US DISTRICT COURT FOR THE DISTRICT OF COLUMBIA.

William Scheidler, 1515 Lidstrom Place E., Port Orchard, WA 98366 360-769-8531 **Plaintiff,** **V** **United States of America** c/o US DOJ 950 Pennsylvania Ave, NW Washington, DC **Chief Justice Roberts, US Supreme Court,** 1 First Street NE, Washington DC; **Jane and John Does of the judicial branch, 1-100.** **Defendants**	**Case #** **Claims per 28 USC Ch 171, 28 USC 1361, 42 USC 1983 and 42 USC 1985; and notification to the appropriate authorities under both 18 USC Sec 4 – notice of felony activity, and 28 USC 351 – judicial misconduct.** **A Jury is Demanded.**

I. AN ADMINISTRATIVE REMEDY WAS DENIED, THIS ACTION IS JUSTIFIED PER 28 USC CH 171, 28 USC §1361 AND 42 USC CH 21.

On July 5, 2018, Plaintiff mailed his tort claim (claim) to Chief Justice Roberts, US Supreme Court. The claim was prepared on "Standard Form 95 with attachments" - see Appendix 1 which is a copy of the pertinent sections of the claim, attached, as prescribed by the US Department of Justice, see 28 USC §2672, and mailed USPS

(signature required). The claim was delivered to the Supreme Court on July 9 and signed by L. Johnson. On or about July 20, 2018, the claim and all attached papers were returned to Plaintiff by Scott Harris, Clerk, US Supreme Court, stating: "These papers fail to comply with the Rules of this Court and are herewith returned", if I disagree I could request, "a rehearing under rule 44".

On July 24, 2018, Plaintiff mailed his claim papers to President Trump (the original papers as sent to, and then returned by, the US Supreme Court) indicating the response by the clerk was inappropriate as the claim process is established by the DOJ as delegated to them by Congress. The Office of the President received the claim on July 31, signed by M Naldo. See Appendix 2. There has been no response by either the President or Chief Justice Roberts and 6 months have passed. Plaintiff considers the lack of any responses a denial of his claim per 28 USC Ch 171 §2675, and this civil action is now authorized by 28 USC ch 171.

Furthermore, as the clerk's actions illustrated above, notwithstanding the facts alleged below, US Federal Courts are using their "Rules" to abridge the express intent of Congress and modify substantive rights – i.e., the right of petition under Ch 171. Clearly shown above, the US Congress established the "Tort Claim Procedure" and delegated the entire process to the US Department of Justice. Nevertheless, the Court's Clerk declared the claim "papers" incompliant with the Court's Rules and returned the papers demanding plaintiff seek "a rehearing under rule 44". It is self-evident the Courts have "enlarged" their powers to ignore Congress and assume the powers delegated to the AG. This conduct by judges to deny substantive rights by enlarging their own powers is in violation of 28 USC 2072(b).

There is no fair remedy available to plaintiff to address the denial of his civil rights, the infliction of harms by the officers, employees and surrogates employed by the courts. The United States is NEGLIGENT in its duty to hold judges to their limited role and thereby protect plaintiff's rights and property by addressing judicial branch overreaching.

II. CORE ALLEGATION AND FACTUAL ACCOUNT PER RCW TITLE 4, CIVIL ACTIONS, CHAPTERS 32 AND 36.

The US Attorney General should refer to the following documents filed with the Courts, which are included in their entirety by reference: Case #3:12-cv-05996, particularly plaintiff's jury demand, dkt 19; Case #3:16-cv-06016, particularly plaintiff's jury demand, dkt 10; and US Supreme Court case #17-1454, petition for writ of mandamus/show cause directing the judges of the lower courts to apply the law or show cause why the laws don't apply. These documents provide a detailed account of defendants' *conduct*. In other words, defendants' *conduct* constitutes a factual matter and for a jury to address, not a judge (See Washington's Article 1, sections 1 and 21, Article 4, section 16. These authorities control as mandated by 28 USC 1652 and 28 USC 2672).

Federal Judges, (en banc US 9th Circuit Court of Appeals) with the aid of the judges and lawyers under their fiduciary supervision (and vis versa[1]), act unlawfully, with the implicit consent of the US Supreme Court, to 'abridge, modify or enlarge substantive rights' in violation of the US 10th amendment [State's rights], 28 USC 1652 [State law shall rule decisions in federal courts], and 28 USC 2072(b) [court rules shall not abridge,

---

[1] The respective codes of conduct impose a reciprocal duty upon lawyers (RCW 2.48.230 and ABA rule 8.3(b)) and judges (RCW 2.48.230 and ABA ; Canon 3, local court rule 83.3) to report to the appropriate authorities all conduct [by a lawyer or judge] that diminishes public confidence in the judicial process.

modify or enlarge any substantive right]. Then judicial branch officials have assured these violations by judicial officials are decided only by judicial branch officials, which is, on its face, a violation of 28 USC 455(a) and (b)(4) [a judge shall disqualify from deciding any matter in which bias may be questioned or in which fiduciary conflict or any other conflict of interest exists].

