

**Lawsuit Filed Against the Federal Courts
(Gangsters in Black Robes)**

United States District Court Northern District of California

Rhawn Joseph, Ph.D. pro se

Case Number: **C 25 02773**

408-286-9833

Filed on March 24, 2025

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-----}	PLAINTIFF'S CIVIL & CRIMINAL COMPLAINT:
Rhawn Joseph, Ph.D. }	As authorized by the “ <i>Racketeer Influenced And Corrupt</i>
Plaintiff }	<i>Organizations Act,</i> ” 18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–
v }	18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968; FRCP 60(d)(3),
U.S. Justice Dept., Merrick Garland, }	Copyright Act, 17 U.S.C. § 101, et. seq. 28 U.S.C. § 1331;
Alvin Bragg, New York County }	Bribery, Forgery, Conspiracy to Fake Evidence, File False
District Attorney’s Office, NASA & }	Charges & Defame, Libel, Violate Plaintiff’s Copyright, 1st,
Bill Nelson; Damian Williams & M. }	4th, 5th, 6th, 8th, 14th Amendment Rights; Conspiracy to
Kornreich & U.S. Attorneys }	Commit Fraud & Fraud Against the Court; Identity Theft, etc
Office Southern District of NY }	Conspiracy to Deny Pro Se Plaintiffs 5th, 14th Amnd. Rights
All Federal Judges & Magistrates }	Conspiracy To Commit Fraud Against the USA, Treason,
of the Southern District of NY & }	Sedition & <u>Impeachable Offenses</u> by Federal Judiciary
the Northern District of California, }	-Plaintiff’s Declaration Included
John G. Roberts & all Judges of the }	DEMANDS FOR LEGISLATIVE, DECLARATIVE,
U.S. Supreme Court; all judges of }	INJUNCTIVE RELIEF
the 94 Federal Courts & Bankruptcy }	
Courts, all judges of the 11 Federal }	<u>*Federal Judiciary in its entirety and all Federal Judges</u>
Courts of Appeals & District of }	<u>and Magistrates are named as Defendants Per RICO</u>
Columbia Circuit & Federal Circuit; }	<i>* Every Judge and Magistrate of the Northern Federal</i>
Springer Nature America Inc., }	<i>District of California are Defendants</i>
Springer Nature Academic, Pro Se }	DEMAND FOR JURY TRIAL BY U.S. CONGRESS
Intake Unit & Clerk of the Southern }	<i>per Article II, Section 4 U.S Constitution, or a Military</i>
Federal District Court of NY; }	<i>Court according to law: 1866 Civil Rights Act, 2nd & 3rd</i>
City of San Jose, Amazon.com, et al. }	<i>Enforcement Acts, U.S. Supreme Court Milligan ruling</i>
<u>Does 1-3000</u> }	

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PART I. INTRODUCTION: Criminal/Civil Complaint, Jurisdiction, Venue, Defendants, Causes of Action

1. A Brief Plain Statement: Fraud Against the Court, Violations of RICO etc.

This lawsuit, claims, causes of action, civil torts, demands for declarative, injunctive, legislative relief and this Plaintiff's standing to bring suit against NASA, the U.S. Justice Dept, and the Federal Judiciary, the City of San Jose, and the publishers Springer Nature and Amazon.com, as authorized by the "***Racketeer Influenced And Corrupt Organizations Act (RICO)*** 18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968; *FRCP 60(d)(3)*, Copyright Act, 17 U.S.C. § 101, et. seq. 28 U.S.C. § 1331; *Public Trust Doctrine*, and 1st, 4th, 5th, 6th, 8th, 9th, and 14th Amendments and the reserved powers doctrines of the Tenth Amendment and the Vesting, Nobility, and Posterity Clauses of the Constitution.

Given the Preamble of the U.S. Constitution ("*We the People of the United States, in Order to... secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America*") it is a fact that the U.S. Constitution is from the people and for the people and any violation of the Constitution is an injury inflicted upon the people, including this Plaintiff. Therefore, Plaintiff also has standing as the Federal Judiciary discriminates against and considers Pro Ses and the average American trash not deserving of their civil rights or the time of the Federal Court, and has repeatedly violated and sought to undermine the Constitution by bestowing king-like powers upon themselves, including violating the Separation of Powers Doctrine & Congressional Authority & Tripart System of Constitutional Government, whereas NASA has given itself the right to violate the constitutional rights of U.S. citizens and to commit fraud against the government of the United States; a government which is "*of the people and for the people*" (Abraham Lincoln, 11/19/1863).

The facts are: NASA commonly fakes, censors and alters data and defames and destroys the reputations of scientists so as to deceive the public and make science conform to chapter 1 of the Bible/Torah), whereas the Federal Judiciary in its entirety is a racketeering criminal organization (*RICO*) and whose ***Supreme Court Chief, John Roberts***, is the racketeering boss who leads by example and whose wife Jane Roberts has received over \$10 million from defendants and plaintiffs with cases before his Supreme Court (*Justice John Roberts' Wife Made Over \$10 Million As Legal Consultant, Forbes 4/28/23; John Roberts's Wife's Shady Financial Dealings; The New Republic, 4/28/23*). It is well documented that Roberts, this gangster in a black robe, believes that every member of the judiciary is above the law, completely independent, answerable to no one, with the god-like authority of an 18th century English king, and that it is forbidden to even criticize a judge, no matter how heinous and

criminal their conduct.

It is an established fact that thousands of Judges commit serious heinous crimes yearly and remain on the bench (*See PART IV*). And, up to 1000 Federal Judges each year are accused of serious crimes which are covered up by Chief Judges who illegally dismiss 99.9% of all complaints (*Supreme Court Breyer's commission*). From Supreme Court Chief Justice Roberts on down, the Federal Judiciary is a cesspool of criminality and corruption.

It is a fact, as documented in this complaint (*PART IV*) that bribery, case fixing, multi-judge bribery rings, pathological lying, conspiring to fake or destroy evidence, drug abuse, and sexual extortion of women and children with cases before the Court, are so common among Judges they gave themselves “**absolute immunity**” and the right to commit vicious crimes and violate the Constitutional rights of U.S. citizens and this Plaintiff: “***Absolute immunity covers even conduct which is corrupt, malicious or intended to do injury;***” (*Foust v. Hughes*, 21 N.C. App. 268, 204 S.E.2d 230, 285 N.C. 589, 205 S.E.2d 722 (1974); *Prosser, supra. Jacobs v. Sherard*, 36 N.C. App. 60, 64 (N.C. Ct. App. 1978) *State ex rel. Jacobs v. Sherard*, 36 N.C. App. 60, 64, 243 S.E.2d 184, 188, disc. review denied, 295 N.C. 466, 246 S.E.2d 12 (1978)). In fact, as documented in this complaint: corruption, criminality, and depravity are a prerequisite for becoming a Judge who are selected by special interests; with men and women even paying bribes to be selected for judgeship (*PART IV*).

The majority of Federal Judges believe the average American, and anyone without a lawyer, are “trash” not deserving of their Constitutional rights, and routinely dismiss these Plaintiffs’ complaints, regardless of the merits, usually without reading the complaint (*PART IV*); and Plaintiff and other citizens have been victimized by this illegal unconstitutional policy of the judiciary which is liable RE: *RICO*, *Civil Torts*, etc.

Six Supreme Court Judges have such overwhelming contempt for the public and democracy that they stripped Federal Agencies that protect our food, water, environment of decision-making authority and gave that power to bribe-taking judges and “friends of the Court:” those who poison our food, water and environment. This action violates the *Public Trust Doctrine* which gives Plaintiff standing.

Plaintiff also has standing because bribe-taking, case-fixing, malicious psychopathic and pathological lying Federal Judges have fixed cases on behalf of a multi-billion dollar a year New York Publisher, Springer Nature, the publisher Amazon KDP, “predators” and “extortionists” denounced by the mayor of the city of San Jose and NASA which has a 60-year history of censoring, altering and faking data and defaming and destroying the reputation of any journal and every scientist who dares to publish

evidence of micro-fossils in meteors, biological activity on Mars, or the fact that algae and fungus are growing on Mars. Therefore, the following cases are referred to and incorporated into this lawsuit as if fully stated and reproduced herein (*Joseph v NASA*, *Springer Nature et al 1:22-cv-466*; *Joseph v Springer Nature et al 1:20-cv-04672*; *Joseph v City of San Jose et al. (5:19-cv-01294)*; *Joseph v Koh, City of San Jose 5:20-cv-03782*; *Joseph v Amazon KDP 5:23-cv-05176*).

This Plaintiff, Rhawn Joseph, Ph.D. has a 40 year history of making and publishing major scientific discoveries in prestigious scientific journals beginning in the 1970s (see **References** attached)-- discoveries that have been repeatedly replicated-- and whose scientific achievements have received the highest praise from scientific journals and the American Library Association and the Association of College and Research Libraries; and who has over 1 million readers at Researchgate which is like a “Facebook” for scientists. It is a fact that this Plaintiff was a highly respected scientist in his fields of expertise until Plaintiff documented that NASA has been faking and altering data to hide evidence that algae and fungus are growing on Mars after which NASA and the New York-based publisher Springer Nature (SN) defamed and destroyed Plaintiff’s reputation. SN violated Plaintiff’s copyright and altered and placed defamatory statements on one of his most famous articles; and after suit was filed in Federal Court SN created a fake contract SN admits is fake, and which no one has seen, and which does not have Plaintiff’s signature or any means to indicate agreement or to sign, and that was never filed with the court and can’t be located on any website but which SN fraudulently claimed gave them the right to defame and destroy Plaintiff’s reputation. As documented in *PART IV* of this complaint, judges are pathological liars and commonly accept bribes and fix cases and SN allegedly bribed Federal Judge Cronan et al to rule that this fake contract, that no one has ever seen, was valid and that’s exactly what transpired; a conspiracy to commit fraud and fraud against the Court and a conspiracy to cover up NASA’s frauds that was actively aided by Merrick Garland and Damian Williams of the U.S. Justice Dept, Alvin Bragg of the NY District Attorney’s Office, and Bill Nelson of NASA.

Fact is, even Supreme Court Justices take bribes from publishers; and whose members have also accept bribes and gratuities from Publishers like SN with cases or whose interests are linked to cases before the Supreme Court; e.g. **Ketanji Brown Jackson** (\$893,750 from Random House), **Brett Kavanaugh** (\$340,000 from Regnery Publishing) , **Neil Gorsuch** (\$250,000 from HarperCollins), and 3.6 million to **Sonia Sotomayor** from Random House despite a conflict of interest as there were cases before the U.S. Supreme Court that were directly related to their publishing empires (*Justice Sonia Sotomayor didn’t recuse herself from cases involving publisher that paid her \$3M: report NY Post, 05/04/23*) *The*

Most Interesting Revelations in the Supreme Court Justices' Financial Disclosures: Time Magazine, 06/07/24).

Federal Judges and Magistrates commonly accept bribes or gratuities in return for protecting powerful special interests and white-collar criminal organizations (*PART IV*). Hence, when Plaintiff refused to pay bribes and protection money to “extortionists” and “predators” denounced by the auditor and mayor of San Jose he discovered that these criminals are protected by pathologically lying, bribe-taking, case-fixing Federal Judges of the 9th Circuit and California’s Northern District Court. Specifically, when Plaintiff refused to pay protection money to a city employee to “avoid problems” he was then repeatedly falsely charged with fake code violations--including violations committed by neighbors. These predators and extortionists explicitly, in writing, demanded that Plaintiff’s forest of trees on his private property be cut to “three feet” stumps which would kill them; falsely claimed that a three foot wrought iron fence was five feet tall and must be destroyed, and fraudulently claimed that a thin screen less than feet in length and only 1/2 inch wide on his private property was a dwelling that also had to be destroyed. When Plaintiff refused to follow their illegal orders he was maliciously prosecuted--with all charges dropped by the City. As documented (Part *PART IV*), judges are case fixing pathological liars and multi-judge bribery rings are common; and judges hearing this case lied and repeated all the lies of the “predators” and “extortionists” (claiming, for example, that the Defendants only wanted Plaintiff to trim his trees, when written demands on official City stationery repeatedly state “three feet”). And these judicial criminals have refused to allow these lawsuits to go to trial because--according to Judge Lucy Koh-- the Defendants “will lose too much money.”

The judges of the 9th circuit and Northern District (as will be documented) function as a criminal racketeering case fixing organization who serve powerful special interests and who commonly violate the constitutional rights of the powerless. For example, in another case involving NASA, Judges of the Northern District Court dismissed Plaintiff lawsuit against Amazon.com which admitted they violated Plaintiff’s contract and illegally withheld several years of royalties and destroyed all records of royalty payment due and who also issued checks that “bounced” to Plaintiff and caused Plaintiff losses and damages of over \$700,000--criminal acts whose purpose was to drive Plaintiff into poverty and prevent him from continuing his research activities which NASA opposes.

The malicious case-fixing, bribe-taking judges named in this lawsuit are not the exception but exemplify the fact--as documented in *PART IV*-- that the majority of Federal Judges are malicious, psychopathic, pathological lying “Gangsters in Black Robes.” As to NASA, this is an organization that

has viciously destroyed the reputation of numerous scientists and which has threatened several scientific journals for publishing evidence of microfossils in meteors, biological activity on Mars, and the fact that fungus is growing on Mars and on NASA's Mars' rovers, as documented by official NASA sequential photos.

This lawsuit, therefore, addresses issues of national importance: (1) the fact that NASA has a well documented history of defamation, slander, and faking and censoring data and hiding and lying about the overwhelming evidence of extraterrestrial life, and has committed fraud against the United States, and (2) widespread criminal corruption in the Federal Judiciary from the Supreme Court to lowly magistrates; and in (3) the Justice Dept. and U.S. Attorney's Offices under the auspices of Defendants Garland and Damian Williams and in the New York District Attorneys Office under Bragg, and who conspired with Springer Nature and NASA to cover up their crimes; (5) and all of whom, including their colleagues and associates, form one or more collective criminal organizations as defined by RICO.

2. Case Must be Tried Congress: The Federal Judiciary Consists of Gangsters in Black Robes

This case cannot be heard or judged by any Federal Judge or Magistrate--as all are named as RICO defendants-- and must be referred for trial before the U.S. Congress. for the following reasons: (1) Every judge and magistrate of the Federal Judiciary in its entirety are identified as members of a corrupt criminal treasonous organization, per RICO; (2) the Federal Judiciary, as policy, view Pro Se Plaintiffs as "trash" not deserving of their constitutional rights, and have a policy to deny Pro Se Plaintiff's their constitutional rights, and (3) all Federal Judges and magistrates are chosen by powerful political or special interests to serve special interests, and (4) as the crimes committed by the Federal Judiciary are treasonous and constitute grounds for impeachment and execution for treason (as documented in *PART IV & Part V*). Trial before Congress is also justified by the fact that the crimes committed are impeachable offenses; and Congressional trials are authorized per *Article II, Section 4 U.S. Constitution*. In addition this case may be referred to a military court according to law: *1866 Civil Rights Act, Second & Third Enforcement Acts, U.S. Supreme Court 1866 Milligan ruling*.

Obviously, the issues (e.g life on Mars) are beyond the expertise of the Court as the vast majority of Federal Judges lack the intellectual capacity to grasp the science , and as almost all of them are congenitally corrupt, pathological liars, and malicious psychopaths.

3. "Judicial-Crimes Investigative Offices." Gangster in Black Robes Must be Prosecuted

No one is safe from these black robes criminals in the Federal Judiciary and U.S. Justice Dept-- not ex-presidents, not the son of an ex-president, not the nephew of a slain president, not a sitting

president, not even the world's richest man. Therefore, this lawsuit (*PART VII*) includes legislative proposals for (A) policing, arresting, and imprisoning Federal judges who are "corrupt" "malicious" and cause "injury"; and (B) the establishment of "**Judicial-Crimes Investigative Offices**" staffed by seasoned prosecutors with a mandate to investigate, arrest, and prosecute judge who violate the law including Supreme Court judges who pimp out their wives to defendants and plaintiffs with cases before their Court; and (C) eventually replacing Judges with "*artificial intelligence*" interfaces that analyze and rule on the pleadings of defendants and plaintiffs.

4. The President Can Order the Military to Immediately Remove and Kill These Defendants

The President need not wait for the U.S. Congress to act, but can immediately end this rain of judicial corruption. The *14th Amendment*, *1866 Civil Rights Act*, *1870 & 1871 Second & Third Enforcement Acts*, *Tenure of Office Act*, and *U.S. Supreme Court 1866 Milligan ruling*, authorizes and gives the President the legal right to suspend *habeas corpus* and order the military to arrest and imprison all judges who violate the Constitution, advocate sedition, treason, or violate the Constitutional rights of citizens (*PART VI*). In fact, according to a recent 6 to 3 Supreme Court ruling, the President can order the military to immediately arrest and execute every Federal Judge and Magistrate identified by name in this complaint and every member of the judiciary which is a cesspool of criminality and corruption.

5. Defendants, Laws, Authorities

This lawsuit is authorized by the *Federal Tort Claims Act*, *42 USC § 1983*, *18 U.S.C. § 242* (*Section 242*), the *U.S. Constitution and Bill of Rights*, including the *5th and 14th Amendment*, the *9th Amendment*, and *RICO* (*18 U.S.C. ch. 96*, *18 U.S.C. §§ 1961–1968*).

Defendants include

(1) Supreme Court justices Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett, Sonia Sotomayor, Kagan, Jackson, as well as the entire Federal Judiciary.

(2). Federal Judges and magistrates Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Koh, Cousins, Illman, Orrick, Pitts, Freeman, DeMarchi, Murguia, Thomas, Wallace, O'Scannlain, Fernandez.

(3). Other named Defendants include all past, current, and future Supreme Court and Federal Judges, Justices and Magistrates (Does 1-3000) and whose various members collectively meet the criteria for racketeering as established by "RICO" (*18 U.S.C. ch. 96*, *18 U.S.C. §§ 1961–1968*) and who are liable *per 18 U.S.C. § 242 (Section 242)*.

3) All judges and magistrates of the Northern District Federal Court of California, Per RICO.

4) All judges and magistrates of the Southern District Federal Court of New York, Per RICO.

5) All judges of the 9th Circuit Federal Court of Appeals, Per RICO.

6) All judges of the 2nd Circuit Federal Court of Appeals, Per RICO.

7) Plaintiff also names as Defendants the 94 Federal Courts and Bankruptcy Courts in the United States, and each and every current, past and future judge and magistrates of all 94 Federal Courts and Bankruptcy Courts, and all Judges of the 11 U.S. Federal Courts of Appeals, and all judges of the District of Columbia Circuit, Federal Circuit per RICO.

Additional Defendants include:

8) U.S. Attorney Kornreich and Williams of the Southern District of New York,

9) Attorney General Garland and the Justice Dept.,

10) NASA and NASA chief Administrator Nelson,

11) New York District Attorney Bragg and the New York District Attorney's offices,

12) The Springer Nature Group.

13) The Clerk and Pro Se Office of the Southern District Federal Court in New York

14). Amazon.com, Amazon KDP

15) The City of San Jose

16. Collectively, all Defendants and Federal Judges and Magistrates including all Federal Judges and Magistrates and associates not identified by name (Does 1-3000), constitute, as defined by RICO, a racketeering criminal organization that has conspired with its various members and associates to violate the U.S. Constitution and the civil and constitutional rights of this Plaintiff and the citizens of the United states

6. Jurisdiction & Venue Is the Province of Congress or a Military Court

It would be improper and illegal for this case to be heard by that or any Court, because every current, past and future Federal judge and magistrate, the Federal Judiciary as a whole, are named as Defendants and all are liable as they function as a seditious, bribe-taking, case-fixing criminal racketeering organization (*PART IV Part V*) that caused injury to this Plaintiff and others per RICO; 42 *USCS § 1983; Title 28 U.S. Code § 1331, § 1983; Title 18, U.S.C. Section 242; the 14th Amendment*).

Because the entire Federal Judiciary are defendants this lawsuit must transferred by the Courts to the U.S. Congress per *Article II, Section 4 U.S. Constitution*, or to a military court according to law: *1866 Civil Rights Act, Second & Third Enforcement Acts, U.S. Supreme Court 1866 Milligan ruling*.

7. Plaintiff has Standing

Plaintiff's claims and causes of action details the Federal and Constitutional Laws violated by NASA, the U.S. Justice Dept. the NY District Attorney's Offices, the City of San Jose (SJ) and the crimes committed by numerous malicious, psychopathic, pathological lying judges who most likely took bribes from SN, Amazon KDP, and SJ "predators" and "extortionists."

RICO and the United States Constitution and Bill of Rights gives Plaintiff standing.

Plaintiff also has standing to bring this lawsuit against current and future appointees to the Federal Bench, because: the best predictor of the future is the past; and the past behavior of the Federal Judiciary has been that of pervasive corruption and malicious violations of the law and this Plaintiff's constitutional rights; and this Plaintiff has been threatened by judges who warned of retaliation.

It is well documented that Judges retaliate on behalf of other judges and special interests (*PART IV*) and the evidence clearly supports the allegation that Plaintiff has repeatedly suffered injury and retaliation by Federal Judges and their associates who have encouraged predators, extortionists and others to harm this Plaintiff; and this gives Plaintiff standing.

In addition, Plaintiff has been threatened by judges and predators and extortionists employed by the City of San Jose, and Plaintiff is in "actual" "concrete" "imminent" danger and "significant risk" for future harm by Federal Judges; and this gives Plaintiff standing (*Monsanto Company, 130 S. Ct. 2743, 2755*).

Plaintiff has standing because Federal Judges have refused to allow his case against the City of San Jose et al to proceed to trial; and have dismissed a lawsuit against Amazon despite the fact that Amazon admitted violation of and breach of contract with Plaintiff, admitted withholding, for years, royalty payments to Plaintiff, and caused damages of over \$700,000 to Plaintiff.

Plaintiff has standing because in every case he has filed in Federal Courts--as documented here--the judges and magistrates behave like malicious psychopaths, confabulated pathological lies, repeated the lies of powerful defendants, and likely took bribes from Defendants, violated the law and their own "case laws" as well as violating Plaintiff's 5th and 14th Amendment rights, and function as a racketeering criminal organization as defined by RICO.

Plaintiff also had standing because six members of the Supreme Court have made unconstitutional rulings that will harm this plaintiff; i.e. authorizing a fascist takeover of this country by any person elected president, and violation of the *Public Trust Doctrine* by giving judges--and friends of the court--power and control over Federal Agencies that Protect our food, water, and environment.

According to the Supreme Court a threat of future injury is actionable "*we do not require a*

plaintiff to expose himself to liability before bringing suit to challenge the basis for the threat”
(*MedImmune, Inc. v. Genentech*, 549 US 118 - Supreme Court 2007).

PART II. DAMAGES & INJURIES: Injuries Inflicted on Plaintiff by NASA, the Judiciary, Springer Nature, U.S Justice Dept., NY District Attorney

1. Plaintiff was a Highly Praised Famous Scientist with Over 1 Million Readers at Researchgate

Until NASA and Springer Nature defamed and destroyed his reputation, this Plaintiff was a famous-in-his-field scientist and has over 1 million readers at Researchgate. This Plaintiff has a 40 year history of making and publishing major scientific discoveries in prestigious scientific journals (See **References** section) beginning in the 1970s when he documented and proved (1) neuroplasticity in the primate brain, (2) the role of hormones in sex differences in cognition and behavior; and (3) early environmental influences on memory, learning and the brain and perceptual and intellectual development and gender differences in cognition. These discoveries, made and published in the 1970s, have now been repeatedly replicated and are considered established fact. Over the ensuing years, this Plaintiff’s continual record of major scientific achievements have been the subject of lavish praise by scientific journals as well as by Booklist, and Choice which is published by the American Library Association.

"Brilliant." -Choice (American Library Association).

"One of the most astonishing books of our time." -Bulletin of Science, Technology & Society.

"First rate... Among the best..." -the journal of Neuropsychiatry.

"The finest analysis of... phenomena that we have to date." - The New England Review of Books.

"An intense, in-depth examination of the relationship between neuroanatomy and associated behavior..." *"Astounding... astounding... [Joseph] deserves our admiration."* -Electroencephalography and Clinical Neurophysiology;

FourStars! Highly recommended. -Medical Review Journal.

Excellent... Comprehensive... Exceptional... Enthusiastically recommended!" -Health Sciences Review Journal.

"Joseph is to mind brain studies as Asimov and Sagan are to the physical sciences." -Choice.

2. NASA & Springer Nature Cover Up NASA’s Frauds. Defame and Libel Plaintiff

In 2019 this Plaintiff published an article titled: *"Life on Venus,"* that reviewed all the evidence for biological activity on the planet Venus. This review article had been invited by the Editors of the journal *Astrophysics and Space Sciences* (JASS) and was based entirely on a review of articles about

Venus already published by other scientists. This article was extensively peer reviewed even by the Editors, and published in JASS. “*Life on Venus*” quickly became that journal’s most read, most popular, number one article in the history of that journal, with over 15,000 readers in just a few weeks (whereas the average JASS article has fewer than 300 readers a year). And then NASA and Springer Nature (SN) conspired together to destroy Joseph’s reputation and cover up fraud at NASA. As documented in filings with the Federal Court, SN/JASS never retracted the “Life on Venus” article which in fact had been withdrawn by Joseph months earlier to be published in another journal after Joseph accused SN and JASS of conspiring with NASA to cover up NASA’s frauds and faking of data (*Joseph v Springer Nature et al 1:20-cv-04672*). NASA and SN then conspired to destroy Joseph’s reputation. Here are the facts and the truth about the “Retracted” “Life on Venus” article as based on facts, knowledge, and exhibits filed in a federal lawsuit against NASA and Springer Nature (*Joseph v NASA, Springer Nature et al 1:22-cv-466*).

In the year 2020, the journal, *Astrophysics and Space Science*, peer reviewed and accepted for publication and created a preprint of Plaintiff’s article titled: “*Life on Mars: Colonies of photosynthesizing mushrooms in Eagle Crater? The hematite hypothesis refuted*” written by Joseph and his team of scientists (i.e. R. Armstrong, G. Kidron, and R. Schild of the Center for Astrophysics, Harvard-Smithsonian). Specifically, NASA photographed thousands of “yellow” “orange” and “purple” colored mushroom-shaped Martian specimens with bulbous tops and long thick hollow stems attached to outcrops and oriented skyward in Eagle Crater, Meridiani Planum as well as thousands of multi-colored puffball shaped specimens on the ground (Joseph 2006, 2016, Joseph et al. 2019, 2020,a,b,c).

Joseph et al (2020) hypothesized that these puffball- and mushroom- shaped specimens were most likely fungus and lichenized fungus, i.e. algae-fungus composite organisms; and that the “yellow” “orange” “purple” colors are pigments that would enable photosynthesis thus accounting for the oxygen that is continually replenished in the Martian atmosphere (Joseph 2006, 2016, Joseph et al. 2019, 2020, 2021, 2022).

However Joseph and colleagues (2020) also documented that NASA, its “scientists” and “contractors” had engaged in fraud and faked and altered data, and made false statements about photographic and other evidence and falsely claimed these multi-colored Martian mushrooms and puffball shapes specimens were hematite which is generally black or dark red in color and has absolutely no resemblance to a mushroom (Joseph et al. 2020); and as admitted by NASA scientists involved in this research, the data was a “poor fit” for hematite.

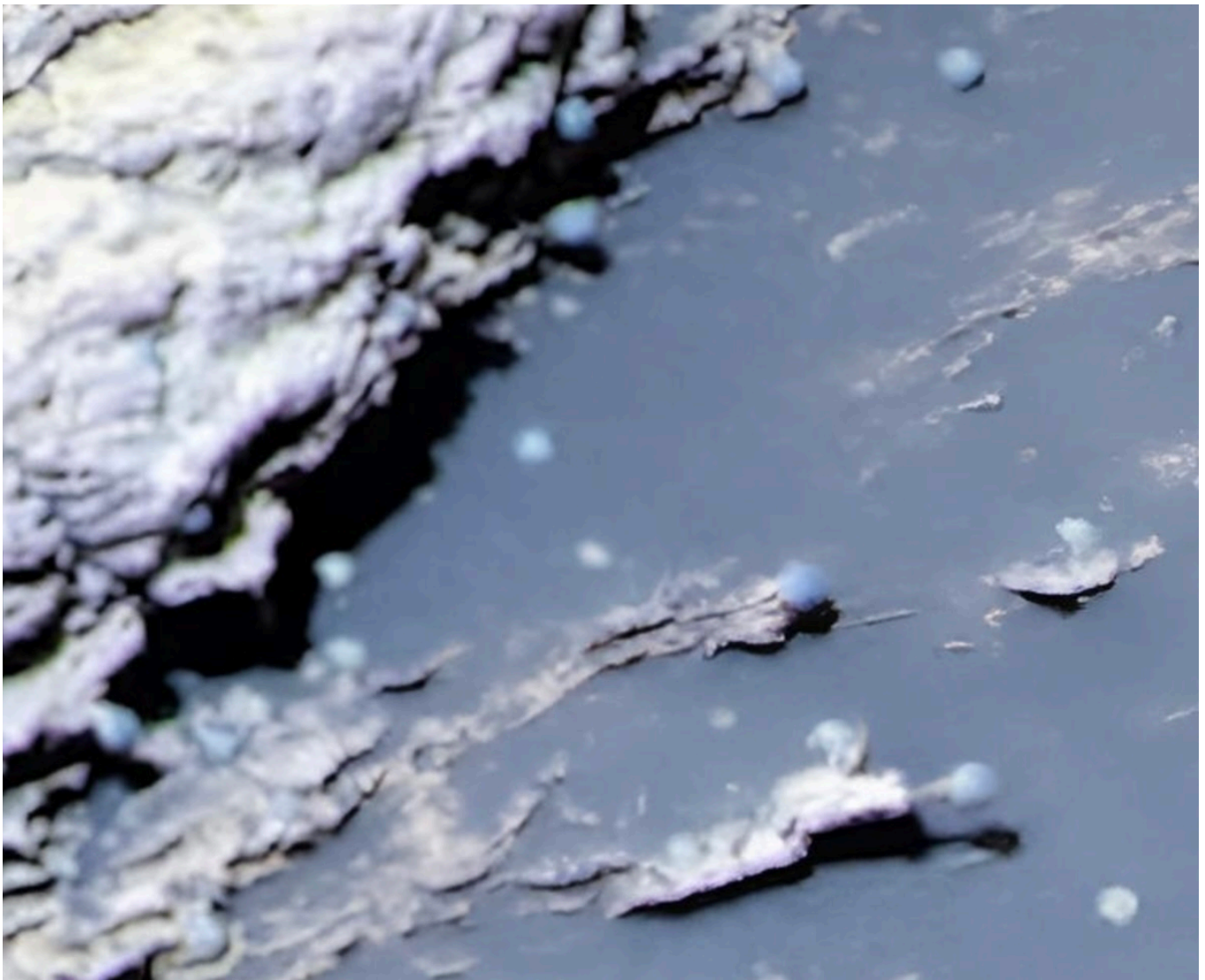


Figure 1. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors (most likely black and dark red) to falsely claim these specimens are hematite when all the evidence collected was a “poor fit for hematite. These specimens are most likely fungus and lichenized fungus, i.e. algae-fungus composite organisms; and the “yellow” “orange” “purple” colors are pigments that would enable photosynthesis thus accounting for the oxygen that is continually replenished in the Martian atmosphere.



Figure 2. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors. There is now a vast body of evidence documenting current and past life on Mars, and that life evolved to the level of metazoan invertebrates (see Joseph and related articles in **References** section).



Figure 3. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors and then falsely claimed to have discovered hematite based on the spectra from the false colors.



Figure 4. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors and manipulated and altered spectra and other data to falsely claimed they discovered hematite.

