**UNITED-STATES-COURT-OF-APPEALS-FOR-THE-SIXTH-CIRCUIT**

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| Douglas-Alan: Pelmear, et-al Appellants, v.Maureen O’Connor, et-al Appellees. | )))))))))))) | Civil-Rights-Color-Of-Law-AppealAppeal-No. 0:18-CV-03915 Original-Case.3:18-CV-1480   |

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**APPELLANTS-RESPONSE, REPLY-BRIEF and AFFIRMATION**

Douglas-Alan: Pelmear

Noah-Wade: Pelmear

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# STATEMENT-IN-SUPPORT-OF-ORAL-ARGUMENT

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I, Douglas-Alan: Pelmear and Noah-Wade: Pelmear, [***pro se***], "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, Haines v. Kerner, 404 U.S. 519,520 (1972). “In a 42-1983 action, the allegations of the complaint and the inferences to drawn there from, upon a motion to dismiss, must be taken most favorably to the plaintiff.” Nanez v. Ritger (1969, DC Wis.) 304 f. Supp, 354.

The United-States-District-Court-For-The-District-Of-Ohio-Eastern-Division which is the wrong division or fictitious grammar was found on the header of Memorandum-Opinion-And-Order ***committing a complete reverse of the courts’ dismissal*** by: denying procedural due process and equal protection, by denying a hearing of the affirmed or sworn evidence in the complaint, by denying hearings on all the plaintiffs’ affirmed or sworn evidence in the motions including denying the plaintiffs’ ***the right*** to rebut the 6th district court of appeals motion to dismiss and being denied access to the court. ***We ask for a*** ***complete reverse of dismissal filed September 11, 2018 and to allow hearings of all the appellants’ motions and for default-judgment of The-Supreme-Court-Justices and*** default judgment of the Judges-Of-The-Sixth-District-Court-Of-Appeals and any of the defendants who failed to plead or otherwise defend within proceeding within the time period specified under law andto be heard by an unbiased judge***.***

**STATEMENT-OF-JURISDICTION**

We, Douglas-Alan: Pelmear and Noah-Wade: Pelmear, [***pro se***], "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see Haines v. Kerner, 404 U.S. 519,520 (1972)

1. The original case in United-States-District-Court-For-The-District-Of-Ohio-Western-Division 3:18CV1480 was brought pursuant to Title-42-U.S.C.-sec. 1983, 1985, 1986 and 1988, also, but not limited to Article-1-sec. 10, the First, Fourth, Fifth, Sixth, Seventh, Eight and Fourteenth-Amendments to the United-States-Constitution. ***This was not disputed in U.S.-District-Court.***
2. Jurisdiction is found upon 28-USC sec(s). 1330 “(a) The [district courts](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-197249415-2029586402&term_occur=338&term_src=title:28:part:IV:chapter:85:section:1330) shall have original jurisdiction without regard to amount in controversy of any nonjury civil action”,1331, 1332 ” (a) The [district courts](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-197249415-2029586402&term_occur=341&term_src=title:28:part:IV:chapter:85:section:1332) shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of $75,000, exclusive of interest and costs,” and sec. 1343 “(a) The [district courts](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-197249415-2029586402&term_occur=366&term_src=title:28:part:IV:chapter:85:section:1343) shall have original jurisdiction of any civil action authorized by law to be commenced by any person: (1) **To recover damages for injury to his person or property, or because of the deprivation of any right or privilege** of a citizen of the United [States](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-80204913-1053471904&term_occur=831&term_src=title:28:part:IV:chapter:85:section:1343), by any act done in furtherance of any conspiracy mentioned in [**section 1985 of Title 42**](https://www.law.cornell.edu/uscode/text/42/1985)**;**

(2) **To recover damages from any person** who fails to prevent or to aid in preventing any wrongs mentioned in [**section 1985 of Title 42**](https://www.law.cornell.edu/uscode/text/42/1985) which he had knowledge were about to occur and power to prevent;

(3) To redress the deprivation, **under color of any** [**State**](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-80204913-1053471904&term_occur=832&term_src=title:28:part:IV:chapter:85:section:1343) **law**, statute, ordinance, regulation, custom or usage, of any right, privilege or immunity secured by the Constitution of the United [States](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-80204913-1053471904&term_occur=833&term_src=title:28:part:IV:chapter:85:section:1343) or by any Act of Congress providing for equal rights of citizens or of all persons within the jurisdiction of the United [States](https://www.law.cornell.edu/definitions/uscode.php?width=840&height=800&iframe=true&def_id=28-USC-80204913-1053471904&term_occur=834&term_src=title:28:part:IV:chapter:85:section:1343);

(4) **To recover damages or to secure equitable** or other relief under any Act of Congress providing for the protection of civil rights” and the aforementioned statutory and constitutional provisions.” ***The original jurisdictional codes were not disputed in the U.S.-District-Court.***

1. Appellant(s)/Plaintiff(s), Douglas-Alan: Pelmear is a natural individual, free living man, member in good standing with Cherokee nation of Indians, domicile in and around Henry-County-Ohio and Noah-Wade: Pelmear is a natural individual, free living man, member in good standings with Cherokee nation of Indians, domicile in and around Fulton-County-Ohio.  ***This statement is public record and was not disputed in the US-District-Court and stands by acquiescence.***
2. Appellee(s)/ Defendant(s) are being sued in their official, personal and private capacity. Appellee(s) / Defendant(s) Ohio–Supreme-Court-Chief-Justice Maureen O'Connor, Justice Terrence O'Donnell, Justice Sharon L. Kennedy, Justice **Judi L. French,** Justice Patrick F. Fischer, Justice R. Patrick DeWine, Justice Mary DeGenaro, Ohio-Sixth-District-Court-Of-Appeals-Judge Arlene Singer, Judge James D. Jenson, Judge Christine E. Mayle, Defiance-County-Court-Judge Joseph N. Schmenk, Bryan-Ohio-Judge Kent Lewis North, Judge Jeffery L. Robinson, Fulton-County-Ohio-Attorney-Prosecutor-Judge Eric K. Nagel, Judge or attorney Mark Powers, Wauseon-Ohio-Prosecutor Thomas Albert McWatters III, Assistant-Prosecutor-Stephen M. Maloney, Assistant-Prosecutor Kevin Whitlock, Barber, Kaper, Stamm, McWatters & Whitlock, Archbold-Ohio-Prosecutor Mark D. Hagans, Fulton-County-Ohio-Prosecutor Scott Haselman, Fulton-County-Ohio-Clerk-Of-Courts Tracy Zuver, Fulton-County-Ohio-Sheriff Roy E. Miller, Deputy Matthew Smithmyer, Deputy Jeremy Simon, Deputy John Trejo, Henry-County-Prosecutor John Jay Hanna, Henry-County-Ohio-Prosecutor Gwen Howe-Gebers, Henry-County-Ohio-Sheriff Michel Bodenbender, Henry-County-Clerk-Of-Court Connie L. Schnitkey, Fulton-County-Ohio-Court-Western-District-Clerk Heather Lumbrezer, Deputy-Clerk Whitney Lavinder, Bailiff Mike Mann, Deputy-Clerk Alyese Stidham, Deputy-Clerk Randi Wudi, Fulton-County-Ohio-Dog-Warden Brian Banister, Deputy-Dog-Warden Jon Rufenacht, Reminger Co. LPA, Attorney Michael P. Gilbride, Donna L. Keefe, Fishel Hass Kim Albrecht Downey LLP, Attorney Marc A. Fishel, Maumee-Valley-Planning-Organization, Dennis Miller, Director, Marsha Kolb, Matthew Davis, Wauseon-Ohio-City-Counsel, Jeff Stiriz (President), Shane Chamberlin, Scott Stiriz, Harold Stickley, Steve Schneider, Kathy Huner (Mayor), Archbold-Ohio-City-Counsel, Kevin L. Morton (President), Vaughn Bentz, Kenny Cowell, Kevin Eicher, Brian Huffman, Ed Leininger, Fulton-County-Ohio-Commissioners, Jon Rupp, Bill Rufenacht Jeff Rupp, Henry-County-Ohio-Commissioners, Thomas H. VonDeylen, Bob Hastedt, Glenn Miller, Defiance-County-Ohio-Commissioners, Ryan Mack, Mick Pocratsky, Gary L. Plotts, Correction-Center-of-Northwest-Ohio or CCNO, Dennis Sullivan of CCNO, Michelle K. Schlade, (79 defendants known at this time) live and work in Ohio and same as state or county judges, county prosecutors, city attorneys and other Ohio county and state employees or working with the sate entities or “et al”, which are state actors and acting at all times under color of state law, which have participated in the ***denial*** of federally protected common law rights and the ***denial*** unalienable United-States-Constitutional-Rights. ***This was not disputed in U.S.-District-Court and stands by acquiescence..***
3. Ex-Parte Young 209 US 123 (1908) “ The Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under color of state law…when a state officer acts under a state law in a manner violative of the federal constitution. And he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” ***This was not disputed in US-District-Court*** ***and stands by acquiescence.***