Federal judicial branch officials, employees, and surrogates have 'abridged or modified' the following substantive rights of plaintiff, by 'enlarging' their own powers, which are violations of 28 USC 2072(b), and thereby deprived plaintiff of his property, life and liberty without a fair forum for redress before a jury:

1) **28 USC 455(a) and (b)(4).** Plaintiff filed motions to disqualify judges for bias and actual conflict. All such motions, included by reference, and particularly argued in plaintiff's petition to the US Supreme Court (also included by reference) were decided by other judges. In other words, judges-judged-judges with respect to the laws and rules that apply to judges. This scheme, on its face, is in violation of 28 USC 455(a) and (b)(4). This is one of the means by which judges "enlarge" their powers. For example, US District judges, Ronald Leighton and Benjamin Settle (indeed every Federal and State judge in Washington's state and federal courts) belong, as a fact of law, to an "agency of the state of Washington" -- the Washington State Bar. Because every lawyer must belong to an 'agency of the state – see RCW 2.48' and every judge must belong to this state agency to be considered for judge – see Article 4, section 17[2] there is no distinction between this "state agency and its members" and the

[2] **Article 4, Section 17, "No person shall be eligible to the office of judge of the supreme court, or judge of a superior court, unless he shall have been admitted to practice**

"judicial branches" of Washington State or the United States Federal Courts in Washington. This boils down to a simple fact – the officers of the state and federal judicial branches belong to a state-run monopoly association - the Washington State Bar, because only Bar Associates may practice law or serve as judges.

It should be otherwise noted. In the intervening time between the events giving rise to this lawsuit and the writing of this complaint, an potential expert witness contacted Plaintiff concerning the Bar's by-laws and how plaintiff's 1st amendment rights are violated without his knowledge. This witness could offer testimony in how the Bar's by-laws deny a citizen's right to receive information about the policies, practices and strategies used by the Bar when they are challenged in court. This is accomplished by their so-called "executive session" which is a meeting among "interested participants" that is absolutely closed to the public under threat of disbarment if violated. And also, how the Bar's by-laws deny a citizen's right to vote for candidates, or run for a position, for Bar's Board of Directors.

Notwithstanding the Bar's self-established rules (by-laws), the Bar is a State-created entity, and its functions and responsibilities are defined by law. Therefore, as members, the lawyers and judgeds compelled to belong to an agency of the state, their duties and conduct are defined by law, particularly RCW 2.48.180 through RCW 2.48.230. No self-created policy, by-law, or rule can abolish what laws regulate this

---

in the courts of record of this state, or of the Territory of Washington." Under RCW 2.48, The Bar Act, to practice law a lawyer is required to belong to the Washington State Bar, RCW 2.48.021. No person shall practice law in this state unless he or she shall be an active member of the bar, RCW 2.48.170. The State Bar may adopt rules, subject to the approval of the (WA) Supreme Court, RCW 2.48.060.

'agency'. And these "by-laws" v "the laws" create issues that cannot be addressed in a fair and impartial manner. It is a "structural" defect that affects all of society. The problem is that the Bar is placed under the judicial branch. In other words, Bar Associates, who enjoy a state-created monopoly, controls the judicial branch. As a monopoly in control of the judicial branch any association of its members collectively decide, at any moment in time in any matter before the courts, their own powers and authority because Bar associates occupy every decision-making office in the judicial branch.

Furthermore, Bar associates, who belong to a judicial state-mandated monopoly, even hold office in the legislative and executive branches of government. Because of this 'monopoly association of Bar Associates' they are all "interested parties" in every aspect of judicial proceedings because they are, in fact, the judicial branch who invents, use, judge and review their own powers as judicial branch officials. This "state-created monopoly association" enjoys "privileges and immunities" no other 'association, corporation, state agency, or individual' can ever be allowed to have. Here too an 'institutional conflict' raises issues under Washington's constitution, Article 2, section 28(6) – the prohibition in granting corporate powers or privileges, and Article 1, section 8, 12, and 28 – the prohibition in granting "privileges and immunities" not available to everyone. No other person can control one branch of government and be a member in the other two branches of government. No person can decide the scope of their powers and authority. No person can deny the rights of others … Yet, these are the "privileges and immunities" lawyers and judges have or have taken for themselves.

But this general association isn't the whole story with respect to disqualification for bias and conflicts of interest. Judge Ronald B Leighton's wife, a Bar associate, is hired by Kitsap County's defendant – James Avery. Her duties involve the County's liability insurance coverages. Clearly plaintiff's suit against county officials would have a financial consequence involving their insurance coverage, or lack of adequate insurance, and would impact his wife's business with the county.

