

Pg. 1

Total 9 pages

Fax's to 212-463-7308

MIE (Rev.04/18) Motion and Brief in Support

Second one

See Pg. 1-B

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

3-29-2022

File 3-30-2022

41 days

Douglas J. Johnson

Denying 5-19-2022

Plaintiff(s),

Case No. 21-10437

v.

Judge hon. George Caram steeh

East Tawas Housing Commission, et Al,

Defendant(s).

First motion 1-25-2022 now pass 90 days

MOTION FOR

Vacate a Default Judgment

I, Douglas J. Johnson, appearing pro se, respectfully request that the Court order

To vacate a default Judgment There is no Statute of Limitations on a void Judgment. In the of interest of void judgments are part of common law. 4-a Pro Se Litigant should have full constitutional rights regarding void judgments. When a Judge does not foll the law, the Judge orders are void of no legal force legal force or effect. Case law In the case at bar conspiracy, fraud upon the denial of due process and subject matter jurisdiction are the front and center contitutional issues. Violation of due process that deprives a party of notice or the opportunity to be heard. U.S. Supreme court case of Windson v. Mcveigh Decided Dec. 11 1876) 100 u.s. 23.

for the reasons that follow in the attached brief in support of this motion.

E.D. Mich. Local Rule 7.1 requires that the parties attempt to agree on what you are asking for in this motion

before filing it with the Court. Accordingly, I certify that:

I contacted the opposing party/parties to explain my request. The opposing party/parties K. Leigh V. U.S. 620 F. Supp. 892 D.S.C. 1985 → rule 60 b 4 my request.

OR

Trial rule 53.1 & 53.2

I attempted to contact the opposing party/parties by

calling Michigan civil rights to file complaint

Absolute Power Corrupts Absolutely

but was unable to discuss my request with the opposing party/parties.

ery Act
21st C. 1092

[Pg. 1] Transparency

2-17-2023

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

"Clerk Kinikia D. Essix"

Douglas J. Johnson
Plaintiff(s).

Case No. 21-10437

Clerk of Court Kinikia D. Essix

V.
East Tawas Housing Commission, et Al,

Defendant(s).

MOTION FOR

313-234-5000, Rule T.R. 53.2 Withdraw Judge

Greeting Honorable Clerk Kinikia D. Essix rule 53.2, Judge fails to determine any issue of law or facts within ninety (90) days of the submission of all pending matters, the case may be withdrawn from Judge. There are no errors, just 100% violation of my Due process now about 20 times. Also willful Misconduct. Government code sec.68210 thus to be paid judges must sign a salary affidavit shortly before the end of each month, until overdue matters are decided. (emphasis added). You must stop his salary, I want proof. I put my first motions 1-25 2022 now is 2-14-2023 this a little past 90 days. Now someone owns interest and trebe I hope judge, not taxpayers. On my last and 6 motions judge put me on vexatious litigation no notice or opportunity, I don't see any case no. or certificate, pg. 3. Chief Judge cox can't do nothing. This motion is on Judge George Caram Steeh 2-14-2023 Douglas J, Johnson 989-820-7034 Also Rico Act 1970 (Federal Racketeer influenced and corrupt organization act (Mafia)

Judge Put me on Vexation litigation, in 6 days
"impossible" he did not send to Judicial
Council. Judge make treason on U.S. Con-
stitution no. 1 for impeach. Federal law
requires the automatic disqualification of
a federal Judge (due Process)
(Transparency)

2-17-2023

Pg. III

Fraud upon the Court

? Exhibit E
res judicata

Fraud Upon the Court is where the Judge (who is NOT the "Court") does NOT support or uphold the Judicial Machinery of the Court. The Court is an unbiased, but methodical "creature" which is governed by the Rule of Law... that is, the Rules of Civil Procedure, the Rules of Criminal Procedure and the Rules of Evidence, all which is overseen by Constitutional law. The Court can ONLY be effective, fair and "just" if it is allowed to function as the laws proscribe. The sad fact is that in MOST Courts across the country, from Federal Courts down to local District courts, have judges who are violating their oath of office and are NOT properly following these rules, (as most attorney's do NOT as well, and are usually grossly ignorant of the rules and both judges and attorneys are playing a revised legal game with their own created rules) and THIS is a Fraud upon the Court, immediately removing jurisdiction from that Court, and vitiates (makes ineffective - invalidates) every decision from that point on. Any judge who does such a thing is under mandatory, non-discretionary duty to recuse himself or herself from the case, and this rarely happens unless someone can force them to do so with the evidence of violations of procedure and threat of losing half their pensions for life which is what can take place. In any case, it is illegal, and EVERY case which has had fraud involved can be re-opened AT ANY TIME, because there is no statutes of limitations on fraud. This is a trillion dollar "justice industry" just waiting to be tapped.