# STATEMENT-OF-ISSUES

The civil rights lawsuit is a federal court case 3:18cv1480 by the United-States-District-Court-For-The-Northern-District-Of-Ohio **denied due process and equal protection** by denying all motions, by denying a hearing is to deny access to the court of the appellant(s)/plaintiff(s), Douglas-Alan: Pelmear and Noah-Wade: Pelmear:

* 1. The United-States-District-Court-For-The-Northern-District-Of-Ohio arbitrarily and capriciously without foundation **denied the right to rebut** the Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals which is a **violation of due process and equal protection**.
	2. In the United-States-District-Court-For-The-Northern-District-Of-Ohio **none of the defendants answered or denied the plaintiffs’ complaint**. Only Judge Arlene Singer, Judge James D. Jenson, Judge Christine E. Mayle submitted a Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals.
	3. The OHIO-Supreme-Court Chief-Justice Maureen O'Connor, Justice Terrence O'Donnell, Justice Sharon L. Kennedy, Justice **Judi L. French,** Justice Patrick F. Fischer, Justice R. Patrick DeWine, Justice Mary DeGenaro and the Ohio-Sixth-District-Court-Of-Appeals Judge Arlene Singer, Judge James D. Jenson, Judge Christine E. Mayle denied due process and equal protection allowing the trial court’s decision to stand **completely absent of jurisdiction** of Fulton-County-Court case# TRD 1601588 and TRD 1602132. “Absolute judicial immunity does not extend to judges who act (1) in a non-judicial capacity; or (2) in the complete absence of all jurisdictions. Barne v. Winchell, 105 F.3d 111, 1115-16 (6th Cir. 1997)”. As found in Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals, page 5, last paragraph. Admission and confession on the public record of **no jurisdiction** are in the court transcripts. See *Exhibit attached Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals and exhibit 30 and 31 Fulton-County-Court transcripts from the plaintiffs’ complaint case# 3:18-CV-1480 also attached*.
	4. **Judge-Jeffery-James-Helmick practiced law from the bench** when he introduced evidence into the case which has fraudulent documents from the defendants, a fraud perpetrated by defendants in this case.
	5. ***Judge-Jeffery-James-Helmick*** denied discovery but ***introduced evidence into the court*** in the Memorandum-Opinion-And-Order which was not known or was not in testimony, found on page 7 no. 10, paragraph b. “***Three unnamed Archbold police officers*** used intimidation and threats of force in violation of equal protection” The information of “***Three unnamed Archbold police officers***” was not known and wasn’t found in any discovery in this case.
	6. The United-States-District-Court-For-The-Northern-District-Of-Ohio-Clerk-Of-Court should have issued Default-Judgments for not answering the complaint on time of the Ohio-Supreme-Court-Justices, of the Ohio-Sixth-District-Court-Of-Appeals, of Attorney Marc A. Fishel and Fishel Hass Kim Albrecht Downey, denying due process and equal protection. **Fact is none of the defendants ever denied or answered our complaint in the U.S.-District-Court on time.**
	7. The United-States-District-Court-For-The-Northern-District-Of-Ohio Judge-Jeffery-James-Helmick allowed the defendants to have ***absolute judicial immunity*** or ***quasi judicial immunity*** even when all the defendants hasn’t responded to admit or deny the 42 U.S.C. 1983 complaint (quasi means to looks like real, but is not real) denying due process and equal protection. “*Judicial definition* that misuse of power possessed by virtue of state law and made possible only because wrong-doer is clothed with authority of state law is action taken under color of state law, within this section is applicable to judge.” Duke v. State of Texas, DC Tex. 1971, 327 F. Supp. 1218. The amends to 28 U.S.C.A. 2680(h) allows individuals to sue the federal government for injures or damages caused by unauthorized acts or omissions of investigative or law enforcement officers of the U.S. government. ***So in deciding what congress meant when it referred to every person in 42 U.S.C. 1983, it is significant that congress had earlier rejected specifically absolute immunity, judicial immunity by the passing the Civil Rights Act of 1886.*** Littleton v. Barbier, 460 F. wd 389 (1972) “In a 42-1983 action, the allegations of the complaint and the inferences to drawn there from, upon a motion to dismiss, must be taken most favorably to the plaintiff.” Nanez v. Ritger (1969, DC Wis.) 304 f. Supp, 354.
	8. Judge-Jeffery-James-Helmick denied all motions without a hearing violating due process and equal protection and by denying access to the court of affirmed motions. “A complaint may not be dismissed on a motion if it states some sort of claim, baseless thought it may prove to be and inartistically as the complaint may be drawn. This particularly true where the plaintiff is not represented by counsel. Brooks v. Pennsylvania R. Co., 91 F. Supp. 101 (DC SD NY 1950).
	9. The Motion-For-Sanctions filed July 9, 2018, this is where Judge Eric K. Nagel judged cases TRD 1601588 and TRD 1602132, where he (Eric K. Nagel) was the prosecutor on the same cases before becoming the judge. As prosecutor Eric K. Nagel, he denied discovery (due process), but used discovery evidence in the cases and to impact the sentences. The same two cases where the court never had jurisdiction and admitted not having jurisdiction on the court record, where there was a jail sentence and where jury was denied, where the cases were re-judged (double jeopardy) to a harasser jail sentence by Judge-Kent-North. Cases TRD 1601588 and TRD 1602132 are a part of this civil rights action. **This Motion-For-Sanctions was not answered on time falling into default judgment but judgment was not granted yet.**
	10. All Courts judging so far have allowed the Fulton-County-Court **completely absent of jurisdiction** to ***connive*** or pretend ignorance and or to conspire with the defendants of 3:18CV1480 to ***machinate*** (to plan a plot to do harm). Where I, Noah-Wade: Pelmear was re-judged by Judge Kent North to a harsher sentence of jail November 16, 2017 or violation of double jeopardy and denied counsel, denied trial by jury and denied discovery, but the discovery evidence was used in trial and used to impact jail sentence by prosecutor Eric K. Nagel. I, Noah-Wade: Pelmear was jailed while on an Ohio Supreme Court on a Stay December 22.2017 where the trial court admitted they had no jurisdiction but continued without jurisdiction. These actions are a violation of due process and equal protection.
	11. Henry-County-Commissioner-Thomas H. VonDeylen used the powers of the office by the color of office to deny federally protected rights and unalienable United-States-Constitutional-Rights by going to the bank, conspiring with the bank president William Wendt of Henry-County-Bank to stop the right to contract of borrowing funds. Then to hide the abuse of power, Henry-County-Commissioner Thomas H. VonDeylen conspired with Dennis Miller of Maumee-Valley-Planning-Organization or MVPO in Defiance, Ohio and Thomas Albert McWatters III, Wauseon-Ohio-City-Attorney/Prosecutor, Special-Attorney-for-the-Ohio-Attorney-Generals-Office and MVPO attorney. This is where a plot (meaning: a plan made in secret by a group to do something illegal or harmful) was devised and acted upon in order to deprive our life, liberty, property and pursuit of happiness, without due process of United States Constitution Amendment V.
	12. Judge Joseph N. Schmenk summary judged cases 13CV42618 and 13CV42628 by fraudulent documents forged by the defendant to deceive the court, H.U.D. and Ohio-Secretary-Of-State to secure a wrongful UCC1 lien of HP2G-LLC. The Defiance-County-Court denied all hearings denying due process and equal protection and denied access to the court.