Judge Settle, a bar associate, dismissed plaintiff's lawsuit filed against the Washington State Bar. In that lawsuit Plaintiff argued the Bar's grievance procedures placed Plaintiff at financial risk of retaliation. As case 3:16-cv-06016 describes, the Bar's grievance policy requires a grievant obtain a "judicial finding of impropriety" as part of the complaint process. In this case plaintiff filed a Bar grievance against his lawyer Scott Ellerby and the Bar required plaintiff obtain a "judicial finding of impropriety" in order for his grievance to move forward. In plaintiff's case, this "judicial finding," required by the Bar concerning his Bar complaint, resulted in plaintiff being sanctioned $120,000 by Judge Hull (a bar associate) for the very act of pursuing a "judicial finding" required by the Bar related to his Bar grievance.

Plaintiff sued the Bar citing "it's a grievance matter" and the law offers immunity to grievants and the $120,000 sanction against him for doing what the Bar required was unlawful. Judge Settle, a bar associate, dismissed to case! Plaintiff alleges this "judicial finding" scheme is nothing but a racket between bar associates and their judges. Then judges can use their "judicial" office to retaliate against those people who file WSBA grievances against their colleagues of the Bar as Judge Hull did when

he punished plaintiff with a $120,000 sanction for seeking a "judicial finding of impropriety".

Clearly, 28 USC 455(a) and (b)(4) is being violated by judges' due to clear bias and conflict. Every substantive order Judge Leighton and Judge Settle issued must be considered null and void as they are "disqualified by law" from deciding the matters that involve the customs, practices and schemes used by lawyers and judges, (such as the 'judicial finding of impropriety' and the conflict Judge Leighton has given his wife provides services to the county).

Additionally, Judge Leighton's earlier orders issued in this case plaintiff had to appeal on similar grounds, were reversed for abuses of discretion. An "abuse of discretion" is an opinion of a panel of judges that the biases of Judge Leighton infected his judgment and can reasonably be questioned. For Judge Leighton to continue to preside over the remanded case deprived plaintiff of a fair judge.

Notwithstanding Judge Leighton and Judge Settle's biases and conflicts, plaintiff petitioned the US 9th Circuit because prior holdings in the circuit required disqualification. See *Scannell v WSBA*. The US 9th Circuit ignored the circumstances involving Leighton's wife, Settle's conflict with the Bar policies, and they ignored their own rulings.

Clearly, judges-judging-judges, is a scheme devised by judges, in violation of 28 USC 455, and is a prima facia violation of law. The fact that "the facts", prior precedent, and findings of "abuse" can be ignored or decided by themselves, are all elements of conflicts and bias mandating disqualification. For disqualified judges to

hear the matters in which they have a bias and conflict is a fraud upon plaintiff, the courts, and society as a whole.

The motives behind judges-judging-judges is amply illustrated by candidate for the US Supreme Court, Neil Gorsuch, who is reported to publicly state "any attack on any, I think his term to me was brothers or sisters of the robe, is an attack on all judges and he believes in an independent judiciary," By David Sherfinski - *The Washington Times* - Thursday, February 9, 2017. And then, the Chief Judge of the US Supreme Court states, ""We do not have Obama judges or Trump judges, Bush judges or Clinton judges. What we have is an extraordinary group of dedicated judges doing their level best to do equal right to those appearing before them. That independent judiciary is something we should all be thankful for." Analysis by Joan Biskupic, CNN, Updated 3:26 PM ET, Thu November 22, 2018. These are not only statements indicating clear bias about a judges own character, but are statements of hostility to the point no citizen can reliably expect his right to a fair judge would be recognized – because it, a disqualification demand, is an "attack on any brother or sister of the robe" and isn't tolerated by the brotherhood/sisterhood of judges who reject outside oversight as the means to their "independence"!

Disqualification is a factual matter. It is the "jury", not "judges" who have the constitutional right to decide that issue.

2) **US 10th amendment guarantees to the states the right to enact its own laws not in conflict with federal law, and 28 USC 1652, which mandates state law rules decisions in federal courts.** When Federal judges ignore state law they abridge or modify the substantive rights of the citizens of the state and render the state's

constitution and laws irrelevant. In this case, for example, the following state laws have been 'abridged" by the Federal judiciary resulting in plaintiff's injury to his rights and property (this is not an exhaustive list, only a sampling):

a. RCW 84.36.383. The Legislature begins this statute with the clear directive, "except where the context clearly indicates a different meaning" … then at RCW 84.36.383(5) "Disposable income *means*…". At RCW 84.36.385(6) "The department and each local assessor is hereby directed to publicize the qualifications and manner of making claims under RCW 84.36.381 through 84.36.389." As plaintiff illustrated and argued in his pleadings the documents the county provides, see Appendix 1, Exhibits 2, "undisputedly" show Washington State, through its state and local government officials (defendants), are not complying with the clear directives of the legislature. In fact, they are deceiving retired/disabled homeowners of a state constitutional right provided by Washington's Article 7 section 10. The mode of this deceit is, simply, unlawfully altering words of a controlling law. The scheme can be easily discovered IF you compare, verbatim, the words both the county and the DOR claim as the law to the actual law passed by the legislature. This comparison shows the County and DOR do NOT quote the law, nor does their version achieve the outcome the actual law produces. Then, with the aid of other public officials, use their public office to hide this unlawful conduct by obstructing every avenue for redress of this fraud. "It is inconceivable to think the people most schooled in the law – judges and lawyers -- cannot discern the difference between the statutory language of RCW 84.36.383(5), which states, "plus all the following items to the extent that *they*

