racketeering activity, one of which occurred after the effective date of this chapter and the last of which occurred within ten years (excluding any period of imprisonment) after the commission of a prior act of racketeering activity;

18 U.S. Code § 2382, Misprision of Treason Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both.

28 U.S. Code § 455, Disqualification of justice, judge or magistrate judge Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned. He shall also disqualify himself in the following circumstances: (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; Where in private practice he served as lawyer in the matter in controversy, or a lawyer with whom he previously practiced law served during such association as a lawyer concerning the matter, or the judge or such lawyer has been a material witness concerning it; Where he has served in governmental employment and in such capacity participated as counsel, adviser or material witness concerning the proceeding or expressed an opinion concerning the merits of the particular case in controversy; He knows that he, individually or as a fiduciary, or his spouse or minor child residing in his household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be substantially affected by the outcome of the proceeding; He or his spouse, or a person within the third degree of relationship to either of them, or the spouse of such a person: Is a party to the proceeding, or an officer, director, or trustee of a party; Is acting as a lawyer in the proceeding; Is known by the judge to have an interest that could be substantially affected by the outcome of the proceeding; Is to the judge's knowledge likely to be a material witness in the proceeding. (c) A judge should inform himself about his personal and fiduciary financial interests, and make a reasonable effort to inform himself about the personal financial interests of his spouse and minor children residing in his household. (d) For the purposes of this section the following words or phrases shall have the meaning indicated: 'proceeding" includes pretrial, trial, appellate review, or other stages of litigation; the degree of relationship is calculated according to the civil law system; "fiduciary" includes such relationships as executor, administrator, trustee, and guardian; "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party, except that: Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in such securities unless the judge participates in the management of the fund; An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization; The proprietary interest of a policyholder in a mutual insurance company, of a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding

could substantially affect the value of the interest; Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities. (e) No justice, judge, or magistrate judge shall accept from the parties to the proceeding a waiver of any ground for disqualification enumerated in subsection (b). Where the ground for disqualification arises only under subsection (a), waiver may be accepted provided it is preceded by a full disclosure on the record of the basis for disqualification. (f) Notwithstanding the preceding provisions of this section,, if any justice, judge, magistrate judge, or bankruptcy judge to whom a matter has been assigned would be disqualified, after substantial judicial time has been devoted to the matter, because of the appearance or discovery, after the matter was assigned to him or her, that he or she individually or as a fiduciary, or his or her spouse or minor child residing in his or her household, has a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the justice, judge, magistrate judge, bankruptcy judge, spouse or minor child, as the case may be, divests himself or herself of the interest that provides the grounds for the disqualification.

31 U.S. Code § 3729(a)(1)(A)(B)(E), False claims (a) Liability for Certain Acts.— (1)In general.— Subject to paragraph (2), any person who— knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval; knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim; conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G); has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property; (E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;

42 U.S.C. 658, Title IV-D, Section 458, Social Security. Act, INCENTIVE PAYMENTS TO STATES

Title IV-D law is being challenged as unconstitutional due to the financial incentives it creates which have allowed for corrupt actors to proliferate and abuse the law to willfully deprive citizens of their constitutional right under color of law for financial gain.

STATEMENT OF THE CASE

Larael K Owens, Petitioner, has been victimized for years by a corrupt system of judicial misconduct in the Florida Courts. The clear conflict of interest that involves the current administrative judges of the Bartow Florida Court. Officers of the Bartow court have perpetrated an unconscionable scheme to criminally defraud the United States Government and willfully deprive citizens of their Constitutional rights for the sole intent of unlawful financial gain. The Defendants named in this case have conspired to commit fraud by and through the establishment and enforcement of fraudulent child support orders that were created with complete disregard of evidence and fact. The bad actors within the court have devised this scheme to inflate the incomes of obligors which in turn would increase the revenues available to the court through Title IV-D funding. Establishment and enforcement tactics used have discriminated against Petitioner on the basis of his gender and disabilities, the court has systematically deprived Petitioner of his civil rights during contempt and child custody proceedings. Title IV-D is a law that has given officers of the court the incentive to abuse their power under color of law to cause irreversible harm to countless individuals and families. Quite apart from the guarantee of equal protection, if a law impinges on a fundamental right explicitly or implicitly secured by the Constitution it is presumptively unconstitutional. If a law has no other purpose that to chill assertion of constitutional rights by penalizing those who choose to exercise them, it is patently unconstitutional.

In April of 2015, I, Larael Owens, went to mediation with my previous lawyer Mark McMann to come up with an agreement on the behalf of my divorce. Hours passed by without an agreement being put in place due to me not wanting to settle, and being that I had a lawyer, I felt as though my constitutional rights are going to be protected. As the mediation prolonged up to 6th hour, I can tell that each side was getting frustrated, but I was not trying to get railroad by the system. Unexpectantly, my lawyer told me that he will take $500 off of what I owe him to pay my ex-wife's lawyer because she wanted me to pay her $2,500 for her attorney fees and that I needed to settle for an agreement because if we were to take it back to court, he will then raise his price up to $1500 more. He also advised me that if we go to court, the judge will give my ex-wife and her lawyer everything they asked for, meaning child support and lawyer fees. Under fraud and duress, I signed my name on the agreement paper, and as I look through my receipts, I still do not see that he kept his word by taking $500 off of what I owe him. It does not reflect anything he stated he would do, therefore, that is fraud. **I HAVE AWITNESS**

The Defendants in this case have engaged in a criminal conspiracy to defraud the United States Government through the fraud and abuse of Title IV-D, Section 458 of the Social Security Act. This fact has been made abundantly clear in the illegal activity and fraud that has been documented in Owens case. The administration of the court has acted in violation of 18 U.S. Code § 1961 and has used threats and coercion to obtain funds from Appellant in violation of 18 U.S. Code § 1951.

Title IV-D is a law that has given officers of the court the incentive to abuse their power under color of law to cause irreversible harm to countless individuals and families.

REASONS FOR GRANTING THE PETITION

Plaintiff Larael Owens complaint should have never been dismissed proper procedure was not followed. Defendants' motion to dismiss for failure to state a claim was unsupported by affidavits in depositions.

The decision is within the supreme court jurisdiction because it is certified to be in direct conflict with decisions of other U.S Supreme Court Judges .

The defendants' motion to dismiss for failure to state a claim unsupported by affidavits or depositions is incomplete because it requests Courts to consider facts outside the record which have not been presented in the form required by Rules 12(b) (6) and 56(c). Statements of counsel in their briefs or argument while enlightening to the Court are not sufficient for purposes of granting a motion to dismiss or summary judgment. TRINSEY v. PAGLIARO

The issue now before this court is petitioner contention that the District Court erred in dismissing his pro se complaint without allowing him to present evidence on his claims.

Whatever may be the limits on the scope of inquiry of courts into the internal administration of prisons, allegations such as those asserted by petitioner, however inartful pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears [404 U.S. 519, 521] "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U.S. 41, 45 -46 (1957). See Dioguardi v. Durning, 139 F.2d 774 (CA2 1944).Accordingly, although we intimate no view whatever on the merits of petitioner's allegations, we conclude that he is entitled to an opportunity to offer proof. The judgment is reversed and the case is remanded for further proceedings consistent herewith. HAINES v. KERNER

We now consider whether respondent's complaint states a cognizable 1983 claim. The handwritten pro se document is to be liberally construed. As the Court unanimously held in Haines v. Kerner, 404 U.S. 519

(1972), a pro se complaint, "however inartful pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and can only be dismissed for failure to state a claim if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Id., at 520 521, quoting Conley v. Gibson, 355 U.S. 41,45 46 (1957). Estelle, Corrections

Rule 8 provides that 'pleadings shall be so construed as to do substantial justice.' We frequently have stated that pro se pleadings are to be given a liberal construction. Baldwin County Welcome Center v. Brown 466 U.S. 147,104 S. Ct. 1723,80 L. Ed. 2d 196,52 U.S.L.W. 3751.

The court noted that pro se plaintiffs should be afforded "special solicitude." Rabin v. Dep't of State, No. 95-4310, 1997 U.S. Dist. LEXIS 15718.

"Where there are no depositions, admissions, or affidavits the court has no facts to rely on for a summary determination." Trinsey v. Pagliaro, D.C. Pa. 1964, 229 F. Supp. 647.