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# STATEMENT OF THE CASE

I, Douglas-Alan: Pelmear and Noah-Wade: Pelmear, [***pro se***], "however inartfully pleaded" are held "to less stringent standards than formal pleadings drafted by lawyers, see Haines v. Kerner, 404 U.S. 519,520 (1972).

**Warning** what you are about to read may shock your conscience and wasn’t know for years after the conniving plot was devised, put into action, damage had started and how far the defendants/appellees will go to hide their common practices of deceit. This case has not been heard in the U.S.-District-Court yet.

Appellants/plaintiffs Douglas-Alan: Pelmear and Noah-Wade: Pelmear states the civil rights violates started by the appellee/defendant Henry-County-Commissioner Thomas VonDeylen in August 2009. Where our company, Horse Power Sales.net Inc, hereafter “HPSN”, obtained a bridge loan from the Henry-County-Revolving-Loan-Fund or hereafter “the RLF loan”. During the RLF loan process Thomas VonDeylen didn’t believe in Douglas-Alan: Pelmear’s project so much he went the Henry-County-Bank and stopped loan process for HPSN, HP2g-LLC (another business of the appellants) and Douglas-Alan: Pelmear. Thomas VonDeylen was absent during voting on the RLF loan for HPSN but had the public records changed by Henry-County-Board-Of-Commissioners clerk Vickie Glick to reflect he had voted “no” on the loan resolution.

 In May 2010 Maumee-Valley-Planning-Organization, or hereafter “MVPO”, the RLF loan administrator submitted forged fraudulent documents to Ohio-Secretary-Of-State to secure a wrongful UCC1 lien on HP2g-LLC a nonparty to the RLF loan in the attempt to get Douglas-Alan: Pelmear’s patent(s). MVPO’s wrongful UCC1 lien on HP2g- LLC started May 25, 2010. Meanwhile Douglas-Alan: Pelmear and HP2g-LLC was seeking funding from Federal grants, Fulton-County and Wauseon City RLF loans (where HP2g-LLC was located and MVPO was the loan administrator also), banks, but not receiving enough funds in despite of the efforts. In January 2012 an angel investment group (with a multi-million dollar offer) in their research found a UCC1 lien on HP2g-LLC by Henry-County RLF loan and brought this record to my Douglas-Alan: Pelmear attention. I, Douglas-Alan: Pelmear brought the wrongful UCC1 to the attention of Henry-County-Commissioner Richard Myers. Richard Myers took the information to the loan administrator MVPO to correct the wrongful UCC1 lien. MVPO wrote a letter saying the UCC1 lien was in error and would be corrected. HP2g-LLC, was not taken off the lien, but HPSN was added to the UCC1 lien. In a letter obtained in public records request from Dennis Miller of MVPO to Henry-County-Commissioner July 17, 2013 stated Marsha Kolb of MVPO, for RLF loan of HPSN, knowingly and willfully placed the wrongful UCC1 lien on HP2g-LLC a nonparty to the HPSN-RLF loan with fraudulent forged documents manufactured in an attempt to secure patents which were never promised to RLF loan and is personal intellectual property of me, Douglas-Alan: Pelmear. This letter goes on to say ***“I don’t believe that Doug or his business ventures have been harmed though the actions of MVPO or Henry County Commissioners”*** as MVPO and the Henry-County-Board-Of-Commissioners are assessing their potential liability of their actions against myself and the businesses**.**

Because of the lack of funding in July 2012 MVPO got a judgment using attorney Eric K. Nagel to confess judgment on HPSN’s behalf of the RLF loan in Henry-County-Common-Pleas-Court case #12CV0120, but the loan documents used in court were fraudulently signed. So MVPO agreed to make a new RLF loan to HPSN for a six month $50,000 balloon payment with only 2 cars as security for the loan. Now the RLF loan documents were altered. The-Board-Of-Commissioners-Of-Henry-County by MVPO seized a 1965 Ford-Mustang GT and a 1993 Ford-Mustang-Special-Edition, the only 2 pledged vehicles and twice taken by **Henry County Sheriff Michael D. Bodenbender** while the Henry –County–Prosecutor watched the ***double jeopardy*** **(United States Constitution Amendment V).** The first time 6-13-2013 the cars were held pass the statute of limitation to sell the seized assets and returned damaged, I, Douglas-Alan: Pelmear repaired damages after being returned by Henry-County-Prosecutor John Jay Hanna because the statue of limitation of time to sell the assets or cars had expired. Second time assets or cars were taken was on 9-5-14. The cars were damaged again before the sale. The 1993 Ford-Mustang was advertised for sale at a 50% diminished appraised worth over their appraisers. As per Thomas Albert McWatters’ III email Sent: Friday, July 19, 2013 (quote)***“This general strategy would alleviate the need to try to sell the two cars we have now for top dollar.”*** **or in other words; discrimination, double jeopardy, threats without provocation, which Thomas Albert McWatters III with “et al” followed through the *devised plot’s* “general strategy” and still continues by color of the offices, color of state law and *organized public corruption***

Because of the lack of funding in March 2013 MVPO got a judgment using attorney Eric K. Nagel to confess judgment on HPSN’s behalf of the RLF loan in Henry-County-Common-Pleas-Court case #13CV0045.