*have **not** been included* in or *have been deducted from* adjusted gross income", compared to how those words are altered by the State and County to achieve their fraud. (Ref. 17-1454 at App. 82-93). The law's words are changed by these tortfeasors as follows: The State says, "plus all the following items to the extent *they were included* in *or excluded* from adjusted gross income." (at App. 91-93) The county says, in bold type, "[If] your return included any deductions for the following items …". (at App 88) By changing these words it changes how to treat the "*the following items*" found in RCW 84.36.383(5)(a through g). The State's/County's altered language provides the excuse to ***"double count"*** those items that were INCLUDED, rather than those items only to the extent they were NOT INCLUDED as the law makes clear. This unlawfully raises income so they can unlawfully deny Plaintiff's property rights (and that of other victims) provided by Article 7 section 10! It is more likely than not, judges and lawyers INTEND *to take property* through the misuse of their powers in creating and concealing this fraud. Then these same tortfeasors obstruct plaintiff's constitutional rights to "honest government", to deny his "civil action", and to deny the people, as in a jury, their plenary authority to address matters of public importance – property rights guaranteed by Washington's Constitution is a matter of public importance. Plaintiff, clearly, has no "fair forum" when public officials engage in unauthorized conduct, commit the harms, and then conspire to assure public officials determine the scope of their own power.

b. RCW 2.28.030(2) A judge is disqualified when he or she was not present and sitting as a member of the court at the hearing of a matter submitted for its

decision. Clearly Judge Kevin Hull was not empowered to impose summary judgement sanction - a $120,000 sanction against plaintiff, because Judge Hull never sat for the matter to impose any judgment whatever. Judge Russell Hartman was the sitting judge who imposed a $132,000 sanction that was REVERSED as 'manifestly unreasonable' and the case was REMANDED. However judge Hartman retired while the case went to appeal and he was not recalled to decide the REMANDED issues. Hence Judge Hull was assigned the case. Judge Hull, simply re-imposed a $120,000 sanction without conducting a new hearing as both law and the appellate court demands. Plaintiff sued and demanded a trial by jury! The Federal Courts, via defendants' removal action, assumed jurisdiction over this matter and refused to apply the controlling state law protecting plaintiff from judicial misconduct and dismissed his case without any hearing, cross examination - nothing. Plaintiff's substantive rights to a jury and to an honest tribunal, as RCW 2.28.030 is intended to provide, was denied. Judge Hull simply used his office to steal $120,000 from plaintiff under the protection of the judicially created protection scheme of judges-judging-judges concerning the laws that apply to judges.

c. RCW 2.48 – The 'Bar Act'. This act imposes a legal requirement upon all Bar Associates – including judges who are members of the State Bar, to "support the Constitution of the United States and the Constitution of the state of Washington… to employ such means that are consistent with truth and honor… to never seek to mislead the judge or jury by any artifice or false statement of fact or law". When the State and County changed the words of RCW 84.36.383 for

the purpose to deny Washington's Article 7, section 10 property rights, as described above, they created a false law to overthrough Washington's constitution! The lawyers for the county aided and abetted in this false law and its attack on our constitutions, which is prohibited by RCW 2.48!

When Scott Ellerby withdrew as plaintiff's lawyer hired to address the County's use of this "false law" and their attack on our constitutions, he filed a "notice of withdrawal" he abandoned his duty to "uphold the constitutions". That was Ellerby's first violation of RCW 2.48. When Ellerby filed with the Board of Tax Appeals, stating his reason for withdrawal *was at the request of the Kitsap County Prosecutor*, the Kitsap Prosecutor violated his duty to uphold Washington's Constitution. Then, Ellerby claimed, in response to plaintiff's grievance filed against him for withdrawing and not returning the fees plaintiff paid Ellerby, he withdrew *at plaintiff's request, not at the request of the Kitsap Prosecutor*. See for example, and included by reference, 3:16-cv-06016-BHS, dkt 15, Exhibit 4. These are deliberate acts of dishonesty to hide both Ellerby's and the Prosecutors attack on Washington's constitution, to protect plaintiff from the depravation of his constitutional rights, which are all violations of RCW 2.48.210's mandate to support Washingotn's constitution – not fabricate an excuse to abandon the duty to "never reject the cause of the defensless". When the Bar delegated the grievance plaintiff filed against Ellerby back to plaintiff requiring him to obtain a "judicial finding" Ellerby filed three separate affidavits claiming his withdrawal was *at plaintiff's request*. (ibid, dkt 15). Ellerby is a liar – either his withdrawal was at the request of the prosecutor, as he said in his

"notice of withdrawal" filed with the BoTA, or his withdrawal was at plaintiff's request, as Ellerby told the WSBA and the judge. Ellerby lied to the judge, lied to the WSBA, lied to plaintiff because the letter Ellerby wrote to plaintiff and the "notice of withdrawal" he filed with the BoTA all prove his excused withdrawal was "at the request of the Kitsap Prosecutor" – which implicates both of them in violating RCW 2.48 and subverting Washington's Article 7, section 10 and aiding in the violations of Plaintiff's rights to propery.