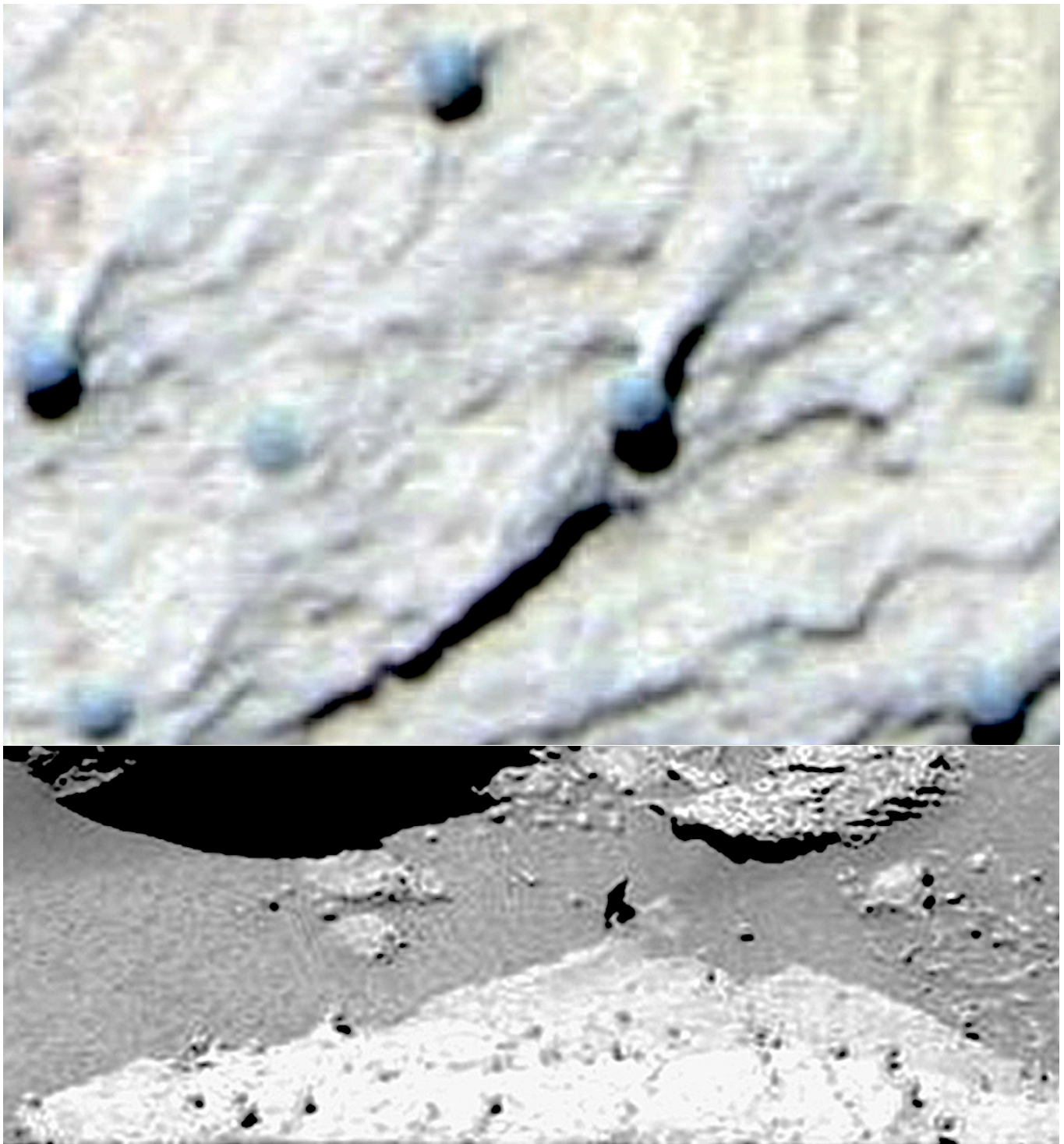


Figure 5. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors. There is now a vast body of evidence documenting current and past life on Mars, and that life evolved to the level of metazoan invertebrates (see Joseph and related articles in **References** section).

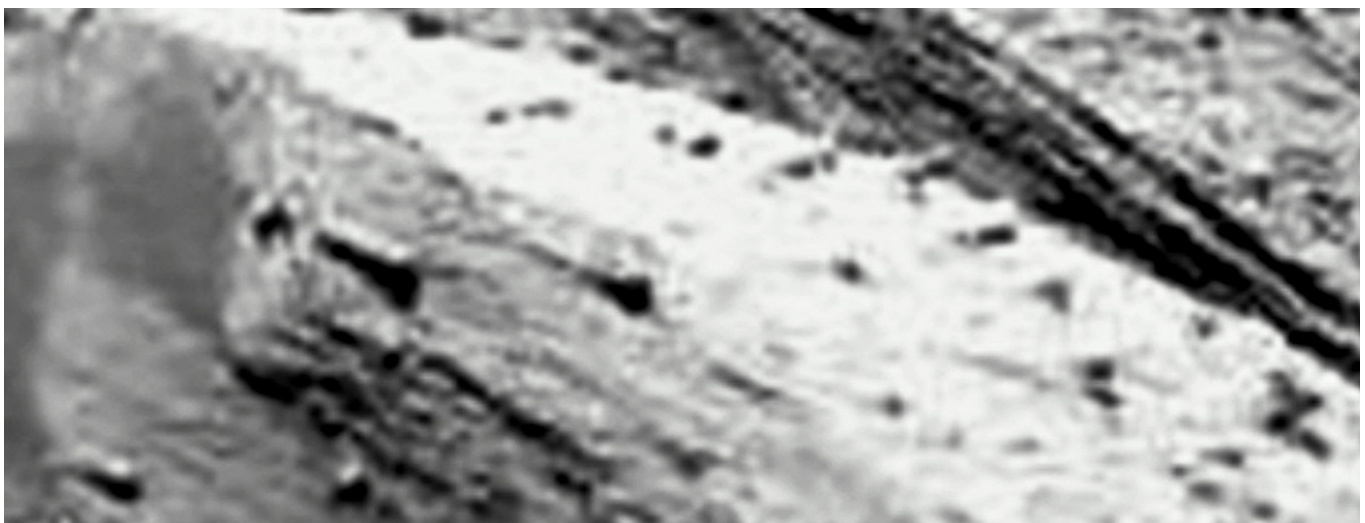
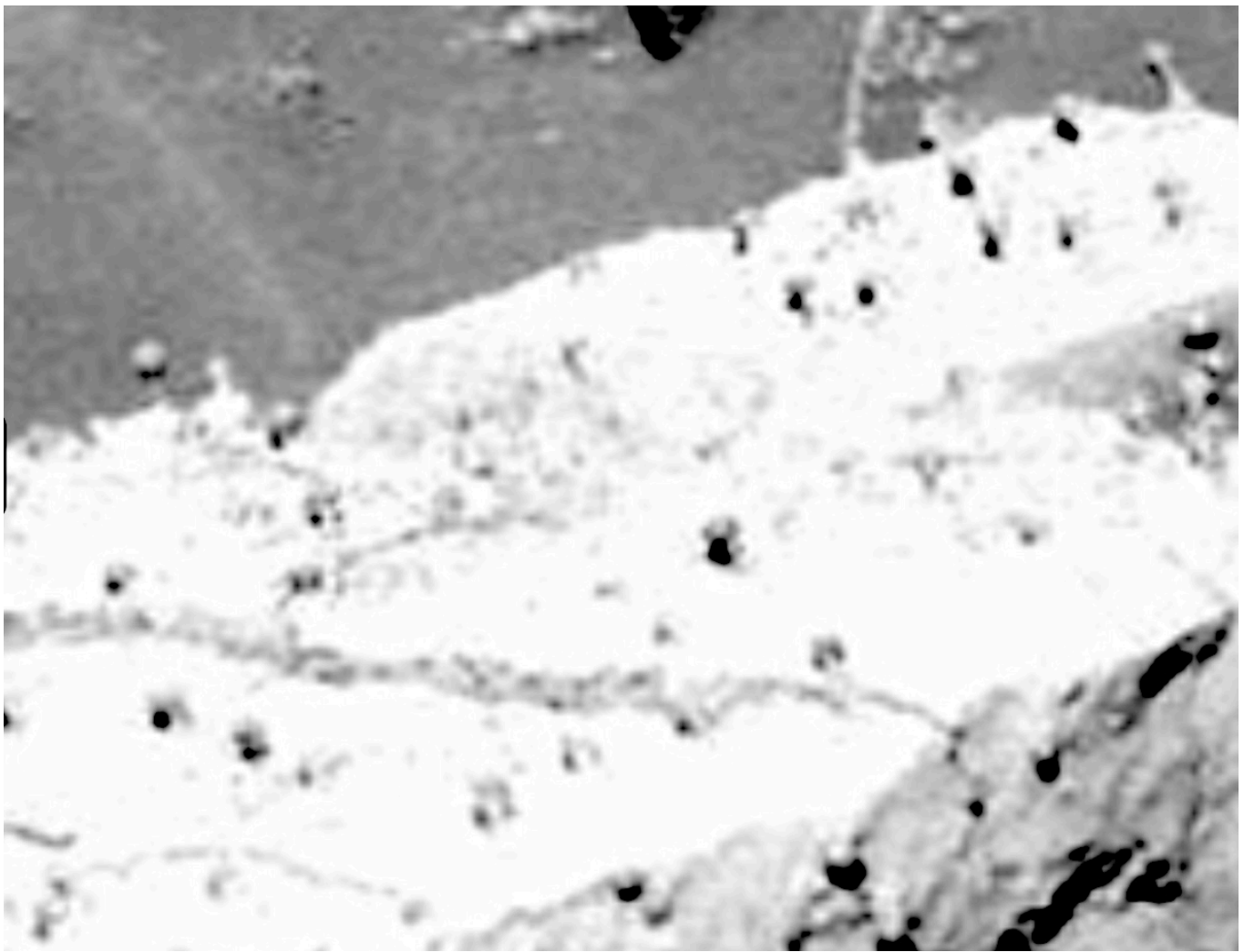


Figure 6. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. (see Joseph and related articles in **References** section).

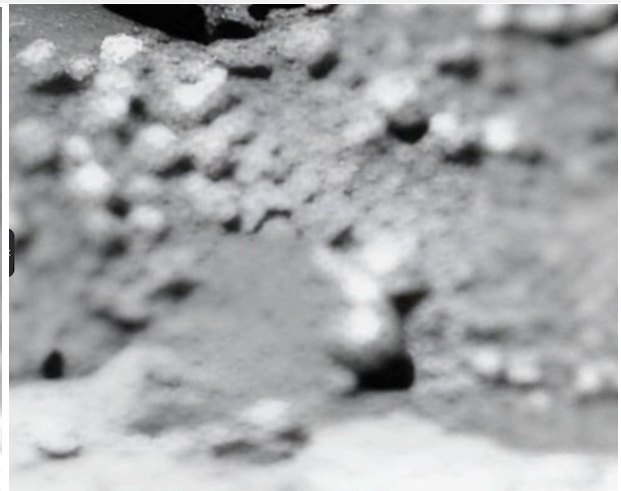


Figure 7. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. (see Joseph and related articles in **References** section).

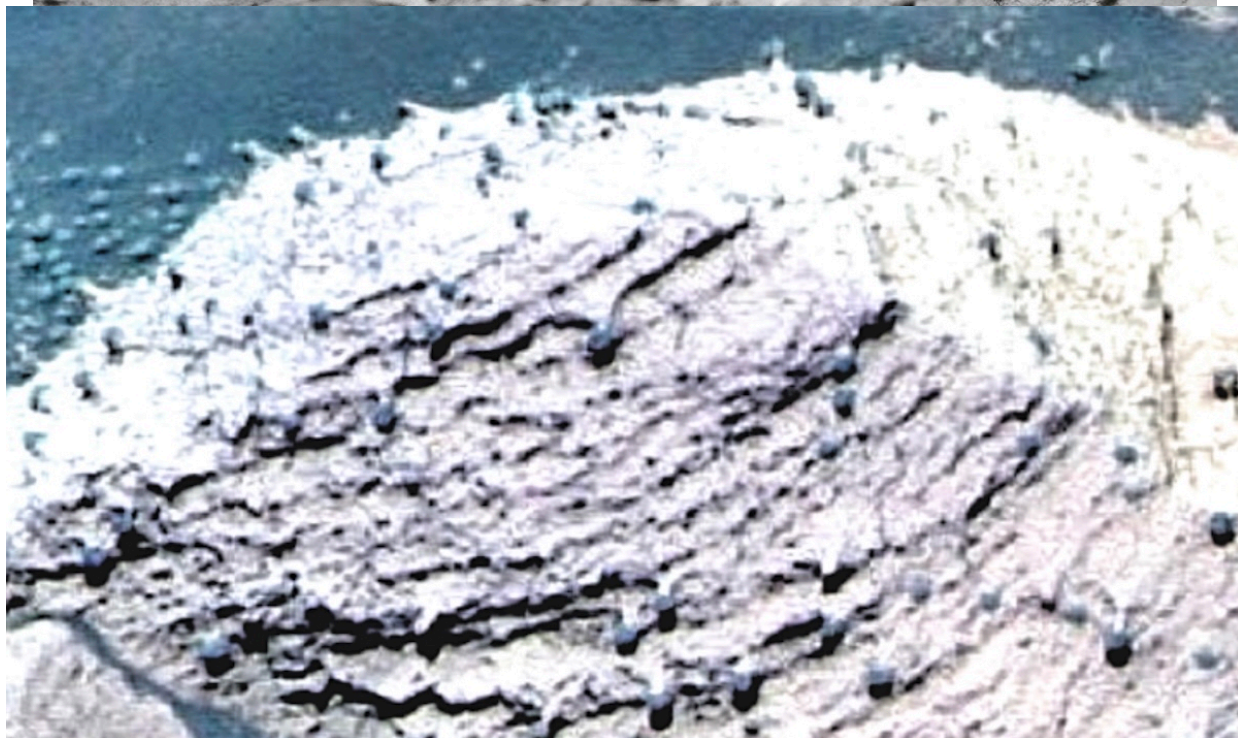
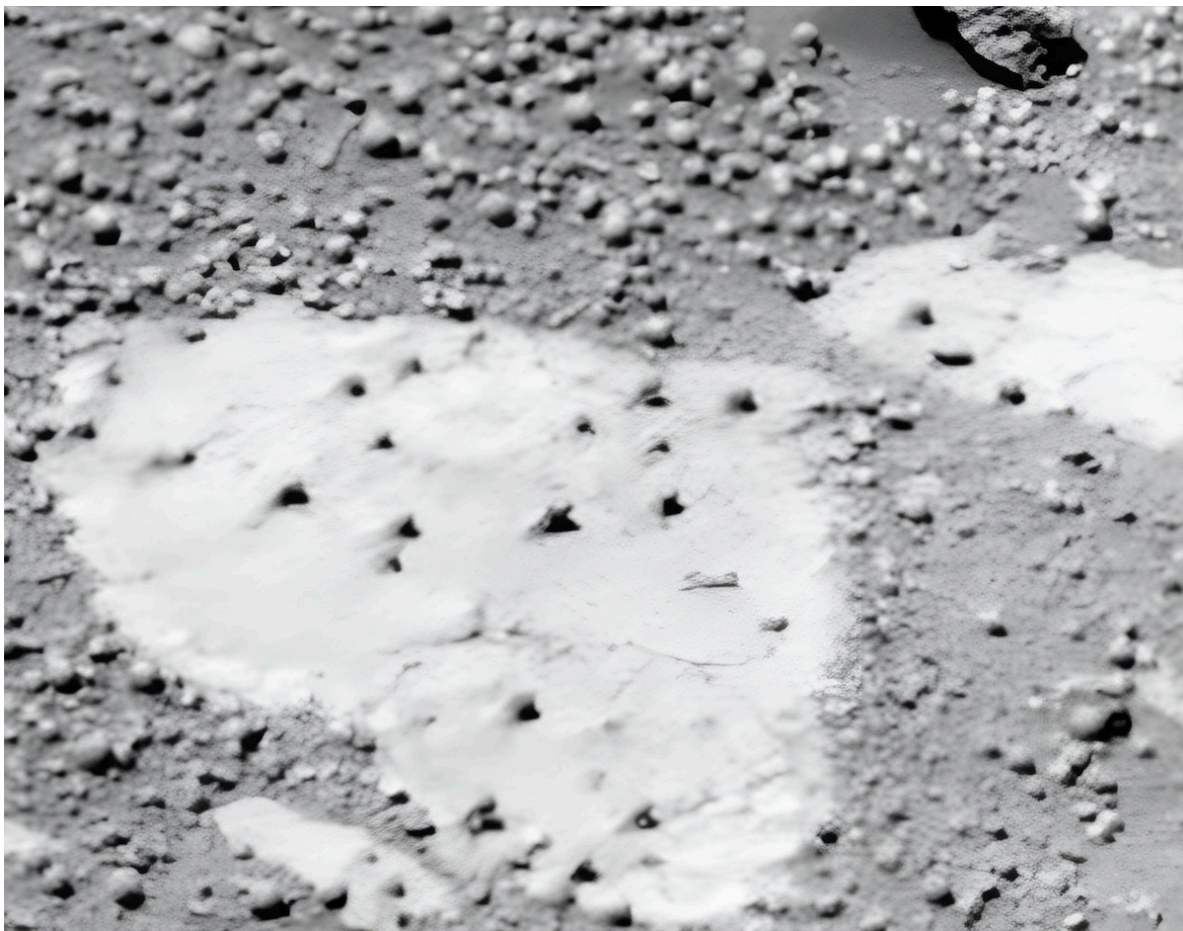


Figure 8. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. (see Joseph and related articles in **References** section).

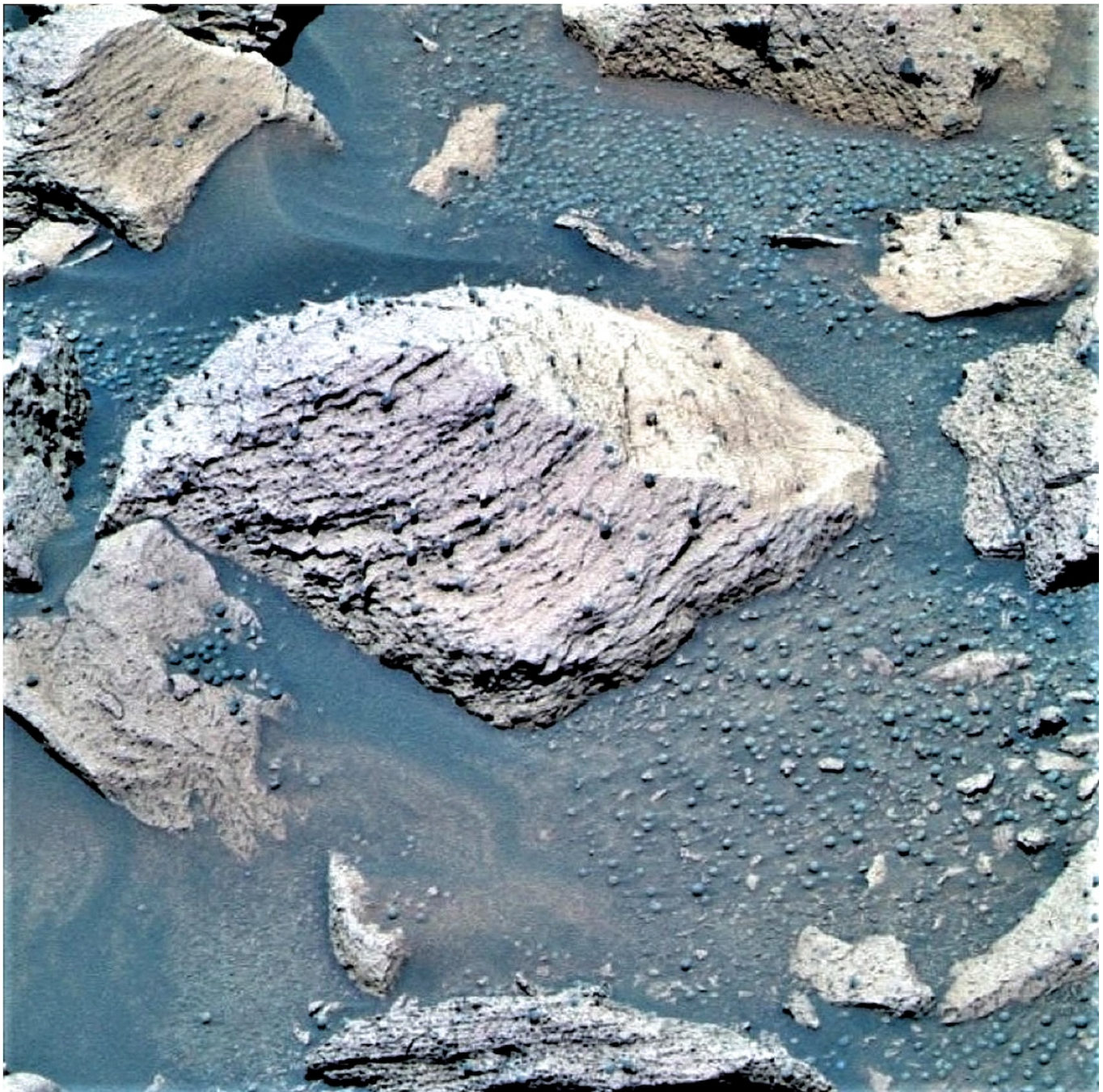


Figure 9. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. Thousands of puffball- and mushroom-shaped specimens, colored “yellow” “orange” and “purple” and attached to rocks by thick hollow stalks were photographed in Eagle Crater by the rover Opportunity. NASA and its scientists and contractors, altered the original colors and employed false colors (most likely black and dark red) to falsely claim these specimens are hematite when all the evidence collected was a “poor fit for hematite. These specimens are most likely fungus and lichenized fungus, i.e. algae-fungus composite organisms; and the “yellow” “orange” “purple” colors are pigments that would enable photosynthesis thus accounting for the oxygen that is continually replenished in the Martian atmosphere. There is now a vast body of evidence documenting current and past life on Mars, and that life evolved to the level of metazoan invertebrates (see Joseph articles in **References** section).

When a pre-print of the extensively peer reviewed article, “*Life on Mars*” was published and generated world-wide attention from reporters, NASA immediately contacted and conspired with the publisher Springer Nature (SN) to (A) cover up NASA’s frauds and faking of data, and to withdraw, for further review, “*Life on Mars*,” and (B) to libel, defame, discredit and destroy Dr. Joseph’s reputation. (C) As documented by emails and Court filings (*Joseph v Springer Nature et al 1:20-cv-04672*; *Joseph v NASA, Springer Nature et al 1:22-cv-466*), Dr Joseph had accused SN of conspiring with NASA to commit fraud and cover up NASA’s faking of data, and (D) demanded SN remove, from the SN/JASS website, the “*Life on Venus*” article which was JASS’s most read, most famous article, and to refund all the publication fees Joseph had paid. (E) SN agreed to Dr. Joseph’s demands--thus admitting that SN had conspired with NASA to commit fraud-- and issued a refund check (publication fees) for “*Life on Venus*.” (F) SN then engaged in a criminal act and cancelled the check and violated Dr. Joseph’s copyright, and reprinted “*Life on Venus*” along with false defamatory statements and again engaged in fraud by falsely claiming that SN had decided to retract “*Life On Venus*” when emails prove it was Joseph’s decision to withdraw and publish the article elsewhere and that SN agreed only to violate that agreement months later. (G) Thus SN repeatedly committed fraud, violated Dr. Joseph’s copyright, defrauded him of the refund by cancelling the check they issued, and then libeled and defamed him by printing false statements on his most famous article “*Life on Venus*” and by pretending that SN had decided to retract his article, when in fact they agreed Springer Nature had committed fraud and a coverup of NASA’s fraud, and it was Dr. Joseph’s decision --months before-- to withdraw the article and publish it with another journal (see *Joseph v Springer Nature et al 1:20-cv-04672*; *Joseph v NASA, Springer Nature et al 1:22-cv-466*).

3. NASA Fakes, Alters Data To Discredit Evidence that Fungus and Algae are Growing on Mars

As documented in the “*Life on Mars*” article by Joseph et al. NASA, its “scientists” and “contractors” ignored the fact that thousands of multi-colored mushroom-shaped specimens were attached to Martian rocks by long hollow stems. NASA et al. instead focused on distant outcrop panoramas and oblong shaped rocks laying on the ground, and then altered, fabricated and falsified data (Joseph et al. 2020) and then falsely claimed to have discovered hematite (See **Reference** section: Christensen et al. 2004; Klingelhöfer et al. 2004; Soderblom et al. 2004; Squyres et al. 2004). However, hematite does not have a mushroom shape, are not attached to rocks by thick hollow stems, has a variety of shapes and sizes and consists of iron-oxides and is not pigmented “yellow” “orange” and “purple” but is generally black or dark red in color.

The “hematite” claim was so preposterous that it was immediately rejected by the scientific community as “inappropriate” and contrary to all the evidence (Burt, et al. 2005; Knauth et al. 2005; DiGregorio 2004; Joseph 2006). NASA, its scientists and contractors, however, quashed all objections and prevented the publication of any criticism by claiming it was an established fact that hematite had been discovered (Christensen et al. 2004; Klingelhöfer et al. 2004; Soderblom et al. 2004; Squyres et al. 2004)-a fraudulent claim that was parroted by so called “science reporters” via Operation Mockingbird which various government agencies employ to control and influence public opinion (U.S. Congress, Senate, Select Committee to Study Governmental Operations with Respect to Intelligence Activities, Intelligence Activities and the Rights of Americans, 94 Cong., 2d sess., 1976, Hersh 1974; Muckrock, <https://www.muckrock.com/foi/united-states-of-america-10/project-mockingbird-49939/#file-856274>).

Specifically, based on a review of all of NASA’s hematite claims, Joseph et al (2020) proved that there was no selective, focused attempt to determine if the mushroom-shaped or any of the fungal-puffball shaped specimens on the ground were biological or consisted of hematite or other minerals. Further, despite recognizing that the spheres upon the surface were a different color than hematite (Soderblom et al. 2004) and much smaller than terrestrial hematite as they ranged in size from 0.6 to 6 mm in diameter (Herkenhoff et al., 2004) it was falsely claimed they must be hematite based on spectra embedded in panoramic images that included sand, soil, dust, and out-crops: data obtained by the Opportunity's Mössbauer Spectrometer, Alpha Particle x-raySpectrometer and Miniature Thermal EmissionSpectrometer (See **References** Section: Bell et al. 2004; Christensen et al. 2004; Klingelhöfer et al. 2004; Rieder et al.2004; Squires et al. 2004). However, none of these instruments were even mineral specific and Grotzinger et al. (2005) reported that the spectra obtained did not resemble hematite and could not be distinguished from the spectra of dust.

It is a fact that Christensen et al. (2004) claimed to have discovered hematite based on “infrared spectra” which was “*combined with panoramic images and as based on thermophysical properties, atmospheric temperature profiles and atmospheric dust and ice opacities...*” However, no ice was observed and the atmospheric temperature was unknown because the temperature sensors had failed! Christensen et al. (2004) also acknowledged their data was affected by "reduced spectral contrast" and was "*contaminated*" by sand, dust, and other materials, and which led them to "overestimate the hematite." As admitted by Glotch and Bandfield (2006), the data was a "*poor fit*" and did not match any samples of hematite. According to NASA team member Grotzinger et al. (2005): the spectra from rocks lying on the surface were "*indistinguishable from that of the average spectral character of dust.*"

Moreover, their instruments had malfunctioned--or so they claimed. In consequence, because the data collected was apparently compatible with life and contrary to their hematite claims, NASA's scientists and contractors also claimed they made "ad hoc" calibration adjustments via signals sent from Earth so as to alter the means and method of collecting evidence (Glotch and Banfield, 2006), and, in so doing excluded all evidence supportive of life. And yet, despite altering their means of data collection, the data remained a "poor fit" for hematite (Glotch and Banfield, 2006) and "*indistinguishable*" from "*dust*" (Grotzinger et al. 2005)

Although high temperatures would be indicative of biological activity, they also decided to obscure and hide all high temperature readings and instead claimed to have proved they discovered hematite based on low temperatures they obtained from oblong rocks, distant outcrops and the overall atmosphere and then arrived at a mean temperature after averaging the low with the high temperatures; and then claimed this "averaged" temperature was indicative of hematite (Klingelhöfer et al. 2004), when in fact, despite all this data manipulation, there was no evidence for hematite (Glotch and Banfield, 2006; Grotzinger et al. 2005). In fact, as also claimed by Glotch and Banfield (2006) the temperature sensors had failed! Thus they claimed to have discovered hematite based on the averaging of temperature readings, when it was also claimed that it was impossible for them to measure temperatures!

In addition, although the spheres and mushrooms were a variety of colors NASA's team claimed they did not analyze the spectra from the true colors but instead obtained fake spectra from "false colors" that they generated (presumably dark red or black). Then based on the spectral signatures of these false colors they claimed to have discovered hematite (Soderblom et al. 2004). However, the fact is, even the spectra from the false colors did not match the spectra of hematite, so they selectively eliminated spectra indicative of biology until they had a spectra they falsely claimed was similar to the spectral signature of hematite photographed in a laboratory (Christensen et al. 2004). These specimens were not photographed in a laboratory on Earth with its laboratory lighting, but on the surface of Mars! Nevertheless, despite all this fakery, fraud and data manipulation the final results remained a "poor fit" for hematite (Glotch and Banfield, 2006) but a good fit for dust (Grotzinger et al. 2005).

They even faked their photographed evidence. Instead of taking and analyzing photos of the mushrooms or puffball shaped spheres, they took photos of flat oblong rocks laying on the ground (see Figure 6 in Belle et al. 2004) which they claimed proved their hematite claims. However, these oblong rocks bore zero similarity to the fungal puffball-shaped spheres on the ground or the Martian mushrooms.

Thus we are presented with multiple scenarios: (1) their instruments detected evidence of life so

they claimed their instruments had failed, and/or (2) they faked data and/or changed the calibration so as to obtain findings not compatible with life; or (3) their instruments did fail and the data obtained was meaningless and they lied about the results, or (5) that data was fraudulently obtained following recalibration. (5) or all the data reported was fabricated or manipulated or selectively eliminated to hide evidence of life and to falsely claim they discovered hematite.

The above is just a partial summary of the widespread fakery and frauds perpetrated by NASA and its “scientists” and contractors so as to lie about life on Mars and to justify their fraudulent claims about “hematite.” The fact is, as pertaining to any evidence of “extraterrestrial life,” fakery, fraud, censorship, and data manipulation are standard procedure and “business as usual” at NASA (*Ny Times, Expert Says Nasa Tried To Silence Him (Jan 29, 2006) Andrew C. Revkin; Nasa Accused Of ‘Censoring Its Employees. The Hill, Feb, 8, 2016; Nasa Censored Astronauts, Smithsonian Magazine, Nov 26, 2014)’; Nasa’s Federal Research Censorship, J., Raloffm 6/4/2008; Nasa Official Cries Censorship, Theweek.Com, January 8, 2015; Extraterrestrial Life And Censorship, N. Chandra Wickremasinghe (2011) Journal Of Cosmology Proceedings Of "New Directions In Modern Cosmology" Workshop, Lorentz Center, Leiden Ne, Sept. 27 To Oct. 1, 2010); What Is NASA Hiding? The UFO Files , Randall, (2024); Secret Space: What Is Nasa Hiding? Jeff Challender, 2007; Nation Coalition Against Censorship Nasa Suppresses Global Warming Research (Https://Ncac.Org/Incident/Nasa-Suppresses-Global-Warming-Research; Joseph 2017 2024).*

4. Faking of Data is a Common Practice At NASA and Among Fake “Scientists.”

That NASA scientists and contractors faked evidence should be no surprise. Fakery is common practice among so called “scientists” due largely to the need to obtain research grants, promotion, tenure, and the threat of “publish or perish.” It is a well established fact that most published research has been faked and most published “scientific research” can’t be or has never been replicated (Ioannidis, 2005; Belluz 2015; Wasserstein & Lazar 2016; Lehrer 2010; Baker 2016; Pashler & Harris 2012). Likewise, of all the “research” published by NASA’s rover teams, not a single claim has been replicated by anyone independent of NASA and this means most of the “research” published by NASA is likely fake; and that fraud, censorship and fakery are a common practice at NASA (*Nation Coalition Against Censorship Nasa Suppresses Global Warming Research (Https://Ncac.Org/Incident/Nasa-Suppresses-Global-Warming-Research_;* *Ny Times, Expert Says Nasa Tried To Silence Him (Jan 29, 2006) Andrew C. Revkin; Nasa Accused Of ‘Censoring Its Employees. The Hill, Feb, 8, 2016; Nasa Censored Astronauts, Smithsonian Magazine, Nov 26, 2014)’; Nasa’s Federal Research Censorship, J., Raloffm 6/4/2008;*

Nasa Official Cries Censorship, Theweek.Com, January 8, 2015; Extraterrestrial Life And Censorship, N. Chandra Wickremasinghe (2011) Journal Of Cosmology Proceedings Of "New Directions In Modern Cosmology" Workshop, Lorentz Center, Leiden Ne, Sept. 27 To Oct. 1, 2010); What Is NASA Hiding? The UFO Files , Randall, (2024); Secret Space: What Is Nasa Hiding? Jeff Challender, 2007; Joseph 2017, 2024).