The district judge should have explain the correct form to the pro se plaintiff so that Owens could have amended his pleadings accordingly

Instead of simply dismissing the complaints for naming federal agencies as the defendants, it would have been appropriate for the district judge to explain the correct form to the pro se plaintiff so that Platsky could have amended his pleadings accordingly see Henry Platsky, Plaintiff-appellant, v. Central Intelligence Agency

APPEAL COURT ERROR

OWENS ASK THE COURT TO TAKE JUDICIAL NOTICE UNDER FEDERAL RULE OF EVIDENCE 201(B) REQUIREES "FREE ACCESS" TO JUDICIAL TRIBUNALS BY A NATURAL INDIVIDUAL WITH A CONSTITUTIONAL RIGHT TO PETITION THE COURT SET BY "PRECEDENCE CRANDALL V. NEVADA, 73 US 35- SUPREME COURT 1868

On December 14, 2018 The U.S Eleventh Circuit Court of Appeals made a error by DISMISSING petitioner Owens case for failure to pay filing and docketing fees

Under federal rules of evidence 201 (b) the U.S Court of Appeals was required to waive filing fees so petitioner Owens could access the court for justice is justified by a natural individual right to petition the court without fees based upon precedence Crandall v. Nevada, 75 US 35- Supreme court 1868 that the petitioner as a natural individual has a constitutional right to petition the court for "remedy without costs"

The undersigned Larael K Owens is a natural individual who is requiring a waiver of the filing fee to access the court under his constitutional right to petition the court for remedy without costs

"Living as we do under a common government, charged with the great concerns of the whole Union, every citizen of the United States from the most remote states or territories, is entitled to free access not only to the principal departments established at Washington, but also to its judicial tribunals and public offices in every state in the Union. For all the great purposes for which the federal government was formed, we are one people, with one common country. We are all citizens of the United States, and as members of the same community must have the right to pass and repass through every part of it without interruption, as freely as in our own states. And a tax imposed by a state for entering its territories or harbors is inconsistent with the rights which belong to citizens of other states as members of the Union and with the objects which that Union was intended to attain. Such a power in the states could produce nothing but discord and mutual irritation, and they very clearly do not possess it." PRECEDENCE CRANDALL V. NEVADA, 73 US 35- SUPREME COURT 1868

The court must take judicial notice of precedence under federal rules of evidence 201(B) that is not subject to reasonable dispute because the petitioner is not a legal professional who often uses the courts, but is a natural individual seeking relief by this court and therefore must take judicial notice of precedence "Hale v Henkel 201 U.S. 43" A plaintiff who is a natural individual is entitled to free access of tribunals for relief.

The court must take judicial notice of precedence under federal rules of evidence 201(B) "Bank of commerce v. Commissioner of taxes for new York,2 black 620 (1863) require the clerk of the court to waive filing fees to allow the undersigned to access the court.

The undersigned is guaranteed the right to petition the court for due process that is constitutionally secured under the 5th and 14th Amendments.

Due process of law is a constitutional guarantee that a court fee cannot obstruct for a remedy to an injury in fact.

The filing fee is obstructing the undersigned from accessing the court for his constitutional right to petition the court under the 14th amendment for equal protection of law to protect his right to due process

When I specially visit the low tribunal court on a forced response to a Bill of Pains and Penalties issued by the (judge MICHAEL P. MCDANIEL) employed by the (L.T Court), employed by the corporate (STATE OF FLORIDA) my special visitation was forced, and I was forced into a bill of attainder, And he has denied all of my visitation with my daughter I have not been able to have my daughter in my care Since August 20th 2015

Article 1 section 9 paragraph 3 No Bill of Attainder or ex post facto Law shall be passed

This matter is from a dissolution of the marriage The marriage ended in 2015 The parties to this case has forced Owens into a bill of attainer and has kept him from this daughter for 4 years Owens has Petition the court over the years for joint custody The parties to this case has deprived Owens Constitutional rights and also property. No state has ever found Owens to be unfit The state has Not gave any remedy For Owens Owens has exhausted every Way to petition the court for redress this is why he is petitioning this court for help. Owens property has been taken and his bank account has been levied for two years and still is levied.

Owens fundamental rights has been violated Every Hearing for visitation the Florida DOR was present

State laws vary under the "Domestic Relations Exception" giving states the jurisdiction over divorce law. However, certain constitutional rights will override these as no state can make any law that takes away Constitutional Rights of its citizens. The rights of parents to the care, custody and nurture of their children is of such character that it cannot be denied without violating those fundamental principles of liberty and justice which lie at the base of all our civil and political institutions, and such right is a fundamental right protected by this amendment (First) and Amendments 5, 9, and 14. Doe v. Irwin, 441 F Supp 1247; U.S. D.C. of Michigan, (1985).

The several states has no greater power to restrain individual freedoms protected by the First Amendment than does the Congress of the United States. Wallace v. Jaffree, 105 S Ct 2479; 472 US 38, (1985). The First Amendment has been found to include the right to religion and to raise one's children as one sees fit. Loss of First Amendment Freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury. Though First Amendment rights are not absolute, they may be curtailed only by

interests of vital importance, the burden of proving which rests on their government. Elrod v. Burns, 96 S Ct 2673; 427 US 347, (1976).

Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the equal protection clause of the Fourteenth Amendment. Yick Wo v. Hopkins, 118 US 356, (1886). Therefore any denial of parental rights based only on sex is discriminatory. Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs. Santosky v. Kramer, 102 S Ct 1388; 455 US 745, (1982). . Parental rights may not be terminated without "clear and convincing evidence. "SANTOSKY V. KRAMER, 102 S.Ct. 1388 [1982]

The liberty interest of the family encompasses an interest in retaining custody of one's children and, thus, a state may not interfere with a parent's custodial rights absent due process protections. Langton v. Maloney, 527 F Supp 538, D.C. Conn. (1981).

Parent's right to custody of child is a right encompassed within protection of this amendment which may not be interfered with under guise of protecting public interest by legislative action which is arbitrary or without reasonable relation to some purpose within competency of state to effect. Reynold v. Baby Fold, Inc., 369 NE 2d 858; 68 Ill 2d 419, appeal dismissed 98 S Ct 1598, 435 US 963, IL, (1977).

Parent's interest in custody of their children is a liberty interest which has received considerable constitutional protection; a parent who is deprived of custody of his or her child, even though temporarily, suffers thereby grievous loss and such loss deserves extensive due process protection. In the Interest of Cooper, 621 P 2d 437; 5 Kansas App Div 2d 584, (1980).

The Due Process Clause of the Fourteenth Amendment requires that severance in the parent-child relationship caused by the state occur only with rigorous protections for individual liberty interests at stake. Bell v. City of Milwaukee, 746 F 2d 1205; US Ct App 7th Cir WI, (1984).

Hence any ex-parte hearing or lack of due process would not warrant termination of parental rights. Father enjoys the right to associate with his children which is guaranteed by this amendment (First) as incorporated in Amendment 14, or which is embodied in the concept of "liberty" as that word is used in the Due Process Clause of the 14th Amendment and Equal Protection Clause of the 14th Amendment. Mabra v. Schmidt, 356 F Supp 620; DC, WI (1973).

The United States Supreme Court noted that a parent's right to "the companionship, care, custody and management of his or her children" is an interest "far more precious" than any property right. May v. Anderson, 345 US 528, 533; 73 S Ct 840,843, (1952). A parent's right to care and companionship of his or her children are so fundamental, as to be guaranteed protection under the First, Ninth, and Fourteenth Amendments of the United States Constitution. In re: J.S. and C.,324 A 2d 90; supra 129 NJ Super, at 489. The Court stressed, "the parent-child relationship is an important interest that undeniably Warrants deference and, absent a powerful countervailing interest, protection." A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility. Stanley v. Illinois, 405 US 645, 651; 92 S Ct 1208,(1972).Parent's rights have been recognized as being "essential to the orderly pursuit of happiness by free man." Meyer v. Nebraska, 262 or 426 US 390; 43 S Ct 625, (1923).

Owen's and Saddlers was once married This case is a dissolution of marriage

The U.S. Supreme Court implied that "a (once) married father who is separated or divorced from a mother and is no longer living with his child" could not constitutionally be treated differently from a currently married father living with his child. Quilloin v. Walcott, 98 S Ct 549; 434 US 246, 255-56, (1978).

The U.S. Court of Appeals for the 9th Circuit (California) held that the parent-child relationship is a constitutionally protected liberty interest. (See; Declaration of Independence --life, liberty and the pursuit of happiness and the 14th Amendment of the United States Constitution -- No state can deprive any person of life, liberty or property without due process of law nor deny any person the equal protection of the laws.) Kelson v. Springfield, 767 F 2d 651; US Ct App 9th Cir, (1985). The parent-child relationship is a liberty interest protected by the Due Process Clause of the 14th Amendment. Bell v. City of Milwaukee, 746 f 2d 1205, 1242-45; US Ct App 7th Cir WI, (1985). No bond is more precious and none should be more zealously protected by the law as the bond between parent and child." Carson v. Elrod, 411 F Supp 645, 649; DC E.D. VA (1976).

A parent's right to the preservation of his relationship with his child derives from the fact that the parent's achievement of a rich and rewarding life is likely to depend significantly on his ability to participate in the rearing of his children. A child's corresponding right to protection from interference in the relationship derives from the psychic importance to him of being raised by a loving, responsible, reliable adult. Franz v. U.S., 707 F 2d 582, 595-599; US Ct App (1983). A parent's right to the custody of his or her children is an element of "liberty" guaranteed by the 5th Amendment and the 14th Amendment of the United States Constitution. Matter of Gentry, 369 NW 2d 889, MI App Div (1983).

Reality of private biases and possible injury they might inflict were impermissible considerations under the Equal Protection Clause of the 14th Amendment. Palmore v. Sidoti, 104 S Ct 1879; 466 US 429.

Legislative classifications which distributes benefits and burdens on the basis of gender carry the inherent risk of reinforcing stereotypes about the proper place of women and their need for special protection; thus, even statutes purportedly designed to compensate for and ameliorate the effects of past discrimination against women must be carefully tailored. the state cannot be permitted to classify on the basis of sex. Orr v. Orr, 99 S Ct 1102; 4340 US 268 (1979).

The United States Supreme Court held that the "old notion" that "generally it is the man's primary responsibility to provide a home and its essentials" can no longer justify a statute that discriminates on the basis of gender. No longer is the female destined solely for the home and the rearing of the family, and only the male for the marketplace and the world of ideas. Stanton v. Stanton, 421 US 7, 10; 95 S Ct 1373, 1376, (1975).