d. RCW 4.24.510. A person who communicates a complaint or information to any branch or agency of federal, state, or local government is immune from civil liability for claims based upon the communication to the agency or organization regarding any matter reasonably of concern to that agency or organization. Judge Hull's "$120,000 SANCTION" was imposed against Plaintiff despite the fact Plaintiff's action was delegated to him by the Washington State Bar Association (WSBA) as part of a WSBA grievance against his lawyer. Therefore, plaintiff has absolute immunity from Hull's retaliatory sanction, notwithstanding Judge Hull was 'disqualified' in the first place from issuing the order. The documents provided to the courts, Appendix 5, validate Plaintiff's action was part of the WSBA's grievance plaintiff filed against his lawyer, Scott Ellerby, based upon Ellerby's conspiring with Kitsap's prosecutor in the scheme to deprive plaintiff of counsel. The exhibits, specifically EX 11, (ref: 3:16-cv-06016-BHS, dkt 15, Appendix 2) show Ellerby making an excuse (which he files with the BoTA) to withdraw from plaintiff's case under threat to his Bar license made by the Kitsap Prosecutor. Exhibits 5-6 are excerpts of Ellerby's sworn testimony filed in

plaintiff's case, claiming that he "withdrew at plaintiff's request". Then Exhibit 7, which is an email from Ellerby's supervisor, Larry Mills, president of the firm Mills, Meyers, Swartling, in which he tells plaintiff there was no conflict that caused Ellerby to withdraw. These documents contradict each other and constitutes perjury and fraud and aiding and abetting in perjury and fraud.

Despite these documents, the Bar marked its findings as "insufficient evidence", but will reopen the grievance upon a "judicial finding of impropriety". Hence the reason the grievance turned into a court action. And it is because of this 'bar required court action' that Judge Hull punished plaintiff in the amount of $120,000 in retaliation for doing what he was required by the Bar as part of their grievance process. This "judicial finding of impropriety scheme" constitutes abuse of process, including, but not limited to, theft (RCW 9A.56) in the first degree (RCW 9A.56.030 – a class B felony) as their colleague, Judge Hull. Plaintiff's substantive rights to the full protections of law have been denied by judicial officials who abuse their powers.

e. RCW 4.04.010. Judge-made laws cannot supersede the state's laws noted herein. The "defenses" claimed by defendants and the "judicial rulings" issued are all predicated on 'judge-created' law, used by defendants to circumvent the laws that regulate their conduct. None have any application in this case as all defendants' are regulated by Washington's laws because they are Washington public officials – including lawyers and judges who belong to an agency of the State of Washington – the Washington State Bar. Any defenses claimed, or rulings issued, or procedures imposed, that are not backed by the express intent of Washington's

legislature would necessarily 'abridge, modify or enlarge' the state's laws that actually apply and cited herein and cited in plaintiff's pleadings leading up to this case.

When the lawyers rely upon 'judge made law – precedent' despite the collisions with "Washington's constitution and laws" as explained herein and the supporting documents incorporated by reference; or conflict with Washington's "institutions" – i.e., the institutional role of the jury; or conflicts with the 'conditions of Washington's society', which is a matter for the people to decide as both Article 1 sections 1 and 4 make clear, these lawyers 'seek to deceive judges with false laws' contrary to both RCW 2.48.210 and RCW 4.04.010.

Whether or not RCW 4.04.010 has been violated is a question of fact and for a jury to decide.

f. RCW 4.92.010 and RCW 9A.82.100 specifically provide plaintiff a cause of action in State Superior Court. These statutes expressly and unambiguously state, respectively, any person "**shall have a right of action** … in the superior court", and a person "may file an action in superior court for the recovery of damages and the costs of the suit, including reasonable investigative and attorney's fees". The word "shall" means mandatory. Therefore, Plaintiff's case against the State and its officials, employees or agents, must be heard in State Superior Court as the statute mandates. When defendants, who are State officials, employees or agents, removed Plaintiff's state case to Federal Court and then demanded dismissal under their various federal case precedents from foreign jurisdictions, (the records contain the factual elements supporting this claim), and judges Ronald B.