In fact, NASA has an extensive history of lying, falsifying and altering data so as to disprove and discredit all evidence for extraterrestrial life (*Extraterrestrial Life And Censorship, N. Chandra Wickremasinghe (2011) Journal Of Cosmology Proceedings Of "New Directions In Modern Cosmology" Workshop, Lorentz Center, Leiden Ne, Sept. 27 To Oct. 1, 2010; Joseph, NASA's Religious Wars Against Science; see Joseph articles in REFERENCES*).

For example, one of the most blatant examples of NASA censorship and frauds are the four layers of alternating visual “noise” NASA added to all nighttime space-shuttle film footage to hide and obscure obvious evidence of “anomalous” life-like “phenomenon” in the thermosphere (Joseph 2012, 2024; Joseph et al. 2024ab). It is also a fact that NASA would turn off or suddenly change focus or direction of space shuttle cameras when UFO, UAP and life-like phenomenon (AKA plasmas, plasmoids) came into view (Joseph 2024). In fact, NASA employed two human censors who monitored all space-shuttle nighttime transmissions and NASA instituted a 20 second broadcast delay so as to cut off all transmissions to prevent the public and scientific community from seeing what NASA did not want them to see (*Secret Space: What Is Nasa Hiding? Jeff Challender, 2007*).

That NASA censors and alters and fakes data for religious and political reasons is well documented (*Nation Coalition Against Censorship Nasa Suppresses Global Warming Research (Https://Ncac.Org/Incident/Nasa-Suppresses-Global-Warming-Research_ ; Ny Times, Expert Says Nasa Tried To Silence Him (Jan 29, 2006) Andrew C. Revkin; Nasa Accused Of 'Censoring Its Employees. The Hill, Feb, 8, 2016; Nasa Censored Astronauts, Smithsonian Magazine, Nov 26, 2014)'; Nasa's Federal Research Censorship, J., Raloffm 6/4/2008; Nasa Official Cries Censorship, Theweek.Com, January 8, 2015; Extraterrestrial Life And Censorship, N. Chandra Wickremasinghe (2011) Journal Of Cosmology Proceedings Of "New Directions In Modern Cosmology" Workshop, Lorentz Center, Leiden Ne, Sept. 27 To Oct. 1, 2010); What Is NASA Hiding? The UFO Files , Randall, (2024); Secret Space: What Is Nasa Hiding? Jeff Challender, 2007; Joseph 2012, 2024; Joseph et al. 2024*).

NASA's lies, fakery and frauds are legion and include over 60 years of censorship as well as defamation and slander to discredit any and all discoveries of extraterrestrial life..

5. SN's Fake Contract. NASA, Springer Nature, Cronan, Commit Fraud Against the Court

The facts are well established by emails to and from Plaintiff Rhawn Joseph to the Editors at the journal of Astrophysics and Space Sciences on file with the Courts (see Joseph v Springer Nature et al 1:20-cv-04672; Joseph v NASA, Springer Nature et al 1:22-cv-466): Following the peer review and acceptance and publication of a pre-print of Rhawn Joseph's article "Life on Mars" documenting that (1) NASA and its scientists and contractors had faked and altered evidence and (2) that living organisms may have been discovered on Mars and most likely engaged in photosynthesis and oxygen production, (3) NASA contacted and conspired with Springer Nature and orchestrated a coverup by having the Life on Mars article withdrawn for "additional review," and (4) and then conspired to defame, libel, discredit and destroy Rhawn Joseph's reputation by violating his copyright and printing defamatory lies on his most famous article at that time, i.e. Life on Venus.

Months after Dr. Joseph filed a Federal lawsuit (Joseph v Springer Nature et al 1:20-cv-04672), and because they had no defense, SN created a fake "contract" SN admits is fake and upon which they forged Joseph's name and fraudulently claimed the fake contract gave them the right to violate his copyright and defame and destroy Joseph's reputation. However, they never filed a contract with the Federal Court, and instead provided the Court with lines of html code (see S-N's Exhibit 15, page 7) and falsely claimed it had been posted on an SN website--but could not identify where and on what page of that website it has appeared. In fact, a google search failed to detect any such contract on any Springer Nature website, thus proving it did not exist and had never existed on any website.

Further, they falsely claimed that Dr. Joseph had agreed to the terms of this html document by "signing" "clicking" and "checking" the "check box" and signing his name. However, (Exhibits 5, 6, 7) the document SN filed with the court did not have Dr. Joseph's signature or electronic signature, and it lacked any html code that would allow anyone to "click" or "check" or "agree." There was no "click" or "check" or "agree" button. Although three times requiring Dr. Joseph's signature, there is no place to sign and his signature does not appear on the document (SN's Doc. No. 57-2) .

In fact, SN admitted in court filings that it was impossible for Dr. Joseph to agree to that contract as it not only lacked any place to sign but did not have a check box or any means to indicate agreement. As filed and stated in writing by SN's attorney: *"the click-through agreement attached to Defendants' motion to dismiss (Doc. No. 57-2), does not include the full HTML code and thus does not appear as it would on the live webpage with the accompanying Springer logos, headers, and most importantly here, the "accept" button or "check box."* However, SN failed to identify any webpage hosting their fake

contract; and when their html document was uploaded to a website and on a “live webpage” by Dr. Joseph there was still no check box, agreement box, places to sign, etc. The “contract” was so obviously a “slap dash” amateurish fake that only an imbecile or a bribe-taking judge would rule it to be valid. And that’s exactly what happened. Judge Cronan assigned himself to the case and dismissed Dr. Joseph’s complaint without leave (*Joseph v Springer Nature* (J v SN) Dkt74)

Dr. Joseph alleged and SN acknowledged but did not deny (*Joseph v NASA, Springer Nature* (1:20-cv-04672)) that SN or their attorneys contacted, secretly met with and bribed Federal Judge Cronan to rule the contract was valid despite the fact it three times required a signature, there was no place sign, and Dr. Joseph had never signed the contract. But the truth was irrelevant to Judge Cronan who, after meeting with and alleging receiving substantial bribes from Springer Nature, assigned himself to the case and ruled it a valid contract that gave SN (and thus NASA) the rights to Dr. Joseph’s article *Life on Venus* and the right to insert defamatory statements and destroy Dr. Joseph’s reputation.

As will be documented (see Appendix A), multi-judge bribery rings are common. Thus, when Dr. Joseph filed an Appeal and then a “Fraud Against the Court” lawsuit, SN allegedly paid bribes to Judges **Cabranes, Lohier, Jr., Lee**, and then **Vyskocil** to dismiss the appeals and subsequent lawsuit and rule the obviously and absurdly fake “contract” (no copy of which was ever presented to the court) was valid and binding; and this criminal conspiracy was openly joined by NASA and the U.S. Justice Dept. which overtly aided and abetted Springer Nature in the commission of these frauds (*Joseph v NASA, Springer Nature* (1:22-cv-466)).

6. Second Circuit Judges Join Conspiracy, Rule Admittedly Obviously Faked Contract is Valid

When Plaintiff filed an Appeal with the Second Circuit, judges **Cabranes, Lohier, Jr., and Lee**, merely reprinted the lies of Cronan and Springer Nature and dismissed Plaintiff Appeal claiming, as justification, that Plaintiff had made “conclusionary statements” when there is no law against arriving at conclusions; and claiming that Plaintiff had presented “new evidence” when the evidence was the fake click through agreement upon which Cronan based his fraudulent decision.

The fact is, even if the evidence was considered to be new--which it was not, being based solely on the fake “click through” contract Defendant SN admitted was fake--Federal Rules (e.g. *FRAP 10(e)* (2); *Rule 201*) and “case laws” allow “new evidence” to be presented on Appeal (*Landy v. FDIC*, 486 F.2d 139, 151 (3d Cir. 1973; Brock A. Swartzle, *Using "Inherent Equitable Authority" to Expand the Record on Appeal*, App. Prac. J. 1, 3 (Fall 2010)) Even the 2nd circuit, which Cabranes, Lohier, Jr., and Lee, are members, authorizes supplementing the record with new evidence as based on FRAP 10(e)(2)

(*U.S. v. Aulet*, 618 F.2d 182, 185-87 (2d Cir. 1980)). But truth, justice, and the law meant nothing to these three gangsters in black robes who ridiculed Plaintiff and dismissed his Appeal.

This Plaintiff alleged, as SN acknowledged but did not deny (*Joseph v NASA*, Springer Nature et al 1:22-cv-466), that after bribing Cronan, SN or SN's attorneys met with and bribed **Cabranes, Lohier, Jr., and Lee** (New York Southern District, 1:22-cv-004666). This undenied allegation was then substantiated and certified by Defendant Vyskocil and the Clerk of the New York Southern District Court.

The fact is: this New York based publisher, Springer Nature, brings in billions of dollars of profits annually--enough to buy thousands of Cronans, Cabranes, Lohiers, and Lees like common street corner whores. As documented (*PART IV*), multi-judge bribery rings are common, with even Chief Justices in on the take.

7. Vyskocil, NASA, Springer Nature, Justice Dept Cover Up Bribery, Fraud Against the Court.

Thwarted by the gangsters in black robes of the 2nd Circuit, Plaintiff filed a "Fraud Against the Court" lawsuit, *Joseph v NASA*, Springer Nature (1:22-cv-466). Despite an obvious conflict of interest, or more likely, because of an obvious conflict of interest, **Vyskocil** was assigned to adjudicate. Supposedly, the Court Clerk (allegedly Daniel Ortiz) and District Executive (allegedly Edward Friedland) of the Federal Courts in New York, are responsible for checking if there is any conflicts making it improper for a judge to preside over a particular case. And yet Vyskocil was assigned despite the fact that for almost thirty-three years Vyskocil was a litigator employed by the New York City-based law firm of Simpson Thacher & Bartlett, which mediated and represented "BC Partners" in the establishment of a multi-billion dollar Springer Nature acquisition fund (<https://www.linkedin.com/pulse/mergerlinks-daily-review-mergerlinks-wrnsc>). Vyskocil, therefore, had an obvious professional and financial incentive to fix the case on behalf of Springer Nature and her law firm and its clients.

Facts are facts. It is a fact that Springer Nature, by filing that fake "contract" committed fraud and perjured themselves in the case of *Joseph v Springer Nature* (JvSN) and falsified material facts (*USC 18 § 1001, § 1621, § 1623*) and committed and Fraud against the Court as defined by *FRCP 60(d)(3)* and committed fraud as defined by *18 U.S. Code § 1001*: "whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry." has committed fraud and "fraud against the court."

Vyskocil, like Cronan, Cabranes, Lohier, and Lee was obligated by *Federal Rules 60(d)(3)*, and *Rule 11* to enter a default judgement against Springer Nature for committing fraud against the court and corrupting the judicial process (*See Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1119 (1st Cir. 1989); *Combs v. Rockwell Int'l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991); *Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11–12 (1st Cir. 1985); *Wyle v. R.J. Reynolds Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983); *Eppes v. Snowden*, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); *Rockdale Mgmt. Co. v. Shawmut Bank, N.A.*, 638 N.E.2d 29, 31 (Mass. 1994). These judicial defendants also had the authority and responsibility to grant declaratory judgments pursuant to 28 U.S.C. §§ 2201 and 2202 and *Federal Rule of Civil Procedure*. It is a fact that FRCP 60(d)(3), via the “Savings Clause” authorizes and required the Court to provide relief from the judgment and decision rendered by the District Court in the case of *Joseph v Springer Nature et al* (1:20 CV 4672), and to issue summary judgment in favor of Plaintiff on all counts as detailed in that case: Infringement of Copyright (1st Claim); Breach of Contract, Tortious Interference (2nd Claim); Libel and Defamation (3rd Claim); Fraud and Unfair and Deceptive Trade Practices (4th Claim); Personal Injury - Intentional Infliction of Emotional Distress, Malice (5th Claim); Negligence (6th Claim); Demand for Injunctive Relief (7th Claim). **Vyskocil, like Cronan, Cabranes, Lohier, and Lee** refused to do so after NASA, the United States Attorneys Office of the Southern District (where Cronan had been previously employed), and the U.S. Justice Dept, joined with Springer Nature to cover up these crimes and to aid and abet SNs commission of Fraud against the Court (see *Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, 888 F.Supp.2d 478, 484 2012) and Fraud Against the United States.

Vyskocil--who had a financial and professional incentive to protect SN-- chose to join in a RICO-conspiracy and dismissed Plaintiff's fraud against the Court complaint, (A) despite the fact that Defendants Springer Nature et al. and the U.S. Justice Dept and U.S. Attorney's Office never filed any responsive pleading or objections; and (B) despite the fact that Springer Nature admitted that the click-through agreement was fraudulent and fake. (C) Further, Springer Nature, in a letter filed with the Court, tacitly admitted bribing Cronan, Cabranes, Lohier, Jr., and Lee.

The fact is, Vyskocil along with the Clerk of the Southern District Court officially certified and authenticated, by signing and filing with the court a document that admitted Vyskocil was dismissing Plaintiff's “fraud against the Court lawsuit” because “*it is impossible to get a fair hearing in the Southern District Court; that justice and facts are irrelevant to this Court; that Judge Cronan was bribed, and this case has been “fixed.”*”

Why these judicial crimes and coverups? Because to issue a summary judgement would document that Springer Nature had conspired with NASA to discredit Plaintiff's discoveries; would prove that NASA and Springer Nature engaged in censorship and fraud; that NASA had been faking evidence to hide the fact that there is life on Mars; and would establish that Plaintiff's discoveries of life on Mars are worthy of a Nobel Prize, and that there is in fact life on Mars--discoveries that would have humiliated and discredited NASA and enraged the most powerful lobbying organization in this country.

Moreover, a multi-judge bribery ring would be exposed leading to a domino effect that would first take down Cronan, then Cabranes, Lohier, Lee and lead to revelations that the entire Southern District Court and Second Circuit Court of Appeals, are wholly corrupt.

8. The Cover Up: Bragg, Gardner, Williams Refuse to Investigate Springer Nature et al,

U.S. attorney Damian Williams and Kornreich and attorney general Garland have offices in New York whereas Bragg is the D.A. of New York. All were obligated to investigate these criminal acts, which include (A) identity forgery and identity theft by Springer Nature (see *Article 190 - NY Penal Law, 190.77 Offenses involving theft of identity; definitions. a. "electronic signature;" and S 190.78, 190.79, 190.80 Identity theft in the first degree*); and (B) fraud, forgery, (C) alleged bribery of a multi-judge bribery ring; and (C) fraud against the Court.

Instead, Bragg's offices refused to investigate, and Williams, Kornreich, and Garland's offices chose to actively participate in this fraud by directly conspiring with Springer Nature to cover up the fact that SN had created fake evidence and engaged identity theft and fraud against the court. And then Garland's, like Bragg's offices, refused to investigate Plaintiff's criminal complaints--not only to avoid a domino effect, but due to fear of judicial retaliation and that every Federal Judge would rule against them in all future cases. Hence, Bragg and Garland refused to investigate and chose to engaged in a cover-up of these crimes and in so doing became liable as racketeering co-conspirators, re: RICO.

9. Clerk of the Southern District, and Court-Clerk Supervised Pro Se Office: Evidence Tampering Fraud, Identity Theft

It has been documented that like most Federal Judges, the Clerks of these Judicial Whorehouses, believe Pro Ses to be frivolous trash, not deserving of their rights. The Clerk and Pro Se Offices of the Southern District of NY--in the case of Joseph v NASA, Springer Nature--engaged in identity theft, and altered and forged and filed a fake document which they falsely claimed this Plaintiff had filed, and that fraudulently stated that this Plaintiff had determined that Springer Nature was "not guilty." When Plaintiff complained, they deleted the false document.

Again, when in 2024, Plaintiff filed an earlier version of this lawsuit (Joseph v Roberts et al), the Clerk and Pro Se Offices of the Southern District of NY, altered and forged and filed another fake document with a fake title, i.e. Joseph v Thomas et al. When Plaintiff complained and demanded that they correctly file the lawsuit, the Clerk and Pro Se Offices of the Southern District of NY, refused. Further, after Plaintiff paid the fees for the correct filing (Joseph v Roberts et al), the Clerk refused to accept payment.

Hence, in addition to fraud, forgery and identity theft, the Clerk and Pro Se Offices of the Southern District of NY, joined a RICO conspiracy to commit fraud and fraud against the Court and violated this Plaintiff's 5th and 14th Amendment right, and are liable for committing civil and constitutional torts.

PART III. FALSE CHARGES, MALICIOUS PROSECUTION. Predators And Extortionists Protected By 9Th Circuit And Northern Federal District Judges.

1. Plaintiff Refuses to Pay Protection Money. Is Falsely Charged, Maliciously Prosecuted. All Charges Against Plaintiff Dropped.

In the case of *Joseph v City of San Jose et al. (5:19-cv-01294)*; *Joseph v Koh, City of San Jose (5:20-cv-03782)*: the facts are as follows: The Mayor and Auditor of the City of San Jose had denounced the “predators” and “extortionists” who control the City and the Dept of Code Enforcement--the auditor writing a 100 plus page report detailing the shockingly incompetent and illegal practices of the Dept of Code. However, the Auditor, Mayor and City Counsel were powerless and unable to protect the public because the “predators” and “extortionists” and the City was controlled by an independent City Manager (who was formerly head of the corrupt dept of code) and these criminals--who bring in enough money to buy every Federal Judge in America-- are protected by the judges and magistrates of the Northern District Court and 9th Circuit.

Specifically, in October of 2018, Plaintiff was repeatedly contacted by a Code Enforcement employee (Gibilisco), who asked to meet privately with Plaintiff to talk about “money” and the payment of money to “avoid problems with the City.” Plaintiff refused to meet; and Gibilisco then repeatedly filed fake charges and fake code violations against Plaintiff including (A) demanding that 12 healthy Cypress trees on Plaintiff private property, each over 30 feet in height and over 35 year old, must be cut down to 3 feet which would have killed them, and (B) repeatedly filed fake code violations claiming Plaintiff's 3 ft ornamental fence--on Plaintiff's private property-- was over 5ft in height and somehow in violation of some code, when in fact, Gibilisco admits he never measured Plaintiff's fence--which is code

complaint-- but the neighbor's fence and charged Plaintiff for the neighbors violation; and (C) repeatedly filed fake code violations claiming an elevated screen only 1/4 in wide and 12 feet in length in Plaintiff's side-yard was a "dwelling" that was "inhabited" and people were living in it, which is a crazy bizarre delusional claim.

All these fake and false charges against Plaintiff's trees and fence were dismissed by the City. Thus, in violation of *18 U.S. Code 1038(b)(2)(3); CPC 834; and 4th, 5th, and 14 Amendments* Plaintiff was repeatedly falsely accused, charged, and even twice charged with a neighbor's violations, and prosecuted--and then the charges were dismissed by the City of San Jose. The fact that Plaintiff defeated the fake code violations, was proof he had been repeatedly falsely charged, subject to malicious prosecution; and that the Predators were liable for harassment and violations of his 1st, 4th, 5th, 6th, 8th and 14th amendment rights (see *Joseph v City of San Jose et al. (5:19-cv-01294); Joseph v Koh, City of San Jose (5:20-cv-03782)*).

Plaintiff filed a Federal lawsuit only to discover that the "extortionists" and "predators" are protected by the judges and magistrates of the Northern District Court, who in violation of *18 U.S. Code 1038(b)(2)(3); CPC 834*; openly conspired with the attorneys for the extortionists and predators who control the city, and openly encouraged them to retaliate and file additional false charges against Plaintiff and his property; and this is actionable (*42 U.S.C. § 7408 (a)(1)(A); 42 U.S.C. § 7521(a)(1); and 42 USCS § 1983*).

2. Koh, Cousins, Illman, Conspire to Violate Plaintiff's Rights: Joseph v City of San Jose

Koh was plucked from obscurity, while working as a low level patent attorney. She was promised a seat on the Federal Bench, then to the 9th circuit and finally to the U.S. Supreme Court--allegedly for fixing cases and allowing special interests to write her opinions. Koh was the presiding judge and expressed jealous outrage at Plaintiff's accomplishments. After stating she did not want the case to go to trial because the city would "lose too much money" she placed a "stay" to keep it from a jury. Koh was rewarded with elevation to the 9th circuit--exactly as this Plaintiff predicted--despite the fact that her rulings had been denounced and her competence challenged by legal scholars, and the fact the Justice Dept (under President Trump) argued that her decisions and opinions threatened national security.

Plaintiff was ordered to attend a "settlement conference" adjudicated by Magistrate **Cousins**, who instead of attempting to mediate, met secretly with one of the extortionists and their attorney, and then informed Plaintiff that the Federal Courts don't take seriously cases filed by Pro Se Plaintiffs, that Pro Se cases are a waste of the Court's time, and that because Plaintiff is pro se and not a lawyer Plaintiff should

drop his lawsuit. Plaintiff refused. And then Cousin's threatened this Plaintiff and warned even if a jury convicted the predators and extortionists, this criminal organization will retaliate and continue to victimize this Plaintiff and file more false charges, and the Court will not stop them and will not protect this Plaintiff. Plaintiff was repeatedly warned he should drop the lawsuit. Cousins, therefore, made threats on behalf of the predators and extortionists and conspired to violate this Plaintiff's civil and constitutional rights, including his 5th and 14th Amendment rights to due process and equal protection.

The case was eventually assigned to Magistrate **Illman** who, like, Koh expressed hatred for this Plaintiff (Dkt 157, 159), and jealousy of Plaintiff's accomplishments (DKT 166); and Illman justified his hatred by tacitly admitting he was acting to revenge Judge Lucy Koh because Plaintiff had filed a complaint against her (Dkt 157) and indicated he could violate this Plaintiff's civil rights, the Constitution, and his oath of office, with impunity because he has immunity (Dkt 157) and has the god-like power of an 18th Century English King--which is also a belief held by Chief Gangster Roberts.

Both Illman and Koh also interfered with Plaintiff's right to conduct discovery (Dkts 154, 174). Illman and Koh took off Calendar Plaintiff's motions for summary judgement (Dkt 110,120), and Illman dismissed Plaintiff's summary judgment motions without benefit of review; failed to review Plaintiff's 2nd Amended complaint; failed to review Plaintiff's Exhibit 1 (Dkt 107, 109), Exhibit 2 (Dkt 107, 109), Exhibit 3 (Dkt 105) Exhibit 4 Dkt 110, 120), Exhibit 5 (Dkt 119) Exhibit 6 (Dkt 119) (6); and Illman mocked the 1st Amendment and Plaintiff's religious beliefs; and mocked as "ridiculous" laws passed by the California legislature and regulations of the American Bar Association; and repeatedly made bizarre delusional claims denying the existence of established facts and exhibits; and hallucinated, confabulated, and concocted delusional scenarios and imaginary laws and regulations including claiming that all trees in San Jose can only be 3 feet tall according to some imaginary code that exist only in his addled brain, and then dismissed Plaintiff's lawsuit.

Therefore, Koh, Cousins, and Illman, openly conspired with the Defendants and conspired to commit fraud against the court and violated this Plaintiff's 1st, 4th, 5th, 6th, and 14th Amendment Rights. As will be documented (*PART IV*): Corruption, bribery, case-fixing, and incompetence are prerequisites for appointment as a Federal Judge.

3. Corruption on the 9th Circuit: Wallace, O'scannlain, Fernandez. Repeatedly filing false charges that results in acquittal, is proof of a 5th Amendment violation and malicious prosecution--but the law and Constitution mean nothing to the black robed gangsters of the Northern District Federal Court of California. Plaintiff filed an Appeal with the 9th Circuit cesspool and pointed out that according to the

published opinions of the 9th Circuit: filing false charges coupled with exoneration is a violation of the fifth amendment right to due process (*Mills v. City of Covina*, 921 F.3d 1161, 1169 (9th Cir. 2019), *Awabdy v. City of Adelanto*, 368 F.3d 1062, 1066 (9th Cir. 2004)). It is a fact that numerous courts have published their opinions (i.e. “case law”) that proclaims filing false charges is a 5th amendment violation of the right to due process (*Ontario v. Quon*, 130 S.Ct. 2619, No. 08-1332, 560 U.S. 746 (2010); *Mapp v. Ohio*, 367 U.S. 643 (1961); *Nieves*, 139 S. Ct. at 1724). Likewise, California law states it is a violation of the 5th Amendment, due process, to file false charges (2 CAL. JUR. 2d, *Administrative Law and Procedure* § 38, at 75-79, 1952).

When Plaintiff filed an appeal with the 9th circuit, **Clifford Wallace, Diarmuid F. O'scannlain, Ferdinand F. Fernandez**--defied the law and previous rulings of the 9th Circuit (*Mills v. City of Covina*, 921 F.3d 1161, 1169 (9th Cir. 2019), *Awabdy v. City of Adelanto*, 368 F.3d 1062, 1066 (9th Cir. 2004)) and lied about the facts of the case, lied about the law, lied about case law, and merely repeated and vomited up all the lies of Illman and the attorneys for the “predators” and “extortionists” and dismissed Plaintiff’s appeal and endorsed these psychotic claims that trees can only be 3 feet tall. And this again proves (RE; 2nd Circuit, *Joseph v SN*) that so called “case law” is meaningless and that Federal Judges and Magistrates are malicious case-fixing, criminal psychopaths and pathological liars who serve powerful special interests including “predators” and “extortionists” denounced by elected officials.

The level of perversion and corruption is so pervasive in the 9th Circuit that it shocks the conscience. It is an established fact that Judges of the 9th Circuit enjoy watching men having sex with animals and viewing the rape of women dressed as animals, and have shared films and photographs they posted online of women dressed as cows being raped and men raping animals (*Chief Judge Alex Kozinski*) and did so for the sexual enjoyment of other sexual psychopaths on the 9th Circuit who defended this behavior. These 9th circuit perverts have also advocated the torture of prisoners (*Jay Bybee*, whom the *NY Times* demanded be impeached for corruption), and enabled a convicted felon to become a Federal Judge on California’s Northern Federal District (*Aguilar*); where presides the malicious psychopaths and pathological liars identified in this lawsuit.

Hence, **Wallace, O'scannlain and Fernandez** conspired with Koh, Illman, Cousins, and the predators and extortionists of the San Jose Dept of Code, to violate this Plaintiff’s 1st, 4th, 5th, 6th, 8th, and 14th Amendment Rights and to commit fraud against the Court.

4. Predators & Extortionists Retaliate, Protected by Judges Orrick, Demarchi: Refusal to Allow Second Case to Go to Trial.

Koh, Cousins, and Magistrate Demarchi, each encouraged the predators and extortionists who control the City of San Jose to retaliate against this Plaintiff for daring to file a lawsuit against them and for refusing to drop the suit after receiving threats conveyed by Cousins. The predators, knowing they are protected by the Court, did as instructed, and filed more fake code violations and fake charges--and again Plaintiff filed suit (see *Joseph v Koh et al*; 5:20-cv-03782) and, as can be predicted, was confronted with judges who are little more than malicious mediocrities and what can best be described as “idiots.” For example Demarchi, who may be one of the dumbest blades in the drawer, even made the bizarre claim that the predators and extortionists were the same as San Jose Police--even though not even one code enforcement employee has any training and no certificate in code-enforcement (see *Joseph v City of San Jose et al.* (5:19-cv-01294). Demarchi even claimed that Plaintiff had committed the crime of planting trees on his private property 30 years ago and the committed a another crime by not cutting them down to 3 feet in height. Demarchi therefore, made the idiotic, psychotic claim that the predators and extortionists had the authority of police, and could even arrest this Plaintiff for growing trees on his private property!

The case of *Joseph v Koh et al.* was assigned to Federal Judge Orrick, and like Koh, Cousins, Illman, and Demarchi, this malicious psychopath and pathological liar conjured up bizarre quasi-delusional lies, and falsified facts, lied about the facts, even lying about length of the lawsuit; and falsely claiming Plaintiff had “multiple opportunities” to amend his complaint when he had none--and then despite all his malicious psychopathic lies and delusions, Orrick failed to have the case dismissed, and so like Koh, he has refused to allow it to go to trial and before a jury.

According to California law, a conspiracy involves two or more persons when there is a “meeting of the minds.” Hence, Orrick, like Koh, Cousins, Illman, Demarchi, and the gangsters and sex perverts of the 9th Circuit, openly conspired with the “predators” and “extortionists” and the City of San Jose which is controlled by the predators, to violate Plaintiff’s constitutional rights including his 5th and 14th amendment rights to due process and equal protection, and his 4th amendment rights. For example, the 4th Amendment bars unlawful search, and other Federal judges agree (e.g. *Armendariz v. Penman*, 75 F.3d at 1320; *KARO et al.* 468 U.S. 705). The malicious psychopath, Orrick, doesn’t believe in the 4th amendment .

Specifically, in the case of *Joseph v Koh, City of San Jose, et al.*, after an employee-predator employed by the City of San Jose threatened to get his gun and that his friends had guns and they would be coming for this Plaintiff, he then trespassed into Plaintiff’s locked and gated yard and seized Plaintiff’s property (i.e. evidence incriminating other employees of the City of San Jose)-- from Plaintiff’s

hand who was standing inside his locked, gated, private property. The psychopath William H. Orrick, ruled that trespassing into Plaintiff's locked, gated property and seizing property from Plaintiff's hand is not "subject to Fourth Amendment protection" and cited *United States v. Struckman*, 603 F.3d 731, 739 (9th Cir. 2010) when that Court and the case law states the exact opposite conclusion: "*three uniformed police officers entered the fenced-in backyard of a private home in a residential neighborhood of Portland. Guns drawn, but without a warrant... We conclude that the police officers' warrantless actions violated Struckman's Fourth Amendment rights.*" Orrick is just another black robed malicious pathological liar who has contempt for the law and the Constitution.

Likewise, Orrick ruled that Plaintiff does not have the 6th Amendment right that mandates a citizen's right to "to be informed of the nature and cause of the accusation." Although the predators and extortionists could not identify what codes had been allegedly violated, Orrick ruled that the failure to cite any law or code was not a violation; i.e. Plaintiff did not have the right to know what laws or code he has allegedly violated. Orrick also ruled the predators and extortionists did not violate the 5th and 14th Amendment when the City--which is controlled by the predators and extortionists and their attorneys--refused to allow Plaintiff to appear at any hearing to contest these false charges. They could not cite any laws or code Plaintiff had violated, and then refused to allow him to contest the charges and instead merely claimed he was guilty as charged without a hearing or trial and after refusing to allow Plaintiff to dispute the charges or even know what laws or codes he had broken. Orrick agreed!

Despite Orrick's delusions and pathological lies, the fact is: every citizen has a right to a trial or hearing as mandated by the 5th and 14th amendment and *California Government Code (CGC) (Sections 11500-11544; see People v. Swink (1984) 150 Cal.App.3d 1076, 1079; Kash Enterprises, Inc. v. City of Los Angeles (1977) 19 Cal. 3d 294, 308 [138 Cal. Rptr. 53, 562 P.2d 1302]; 150 Cal. App. 3d 1080; Armstrong v. Manzo, 380 U.S. 545, 552 (1965); Sinaloa Lake Owners Ass'n v. City of Simi Valley, 882 F.2d 1398, 1405 (9th Cir. 1989).*

Orrick when not ridiculing and subverting the U.S. Constitution and the Bill of Rights, simply regressed to pathological lying, falsely claiming this Plaintiff had "multiple" opportunities to amend, when he only had one and claiming that Plaintiff complaint was "50 pages" in length, and then attempted to dismiss the case for violation of *Rule 8*—when the entire complaint and its six causes of action were only 23 pages.

Cleary, Orrick like, Illman, Koh, DeMarchi, Cousins, and other judges and magistrates on the Northern District Court, have conspired to protect the predators and extortionists and the City of San Jose

who likely bring in nearly a billion dollars annually--enough money to buy and bribe every Federal Judge in this country. These judges and the city of San Jose meet the criteria of a racketeering criminal organization as defined by RICO.

5. Federal Judges Retaliate, Strip Plaintiff of all Legal & Constitutional Rights: Anyone Can Harm Plaintiff with Impunity.