Judges must maintain a high standard of judicial performance with particular emphasis upon conducting litigation with scrupulous fairness and impartiality. 28 USCA § 2411; Pfizer v. Lord, 456 F 2d 532; cert denied 92 S Ct 2411; US Ct App MN, (1972).

State Judges, as well as federal, have the responsibility to respect and protect persons from violations of federal constitutional rights. Gross v. State of Illinois, 312 F 2d 257; (1963).

The Constitution also protects "the individual interest in avoiding disclosure of personal matters." Federal Courts (and State Courts), under Griswold can protect, under the "life, liberty and pursuit of happiness" phrase of the Declaration of Independence, the right of a man to enjoy the mutual care, company, love and affection of his children, and this cannot be taken away from him without due process of law. There

is a family right to privacy which the state cannot invade or it becomes actionable for civil rights damages. Griswold v. Connecticut, 381 US 479, (1965).

The right of a parent not to be deprived of parental rights without a showing of fitness, abandonment or substantial neglect is so fundamental and basic as to rank among the rights contained in this 9th Amendment

The rights of parents to parent-child relationships are recognized and upheld. Fantony v. Fantony, 122 A 2d 593, (1956); Brennan v. Brennan, 454 A 2d 901, (1982).

State's power to legislate, adjudicate and administer all aspects of family law, including determinations of custodial; and visitation rights, is subject to scrutiny by federal judiciary within reach of due process and/or equal protection clauses of 14th Amendment. In U.S. Supreme Court case Marshall v. Marshall US (No. 04-1544) 392 F. 3d 1118, the court affirmed that the U.S.

District Court "have been abusing the domestic relations exception" and must take jurisdiction when civil

The United States Supreme Court has recognized that matters involving marriage, procreation, and the parent-child relationship are among those fundamental interests protected by the Constitution. The decision in Roe v. Wade, 410 US 113; 93 S Ct 705; 35 L Ed 2d 147, (1973), was described by the Supreme Court as founded on the "Constitutional underpinning of ... a recognition that the "liberty" protected by the Due Process Clause of the 14th Amendment...The non-custodial divorced parent has no way to implement the constitutionally protected right to maintain a parental relationship with his child except through visitation. To acknowledge the protected status of the relationship as the majority does, and yet deny protection under Title 42 USC § 1983, to visitation is to negate the right completely. Wise v. Bravo, 666 F 2d 1328, (1981).

Although court may acquire subject matter jurisdiction over children to modify custody through UCCJA, it must show independent personal jurisdiction [significant contacts] over out of state Father before it can order him to pay child support. KULKO V. SUPERIOR COURT, 436 US 84, 98 S.Ct. 1690, 56 L.Ed.2d 132 [1978]; noted in 1979 Detroit Coll. L.Rev. 159, 65 Va. L.Rev. 175 [1979] ; 1978 Wash. U.L.Q. 797. Kulko is based upon INTERNATIONAL SHOE V. WASHINGTON, 326 US 310, 66 S.Ct. 154, 90 L.Ed 95 [1945] and HANSON V. DENCKLA, 357 US 235, 78 S.Ct. 1228, 2 L.Ed.2d 1283 [1958]

Under state & federal law parents are presumed to be suitable and fit parents. Parents, implicitly presumed to be suitable and fit, protect their child(ren)'s welfare. Conclusion: Suitable and fit parents act in their child(ren)'s best interests.

The State Florida assumes an obligation, its "parens patriae" interest, where the parent(s) are unsuitable (unfit, unwilling, or unable to protect their minor child(ren)'s welfare) and where no other suitable individual is available. The State of Florida must have a compelling legal reason to protect the welfare of children where a parent is available for the care, custody, and control of their minor child(ren). The claim of one parent against another can not be taken as sufficient reason to deny one parent legal custody, physical custody and visitation, especially where there is a major financial incentive to get child support.

The State of Florida does not have a right to improperly intrude on a parent-child relationship without a compelling reason. However, where parent(s) are legally presumed to act in their child(ren)'s best interests/welfare, the State of Florida has no compelling reason to intrude into the private realm of the family or into the associational relationship between each parent and child. (implicating the fourteenth, ninth, and first amendments.)

Without a compelling reason for state intervention, each autonomous parent-child relationship remains intact. At this point, the State of Florida has no legal basis to intervene; that is, the State of Florida has no compelling reason to inject itself into either parent-child relationship. The welfare/best interests of the child(ren) are protected. Reno v. Flores, 507 U.S. 292 (1993). And it is also at this juncture that the State of Florida maintains no legal basis to interfere with pre-existing parental rights. The State of Florida has no legal basis to implicate any parental right where the child(ren)'s welfare is implicitly protected. Therefore the welfare of the child(ren) has not been proven to be in jeopardy.

Both parents must retain their respective right to legal and physical custody of their child(ren) barring proven unfitness, or danger to the children.

However, let's go back to the current reality that exists in every divorce with children. State authority asserting that the best interests of the child(ren) is paramount to parental rights.

The State of Florida opines that it maintains an obligation to protect the welfare of its minor citizens and therefore state intervention is rationally related to the best interests of the child(ren).

State judicial decisions/court orders evidence the truth about what actually occurs as a pattern and practice in family courts throughout the nation. Citation here for requirement that even when parent is shown to be unfit in some way the state may only interfere in the least possible way.

The recurring pattern of acting in the child(ren)'s best interests occurs by intentionally ignoring parental rights. In fact today Florida parents lose custody of their children simply by one person saying the word "fear" to a judge to take advantage of domestic violence laws and restraining orders. This is clearly unconstitutional and has created a situation where there are huge financial incentives for both the parent and the state to force one parent out of the lives of the children. Statistics show that about 40% of mothers do not value the contribution of fathers in the upbringing of the children.

This pattern and practice inverts the supremacy clause (Art. VI of the U.S. Constitution) by upholding state law (allegedly protecting children's interests) over federal law, i.e., compliance with U.S. Constitution, where a federal right (the fundamental liberty right to custody) is implicated.

The State of Florida believes that the least intrusive means, founded in the child(ren)'s best interests, is to physically remove one legally-suitable, but arbitrarily-denied parent from substantive contact with his or her child(ren).

The State of Florida expressly condones that what is "best" for child(ren) is to minimize their relationship with the "non-custodial" parent. However, it has been shown by many scientific studies over the life of children of divorce that stability of a single home is far less important than having exposure to both parents. Dr. Warren Farrell has concluded that in almost all cases that equal time with both parents is far superior for children. It seems clear that Florida is actually doing what is in the worst interests of children in most cases.

The current system has become driven by money of one parent for child support, which greatly exceeds the actual cost of raising a child. It is also clear that many parents wish to inflict pain on their ex-spouse by denying the child(ren) access to the other parent. Given the $140 million in federal annual child support enforcement monies the state also now has a conflict of interest.

Upon designation, custodial and non-custodial parents are no longer similarly situated. Noncustodial is an assignment that carried with it a seemingly automatic loss of fundamental constitutional right to parent your children in favor of the custodial parent. It carries with it financial penalties which have been almost

arbitrarily created and not shown to be valid and where the other parent is not required to contribute an equal amount, or for that matter any amount. Non-custodial also carries with it the stigma that this person is somehow a lesser parent and to make it impossible to have consistency or even a rational basis in most cases where both parents are fit.

The State of Florida legislature provides a statutory entitlement for non-custodial parents to "visit" with their child and this token stipend is the State of Florida least intrusive method of encouraging a healthy parent-child relationship and maximizing quality familial involvement!

When a state court implicates (infringes, denies, deprives) a parental right (temporarily or permanently), the State of Florida absolutely intrudes upon the parent-child relationship by implicating each parent's fundamental liberty right to custody of their minor child(ren).

The very idea that the state could even make this evaluation and decision is in fact absurd, as parenting is a complex and subjective process which is completely dependent on the child and decisions that the parents make about lifestyle, religion, morals and many other factors. These decisions are personal, subjective and only within the rights of the parent(s). It has also been shown that the child(ren) are easily alienated from one parent by spending so much more time with the other parent. This is clearly irreparably damaging to both the children and the alienated parent. Conclusion: State law impermissibly intrudes upon and implicates fundamental parental rights.

The only way the State of Florida can rebut the presumption that fit parents are legally presumed to protect their child(ren)'s best interests is with a "compelling" reason. A compelling reason requires the State of Florida to step in (intervene) where the welfare of its minor citizens is in jeopardy. If the State of Florida does step in, then it is at this point that state rights intersect with federal rights [and federal rights require mandatory federal/constitutional protections]. And pursuant to Article VI of the U.S. Constitution, the supremacy clause requires that "the judges in every state shall be bound (by the Constitution and the laws of the United States)."

Either parent can sue for interference with parental rights. STRODE V. GLEASON, 510 P.2d 250

[1973]; Prosser: HANDMANUAL OF THE LAW OF TORTS [West Publ. 1955] page 682;

CARRIERI V. BUSH, 419 P.2d 132 [1966] SWEARINGEN V. VIK, 322 P.2d 876 [1958]

LANKFORD V. TOMBARI, 213 P.2d 627, 19 ARL 2d 462 [1950]; 7 F.L.R. 2071

RESTATEMENT OF TORTS section 700A MARSHALL V. WILSON, 616 SW 2d 93254

Federal Rights

Parental rights are fundamental rights protected under federal/constitutional law. The USSC plurality decision in Troxel v. Granville, 530 U.S. 57 (2000) evinces that all nine justices agree that parental rights are fundamental rights.