Leighton and Benjamin Settle granted dismissal and not 'remand the case back to state court' plaintiff was deprived of his statutory right of action and deprived of the proper forum – State Superior Court. Defendants' removal was unlawful and for an improper purpose -- shopping for a biased judge as Judge Leighton and Judge Settle have proved themselves to be. Such a collaboration between state and federal judicial officials, who all belong to the same state agency, is intended to deprive plaintiff of his state action and protect their own violations of law. It is criminal profiteering and criminal influence using judicial office – which are felony crimes.

g. Article 1, section 4. The fraud orchestrated by the county/state defendants and judicial branch officials concern matters of substantial public importance – governments 'just powers' for the purpose to 'protect individual rights'. This lawsuit is an Article 1, section 1 matter! Additionally of public importance are the Article 7, section 10's retired/disabled rights, the constitutional right to a jury, the people's right to exercise their plenary powers via a jury … These are all matters of public importance. Such important petitions concerning matters for the public good "shall never be abridged" as Article 1, section 4 makes expressly clear. The Federal Courts assumed jurisdiction over this matter, then refused to apply state law, and dismissed plaintiff's case with prejudice. Plaintiff's substantive rights, and the People's substantive rights to address matters concerning the public good have been denied.

h. Article 1, sections 1, and 21. Plaintiff, in his civil action to address the county defendants unlawful deprivation of his Article 7, section 10 rights and the

unlawful imposition of sanctions related to his bar complaint, demanded a jury trial to address these facts. Plaintiff's constitutional jury right was denied! If a judge prohibits or denies the "jury demand" a number of other constitutionally impermissible consequence occur.

First. In Washington, the right of trial by jury shall remain inviolate. A "jury" is the sole institution (as RCW 4.04.010 specifically requires) by which the "People" exercise their Article 1, section 1 plenary powers within the judicial branch. It is the people who decide governments' "just powers". Government (aka, judges, lawyers, state agencies, employees, and surrogates --- DEFENDANTS) cannot determine for themselves the extent of their delegated powers. When a judge denies a jury, that judge denies the PEOPLE their powers over government and the consequence is government deciding the scope of their own powers.

Second. If Judges can deny a constitutional jury trial, the judge must ***necessarily*** comment on the facts because the judge has eliminated the only 'fact-finder' the jury! This is prohibited by Article 4, section 16 – 'judges ***shall not*** charge juries with respect to matters of fact ***nor comment thereon*** but shall declare the law'. Clearly a 'jury trial' is the only mechanism by which a judge can escape violating Art 4, sec 16.

Third. When judges deny a jury they also deny the constitutional right to justice without unnecessary delay as Article 1, section 10 mandates. Under the United States 7 amendment "no fact tried by a jury, shall be otherwise re-examined in any Court of the United States". No such "finality" exists when a

jury has been prevented from 'trying the facts'. Rather a litigant is trapped within an unconstitutionally created scheme. It is a hamster wheel intended to prohibit and deprive both the plaintiff and the People of their rights and powers, and assures judges-judge-judges concerning the power judges claim for themselves.

Fourth. "Privileges and immunities" are prohibited, and "hereditary powers" have been abolished by Washington's Constitution - Article 1, sections 8, 12 and 28. Said another way, if judges can determine their own compliance with the laws that apply to judges, then EVERYONE can decide for themselves the scope of their conduct under the law. These constitutional provisions make clear – if a privilege is bestowed upon one, it must apply to everyone. To decide, as judges decide, the scope of their own authority, then that privilege must be given to everyone.

Fifth. A judge commits the ultimate act of bias and conflict when the judge denies a jury demand. In effect the judge has declared that only he possesses all powers. Once judges declare themselves all powerful all subsequent proceedings, such as appeals, are doomed to a process that is simply a process of judges-judging-judges. To orchestrate a scheme that assures judges-judge-judges concerning the laws, powers, and ethical obligations imposed upon judges is, on its face, a violation of 28 USC 455 and RCW 2.28.030 – deciding matters in which the judge has an interest, bias, and conflict.

Plaintiff demanded a jury to decide, based upon the actions imposed upon plaintiff by the government defendants and the facts involved with the documents provided the courts, if:

1. The county defendants conduct to change the words of RCW 84.36.383(5) in its published documents (Exhibit 1 - the county's application) was authorized and if its refusal to correct these documents was unjust and unlawfully deprived plaintiff of his property under color of law?
2. Did the state change the words of RCW 84.36.383(5) in its materials provided to county officials (Exhibit 2 is the state's handout given to county assessors)?
3. By changing the words of RCW 84.36.383(5), has the meaning of the statute changed?
4. By changing the meaning of RCW 84.36.383(5) has the right to Washington's Article 7 section 10 benefit been affected?
5. Has the effect in changing the words to change the meaning been negative or positive for those who apply for the Article 7, section 10 benefit?
6. Has plaintiff been unlawfully denied his Article 7, section 10 benefit because the words of RCW 84.36.383(5) were deliberately, and unlawfully, changed by the county and state officials in order to artificially disqualify plaintiff from his constitutional rights?
7. Is it just for the county prosecutor to strip plaintiff of his lawyer who was hired to address the county and state's fraud?
8. Is it just for the WSBA to delegate to plaintiff the task to obtain a 'judicial finding' in order for his grievance to be reviewed by the WSBA?
9. Is it justice for a judge to sanction Plaintiff over $120,000.00 for seeking the WSBA's delegated 'judicial finding of impropriety'?

10. Judge Hull's $120,000 sanction on plaintiff for doing what the WSBA delegated to him in violation of law, particularly RCW's …….. deprived plaintiff of his statutory immunity?