Vexation litigation

"Fraud On The Court By An Officer Of The Court" And "Disqualification Of Judges, State and Federal"

1. Who is an "officer of the court"?
2. What is "fraud on the court"?
3. What effect does an act of "fraud upon the court" have upon the court proceeding?
4. What causes the "Disqualification of Judges?"

Douglas J. Johnson

8-27-23

1. Who is an "officer of the court?"

Anthony Jay Sekuler (C.I.J.)

A judge is an officer of the court, as well as are all attorneys. A state judge is a state judicial officer, paid by the State to act impartially and lawfully. A federal judge is a federal judicial officer, paid by the federal government to act impartially and lawfully. State and federal attorneys fall into the same general category and must meet the same requirements. A judge is not the court. People v. Zajic, 88 Ill.App.3d 477, 410 N.E.2d 626 (1980).

2. What is "fraud on the court"?

American Center for Law & Justice

Whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court." In *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted."

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

3. What effect does an act of "fraud upon the court" have upon the court proceeding?

"Fraud upon the court" makes void the orders and judgments of that court.

It is also clear and well-settled Illinois law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. *The People of the State of Illinois v. Fred E. Sterling*, 357 Ill. 354; 192 N.E. 229 (1934) ("The maxim that fraud vitiates every transaction into which it enters applies to judgments as well as to contracts and other transactions."); *Allen F. Moore v. Stanley F. Sievers*, 336 Ill. 316; 168 N.E. 259 (1929) ("The maxim that fraud vitiates every transaction into which it enters ..."); *In re Village of Willowbrook*, 37 Ill.App.2d 393 (1962) ("It is axiomatic that fraud vitiates everything."); *Dunham v. Dunham*, 57 Ill.App. 475 (1894), affirmed 162 Ill. 589 (1896);

Case No. 21-10437 Feb. 8-2021

212-301-5785 (9-19-22)

exhibit F pg. III of III

Pg. 4)

Fax to

Skelly Oil Co. v. Universal Oil Products Co., 338 Ill.App. 79, 86 N.E.2d 875, 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill. 350; 199 N.E. 798 (1935).

Under Illinois and Federal law, when any officer of the court has committed "fraud upon the court," the orders and judgment of that court are void, of no legal force or effect.

1-10-23

4. What causes the "Disqualification of Judges?"

Fax 202-225-9957 4-6-23 R.N.C.H. due process

Federal law requires the automatic disqualification of a Federal judge under certain circumstances.

In 1994, the U.S. Supreme Court held that "Disqualification is required if an objective observer would entertain reasonable questions about the judge's impartiality. If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." [Emphasis added]. *Litky v. U.S.*, 114 S.Ct. 1147, 1162 (1994).

Courts have repeatedly held that positive proof of the partiality of a judge is not a requirement, only the appearance of partiality. *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847, 108 S.Ct. 2194 (1988) (what matters is not the reality of bias or prejudice but its appearance); *United States v. Balistreri*, 779 F.2d 1191 (7th Cir. 1985) (Section 455(a) "is directed against the appearance of partiality, whether or not the judge is actually biased.") ("Section 455(a) of the Judicial Code, 28 U.S.C. §455(a), is not intended to protect litigants from actual bias in their judge but rather to promote public confidence in the impartiality of the judicial process.")

That Court also stated that Section 455(a) "requires a judge to recuse himself in any proceeding in which her impartiality might reasonably be questioned." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989). In *Pfizer Inc. v. Lord*, 456 F.2d 532 (8th Cir. 1972), the Court stated that "It is important that the litigant not only actually receive justice, but that he believes that he has received justice."

The Supreme Court has ruled and has reaffirmed the principle that "justice must satisfy the appearance of justice," *Levine v. United States*, 362 U.S. 610, 80 S.Ct. 1038 (1960), citing *Offutt v. United States*, 348 U.S. 11, 14, 75 S.Ct. 11, 13 (1954). A judge receiving a bribe from an interested party over which he is presiding, does not give the appearance of justice.

"Recusal under Section 455 is self-executing; a party need not file affidavits in support of recusal and the judge is obligated to recuse herself *sua sponte* under the stated circumstances." *Taylor v. O'Grady*, 888 F.2d 1189 (7th Cir. 1989).

Further, the judge has a legal duty to disqualify himself even if there is no motion asking for his disqualification. The Seventh Circuit Court of Appeals further stated that "We think that this language [455(a)] imposes a duty on the judge to act *sua sponte*, even if no motion or affidavit is filed." *Balistreri*, at 1202.