Fundamental rights are possessed by the individual, not the married couple. Fundamental rights are also called substantive rights or natural rights. Any contract, including marriage must have "consideration" to be enforceable. In divorce the contract between wife and husband is being broken and the courts may need to mediate the division of assets, but children are not assets and the state can not interfere by allocating the children without a high standard of proof that one parent is unfit. Therefore the only truly constitutional solution for the parents, and in fact now also proven best for children scientifically, is an equal amount of time spent with both parents.

The creation of artificial (lawyer or government created) financial incentives for parents to fight for custody is deeply damaging to children and family bonds and to society in general. Not only are both parental relationships hurt but the children are also clearly hurt by the lack of relationship and model of behavior for the children. In fact it is clear that this will create a repeating cycle, as children raised in sole-custody homes are 93% more likely to divorce later in life.

Invidious Gender Discrimination

Invidious gender discrimination is needed for conspiracy actions under the first clause of 42 U.S.C. sec. 1985(3). Approximately 85% to 90% custody decisions are sole maternal custody. This is Gender Bias in PRACTICE. Such discrimination is not legal or in the best interest of children. A child has an equal right to be raised by the Father, and must be awarded to the Father if he is the better parent, or Mother is not interested. STANLEY V. ILLINOIS, 405 US 645 [1972]

Segregation in courtrooms is unlawful and may not be enforced through contempt citations for disobedience or through other means. Treatment of parties to or witnesses in judicial actions based on their race is impermissible. Jail inmates have a right not to be segregated by race unless there is some overriding necessity arising out of the process of keeping order.

The US Supreme Court asserted in the now famous "VMI" case, United States v. Virginia, 116 S. Ct. 2264 (1996), that gender-based matters at both the state and federal level, must meet a level of "heightened scrutiny" and without solidly compelling state interests are unacceptable. In the following excerpt, all references to the female gender have been replaced with the male gender. And since this is a decision with its locus in gender-equality, this replacement is as valid as the original language or the "VMI" decision is utter hypocrisy.

Opinion held; Neither federal nor state government acts compatibly with equal protection when a law or official policy denies to [men or fathers], simply because they are [men or fathers], full citizenship stature-equal opportunity to aspire, achieve, participate in and contribute to society based on their individual talents and capacities. To meet the burden of justification, a State must show ``at least that the [challenged] classification serves `important governmental objectives and that the discriminatory means employed' are `substantially related to the achievement of those objectives.'"

Benign justifications proffered in defense of categorical exclusions, however, must describe actual state purposes, not rationalizations for actions in fact differently grounded...Further, states must demonstrate an "exceedingly persuasive justification" (United States v. Virginia at 2274-75, 2286) for why such discrimination continues IN PRACTICE when the statutes are facially neutral. Since "our Nation has had a long and unfortunate history of sex discrimination," (Frontiero v. Richardson, 411 U.S. 677, 684 (1973))

The practices in "family" law seize upon a group – men and fathers - who have historically suffered discrimination in family relations, and rely on the relics of this past discrimination under the tender years doctrine, reclassified as "the best interests of the child," as a justification for heaping on additional family destructive disadvantages (adapted and modified from footnote 22, Frontiero, 411 U.S. 677, 688). There can be absolutely no doubt that father absence is destructive to children, yet family courts, and family lawyers perpetuate this cycle every day by the thousands across America.

Some of the matters that might call fitness into question would include; false claims of domestic violence, false claims of child abuse, and false claims of child sexual abuse which are OVERWHELMINGLY alleged in divorce actions by mothers to destroy the father and seize all family assets as well as the children; or, alternatively, VERIFIED claims of the foregoing – as opposed to simply adjudicated claims

without tangible evidence. There does not even need to be a threat, tangible or otherwise, only the claim of fear…

The "compelling state interest" in child custody matters finds its nexus between the "best interests of the child" doctrine and strict scrutiny. Infringing upon fundamental rights [constitutionally protected parental rights] dictates that the state show the infringement serves a "compelling state interest" with no constitutionally satisfactory alternative to meet that interest. Santosky v. Kramer, 455 US 745 (1982); and (from a quote at 766,767):

Santosky is clearly about the termination of parental rights, but the "standard family court order" of being an every other weekend visitor may be just as traumatic and potentially even greater. In less than equal custody, a parent's relationship with their child(ren) is forcibly ripped away from them and then they are forced to pay for the destruction of their rights. The non-custodial parent's regular influence in shaping the child's development is virtually eradicated. The Santosky Court also noted: Even when blood relationships are strained, parents retain vital interest in preventing irretrievable destruction of their family life; if anything, persons faced with forced dissolution of their parental rights have more critical need for procedural protections than do those resisting state intervention into ongoing family affairs.

The Santosky Court explains the risks in terminating parental rights. Yet, in reality, when one parent is relegated to a weekend visitor, their constitutional rights in the "care, custody, management and companionship" of their child(ren) have been substantially eliminated, and without question, infringed upon. In law the clarity, singularity, and sharpness of absolutes make for simple "yes" or "no" judgments. There is no argument, there is no fight, and there is no money to be made by this for the "family" lawyers. Yet ideas and principles of absolutes are anathema to a system of "rule by men" who spout their hatred, with derisions and "scorn" for such ideas of absolutes, branding them as "intolerance." The realm of "family" law is generally opposed to any real standard that might have accountability and has widely embraced the "best interests of the child".

Child Support

The State's Income Based child support statutes impermissibly infringe the Privacy Interest right under the 14th Amendment of the Federal Constitution and his First Amendment rights which included all right to decisions inside the home including child rearing decisions. Child "Support" removes all rights of fatherhood for independent self-determination protected by the U.S. Constitution. How much money a parent spends for the care and maintenance of their child is a parenting decision and is a constitutionally guaranteed right. The State government under Common and Natural Law is not permitted to intrude upon this fundamental right without proof of demonstrable harm to the child.

Ironically, the State "presumes" this authority to award custody of the children to the custodial parent under the guise that the mother is "the better parent" (absent any proper hearing to so determine), but then turns around and admits the custodial parent is incapable of caring for the children without the fiscal transfer of wealth from the non-custodial parent. Not only does the State take the Petitioner's property (his income) without any proper demonstration of due process, but then openly enjoins the mother to pursue fraud for her own fiscal gain.

Corrective or punitive child support can only be ordered by the State/Court by showing a profound positive disqualification or some wrong-doing, which "shocks the conscience" of the community, and invokes the doctrine of parens patriae. Parens patriae may only be asserted "reluctantly", as a "last resort" and to "save the child." The State has cogently, and knowingly, with premeditation, removed all rights to individual self-determination in this matter, which is a God-given, fundamental right as a Father.

The State mandates that a divorced parent must be forced to spend an egregious percentage of their income on his or her children; but the State does not, and cannot, mandate that a married parent, living in a "single family unit", spend a percentage of his income for his child. More importantly, the challenged statutes are enforced against the parent without the State ever determining if any harm has befallen the children related to the parent's spending for them. The State lacks the constitutional authority to mandate spending for a child based on income, rather than adhering to the law which requires a child be supported only for the necessaries.

The State asserts that the Petitioner "must pay" a sum of money to support his children, gives the money to the mother, but makes no equal assumption or requirement of the mother to either spend that confiscated money on the children, or to pay an equivalent sum herself on those children. Equal treatment under the law is wholly absent.

Alimony and wife's lawyers fees and child support are civil debts, not enforceable by contempt procedures, since the Constitution did away with debtor's prison. DAVIS V. BROUGHTON, 382 SW 2d 219.

If, the state finds it has the rights to the children of this marriage, based on the 'parens patriae' doctrine of ownership, then the actual cost of the children should be equally paid by both parties since the prenuptial agreement required both parties to generate financial support. Whichever statute that provides greater protection to the Respondent, prevails. These Florida and federal statutes guarantee protection from having "imputed income" orders. Furthermore, these statutes provide protection of his/her rights to be free from unlawful child support or any kind of garnishment.

That, child support is a civil matter and there is no probable cause to seek or issue body attachment, bench warrant, or arrest in child support matters because it is a civil matter. The use of such instruments (body attachment, bench warrants, arrests, etc) presumably is a method to "streamline" arresting people for child support and circumventing the Fourth Amendment to the United States Constitution, and is used as a debt-collecting tool using unlawful arrests and imprisonment to collect a debt or perceived debt.

The arrest of non-custodial parents in which men make up significant majority of the "arrestees", is "gender profiling", "gender biased discrimination" and a "gender biased hate crime" in that it violates the Equal Protection Clause of the Fourteenth Amendment. A man, pursuant to the Equal Protection Clause of the Constitution of the United States, cannot be arrested in a civil matter, as a woman is not. "Probable cause" to arrest requires a showing that both a crime has been, or is being committed, and that the person sought to be arrested committed the offense, U.S. Constitution, Amendment the Fourth.

Therefore, seeking of body attachment, bench warrant, or arrest by the Petitioner, and/or issuing of the same by the court, in this civil case would be against the law and the Constitution. Under U.S. v. Rylander ignorance of the order or the inability to comply with the [child support] order, to pay, would be a complete defense to any contempt sanction, violation of a court order or violation of litigant's rights.

If a person is arrested on less than probable cause, the United States Supreme Court has long recognized that the aggrieved party has a cause of action under 42 U.S.C. §1983 for violation of Fourth Amendment rights. Pierson v. Ray, 386 U.S. 547, 87 S.Ct. 1213 (1967). Harlow v. Fitzgerald 457 U.S. 800, 818 (there can be no objective reasonableness where officials violate clearly established constitutional rights such as:

a. U.S. Constitution, Fourth Amendment (including Warrants Clause),

b. U.S. Constitution, Fifth Amendment (Due Process and Equal Protection),

c. U.S. Ninth Amendment (Rights to Privacy and Liberty),

d. U.S. Fourteenth Amendment (Due Process and Equal Protection).