11. Is it justice when a county prosecutor demands a judge require Plaintiff become a VICTIM of fraud rather than address the fraudulent language of RCW 84.36.383(5) used by the county and state in their published materials concerning the Article 7 Section 10 benefit?

i. Article 4, section 16. Judges shall not charge juries with respect to matters of fact, nor comment thereon, but shall declare the law. Clearly, it is a certainty that federal judges, when they deny plaintiff's article 1, section 21 "jury trial", in violation of the US constitution Article 4, and 10th amendment, 28 USC 1652, they also intend to violate Article 4, section 16 by hiding the facts from EVERYONE or "commenting on the fact" or "deciding the fact", which are all PROHIBITED. Federal Judges Ronald B Leighton's and Benjamin Settle's own words in their written orders reveal are all about the "facts". Logic demands that laws ONLY have meaning when there is some ACT – a matter of FACT that triggers the law. In this case governments' defendants, lawyers and judges decided the governments' employees, officials, agents ACTs to publish a false law, to allow Ellerby to lie about his reasons he withdrew from plaintiff's case, Judge Hull's order of a $120,000 sanction, and on and on. Once government officials violate Washington's Article 1, section 21's jury rights, then government officials get to decide the scope of their own powers – including their power to ignore laws!

j. Article 12, section 22. Monopolies are prohibited. Plaintiff alleged the associates of the Washington State Bar, who occupy judicial, legislative and executive offices, belong to an unconstitutional monopoly – the Washington State Bar, and agency of the state. This constitutional challenge was ignored by both state and federal judges – who belong to the Washington State Bar – 'the monopoly', and is at the vortex of judicial branch corruption and abuses in office. While plaintiff's allegation was ignored, in the intervening years, the US Supreme Court has ruled, in *Janus v. AFSCME*[3] and implicates the policies and practices of the Bar, particularly RCW 2.48.130, violated 1st amendment rights. There ***MUST*** be some reason why Washington's legislators created an unconstitutional association and placed it under the State's Supreme Court jurisdiction. As Janus makes clear, Washinton's highest court has presided over an unconstitutional Association --- as ***JANUS*** implies. Clearly, Bar Associates (aka, judges and lawyers), who promise to uphold the constitutions of the United States and Washington (See RCW 2.48.210), have "willingly or negligently" belong to, participate in, and devise "policies and practices" for this unconstitutional association. It goes without saying, when there is a 'monopoly' at work, it is more likely than not, that monopoly, as in *Janus*, engages in other violations of law. Plaintiff was denied his constitutional right to challenge the Bar and its members, whose policies and practices are responsible for the damages he suffered and a product of being a

[3] **https://scholar.google.com/scholar_case?case=10508098745881210548&q=janus+v+afscme&hl=en&as_sdt=3,48**

monopoly that controls the governments' judicial branch, occupies legislative and executive offices and many government boards and agencies.

3) **28 USC 2072(b).** The governed-government relationship may only be 'abridged, modified or enlarged by an act of Congress, the Washington State Legislature, or by Petition. The "jury" is the sole institution within the judicial branch through which the People exercise their "plenary powers' and address "petitions" concerning individual rights. Federal judges, as 28 USC 2072(b) expressly prohibits, shall not abridge, modify or enlarge any substantive right – and that includes obstructing the People, as in a Jury, from exercising their plenary powers involving 'petitions for redress' of rights.

The Federal Courts have, properly or improperly, assumed jurisdiction over this matter via defendants' removal action. Yet they have refused to honor Article 1, sections 1, and 21 and refused plaintiff's demanded jury trial. Plaintiff's and the People's substantive rights to a jury trial have been denied.

III. DISQUALICATION, PER 28 USC 455(A) AND (B)(4)

All Federal and State judges are interested in the outcome of this lawsuit and are DISQUALIFIED as JUDGE to hear any matter affecting plaintiff's right to a jury and the jury's right to be provided all the evidence, or to hear any claim by the government of immunity or having power to act without accountability.

This case concerns the "policies, customs, practices, and rules" that are utilized improperly, unlawfully and unconstitutionally by "judicial officers – judges and lawyers". These policies, customs, practices and rules are those that judges establish, interpret, apply and enforce. See 28 USC 2072 and Article 4, SECTION 24 RULES FOR SUPERIOR COURTS.

"The ***judges*** of the superior courts, shall from time to time, establish uniform rules for the government of the superior courts."

The "judges" who utilize their rules established under 28 USC 2072 and Article 4, Sec 24, cannot sit as judges in judgment of controversies concerning the rules they make, interpret and utilize because they are "directly interested" and "biased" as they are the rule-makers, interpreters and users of these rules being improperly used. See *In RE Consolidated Cases* 123 Wn.2d 530 and *Elec. Contractors Ass'n v. Riveland* 138 Wn.2d 9, 11, "we do not defer to an agency the power to determine the scope of its own authority" and "An administrative agency may not determine the scope of its own authority"; and in *Wash. State Labor Council v. Reed* 149 Wn.2d 48 (Apr. 2003) "To permit branches to measure their own authority would quickly subvert the principle that state governments, while governments of general powers, must govern by the consent of the people as expressed by the constitution".