Henry-County-Ohio-Commissioners ***conspired*** with Dennis Miller of Maumee-Valley-Planning-Organization or MVPO Defiance, Ohio and **Thomas Albert McWatters III**, Wauseon-City-Attorney/Prosecutor, Special-Attorney-for-the-Ohio-Attorney-Generals-Office and MVPO/Henry-County-Commissioners attorney to ***mastermind* a *plot* was *devised* as “general strategy” and acted on in order to *deprive* of life, liberty, property and pursuit of happiness,** **without due process of law (Amendment V)*.*** Thomas Albert McWatters III sent the plot Friday, July 19, 2013 to Dennis Miller of MVPO, and quotes: *“Here is a suggestion on how to proceed.”,” It would require some participation/assistance by the Sheriff”,” What if we issued a writ for all Mustangs located at the Florida Site”,” We could broaden it to include all cars owned by Horse Power”,“ This general strategy would alleviate the need to try to sell the two cars we have now for top dollar”,* ***“It would also give the commissioners (and you!) a chance at some pay back against Pelmear”,“ I assume he is not aware that we can grab anything he has and have it sold”****,****“ I would assume there would be some satisfaction gained from collecting all his mustangs!” Horse Power is an Ohio used car dealer owned by Douglas-Alan: Pelmear and is a nonparty to the HPSN-RLF loan agreement.***

August 31, 2015 Douglas-Alan: Pelmear’s personal property, 5 Ford-Mustang vehicles and an enclosed car trailer titled in Cherokee nation of Indians, were seized for the RLF loan of a nonparty, never promised or used as collateral in any agreement with MVPO and/or Henry-County-Revolving-Loan-Fund as per Thomas Albert McWatters’ III email ***plot*** of July 19, 2013,(quote) ***”What if we issue a writ for all Mustangs”, “ We could broaden it to include all cars owned”, “It would give the commissioners (and you) a chance at some pay back against Pelmear”.***

The Horse-Power-Sales-net-INC. paid $55,593.01 on October 20th, 2015 (there wasn’t an accounting of the funds from the sale of the two cars that was under priced) which was an over payment of loan to Maumee-Valley-Planning-Org. or MVPO/Henry-County-Revolving-Loan-Fund, the ***payoff was under duress****,* to stop the seizure and sale of my, Douglas-Alan:-Pelmear’s, personal property without due process and equal protection.

I, Douglas-Alan: Pelmear, Horse-Power-Sales-net-LLC and HP2g-LLC (plaintiffs) sued Henry-County-Ohio, et al in Defiance-Ohio-Common-Pleas-Court in November 2013 cases numbers 13CV42618 and 13CV42628 which were active till January 2018 without ever have an hearing. The **Judge Joseph N. Schmenk, the court clerks and staff denied of due process and equal protection by judging the cases without ever scheduling any hearings and allowed *counterfeit fraudulent document* which was made by MVPO and signed by Dennis Miller the director only, *forgery.*** Defiance-Ohio-Common-Pleas-Court ***denied hearings of Fraud-Upon-The-Court and due process by denying access to the court.***

On the May 27, 2016 it started out with Douglas-Alan: Pelmear had an interview on Fred Lefebvre 1370 WSPD about HP2g 110 mile per gallon hybrid engine and the ***extreme and server prejudice and discrimination*** of Thomas Albert McWatters III, other state agencies and associates and ***organized public corruption***. The Thomas Albert McWatters’ III email of July 19, 2013, was read over the air and the (quote) ***“It would give the commissioners (and you) a chance at some pay back against Pelmear” was talked about extensively.* Thomas Albert McWatters III** employment was at the time Wauseon-City-Attorney, Special-Attorney-for-the-Ohio-Attorney-Generals-Office and of the law firm of Barber, Kaper, Stamm, Robinson & McWatters (Robinson of the firm was the Fulton-County-Court-Judge).On this same day after my father was on the radio around 6:45pm I, Noah-Wade: Pelmear, was turning on to East-Oak-Street in Wauseon-Ohio from a private driveway without using a turn signal for which there is no law broken and I was arrested, hand cuffed and placed in the back of a Marc Tanner’s Wauseon-City-Police cruiser ***retaining my liberties*** without ***my rights to counsel*** and while the vehicle I drove was towed and impounded from a parking space.

**Jurisdiction** was challenged at arraignment in these cases at the Fulton-County-Court move on without any jurisdiction at all. Admission and confession of no jurisdiction are in the court transcripts exhibit 30 and 31 of complaint. Jurisdiction in-personam, subject matter and geographic was never proven just overruled by Judge Kent North. The prosecution neglected to prove jurisdiction and Judge Kent North moved on as it was assumed.“The law provides that once State and Federal Jurisdiction has been challenged, it must be proven." Main v. Thiboutot, 100 S. Ct. 2502 (1980) , **"The law provides that once State and Federal Jurisdiction has been challenged, it must be proven."** Main v. Thiboutot, 100 S. Ct. 2502 (1980).

 **"Once challenged, jurisdiction cannot be assumed, it must be proved to exist."** Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P2d 389.

 **"Court must prove on the record, all jurisdiction facts related to the jurisdiction asserted**." Latana v. Hopper, 102 F. 2d 188; Chicago v. New York, 37 F Supp. 150.

**"A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court**" OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8, 27 S. Ct. 236 (1907).

**"Jurisdiction is fundamental and a judgment rendered by a court that does not have jurisdiction to hear is void ab initio."** In Re Application of Wyatt, 300 P. 132; Re Cavitt, 118 P2d 846.

**Without which power (jurisdiction) the state CANNOT be said to be "sovereign." At best, to proceed would be in "excess" of jurisdiction which is as well fatal to the State's cause**. Broom v. Douglas, 75 Ala 268, 57 So 860

**Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)**

Note: Any judge 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.

The U.S. Supreme Court has stated that "no state legislator or executive or

judicial officer can war against the Constitution without violating his undertaking

to support it".

**The Constitution of the United States Amendment XIV**, nor deny to any person

within its jurisdiction the equal protection of the laws

Then Prosecutor Eric K. Nagel (now judge) has a **conflict of interest** by being a witness and had been an attorney for HPSN where I, Noah-Wade: Pelmear, am advisor in an active court case in Defiance-Common-Pleas-Court case # 13CV42818 for which I had an interest in the outcome. Motions were overruled before looking at evidence submitted into the trial court.

The ***Fulton-County-Court overruled and denied discovery by suppressing all*** [***evidence***](https://en.wikipedia.org/wiki/Evidence_%28law%29). Supression of evidence is a violation of the due process clause of the Fourteenth-Amendment. Prosecutor, (now Judge), Eric K. Nagel failed to disclose any evidence and which is known as *Brady* evidence “a treatise on prosecutorial misconduct, “[a] prosecutor’s violation of the obligation to disclose all evidence.” As ***prosecutor, Eric-K-Nagel refused to disclose any evidence*** and then, ***he used that same undisclosed evidence in trial and then again to impact the trial court’s sentences***.

***Brady v. Maryland***, [373](https://en.wikipedia.org/wiki/List_of_United_States_Supreme_Court_cases%2C_volume_373) [U.S.](https://en.wikipedia.org/wiki/United_States_Reports) 83 (1963) landmark [United States Supreme Court](https://en.wikipedia.org/wiki/Supreme_Court_of_the_United_States) case in which the prosecution had withheld from the criminal [defendant](https://en.wikipedia.org/wiki/Defendant) certain [evidence](https://en.wikipedia.org/wiki/Evidence_%28law%29). The defendant challenged his conviction, arguing it had been contrary to the [Due Process](https://en.wikipedia.org/wiki/Due_process) Clause of the [Fourteenth Amendment](https://en.wikipedia.org/wiki/Fourteenth_Amendment_to_the_United_States_Constitution) to the [United States Constitution](https://en.wikipedia.org/wiki/United_States_Constitution).