The Supreme Court ruled in Malley v. Briggs, 475 U.S. 335, 344 (1986), that the mere fact that a judge or magistrate issues an arrest warrant does not automatically insulate the officer from liability for an unconstitutional arrest. "Only where the warrant application is so lacking in indicia of probable cause as to render official belief in its existence unreasonable...will the shield of immunity be lost". Malley at 344-45.

As can be ascertained, a body attachment is a debt-collecting tool using unlawful arrests and unlawful imprisonment for debt to collect a debt. Hence, it is illegal and unconstitutional, hence,

rendering the issuing authority of such an order in violation of the law and the Constitution, stripping him of his jurisdiction, and, therefore, his judicial immunity. Furthermore, it would also render the Plaintiff (and her attorney) liable to prosecution under federal (and state) statutes. Per federal law, see Marbury v. Madison, 5 U.S. 137 (1803), the state must provide remedy for each and every violation of a right. Multiple rights have been taken by the state, for its enrichment, without providing remedy but instead imposing punishments.

The United States Supreme Court mandates that constitutional (strict) scrutiny is the heightened level Constitutional Scrutiny of scrutiny applicable to the implication of fundamental rights secured by the U.S. Constitution. Gender discrimination in state custody determinations is not at issue where a lesser standard of review (intermediate scrutiny) would be applicable.

Substantive due process is defined as the procedural requirements due when a fundamental right is implicated. Judges' refusal to consider evidence and psychologist reports denies due process right to "meaningful hearing." ARMSTRONG V. MANGO, 380 US 545, 552; 85 S.Ct.1187 [1965]

Federal Courts can rule on federal claims [constitutional questions] involved in state divorce cases and award money damages for federal torts or in diversity of citizenship cases involving intentional infliction of emotional distress by denial of parental rights, "visitation", as long as the Federal Court is not asked to modify custodial status. LLOYD V. LOEFFLER, 518 F.Supp 720 [custodial Father won $95,000 against parental kid-napping wife]; FENSLAGE V. DAWKINS, 629 F.2d 1107 [$130,000 damages for parental kidnapping] KAJTAZI V. KAJTAZI, 488 F.Supp 15 [1976]; SPINDEL V. SPINDEL, 283 F.Supp. 797 [1969]; HOWARD V. KUNEN, USDC Mass CA No. 73 3813 G, 12/3/73 [unreported]; SCHWAB V. HUTSON, USDC, S.Dist. MI, 11/70 [unreported]; LORBEER V. THOMPSON, USDC Colorado [1981]; DENMAN V.VENEY, DENMAN V. WERTZ; Right to jury trial in Contempt; BLOOM V. ILLINOIS, 88 S.Ct. 1477; DUNCAN V. LOUISIANA, 88 S.Ct. 1444

Contempt of Court is quasi criminal, merits all constitutional protections: EX PARTE DAVIS, 344 SW 2d 925 [1976]; Excessive fine on Contempt: COOPER V. C. 375 NE 2d 925 [IL 1978]; Payment of support tied to visitation:; BARELA V. BARELA, 579 P.2d 1253 [1978 NM]; CARPENTER V. CARPENTER, 220 Va.299 [1979]; COOPER V. COOPER, 375 NE 2d 925 [Ill. 1978]; FEUER V. FEUER, 50 A.2d 772 [NY 1975]; NEWTON V. NEWTON, 202 Va. 515 [1961]; PETERSON V. PETERSON, 530 P.2d 821 [Utah 1974]; SORBELLO V. COOK, 403 NY Supp. 2d 434 [1978]; Child Support; ANDERSON V. ANDERSON, 503 SW 2d 124 [1973]; ONDRUSEK V. ONDRUSEK, 561 SW 2d 236, 237 [1978; support paid by Mother to custodial Father]; SMITH V. SMITH, 626 P.2d 342 [1981]; SILVIA V. SILVIA, 400 NE 2d 1330 [1980 Mass.]

Fundamental, substantive, and/or natural rights are legally differentiated from civil rights because civil rights are rights created under law. One could clarify fundamental rights as pre-existing "inherent" rights and civil rights as government-created rights. Where a federal right is implicated, the State of Florida must provide the accused a process that is constitutionally compliant with the U.S. Constitution and mandatory under federal law. Goldberg v. Kelly, 397 U.S. 254 (1970) addresses the importance of certain property rights where liberty rights are deemed far more important than property rights).

The State of Florida must provide an explicit process due the accused to prove that the Defendant's children are being harmed. This set of procedures is commonly known as due process.

Due process is a mandatory set of procedures required by the U.S. Constitution entitling citizens whose fundamental rights are implicated to consistent and fair treatment. Mandatory fair procedures include at a very minimum:

a. Express notice of the accusation.

b. A pre-deprivation hearing.

c. The right to confront witnesses.

d. An evidentiary standard that is constitutionally compliant.

e. And the least restrictive means to obtain a satisfactory solution

Where a fundamental right is implicated, the State of Florida must provide expressly written mandatory due process procedures and use the least restrictive means of intrusion to achieve an optimal outcome. Neither parent is provided with due process of law, i.e., in some states there is no pre-deprivation hearing. Stanley v. Illinois, 405 U.S. 645 (1972).

No statutory scheme contains a constitutionally compliant evidentiary standard. "Clear and convincing" evidence (of parental unsuitability) is the highest evidentiary standard in civil law that meets constitutional scrutiny pursuant to Santosky v. Kramer, 455 U.S. 745 (1982).Statutes expressly written which diminish parents' fundamental rights, are not constitutionally compliant, and therefore do not meet strict scrutiny under federal law. Conclusion: Where both parents' rights are diminished under state law, there is no set of circumstances that a constitutional outcome can ever be achieved.

Substantive equal protection: similarly situated parents must be treated similarly (fundamental rights strand of equal protection under the fourteenth amendment.)State implication of a fundamental right resulting in the arbitrary classification of parents into suspect classes (non-custodial and custodial) is subject to constitutional review. Whenever government action seriously burdens fundamental rights and interests, heightened scrutiny of the procedures is warranted.

Where a state law impinges upon a fundamental right secured by the U.S. Constitution it is presumptively unconstitutional. Harris v. Mcrae, 448 U.S. 297 (1980); Zablocki v. Redhail, 434 U.S. 374 (1978).Conclusion: where a statutory classification significantly interferes with the exercise of a fundamental right, constitutional scrutiny of state procedures is required.

Under the Supremacy Clause appears in Article VI of the Constitution of the United States, everyone must follow federal law in the face of conflicting state law. It has long been established that "a state statute is void to the extent that it actually conflicts with a valid federal statute" and that a conflict will be found either where compliance with both federal and state law is impossible or where the state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress.

Similarly, we have held that "otherwise valid state laws or court orders cannot stand in the way of a federal court's remedial scheme if the action is essential to enforce the scheme." Stone v. City and County of San Francisco, 968 F.2d 850, 862.

"Fundamental Rights do not hang by a tenuous thread of a layman's knowledge of the niceties of law. It is sufficient if it appears that he is attempting to assert his constitutional privilege. The plea, rather than the form in which it is asserted ..." U.S. v St. Pierre, Supra, 128 F 2d

"The law will protect an individual who, in the prosecution of a right does everything, which the law requires him to do, but fail to obtain his right by the misconduct or neglect of a public officer." Lyle v Arkansas, 9 Howe, 314, 13 L. Ed. 153."Where rights are secured by the Constitution are involved, there can be no rule-making or legislation which would abrogate them. Miranda v. Arizona, 380 US 426 (1966).

Justice Souter) We have long recognized that a parent's interests in the nurture, upbringing, companionship, care, and custody of children are generally protected by the Due Process Clause of the Fourteenth Amendment. See, e.g., Meyer v. Nebraska,262 U. S. 390, 399, 401 (1923); Pierce v. Society of Sisters, 268 U. S. 510, 535 (1925); Stanleyv. Illinois, 405 U. S. 645, 651 (1972); Wisconsin v.Yoder, 406 U. S. 205, 232 (1972); Quilloin v. Walcott, 434 U. S. 246, 255 (1978); Parhamv. J. R., 442 U. S. 584, 602 (1979); Santosky v. Kramer, 455 U. S. 745, 753 (1982); Washington v. Glucksberg, 521 U. S. 702, 720 (1997). As we first acknowledged in Meyer, the right of parents to "bring up children," 262 U. S., at 399, and "to control the education of their own" is protected by the Constitution, id., at 401. See also Glucksberg, supra, at 761.

Justice Souter then opens the very next paragraph indicating the constitutionality of parental rights are a "settled principle". In fact, it is a well-established principle of constitutional law that custody of one's minor children is a fundamental right. Santosky v. Kramer, 455 U.S. 745 (1982), Stanley v. Illinois, 405 U.S. 645 (1972).