As documented in previous paragraphs, Federal Judges have conspired together and with others to create fake evidence, fake contracts, fake charges, fake code violations, and to commit fraud, fraud against the Court, and violate this Plaintiff civil and constitutional rights. In fact, it is now well known that Federal Judges have conspired to harm this Plaintiff and that anyone can slander, defame, defraud, falsely charge, falsely accuse, steal from, destroy the property of, violate contracts with, and cause catastrophic injury to this Plaintiff; because Federal Judges have accepted bribes and/or are acting on a vendetta and will deny Plaintiff his legal rights and will protect the criminals. And this leads us to the next case: *Joseph v Amazon (Joseph v Amazon KDP 5:23-cv-05176)*.

6. Joseph v Amazon KDP. Judges Conspire to Violate 5th, 14th Amendment & Impoverish Plaintiff

In another case involving NASA (*Joseph v Amazon KDP 5:23-cv-05176*), after Plaintiff published NASA sequential photos proving that fungi were growing out of the ground, increasing in size, and multiplying on Mars (see Joseph, REFERENCES) the book publisher Amazon KDP stopped paying this Plaintiff his royalties, destroyed all records of Plaintiff's earnings, and defrauded and caused damages of over \$700,000 USD. The alleged goal was to drive Plaintiff into poverty and put a stop to his research activities. It is also a fact that Amazon engaged in these crimes only after NASA first denied, then awarded Jeff Bezos the founder of Amazon, a contract worth hundreds of millions of dollars. Public records will document that Amazon has repeatedly acted according to NASA's dictates in attempts to silence and put this Plaintiff out of business.

Amazon breached its contract with Plaintiff by illegally withholding and defrauding this Plaintiff of his royalties; and the contract offers two options to settle disputes: court or arbitration. Plaintiff, knowing the Courts are wholly corrupt, chose and filed for Arbitration (AAA) despite the criminally high costs charged by AAA and the legion of complaints that AAA engages in fraud and fee gouging and always sides with powerful special interests who are the defendants (see (*Joseph v Amazon KDP 5:23-cv-05176*)). And then, after Plaintiff filed for arbitration, two of the attorneys belonging to the law firm of *Davis Wright Tremaine*- (the same law firm that committed fraud against the court on behalf of SN)--sent Plaintiff several emails promising to settle the case and pay Plaintiff his royalties and refund the fees

Plaintiff paid for arbitration if Plaintiff would drop arbitration. Plaintiff agreed, cancelled arbitration, and then Amazon and *Davis Wright Tremaine*- immediately breached their agreement to settle.

Plaintiff next filed suit in California State Court, but the attorneys for publisher KDP had it transferred to the California Northern District Federal “Whorehouse.” Although Amazon admitted guilt, the two judges assigned to the case, Pitts and Beth Labson Freeman, refused to award summary judgement and refused to allow the case of *Joseph v Amazon KDP* to go to trial. As is a common practice of Federal Judges, Pitts and Freeman ignored and didn’t read this Pro Se Plaintiff’s pleadings, repeated the lies of KDP’s attorneys; and Pitts admitted he was following Amazon’s instructions and acting according to their wishes. Amazon’s attorneys basically wrote his opinion.

Although Plaintiff’s contract with Amazon explicitly allows the case to be heard before a Court, and although Amazon had already broken its agreement to pay if Plaintiff dropped arbitration, and despite the fact that Plaintiff civil lawsuit complaint included a first Amendment violation involving NASA, Pitts and Freeman ordered that Plaintiff must again pay for arbitration but that even if arbitration ruled in Plaintiff’s favor, Pitts and Freeman could over rule the arbitrators and dismiss the case in favor of Amazon and thus defraud Plaintiff not only of all the funds owed, but all the funds paid to AAA and then award Amazon court costs that Plaintiff must pay for daring to file suit.

Amazon’s attorneys in fact gave the Court (AKA Freeman) permission to dismiss the case, and Freeman, like Pitts obeyed Amazon’s orders and joined in a conspiracy to defraud Plaintiff of over \$700,000 in damages. Clearly, these two gangsters in black robes conspired with Amazon and other whores on the Northern District Court, to cause Plaintiff catastrophic injury and are thus members of a racketeering criminal organization as defined by RICO and that includes all the Defendants.

7. City of San Jose Attorneys Office Commit Theft Fraud and Fraud Against the Court

As documented in the pleadings (See *Joseph v City of San Jose et al*), the City of San Jose and City Attorneys stole from and defrauded this Plaintiff of \$1250 which is 50% of the cost of the private secretary Plaintiff hired to take notes and make a transcript of the San Jose Administrative Hearing in May of 2020; i.e. \$2,500.

The facts are as follows: The San Jose Dept of Code and the San Jose Attorneys Offices (A) refused to have a court reporter present at the administrative hearing in the case of *Joseph v City of San Jose*. (B) Instead, they informed Plaintiff they would make a tape recording, and (C) Plaintiff would have to pay to have a copy of the recording and (D) they did not need a copy of Plaintiff’s private secretary’s notes.

Plaintiff hired a private secretary (Aimee Edwards-Altadonna, CSR 13979) and paid for her time and for her to transcribe the hearing and make copies of this administrative hearing. At the end of the administrative hearing, the City attorneys asked to have a copy of the transcripts; i.e. Plaintiff's private notes from a hearing where no one was sworn in. Plaintiff informed the City Attorneys that Aimee Edwards-Altadonna is Plaintiff's private secretary. And if they want a copy of the transcript, they must pay 50% of the cost of hiring this private secretary and half the costs for her to transcribe and make copies. The City Attorneys refused and stated they already have a recording. They do not need Plaintiff's notes. Instead, the City Attorney then secretly contacted Plaintiff's private secretary and convinced her to give them a copy of Plaintiff's private notes; and she in fact gave them a copy without Plaintiff's knowledge.

When Plaintiff finally received his copy, incriminating statements made by Code Enforcement officials had been deleted and different portions of the copy had different text fonts and margins. When Plaintiff, based on his 5th Amendment legal right to conduct Discovery, demanded to receive the audio recording of the session, the City Attorneys refused to provide it and Illman interfered with and prevented this Plaintiff from conducting Discovery.

Therefore, the evidence indicates that the City Attorneys for the Predators and Extortionists, edited the transcripts, and only then did Aimee Edwards-Altadonna provide an obviously edited and redacted copy of the transcript to Plaintiff which was secretly also given to the City Attorneys who had the original (pre-redacted) and redacted versions.

The City of San Jose has since refused to pay for the stolen transcripts. Thus the City Attorney and City of San Jose altered and destroyed evidence--and in so doing again violated this Plaintiff's 5th Amendment rights-- and committed theft and fraud by obtaining and stealing from Plaintiff's his private property after being told they would have to pay \$1,250.00 for a copy; and they allegedly engaged in additional frauds by tampering with the evidence and refusing to pay the \$1,250.00 fee they were quoted.

PART IV: WIDESPREAD CRIMINAL CORRUPTION AMONG THE JUDICIARY

1. Breyer Commission: Chief Judges Are Criminals Who Cover Up Crimes of Other Federal Judges

At present, the only way to remove one of these gangsters in black robes is via an act of Congress. Judges have proved they cannot be trusted to police themselves because there is no such thing as an "honest judge" and all judges believe they have the right to engage in "*conduct which is corrupt*,

malicious or intended to do injury.” The complaint process against Judges is a fraud and a sham.

As determined by the Supreme Court’s Breyer Committee, the Chief Judge of each Federal District and Appellate Court—who are responsible for supervising and disciplining judges—engaged in fraud and dismissed almost all complaints no matter how heinous the conduct. As determined by the Breyer Commission, each and every one of the Chief’s Judges in this country is corrupt and have repeatedly violated the *Federal Judicial Misconduct Statutes and Judicial Councils Reform and Judicial Conduct and Disability Act of 1980* which mandates the punishment of judges who engage in criminal acts (*JCRJCD Act of 1980; Breyer Committee, 2006:83-84; National Commission reported 1993, at 345*).

The facts are as follows: Because judicial criminality and violations of the Constitution and Bill of Right had become so widespread among Federal Judges, the U.S. Congress passed the *Judicial Councils Reform and Judicial Conduct and Disability Act of 1980 (JCRJCD Act of 1980)*. After extensive lobbying by Federal Judges, this new law, unfortunately, invested these same judges with an autocratic system of “self-regulation” in which the Chief Judge in each federal judicial circuit could cover up criminal activity. In fact, subsequently these Chief Judges dismissed tens of thousands of complaints detailing heinous and egregious conduct; with the most severe penalty--and only in high profile cases-- being nothing more than a vacation as determined by follow up investigations.

Specifically, that same 1980 legislation created a *National Commission on Judicial Discipline and Removal* which in 1993 published a selective compilation of empirical studies (*Report of the National Commission on Judicial Discipline and Removal (1993)* including those of Barr and Willging (*1993 Decentralized Self-Regulation, Accountability, and Judicial Independence Under the Federal Judicial Conduct and Disability Act of 1980*) and Marcus (*1993 Who Should Regulate Federal Judges, and How?, 1 Research Papers of the National Commission on Judicial Discipline and Removal 363 (1993)*). These studies documented continued widespread corruption and malicious judicial criminality and thousands of violations of the *JCRJCD Act of 1980*. In consequence, Howard Coble (R., N.C.) and Howard Berman (D., Cal) of the House Judiciary Committee introduced the *Judicial Improvements Act of 2002* which became law the same year and which the Federal Judiciary and the Chief Judge of every Federal District subsequently also defied, violated, and ignored. Judicial criminality continued unabated.

In 2004 Chief Justice William H. Rehnquist appointed a committee chaired by Supreme Court Justice Stephen Breyer to assess the effectiveness of the 1980 Act; and which issued a scathing public report in September 2006: every year complaints are filed against 600 to 1000 Federal Judges--over 3,500 complaints for every five year period--and that 99.9% of these complaints were routinely dismissed

by the Chief Judge who would typically lie about the issues and event reasons to call the complaint “frivolous,” and excusing even heinous crimes. Of the remaining 0.1% where there was overwhelming evidence of criminal misconduct and which were considered “high profile” having received media attention, the Chief Judge concluded that no corrective action was necessary in all but 4 cases. Thus, out of nearly 3,500 complaints filed against Federal Judges during a single five-year period, there were only four instances in which discipline was imposed, but only in the form of a private or public censure--- and only because these were “high-visibility cases” (Breyer Committee, 2006:107): the most severe punishment a vacation. To be blunt, as determined by the Breyer Committee, the Chief Judge of each Federal District and Appellate Court proved to be completely corrupt and covered up the crimes of other judges and violated and showed nothing but contempt for the 1980 law (*Breyer Committee, 2006:83-84; National Commission reported 1993, at 345*).

This Plaintiff has standing to file suit for fraud and conspiracy, because when he filed complaints against Lucy Koh, and the drug addled magistrate Robert Illman, both complaints were rejected by the Chief judges of the 9th Circuit (Sidney Thomas, Mary Helen Murguia) because these black robed gangsters believe it is their right and the right of every judge to engage in “**conduct which is corrupt, malicious or intended to do injury**” with impunity. Chief Judge Murguia--yet another pathological liar--made the delusional claim Plaintiff did not complain until after ogre Illman dismissed the case. Fact is, months before that mentally ill man rendered his delusional dismissal, Plaintiff had twice demanded Illman recuse himself, twice accused Illman of pathological lying, accused Illman of “fixing” the case; warned Plaintiff would file suit if Illman did not recuse himself and Plaintiff filed his complaint before Illman dismissed the case. Truth, justice, honor, are alien concepts to most Federal Judges.

Murguia, like Illman, is just another of the thousands of corrupt Judges and magistrates that infect the judicial system. In fact, even when a Federal Judge is convicted after a trial by jury, other Federal Judges will overturn the guilty verdict, allow that judge to resume their judicial functions at full salary, and then retire with full benefits--despite the fact the judge is a convicted felon. Case in point: Aguilar.

2. RICO: The Judiciary is a Cesspool of Crime & Corruption Ranging From Multi-Judicial Bribery Rings to the Rape of Incarcerated Women and Children.

As defined by RICO, the American judiciary, from Magistrates to Supreme Court Justices, function as a racketeering cesspool of crime and corruption as documented in cases filed by Plaintiff, and numerous investigators and investigations as documented in this random sample from tens of thousands of complaints and charges filed in every state of this nation in the last 20 years alone; (*Corruption in Our*

Courts: What It Looks like and Where It is Corruption in Our Courts: What It Looks like and Where It is Hidden, Yale Law Journal, 2009; G. P. Miller, *Bad Judges*” NYU Center for Law and Business Working Paper CLB-03-002. 2004 Texas Law Review 83(2):431-487; M. Boot, *Out of Order: Arrogance, Corruption and Incompetence on the Bench* (1999), Basic Books; Cynthia Gray, *A Study of State Judicial Discipline Sanctions*, State Judicial Institute and American Judicature Society (2002); D. Shaw, *Lawyer, Liar: Judges Are The Worst*, 2017); D. Brock, *Stench: The Making of the Thomas Court and the Unmaking of America*; Knopf. 2024)

A. Judges Are Pathological Liars: “Courts and judges always lie. Lying is the nature of the judicial activity” (*Shapiro, M. Judges as Liars, Harv. J. L. & Pub. Pol’y* 155 1994) and they lie when they write their decisions by altering or conjuring up non-existent facts, falsifying evidence, and making flagrantly false statements, and perjuring themselves as documented by numerous investigators and investigations (*In the Matter of the Proceeding Pursuant to Section 44, subdivision 4, of the Judiciary Law in Relation to Reynold N. Mason, a Justice of the Supreme Court, 2nd Judicial District, Kings County, New York State Commission on Judicial Conduct, June 21, 2002, available at <http://www.scjc.state.ny.us/Determinations/M/mason.htm> (judge failed to cooperate with investigation and gave testimony that was evasive and incredible); David Weber, *Lopez Inks Pact to Officially End Probe*, Boston Herald, June 7, 2003, available at 2003 WL 3027425 (judge lied during the hearing and the investigation into her alleged misconduct); Inquiry Concerning Former Judge Vincent J. McGraw, California Commission on Judicial See *In the Matter of Michael R. Connor*, 589 A.2d 1347 (N.J. 1991); . *Performance*, April 3, 2003, available at <http://cjp.ca.gov/CNCensureRTF/McGraw%204-3-03.rtf> (judge lied when asked whether he viewed pornography on his courthouse computer); New Hampshire Panel Admonishes Chief Justice Brock, Los Angeles Times, April 22, 2001, available at 2001 WL 2480657 (justice of state supreme court lied to investigators during impeachment inquiry); *In re Keith C. Campbell*, No. 87 CC-3, Illinois Judicial Inquiry Board (judge suspended for offenses including lying to investigators); *In the Matter of the Honorable Gary J. Davis*, Case No. 9502-107, Nevada Commission on Judicial Discipline, December 1995, (at formal hearing on disciplinary charges, judge lies and refused to answer non-incriminating questions posed by special counsel and behaved in contumacious and contemptuous manner). *Doan v. Commission on Judicial Performance*, 902 P.2d 272 (California 1995) (judge asked material witnesses not to cooperate with agents and not to discuss a bribe given to the judge); *In the Matter of Judicial Disciplinary Proceedings Against Dreyfus*, 182 Wis.2d 121, 513 N.W.2d 604 (1994) (judge submitted false certificates of status of pending cases); Inquiry Concerning*

Johnson, 692 So.2d 168 (Florida 1997)(judge repeatedly backdated DUI convictions); *In the Matter of Waddick*, 232 Wis.2d 733, 605 N.W.2d 861 (2000) (judge falsely certified that he was up-to-date with his docket); *Inquiry Concerning Johnson*, 692 So. 2d 168 (Florida 1997) (judge backdated DUI convictions); *Brendan Smith, Some Judges Run Afoul of the Law*, *Albuquerque Journal*, February 10, 2002, available at 2002 WL 12685479 (judge altered city manager's name, birth date and social security number on court records to cover up a drunk driving arrest); *In the Matter of Joseph G. Edwards*, 694 N.E.2d 701 (Ind. 1998) (judge created false divorce decree); *In the Matter of the Honorable Raymond L. Kern*, 774 N.E.2d 878 (Ind. 2002) (judge altered court records).

B. Judges Commonly Take & Demand Bribes, and Form Multi-Judge Bribery Rings as documented by numerous investigators and investigations: (*United States v. Maloney*, 71 F.3d 645 (7 Cir. 1995), cert. denied, 519 U.S. 927 (1996) (judge took bribe to acquit mob hit man in murder case); *John Caniglia, Probe Drags Mahoning Courts to a New Low*, *Cleveland Plain Dealer*, October 18, 2000, available at 2000 WL 5171084 (judge took a \$500 bribe to fix a criminal case); *In re Honorable Phil Shoffner*, *Arkansas Judicial Discipline & Disability Commission*, November 19, 2002, available at http://www.state.ar.us/jddc/pdf/112102_shoffner.pdf; *United States v. Maloney*, 71 F.3d 645 (7 Cir. 1995), cert. denied, 519 U.S. 927 (1996) (judge took bribe to acquit mob hit man in murder case); *John Caniglia, Probe Drags Mahoning Courts to a New Low*, *Cleveland Plain Dealer*, October 18, 2000, available at 2000 WL 5171084 (judge took a \$500 bribe to fix a criminal case); *In re Honorable Phil Shoffner*, *Arkansas Judicial Discipline & Disability Commission*, November 19, 2002, available at http://www.state.ar.us/jddc/pdf/112102_shoffner.pdf; *G. P. Miller, Bad Judges*” NYU Center for Law and Business Working Paper CLB-03-002. 2004 *Texas Law Review* 83(2):431-487; *M. Boot, Out of Order: Arrogance, Corruption and Incompetence on the Bench* (1999), Basic Books; *Cynthia Gray, A Study of State Judicial Discipline Sanctions*, *State Judicial Institute and American Judicature Society* (2002).

C. Judges Commonly Fix Cases, Make Corrupt Rulings as documented by numerous investigators and investigations (*In the Matter of Skinner*, 690 N.W.2d 484 (N.Y. 1997) (judge summarily dismissed criminal case against a friend). *Inquiry Concerning Judge Michael E. Platt*, *CA Commission on Judicial Performance*, No. 162, August 5, 2002, available at <http://www.cjp.ca.gov/CN%20Removals/Platt%208-5-02.rtf> (judge fixed a ticket of a man to whom judge owed money); judge heard his own son's criminal case); *In the Matter of Skinner*, 690 N.W.2d 484 (N.Y. 1997) (judge summarily dismissed criminal case against a friend). *A Judge Judged: Jaffe's Plea Shouldn't Be The End of the Story*, *Pittsburgh Post-Gazette*, February 13, 2003, available at 2003 WL 3888717 (judge solicited bribes from

attorneys); Cynthia Gray, *A Study of State Judicial Discipline Sanctions*, State Judicial Institute and American Judicature Society (2002); G. P. Miller, *Bad Judges*” NYU Center for Law & Business Working Paper CLB-03-002. 2004 *Texas Law Review* 83(2):431-487; M. Boot, *Out of Order: Arrogance, Corruption Incompetence on the Bench* (1999), Basic Books; *Corruption in Our Courts: What It Looks like and Where It is Corruption in Our Courts: What It Looks like Where It is Hidden*, Yale Law Journal, (2009).

D. Judges Destroy Evidence, Conspire To Fake Evidence, Tamper With And Fabricate

Evidence And Court Records: as documented by numerous investigators and investigations (*Inquiry Concerning Johnson*, 692 So. 2d 168 (Florida 1997) (judge backdated DUI convictions); Brendan Smith, *Some Judges Run Afoul of the Law*, Albuquerque Journal, February 10, 2002, available at 2002 WL 12685479 (judge altered city manager’s name, birth date and social security number on court records to cover up a drunk driving arrest); *In the Matter of Joseph G. Edwards*, 694 N.E.2d 701 (Ind. 1998) (judge created false divorce decree); *In the Matter of the Honorable Raymond L. Kern*, 774 N.E.2d 878 (Ind. 2002). *In re Lambros J. Kutrubis*, No. 99 CC-3C, Illinois Judicial Inquiry Board, available at <http://www.state.il.us/jib/summary.htm> (judge forged signature of former friend on numerous tax returns for judge, his wife and entities in which they had an interest); *Inquiry Concerning Johnson*, 692 So. 2d 168 (Florida 1997) (judge backdated DUI convictions); Brendan Smith, *Some Judges Run Afoul of the Law*, Albuquerque Journal, February 10, 2002, available at 2002 WL 12685479 (judge altered city manager’s name, birth date and social security number on court records to cover up a drunk driving arrest); *In the Matter of Joseph G. Edwards*, 694 N.E.2d 701 (Ind. 1998) (judge created false divorce; M. Boot, *Out of Order: Arrogance, Corruption and Incompetence on the Bench* (1999), Basic Books); Cynthia Gray, *A Study of State Judicial Discipline Sanctions*, State Judicial Institute and American Judicature Society (2002); G. P. Miller, *Bad Judges*” NYU Center for Law and Business Working Paper CLB-03-002. 2004 *Texas Law Review* 83(2):431-487.

E. Judges Commit Fraud, Theft, Extortion: Inquiry Concerning Judge James I. Aaron,

California Commission on Judicial Performance, July 8, 2002, available at <http://cjp.ca.gov/CNCensureRTF/Aaron%207-8-02.rtf> (judge promoted Ponzi scheme and evaded financial obligations; *Inquiry Concerning Campbell*, 426 S.E.2d 552 (Georgia 1993) (judge removed more than \$15,000 in public moneys from the magistrate’s court); *In re Lambros J. Kutrubis*, No. 99 CC-3C, Illinois Judicial Inquiry Board, available at <http://www.state.il.us/jib/summary.htm> (judge forged signature on numerous tax returns for judge, his wife and entities); G. P. Miller, *Bad Judges*” NYU Center for Law and Business

Working Paper CLB-03-002. 2004 Texas Law Review 83(2):431-487; M. Boot, Out of Order: Arrogance, Corruption and Incompetence on the Bench (1999), Basic Books); Cynthia Gray, A Study of State Judicial Discipline Sanctions, State Judicial Institute and American Judicature Society (2002).

F. Judges Harm Those Targeted By Powerful Political Or Special Interests: David

Ashenfelter, Removal Suggested for Judge, Detroit Free Press, February 11, 2003, available at 2003 WL 2542382 (judge accused of filing lawsuits against nine witnesses who were scheduled to testify against him in judicial disciplinary proceedings); In the Matter of Drury, 602 N.E.2d 1000 (Indiana 1992)(judge attempted to intimidate ex-girlfriend and her mother who were cooperating with investigation of judicial misconduct); Inquiry Concerning Former Judge Arthur S. Block, December 9, 2002, available at <http://cjp.ca.gov/CNCensureRTF/Block%20Decision%2012-09-02.rtf> (judge attempted to intimidate several witnesses during investigation into judge's alleged sexual misconduct) In re Samuel G. Harrod, III, No. 80 CC-2, Illinois Judicial Inquiry Board, available at <http://www.state.il.us/jib/summary.htm> (judge sent an anonymous letter to the estranged wife of the prosecuting attorney suggesting lines of investigation she might use in her divorce case and caused bogus magazine subscriptions to be mailed to members of the judicial inquiry panel).

G. Judges Retaliate, Recruit Other Judges To Retaliate Against Those Who Complain.

Inquiry Concerning Former Judge Arthur S. Block, December 9, 2002, available at <http://cjp.ca.gov/CNCensureRTF/Block%20Decision%2012-09-02.rtf> (judge attempted to intimidate several witnesses during investigation into judge's alleged sexual misconduct) In re Samuel G. Harrod, III, No. 80 CC-2, Illinois Judicial Inquiry Board, available at <http://www.state.il.us/jib/summary.htm> (judge sent an anonymous letter to the estranged wife of the prosecuting attorney suggesting lines of investigation she might use in her divorce case and caused bogus magazine subscriptions to be mailed to members of the judicial inquiry panel); David Ashenfelter, Removal Suggested for Judge, Detroit Free Press, February 11, 2003, 2003 WL 2542382 (judge accused of filing lawsuits against nine witnesses who were scheduled to testify against him in judicial disciplinary proceedings); In the Matter of Drury, 602 N.E.2d 1000 (Indiana 1992)(judge attempted to intimidate ex-girlfriend and her mother who were cooperating with investigation of judicial misconduct); M. Boot, Out of Order: Arrogance, Corruption and Incompetence on the Bench (1999), Basic Books); Cynthia Gray, A Study of State Judicial Discipline Sanctions, State Judicial Institute and American Judicature Society (2002); G. P. Miller, Bad Judges" NYU Center for Law and Business Working Paper CLB-03-002. 2004 Texas Law Review 83(2):431-487)

H. The Majority of Judges are Ignorant of the Law, with some judges possessing only a minimal command of the law (*M. Boot, Out of Order: Arrogance, Corruption and Incompetence on the Bench* (1999), Basic Books; *G. P. Miller, Bad Judges*” NYU Center for Law and Business Working Paper CLB-03-002. 2004 *Texas Law Review* 83(2):431-487).

I. Judges Pay Bribes To Become Judges. Lawyers buy Judgeships and bribe elected officials and the leadership of the major political powers which have sold judgeship for an average of \$50,000 which is then distributed upwards to the top dogs; and Judges also pay bribes (i.e. consultation fees) to politically connected law firms at the request of party leaders (*Kati Cornell Smith and Tom Topousis, Feds Probe Jailed Pol’s Role in 50G ‘Bench Buy,’ New York Post, July 10, 2003, at 7*; *Nancie L. Katz, Judge Trio Forced to Ante Up 100G?, New York Daily News, July 16, 2003, available at 2003 WL 58595493 (three candidates for judgeships in Brooklyn, New York were reportedly paid \$100,000 each to a politically-connected consulting firm as the price for retaining the nomination)*; *Supporter of Elian Was Paid by Judge, Los Angeles Times, January 12, 2000, available at 2000 WL 2200009 (judge paid prominent figure in Miami politics substantial “consulting fees “to promote her appointment as a judge), .*

J. Judges Show Up Drugged Or Drunk In Court, as documented by *William R. Levesque, Report Casts Doubt on Judge’s Rehab Program, St. Petersburg Times, June 4, 2002, available at 2002 WL 20771369 (detailing judge’s continuing problems with alcohol abuse)*; *A ‘Message’ For McFalls: The High Court Suspends the Judge Without Pay, Pittsburgh Post- Gazette, April 16, 2002, available at 2002 WL 3810998 (judge attributed bizarre alcohol-induced behavior to trauma from September 11 terrorist attack)*; *Brendan Smith, Some Judges Run Afoul of the Law; Albuquerque Journal, February 10, 2002, available at 2002 WL 12685479 (judge allegedly drove under the influence, left the scene of accident and lied to police officers)*; *Patricia Huang, Panel Recommends Reprimand for Judge, Newark Star-Ledger, February 9, 2002, available at 2002 WL 13449323. In re Judge Steven D. Lawrence, Arkansas Judicial Discipline & Disability Commission, http://www.state.ar.us/jddc/pdf/sanctions/lawrence_12_20_2001.pdf ()*; *In Re Appeal of Larsen, Pennsylvania Law Weekly, November 4, 2002 (judge found to have engaged in conspiracy related to unlawful acquisition of prescription medications)*; *Cynthia Gray, A Study of State Judicial Discipline Sanctions, State Judicial Institute and American Judicature Society (2002)*; *G. P. Miller, Bad Judges*” NYU Center for Law and Business Working Paper CLB-03-002. 2004 *Texas Law Review* 83(2):431-487; *M. Boot, Out of Order: Arrogance, Corruption and Incompetence on the Bench* (1999), Basic Books). e.g. *Illman (see Joseph v City of San Jose 5:19-cv-01294)*.

K. Federal Judges Conspire to Violate 14th & 5th Amendment Rights of Average Americans

Who are Viewed as “Trash.”: It is well established in published reports and in prestigious journals of law, that the majority of Federal Judges believe the average American, anyone who is not represented by an attorney, and all Pro Se Plaintiff’s regardless of their education, intelligence and accomplishments, are “trash” not deserving of their Constitutional rights or the time of that judge, and thus up to 66% of all Federal Judges refused to read and routinely dismiss cases filed by Pro Se, regardless of the merits, and merely repeat the arguments of Defendants’ lawyers to justify dismissal (*M.D. Gough, E.S.T Poppe, Changing Rates of Pro Se Litigation in Federal Court, Law & Social Inquiry, American Bar Association 1/20/2020; Nielsen, L. B., et al 2010. Employment Discrimination Litigation in the Post Civil Rights United States. Journal of Empirical Legal Studies 7:175–201; V. D. Quintanilla et al. “The Signaling Effect of Pro se Status.” Law & Social Inquiry 42, no. 4 (2017): 1091–1121; Landsman, S. 2012. Pro se Litigation. Annual Review of Law and Social Science 8 (1):231–53; V. D. Quintanilla et al. “The Signaling Effect of Pro se Status.” Law & Social Inquiry 42, no. 4 (2017): 1091–1121; J. D. Rosenbloom, Exploring Methods to Improve Management and Fairness in Pro Se Cases: a Study of the Pro Se Docket in the Southern District of New York, 30 FORDHAM URB. L.J. 305, 310 (2002); E. M. Holt, How to Treat “Fools”: Exploring the Duties Owed to Pro Se Litigants in Civil Cases, 25 J. LEGAL PROF. 167, 173 (2001); R. Engler, And Justice For All—Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks, 67 FORDHAM L. REV. 1987, 2022 (1999); E.J.R. Nichols, Preserving Pro Se Representation in an Age of Rule 11 Sanctions, 67 TEX. L. REV. 351, 379-80l; Landsman, S. 2012. Pro se Litigation. Annual Review of Law and Social Science 8 (1):231–53).*

L. Judges Rape And Demand Sex From Women And Children Who Are Incarcerated, and from Female Lawyers, Law Clerks, Court Staff, and demand sex from rape victims and from women whose fathers or husbands are up for trial, even collecting and reading child porn and displaying and distributing pornography in court and raping children, women, girls, and little boys (*Monte Morin; Jack Leonard, O.C. Judge is Charged With Possession of Child Porn, Los Angeles Times, November 10, 2001, available at 2001 WL 28927626 In the Matter of Edwards, 694 N.W.2d 701 (Indiana 1998) (judge presided over or attempted to influence cases involving parties with whom judge was having sexual relations); Brendan Smith, Espanola Group’s Deposits Queried, Albuquerque Journal, September 27, 2003, available at 2002 WL 100703036 (judge pressured a female defendant for a date); Brendan Smith, Some Judges Run Afoul of the Law, Albuquerque Journal, February 10, 2002 (judge asked criminal defendant and domestic abuse victim for dates); David Rosenzweig, Former Judge Sentenced for Sex*

With Defendant, Los Angeles Times, February 1, 2001, available at 2001 WL 2457658 (judge had affair with wife of a criminal defendant awaiting sentencing before him); *In re Harris*, 713 So.2d 1138 (Louisiana 1998) (judge had an extramarital affair with a felon who was released on parole pursuant to a sentence that the judge herself had imposed); *Jurist Disqualifies Self in Ex-Judge's Case*, Los Angeles Times, October 3, 2000, available at 2000 WL 25903128 (judge had sexual relations with the wife of a defendant who was awaiting sentencing in his court on kidnapping charges); *Angeles Times*, November 10, 2001, *In re Koch*, 890 P.2d 1137 (Arizona 1995) (judge disciplined after being arrested for solicitation of prostitution); *Linda Kleindienst, Florida Court Orders Reprimand for Judge*, Fort Lauderdale; *Sun-Sentinel*, June 2, 2000, available at 2000 WL 22176766 (judge acquitted of charges of solicitation but disciplined for attempting to misuse his office after arrest); *Court to Decide if Judge Stays on Job; Allegheny County Justice Charged with Patronizing Prostitutes*, Harrisburg Patriot, November 26, 1999, available at 1999 WL 5161106 (judge offered undercover policewoman \$20 for sex); *In re the Matter of Honorable Mark S. Deming*, 736 P.2d 639 (Wash. 1987); *Robert Becker, State Ousts Judge, Cites Harassment*, Chicago Tribune, December 4, 2001, available at 2001 WL 30798221 (judge sexually harassed four female prosecutors); *In the Matter of the Complaint Against Seraphim*, 97 Wis.2d 485, 294 N.W.2d 485 (1980) (harassed female probation officer); *In re the Matter of Honorable Mark S. Deming*, 736 P.2d 639 (Wash. 1987) (judge harassed county district court probation personnel); *In re Richard D. Cicchetti*, 743 A.2d 431 (Pa. 2000); *In re Richard D. Cicchetti*, 743 A.2d 431 (Pa. 2000); calls to court reporter and asked her for dates); *See Inquiry Concerning Judge W. Jackson Willoughby*, California Commission on Judicial Performance, June 27, 2000, available at http://cjp.ca.gov/CNCensureRTF/WilloughbyCNCN_06-27-00.rtf (judge engaged in improper and unwanted touching of bailiff's breasts); *Wren Propp, Court Suspends Mora Magistrate*, Albuquerque Journal, April 10, 2003, available at 2003 WL 18623941 (county magistrate accused of sexually harassing administrative clerk); *In re the Matter of Honorable Mark S. Deming*, 736 P.2d 639 (Wash. 1987) (judge sexually harassed docket clerk); *re the Matter of Honorable Mark S. Deming*, 736 P.2d 639 (Wash. 1987) (judge sexually harassed law student intern); 2003 WL 57336738 (judge charged with sexually harassing secretary); *Tiffany Y. Latta, Charges Pending Against Judge*, Columbus Dispatch, June 14; *Inquiry Concerning Judge W. Jackson Willoughby*, California Commission on Judicial Performance; *In re Richard D. Cicchetti*, 743 A.2d 431 (Pa. 2000) (judge made repeated unwanted phone See *In the Matter of the Complaint Against Seraphim*, 97 Wis.; judge sexually harassed employee of private social services agency); *Inquiry Concerning Judge W. Jackson Willoughby*, California Commission on Judicial Performance, June 27, 2000, available at

http://cjp.ca.gov/CNCensureRTF/WilloughbyCNCN_06-27-00.rtf (judge engaged in improper and unwanted touching of bailiff's breasts). Judicial Performance, April 3, 2003, available at http://cjp.ca.gov/CNCensureRTF/McGraw%204-3-03.rtf (judge lied to the press when asked whether he viewed pornography on his courthouse computer; Monte Morin; Jack Leonard, O.C. Judge is Charged With Possession of Child Porn, Los Angeles Times, November 10, 2001, available at 2001 WL 28927626; CJP Charges Fresno Superior Court Judge With Lying About Viewing Porn on Courthouse Computer; Metropolitan News-Enterprise, Friday, September 20, 2002).