**Mooney v. Holohan**, [294 U. S. 103](https://supreme.justia.com/cases/federal/us/294/103/case.html), 112, where the Court ruled on what nondisclosure by a prosecutor violates due process: ”It is a requirement that cannot be deemed to be satisfied by mere notice and hearing if a state has contrived a conviction through the pretense of a trial which, in truth, is but used as a means of depriving a defendant of liberty through a deliberate deception of court”

**Pyle v. Kansas**, [317 U. S. 213](https://supreme.justia.com/cases/federal/us/317/213/case.html), 215-216, we phrased the rule in broader terms: "Petitioner's papers are inexpertly drawn, but they do set forth allegations that his imprisonment resulted from perjured testimony, knowingly used by the State authorities to obtain his conviction, and from the deliberate suppression by those same authorities of evidence favorable to him. These allegations sufficiently charge a deprivation of rights guaranteed by the Federal Constitution,

**Jury demand** was made on time, but overruled by color of law by the Fulton-County-Ohio-Court at trials of case # TRD 1601588 and TRD 1602132.

**Right to Jury Trial (A)** At any trial, in any court, for the violation of any statute of this state, or of any ordinance of any municipal corporation, (2) A violation for which the potential penalty does not include the possibility of a prison term or jail term and for which the possible fine does not exceed one thousand dollars.

 **The Constitution of the United States Amendment VI**, In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the state.

**Speedy trail** motion was overruled by the Fulton-County-Court at trials of case # TRD 1601588 and TRD 1602132.

**Time for trial (B)** a person against whom a charge of misdemeanor, other than a minor misdemeanor, is pending in a court of record, shall be brought to trial as follows:**(2)** Within ninety days after the person's arrest or the service of summons, if the offense charged is a misdemeanor of the first or second degree, or other misdemeanor for which the maximum penalty is imprisonment for more than sixty days.

**The Constitution of the United States Amendment VI**, In all criminal prosecutions, the accused shall enjoy the right to a speedy trial.

City-of-Wauseon-Law-Director/Prosecutor Thomas Albert McWatters III, of Barber, Kaper, Stamm, Robinson, McWatters and now Whitlock has a ***conflict of interest*** by being sued in court case in Defiance-Common-Pleas-Court case # 13CV42818 where fraudulent documents in case # 13CV42628 were ***forged*** by the defendants and submitted to the court. By developing these ***forged counterfeit fraudulent documents*** the defendants and their offices, secured a wrongful UCC1 lien at the Ohio-Secretary-Of-State for 6 plus years.

**Judge Arlene Singer, Judge James D. Jensen and Judge Christine E. Mayle**.

The Court-Of-Appeals-Of–Ohio-Sixth-Appellate-District-Fulton-Court allowed the denial of federally protected common law rights and unalienable United-States-Constitutional-Rights**.** I wasalso denied procedural due process by not have a hearing on fraud upon the court, denying access to the court and allowing the denial of due process and equal protection of the lower court, acting under color of law in case # F-16-009 and F-16-010 .

Assistant-Prosecutor Stephen M. Maloney and Assistant-Prosecutor Kevin Whitlock of Barber, Kaper, Stamm, McWatters & Whitlock, are ***in conflict of interest***, received the **Ohio-Supreme-Court’s temporary stay** for case # 2017-1690 on December 22, 2017 by email, during normal business hours. The Fulton-County-Court-Western-District Judge Kent-North violated the stay order causing kidnapping, unlawful detention of my liberties and imprisonment for five plus days and forced to pay fees at the Corrections-Center of Northwest-Ohio while on the Ohio-Supreme-Court-Stay. Going against law**: “notice to agent, is notice to the principal, notice to principal is notice to agent”** or in this case, ***notice to the prosecutor, is notice to the court.*** The Ohio-Supreme**-**Court temporary stay was also posted on their website, which is public record on December 22, 2017, during normal business hours.

**Fraud upon the court** was first seen in the Ohio-Supreme-Court entries in case 2017-1690 exhibits of “DENNIS SULLIVAN’S MEMORANDUM CONTRA”… exhibits by **Attorney Scott A. Haselman** Prosecuting-Attorney-of- Fulton-County with ***counterfeit evidence.***

My **Motion-Of-Contempt-And-Affidavit** of the Ohio-Supreme-Court stay order was not heard on case 2017-1690, but was ***disposed* because Dennis Sullivan and Correction-Center-Of-Northwest-Ohio hired attorney Marc A. Fishel which was a adviser for the Ohio Supreme Court.** The contemptors ***kidnapped me, unlawfully imprisoned me and retained my liberties* while on a “Stay” by the Ohio-Supreme-Court, without substantive due process, procedural due process, equal protection, procedure under color of law and *denying access to the court.***

Next fraud is between the actual Summons of “MOTION TO REVOKE COMMUNITY CONTROL & IMPOSE SENTENCE”.

**This *fraud* upon the Ohio-Supreme-Court was not been heard more than seventy three days which is not a speedy trial dismissed denying me access to the court. Wauseon-City-Police-Officer Marc Tanner committed *perjury* of his testimony at trial. I have now found from a public records request of these cases, because I was denied discovery, the Officer Marc Tanner and Officer Tony Imber made *fraudulent* claims or omitted the truth on the police report. Officer Marc Tanner also *perjured* himself at my trial. The Ohio-Supreme-Court** denied due process and equal protection and allowed of the all of the lower courts to denied due process and equal protection acting under color of law in case # 2017-1690 and denied access to the court.

 Wauseon-City-Assistant-Prosecutors, Stephen M. Maloney and Kevin Whitlock filed on November 16, 2017 a “MOTION TO REVOKE COMMUNITY CONTROL & IMPOSE SENTENCE” of case # TRD 1601588 and TRD 1602133 to re-judge or double jeopardy on me without ever being found guilty for any crime. Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Note: Any judge 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.

The U.S. Supreme Court has stated that "no state legislator or executive or

judicial officer can war against the Constitution without violating his undertaking

to support it".

**I, Noah-Wade: Pelmear was re-judged to a harsher sentence on February 26, 2018** of ***jail with no work release*** when in the first trial on October 13, 2016 I was judged as ***jail with work release.*** The conspiring with two or more, depriving me of the rights by ***intimidation*** and the ***threat of force*** to deny my civil rights to equal protection of the law with use of armed bailiff Mike Mann, Deputy-Sheriff Matt Smithmyer, Deputy-Sheriff Jamie Simon and this sheriff dog. I, Noah-Wade: Pelmear, was re-judging to a harsher sentence then the October 13, 2016 trial of TRD1601588 and TRD1602132 cases by Judge Kent Lewis North, Judge Kent Lewis North ***conspired*** with two or more officers, deputies with use of the sheriff dog, clerks, Assistant-Prosecutor-Stephen M. Maloney and Assistant-Prosecutor Kevin Whitlock of Barber, Kaper, Stamm, McWatters & Whitlock, ***organized public corruption*** to ***deprived me of the right of double jeopardy* per the United States Constitution’s Fifth Amendment.**

These two cases were then in OHIO-SUPREME-COURT and **denial of my rights** **under color of state law** continued by disposed the case without a hearing denying me access to the court..