Judges do not have discretion not to disqualify themselves. By law, they are bound to follow the law. Should a judge not disqualify himself as required by law, then the judge has given another example of his "appearance of partiality" which, possibly, further disqualifies the judge. Should another judge not accept the disqualification of the judge, then the second judge has evidenced an "appearance of partiality" and has possibly disqualified himself/herself. None of the orders issued by any judge who has been disqualified by law would appear to be valid. It would appear that they are void as a matter of law, and are of no legal force or effect.

Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. *United States v. Sciuto*, 521 F.2d 842, 845 (7th Cir. 1996) ("The right to a tribunal free from bias or prejudice is based not on section 144, but on the Due Process Clause.").

Should a judge issue any order after he has been disqualified by law, and if the party has been denied of any of his / her property, then the judge may have been engaged in the Federal Crime of "interference with interstate commerce." The judge has acted in the judge's personal capacity and not in the judge's judicial capacity. It has been said that this judge, acting in this manner, has no more lawful authority than someone's next-door neighbor (provided that he is not a judge). However some judges may not follow the law.

If you were a non-represented litigant, and should the court not follow the law as to non-represented litigants, then the judge has expressed an "appearance of partiality" and, under the law, it would seem that he/she has disqualified him/herself.

However, since not all judges keep up to date in the law, and since not all judges follow the law, it is possible that a judge may not know the ruling of the U.S. Supreme Court and the other courts on this subject. Notice that it states "disqualification is required" and that a judge "must be disqualified" under certain circumstances.

The Supreme Court has also held that if a judge wars against the Constitution, or if he acts without jurisdiction, he has engaged in treason to the Constitution. If a judge acts after he has been automatically disqualified by law, then he is acting without jurisdiction, and that suggest that he is then engaging in criminal acts of treason, and may be engaged in extortion and the interference with interstate commerce.

Courts have repeatedly ruled that judges have no immunity for their criminal acts. Since both treason and the interference with interstate commerce are criminal acts, no judge has immunity to engage in such acts. end

From Douglas Johnson
Case No. 21-10437

Treason

Pg. 3-A

Pg. 5

CONTROLLING OR MOST APPROPRIATE LEGAL AUTHORITY

(List any federal laws, court cases, court rules, etc., that support your request. This may include the Federal Rules of Civil Procedure and the Court's local rules.)

That a void judgment cannot gain legitimacy therefore any issue trying to justify the void judgment is also void as a matter of Supreme court law. Corla Jackson v. Gmace cv-2012 90844.00 feb.6 2019 Extrinsic misrepresentation, misconduct by an opposing party the judgment is void. Any deprivation of due process is illegal. v.t.a. inc v. airco, f.2d 220,224-10th 1979 The court does not have discretion with respect to a motion for relief from a void judgment pursuant to rule 60 (b) (4), relief is not discretionary void judgment is mandatory. Service when proceeding in forma pauperis, Exhibit D, date 3-29 2022.

Ask the original court vacate a default judgment, that was made where the lacked of jurisdiction or was was induced by fraud. The law is well-settled that a void order or judgement is void even before reversal. Rule 4-a when a judge does not follow the law, judge orders are void. Ulrick v. Buter #09-7660. The seventh circuit declared that a void judgment is one which, from its inception was a complete nullity and without legal effect. Black's law Diction. violation of my 7th amendment the right of trial by jury shall be preserved and no fact's tried by a jury, shall be otherwise reexamined. If the rendering court was powerless to enter rule 60 (b) (4) lacked jurisdiction or inconsistent with due process of law. v.t.a. inc. v. Airco, f.2d 220,224-10 th 1979. Rule 4 (a) & 4 m State upon the filing of the complaint the clerk shall forthwith issue summons not wait now over one year, don't matter Judge does not have subject matter jurisdiction. Suppressed evidence is violation of due process, Judge suppressed all my complaint, i will send exhibit A for proof also is page of complaint from civil page 8 of 36. Judge also suppressed complaint & summons over a year now. I do not have certificate of service on any anything from clerk. I will send proof exhibit B from Pro se case Administrator/edm coordinator, Juie Owens date 3-29-2021 also over one year old, also pass date of dismissed of my case of 3 19 2021 how do you dismissed a case with no proof of summons and no subject matter jurisdiction. Judge say screeing process is required by statute, 28 u.s.c. 1915 e 2 i will send proof again exhibit C it does not say wait over a year, I must wait until the Judge Grants my request before service.

Pg. 61

ARGUMENT

(Explain why request should be granted. State how any rules, statutes, or cases support your request. You may also refer to documents to support your request. These documents should be attached as exhibits, unless they were previously filed with the Court.)