3. Corruption is a Prerequisite for Becoming a Federal Judge who are Chosen by Special Interests To Serve and Protect Special Interests

Federal Judges are not elected. Citizens have no say as to who becomes a Federal Judge or Magistrate. Instead, men and women, often laboring in obscurity and known to be corrupt, malicious and dishonest are chosen by powerful special interests to serve powerful special interests (*Judicial Abdication and the Rise of Special Interests*, 6 CHAP. L. REV. 173 (2003); *Judicial Bias and Financial Interest as Grounds for Disqualification of Federal Judges*, 35 Case W. Rsrv. L. Rev. 662 (1984 - 1985); *Eroding the Public's Confidence in Judicial Impartiality: Federal Jurisprudence and Special Interest Financing of Judicial Campaigns*, 67 Alb. L. Rev. 763 (2003-2004); 40 Baylor L. Rev. 501 (1988) *Selection of Appellate Judges*). Corruption is often a prerequisite for becoming a Federal Judge. Even becoming a convicted felon is not disqualification.

Case in point: Northern California U.S. District Judge Robert P. Aguilar was indicted on June 13, 1989 for racketeering, obstruction of justice, and other felonies, including attempts to conspire with other judges to reduce the sentences of career criminals and meeting with criminals and informing them they were under surveillance by the FBI. Despite the fact that Aguilar had been suspected of taking substantial bribes and was photographed with career criminals, and sought to convince a Federal Judge to reduce the sentence of another career criminal, and the damning testify of numerous witnesses, almost all the charges were immediately dismissed by his fellow justices on the Northern District Federal Court--home of the alleged multi-judge bribery ring (**Defendants Koh, Cousins, Illman, Orrick, DeMarchi, Pitts, Freeman et al**).

Aguilar was tried before a jury and convicted in August of 1990. Despite the seriousness of his crimes, the Federal Judge hearing the case gave Aguilar a six-month suspended sentence and he was allowed to go free as his case was appealed before the 9th Circuit, which, of course, nullified the guilty verdicts reached by jurors. Aguilar, a convicted felon, became a Federal Judge on the California's

Northern District Federal Court and given the honor of “senior status” by his fellow judges. When an outraged Congress began preparation for Impeachment, Aguilar resigned, with full pension.

Even **sexual depravity** is not considered a disqualification, but a badge of honor. Case in point: *Alex Kozinski, chief judge of the U.S. 9th Circuit Court of Appeals*, who posted online, photos and films of naked women on all fours painted to look like cows being forced to have sex, and a video of a naked man cavorting with sexually aroused farm animals. Kozinski admitted that gazing at the photos and films excited and amused him and he wanted to share his joy by posting his photos online. Other judges on the 9th circuit argued that *Kozinski*, had done nothing wrong, and they were proud of him.

Consider, for example, *Federal Judge Jay Bybee* who is also member of the *9th Circuit Court of Appeals* and who is on record *advocating* the *torture* of men and women in custody. He was so sadistic and malicious, that the *New York Times* ran an editorial demanding that Congress impeach this gangster because of his history of corruption and lying even before he was appointed a Judge; but who was appointed to the judiciary as a reward for advocating the torture of prisoners. To quote the New York Times, Judge Jay Bybee’s actions were “*not an honest attempt to set the legal limits on interrogations... They were written to provide legal immunity for acts that are clearly illegal, immoral and a violation of this country’s most basic values.*” Accordingly, the New York Times concludes that Bybee is “*unfit for a job that requires legal judgment and a respect for the Constitution.*” Bybee is now a “Senior U.S. Circuit Judge” on the 9th Circuit whose members are now Defendants in the present case; i.e. *Thomas, Murguia, Wallace, O’scannlain, Fernandez and Lucy Koh*.

4. Lucy Koh: Corrupt Judge, RE: Joseph v City of San Jose (5:19-cv-01294)

Defendant Lucy Koh who, in the case of *Joseph vs City of San Jose (5:19-cv-01294)* openly conspired to protect “extortionists” and “predators” denounced by the Mayor and Auditor of the City of San Jose. Koh is also allegedly a member of a multi-judge criminal enterprise (Koh, Cousins, Illman, Orrick, DeMarchi, Pitts, Freeman, Thomas, Murguia, Wallace, O’scannlain and Fernandez). Koh was laboring as an obscure patent litigator and plucked out of obscurity and given a Superior court judgeship and only served two years before she was promoted to the Federal Court despite the fact that her alleged emotional instability, irrational, paranoid behavior, and lack experience disqualified her: “*Legal experts say that it’s rare for a patent litigator to be appointed to a district judgeship*” (*Greg Sandoval, 8/21/2014; Apple v. Samsung: Why is Judge Koh so angry?*). Once on the Federal Bench, powerful special interests financed an expensive media campaign to have Koh appointed to the U.S. Supreme Court (e.g. *T. Mitrano, “Judge Lucy Koh for the Supreme Court: [Joseph v Justice Dept, NASA et al.](https://www.insidehighered.com/blogs/law-policy-</i></p></div><div data-bbox=)*

[and-it/judge-lucy-h-koh-supreme-court](#)). Even before she placed on the 9th Circuit, Koh behaved erratically, insulted Plaintiffs and Defendants, made bizarre remarks like accusing an attorney of “smoking crack,” made racists comments about older white men; and was repeatedly accused of bias, incompetence, and her rulings denounced by numerous legal scholars who attacked her intelligence and claimed she had little understanding of the law: “discredited,” “dangerous... overreach,” “bad law and bad policy,” “not justified,” “anticompetitive and anti-innovation,” “draconian” and “spectacularly misguided” (e.g. *Wall St. J.*, 5/28/19; *Richard Epstein*, 5/28/19, *Judge Koh is No 5G Wiz. Hoover Institution*; *Dirk Auer*, 8/28/19; *Judge Koh Gets Lost in the Weeds, TruthontheMarket.com*, 2019; *M K. Ohlhausen*, No. 141-0199, Jan. 17, 2017). The U.S. Dept. of Justice and numerous legal scholars have stated that Judge Koh's decisions have “harmed the public interest” and “pose a danger to national security” (*Br. of the United States of America as Amicus Curiae in Support of Appellant and Vacatur at 19-24, FTC v. Qualcomm Inc.*, No. 19-16122 (9th Cir., 10/30/19; *Wall St. J.*, 5/28/19; *FTC Commissioner, M K. Ohlhausen*, 2017; see also *Douglas H. Ginsburg, Taylor M. Ownings, & Joshua D. Wright* 2019; *David Teece*, 2019; *The Honorable Paul R. Michel*, 2019; *Dept of Justice Antitrust Division*, 2019). However, after conspiring with the attorneys representing the “predators” and “extortionists” and preventing the case of *Joseph v City of San Jose*, Koh promoted to the 9th Circuit--the same 9th where the Chief judge likes women to be raped while dressed as animals, and another judge thinks torture is acceptable, and which put a convicted felon on the Northern District Federal court. Koh has now been promised a seat on the U.S. Supreme Court!

In the case of *Joseph v City of San Jose (5:19-cv-01294)* Koh expressed jealous outrage of Plaintiff's accomplishments, engaged in expert communication with the attorneys representing the “predators” and “extortionists” condemned by government officials and against whom Plaintiff had filed suit, and Koh encouraged their attorneys to commit perjury and fake evidence--as also documented in complaints filed with the Senate and House judiciary committees by this Plaintiff and others (e.g. *Ciampi v City of Palo Alto*). Moreover, in the case of *Joseph v City of San Jose*, Koh encouraged those predators to retaliate and file fake charges against Plaintiff, which they did, and which were dismissed by the City as having no basis in reality. Koh also placed a “stay” on the proceedings and prevented the case from going before a jury, because, Koh stated, the predators would lose “too much money” if a jury heard the case.

5. Illman: A Malicious Psychopathic Pathological Liar: Case of Joseph v City of San Jose

Even drug addled psychopathology does not bar becoming a member of the Federal Judiciary

(*Joseph v City of San Jose 5:19-cv-01294*); and as documented judges not uncommonly abuse alcohol, drugs, and show up in court drunk or drugged (*see PART IV*). Case in point: Robert Illman. As documented in the case of *Joseph v City of San Jose* (CSJ) magistrate Illman was so apparently drug addled and delusional that he hallucinated laws that don't exist except in some strange twisted alternate universe in the dark corners of his troubled mind; e.g, rambling about "holy vines" and claiming the existence of imaginary laws that require trees, on private property, to be no more than "three feet tall." According to this delusional crackpot, every tree in San Jose, must be cut down, because trees can only be three feet tall! It quickly became obvious, to this Plaintiff, that this drug addled ill man, had been bought and sold like a street corner whore. Even the attorneys representing the City of San Jose bragged that Illman would protect them and that the case is fixed (Dkt 159): "*You think Illman is going to listen to anything you have to say?*" "*Illman is not going to allow this to go to trial.*" "*We already know Illman will grant our motion for summary judgment*" and "*Illman had already decided to dismiss the case on the day it was assigned to him*" (Dkt 159).

PART V. JUDICIAL TREASON, SEDITION, RACKETEERING, AND WIDESPREAD CRIMINAL CORRUPTION: RICO, Constitutional Question, Civil Torts

1. Federal & Supreme Court Judges Conspire to Violate Constitution & Commit Treason

As documented in this complaint: the Federal Judiciary from Supreme Court Justices to lowly magistrates, function as a racketeering criminal organization as defined by "RICO" (*18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968*). These judges and magistrates are paid to provide services including protecting 5th and 14th Amendment rights which are then violated and denied to Plaintiffs who have paid fees to the Court for those services; and judges conspire to dismiss lawsuits filed by parties without attorneys who are considered "trash" not deserving of their Constitutional rights; and the judiciary has given itself the right to engage in "***conduct which is corrupt, malicious or intended to do injury;***" including targeting those identified by powerful special interests such that the Courts have become "weaponized;" and the Federal Courts have undermined the separation of powers doctrine enshrined in the U.S. Constitution so as to fashion their own "laws" and establish a dictatorship that is outside the law answerable to no one (*L. Greenouse, Justice on the Brink: A Requiem for the Supreme Court. Random House, 2022; D. Brock, Stench: The Making of the Thomas Court and the Unmaking of America; Knopf. 2024*)

Six of these Defendants, Supreme Court Justices Roberts, Thomas, Alito, Gorsuch, Kavanaugh, and Barrett have now committed acts of treason (*18 U.S. Code § 2381*) and have rebelled and conspired to commit insurrection against the Constitution (*18 USC Ch. 115: §2383; 18 USC Ch. 115: §2384*) and

completely overthrow our Constitutional form of government, and have ruled any President has the right to commit any crime with impunity so long as it is under the ambiguous and nebulous umbrella of “official duties” and “official acts” (*D. Brock, Stench: The Making of the Thomas Court and the Unmaking of America*; Knopf. 2024). Thus, the President has the Supreme Court’s permission to order the military to kill his political enemies and establish a Hitler-style fascist dictatorship and fascist takeover of the country. In so doing, these six justices have nullified the Constitution and Bill of Rights thereby negating this Plaintiff’s Constitutional and civil rights which gives Plaintiff standing.

Not all of the Supreme Court justices were willing to jump on the Fascist bandwagon, several of whom condemned their colleagues for laying the groundwork for a fascist dictatorship. “Today’s decision to grant former presidents criminal immunity reshapes the institution of the Presidency,” Justice Sonia Sotomayor wrote, joined by Justices Elena Kagan and Ketanji Brown Jackson. “It makes a mockery of the principle, foundational to our Constitution and system of government, that no man is above the law.... Orders the Navy’s Seal Team 6 to assassinate a political rival? Immune. Organizes a military coup to hold onto power? Immune. Takes a bribe in exchange for a pardon? Immune. Immune, immune, immune... In every use of official power, the President is now a king above the law.” (*Supreme Court carves out presidential immunity*; Zach Schonfeld And Rebecca Beitsch - 07/01/24, <https://thehill.com>; Brad Dress - 07/08/24; *TheHill.com*).

It is an established fact that the six fascists of the Supreme Court have bestowed upon any President the power to order other government officials, the CIA, FBI, and the military to murder American citizens--including the murder of this Plaintiff-- or to orchestrate a military coup to maintain his or her power indefinitely: orders the military would be obligated to carry out, according to the chain of command. A summed up by Rep. Zoe Lofgren (D-Calif.) “Under this ruling, if a President, in their official capacity, orders the military to kill other Americans — judges, elected officials, reporters, your neighbor – they can do so.” (*Supreme Court immunity ruling raises questions about military orders*; Brad Dress - 07/08/24; [TheHill.com](https://thehill.com)).

In addition to authorizing the overthrow of our Constitutional form of government the Courts have repeatedly ruled that every judge and magistrate in this country also has king-like “**absolute immunity**” and the right to behave as corrupt, malicious bribe taking gangsters in black robes: “**Absolute immunity covers even conduct which is corrupt, malicious or intended to do injury.**” (*Foust v. Hughes*, 21 N.C. App. 268, 204 S.E.2d 230, cert. den. 285 N.C. 589, 205 S.E.2d 722 (1974); *Prosser, supra.*” *Jacobs v. Sherard*, 36 N.C. App. 60, 64 (N.C. Ct. App. 1978) See *State ex rel. Jacobs v. Sherard*,

36 N.C. App. 60, 64, 243 S.E.2d 184, 188, disc. review denied, 295 N.C. 466, 246 S.E.2d 12 (1978); et al). Therefore, not surprisingly, each year hundreds of Federal Judges violate the law and the civil rights of those who come before them (*Breyer Commission*). In fact, no matter how heinous, corrupt, and malicious their crimes there is no punishment because corrupt judges claim the right to police themselves (*Breyer Commission*; M. Berens, J. Shiffman, Reuters, June 30, 2020).

2. Federal Judges Claim Right to Poison Our Food, Water: Violation of Public Trust Doctrine.

The Federal Judiciary is a racketeering criminal organization of malicious, bribe-taking, case-fixing, psychopathic liars and sexual predators who have engaged in acts of sedition and have repeatedly violated the constitutional principle of the “*Separation of Powers*” and *Article II of the U.S. Constitution* by claiming Congressional authority and the right to make laws (AKA “case laws”). And, they have claimed Executive authority and Executive powers to compel and enforce the “case laws” they created but which have no legislative or legal validity. And now six Supreme Court Judges have claimed Executive authority over Federal agencies that function under the auspices of the Executive Branch (*Preserving Separation of Powers: A Rejection of Judicial Legislation through the Fundamental Rights Doctrine*; 25 Ariz. L. Rev. 805 (1983-1984; *Unconstitutional Rulemaking: The Civil Justice Reform Act and Separation of Powers*, 77 Minn. L. Rev. 1283 (1992-1993); *Judicial Nullification of Civil Justice Reform Violates the Fundamental Federal Constitutional Principle of Separation of Powers*, 32 Rutgers L.J. 907 (2000-2001).

In 2024, Roberts and his five fascist cohorts issued rulings claiming that judges who believe it is their right to engage in “**conduct that is corrupt, malicious**” and cause “**injury**” now have authority over policy decisions made by Federal Agencies. And “friends of the court” can set policy that affects the environment and all Americans. Bribe a judge and you can poison the environment. Specifically, in the case of the *Securities and Exchange Commission v. Jarkesy*, Roberts, Gorsuch, Kavanaugh, Barret, Thomas, and Alioto have upended the power of in-house federal agency judges to handle legal matters internally, and by a vote of 6-3, they overruled the landmark 1984 decision in *Chevron v. Natural Resources Defense Council*--which had guided and put restrictions on Judges for over 40 years, and had been cited more than 18,000 times.

Despite the fact that Federal Agencies have the technical and scientific expertise to make decisions and judges don't, Roberts and his accomplices have decided judges--men and women who are answerable to no one, who were not elected but were chosen by special interests precisely because they are corrupt-- now have the right to disallow any decisions made by Federal Agencies that protect our

food, water and environment and have given the power to set policy to themselves and their “friends of the court” i.e. those who poison the air and water and foods we eat.

To quote Supreme Court Justice Kagan: The Supreme court has given every judge in this country “*exclusive power over every open issue — no matter how expertise-driven or policy-laden — involving the meaning of regulatory law.*” Soon no one will be safe because the air we breathe, the water we drink, the food we eat, can now be poisoned by the “friends of the Court” and whoever bribes these black robed gangsters and pays the most money.

Via this unconstitutional power grab these six Defendants are in violation of the “**Public Trust Doctrine**” which is secured by the **Ninth Amendment** and embodied in the reserved powers doctrines of the **Tenth Amendment and the Vesting, Nobility, and Posterity Clauses of the Constitution**. These rights protect this Plaintiff’s and the rights of present and future generations as pertaining to the environment and essential natural resources that are vital to the citizens of our nation.

3. Judges Create Their Own Laws: Violate Separation of Powers Doctrine & Congressional Authority & Tripart System of Constitutional Government

The Federal Judiciary have increasingly laid claim to the powers of the Executive and Legislative branch and have made themselves autocratic “tyrants” answerable to no one.

“[T]he accumulation of all powers, legislative, executive, and judiciary, in the same hands, whether of one, a few, or many, and whether hereditary, self-appointed, or elective, may justly be pronounced the very definition of tyranny.” (The Federalist No. 48 (James Madison))

“The doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was not to avoid friction, but by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy.” (Myers v. United States, 272 U.S. 52, 293 (1926)).

The Federal judiciary are collectively in violation of *Article I Section 1 and Section 8 of the U.S. Constitution* by usurping the Constitutional authority of the U.S. Congress by arbitrary and illegally creating their own laws, so called “case laws” (*Preserving Separation of Powers: A Rejection of Judicial Legislation through the Fundamental Rights Doctrine*; 25 *Ariz. L. Rev.* 805 (1983-1984); *Unconstitutional Rulemaking: The Civil Justice Reform Act and Separation of Powers*, 77 *Minn. L. Rev.* 1283 (1992-1993); *Judicial Nullification of Civil Justice Reform Violates the Fundamental Federal Constitutional Principle of Separation of Powers*, 32 *Rutgers L.J.* 907 (2000-2001); *D. Brock, Stench: The Making of the Thomas Court and the Unmaking of America*; Knopf. 2024).

These are seditious acts which undermine the *U.S. Constitution* which states: “*All legislative Powers herein granted shall be vested in a Congress of the United States... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.*”

Instead, these gangsters in black robes--not one of whom was elected-- have sought to accumulate the powers of the legislature into the hands of the judiciary and have elevated to the status of law the opinions of judges, i.e. case law--many of which were written by powerful special interests-- and then demand that Defendants, Plaintiffs, and the American public obey these “case laws” despite the fact that these “case laws” are forbidden and have no legal authority according to the U.S. Constitution.

And as noted, these bribe-taking, case-fixing judicial tyrants will arbitrarily choose among or ignore these fake “case” laws in order to violate the Constitutional rights of any member of the public who appears before them, including the right to due process, equal protection, and trial by jury (e.g., *Joseph v City of San Jose*, *Joseph v Springer Nature*).

4. The Federal Judiciary Has Committed Treason. Penalty Upon Conviction is Death.

Six Supreme Court Justices and the Federal Judiciary, have usurped the powers of Congress and the Executive branch and violated the principle of “*checks and balances*” and *tripartite Federal government*, and the “*Public Trust Doctrine*” and their oath of office and the 14th and 5th Amendment of the Constitution of the United States; and have sought to overthrow and nullifying the Constitution and establish a tyrannical, autocratic Judicial and Presidential dictatorship answerable to no one. The Federal Judiciary, and judges Roberts, Gorsuch, Kavanaugh, Barret, Thomas, Alioto, et al. have engaged in acts of sedition and committed treason as defined by (*18 U.S. Code § 2381*).

By undermining the U.S. Constitution, and the governing principles the United States of America, Roberts, Gorsuch, Kavanaugh, Barret, Thomas, and Alioto and the Federal Judiciary have engaged in a “rebellion or insurrection against the authority of the United States or the laws thereof” (*18 USC Ch. 115: §2383. Rebellion or insurrection*). And the Federal Judiciary in its entirety are in violation of *18 USC Ch. 115: §2384. (Seditious conspiracy)* as they have conspired, via their perversion of the “force” of law, to challenge and undermine the U.S. Constitution, and act to “prevent, hinder, or delay the execution of any law of the United States” i.e. the 5th and 14th Amendments and rights of Plaintiffs without a lawyer. Every judge who has acted to subvert the Constitution and Constitutional rights of this country’s citizens may be sentenced to death and “shall suffer death” (*18 U.S. Code § 2381*).

PART VI. PRESIDENT HAS LEGAL AUTHORITY TO ARREST, IMPRISON ALL JUDGES &

OFFICIALS WHO VIOLATE CONSTITUTIONAL RIGHTS OF CITIZENS

This country's judiciary is a cesspool of criminality and corruption where every courtroom is a fascist mini-state ruled by a bribe-taking, malicious psychopath who thinks he or she is a "king" or "queen" answerable to no one. And now this country is facing a Court approved fascist overthrow of our constitutional government. The President of the U.S must act with courage and save this country.

Based on the legal and lawful authorities bestowed by and as authorized by the powers invested in the *14th amendment, the 1866 Civil Rights Act, Second and Third Enforcement Acts passed by Congress in 1870 and 1871, The Tenure of Office Act, and the U.S. Supreme Court 1866 Milligan ruling*, the President of the United States has the legal authority to suspend habeas corpus and order the military to arrest and imprison any judge or government official who have taken an oath to support the Constitution, and who has violated the Constitution and engaged in acts of sedition or treason or who has violated and deprived individual citizens of their Constitutional rights.

The *1866 Civil Rights Act*, and laws passed by Congress in March 2 1867, also gave the military congressional authority--per the Presidents orders-- to remove and arrest judges and take control of dysfunctional courts to protect the constitutional and civil rights of citizens whose rights are being violated by those courts and those black robed gangsters. Military commissions may constitutionally exert judicial power anywhere where the Courts and judges are in violation of the law and not functioning according to laws passed by Congress and the statutes of the U.S. Constitution and Bill of Rights. Moreover, these laws dictate that every dishonest judge must be tried before a military commission.

The *14th amendment, coupled with the 1866 Civil Rights Act, Second and Third Enforcement Acts, and 1866 Milligan ruling*, gives the President the right to arrest and imprison not just judges, but District Attorneys, the Attorney General et al. and to suppress any group or organization seeking to deny citizens equal protection under the law; and allows the president to suspend habeas corpus as a tool to suppress those who violate the 14th Amendment, as exemplified by General Philip Sheridan who removed numerous judges who were tossed in jail.

As documented in this complaint: The Southern District of New York, the 2nd Circuit, the Northern District of California and 9th Circuit, are cesspools of corruption and whose judges have no respect for truth, honor, or justice. The following judges should be arrested and imprisoned: *Cronan, Cabranes, Lohier, Lee, Vyskocil, Koh, Cousins, Orrick, DeMarchi, Pitts, Thomas, Murguia, Wallace, O'Scannlain, Fernandez and the psychopath Illman* who belongs not in a jail cell, but a padded cell.

The President would be justified in arresting every member of these Federal Courts and the

Supreme Court and replacing them with military courts and/or “honest judges:” a term, that may be an oxymoron: “*Those who ride with outlaws, should hang with outlaws*” (anonymous saying).

In fact, according to the rulings of the six Supreme Court Defendants who have given the President Hitler-like powers, and the arguments of 9th Circuit Judge Bybee, the President can order the military to drag from their offices every judge named in this complaint, and order they be tortured then executed in the streets of Washington D.C.; and the President can do so with “**absolute immunity.**”

PART VII. LEGISLATIVE RELIEF etc: POLICING, ARRESTING, CONVICTING JUDGES

1. Congress Has the Legal Authority to Pass Laws Governing Federal Judges and Magistrates

Under the authority of *18 U.S.C. § 242, and Section 5 of the Fourteenth Amendment*, Congress has the power to enforce the *Fourteenth Amendment’s* guarantees through “appropriate legislation.” Under *Section 242* Congress may legislate and pass new laws guaranteed by the Fourteenth Amendment, and every provisions of the Bill of Rights and all 27 amendments to the Constitution; including passing news laws in order to protect the Constitution, civil rights, and to force judges to obey the law and the U.S. Constitution and to impose strict laws and harsh legal consequences so that judges that violate the law suffer severe criminal and financial penalties including loss of life upon conviction for sedition and treason.

This Plaintiff offers the following recommendations for Legislative Relief and passage of specific laws so as to end this rein of terror and arrest and imprison every corrupt, malicious bribe-taking, case fixing Judge, including those who are pedophiles and sexual predators. Plaintiff urges the Congress to also establish, in every Federal District, investigative departments of ***Judicial-Crimes Investigative Offices.***

2. Judicial-Crimes Investigative Offices (JCIO): Investigating, Arresting, Prosecuting Federal Judges

The Breyer Commission has documented that judges cannot police themselves because the Chief judge of every Federal District is also a criminal who violates the law and excuses even heinous judicial conduct, whereas the judges of Courts of Appeals, will void guilty verdicts and allow even convicted felons to joined the rank of the Judiciary.

Plaintiff proposes that completely independent “**Judicial-Crimes Investigative Offices**” (**JCIO**), be established in every Federal District and which must be staffed by aggressive seasoned prosecutors who have a mandate and the resources to vigorously investigate Judicial “***Black Collar Crimes***” and every complaint filed by plaintiffs and defendants against these black robed gangsters; and

the authority to file criminal charges against these gangsters in black robes who will be tried before a military tribunal in a military court of law. These military courts will determine guilt and which have the authority to sentence the guilty to prison, or death in cases of treason and sedition; and no Federal Judge will have the right or power to overturn the sentence.

Each **JCIO** must have a mandate to aggressively investigate (A) the finances (B) and all complaints lodged against Federal Judges and Magistrates; and (C) will be invested with the authority to file criminal charges against and prosecute that Judge or Magistrate before a military tribunal.

When the **JCIO** brings charges against a Judge or Magistrate the accused will (A) immediately be relieved of all judicial duties pending the outcome of their trial, and (B) if found guilty, will be responsible for their attorney fees and must refund all salary received since the earliest date these crimes were committed. (C) Those found guilty will be immediately imprisoned; and (D) they may only file an Appeal to be heard by Congress but shall remain imprisoned during the Appeal process.

3. Laws For Governing, Policing, Arresting, Imprisoning, Executing Federal Judges & Magistrates

1. (A) Federal Judges and Magistrates shall no longer be appointed. They must be elected for 6-year terms and (B) upon retirement, or if they are not re-elected, they cannot be hired by or paid fees to consult with any law firm or Plaintiff or Defendant that had previously pled a case in which that man or woman served as judge.

2. Judges and Magistrates are barred by law from accepting money, gifts or gratuities with a value of more than \$250.00 from any party other than 1st and second-degree relatives.

3. Judges and Magistrates are barred by law from hearing cases where their wives, husbands, parents or children have been hired by and/or have a financial or professional association with defendants or plaintiff's or the law firms representing them.

4. ***“Conduct which is corrupt, malicious or intended to do injury”*** is (A) a violation of law and constitutes a felony with a minimum sentence of 10 years in prison; and (B) constitutes a civil rights violation making that Judge liable to a civil lawsuit that cannot be dismissed but must be heard before a jury; and (C) with the caveat that no judge has the authority to dismiss the charges; or reverse a guilty verdict or the amount awarded in damages. (D) If that Judge or Magistrate is found guilty, they shall be solely responsible for the damages awarded as well as their attorney fees and the fees and costs of and damages paid to victims; and (E). The verdict can only be overturned by an appeal before Congress.

5. The penalty for violating the civil right and any Amendment in the Bill of Rights will be (A)

permanent removal from the Federal Bench and (B) permanent disbarment, and (C) fines of \$100,000 per violation and (D) imprisonment for 10 years, cumulative per violation and (E) they shall be liable for damages caused to the victim, (F) and if found guilty are responsible for their own legal fees and the legal fees of their victims and damages paid to victims

6. If convicted for any seditious act that in any way undermines, challenges or violates the U.S. Constitution, including the separation of powers (legislative, executive, vs judicial) that judge or magistrate will be tried before a military tribunal, and the penalty will be a sentence of life in prison or punishment by death.

7. “Case laws” have no legal standing. Judges and Magistrates are forbidden and barred by law from making any decision or justifying any ruling, order, or judgment based on “Case laws”--except case laws which have been formulated the Supreme Court.

8. Judges and Magistrates must base their rulings, orders, and judgements on the U.S. Constitution and laws passed by the U.S. Congress, and state legislatures in the states where cases are filed; and Judges who fail to do so will be charged and prosecuted by the *JCIO*.

9. Judges and Magistrates must “swear to tell the truth” “under penalty of perjury” in all written orders, rulings, and decisions issued by that Judge or Magistrate; and they will be charged and prosecuted before a military tribunal if they commit perjury.

10. The penalty for perjury will be (A) permanent removal from the Federal Bench and (B) permanent disbarment and (C) fines of \$100,000 per violation and (D) imprisonment for one year, cumulative per violation; and (E) judges and magistrates who commit perjury shall be liable for damages caused to the victim, (F) and if convicted are responsible for their own legal fees and the legal fees of their victims and must refund all salary received after charges were filed.

11. Given the well-established fact that up to 60% of Judges and Magistrates believe a Pro Se and thus the Average American is trash not deserving of their constitutional rights and routinely dismiss cases filed by average Americans regardless of the merits; Judges will be forbidden from issuing Summary Judgment against or dismissing with or without prejudice, any claim and any case filed by a Pro Se (Pro Per) or any plaintiff without an attorney.

12. All Pro Se lawsuits must be heard and decided by a jury; and no judge has the authority to overturn a jury verdict.

13. Judges are forbidden from issuing Summary Judgment against any Plaintiff or Defendant.

14. Federal Judges or Magistrates will no longer be referred to and it will be forbidden to require

or ask anyone to address them as “Your honor” (AKA your highness) or “honorable” because these are not honorable men or women. Instead, they shall be referred to as “Judge” or “Mr.” “Ms.” “Mrs.” “Doctor” “Professor” if appropriate.