Without dispute the Troxel case is UNANIMOUS in its establishment that parental rights are constitutionally protected rights. Even the dissenting judges, not agreeing with the remedy, recognized that parental rights are constitutional Rights. From the dissents in Troxel: a. (Justice Scalia) ...[A] right of parents to direct the upbringing of their children is among the "unalienable Rights" with which the Declaration of Independence proclaims "all Men ... are endowed by their Creator." ...[T]hat right is also among the "othe[r] [rights] retained by the people" which the Ninth Amendment says the Constitution's enumeration of rights "shall not be construed to deny or disparage."b. (Justice Kennedy) I acknowledge ... visitation cases may arise where [considering appropriate protection by the state] the best interests of the child standard would give insufficient protection to the parent's constitutional right to raise the child without undue intervention by the state...

[T]here is a beginning point that commands general, perhaps unanimous, agreement in our separate opinions: As our case law has developed, the [parent] has a constitutional right to determine, without undue interference by the state, how best to raise, nurture, and educate the child. The parental right stems from the liberty protected by the Due Process Clause of the Fourteenth Amendment. See, e.g., Meyer v. Nebraska, 262 U. S. 390, 399, 401 (1923); Pierce v. Society of Sisters, 268 U. S. 510, 534-535 (1925); Prince v. Massachusetts, 321 U. S. 158, 166 (1944); Stanley v. Illinois, 405 U. S. 645, 651-652 (1972); Wisconsin v. Yoder, 406 U. S. 205, 232-233 (1972); Santosky v. Kramer, 455 U. S. 745, 753-754 (1982).

Implications for recognizing the fundamental constitutional rights that ALL parents possess, not only mothers, but fathers too, demands that the deprivation of "the fundamental right of parents to make

decisions concerning the care, custody, and control" of their children constitutes asignificant interference with," (citations omitted) the exercise of a fundamental constitutional right. Deprivation of fundamental liberty rights "for even minimal periods of time, unquestionably constitutes irreparable injury." Elrod v. Burns, 96 S.Ct. 2673; 427 U.S. 347, 373 (1976). (Note Justice Kennedy's Troxel remarks on page 2 about parental rights under the First Amendment, the Amendment at issue in Elrod.)

This legislative body has a burden to society to weigh the studies and information demonstrating the devastating affects of father absence on children (a matter worthy of judicial notice) and then consider, as noted above, the ramifications of effectively removing fathers from their children. After all, there is now so much data and information about father absence that in custody matters, continued maternal preferences rise to the Due Process legal bar. The "[r]eality of private biases and possible injury they might inflict [are] impermissible considerations under the Equal Protection Clause of the 14th Amendment." Palmore v. Sidoti, 104 S Ct 1879; 466 US 429.

Certainly, worth noting in Troxel, are Justices Souter and Thomas concurring commentary. They implicate a potential willingness to address, adjudicate, and possibly clarify the "free-ranging best-interests-of-the-child standard" (Souter's characterization of this "standard"). Also, particularly worth noting, both Justices Scalia and Kennedy clearly recognized the constitutional protections of parental rights. Though they do not agree it appears Justice Scalia noted that part of the problem is the indeterminacy of "standards" in custody cases suggesting that many definitions, such as parent would have to be crafted and he would "throw it back to the legislature" to define standards and terms. Herein implicating the "standard" is a problem.

Further, in Justice Kennedy's dissent, he elaborated that if upon remand or reconsideration of the Troxel case, if there were still problems with the decision regarding parental rights, consideration of that and other issues at the US Supreme Court might be warranted, then went on to state:These [issues] include ... the protection the Constitution gives parents against state-ordered visitation but also the extent to which federal rules for facial challenges to statutes control in state courts. These matters, however, should await some further case...It must be recognized, of course, that a domestic relations proceeding in and of itself can constitute state intervention that is so disruptive of the parent-child relationship that the constitutional right of a [parent] to make certain basic determinations for the child's welfare becomes implicated. The best interests of the child standard has at times been criticized as indeterminate, leading to unpredictable results. See, e.g., American Law Institute, Principles of the Law of Family Dissolution 2, and n. 2 (Tentative Draft No. 3, Mar. 20, 1998). More specific guidance should await a case in which a State's highest court has considered all of the facts in the course of elaborating the protection afforded to parents by the laws of the State and by the Constitution itself.

Parental Rights must be afforded "strict scrutiny" or a heightened scrutiny so stringent as to be utterly indistinguishable from "strict scrutiny".

The Fourteenth Amendment prohibits the state from depriving any person of "life, liberty, or property without due process of law." The Court has long recognized that the Due Process Clause "guarantees more than fair process." Washington v. Glucksberg, 521 U.S. 702, 719 (1997). It also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." Id., at 720; see also Reno v. Flores, 507 U.S. 292, 301-302 (1993).

Any denial of Due Process must be tested by the "totality of the facts" because a lack of Due Process may "constitute a denial of fundamental fairness, shocking to the universal sense of justice..." Malloy v. Hogan, 378 U.S. 1, 26 (1964) (quoting from Betts v. Brady, 316 U.S. 455, 461-462 (1942) where it was

noted that any violation of any of the first Nine Amendments to the Constitution could also constitute a violation of Due Process). "[T]he court must be vigilant to scrutinize the attendant facts with an eye to detect and a hand to prevent violations of the Constitution by circuitous and indirect methods. Constitutional provisions for the security of person and property are to be liberally construed, and 'it is the duty of courts to be watchful for the constitutional rights of the citizen, and against any stealthy encroachments thereon.' Boyd v. United States, 116 U.S. 616, 635 , 6 S. Ct. 524, 535 (29 L. Ed. 746); Gouled v. United States, 255 U. S. 304, 41 S. Ct. 261, supra." (as cited from Byars v. U.S., 273 US 28, 32).

It is further established that any law impinging on an individual's fundamental rights is subject to strict scrutiny (San Antonio School District v. Rodriguez, 411 U.S. 1 (1973). "In order to withstand strict scrutiny, the law must advance a compelling state interest by the least restrictive means available." Bernal v. Fainter, 467 U.S. 216 (1984). And by fiat, any judge interpreting, presiding, or sitting in judgment of any custody case under the law must apply this same standard. Justice Stevens in Troxel comments on the appropriate standard of review stating:

The opinions of the plurality, Justice Kennedy, and Justice Souter recognize such a [parental constitutional] right, but curiously none of them articulates the appropriate standard of review. I would apply strict scrutiny to infringements of fundamental rights."

Heightened scrutiny is the court's rule, not the exception. "In determining which rights are fundamental, Judges are not left at large to decide cases in light of their personal and private notions[;]... it cannot be said that a Judge's responsibility to determine whether a right is basic and fundamental in this sense vests him with unrestricted personal discretion. Griswold at 493 w/FN7 (A case dealing with marriage relationship privacy). The same court noted "there is a

"realm of family life which the state cannot enter without substantial justification". (quoting Prince v. Massachusetts, 321 U.S. 158, 166).

In Stanley v. Illinois, 405 US 645, 651 (1972), the court indicated that the State must demonstrate a "powerful countervailing interest" stressing that "he parent-child relationship is an important interest that undeniably warrants deference and, absent a powerful countervailing interest, protection." A parent's interest in the companionship, care, custody and management of his or her children rises to a constitutionally secured right, given the centrality of family life as the focus for personal meaning and responsibility."

Cases clearly establish a zone of privacy around the parent-child relationship, which only can be invaded by the state when the state possesses a sufficiently compelling reason to do so. As a result, when the marital breakdown occurs, both parents are entitled to constitutional protection of their right to continue to direct the upbringing of their children through the exercise of custody. Adequate protection of this parental right requires that parents be awarded joint custody [or expansive visitation]...unless a compelling state interest directs otherwise. H.L. Robinson, "Joint Custody: constitutional Imperatives", 54 Cinn. L. Rev. 27, 40-41 (1985) (footnotes omitted). See also, Ellen Cancakos "Joint Custody as a Fundamental Right". Arizona Law Review, Vol. 23, No. 2 (Tucson, Az: University of Arizona Law College), Tuscon, 95721. See also, Cynthia A. McNeely: "Lagging Behind the Times: Parenthood, Custody, and Gender Bias in the Family Court", 25 Fla. St. U.L. Rev. 335, 342+ (1998)

The financial incentives and conflicts of interest for lawyers to encourage custody battles in divorce is apparent. This is damaging to all parties involved and creates no value whatsoever. The adversarial system is wrong for divorce. Overload, caused by lawyers, drives injustice and harm. It has evolved into a

soulless money machine and many lawyers admit freely that other lawyers intentionally cause problems in divorce to drive up legal fees. In fact if this ever happens, and we know it does, it is morally and ethically revolting and clears grounds for disbarment.According to some attorneys this is done by over half of attorneys today implying that 75% of divorce actions (since two lawyers are involved) are fraudulent.

The incentives that drive the divorce industry have become perverse at the individual level. A mission which should be to "help families" has become "make money" for most and avoid overwhelming work for others (i.e. judges). Lawyers want the work judges should be doing, like finding facts. The result is a system which is destructive, not constructive.