Summons violation the case cannot proceed until the defendant on the case has been formally served with court papers. all civil proceedings in all courts established by the constitution and laws 2.410 proof of service. Judgment is if court lacked jurisdiction. Judge ignores the law, judge is always under oath in the courtroom. As for the sixth circuit if Hon. George does not have subject matter jurisdiction, then sixth circuit does not have any jurisdiction. Void judgment is legal nullity. see Black's law Dictionary 1822 3d ed. 1933 see Stephen E. Ludovici. Douglas J. Johnson And the Lord host.

of

To vacate a default Judgment There is no Statute of Limitations on a void Judgment. In the of interest of void judgments are part of common law. 4-a Pro Se Litigant should have full constitutional rights regarding void judgments. When a Judge does not foll the law, the Judge orders are void of no legal force legal force or effect. Case law In the case at bar conspiracy, fraud upon the denial of due process and subject matter jurisdiction are the front and center contitutional issues. Violation of due process that deprives a party of notice or the opportunity to be heard. U.S. Supreme court case of Windson v. Mcveigh Decided Dec.11 1876) 100 u.s. 23.

First Motion filed 1-25-2022

5th motion

"My Case is on internet."

MIE (Rev.04/18) Motion and Brief in Support

Pg. 7

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

(Date) 9-20-2022

Douglas J. Johnson

Plaintiff(s),

Case No. 21-10437

v.

Judge hon. Chief Cox

East Tawas Housing Commission, et Al,

Defendant(s).

*You can Fax me at 248-634-8417
we need transparency*

MOTION FOR

28 u.s.351-364 Disqualification of Judge

I, Douglas J. Johnson, appearing *pro se*, respectfully request that the Court order

Greeting Chief Judge Cox Complaint by Chief judge u.s. code (A) expeditious review, limited inquiry the chief judge shall expeditiously under sec.351 A or 351 B. In determining what action to take. For this purpose, the judge may request the judge whose conduct is complained of to file a written response to the complaint Judicial council pursuant to rules prescribed under sec.358. This motion is on Judge George Caram Steeh case no. 21-10437

1st Motion filed 1-25-2022

for the reasons that follow in the attached brief in support of this motion.

E.D. Mich. Local Rule 7.1 requires that the parties attempt to agree on what you are asking for in this motion before filing it with the Court. Accordingly, I certify that:

I contacted the opposing party/parties to explain my request. The opposing party/parties _____ my request.

OR

I attempted to contact the opposing party/parties by calling Michigan civil rights to file complaint

but was unable to discuss my request with the opposing party/parties.



Pg. 8/

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
THEODORE LEVIN UNITED STATES COURTHOUSE
231 WEST LAFAYETTE BLVD., ROOM 829
DETROIT, MICHIGAN 48226

SEAN F. COX
CHIEF JUDGE

(313) 234-2650

May 16, 2022

Douglas Johnson
3325 Grange Hall Road
Apartment 204
Holly, MI 48442

My Cell 989-820-7034

RE: Correspondence received May 10, 2022

Dear Mr. Johnson:

They are hack my cell & computer so
be careful!

I received your letter on May 10, 2022, regarding your case #2:21-10437, before District Judge Caram Steeh.

As Chief Judge of the United States District Court for the Eastern District of Michigan, I have no authority to take action in a case assigned to other Judicial Officers of our Bench.

Although there is no action for me to take, I wanted to assure you that I had reviewed your letter and forwarded the matter to Judge Steeh.

Sec) sec. 351 A or 351 B

Sincerely,

Sean F. Cox
Chief Judge

→ lie to me

SFC/

cc: Judge Caram Steeh

28 U.S.C. 351-364 Disqualification of Judge
Chief Judge Cox do nothing he lie to me.
He say he has no authority

(Pg 3) 0. 2

10-19-22 Richard C. Lussy
Civil Rice Frauds on Pro Se
Court by pro se officials of court

Filed June 30-2020 Title 42 Sec 1983
20-5029
U.S. Supreme Court

U.S. Amendment VIII

5th Motion in Here
Oct 4-2022

Pg. 9

Fax to 313-234-2651

Greeting Chief Judge Cox

I now get Vexation litigation order from your friend George Steeh. This is now 1 more complaint, you need to do your job take this to Judicial Council's. Vexations litigations are "extreme" remedy that should rarely be used, before it grants a request for a prefiling review order a court should ① give the litigant adequate notice and opportunity to be heard ② Compile an adequate record for review ③ make "substantive" findings as to the frivolous or harassing nature of the litigant actions and ④ narrowly tailor the order to "closely" fit the specific Vice encountered. George now in violation, of my first Amendment, 14th Amendment. I have a constitutional right of access to the court's. All this is one more lawsuit, as you know or should know, Pg. ⑤ In fact, Pro Se Petitioner

→ None