15. Judges and Magistrates shall be required by law to wear formal business attire. By donning black robes and requiring citizens to stand and kowtow, these black robed gangsters are in violation of the *Second and Third (AKA Klu Klux Klan) Enforcement Acts*. Donning such attire is forbidden by law.

16. No citizen shall be asked or required to stand when a judge or magistrate enters or leaves a courtroom. They shall be instructed to remain seated.

17. All Complaints lodged against any Federal Judge or Magistrate will be listed on a website designed to identify each judge accompanied by a brief summary of the complaint against them. This will enable and persuade other victims to come forward.

18. The identity of those who lodge a complaint against a Federal Judge or Magistrate, shall not be made public, unless charges are brought against that Judge.

19. Judges and Magistrates that violate the civil or constitutional rights of any Plaintiff or defendants will be (A) charged with felony and tried before a military tribunal, and (B) are liable for damages caused to the victims..

20. Judges and magistrates found guilty of sedition and treason shall be sentenced to death with no exception.

21. Judges and magistrates who are found guilty of treason or sedition, may only file an Appeal with the U.S. Congress which may set aside the death penalty and instead impose a sentence of life in prison with no option for parole.

22. Congress will enact a pilot program to develop an **Artificial Intelligence Judicial Interface (AIJI)** which shall have the capability of assessing the merits of any case filed, and rendering judgment. The long-range goal will be to replace all judges and magistrates or provide defendants and plaintiffs the option of having their cases decided by the AIJI.

PART VIII. PARTIES: PLAINTIFF, DEFENDANTS, DOES 1-3000

Plaintiff

1. Plaintiff Rhawn Joseph, Ph.D. in a resident of 677 Elm St., San Jose, CA 95126.

Defendants

2. Springer Nature America Inc. and Springer Nature Academic Publishing LLC (AKA Springer

Nature), maintain corporate offices at 1 New York Plaza, # 4600, Ny, NY 10004; and are subject to New York Laws and Federal Laws

3. NASA & William Nelson: NASA's & Nelson's Headquarters are located at 300 E Street SW Washington, DC 20546-0001; and are subject to Federal Laws and the United States Constitution and Bill of Rights.

4. All U.S. Supreme Court Justices, including John G. Roberts, Clarence Thomas, Samuel Alito, Neil Gorsuch, Brett Kavanaugh, and Amy Barrett, and whose headquarters is located at 1 First St NE, Washington, DC 20543

5. All Judges and Justices of the 2nd Circuit, including Jose Cabranes, Raymond Lohier, Jr., Eunice Lee, and who headquarters is located at 40 Foley Square, New York, NY 10007

6. All Judges, Justices and Magistrates of the Southern New York Federal District, including John Cronan, Mary Vyskocil whose headquarters is located at 500 Pearl Street New York, New York 10007.

7. All Judges and Justices of the 9th Circuit, including Lucy Koh, Sidney Thomas, Mary Murguia, Clifford Wallace, Diarmuid O'scannlain and Ferdinand Fernandez and whose headquarters is located at 95 7th St, San Francisco, CA 94103

8. Justices of the Northern California Federal District, including Robert Illman, Nathaniel Cousins, William Orrick, Virginia DeMarchi, P. Casey Pitts, and whose headquarters is located at 450 Golden Gate Avenue San Francisco, CA 94102

9. All Federal Judges and Magistrates of the 94 federal judicial districts in the United States, whose names are not yet known to this Plaintiff.

10. All judges and Magistrates of all 94 Federal Courts and Bankruptcy Courts whose names are not yet known to this Plaintiff.

11. All Judges of the 11 U.S. Federal Courts of Appeals, and the District of Columbia Circuit and Federal Circuit and whose names are not yet known to this Plaintiff.

12. All current, past and future Federal Magistrates and Judges, including those serving on the Supreme Court, Appeals Court, Bankruptcy Court; i.e. identified as "Gangsters in Black Robes," Does 1-3000

13. Mollie Kornreich and all U.S. Attorneys of the Southern District of New York, and whose headquarters is located at 86 Chambers Street, 3rd Floor, New York, New York 10007

14. Merrick Garland and the U.S. Dept of Justice, and whose headquarters is located at 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

15. All RICO-Defendants, and whose names are not yet known to this Plaintiff.

16. All “gangsters in black robes” and this includes all current, past and future Federal Judges and Magistrates, but whose names are not yet known to this Plaintiff.

17. Defendants Does 1-3000 include every man, woman and transgender, mix-gender, no gender, et al. serving or who has served as a federal magistrate or federal judge and shall include any man, woman, transgender, mix-gender, no-gender, federal magistrate or federal judge assigned to adjudicate this case, (A) the only exception being Military officers serving as judges in a trial held before a military tribunal, (C) and Senators and Congress men and women serving as judge and jury in a trial held before the U.S. Congress.

18. Any federal magistrate or federal judge assigned to adjudicate this case becomes one of the Defendants identified as among Does 1-2000; and is immediately disqualified as they cannot adjudicate a case in which they are a Defendant (*Code of Conduct for United States Judges*).

19. Alvin Bragg, whose headquarters is at 100 Centre St, New York, NY 10013

19. The City of San Jose, 200 E. Santa Clara St. San Jose, Ca 95113 ·

20. Pro Se Intake Unit & Clerk of the Southern Federal District Court of NY

PART VIX. LAWS, AUTHORITIES

1. Federal Magistrates & Judges Function Under “Color of Law.” 18 U.S.C. § 242

All previous citations of law and authority are incorporated here as fully stated herein.

The judiciary of this country commonly engage in “***conduct which is corrupt, malicious or intended to do injury.***” and claim to be outside and above the law and are self-defined outlaws. There is no such thing as an “honest judge” because an honest judge would not tolerate and would loudly denounce the cesspool of criminality and depravity that characterizes the judges and magistrates of America; where judges commonly taking bribes and form multi-judge bribery rings, fake or destroy evidence, violate the constitutional and civil rights of those who come before them, retaliate and act on vendettas, deny Pro Se’s their 5th and 14th Amendment rights by dismissing lawsuits filed without reading and regardless of the merits and merely repeating the arguments of Defendants’ lawyers as justification; judges who show up in court drug or drunk; where pathological lying is the norm, and who force women and children to have sex and retaliate against anyone who complains; and who commonly engage in “***conduct which is corrupt, malicious or intended to do injury***” to litigants--including this Plaintiff. The Federal Judiciary is a racketeering, malicious, treasonous, criminal organization, every member of which--including the City of San Jose which also functions as a racketeering criminal

organization-- are liable for constitutional torts and civil lawsuits according to the provisions of RICO and for violating the following laws and Federal regulations and statutes thereby giving this Plaintiff standing.

18 U.S.C. § 241 (Section 241) makes it a crime and cause for a civil suit if “two or more persons [to] conspire to injure, oppress, threaten, or intimidate any person . . . in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States.”

18 U.S.C. § 242 (Section 242) makes it a crime and cause for a civil suit if government officials, which by definition includes Judges and Magistrates, deprive any person of federally protected rights or who “willfully subjects any person . . . to [1] the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States...

Section 242, requires only three elements for a jury to determine liability: (1) the defendant acted “under color of” law; (2) the defendant acted “willfully”; and (3) the defendant deprived the victim of rights under the Constitution or federal law; either the “laws of the United States” or the Constitution.

With regard to the “laws of the United States: “Section 242 applies specifically to persons acting “under color of” law, or “under ‘pretense’ of law.” A victim of conduct by judges or Federal officers or agencies that violates Section 242 may bring a separate civil suit under *42 U.S.C. § 1983 (Section 1983)* as authorized under the *Bivens doctrine (Bivens v. Six Unknown Narcotics Agents 403 U.S. 388 (1971))*.

Essentially, a person acts under color of law when they act with either actual or apparent federal, state, or local government authority. All officers and employees of the government fall within this category including Federal Magistrates and Judges, even when (according to the Supreme Court) These “officers of the State . . . are performing official duties,” under color of law for purposes of *Section 242*.

This Plaintiff and others have documented that corruption and criminality is pervasive among judges and rampant throughout the judiciary who believe it is their right to commit crimes and solicit and receive bribes and gratuities so long as it falls within that nebulous category of “official business” (*Bribery and Other Not So Good Behavior: Criminal Prosecution As a Supplement to Impeachment of Federal Judges, 94 Colum. L. Rev. 1617 (1994)*; *The Twin Faces Of Judicial Corruption: Extortion And Bribery, 74 Denv. U. L. Rev. 1231 1996-1997*).

Under *section 42*, Judges are acting under color of law if they “*derive their perceived authority*” under “*color of law*” even if their conduct was “*not actually authorized.*” According to The Supreme Court, those “*who undertake to perform their official duties are included whether they hew to the line of their authority or overstep it.*” Therefore, every judge and magistrate are liable, and the same is true for

Kornreich, Bragg and Garland

The intentional tort exception, 28 U.S.C. § 2680(h), does not apply to cases involving abuse of process, misrepresentation, deceit, or interference, and Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Cousins, Illman, Orrick, DeMarchi, Thomas, Murguia, Wallace, O'scannlain, Fernandez, NASA, Nelson, Kornreich have abused the judicial process, misrepresented and lied and behaved deceitfully, and each--including the City of San Jose, and the offices of Bragg and Garland-- interfered with and deprived this Plaintiff of his 5th and 14th Amendment rights, and have either conspired with “predators” and “extortionists” or with NASA, or with the Justice Department, or with the publishers Springer Nature and Amazon KDP to commit fraud against the court, fraud against this Plaintiff and violate this plaintiff's civil and constitutional rights. Each of the Defendants are liable (as already detailed in the preceding paragraphs of this complaint.

Each of these Defendants--and co-conspirator Springer Nature and the City of San Jose are also liable per 28 U.S.C. § 1346(b), Title 18: Section 201(b)(2), 201(c)(1)(B)); Title 18, U.S.C. Section 241 and 242; Title 28 U.S. Code § 1331, § 1983; *Bivens v. Six Unknown Narcotics Agents* 403 U.S. 388 (1971); and Title 42 U.S. Code § 1983.

The Defendants Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Kornreich, Bragg Garland, Springer Nature, NASA, Nelson are liable per *RICO*; and likewise, Defendants Koh, Cousins, Illman, Orrick, DeMarchi, Pitts, Sidney Thomas, Mary Helen Murguia, Wallace, O'scannlain, Fernandez, and the City of San Jose are liable per *RICO* which authorizes this Plaintiff, who has been repeatedly victimized by these Defendants, standing and cause for filing a civil suit.

These specific Defendants have each conspired to commit and have committed fraud against the Court as defined by *FRCP 60(d)(3)* and committed fraud against this Plaintiff and the Court as defined by *USC 18 § 1001, § 1621, § 1623*). Given that the majority of Federal Judges routinely dismiss lawsuits filed by Pro Ses--and thus the average American--regardless of the merits, and without reading the complaint and who instead merely repeat the lies of Defendants lawyers, then the Federal judiciary in its entirety--as defined by *RICO*--have conspired to commit fraud against the Court and violate the 5th and 14th Amendment rights of most Americans. “Those who ride with outlaws, should hang with outlaws.”

As authorized by the *1946 Federal Tort Claims Act, 42 USC § 1983, 18 U.S.C. § 242 (Section 242) RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968) and the 5th and 14th Amendment*, Plaintiff files this lawsuit against the defendants as individuals or individual entities, agencies, or corporations, and as a collective--the Federal Judiciary in its entirety-- and who conspire among themselves and other to engage

in “conduct which is corrupt, malicious” and function as a racketeering criminal organization as defined by *RICO* (18 U.S.C. ch. 96 , 18 U.S.C. §§ 1961–1968). These criminals and their criminal organizations, have all acted to repeatedly cause catastrophic injury to this Plaintiff (and others).

It is well documented that Judges retaliate on behalf of other judges (*PART IV*). Plaintiff is under threat by NASA, the City of San Jose, and all current and future judges and magistrates of America who function as a bribe-taking criminal organization that retaliates and seeks to destroy their enemies. Illman bragged he was retaliating on behalf of Koh, and Koh, Illman, Orrick, Cousins, DeMarchi, urged the predators and extortionists of the City of San Jose, to retaliate against this Plaintiff and to file false charges against him which they did and which were dismissed (*PARTS I, II, III*). Also, as documented NASA has targeted this Plaintiff for destruction, Springer Nature bribes judges, judges fake evidence, and judges who are subsequently placed on the Federal Bench, will also seek to retaliate and harm this Plaintiff.

Plaintiff has the right to name all future and past members of the judiciary as defendants, and the right to name the City of San Jose, and has standing to file suit against them, because this Plaintiff is in "actual" "concrete" and imminent" danger of additional and future damages and is at "significant risk" for future harm and financial losses and this gives Plaintiff standing (*Monsanto Company, 130 S. Ct. 2743, 2755*). As determined by the Supreme Court the threat of future injury is actionable "...we do not require a plaintiff to expose himself to liability before bringing suit to challenge the basis for the threat”(*MedImmune, Inc. v. Genentech, 549 US 118 - Supreme Court 2007*).

The best predictor of the future, is the past. This Plaintiff has been repeatedly threatened, harassed, and has been warned that he and his property are in danger. It can be predicted that one or more of the persons named in this complaint will seek to harm this Plaintiff and may do so employing others to engage in physical violence, and/or encouraging others to file more fake charges, or more fake evidence, or make false accusations, and then conspire with one or more members of the judiciary--this criminal organization-- to violate this Plaintiff's 5th and 14th Amendment rights and fine or rule against this Plaintiff without benefit of a jury trial.

The best predictor of the future is the past and this Plaintiff has documented an obvious direct causal connection between the actions of the Defendants and the injuries and damages suffered, and future injuries Plaintiff may suffer (*Massachusetts v. Environmental Protection Agency, 549 U.S. 497 (2007)*). Plaintiff has provided specific and general factual allegations of injuries suffered and threatened injuries which directly resulted from Defendants' conduct and threats, and therefore has shown causation and has standing (*Lujan v. Defenders of Wildlife, 504 U.S. 555, 561 (1992)*). Although different Defendants

caused different constitutional torts or did so at different times and in different locals, all are equally liable for the crimes and constitutional torts committed against this Plaintiff and future torts as they conspired against this Plaintiff and have formed racketeering criminal organizations of which the predators and extortionists of the city of San Jose, and Springer Nature, are members.

PART X. CAUSES OF ACTION, DECLARATIVE, INJUNCTIVE RELIEF

FIRST CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Fraud Against the Court (FRCP 60(d)(3));

Plaintiff hereby brings the first claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature), Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case:

Infringement of Copyright (1st Claim); Breach of Contract, Tortious Interference (2nd Claim); Libel and Defamation (3rd Claim); Fraud and Unfair and Deceptive Trade Practices (4th Claim); Personal Injury - Intentional Infliction of Emotional Distress, Malice (5th Claim); Negligence (6th Claim); Demand for Injunctive Relief (7th Claim). Plaintiff incorporates all previous and forthcoming paragraphs, and cases Joseph v Springer Nature (1:20-cv-04672), Joseph v NASA Springer Nature (1:22-cv-466) as fully stated herein.

As documented in the case of Joseph v Springer Nature, and Joseph v NASA, Springer Nature, Defendants Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC) committed and admitted they committed fraud against the Court. Defendants “Springer Nature” and their attorneys have perjured themselves in the case of JvSN and falsified material facts (*USC 18 § 1001, § 1621, § 1623*) and committed Fraud against the Court (*FRCP 60(d)(3)*) and committed fraud as defined by *18 U.S. Code § 1001*: “whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully—(1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry.

Defendants “Springer Nature” admit to filing a “click through” html document in the case of JvSN, and admit they created and altered, redacted, changed, and edited this document and inserted

Plaintiff's name after the case of Joseph v Springer Nature et al was filed (1:20 CV 4672). Defendants "Springer Nature" admit what they filed is not a legitimate "click through" contract, and that there is no means for Plaintiff to "click" "check" "sign" or to indicate agreement (Exhibit 15) but committed fraud against the Court by at first falsely and fraudulently claiming otherwise. Defendants Cronan, Cabranes, Lohier, Jr., and Lee judged the fake contract to be legitimate despite its obvious fakery. Vyskocil dismissed Plaintiff's lawsuit despite the fact that SN had committed fraud against the Court, and Cronan, Cabranes, Lohier, Lee and Vyskocil were obligated and are still obligated by *Federal Rule 60(d)(3)*, and *Rule 11* to enter a default judgement and to default Springer Nature for committing fraud against the court and corrupting the judicial process (*See Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1119 (1st Cir. 1989); *Combs v. Rockwell Int'l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991); *Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11–12 (1st Cir. 1985); *Wyle v. R.J. Reynolds Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983); *Eppes v. Snowden*, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); *Rockdale Mgmt. Co. v. Shawmut Bank, N.A.*, 638 N.E.2d 29, 31 (Mass. 1994).

According to *Rules 56(a)(b)(c)(d)*, *Rules 60(d)(3)* the Federal Courts are required to order default against Springer Nature and set aside Cronan's judgment under the "saving clause" according to the Advisory's Committee's discussion of *Rule 60(d)(3)*: "under the saving clause, fraud may be urged as a ground for relief... And the rule expressly does not limit the power of the court . . . to give relief under the savings clause. As an illustration of the situation, see the written opinions in *Hazel-Atlas Glass Co. v. Hartford Empire Co.* [322 U.S. 238 (1944)]."

It is well established that the Courts have the inherent authority to enter a default judgement and to default a litigant who has committed fraud against the court and corrupts the judicial process (*See Aoude v. Mobil Oil Corp.*, 892 F.2d 1115, 1119 (1st Cir. 1989); *Combs v. Rockwell Int'l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991); *Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11–12 (1st Cir. 1985); *Wyle v. R.J. Reynolds Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983); *Eppes v. Snowden*, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); *Rockdale Mgmt. Co. v. Shawmut Bank, N.A.*, 638 N.E.2d 29, 31 (Mass. 1994).

Defendants Cronan, Cabranes, Lohier, Jr., Lee and Vyskocil, were obligated and required by law to rule that Springer Nature committed fraud against the Court; any judicial body, including Congress or a Military Court are obligated to rule that Springer Nature committed Fraud Against the Court.

Damages: Plaintiff is asking for \$900 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

SECOND CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Infringement of Copyright

Plaintiff incorporates all previous and forthcoming paragraphs and the case of Joseph v Springer Nature et al. (1:20-cv-04672), as fully stated herein.

Plaintiff brings this action against Defendants Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC), for copyright infringement under 17 U.S.C. §101, 501 et seq. against the Defendants for infringement of his Work, i.e. “*Life on Venus*.”

Springer reprinted the article with defamatory content on every page, even hacking into Plaintiff’s private Researchgate account, widely distributed the article with defamatory content on every page. Hence, in addition to copyright infringement, Defendants Springer nature defamed and libeled this Plaintiff (*Dillon v City of New York*, 261 AD2d 34, 38, 704 NYS2d 1 (1999), (*Mencher v. Chesley*, 297 N.Y. 94, 75 N.E.2d 257 (1947), irrevocably damaged his property, “*Life on Venus*.”

Damages: Plaintiff is asking for \$1 billion in damages for violation of his copyright and for irrevocably damaging his property, “*Life on Venus*.”

THIRD CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Breach of Contract.

Plaintiff hereby brings the Third claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature). The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Breach of Contract.

Damages: Plaintiff is asking for \$100 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

FOURTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Tortious Interference.

Plaintiff hereby brings the Fourth claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature). The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case

of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Tortious Interference.

Damages: Plaintiff is asking for \$100 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

FIFTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Libel and Defamation.

Plaintiff incorporates all previous and forthcoming paragraphs and the case of Joseph v Springer Nature et al.(1:20-cv-04672), and Joseph v NASA, Springer Nature (1:22-cv-466) as fully stated herein.

Plaintiff brings this action against Defendants Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC), for defamation and libel.

Plaintiff was a famous-in-his-field neuroscientist and astrobiologist, with over 900,000 readers at Researchgate alone and had been the subject of considerable praise and admiration: "*Brilliant.*" -Choice. "*One of the most astonishing books of our time.*" -Bulletin of Science, Technology & Society. "*First rate... Among the best...*" -the journal of Neuropsychiatry. "*The finest analysis of... phenomena that we have to date.*" - The New England Review of Books. "*Joseph is to mind brain studies as Asimov and Sagan are to the physical sciences.*" -Choice. "*An intense, in-depth examination of the relationship between neuroanatomy and associated behavior...*" "*Astounding... astounding... [Joseph] deserves our admiration.*" -Electroencephalography and Clinical Neurophysiology; *4 Stars! Highly recommended.* -Medical Review Journal. "*Excellent... Comprehensive... Exceptional... Enthusiastically recommended!*" -Health Sciences Review Journal.

Plaintiff was defamed and slandered in April and again in June of 2020 by Springer Nature which violated his copyright and reprinted his copyright article and printed defamatory content on every page of his copyright protected writings, and defamed this Plaintiff by falsely claiming Plaintiff had engaged in "fraud" and "pervasive and systematic fraud" when SN admitted in filings with the court, there was no evidence of fraud, Plaintiff did not commit fraud, and they never suspected Plaintiff had committed fraud--yet, this is exactly what SN led the scientific community, newspapers reporters, and publishers of scientific journals to believe--and in so doing they maliciously defamed and libeled and destroyed Plaintiff's reputation; and SN's action will negatively impact Plaintiff for future generations and this is actionable (*Clapper v. Amnesty International USA*, 33 S. Ct. 1138, 1143 (2013); *MedImmune, Inc. v. Genentech*, 549 US 118 - Supreme Court 2007; *Kennedy v. City of Ridgefield*, 439 F.3d 1055, 1065 (9th Cir. 2006).

Plaintiff and Plaintiff's property (his article, "Life on Venus") and all his past and future research and publications have been discredited and have been damaged and are in "actual" "concrete" and imminent" danger of additional and future damages and are at "significant risk" for future harm and financial losses and this gives Plaintiff standing (*Monsanto Company*, 130 S. Ct. 2743, 2755; *MedImmune, Inc. v. Genentech*, 549 US 118 - Supreme Court (2007))

Plaintiff has documented in the case of Joseph v Springer Nature, that these Defendants have repeatedly engaged in actions that caused special harm or 'defamation per se' (*Dillon v City of New York*, 261 AD2d 34, 38, 704 NYS2d 1 (1999)) and "which tends to expose a person to hatred, contempt, or aversion or to induce an evil or unsavory opinion in the minds of a substantial number of people in the community (*Mencher v. Chesley*, 297 N.Y. 94, 75 N.E.2d 257 (1947)); in this case, science reporters, the scientific community, the editors and publishers of scientific journals and the United States government.

Plaintiff has "set forth the particular words" constituting defamation and when and the manner in which the false statement was made, and specific to whom it was made" (*Epifani v. Johnson*, 65 A.D.3d 224, 233, 882 N.Y.S.2d 234 (2d Dept.2009)) and to whom these statements are directed, i.e. scientists, science news reporters and the general public interested in science.

Defendants have maliciously and falsely charged Plaintiff with fraud, dishonesty, and serious crimes--when they know and admitted all these accusations are false but made their false accusations so as to cause catastrophic injuries to Plaintiff personally and professionally, and his trade, business, and profession and this constitutes defamation and is liable (*Lieberman v Gelstein*, 80 NY2d 429, 435, 605 NE2d 344, 590 NYS2d 857 (1992); *Four Star Stage Lighting, Inc. v. Merrick*, 56 A.D.2d 767, 392 N.Y.S.2d 297 (1st Dept. 1977)).

Defendants have maliciously created and continue to create a false and misleading impression regarding the Plaintiff's abilities as a scientist and the scientific value of his work, so as to destroy the Plaintiff's reputation and credibility as a scientist and this is actionable (see *Edward B. Beharry & Co., Ltd. V. Bedessee Imports* 2010 WL 1223590, 95 U.S.P.Q.2d 1480 (E.D.N.Y. Mar. 23, 2010)). Plaintiff has shown that the Defendants have behaved in a grossly negligent and malicious manner without due regard for the standards of information gathering and dissemination ordinarily followed by responsible parties involving similar matters and that they violated their own standards and procedures for repudiating a published work and they are liable (*Chapadeau v. Utica Observer-Dispatch*, 38 N.Y.2d 196, 379 N.Y.S.2d 61, 341 N.E.2d 569 (1975)).

Plaintiff is a private person who has no presence on "social media," does not consent to

interviews, does not consent to appear on television or radio or podcast to discuss his research; and it is only with a far stretch that Plaintiff might be considered a limited-purpose public figure--a categorization that is subject to the various interpretations based on case law (See *James v. Gannett Co.*, 40 N.Y.2d 415 (N.Y. 1976); *Wolston v. Reader's Digest Association*, 443 U.S. 157, 168 (1979); *Gertz v. Robert Welch*, 418 U.S. 323, 352 (1974); *Curtis Pub. Co. v. Butts*, 388 U.S. 130, 87 S.Ct. 1975, 18 L.Ed.2d 1094 (1967). If there life on other planets, if there is life on Mars, is of major public and general interest and Plaintiff is leading authority on this subject. The Supreme Court ruled on private vs. public issues, that when “an event of public or general concern” is the focus, private and public Plaintiffs have the right to file suit for libel and defamation (*Rosenbloom v. Metromedia*, 403 U.S. 29, 91 S.Ct. 1811, 29 L.Ed.2d 296 (1971).

In addition, the Defendants have been and are still attempting to prevent the public from gaining access to information that would be of legitimate interest, and to trick the public into believing that Plaintiff's work has been discredited and should not be believed and this is actionable (See *Huggins v. Moore*, 94 N.Y.2d 296, 302-03 (N.Y. 1999). Defendants have acted with malice and "in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties" and this is actionable (*Chapadeau v. Utica Observer-Dispatch*, 38 N.Y.S.2d 196, 199 (N.Y. 1975). Springer Nature has acted with negligence and actual malice as well as common law malice; i.e. spite and ill-will and they are liable for this conduct (*Gertz v. Robert Welch*, 418 U.S. 323, 94 S. Ct. 2997 (1974) *Stern v. Cosby*, 645 F. Supp. 2d 258 (S.D.N.Y. 2009)

The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Libel and Defamation.

Damages: Plaintiff is asking for \$500 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

SIXTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Deceptive Trade Practices, Fraud (USC 18 § 1001, § 1621, § 1623):

Plaintiff incorporates all previous and forthcoming paragraphs, and cases Joseph v Springer Nature (1:20-cv-04672), Joseph v NASA Springer Nature (1:22-cv-466) as fully stated herein.

Defendants Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic

Publishing LLC) have perjured themselves in the case of JvSN and falsified material facts and committed fraud (*USC 18 § 1001, § 1621, § 1623*). As these frauds were committed in New York these Defendants are liable under New York laws, as they conspired with their attorneys and the law firm of XXX, to commit or cover up fraud, and for which and there is clear and convincing evidence of (1) a material misrepresentation or omission of fact (2) made by defendants Springer Nature and their attorneys with knowledge of its falsity (3) and they did so with the intent to defraud; (4) reasonable reliance (the Courts) that they were truthful; and (5) resulting damage to the plaintiff (see *Schlaifer Nance & Co. v. Estate of Warhol*, 119 F.3d 91, 98 (2d Cir.1997); *Centro Empresarial Cempresa S.A. v. América Móvil, S.A.B. de C.V.*, 17 N.Y.3d 269, 276 (2011). Fraud may also be based on a “material omission of fact.” *Mandarin Trading Ltd. v. Wildenstein*, 16 N.Y.3d 173, 178 (2011). In addition, Springer Nature engaged in identity theft by typing in and inserting Plaintiff’s name in a failed to attempt to make it appear he agreed to contract SN was forced to admit was fake; and this is actionable (see *Article 190 - NY Penal Law, 190.77 Offenses involving theft of identity; definitions. a. "electronic signature;" and S 190.78, 190.79, 190.80 Identity theft in the first degree*).

According to the fraudsters of 2nd Circuit (*Abu Dhabi Commercial Bank v. Morgan Stanley & Co. Inc.*, 888 F.Supp.2d 478, 484 2012), when sufficient evidence has been presented documenting fraud, Plaintiff must be awarded “summary judgment.” Hence the courts, Congress or a military court is obligated to award Plaintiff summary judgement against Springer Nature for fraud. According to *New York law, and New York Penal Code, CVP Article 30, R3016 , NYPL Article 190 - NY Penal Law*, Fraud is a Tort and Springer Nature is liable for a civil fraud lawsuit in that it has been proved by SN’s own admission, that Springer Nature (A) made a representation of a material fact, (B) this misrepresentation was made with an intent to deceive another party, i.e. the Court and the Public, (C) the courts claimed to have relied on the misrepresentation to their detriment; and (D) caused profound injury to his Plaintiff (24 N.Y.Jur., *Fraud and Deceit, s 14; 37 C.J.S. Fraud s 3*).” *Brown v. Lockwood*, 76 AD2d 721, 730 [2d Dept 1980; see also *NY CPLR § R3016 (2015) civil fraud New York; 2015 New York Laws CVP - Civil Practice Law & Rules, Article 30, R3016 - NY General Business Law section 349*). Since these crimes were committed as part of a conspiracy with NASA to defame, libel, and slander this Plaintiff, and to violate this Plaintiff’s 5th and 14th Amendment rights to due process, Defendants are liable for committing a civil tort (42 U.S.C. § 1983).

The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and

decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Fraud and Unfair and Deceptive Trade Practices.

Damages: Plaintiff is asking for \$100 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

SEVENTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Personal Injury - Intentional Infliction of Emotional Distress, Malice.

Plaintiff hereby brings the Seventh claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature). The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Personal Injury - Intentional Infliction of Emotional Distress, Malice.

Damages: Plaintiff is asking for \$100 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

EIGHTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Negligence

Plaintiff hereby brings the Eighth claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature). The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including Negligence..

Damages: Plaintiff is asking for \$100 billion in damages from Springer Nature (AKA Springer Nature America Inc. and Springer Nature Academic Publishing LLC).

NINTH CLAIM FOR RELIEF: Springer Nature America Inc., and Springer Nature Academic: Demand For Injunctive & Declarative Relief

Plaintiff hereby brings the Ninth claim of relief against Springer Nature America Inc., and Springer Nature Academic (AKA Springer Nature). The evidence is obvious that Springer Nature committed Fraud Against the Court. *FRCP 60(d)(3)*, via the “Savings Clause” authorizes and requires

that Plaintiff be provided relief from the judgment and decision rendered by the District Court in the case of Joseph v Springer Nature et al (1:20 CV 4672), and that summary judgment in favor of Plaintiff must be awarded to Plaintiff on all counts as detailed in that case including the Demand for Injunctive & Declarative Relief

**TENTH CLAIM FOR RELIEF: NASA, Nelson, Constitutional Torts (42 U.S.C. § 1983)
Violation of 1st Amendment Rights to Free Speech, Free Press, Freedom from Religious Persecution**

Plaintiff incorporates all previous and forthcoming paragraphs as fully stated herein.

Defendants are NASA and NASA administrator William Nelson.

As documented, NASA and its agents have repeated defamed, libeled, and slandered this Plaintiff and the Journal of Cosmology that he founded. NASA's lies, liable, and slanderous statements and writings include posting on its website and repeatedly deceiving reporters and the public and government officials by falsely claiming there "is no evidence for extraterrestrial life" and by having NASA employees, top administrators--including William Nelson--perjure themselves before Congress by stating there "is no evidence for extraterrestrial life" when in fact they know this Plaintiff has published over a dozen scientific studies, with over 1000 official an authenticated NASA photos downloaded from NASA website, that document that algae, fungus and bacteria are growing on Mars, and that fossil evidence of algae, cyanobacteria, and metazoan invertebrates have been photographed, by NASA, on Mars; as reported and documented by this Plaintiff.

In 2020, the evidence indicates that NASA also contacted Springer Nature (SN) and convinced them not to publish his work which was in press because Plaintiff had uncovered widespread fraud at NASA and that NASA had lied and falsified evidence to hide the fact that mushroom-shaped specimens, with long thick hollow stems and bulbous caps were growing on Mars; and then entered into a conspiracy with SN, to defame, libel, and destroy this Plaintiff's reputation so that major scientific journals would refuse to publish his work, and so that the scientific community would believe he and his work had been discredited and so as to silence this Plaintiff. This was accomplished by violating Plaintiff's copyright and reprinting Plaintiff's article "Life on Venus" with defamatory content on every page of the article which SN then distributed, even hacking into Plaintiff's Researchgate account and deleting the article which had been published by the Journal of Cosmology, and inserting the defamatory version reprinted and published by SN.