 On January 16, 2018 in OHIO-SUPREME-COURT I, Noah-Wade: Pelmear submitted a motion of contempt and affidavit. It was discovered there after Contemptor Dennis Sullivan is of Correction-Center-of-Northwest-Ohio attorney had a **conflict of interest** by being on an advisory board to The-Ohio-Supreme-Court. Attorney Marc A. Fishel is a member of the Supreme-Court’s-Commission on Dispute-Resolution which consists of twenty one members appointed by the Chief-Justice and Justices of the Supreme-Court. The Ohio-Supreme-Court’s Commission-on-Dispute-Resolution is an advisory board for the Supreme-Court and the staff.

Archbold-Police, Fulton-County-Ohio, pulled me over for driving under a yellow light February 2017. The officer wrote a ticket for no Ohio-Drivers-License. Then the Archbold-Police-Officer Nathan Slough made contact with the owner of the vehicle (I was driving) with my phone, Douglas-Alan: Pelmear, because “the vehicle must have been stolen”. Next officer made the owner, Douglas-Alan: Pelmear (my father) drive from Henry-County to Archbold-Fulton-County where I was being detained or I was to be jailed. When my father Douglas-Alan: Pelmear arrived, the officer asked him many times if the vehicle was stolen. The answer was ***they don’t have jurisdiction***. The obvious is the officers (three officers) forced Douglas-Alan: Pelmear to drive to Archbold, Ohio by ***intimidation*** and the ***threat of force*** to deny civil rights to equal protection of the law, under color of state law and ***depriving me of liberty to force Douglas-Alan: Pelmear to drive to their jurisdiction and say I had stolen the truck. Where I, Noah-Wade: Pelmear would go to jail for grand thief or he, Douglas-Alan: Pelmear would go to jail for allowing me to drive***. I, Noah-Wade: Pelmear have a Cherokee nation of Indians travel permit. In this case TRD-1700396 ***Prosecutor Mark D. Hagans has denied exculpatory evidence with discovery***.

On April 3, 2018 about 10am while I, Noah-Wade: Pelmear was waiting in the Fulton-County-Court lobby and while my attorney was in a meeting withProsecutor Mark D. Hagans for a pretrial of the Archbold, Fulton-County-Ohio, (pulled me over for driving under a yellow light) case TRD-1700396. First the Fulton-County-Sheriff Roy Miller and Deputy John Trejo came out from the courts office to talk to my father Douglas-Alan: Pelmear and threaten him not to drive in Fulton-County. Next the Fulton-County-Dog-Warden Brian Banister and Deputy-Dog-Warden Jon Rufenacht came out from the courts office to talk to me. Fulton-County-Dog-Warden Brian Banister said wanted to know why I had not got a license for my dog. I told him I no longer had a dog. This is when Douglas-Alan: Pelmear said I, Noah-Wade: Pelmear have an attorney and, Fulton-County-Dog-Warden Brian Banister needed to talk to him, my attorney. My attorney came out to talk to me. After talking to my attorney we, my father and I, left the court. By the time Douglas-Alan: Pelmear got home to Napoleon, Henry County Ohio, the Fulton-County-Dog-Warden Brian Banister drove out his jurisdiction where he opened the front door of my fathers house and put a ticket in the door for me. The ticket states he, Fulton-County-Dog-Warden Brian Banister, witnessed me, Noah-Wade: Pelmear, keeping or harbor a dog in Archbold at 10am on the April 3, 2018. This is about the same time as he; Fulton-County-Dog-Warden Brian Banister was at Fulton-County-Court-Lobby harassing me. I don’t have a dog, I was not in Archbold at that time with a dog and I don’t reside at my father’s house in Napoleon, Ohio.

On May 8, 2018 pretrial there was about 2.5 hour in-camera meeting with Judge Eric K. Nagel ***who has a conflict of interest***, Dog-Warden Brain Banister, Archbold-Prosecutor Mark D. Hagans, Wauseon-City***-***Assistant-Prosecutor Kevin Whitlock and attorney Tom Molitierno (Noah-Wade: Pelmear’s attorney). Dog-Warden Brian Banister should not been allowed to testify in the in–camera meeting and influence the judges opinion before trial. Since the alleged dog harboring charge was in the city of Archbold, Wauseon-City-Assistant-Prosecutor Kevin Whitlock is a nonparty to the complaint but was in the in–camera meeting to influence the judge’s opinion of me to be judged guilty so the “MOTION TO REVOKE COMMUNITY CONTROL & IMPOSE SENTENCE” of case # TRD 1601588 and TRD 1602133.

***Wauseon-City-Assistant-Prosecutor Kevin Whitlock’s*** action shows conflict of interest for ***entrapment*** or the action of tricking someone into committing a crime in order to secure their prosecution, severe extreme animosity and prejudice by the law firm of Barber, Kaper, Stamm, McWatters & Whitlock. Fulton-County-Dog-Warden Brian Banister committed perjury with intent to mislead and defraud the court.

Clerks-of-Court’s ***conspired*** with two or more and/or attorneys who work for state entities to deprive without due process, **without provocation, under color of office, under color of state law and** or ***organized public corruption***.

1. Found in public records request Henry-County-Clerk-of-Common-Pleas-Court, Connie L. Schnitkey on May 29, 2014 Case # 13CV0045 and 12CV0120 Board-of-Commissioners-of-Henry-County-by Maumee-Valley-Planning-Org. vs. Horse- Power-Sales.Net-Inc. made ***“certified copies of documents from case 12CV0120 but are not filed or documented.”*** For Donna L. Keefe of attorney Michael P. Gilbride of Reminger Co. LPA, attorney for MVPO in the Defiance Common Pleas Count active cases at the time 13CV42618 and 13CV42628 changing court’s records and changing public records by color of law.
2. All the clerks of Fulton-County-Court-Western-District on February 26, 2018 refused to come to the window for Douglas-Alan: Pelmear and Noah-Wade: Pelmear before re-judging to a harsher sentence then the October 13, 2016 trial of TRD1601588 and TRD1602132 cases by color of law.

Public records request was made on March 22, 2018 to clerk of court Heather Lumbrezer, Fulton-County-Court-Western-District where a $150 U.S. dollar deposit was requested, then paid by Douglas-Alan: Pelmear. On April 9, 2018 I, Douglas-Alan: Pelmear picked up the transcripts of December 22, 2017 and February 26, 2018 cases TRD 1601588 and TRD 1602133 was received. In with the “original transcripts” received there were invoices. I found an error in the transcript, Michelle K. Schlade (the reporter) asked me, Douglas-Alan: Pelmear if I had the originals or the copies of the transcripts for the correction. This informed me off there were two sets of transcripts made. In further inspection of invoices it was discovered that an original and a copy transcript was made and charged on the total bill (by Michelle K. Schlade reporter). Only the original transcripts were received. I have asked Michelle K. Schlade the reporter for the copy transcripts a few times but there has been no answer given. I, Douglas-Alan: Pelmear was charged for two transcripts but received only one set. I suspect **clerk of court Heather Lumbrezer, Fulton-County-Court-Western-District conspired with Michelle K. Schlade the reporter to keep a copy of the transcripts and charging them to me by color of law.** All Ohio court cases for Noah-Wade: Pelmear have been adjudicated since August 1, 2018.

 **SUMMARY-OF-THE-ARGUMENT**

The United-States-District-Court-For-The-District-Of-Ohio-Western-Divisioncommitted a complete reverse of the courts’ dismissal by: using The United-States-District-Court-For-The-District-Of-Ohio-**Eastern-Division**, found on the header of Memorandum-Opinion-And-Order dated September 11, 2018 which is fictitious grammar by the wrong division. *The U.S.-District-Court*denied procedural due process and equal protection by denied hearings on all the plaintiffs’ affirmed motions. *The-District-Court* denied the **plaintiffs’ right to rebut** the Ohio-Sixth-District-Court-Of-Appeals motion to dismiss dated August 31, 2018 by ending the case September 11, 2018, this is 10 days before we, Douglas-Alan: Pelmear and Noah-Wade: Pelmear had the right to answer, denying due process and equal protection and denied access to the court.