Court decisions are working toward the desired result of involving both parents in a child's upbringing following divorce. Due to the difficulty of proving outrageous conduct and severe emotional distress in tort claims against an unreasonable X-Spouse, the current trend suggests that bringing an action for interference with visitation will provide a remedy to the problems involved in these situations. Specific Case Law Re: tortuous interference with visitation and parental rights:

A.Sheltra v. Smith, 392 A.2. 431 (Vt. 1978) B. Raftery v. Scott, 756 F. 2d 335 (4th Cir. 1985) C. Kajtazi v. Kajtazi, 488 F. Supp. 15 (E.D.N.Y. 1978) D.Ruffalo v. United States, 590 F. Supp. 706 (W.D. Mo.1984) E. Ruffalo v. Civiletti, 539 F. Supp. 949 (W.D. Mo. 1982) F. Wise v. Bravo, 666 F. 2d 1328 (10th Cir. 1982)G.Hall v. Hall-Stradley, Denver (Colo. Dist. Ct.) No. 84-CV-2865, 11/26/88 (as reported in Fam. L. Rep. (BNA), January 6, 1987, Vol. 13, No. 9)

Child Support Hearing Has No Jurisdiction

Child Support courts refuse to disclose the nature of the proceedings

SECTION 8-CHILD SUPPORT ENFORCEMENT PROGRAM

Sec 8 page 20 The Federal regulations also contain additional requirements related to the expedited process. Proceedings conducted pursuant to either the expedited judicial or expedited administrative process must be presided **over by an individual who is not a judge of the court**. Orders established by expedited process must have the same force and effect under State law as orders established by full judicial process, although either process may provide that a judge first ratify the order. Within these broad limitations, each State is free to design an expedited process that is best suited to its administrative needs and legal traditions.

The Court Orders are coram non judice In presence of a person not a judge. When a suit is brought and determined in a court which has no jurisdiction in the matter, then it is said to be coram non judice, and the judgment is void

Separation of powers. The separation of powers issue raised by the advent of administrative processes is whether the legislature can delegate a traditionally judicial area to the Executive branch of Government. The answer depends, in large part, on State constitutional law. Generally, State legislatures have broad authority to determine the right and responsibilities of citizens and to establish processes for enforcing those responsibilities. PRWORA did not mandate the administrative establishment of child support orders, leaving the decision as to whether to remove this function from the Judicial branch and place it with the Executive branch up to the States.

The administrative child support process created by its legislature to be a violation of the separation of powers administrative process included procedures for uncontested and contested cases. In uncontested

cases, the agency prepared a proposed support order for the parties' signature and the administrative law judge's ratification. If either party contested the proposed order, the case moved into the contested process. In the contested process, the case was presented by a child support officer (CSO) who was not an attorney. The administrative law judge (ALJ) had judicial powers, including the ability to modify judicial child support orders. While the ALJ could not preside over contested paternity and contempt proceedings, he or she could grant stipulated contempt orders and uncontested paternity orders. While recognizing the importance of streamlining child support mechanisms, The administrative structure violated separation of powers for three reasons. First, the administrative process infringed on the district court's jurisdiction in contravention to the Florida Constitution. Second, ALJ jurisdiction was not inferior to the district court's jurisdiction, as mandated by the Florida Constitution. Third, the administrative process empowered non-attorneys to engage in the practice of law, infringing on the court's exclusive power to supervise the practice of law.

There are No case, crime or cause of action. The foundation for the court's jurisdiction is the purpose of government itself: "All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

This is why to have a case or cause of action; a plaintiff, in this case "STATE OF FLORIDA DOR", must plead the violation of it's own legal right:

the duty of the court, as of every judicial tribunal, is limited to determining rights of persons or of property, which are actually controverted in the particular case before it. "Tyler v. Judges of the Court of Registration, 179 U.S. 405, 21 SCt. 206, 208.

The basic elements of a case or cause of action is the violation of a legal right and loss or harm. The alleged plaintiff, "STATE OF FLORIDA DOR", a legal fiction at best, ostensibly acting through " State Prosecutor" has not pled any violation of a legal right or harm, the allegation is of a violation of a statute. Legally there is no cause of action:

"A Cause of action is some particular legal right of plaintiff against defendant, together with some definite violation thereof which occasions loss or damage." Luckie v. McCall Manufacturing Co., 152 So.2d 311, 314..."Soowal v. Marden, 452 So.2d 625, 626.

This includes proceedings like these allegedly criminal in nature:

"Causation consists of two distinct subelements. As legal scholars have recognized, before a defendant can be convicted of a crime that includes an element of causation, the State must prove beyond a reasonable doubt that the defendant's conduct was (1) the "cause in fact" and (2) the "legal cause" (often called "proximate cause") of the relevant harm...In order to establish that a defendant's conduct was the "cause in fact" of a particular harm, the State usually must demonstrate that "but for" the defendant's conduct, the harm would not have occurred." Eversly v. State, 748 So.2d 963, 966-967 (Fla. 1999).

"It is a fundamental principle of law that no person be adjudged guilty of a crime until the state has shown that a crime has been committed. The state therefore must show that a harm has been suffered of the type contemplated by the charges (for example, a death in the case of a murder charge or a loss of property in the case of a theft charge), and that such harm was incurred due to the criminal agency of another. Thus, it is sufficient if the elements of the underlying crime are proven rather than those of the particular degree or variation of that crime which may be charged."State v. Allen, 335 So. 2d 823,825 (Fla. 1976).

Even if the absurd claim is made harm is not a necessary element of a real crime, the complaint is still fatally flawed as there is no accusation alleged defendant violated any one's legal rights. It is actually alleged that the alleged defendant violated a statute of the "STATE OF FLORIDA DOR".

If there were a true adversary against alleged defendant, it would be laughable to even try to discuss causation because defendant is not accused of causing anything, real or imagined.

No corpus delecti. The corpus delecti is the "body of the crime" itself. Virtually every American jurisdiction agrees it's an absolutely essential element of any crime and is consistent with the stated purpose of American governments:

"Corpus delecti is usually proven by following two elements: injury or loss, and someone's criminal act as cause thereof..." State v. Smith, 801 P.2d 975, 115 Wash.2d 775.

""Corpus delecti" consists of injury or loss and someone's criminal act which caused it." State v. Espinoza, 774 P.2d 1177, 1182, 112 Wash.2d 819.

"In every criminal trial, the prosecution must prove the corpus delecti, or the body of the crime itself - i.e., the fact of injury, loss or harm, and the existence of a criminal agency as its cause." People v. Sapp, 73 P.3d 433, 467 (Cal. 2003) [quoting People v. Alvarez, (2002) 27 Cal.4th 1161, 1168-1169, 119 Cal.Rptr.2d 903, 46 P.3d 372.] (Calif).

"In defining 'corpus delecti' Wharton says: 'It is made up of two elements: (1) That a certain result has been produced...(2) That some one is criminally responsible for the result..." McVeigh v. State, 53 S.E.2d 462, 469 (Georgia).

"In order to prove that a crime occurred, the State must prove beyond a reasonable doubt: (1) the basic injury..., (2) the fact that the basic injury was the result of a criminal, rather than a natural or accidental cause..." State v. Libero, 83 P.3d 753, 763 (2003), [quoting State v. Dudoit, 55 Haw. 1, 2, 514 P.2d 373, 374 (1973)] (Hawaii).

"Occurrence of injury or loss, and its causation by criminal conduct, are termed the "corpus delecti." People v. Assenato, 586 N.E.2d 445, 448, 166 Ill.Dec. 487, 490. (Illinois).

"While the corpus delecti must be proved beyond a reasonable doubt...it may be established by circumstantial evidence..." James v. State, 248 A.2d 910, 912.

"Criminal responsibility is imposed on the basis of the intentional doing of an act with awareness of the probability that the act will result in substantial damage, regardless of whether the injury turns out to be minor or insignificant." Com. v. Ruddock, 520 N.E.2d 501.

"The term "corpus delecti" embraces occurrence of loss or injury and criminal causation thereof." State v. Hill, 221 A.2d 725, 728, 47 N.J. 490.

"It has long been fundamental to the criminal jurisprudence of this Commonwealth that a necessary predicate to any conviction if proof of the corpus delecti, i.e., the occurrence of any injury or loss and someone's criminality as the source of this injury or loss. See Commonwealth v. Burns, 490 Pa. 619, 627, 187 A.2d 552, 556-557 (1963); Commonwealth v. Turza, 340 Pa. 128, 133, 16 A.2d 401, 404 (1940)." Commonwealth v. Maybee, 239 A.2d 332, 333. (Pennsylvania)

"The corpus delecti of a crime consists of two elements: (1) the fact of the injury or loss or harm, and (2) the existence of a criminal agency as its cause [citations omitted] there must be sufficient proof of both

elements of the corpus delecti beyond a reasonable doubt." 29A American Jurisprudence Second Ed., Evidence § 1476.

This is not the same as the "corpus delecti rule" which is not an element of the alleged crime, but a procedural rule.

There is no corpus delecti pled in the complaint. Without a corpus delecti there is no crime:

"Component parts of every crime are the occurrence of a specific kind of injury or loss, somebody's criminality as source of the loss, and the accused's identity as the doer of the crime; the first two elements are what constitutes the concept of "corpus delecti." U.S. v. Shunk, 881 F.2d 917, 919 C.A. 10 (Utah).

Lack of jurisdiction. The Right of due process has been well protected throughout history.

"No person shall be held to answer for a capitol or otherwise infamous crime unless on presentment or indictment of a Grand jury...; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty or property without due process of the law; nor shall private property be taken for public use without just compensation." United State Constitution Amendment V.

"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws." United State Constitution Amendment XIV.

"The Constitution and Laws of the United States which shall be made in Pursuance thereof; and all Treaties made; or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of Any State to the Contrary notwithstanding." United States Constitution Article VI Clause 2.

"All political power is inherent in the people, and governments derive their just powers from the consent of the governed, and are established to protect and maintain individual rights."

"The Constitution of the United States is the supreme law of the land."

"No person shall be deprived of life, liberty, or property, without due process of law."

"By due process; by a law that gives a man an opportunity to be heard before depriving him of his life, liberty, or property; by law which hears before it condemns; which proceeds upon inquiry, and renders judgment only after trial." Law of the Land, Ballentine's Law Dictionary 3rd Ed.