Again, in in May of 2021, NASA and its goon squad began contacting and seeking to intimidate

the editors of the journal *Advances in Microbiology* which was intending to publish “*Fungi on Mars: Evidence of Growth and Behavior From Sequential Photographs*” (<https://www.researchgate.net/publication/351252619>). This peer reviewed article documented that fungi and fungus on Mars are growing out of the ground, increasing in size, changing shape and moving to new locations and shedding spores on the ground--as based on authenticated sequential photos from NASA’s own Mars-photo depository. NASA’s goon squad overwhelmed the editors at the journal of *Advances in Microbiology*, threatening to destroy their reputation and demanding that they cancel publication; and publication was cancelled. Thus, NASA has repeatedly chilled speech and violated the first Amendment rights of this Plaintiff, i.e. freedom of speech, and freedom of the press.

NASA and its goon squads, have defamed this Plaintiff by falsely claiming that NASA photos, photographed on Mars, with NASA identification numbers, and published by Plaintiff are a “hoax” and that the photos of algae, lichens, bacteria, and sequential photos of fungi growing out of the ground, increasing in size and number, are not from Mars but are from Earth when they are in fact NASA’s own official photos. Since then, NASA, Nelson, and NASA employees have perjured themselves before Congress by falsely claiming there is no evidence for extraterrestrial life, and publishing on their websites that there is no evidence of life on Mars; and informing the media and falsely claiming there is no evidence of life on Mars; and publishing articles on NASA’s website ridiculing what is in fact blatantly obvious evidence of life (algae, fungus) on Mars--so obvious, they claim the photos are from Earth in order to discredit Plaintiff’s discoveries and in so doing, committing major fraud against the United States, and defaming and libeling this Plaintiff in order to silence him and convince journals not to publish his discoveries and convincing the scientific community that they should disregard the over 1000 NASA photos proving there is life on Mars.

Plaintiff has documented that when it comes to the question of extraterrestrial life, NASA’s policies are guided by religion, not science, and that NASA and its administrators believe the search for extraterrestrial life, or life on Mars, is opposed by the “Bible,” “Torah” and religious law and that any scientific discoveries that do not confirm to NASA’s interpretation of Genesis, is forbidden by “religious law” (Greene, 2000, 2013). As documented by this Plaintiff religion and not science has governed NASA’s policies since its inception and NASA has a history of defaming and threatening scientists including this Plaintiff.

In violation of the 1st Amendment (freedom of the press) NASA has also placed numerous NASA employees in positions of power at numerous supposedly independent scientific journals, with NASA

employees serving as Editors-in-Chief, or Associated editors, etc. (e.g., the journal Astrobiology, the International Journal of Astrobiology, etc.) NASA's policies are based on religion, guided by chapter 1 of the Bible and Torah; and NASA has a 60-year history of violating the 1st amendment rights of scientists and a 25-year history of targeting this Plaintiff. Thus, NASA and Nelson function as a criminal organization per RICO and have repeatedly violated this Plaintiff's First Amendment rights to free speech, a free press, and freedom from religious persecution and have caused Constitutional Torts (42 U.S.C. § 1983).

Damages: Plaintiff is demanding 900 billion dollars USD in damages.

Declarative Judgement: Declaratory judgments, pursuant to 28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 60(d)(3). should state the following: NASA and its contractors and scientists have repeatedly violated Dr. Rhawn Joseph's 1st Amendment rights, and have defamed libeled and slandered Dr. Rhawn Joseph and have committed fraud by lying and altering and censoring data to hide the fact that Rhawn Joseph has discovered that hundreds of specimens that resemble fungus and lichens may be growing on Mars."

ELEVENTH CLAIM FOR RELIEF. NASA, Nelson, Fraud Against the United States (18 U.S. Code § 1031 § 1038; 18 U.S. Code § 1001), Constitutional Torts (42 U.S.C. § 1983)

Plaintiff incorporates all previous and forthcoming paragraphs as fully stated herein.

Defendants **NASA and Nelson have** conspired together and with others to commit fraud against the United States, As already detailed, Defendants **NASA and Nelson have** conspired together and with others to commit perjury and make false statement and falsify material facts and commit fraud against the United States and the citizens of this country, and by squandering billions of dollars by falsely claiming that NASA is searching for extraterrestrial life when it is not; falsely claiming that there is no evidence of extraterrestrial life when there is overwhelming evidence of fossilized algae and bacteria in over a dozen meteorites, and overwhelming evidence of fossils and living organisms including algae, lichens, and fungi on Mars based on NASA own photographs; and, as documented, NASA, based on the religious beliefs of NASA administrators, lies and commits fraud and resorts to libel, defamation and slander to discredit all evidence of extraterrestrial life.

NASA has also committed fraud against the United States by refusing to equip any of the Mars rovers with life detection technology despite spending approximately 100 billion dollars USD on Mars exploration. NASA and Nelson have perjured themselves before Congress, used funds to discredit all evidence of extraterrestrial life, and these actions constitute fraud (USC 18 § 1001, § 1621, § 1623) and

fraud against the United States (18 U.S. Code § 1031 § 1038).

Plaintiff has documented that NASA has falsified data, destroyed data, censored data, altered data and withheld data from the American public, and refused Freedom of Information Requests from this Plaintiff and has hidden, faked, censored and altered photographic-data collected by the Mars rovers (Joseph See REFERENCES). In addition, NASA has added thick layers of noise to NASA photographs from Mars; and 4 layers of noise to all nighttime space shuttle film footage to hide evidence of UAP, and plasmoidic entities in the thermosphere (Joseph, see REFERENCES). This is more evidence that NASA and Nelson have committed fraud and fraud against the United States (*18 U.S. Code § 1031 § 1038*).

NASA has misappropriated government funds in order to spread false information and has engaged in hoaxes to discredit all the discoveries of past and current life on Mars and has employed hoaxes to discredit this Plaintiff's discoveries, and by falsely claiming NASA is searching for life when it is not; and these acts are a violation of *18 U.S. Code § 1038 - False information and hoaxes (a) (1) In general*.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of *chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284)*.

NASA's lies, frauds, defamations, slanders, and libels have also caused great professional, personal and financial harm to the United States and this Plaintiff who NASA sought to defame and discredit and thus NASA and Bill Evans are also liable for civil actions, per **U.S. Code § 1031 § 1038 (b) Civil Action**.—Whoever engages in any conduct with intent to convey false or misleading information under circumstances where such information may reasonably be believed and where such information indicates that an activity has taken, is taking, or will take place that would constitute a violation of *chapter 2, 10, 11B, 39, 40, 44, 111, or 113B of this title, section 236 of the Atomic Energy Act of 1954 (42 U.S.C. 2284), or section 46502, the second sentence of section 46504, section 46505 (b)(3)*. Moreover, according to *section 60123(b) of title 49*, NASA and Nelson are liable in this civil action for those expenses of Plaintiff who has spent his own funds to search for evidence of extraterrestrial life and has spent money to defend himself against NASA and its goon squads and has suffered profound financial losses because of NASA's frauds.

NASA and Bill Evans are also liable per *18 U.S. Code § 1001 (a)* Except as otherwise provided in this section, whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully— (1) falsifies, conceals, or

covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; (4) has committed fraud and are liable for civil suits. In addition, these frauds and funds were committed as part of a conspiracy to defame, libel, and discredit this Plaintiff and violate this Plaintiff's 1st Amendment rights. Hence, Defendants are liable for committing a constitutional - civil tort (42 U.S.C. § 1983) and for racketeering as defined by RICO.

Damages: Plaintiff is demanding 100 billion dollars USD in damages.

TWELTH CLAIM FOR RELIEF: NASA, Nelson, Defamation, Libel, Civil Torts

Plaintiff incorporates all previous and forthcoming paragraphs as fully stated herein.

Plaintiff brings this action against Defendants NASA, Bill Nelson for continual attempts to discredit this Plaintiff by lying to the public, reporters, and Congress, and falsely claiming that NASA is searching for extraterrestrial life when it is not, and that there is no evidence of extraterrestrial life when there is obvious fossil and living evidence of current and past life on Mars as proved by this Plaintiff.

NASA and Bill Nelson caused special harm or 'defamation per se' (*Dillon v City of New York*, 261 AD2d 34, 38, 704 NYS2d 1 (1999) and caused hatred and contempt for Plaintiff among members of the public and scientific community (*Mencher v. Chesley*, 297 N.Y. 94, 75 N.E.2d 257 (1947)). Plaintiff has a legitimate cause of action because he has documented and proved he was defamed and libeled by NASA and its associates (*Epifani v. Johnson*, 65 A.D.3d 224, 233, 882 N.Y.S.2d 234 (2d Dept. 2009) and that these libels injured this Plaintiff personally and professionally, and his trade, business, and profession (*Lieberman v Gelstein*, 80 NY2d 429, 435, 605 NE2d 344, 590 NYS2d 857 (1992); *Four Star Stage Lighting, Inc. v. Merrick*, 56 A.D.2d 767, 392 N.Y.S.2d 297 (1st Dept. 1977) and that Plaintiff's reputation and credibility as a scientist has been negatively and catastrophically injured and these actions are actionable (see *Edward B. Beharry & Co., Ltd. V. Bedessee Imports* 2010 WL 1223590, 95 U.S.P.Q.2d 1480 (E.D.N.Y. Mar. 23, 2010); *Huggins v. Moore*, 94 N.Y.2d 296, 302-03 (N.Y. 1999)). NASA and Bill Nelson have acted with malice and "in a grossly irresponsible manner without due consideration for the standards of information gathering and dissemination ordinarily followed by responsible parties" and they are liable (*Chapadeau v. Utica Observer-Dispatch*, 38 N.Y.S.2d 196, 199 (N.Y. 1975)). NASA and Nelson have behaved with negligence and actual malice as well as common law malice; i.e. spite and ill-will and this conduct is actionable (*Gertz v. Robert Welch*, 418 U.S. 323, 94 S. Ct. 2997 (1974) *Stern v. Cosby*, 645 F. Supp. 2d 258 (S.D.N.Y. 2009)).

Defendants are liable for racketeering as defined by RICO as well as for defamation, slander, libel, and for committing constitutional - civil torts (42 U.S.C. § 1983); *18 U.S.C. § 242 (Section 242) the 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242*).

Damages: Plaintiff is asking for 100 billion dollars in damages.

THIRTEENTH CLAIM FOR RELIEF Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Kornreich, Bragg Garland, NASA, and Nelson, Fraud Against the Court (FRCP 60(d)(3) ; Constitutional Torts (42 U.S.C. § 1983)

Plaintiff incorporates all previous and forthcoming paragraphs, and cases Joseph v Springer Nature (*1:20-cv-04672*), Joseph v NASA Springer Nature (*1:22-cv-466*) as fully stated herein.

Defendants Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Kornreich, Bragg Garland, NASA, and Nelson, conspired with each other and with Springer Nature to commit fraud against the Court. Plaintiff has documented that multi-judge bribery rings are common, that judges commonly fix cases, that judges think Pro Se's are trash, and Plaintiff proved that Springer Nature committed fraud against the Court. The record proves that these Defendants actively sought to deny Plaintiff his 5th and 14th Amendment rights; and (Cronan, Cabranes, Lohier, Jr., Lee) ruled that SN's fake contract was valid when it was obviously not; and Kornreich, the Justice dept, U.S. Attorney's office, and NASA conspired to together to have the fraud against the Court dismissed; and that Vyskocil had a conflict of interest and dismissed the case but in so doing, based her dismissal on a statement documenting that Cronan had been bribed and that Vyskocil and the Court had conspired to violate this plaintiff's 5th and 14th Amendment rights; and that the offices of Bragg and Garland refused to investigate Plaintiff's criminal complaints, and allegedly destroyed the complaints so as to cover up the fact that judges and U.S. Attorneys and Justice Dept. Officials, commonly fake evidence and take bribes.

It is therefore documented that these defendants conspired with Springer Nature to commit fraud against the Court and to cover up the fact that "Springer Nature" and their attorneys have perjured themselves in the case of JvSN and falsified material facts (*USC 18 § 1001, § 1621, § 1623*) and committed Fraud against the Court as defined by *FRCP 60(d)(3)* and committed fraud as defined by *18 U.S. Code § 1001*. These Federal Judges were required by *Federal Rule 60(d)(3), Rules 56(a)(b)(c)(d), and Rule 11* to enter a default judgement and to default Springer Nature for committing fraud against the court and corrupting the judicial process (*See Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1119 (1st Cir.*

1989); *Combs v. Rockwell Int'l Corp.*, 927 F.2d 486, 488 (9th Cir. 1991); *Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co.*, 771 F.2d 5, 11–12 (1st Cir. 1985); *Wyle v. R.J. Reynolds Indus., Inc.*, 709 F.2d 585, 589 (9th Cir. 1983); *Eppes v. Snowden*, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); *Rockdale Mgmt. Co. v. Shawmut Bank, N.A.*, 638 N.E.2d 29, 31 (Mass. 1994); *Hazel-Atlas Glass Co. v. Hartford Empire Co.* [322 U.S. 238 (1944)]. Defendants Cronan, Cabranes, Lohier, Jr., Lee and Vyskocil, were obligated and required by law to rule that Springer Nature committed fraud against the Court; any Bragg and Garland and their office were required by law to launch an investigation; but all chose to act otherwise and thus conspired with Springer Nature and NASA and Bill Nelson, to violate this Plaintiff's copyright, and his 5th and 14th Amendment rights; and thus all are also liable to committing civil torts (42 U.S.C. § 1983) and the tort of fraud and are liable for racketeering as defined by RICO. These Defendants also violated Plaintiff's rights per 42 U.S.C. § 1981 (*General Bldg. Contractors Ass'n, Inc. v. Pennsylvania*, 458 U.S. 375, 391 (1982)); 18 U.S.C. § 241 (Section 241); 18 U.S.C. § 242 (Section 242). A victim of any government officer or official that violates Section 242 is authorized to file a civil suit against any Federal officer (which by definition includes Federal Judges and Magistrates) under 42 U.S.C. § 1983 (Section 1983) and as authorized by the Bivens Doctrine.

These defendants are also liable as authorized by the *Federal Tort Claims Act*, 42 USC § 1983, 18 U.S.C. § 242 (Section 242) the 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242).

Damages: Plaintiff is asking for \$100 billion in damages.

FOURTEENTH CLAIM FOR RELIEF Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Kornreich, Bragg Garland, NASA, and Nelson, Constitutional Torts (42 U.S.C. § 1983), Violation of 5th and 14th Amendments Rights to Due Process and Equal Protection

Plaintiff incorporates all previous and forthcoming paragraphs, and cases *Joseph v Springer Nature* (1:20-cv-04672), *Joseph v NASA Springer Nature* (1:22-cv-466) as fully stated herein.

Defendants Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Kornreich, Bragg, Garland, NASA, and Nelson, conspired with each other and with Springer Nature to violate Plaintiff's 5th and 14th Amendment rights to due process and equal protection.

Defendants Cronan, Cabranes, Lohier, Jr., Lee, and Vyskocil, knowingly violated and lied about all laws, 'case laws' and in a conspiracy involving NASA, Nelson, Kornreich, Bragg, Garland, aided and abetted Springer Nature; and did so to cover up a multi-judge bribery ring and the faking of evidence by

Cronan and Springer Nature, and in so doing conspired to violate this Plaintiff's constitutional rights including and especially his 5th and 14th Amendment rights in which all Plaintiffs are guaranteed the right to procedural due process even in civil cases (*Snyder v. Massachusetts*, 291 U.S. 97, 105 (1934); *McCarthy v. Arndstein*, 266 U.S. 34 (1924); *Mapp v. Ohio*, 367 U.S. 643 (1961); *Hurtado v. California*, 110 U.S. 516 (1884).

Take Note: The Fourteenth Amendment's Due Process Clause has a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests" (*Washington v. Glucksberg*, 521 U. S. 702, 720). which these Defendants conspired to violate. These Defendants also violated Plaintiff's rights per 42 U.S.C. § 1981 (*General Bldg. Contractors Ass'n, Inc. v. Pennsylvania*, 458 U.S. 375, 391 (1982)); 18 U.S.C. § 241 (Section 241); 18 U.S.C. § 242 (Section 242). A victim of any government officer or official that violates Section 242 is authorized to file a civil suit against any Federal officer (which by definition includes Federal Judges and Magistrates) under 42 U.S.C. § 1983 (Section 1983) and as authorized by the Bivens doctrine. These defendants are also liable as authorized by the *Federal Tort Claims Act*, 42 USC § 1983, 18 U.S.C. § 242 (Section 242) 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242)/. **Damages:** Plaintiff is asking for \$100 billion in damages.

FIFTEENTH CLAIM FOR RELIEF Koh, Cousins, Illman, Orrick, DeMarchi, Freeman, Thomas, Murguia, Wallace, O'scannlain, Fernandez, City of San Jose, Fraud Against the Court (FRCP 60(d)(3); Constitutional Torts (42 U.S.C. § 1983), Fraud,

Plaintiff incorporates all previous and forthcoming paragraphs, and cases *Joseph v City of San Joe et al.* (5:19-cv-01294) and *Joseph v Koh, City of San Jose* (5:20-cv-03782), as fully stated herein.

Defendants Koh, Cousins, Illman, Orrick, DeMarchi, Freeman, Thomas, Murguia, Wallace, O'scannlain, Fernandez, conspired with each other and with the "predators" and "extortionists" and their lawyers who control defendant City of San Jose, to commit fraud against the Court. These Defendants actively sought to deny Plaintiff his 5th and 14th Amendment rights; expressed hatred for this Plaintiff and jealousy of Plaintiff's accomplishments, admitted they were acting to obtain revenge, boasted they could violate this Plaintiff's civil rights, the law, the Constitution, and his oath of office, with impunity because he has immunity; interfered with Plaintiff's right to conduct discovery; took off Calendar Plaintiff's motions for summary judgement, dismissed Plaintiff's summary judgment motions without benefit of review; failed to review Plaintiff's 2nd Amended complaint; failed to review Plaintiff's Exhibit

1 (Dkt 107, 109), Exhibit 2 (Dkt 107, 109), Exhibit 3 (Dkt 105) Exhibit 4 Dkt 110, 120), Exhibit 5 (Dkt 119) Exhibit 6 (Dkt 119) (6); and mocked Plaintiff's religious beliefs and laws passed by the California legislature and the regulations of the American Bar Association. They also chose to ignore the fact that the City Auditor documented widespread corruption, bribery, retaliation, faking code violations, lack of training within the San Jose Dept of Code--corroborating everyone one of Plaintiff's claims. instead, these defendants actively conspired with the City of San Jose and their despicably dishonest City Attorney's office, and endorsed every psychotic lie vomited up by the predators and their despicable pathological lying attorneys. Thus, the Judicial defendants conspired with the City of San Jose to commit fraud against the Court and knowingly endorsed falsified material facts (*USC 18 § 1001, § 1621, § 1623*) and thus conspired to commit Fraud against the Court as defined by *FRCP 60(d)(3)* and committed fraud as defined by *18 U.S. Code § 1001*.

These Federal Judges and the lawyers representing the predators and extortionists of San Jose are malicious, psychopathic liars who have conspired to corrupt the judicial process (*See Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1119 (1st Cir. 1989); Combs v. Rockwell Int'l Corp., 927 F.2d 486, 488 (9th Cir. 1991); Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 11–12 (1st Cir. 1985); Wyle v. R.J. Reynolds Indus., Inc., 709 F.2d 585, 589 (9th Cir. 1983); Eppes v. Snowden, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); Rockdale Mgmt. Co. v. Shawmut Bank, N.A., 638 N.E.2d 29, 31 (Mass. 1994); Hazel-Atlas Glass Co. v. Hartford Empire Co. [322 U.S. 238 (1944)] and conspired with the City of San Jose to violate this Plaintiff's 1st, 4th, and 5th and 14th Amendment rights; and thus all are also liable to committing civil torts (*42 U.S.C. § 1983*) and the tort of fraud and are liable for racketeering as defined by RICO. These Defendants also violated Plaintiff's rights per *42 U.S.C. § 1981 (General Bldg. Contractors Ass'n, Inc. v. Pennsylvania, 458 U.S. 375, 391 (1982))*; *18 U.S.C. § 241 (Section 241)*; *18 U.S.C. § 242 (Section 242)*. A victim of any government officer or official that violates Section 242 is authorized to file a civil suit against any Federal officer (which by definition includes Federal Judges and Magistrates) under *42 U.S.C. § 1983 (Section 1983)* and as authorized by the Bivens doctrine*

These defendants are also liable as authorized by the *Federal Tort Claims Act (42 USC § 1983, 18 U.S.C. § 242 (Section 242) the 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242)*.

Defendants Koh, Cousins, Illman, Orrick, DeMarchi, Wallace, O'scannlain, Fernandez, and the City of San Jose have conspired together and perjured themselves and have conspired together to commit

perjury and make false statements and falsify material facts and lie about and ignore the law, including case laws, and did so to violate Plaintiff's constitutional rights; and the Judicial Defendants failed to provide a service they were paid to provide and which Plaintiff paid court fees in expectation of having his rights protected, and the Defendants instead committed fraud (*USC 18 § 1001, § 1621, § 1623*). Since these crimes were committed as part of a conspiracy to violate this Plaintiff's 5th and 14th Amendment rights to due process, Defendants are liable for committing a constitutional - civil tort (42 U.S.C. § 1983) and meet the definition for racketeering and as a criminal organization as defined by RICO.

Damages: Plaintiff is asking for \$100 billion in damages from defendants Koh, Cousins, Illman, Orrick, DeMarchi, Thomas, Murguia, Wallace, O'scannlain, Fernandez and City of San Jose.

SIXTEENTH CLAIM FOR RELIEF: Koh, Cousins, Illman, Thomas, Murguia, Wallace, O'scannlain, Fernandez, City of San Jose, Constitutional Torts (42 U.S.C. § 1983), Fraud (USC 18 § 1001, § 1621, § 1623), & Violation of 5th and 14th Amendments Rights to Due Process and Equal Protection:

Plaintiff incorporates all previous and forthcoming paragraphs, and case of *Joseph v City of San Jose et al. (5:19-cv-01294)* as fully stated herein.

Defendants Koh, Cousins, Thomas, Murguia, Wallace, O'scannlain, Fernandez, and the pathological lying, psychopathic, and likely drug-addled Illman, have allegedly formed a multi-judge bribery rings, and as documented, have acted in a corrupt and malicious fashion and conspired with the City of San Jose and violated Plaintiff's 1, 4th, 5th, 6th, 8th, and 14th Amendment rights; and did so to protect the "predators" and "extortionists" that were denounced by the Auditor and Mayor of the City of San Jose. In fact, the Auditor wrote over 100 pages documenting every complaint lodged by this Plaintiff, including bribery, extortion, fake code violations, and retaliation against those who complain.

Plaintiff was not and is not the only victims of these "predators" and "extortionists" who are in fact protected by wholly corrupt and malicious judges who are likely part of a multi-judge bribery ring that extends from magistrates to the Chief Judge of the 9th Circuit.

Each of these Defendants knowingly violated and lied about all laws, 'case laws' and California regulations in order to protect these "predators" and to deny Plaintiff his constitutional rights including and especially his 5th and 14th Amendment rights in which all Plaintiffs are guaranteed the right to procedural due process even in civil cases (*Snyder v. Massachusetts, 291 U.S. 97, 105 (1934); McCarthy v. Arndstein, 266 U.S. 34 (1924); Mapp v. Ohio, 367 U.S. 643 (1961); Hurtado v. California, 110 U.S. 516 (1884)*). The Fourteenth Amendment's Due Process Clause has a substantive component that

"provides heightened protection against government interference with certain fundamental rights and liberty interests" (*Washington v. Glucksberg*, 521 U. S. 702, 720). which these Defendants conspired to violate. These Defendants also violated Plaintiff's rights per 42 U.S.C. § 1981 (*General Bldg. Contractors Ass'n, Inc. v. Pennsylvania*, 458 U.S. 375, 391 (1982)); 18 U.S.C. § 241 (*Section 241*); 18 U.S.C. § 242 (*Section 242*). A victim of any government officer or official that violates Section 242 is authorized to file a civil suit against any Federal officer (which by definition includes Federal Judges and Magistrates) under 42 U.S.C. § 1983 (*Section 1983*) and as authorized by the Bivens doctrine. These defendants are also liable as authorized by the *Federal Tort Claims Act*, (42 USC § 1983, 18 U.S.C. § 242 (*Section 242*) the 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242).

Defendants have also committed fraud (USC 18 § 1001, § 1621, § 1623). Since these crimes were committed as part of a conspiracy, they meet the definition for racketeering and as a criminal organization as defined by RICO.

In summary the facts are as follows: Specifically, in October of 2018, Plaintiff was repeatedly contacted by phone and email by a Code Enforcement employee (Gibilisco), who repeatedly asked to meet with Plaintiff to talk about "money" and the payment of money to "avoid problems with the City." Plaintiff refused to meet with Gibileco who then repeatedly filed fake code violations including (A) demanding that 12 healthy Cypress trees on Plaintiff private property, each over 30 feet in height and over 35 year old, must be cut down to 3 feet which would have killed them, and (B) repeatedly filing fake code violations claiming Plaintiff's 3 ft ornamental fence was over 5ft in height, when in fact, Gibilisco admits he never measured Plaintiff's fence but the neighbor's fence and charged Plaintiff for the neighbors violation; and (C) repeatedly filed fake code violations claiming that a screen, elevated above the ground and which was 1/4 in wide, 3 ft in height by 12 feet in length but less than 1/4 in width was a "dwelling" that was "inhabited" which was and is impossible and a crazy bizarre claim.

All these fake and false charges against Plaintiff's trees and fence were dismissed by the City. Thus, in violation of 18 U.S. Code 1038(b)(2)(3); CPC 834; and 4th, 5th, and 14 Amendments Plaintiff was falsely accused, charged, and even twice charged with a neighbor's violations, and was prosecuted, only to have the charges dismissed by the City of San Jose . The very fact that Plaintiff defeated the fake code violations, was proof he had been repeatedly falsely charged and that the Predators were liable for harassment and violations of his 1st, 4th, 5th, 6th, 8th and 14th amendment rights. Plaintiff filed a Federal

lawsuit only to discover that the “extortionists” and “predators” were protected by the judges and magistrate of the Northern District Court, who in violation of *18 U.S. Code 1038(b)(2)(3)*; *CPC 834*; openly conspired with the City attorneys and the extortionists and predators who control the city, and openly encouraged them to engage in additional violations of Plaintiff’s 1st, 4th, 5th, 6th, 8th and 14th and to file additional false charges against Plaintiff and his property; and this is actionable (42 U.S.C. § 7408 (a)(1)(A); 42 U.S.C. § 7521(a)(1); and 42 USCS § 1983).

After the City twice failed to have the case of *Joseph v City of San Jose et al.* dismissed, the case was eventually assigned to Magistrate Illman. As documented, this ill man is a malicious psychopath and pathological liar who openly aided and abetted the City of San Jose and openly violated this Plaintiff’s 5th and 14th Amendment rights to due process; and who expressed hatred for Plaintiff, bragged he could violate Plaintiff’s rights, and who refused to recuse himself.

Damages: Plaintiff is asking for \$100 billion in damages from defendants Koh, Cousins, Illman, Thomas, Murguia, Wallace, O’scannlain, Fernandez and City of San Jose.

SEVENTEENTH CLAIM FOR RELIEF: Koh, Cousins, Illman, Thomas, Murguia, Wallace, O’scannlain, Fernandez, City of San Jose, Constitutional Torts (42 U.S.C. § 1983), Fraud Against the Court

Plaintiff incorporates all previous and forthcoming paragraphs, and case of *Joseph v City of San Jose et al. (5:19-cv-01294)* as fully stated herein.

Defendants Koh, Cousins, Illman, Thomas, Murguia, Wallace, O’scannlain, Fernandez, and the pathological lying, psychopathic, and likely drug-addled Illman, have openly conspired to protect the “extortionists” and “predators” denounced by the Mayor and San Jose City Auditor, and allegedly formed a multi-judge bribery rings, and as documented, have acted in a corrupt and malicious fashion and conspired with the attorneys for City of San Jose to commit fraud against the Court.

As documented in this complaint n din the case of *Joseph v City of San Jose et al.*, Defendants Koh, Cousins, Illman, Thomas, Murguia, Wallace, O’scannlain, Fernandez, and the City of San Jose have conspired to violate Plaintiff’s 4th, 5th, 6th, and 14th Amendment rights, and conspired to prevent the case of *Joseph v City of San Jose et al.* from going to trial; and in so doing have committed fraud against the Court as defined by *FRCP 60(d)(3)* and committed fraud as defined by *18 U.S. Code § 1001*.

The Court, the Congress, or a military tribunal is authorized t by *Federal Rule 60(d)(3)*, and *Rule 11* to enter a default judgement and to default the City of San Jose and these defendants for conspiracy and committing fraud against the court and corrupting the judicial process (*See Aoude v. Mobil Oil Corp.*,

892 F.2d 1115, 1119 (1st Cir. 1989); Combs v. Rockwell Int'l Corp., 927 F.2d 486, 488 (9th Cir. 1991); Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 11–12 (1st Cir. 1985); Wyle v. R.J. Reynolds Indus., Inc., 709 F.2d 585, 589 (9th Cir. 1983); Eppes v. Snowden, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); Rockdale Mgmt. Co. v. Shawmut Bank, N.A., 638 N.E.2d 29, 31 (Mass. 1994).

According to *Rules 56(a)(b)(c)(d), Rules 60(d)(3)* the Federal Courts are required to order default against the city of San Jose and these defendants for committing fraud against the Court and corrupting the judicial process (see *Hazel-Atlas Glass Co. v. Hartford Empire Co.* [322 U.S. 238 (1944)]; *Aoude v. Mobil Oil Corp., 892 F.2d 1115, 1119 (1st Cir. 1989); Combs v. Rockwell Int'l Corp., 927 F.2d 486, 488 (9th Cir. 1991); Brockton Sav. Bank v. Peat, Marwick, Mitchell & Co., 771 F.2d 5, 11–12 (1st Cir. 1985); Wyle v. R.J. Reynolds Indus., Inc., 709 F.2d 585, 589 (9th Cir. 1983); Eppes v. Snowden, 656 F. Supp. 1267, 1279 (E.D. Ky. 1986); Rockdale Mgmt. Co. v. Shawmut Bank, N.A., 638 N.E.2d 29, 31 (Mass. 1994).*

Damages: Plaintiff is asking for \$100 billion in damages.

Declarative Judgement: *FRCP 60(d)(3)* also the authority and the responsibility to grant declaratory judgments pursuant to *28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 60(d)(3)*. The courts, congress, a military tribunal, are obligated and required by law to grant a declaratory judgement against Orrick and the City of San Jose, stating these Defendants conspired together and committed fraud and fraud against the Court and violated Plaintiff's 1st, 4th, 5th, 6th, 8th, and 14th Amendment Rights.

Injunctive Relief: The city of San Jose, its employees, its attorneys, are barred from contacting or photographing Plaintiff, barred from photographing Plaintiff's home and property, barred from approaching within 10 yard of Plaintiff's property (the only exception, police and fire crews), and are barred from filing any code violations against Plaintiff or his property. If the City of San Jose and its employees, et al., violate this injunction, they will be fined \$10 million dollars per violation with no right to appeal.

EIGHTEENTH CLAIM FOR RELIEF: Orrick , DeMarachi , City of San Jose, Constitutional Torts (42 U.S.C. § 1983) & Violation of 4th, 5th, 6th and 14th Amendments Rights to Due Process and Equal Protection

Plaintiff incorporates all previous and forthcoming paragraphs, and the case of Joseph v Koh et al; (5:20-cv-03782) as fully stated herein.

Defendants City of San Jose, Demarchi, and Orrick, have conspired to commit Fraud Against the

Court, and to violate this Plaintiff's 4th, 5th, 6th, and 14th Amendment Rights. Orrick has violated all Supreme Court "case laws" and the "case laws" written by other Federal Judges, so as to violate this Plaintiff's rights to due process.