The OHIO-Supreme-Court and the Ohio-Sixth-District-Court-Of-Appeals denied due process and equal protection and allowing the trial court’s decision to stand **completely absent of jurisdiction** and the all of the non-judicial acts of Fulton-County-Court case# TRD 1601588 and TRD 1602132. *“Absolute judicial immunity does not extend to judges who act (1) in a non-judicial capacity; or (2) in the complete absence of all jurisdictions*. Barne v. Winchell, 105 F.3d 111, 1115-16 (6th Cir. 1997)”. *As found in Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals, page 5, last paragraph.* The Fulton-County-Court admitted on the public court record to not having jurisdiction in exhibit 30 page 5 line 2-10& 9 line 8-9 and 31 page 4 line 8 and 9 of plaintiffs complaint in case 3;18CV 03915 submitted June 29, 2018.

 *None of the defendants answered the 42 U.S.C. 1983 complaint in the U.S.-District-Court*. The appellee/defendants want to move the standard of review toward a plenary review in the Appeals-Court; this action is shown in all of the appellees briefs. The Appeals-Court should not hear a case which has not been heard in the U.S.-District-Court yet. We, Douglas-Alan: Pelmear and Noah-Wade: Pelmear want a standard of deferential back to the trial court. **I object to the appellees briefs and move to strike all the defendants inadmissible records submitted into this court.**

We ask for a complete reverse of dismissal filed September 11, 2018 and to allow hearings of all the appellants’ motions and for default-judgment of The-Supreme-Court-Justices and default judgment of the Judges-Of-The-Sixth-District-Court-Of-Appeals and any of the defendants who failed to plead or otherwise defend within proceeding within the time period specified under law and to be heard by an unbiased judge.

 **ARGUMENT**

The United-States-District-Court-For-The-District-Of-Ohio-Western-Division of Memorandum-Opinion-And-Order ***committing a complete reverse of the courts’ dismissal*** by:

1) The quote “I dismiss the Plaintiffs’-Complaint and deny the motions” without due process and equal protection and Denying the plaintiff’s access to the court,

2) Denying procedural due process and equal protection,

3) Denying a hearing of the affirmed or sworn evidence in the complaint,

4) Denying hearings on all the plaintiffs’ affirmed or sworn evidence in the motions,

5) Denying the plaintiffs’ ***the rights*** to rebut the Ohio-Sixth-District-Court-Of-Appeals motion to dismiss,

6) None of the defendants answered the plaintiffs’ complaint,

7) Using Eastern-Division which the wrong division was found on the header of Memorandums-Opinion-And-Order which is fictitious grammar,

8) Memorandums-Opinion-And-Order “Plaintiffs Douglas and Noah Pelmear” on page 1 line 1 knowingly and willingly using fictitious grammar statement in any matter within the jurisdiction of the...judicial branch of the United States is a crime. Douglas-Alan: Pelmear and Noah-Wade: Pelmear is correct.

9) Memorandums-Opinion-And-Order “against numerous defendants, including fifteen Ohio sate court judges, seven Ohio county and municipal prosecutors…” naming the defendants titles of their state job instead of their names shows bias on page 1 paragraph 1,

10) Memorandums-Opinion-And-Order “the Complaint, Plaintiffs ***allege*** the Defendants violated their constitutional rights”. We the Plaintiffs affirmed the complaint and the motions not alleged and if we weren’t denied access to the court there would have been sworn testimony to the complaint and motions with due process and equal protection and knowingly and willingly using fictitious grammar statement in any matter within the jurisdiction.

11) In Memorandums-Opinion-And-Order “Plaintiffs, Douglas Pelmear and his son, Noah Pelmear” page 2 paragraph 1, knowingly and willingly using fictitious grammar statement in any matter within the jurisdiction of the...judicial branch of the United States is a crime.

12) Amended-Motion-For-Default-Judgement-Of-The-Supreme-Court-Justices filed August 28, 2018 for failure to answer within 21 days plaintiffs were denied access to the court denying due process and equal protection.

13) In Memorandums-Opinion-And-Order “The following is an accounting of facts relevant to Plaintiffs’ claims discerned from government and court records ***most of*** which were attached as exhibits Plaintiffs’ Complaint.” Page 2 paragraph 1 line 3. Judge Helmick introduced exhibits and records from court cases which has fraudulent documents because some of the cases were denied hearings, and allowing forgery, fraudulent document to be good and real. This information is compromising the governments’ records and the ability to judge without a hearing or is to deny due process and equal protection and access to the court.

14) ***Judge-Jeffery-James-Helmick practiced law from the bench*** and denied discovery but ***introduced evidence into the court*** in the Memorandum-Opinion-And-Order **which was not known or found in testimony**, seen on page 7 no. 10 , paragraph b. “***Three unnamed Archbold police officers*** used intimidation and threats of force in violation of equal protection” The information of “***Three unnamed Archbold police officers***” was not known the us, the plaintiffs and wasn’t found in any discovery in this case and assumes facts not in evidence.

 15) The defendants failed to plead or otherwise defend within proceeding within the time period specified under law, **but Judge-Jeffery-James-Helmick** allowed the defendants to have ***absolute judicial immunity*** or ***quasi judicial immunity*** (quasi means to looks like real but is not real) **even without any answer to the complaint.**

 The OHIO-Supreme-Court and the Ohio-Sixth-District-Court-Of-Appeals denied due process and equal protection allowing the trial court’s decision to stand **completely absent of jurisdiction** of Fulton-County-Court case# TRD 1601588 and TRD 1602132. “Absolute judicial immunity does not extend to judges who act (1) in a non-judicial capacity; or (2) in the complete absence of all jurisdictions. Barne v. Winchell, 105 F.3d 111, 1115-16 (6th Cir. 1997).” *As found in Motion-To-Dismiss-Of-Judges-Of-The- Sixth-District-Court-Of-Appeals, page 5, last paragraph.* The Fulton-County-Court admitted on the public court record to not having jurisdiction in exhibit 30 page 5 line 2-10& 9 line 8-9 and 31 page 4 line 8 and 9 of plaintiffs complaint in case 3;18CV 03915 submitted June 29, 2018. 16) In Memorandums-Opinion-And-Order allowed all untied to any allegation dismissal without a hearing violates due process and equal protection.

17) In Memorandums-Opinion-And-Order allowed Res-Judicata. There was never any other hearing of Title 42 sec. 1983 brought to the courts by the plaintiffs against the defendants. This is a violation of due process and equal protection.

18) In response to Memorandums-Opinion-And-Order analysis. “In order to maintain an action under 42 U.S.C. 1983, it is not necessary to allege or prove that the defendants intended to deprive plaintiff of his constitutional right or that they acted sufficient to establish that the deprivation of constitutional rights or privileges was the natural consequences of the actions of defendants acting under the color of law, irrespective of whether such consequence was intended Ury v. Santee (1969 DC 111).