In accordance with the United States Constitution, and Constitution of the state of Florida a man may not be deprived of life, liberty or property without due process of law, of which many Judges are ignoring, despite the law being clear they cannot ignore it, but are in fact bound thereby.

HALE v. HENKEL 201 U.S. 43 at 89 (1906) Hale v. Henkel was decided by the united States Supreme Court in 1906. The opinion of the court states: "The "individual" may stand upon "his Constitutional Rights" as a CITIZEN. He is entitled to carry on his "private" business in his own way. "His power to contract is unlimited." He owes no duty to the State or to his neighbors to divulge his business, or to open his doors to an investigation, so far as it may tend to incriminate him. He owes no duty to the State, since he receives nothing there from, beyond the protection of his life and property. "His

rights" are such as "existed" by the Law of the Land (Common Law) "long antecedent" to the organization of the State", and can only be taken from him by "due process of law", and "in accordance with the Constitution." "He owes nothing" to the public so long as he does not trespass upon their rights." HALE V. HENKEL 201 U.S. 43 at 89 (1906). Hale v. Henkel is binding on all the courts of the United States of America until another Supreme Court case says it isn't. No other Supreme Court case has ever overturned Hale v. Henkel. None of the various issues of Hale v. Henkel has ever been overruled since 1906, Hale v. Henkel has been cited by the Federal and State Appellate Court systems over 1,600 times! In nearly every instance when a case is cited, it has an impact on precedent authority of the cited case. Compared with other previously decided Supreme Court cases, no other case has surpassed Hale v. Henkel in the number of times it has been cited by the courts. "The rights of the individuals are restricted only to the extent that they have been voluntarily surrendered by the citizenship to the agencies of government."

"Any judge [or officer of the government] who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the supreme law of the land. The judge is engaged in acts of treason." Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

"Jurisdiction over the person of the defendant which can be acquired only by service of process on the defendant in the state to which the court belongs or by his voluntary submission to jurisdiction."Jurisdiction in Personam, Ballentine's Law Dictionary 3rd Ed.

For the accusation to be valid, the accused must be accorded due process. Accuser must have complied with law, procedure and form in bringing the charge. This includes court-determined probable cause, summons and notice procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means may be utilized to deprive a man of his freedom, and all dissent may be stifled by utilization of defective process.

"The essential elements of due process are notice and an opportunity to defend". Simon v. Craft, 182 US 427.

Issuing a warrant and taking a man to jail without establishing personal jurisdiction by due process procedure is not only a constitutional law violation, civil tort, but is equal to him being punished being deprived of his liberty before having his day in court. Due process is a mandatory and necessary element of every action, criminal and civil, that has been established to protect and maintain the individual rights of the alleged defendant against the arbitrary deprivation of his life, liberty, and/or property. Denial of due process and equal protections of the law is a jurisdictional defect of constitutional magnitude and the court lacks jurisdiction.

"A defect, whether of omission or commission, in process, pleading, parties, or procedure which deprives the court jurisdiction." Jurisdictional Defect, Ballentine's Law Dictionary 3rd Ed.

"No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it..... it is the only supreme power in our system of government, and every man who, by accepting office participates in its functions, is only the more strongly bound to submit to that supremacy, and to observe the limitations it imposes on the exercise of the authority which it gives." U.S. v. Lee, 106 U.S. 196, 220 1 S. Ct. 240, 261, 27 L. Ed. 171 (1882).

"No provision of the Constitution is designed to be without effect. Any Thing that is in conflict is null and void of law." Marbury v. Madison, 5 U.S. 137 (1803).

"History is clear that the first ten Amendments to the Constitution were adopted to secure certain common law rights of the people, against invasion of the Federal Government." Bell v. Hood, 71 F. Supp. 813, 816 (1947) U.S.D.C. So. Dist. CA.

Even if the absurd claim is made that due process was followed, or that due process is not required in a criminal case, or a particular State, the court still lacks jurisdiction. The plaintiff, "STATE OF FLORIDA DOR", a political fiction at best, lacks standing.

A plaintiff is "...Any natural or artificial person who institutes and action in his own name." Plaintiff, Ballentine's Law Dictionary 3rd Ed.

The information document is fatally flawed for want of a plaintiff, case, crime or cause of action. As can be seen, "STATE OF FLORIDA DOR", a fiction at best, is named as "plaintiff", but, "prosecutor" is named as the one who "COMES NOW" and "ACCUSES" alleged defendant of being IN the plaintiff and violating a statute of the "STATE OF FLORIDA", not the violation of a legal right, loss or harm of his/her own or of the "STATE OF GEORGIA".

Obviously neither the STATE OF FLORIDA DOR or the "prosecutor" is instituting an action in his own name, and there is no plaintiff. Without a plaintiff there can be no case, crime, or cause of action and the court lacks jurisdiction.

Even if the absurd claim is made that there is a plaintiff, the plaintiff, "STATE OF FLORIDA DOR" aka "prosecutor", still lacks standing.

"Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation." National Organization for Women, Inc., v. Scheidler, 510 US 249.

"The doctrine of standing prohibits a litigant ["STATE OF FLORIDA DOR"] from raising another's legal rights. Allen v. Wright, 468 US 737, 750-751." Huberman v. Public Power Supply System, 744 P.2d 1032, 1055.

"If a plaintiff ["STATE OF FLORIDA DOR"] lacks standing to bring a suit, courts lack jurisdiction to consider it." High Tide Seafoods v. State, 725 P2d 411, 415 (Wash. 1986).

"Injury in fact element of standing is satisfied when a plaintiff ["STATE OF FLORIDA DOR"] alleged the challenged action will cause a specific and personal harm." Kucera v. State, Dept. of Transp., 995 P.2d 63.

"Doctrine of standing prohibits the litigant ["STATE OF FLORIDA DOR"] from raising another's legal rights." Haberman v. Washington Public Power Supply System, 744 P.2d 1032.

Therefore, according to the doctrine of standing, the "STATE OF FLORIDA DOR", aka "prosecutors name", must allege the violation of it's/his own legal right, loss or harm, and is prohibited from raising another's right/s.

Because there is no corpus delecti, there is no crime. Yes, there is a so-called "crime" alleged on paper, but the allegation fails to meet every legal standard of what a crime is. Also, because American governments are established for the sole purpose of protecting rights, a true crime requires the violation of a legal right. Alleged defendant is not accused of violating anyone's legal rights, therefore, there is no crime/case or cause of action pled and the court does not have jurisdiction.

The complaint is "unfit for adjudication". Because American courts are adversary systems, the complaint is "unfit for adjudication":

"The [Supreme] Court has found unfit for adjudication any cause that "is not in any real sense adversary," that "does not assume the 'honest and actual antagonistic assertion of rights' to be adjudicated..." Poe v. Ullman, 367 U.S. 497, 505 (1961).

Even if the phrase corpus delecti is not used, there is no doubt this is not an adversary proceeding as there are no allegations I violated any legal rights of plaintiff "STATE OF FLORIDA DOR".

No evidence of presence within State and laws applicable. There are no facts pled to prove my presence within the plaintiff, "STATE OF FLORIDA", and the laws of the state are applicable to me. Such evidence is essential to prove jurisdiction.

Mere geographic location is not evidence of presence within the alleged plaintiff, "STATE OF FLORIDA DOR". It's impossible to prove my presence within the alleged plaintiff beyond a reasonable doubt or a preponderance of evidence.

The phrase "STATE OF FLORIDA DOR" appears to be not much more than a dba or pseudonym for lawyers and police officers.

As the laws of the state only apply within the state, there is no evidence that I am in the plaintiff, "STATE OF FLORIDA" and nothing alleged, the law of the state apply to me.

Title IV-D does not give rise to individual rights; it was not intended to benefit individual children and custodial parents, but is simply a yardstick for the Secretary to measure the systemwide performance of a State's Title IV-D program Blessing, supra, 520 U.S. at 343, 117 S. Ct. at 1361, 17 L. Ed. 2d at 584

CONCLUSION

U.S. v. Throckmorton, 98 US 61 WHEREAS, officials and even judges have no immunity See, Owen vs. City of Independence, 100 S Ct. 1398; Maine vs. Thiboutot, 100 S. Ct. 2502; and Hafer vs. Melo, 502 U.S. 21; officials and judges are deemed to know the law and sworn to uphold the law; officials and judges cannot claim to act in good faith in willful deprivation of law, they certainly cannot plead ignorance of the law, even the Citizen cannot plead ignorance of the law, the courts have ruled there is no such thing as ignorance of the law Cooper v. Aaron, 358 U.S. 1, 78 S.Ct. 1401 (1958). "No state legislator or executive or judicial officer can war against the Constitution without violating his undertaking to support it

The petition for a writ of certiorari should be granted.

Respectfully Submitted

Larael Owens February 6 2019

PROOF OF SERVICE

I, Larael K Owens , do swear or declare that on this date January 11, 2019 as required by Supreme Court Rule 29 I have served the enclosed and PETITION FOR A WRIT OF CERTIORARI PART 2 on each party to the above proceeding or that party's counsel, and on every other person required to be served, by depositing an envelope containing the above documents in the United States mail properly addressed to

each of them and with first-class postage prepaid, or by delivery to a third-party commercial carrier for delivery within 3 calendar days.

Shelley Cridlin, Esq.	Tamesha Saddlers	Mark McMann
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on January 4, 2019

(Signature)

_____Larael Owens_____