Orrick and DeMarchi has tried and failed to dismiss the case of Joseph v Koh et al, by spouting pathological lies and in fact openly conspired with the attorneys representing the "predators" and "extortionists" who control the City of San Jose, in unsuccessfully attempted to dismiss Plaintiff's lawsuit against the City of San Jose et al. Orrick has since refused to allow the case of Joseph v Koh to go before a jury, and Orrick and the City of San Jose are therefore guilty of violating Plaintiff's 5th and 14th amendment rights to due process and equal protection.

Moreover, Orrick conspired with the attorneys representing the "predators" and "extortionists" of the City of San Jose to violate Plaintiff's 4th amendment rights. The 4th Amendment bars unlawful search, and other Federal judges agree (e.g. *Armendariz v. Penman*, 75 F.3d at 1320; *KARO et al.* 468 U.S. 705). The malicious psychopath, Orrick, doesn't believe in the 4th amendment. In the case of Joseph v Koh, City of San Jose, et al., an employee of the City of San Jose, trespassed into Plaintiff's locked property and after threatening to get his gun, seized Plaintiff's property from Plaintiff who was standing inside his locked, gated, private property. Defendant William H. Orrick, ruled that trespassing into Plaintiff's locked, gated property and seizing property from Plaintiff's hand is not "subject to Fourth Amendment protection" and cites *United States v. Struckman*, 603 F.3d 731, 739 (9th Cir. 2010) when that Court came to the exact opposite conclusion: "three uniformed police officers entered the fenced-in backyard of a private home in a residential neighborhood of Portland. Guns drawn, but without a warrant... We conclude that the police officers' warrantless actions violated Struckman's Fourth Amendment rights." Orrick is just another black robed malicious pathological liar who has contempt for the law and the Constitution.

Likewise, Orrick ruled that Plaintiff does not have the 6th Amendment right that mandates a citizen's right to "to be informed of the nature and cause of the accusation." although the City could not identify what codes they were no claiming had been violated Orrick Ruled this was not a violation, and ruled they did not violate the 5th and 14th Amendment when the City refused to allow Plaintiff to appear at any hearing to contest these charges, which is mandated by the 5th and 14th amendment and *California Government Code (CGC) (Sections 11500-11544; see People v. Swink (1984) 150 Cal.App.3d 1076, 1079; Kash Enterprises, Inc. v. City of Los Angeles (1977) 19 Cal. 3d 294, 308 [138 Cal. Rptr. 53, 562 P.2d 1302]; 150 Cal. App. 3d 1080; Armstrong v. Manzo, 380 U.S. 545, 552 (1965); Sinaloa Lake*

Owners Ass'n v. City of Simi Valley, 882 F.2d 1398, 1405 (9th Cir. 1989).

Orrick when not ridiculing and subverting the U.S. Constitution and the Bill of Rights, simply regressed to pathological lying, falsely claiming this Plaintiff had "multiple" opportunities to amend, when he only had one' and claiming that Plaintiff complaint was "50 pages" in length, and then dismissed for violation of *Rule 8*—when the entire complaint and its six causes of action are 23 pages.

Central to this conspiracy is the San Jose, City Attorney's office, which acts not to defend, but to enable vicious, heinous criminal conduct and to orchestrate retaliatory acts against those who complain. Cleary, Orrick like, Illman, Koh, DeMarchi and other judges and magistrates on the Northern District Court, has conspired with the City Attorney's office, and thus with the City of San Jose to protect the criminal organization that controls the City, and of which the City Attorney's office is front and center.

The City of San Jose, the City Attorney's Office, and Orrick et al. meets the criteria for a racketeering criminal organization per RICO. Orrick and the city of San Jose, are liable as authorized by the *Federal Tort Claims Act*, 42 USC § 1983, 18 U.S.C. § 242 (Section 242) the 4th, 5th, 6th, and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968); Article II, Section 4 U.S. Constitution; 42 USCS § 1983 and Title 28 U.S. Code § 1331, § 1983, Title 18, U.S.C. Section 242); and per RICO, as they have conspired with Illman, Koh, DeMarchi and other judges and magistrates to violate this Plaintiff's constitutional rights and to protect the "predators" and "extortionists" of the City of San Jose.

Damages: Plaintiff is demanding 100 million dollars USD in damages from Orrick.

Plaintiff is demanding 1 billion dollars USD from the City of San Jose.

NINETEENTH CLAIM FOR RELIEF: Orrick, City of San Jose, Fraud Against the Court, FRCP 60(d)(3), Constitutional Torts (42 U.S.C. § 1983)

Plaintiff incorporates all previous and forthcoming paragraphs, and the case of Joseph v Koh et al (5:20-cv-03782); as fully stated herein.

Defendants City of San Jose, and Orrick, have conspired to commit Fraud Against the Court,

As documented in this complaint and in the case of Joseph v Koh, et al., Defendants Orrick and the City of San Jose have conspired to violate Plaintiff's 4th, 5th, 6th, and 14th Amendment rights, and have conspired to prevent the case of Joseph v Koh from going to trial; and in so doing have committed fraud against the Court. Defendants City of San Jose and Orrick have perjured themselves and falsified material facts (USC 18 § 1001, § 1621, § 1623) and committed Fraud against the Court as defined by FRCP 60(d)(3) and committed fraud as defined by 18 U.S. Code § 1001.

Damages: Plaintiff is asking for \$1 billion in damages from the City of San Jose; and \$1 billion in damages from Orrick.

Declarative Judgement: *FRCP 60(d)(3)* also the authority and the responsibility to grant declaratory judgments pursuant to *28 U.S.C. §§ 2201 and 2202 and Federal Rule of Civil Procedure 60(d)(3)*. The courts, congress, a military tribunal, are obligated and required by law to grant a declaratory judgement against Orrick and the City of San Jose, stating these Defendants conspired together and committed fraud and fraud against the Court and violated Plaintiff's 4th, 5th, 6th, and 14th Amendment Rights.

Injunctive Relief: The city of San Jose, its employees, its attorneys, are barred from contacting or photographing Plaintiff, barred from photographing Plaintiff's home and property, barred from approaching within 10 yard of Plaintiff's property (the only exception, police and fire crews), and are barred from filing any code violations against Plaintiff or his property. If the City of San Jose and its employees, et al., violate this injunction, they will be fined \$10 million dollars per violation with no right to appeal.

TWENTIETH CLAIM FOR RELIEF: Pitts, Freeman, Constitutional Torts (42 U.S.C. § 1983) & Violation of 1st, 5th, 14th Amendment Rights: Pitts

Plaintiff incorporates all previous and forthcoming paragraphs, and case of Joseph v Amazon KDP (5:23-cv-05176) as fully stated herein.

Defendants Pitts and Freeman openly conspired with Amazon KDP to violate this Plaintiff's 1st (speech) and 5th and 14th amendment right to due process and equal protection.

Although Amazon's attorneys repeatedly promised to settle the case if Plaintiff dropped his demand for arbitration, when Plaintiff complied, they refused to settle. As alleged by Plaintiff, NASA (after first denying then awarding Jeff Bezos a contract worth hundreds of millions) had conspired with Amazon to defraud Plaintiff of his royalty earnings and drive him into poverty so as to silence and prevent Plaintiff from continuing his research.

Plaintiff filed suit in state court. Amazon KDP, against Plaintiff's wishes had the lawsuit transferred to the California's Northern District Federal "whorehouse" and the case was assigned to the pathological liar, Pitts.

Pitts ignored Plaintiff's pleadings and the facts of the case, and instead merely repeated the lies, perjuries, and frauds of Amazon's attorneys--Davis Wright Tremaine--the same law firm which committed fraud against the court on behalf of Springer Nature in the case of Joseph v Springer Nature.

Pitts admitted he was acting according to the instructions of Amazon and refused to allow the case to go to trial, but also refused to dismiss the case; and thus conspired Amazon to violate Plaintiff's 1st, 5th and 14th Amendment rights and to join with Amazon's attorneys--Davis Wright Tremaine-- to commit fraud against the Court.

Damages: Plaintiff is demanding 10 billion dollars USD in damages.

TWENTY-FIRST CLAIM FOR RELIEF: City of San Jose, Fraud (USC 18 § 1001, § 1621, § 1623), violation of 5th Amendment:

Plaintiff incorporates all previous and forthcoming paragraphs.

Defendants include the City of San Jose, who have altered and destroyed evidence and committed fraud by secretly obtaining, redacting, and editing Plaintiff's private property, i.e. transcripts of an administrative hearing in May of 2020, then refusing to pay the quoted price (\$2,500) for those transcripts, and refusing to provide an audio recording of those hearings which would prove the City Attorney's office redacted and altered evidence

Defendant City of San Jose, therefore, engaged in fraud (USC 18 § 1001, § 1621, § 1623) and entered into a conspiracy to violates this Plaintiff's 5th Amendment rights to due process.

Damages: Plaintiff is demanding 100 million dollars USD in damages.

TWENTY-SECOND CLAIM FOR RELIEF: Clerk & ProSe Office of the Southern District Court of NY, Fraud (USC 18 § 1001, § 1621, § 1623), Identity Theft, Violation of 5th and 14h Amendment Rights, Civil Torts

Plaintiff incorporates all previous and forthcoming paragraphs.

Defendants include the Pro Se Office and Daniel Ortiz the Clerk of the Southern District Federal Court in New York, who have engaged in identity theft, and altered and forged and filed a fake document which they falsely claimed this Plaintiff had filed, and that fraudulently stated that this Plaintiff had determined that Springer Nature was "not guilty" and altered an earlier version of this lawsuit (Joseph v Roberts et al), and filed it with a fake title, i.e. Joseph v Thomas et al.; and then the Clerk refused to accept the filing fee payment. Therefore, the Clerk and Pro Se Offices of the Southern District of NY, joined a RICO conspiracy to commit fraud and fraud against the Court and violate this Plaintiff's 5th and 14th Amendment right, and are liable for committing civil and constitutional torts.

Damages: Plaintiff is demanding 100 million dollars USD in damages.

TWENTY-THIRD CLAIM FOR RELIEF: The Federal Judiciary Constitutional Torts (42 U.S.C. § 1983), RICO, Violation of 5th and 14th Amendments Rights to Due Process and Equal

Protection:

Plaintiff incorporates all previous and forthcoming paragraphs.

Defendants include the Federal Judiciary in its entirety, i.e. Supreme Court Justices to lowly magistrates, and Does 1-300, and including Defendants Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, Koh, Cousins, Illman, Orrick, DeMarchi, Sidney Thomas, Mary Helen Murguia, Wallace, O'scannlain and Fernandez, All U.S. Supreme Court Justices, including John G. Roberts, Clarence Thomas, Samuel Alito, Neil Gorsuch, Brett Kavanaugh, and Amy Barrett, and all Judges and Justices of the 2nd Circuit, including Jose Cabranes, Raymond Lohier, Jr., Eunice Lee, and all Judges, Justices and Magistrates of the Southern New York Federal District, including John Cronan, Mary Vyskocil; and all Judges and Justices of the 9th Circuit, including Lucy Koh, Sidney Thomas, Mary Murguia, Clifford Wallace, Diarmuid O'scannlain, Ferdinand Fernandez et al., and all Justices of the Northern California Federal District, including Robert Illman, Nathaniel Cousins, William Orrick, Virginia DeMarchi, P. Casey Pitts; and all Federal Judges and Magistrates of the 94 federal judicial districts in the United States, whose names are not yet known to this Plaintiff; and all judges and Magistrates of all 94 Federal Courts and Bankruptcy Courts whose names are not yet known to this Plaintiff; and all Judges of the 11 U.S. Federal Courts of Appeals, and the District of Columbia Circuit and Federal Circuit and whose names are not yet known to this Plaintiff; and all current, past and future Federal Magistrates and Judges, including those serving on the Supreme Court, Appeals Court, Bankruptcy Court; i.e. identified as "Gangsters in Black Robes," Does 1-3000.

These "gangsters in black robes" which include every former, current, and future member of the Federal Judiciary are defendants, and who collectively functions as a seditious racketeering criminal organization that claims the right to engage in "**conduct which is corrupt, malicious or intended to do injury.**" including taking bribes, fixing cases, destroying or faking evidence, and retaliating against anyone who complains; and is a criminal organization as defined by RICO, and has violated are liable under *18 U.S.C. § 241 (Section 241) and 42 U.S.C. § 1981 and 42 U.S.C. § 1983 (Section 1983)*.

Plaintiff is authorized to file suit, RE: the *Bivens doctrine*; and as authorized by the *Federal Tort Claims Act*, *42 USC § 1983*, *18 U.S.C. § 242 (Section 242) the 5th and 14th Amendment*, and *RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968)*, for conspiracy and breach of contract as defined by *UCC § 2-207(1)(2)* and *New York Consolidated Laws, Uniform Commercial Code - UCC § 2-607, § 2-610, § 2-510*, and *General Business Law, GBS § 458-I, § 899-H.*) and who, in so doing, have committed Constitutional torts against this Plaintiff and all Americans.

The Courts and the Judiciary have a Constitutional obligation to uphold the Constitution which guarantees every citizen the right to due process and equal protection. This paid fees to have his cases heard before an impartial judge that would honor, respect, and uphold Plaintiff's 5th and 14th Amendment rights. By paying Court fees to file these cases, Plaintiff and others entered into a contract, only to discover that the Federal Judiciary has conspired amongst themselves to dismiss complaints filed by Pro Se Plaintiff's regardless of the merits, often without reading the complaint and instead repeating the lies of Defendants. Since this is a nation-wide conspiracy among the majority of Federal Judges, and as Plaintiff was denied his 5th and 14th amendment rights in each of the cases noted; then he was a victim of a premeditated conspiracy by the judiciary, i.e. the "Gangsters in Black Robes" who never intended to provide the services paid for, and as such the Federal Judiciary as a whole, and the named Defendants and Does 1-3000 have caused Constitutional torts and engaged in breach of contract as defined by *UCC § 2-207(1)(2) and New York Consolidated Laws, Uniform Commercial Code - UCC § 2-607, § 2-610, § 2-510, and General Business Law, GBS § 458-I, § 899-H*).

This Plaintiff has established that the Federal Judiciary and every member of this racketeering criminal organization is liable per RICO; and that it is the policy of the majority of the Federal Judiciary to violate and to deny Pro Se Plaintiffs, including this Plaintiff, their 5th and 14th Amendment rights to due process and equal protection, and it is their policy to dismiss lawsuit filed by Pro Se, regardless of the merits, because they believe anyone without a lawyer is trash, and that Pro Se's are trash and not deserving of their constitutional rights or the time of a gangster in a black robe, i.e. a Federal Judge or magistrate (*M.D. Gough, E.S.T Poppe, Changing Rates of Pro Se Litigation in Federal Court, Law & Social Inquiry, American Bar Association 1/20/2020; Nielsen, L. B., et al 2010. Individual Justice or Collective Legal Mobilization? Employment Discrimination Litigation in the Post Civil Rights United States. Journal of Empirical Legal Studies 7:175–201; V. D. Quintanilla et al. "The Signaling Effect of Pro se Status." Law & Social Inquiry 42, no. 4 (2017): 1091–1121; Landsman, S. 2012. Pro se Litigation. Annual Review of Law and Social Science 8 (1):231–53; V. D. Quintanilla et al. "The Signaling Effect of Pro se Status." Law & Social Inquiry 42, no. 4 (2017): 1091–1121; J. D. Rosenbloom, Exploring Methods to Improve Management and Fairness in Pro Se Cases: a Study of the Pro Se Docket in the Southern District of New York, 30 FORDHAM URB. L.J. 305, 310 (2002); E. M. Holt, How to Treat "Fools": Exploring the Duties Owed to Pro Se Litigants in Civil Cases, 25 J. LEGAL PROF. 167, 173 (2001); R. Engler, And Justice For All—Including the Unrepresented Poor: Revisiting the Roles of the Judges, Mediators, and Clerks, 67 FORDHAM L. REV. 1987, 2022 (1999); E.J.R. Nichols, Preserving*

Pro Se Representation in an Age of Rule 11 Sanctions, 67 TEX. L. REV. 351, 379-80l; Landsman, S. 2012. *Pro se Litigation. Annual Review of Law and Social Science* 8 (1):231–53).

This policy to discriminate against and violate the constitutional rights of the average American extends all the way to the Supreme Court. Each term, approximately 2,000 civil litigants file a petition for a writ of certiorari with the Supreme Court of the United States, with only 1/3 of 1 percent actually being heard and decided by the Court, and almost always resulting in denial or dismissal either with no comment or by repeating the arguments of the Defendants' lawyers without bothering to read the Plaintiff's complaint (Kevin H. Smith, *Justice for All?: The Supreme Court's Denial of Pro Se Petitions for Certiorari*, 63 ALB. L. REV. 381, 382 (1999)). In the extremely rare instances when the Supreme Court grants a Pro Se's writ of certiorari, outcome is almost always the same: Dismissal.

As authorized by the *Federal Tort Claims Act*, 42 USC § 1983, 18 U.S.C. § 242 (Section 242) the 5th and 14th Amendment, and RICO (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968) Plaintiff is authorized to file this lawsuit against these Defendants, the Federal Judiciary in its entirety, because collectively the actions of its members meet the criteria for racketeering as established by "RICO" (18 U.S.C. ch. 96, 18 U.S.C. §§ 1961–1968).

In addition to violations of the 5th and 14th amendment, each of these defendants are liable and may be punished as stated in the *U.S. Constitution* (Article II, Section 4); and as authorized per 42 USC § 1983 and Title 28 U.S. Code § 1331, § 1983, and Title 18, U.S.C. Section 242 which explicitly states judges, and public officials and agencies are liable. Furthermore, the conduct of these judges is premeditated, and is a violation of their oath of office and the U.S. Constitution, and thus their "corrupt, malicious" conduct designed to cause "injury" cannot be considered as part of their official duties but a violation of their official duties and the Constitution which they swore to uphold. These are not "official" acts but "corrupt, malicious" "criminal" acts and Plaintiff has been repeatedly victimized and harmed by these gangsters in black robes

Damages: Plaintiff is asking for \$10 billion in damages.

TWENTY-FOURTH CLAIM FOR RELIEF: Violations Of The Public Trust Doctrine, Constitutional Torts (42 U.S.C. § 1983): Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett, et al.

Plaintiff incorporates all previous and forthcoming paragraphs as fully stated herein.

Defendants include (1) Supreme Court justices Roberts, Thomas, Alito, Gorsuch, Kavanaugh, and

Barrett and the Federal Judiciary (Gangsters in Black Robes, Does 1-3000) and who have violated and intend to violate this Plaintiff's inalienable rights as guaranteed by the "*Public Trust Doctrine*" and which are secured by the *Ninth Amendment* and embodied in the *reserved powers doctrines of the Tenth Amendment* and the *Vesting, Nobility, and Posterity Clauses of the Constitution*. These rights protect the rights of present and future generations as pertaining to essential natural resources that are vital to the citizens of our nation. These vital natural resources include at least the air (atmosphere), water, seas, the shores of the sea, and wildlife--all of which are not threatened and will be harmed due to the unconstitutional fascist actions of Supreme Court Justices Roberts Gorsuch, Kavanaugh, Barret, Thomas, and Alioto in their rulings pertaining to *Securities and Exchange Commission v. Jarkesy*, and who have overruled the landmark 1984 decision in *Chevron v. Natural Resources Defense Council*--which had put restrictions on Judges for over 40 years. Roberts and his five fascist cohorts, claim that bribe-taking judges and their "friends of the Court" now have the authority of the Executive branch and the right to set policy that affects the environment and all Americans. The overarching public trust resource is our country's life-sustaining biosphere which these six Defendants have now endangered. The affirmative aggregate acts of these six defendants in their recent power grab, documents that they have failed in their duty of care to safeguard the interests of this Plaintiff and all present and future beneficiaries of the public trust and to provide for the survival and welfare of our citizens and to promote the endurance of our nation.

These six defendants, who no one elected, whose careers were guided by powerful special interests, and violated their duty of care as trustees of the *Public Trust Doctrine*. Instead, they have place in peril the present and future beneficiaries of the trust property, including, but not limited to, the Plaintiff. Such abdication of duty abrogates the sovereign powers of succeeding members of the Executive Branch and Congress to provide for the survival and welfare of our Nation's citizens and to promote the endurance of our Nation.

Not only are these six defendants planning to violate *Public Trust Doctrine* but have engaged in *Reckless Endangerment* as defined by *Federal Regulations, 25 CFR § 11.401* and *10 U.S. Code § 914. Art. 114*. By giving power to bribe-taking judges and to the "friends of the Court" who poison our water, food, and the air we breathe, these six Defendants have recklessly sought to place Plaintiff (and other members of the public) in a situation where his health will be negatively impacted and which may cause disease and death (see *25 CFR § 11.401; 18 US Code § 241; 18 US Code § 1113; 18 U.S. Code § 1117*).

Moreover, these six defendants have acted with "deliberate indifference" and are willfully

negligent (See *Kennedy v. City of Ridgefield*, 439 F.3d 1055, 1065 (9th Cir. 2006) and failed to exercise reasonable care not to place Plaintiff and the public in harm's way, and this is actionable (*L.W. v. Grubbs*, 92 F.3d 894, 896, 900 (9th Cir. 1996); *Porter v Osborn*, 546 F.3d 1131, 1137 (9th Cir. 2008); *Kennedy v. City of Ridgefield*, 439 F.3d 1055, 1065 (9th Cir. 2006); *City of Canton*, 489 U.S. 391 (1989).

Damages: Plaintiff is demanding 1 billion dollars USD in damages from these six Defendants each of whom must be removed from office per 8 U.S. Code § 2381, 2383, 2384.

TWENTY-FIFTH CLAIM FOR RELIEF: 8 USC Ch. 115: Treason, Sedition, Constitutional Torts (42 U.S.C. § 1983): Roberts, Thomas, Alito, Gorsuch, Kavanaugh, Barrett, et al.

Plaintiff incorporates all previous and forthcoming paragraphs as fully stated herein.

Defendants include (1) Supreme Court justices Roberts (who is the Chief and Boss of this racketeering criminal organization), Thomas, Alito, Gorsuch, Kavanaugh, and Barrett and the Federal Judiciary (Gangsters in Black Robes, Does 1-3000). According to 18 U.S. Code § 2381 - Treason refers to those who are enemies of the United States government and Constitution and giving aid to those who give the enemies of our Constitutional form of government giving them aid and comfort within the United States or elsewhere.

Supreme Court justices Roberts, Thomas, Alito, Gorsuch, Kavanaugh, and Barrett and the Federal Judiciary (Gangsters in Black Robes, Does 1-3000), have committed treason, sedition, subversive activities, have violated the *separation of powers doctrine and Article II of the U.S. Constitution* claiming power of Executive Agencies, and have sought to nullify the U.S. Constitution, the 14th Amendment, Bill of Rights, and enable the overthrow of our Constitutional form of government to be replaced by a Hitler-like fascist dictatorship which gives the President of the U.S. the power to suspend the civil rights of and order the death of any citizens including this Plaintiff, which gives Plaintiff standing as their actions have caused and resulted in and will cause constitutional torts. In so doing these six Defendants have engaged in *Reckless Endangerment* as defined by *Federal Regulations, 25 CFR § 11.401* - "conduct which places or may place another person in danger of death or serious bodily injury." *10 U.S. Code § 914. Art. 114*: when any person " engages in conduct that— (1) is wrongful and reckless or is wanton; and (2) is likely to produce death or grievous bodily harm to another person." And they have violated *8 U.S. Code § 2384 and 8 U.S. Code § 2383. According to 8 U.S. Code § 2381*, anyone found guilty of treason--and this would include Federal Judges-- and shall suffer death.

Although a Fascist dictatorship has not yet been established, these six traitors have opened the

door to and given permission for the president or any president in the future, to overthrow the government and suspend all civil rights. Plaintiff, therefore, is in "actual" "concrete" and imminent" danger of additional and future damages and is at "significant risk" for future harm and this gives Plaintiff standing (*Monsanto Company*, 130 S. Ct. 2743, 2755); *MedImmune, Inc. v. Genentech*, 549 US 118 - Supreme Court 2007); *Massachusetts v. Environmental Protection Agency*, 549 U.S. 497 (2007). Because Plaintiff has shown causation he has standing (*Lujan v. Defenders of Wildlife*, 504 U.S. 555, 561 (1992)).

Damages: Plaintiff is demanding 1 billion dollars USD in damages, each from Roberts, Thomas, Alito, Gorsuch, Kavanaugh, and Barrett, each of whom must be removed from office per 8 U.S. Code § 2381, 2383, 2384.

**TWENTY-SIXTH CLAIM FOR RELIEF: NASA & Springer Nature, Federal Judiciary
Declarative / Injunctive Relief**

Plaintiff incorporates, as if fully stated here in; all preceding and forthcoming paragraphs and citations of case law and lawsuits filed by this Plaintiff. Plaintiff requests and demands declarative and injunctive relief phrased as follows:

(1) Springer Nature (A) Committed Fraud Against Plaintiff and Fraud Against the Court; and (B) violated Plaintiff's copyright; and (C) defamed and libeled this Plaintiff; and (D) conspired with NASA to commit Fraud Against the United States.

(2) NASA has (A) defamed and libeled this Plaintiff; and (B) violated this Plaintiff's 1st Amendment rights to a free press and free speech; and (C) has committed Fraud Against the United States by (C) faking and censoring and falsely and fraudulently claiming there is no evidence for life on Mars and no evidence of extraterrestrial life.

(3) Plaintiff has published compelling evidence, based on NASA's official authenticated photographs, that there is (A) life on Mars; i.e. bacteria, algae, lichens, fungus; and (B) past life on Mars; i.e. fossils of algae, stromatolites, and metazoan invertebrates

(4) Plaintiff has published compelling evidence, based on NASA's official space shuttle films that glowing, pulsating entities, tentatively identified as "plasmas" and "plasmoids" are engaging in complex behavior in the thermosphere.

(5) Koh, Cousins, Illman, Orrick, DeMarchi, Thomas, Murguia, Wallace, O'scannlain Fernandez and the City of San Jose have conspired to commit fraud against the Court, and to repeatedly violate this Plaintiff's 1st, 4th, 5th, and 14th Amendment rights, and collectively meet the definition of a racketeering

criminal organization as defined by RICO.

(6) Cronan, Cabranes, Lohier, Jr., Lee, Vyskocil, and Kornreich have conspired to commit fraud against the Court, and to repeatedly violate this Plaintiff's copyright and 1st, 5th, and 14th Amendment rights, and collectively meet the definition of a racketeering criminal organization as defined by RICO.

(7) The Federal Judiciary is a racketeering, self-defined criminal organization that admits it engages in *“conduct which is corrupt, malicious or intended to do injury.”*

(8) Plaintiff must be protected from these Judicial psychopaths and it shall be forbidden for any judge or magistrate to (A) dismiss any cause of action filed by this Plaintiff; or (B) issue a summary judgment against this Plaintiff; or (C) issue summary judgement if Plaintiff appears as a Defendant in any case filed with the Court; and (D) Plaintiff is guaranteed a trial by jury in any case brought by or against this Plaintiff; and (E) juries must be informed by the presiding judge in any such case, that judges and magistrates have conspired to violate the rights of this Plaintiff.

TWENTY-SEVENTH CLAIM FOR RELIEF: NASA Mars Sample Return. Declarative / Injunctive Relief

Plaintiff incorporates, as if fully stated here in; all preceding and forthcoming paragraphs and citations of case law and lawsuits filed by this Plaintiff.

Plaintiff requests and demands declarative and injunctive relief phrased as follows:

NASA cannot be trusted to obtain and return samples from Mars. They will lie about the evidence for life on Mars, samples will be stolen and secretly and unlawfully sold; and if Martian pathogens released into the environment unleash a plague, NASA will continue to lie and thwart all efforts to find the cause or a cure.

Rhawn Joseph shall be appointed (A) Chief Scientist at NASA, (B) Chief Scientist & Administrator in Charge of the Mars Sample Return Program, and (C) Chief Scientist & Administrator in Charge of the Astrobiology program, and (D) Chief Scientist & Administrator in Charge of the Mars Rovers and robotic missions.

CONCLUSIONS

NASA, since its inception has sought to remake science in image of Orthodox religious belief, and is little more than a major fraud factory, where faking of evidence, censorship, altering data, and defamation and slander are “business as usual.” The evidence of current and past life on Mars is conclusive and overwhelming; but NASA, its administrators, and its fake “scientists” chose to lie to the

public and commit fraud against the United States. And now, acting out of incredibly dangerous arrogant ignorance, the cesspool that is NASA intends to recklessly expose our planet to Martian fungi, bacteria, viruses, and unknown pathogens; and even if Martian plagues begins to killing tens of millions, NASA will lie to the public and claim there was no evidence of life in the samples returned. NASA cannot be trusted to conduct basic science, and it cannot be trusted to return Martian samples to Earth. Plaintiff should be appointed Chief Scientist at NASA, and placed in charge of its sample return program and its astrobiology program and its rover program.

The Federal Judiciary is a cesspool of corruption. Imagine if doctors and nurses were given “*absolute immunity*.” The entire health system of this country would collapse in a few months, because no one would feel safe going to a doctor, or being treated by a nurse. Likewise, no one is safe going before a judge. There is no such thing as an “honest judge” because no honest judge would tolerate the widespread criminality and corruption rampant in the judiciary and then lie about it; and no honest judge would claim to be *above and outside the law* and the right to engage in “*conduct which is corrupt, malicious...*” Yet this is what all judges claim--they are self-defined “outlaws” and “*those who ride with outlaws should hang with outlaws.*” Judicial independence is a recipe for crime and corruption. The Federal Judiciary is a racketeering criminal organization and the citizens of this country are their victims.

This Plaintiff has documented that Cronan, Cabranes, Lohier, Jr., Lee, Koh, Illman, Orrick, Pitts, Freeman, Wallace, O'scannlain and Fernandez --and a thousand other “gangsters in black robes” -- are malicious, psychopathic pathological liars who conspire with “predators” and “extortionists” and “special interests” to fake evidence and file false charges and then convict the innocent, or conversely dismiss lawsuits filed by victims and exonerate those who bribed that judge or the multi-judge bribery ring which not uncommonly includes payoffs to the Chief Judge or to their wife or husband.

We can't have “law and order” or “respect for the law” when every judge is a criminal.

It does not matter if you, the citizens of this country, see yourselves as “conservative” or “liberal” or “Democrat” or “Republican. The men and women identified in this complaint--these “gangsters in black robes”-- are the enemies of truth, honor, and justice; they view you with contempt, they are evil incarnate-- and all of whom were selected by powerful political or special interests, precisely because they are malicious and corrupt: Cronan, Cabranes, Lohier, Jr., Lee, Koh, Illman, Orrick, Pitts, Freeman, Wallace, O'scannlain and Fernandez are like something that crawled out of the toilets of hell. They are the enemies of America. The enemies of Freedom. The enemies of democracy. They are the enemies of God. They are your enemy. And there are a thousand more just like them. And no one is safe. Not ex-

presidents, not the nephew of a slain president, not the son of a sitting president. Not you or your family.

And now these gangsters in black robes plan a Hitler-like fascist takeover of this country, and have given bribe taking judges and their “friends of the court” the power to poison the water we drink, the air we breathe, and the food we eat.

No one will be safe until Congress passes the laws proposed by this Plaintiff, and not until the President orders the arrest and imprisonment of Cronan, Cabranes, Lohier, Jr., Lee, Koh, Illman, Orrick, Pitts, Freeman, Wallace, O'scannlain, Fernandez, and hundreds of others just like them. The President-- based on all legal authority-- must make an example of these psychopaths who believe they have the right to engage in “**conduct which is corrupt, malicious**” and send a clear message to all the “gangsters in black robes:” Violate the law, violate the Constitution, violate the rights of those who appear before you, betray this nation, THEN: **acting strictly according to law**, this government will arrest you, convict you, and, according to law, imprison or execute you.”

Submitted by
/s/Rhawn Joseph, Ph.D.

March 22, 2025

Declaration: *The statements made in this criminal and civil complaint represent this Plaintiff's opinions, and are based on knowledge, facts, exhibits, memory, and belief. Plaintiff is not advocating or threatening the lives of any person named in this complaint and would never physically harm one of these miscreants named in this complaint. Plaintiff is advocating that the President and the U.S. Congress act on laws already passed, and take legal action, according to law, and that all those named in this complaint should be punished by the government according to law and the U.S. Constitution.*

Submitted by
/s/Rhawn Joseph, Ph.D.

March 22, 2025

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EVIDENCE FOR LIFE IN THE THERMOSPHERE (200 Miles Above Earth)

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