19) **All of the appellees/defendants attorneys are trying to hear the case in the Appeals-Court** when no one answered or denied the complaint in the U.S.-District-Court. This is shown in all of the appellees briefs. I object to the appellees briefs and **move to strike all of the defendants inadmissible records.**

20) I appellees attorneys used **fictitious grammar** in the briefs. The reference to Douglas-Alan: Pelmear and Noah-Alan: Pelmear as *“pro se”* and other slang is not permitted. See “FRAP28” (b) Appellee’s Brief, (d) Reference to Parties.

21) The United-States-District-Court-For-The-Northern-District-Of-Ohio was to serve the defendants, but their service didn’t happen. **The complaint and motins were reprinted and were served by a nonparty to the complaint which was above 18 years of age. This act was to insure that the U.S. District-Court did not fail.**

22) The United-States-District-Court-For-The-District-Of-Ohio-Western-Divisioncommitted a complete reverse of the courts’ dismissal by: using The United-States-District-Court-For-The-District-Of-Ohio-**Eastern-Division**, found on the header of Memorandum-Opinion-And-Order dated September 11, 2018 which is **fictitious grammar by the wrong division**.

23) Justification was challenged in both U.S. District Court and here by Ohio-Sixth-District-Court-Of-Appeals-Judge Arlene Singer, Judge James D. Jenson, and Judge Christine E. Mayle, **here is an short answer for which was denied by the U.S.-District-Court:** the U.S.-ConstitutionAmendment V, VI and XIV section 1 “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.”“The same new law (Par. 163) also amends 28 U.S.C.A. 2680(h) allows individuals to sue the federal government for injures or damages caused by unauthorized acts or omissions of investigative or law enforcement officers of the U.S. government. “So in deciding what congress meant **when it referred to every person in 42 U.S.C. 1983**, it is significant that congress had earlier rejected specifically absolute immunity, judicial immunity by the passing the Civil Rights Act of 1886.” Littleton v. Barbier, 460 F. wd 389 (1972), “Herein…Ohio’s Doctrine of Governmental Immunity was held unconstitutional and to numerous to mention.” Krause v. Ohio, app 2d 1 L.N.W. 2d 321 1971, “**Where rights secured by the Constitution** are involved, there can be **no rule making or legislation which would abrogate them**.” Miranda v. Arizona, 384 U.S. 436, 491, Discussing further the debates in congress relating to the passage of that is now 42:1983 , the Yale Law Journal, continues on page 328: “ On three occasions during the debates, legislators explicitly stated that judges would be liable under the act. (Congressional Globe, 42nd Congress, 1st session 385, (1871) No one denied the statement. Baurs v. Heisel, 361 F2d 581, 3rd Cir. (1966) and “Legislative history makes evident that congress clearly conceived that it was altering the relationship between the states and the nation with respect to the protection of federally created rights; it was concerned that the state instrumentalities could not protect those rights; it realized that state officers might, in fact, antipathetic to the vindication of those rights; and it believed that these failings extended to state courts.” Mitchum v. Foster 407 U.S. 225 (1972).

 Ex-Parte Young 209 US 123 (1908) “ The Amendment provides no shield for a state official confronted by a claim that he had deprived another of a federal right under color of state law…when a state officer acts under a state law in a manner violative of the federal constitution. And he is, in that case, stripped of his official or representative character, and is subjected in his person to the consequences of his individual conduct. The state has no power to impart to him any immunity from responsibility to the supreme authority of the United States.” This was not disputed in US-District-Court.

 By *The-U.S.-District-Court*denied access to the court and Judge-Jeffery-James-Helmick allowed the defendants to have absolute judicial immunity or quasi judicial immunity (quasi means to looks like real but is not real) without answering or denying the plaintiffs’ complaint, introducing new evidence without a hearing or testimony, denying the right to rebut a Motion-To-Dismiss and allowing the denial of due process and equal protect. The U.S.-District-Court’s actions make new laws above the supreme law of the land of the United States Constitution and its’ Amendments. We believe not reversing the ruling of the United-States-District-Court-For-The-District-Of-Ohio-Western-Division would be a most egregious act *this court* could make.

**CONCLUSION**: The United-States-District-Court-For-The-District-Of-Ohio-Western-Division ***committed a complete reverse of the court dismissal*** by denying procedural due process and equal protection by denying a hearing of the affirmed (sworn evidence) complaint, denying hearings on all the plaintiffs’ affirmed (sworn evidence) motions and ***denying the plaintiffs’ the right*** to rebut the Ohio-Sixth- District-Court-Of-Appeals motion is to deny access to the court. The fact which was omitted is **no defendant answered the claims against them**. *The Court* denied the Ohio-Supreme-Court default judgment. Judge-Jeffery-James-Helmick introduced evidence into the court in the Memorandum-Opinion-And-Order which was not known or testified by the plaintiffs’. Judge-Helmick introduced evidence and assumes facts not in evidence. A judge should not be the attorney for the defendants in any case***.*** The United-States-District-Court-For-The-District-Of-Ohio-Western-Division denied Douglas-Alan: Pelmear and Noah-Wade: Pelmear federally protected and common law rights and unalienable United-States-Constitutional-Rights. "The essential elements of due process are notice and an opportunity to defend." [Simon v Craft](http://supreme.justia.com/us/182/427/), 182 US 427.

 *If lawful process may be abrogated in placing a man in jeopardy, then any means may be utilized to deprive the man of his rights, and all dissent may be stifled by utilization of this defective process.* *The Appellants ask for a* *complete reverse of dismissal and to allow all appellants motions to be heard by an unbiased judge(s).*

# Cooper v. Aaron, 358 U.S. 1, 78 S. Ct. 1401 (1958)

Note: Any judge 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.

The U.S. Supreme Court has stated that "no state legislator or executive or

judicial officer can war against the Constitution without violating his undertaking

to support it.”

 Respectfully submitted on the Jan. 7, 2019 of the year of my Lord and per Public-Law 97-280,

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Douglas-Alan: Pelmear Noah-Wade: Pelmear

P.O. Box 165 403 Hill St. Appellant–PRO-SE

Napoleon, Ohio 43545

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Appellant-PRO-SE

 **AFFIRMATION**

I, Douglas-Alan: Pelmear and Noah-Wade: Pelmear, do affirm and states as to the best of our knowledge and belief the facts and information stated in this document is the truth.

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 Douglas-Alan: Pelmear Noah-Wade: Pelmear

 On the \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_day of \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, 2018 by: Douglas-Alan: Pelmear and Noah-Wade: Pelmear in the presence of:

 2 Corinthians 13:1

 “I am coming to you. Every charge must be established by the evidence of two or three witnesses” (English Version Standard)

 Witnesses:

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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 **CERTIFICATE-OF-SERVICE**

I hereby certify that on January 7, 2019 the foregoing was filed in the Court.

**Notice of this filing** will be sent by operation of Court’s electronic filing system to all parties for whom counsel has entered an appearance. Parties may access this filing through the Court’s system. We further certify that a copy of the foregoing has been served by first class mail via the United-States-Postal-Office upon all parties whom counsel has not yet entered an appearance and upon all counsel who have not entered their appearance via the electronic system, as per requests of attorney Nicole M. Koppitch O.A.G. counsel for the 7 Justices of the Ohio-Supreme-Court and by attorney Carwile L. Tiffany O.A.G. counsel for the 3 Ohio Appellate Judges.

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Douglas-Alan: Pelmear

Mail: P.O. Box 165 – 403 Hill St.

Napoleon, Ohio 43545

Phone 419-906-1525

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