This case also concerns the "grievance process" used by the Washington State Bar that is delegated to a "judicial finding of impropriety". Bar Associates utilize this delegated "judicial finding" improperly, unlawfully and unconstitutionally as a way to retaliate and engage in theft. That process conflicts with RCW Title 2, Chapter 48. Clearly these Bar Associates cannot sit in judgment of their own "policies, customs, practices and rules" because they are "directly interested and profit by" being the rule-makers, interpreters and users of these rules being improperly used. Id *In RE Consolidated Cases* and *Elec. Contractors Ass'n v. Riveland,* supra.

IV. JURY TRIAL DEMANDED

Plaintiff hereby makes his constitutional demand for Jury Trial as Article 1, Section 21 provides inviolate. Hereafter only by "written waiver" signed by each party may such jury trial be denied. NO person or Bar Associate has the authority to deny this JURY TRIAL!

Furthermore "official conduct" is a 'factual matter' and by law, RCW 4.40.060, a jury decides whether or not such 'conduct' constitutes an officials "just powers" and utilized by the "consent of the people" for the specific purpose to "protect individual rights". Plaintiff is, has been, and continues to be the ONLY individual who has rights. All other actors – defendants as well as judges and lawyers, are "government" officials, employees or agents, and have NO RIGHTS whatever.

Additionally, a jury is also mandated for the declaratory/injunctive relief requested per RCW 7.24.090. ONLY a JURY shall comment on the these facts, Certainly NOT a Bar Associate who is disqualified from serving as judge, nor any judge who, by law, shall ONLY DECLARE the law, NOT comment on the facts nor "abridge, modify or enlarge" any substantive right. See Wash const. Article 4, Sec 16 and 28 USC 2072(b)!

V. PARTIES, JURISDICTION, VENUE

Venue and jurisdiction are proper in this court under one or more of; 28 USC §1331 [An action arising under the US Constitution and laws of the United States], §1343 [action for damages due to depravation of Civil rights], §1346 [United States as defendant] and 28 USC 1361 [To compel an officer or employee to perform a duty owed to plaintiff], 1367 [supplemental jurisdiction]. Venue in this county/district is appropriate

pursuant to 28, USC, §1391, because the failure to perform a mandated duty took place in this district.

VI. NAMED DEFENDANTS.

UNITED STATES OF AMERICA [STATE] IS LIABLE, AS ANY PRIVATE PERSON IS LIABLE, FOR THE HARMS INFLICTED UPON THE PLAINTIFF. The State's judicial branch (collectively, lawyers and judges) is in breach of its constitutionally mandated duty established by the 10th amendment to the United States Constitution and demanded by Congressional Act, 28 USC 455, 28 USC 1652, 28 USC 2072(b), which its members, employees, surrogates vow to uphold. See 28 USC 453, Washington's Article 4, sec 19 and RCW 42.48.210By these violations of law, which are enacted to protect plaintiff's right, constitutes "intentional harm" or "negligence per se".

The States' judicial officers [judges and lawyers], through decades of moral inbreeding, which is as dangerous as biological inbreeding, had once look only to its opinions in complete disregard of law. It is the complete rebuke of the rule of law as RCW 4.04.010 is intended to assure, replaced by judicial rule. The US judicial branch has, is and will continue to harm Plaintiff Scheidler and deprive Scheidler of his lawful rights, and those similarly situated, until the United States is held, as any person would be held, to the laws that regulate its conduct.

The yet to be named defendants, Jane and John Does, conspire with the United States judicial branch to violate the laws that apply to them and damage Plaintiff. Jane and John Does have violated their primary obligation prescribed by article 1, sec 1 to Scheidler's detriment and constitutes "intentional harm".

All defendants are liable for the harms inflicted upon Scheidler per RCW 9.01.120; 28 USC Ch 171, 42 USC 1985(c) among other laws and common law doctrines whether specified herein or not.

VII. PLAINTIFF.

Plaintiff William Scheidler (hereafter referred to as "Scheidler, or Plaintiff") is a resident of Kitsap County, Washington. Scheidler believes it is unjust for public servants of the judicial branch to unilaterally change existing laws and then retaliate against him when he discovered and reported the Kitsap County Assessor was changing the words of a controlling law so as to defraud Scheidler and those retired/disabled citizens from their constitutional rights granted by Washington's Article 7, section 10. Unable to achieve the governments' compliance with the laws that requlate their duty, Plaintiff hired a lawyer. That lawyer was forced to withdraw by opposing counsel under a threat to his law license if he didn't withdraw. Plaintiff's Bar Grievance against his lawyer and the extortion scheme to deprive him of his lawyer subjected plaintiff to retaliation through the Bar's discipline schemes through which they punished plaintiff in an amount in excess of $120,000,00 and obstructed all legal avenues for redress.

Scheidler is entitled to the guarantees enumerated in the United States Constitutional and laws, and in Washington State's constitution and laws, which all defendants are to uphold as demanded by Article 4 section 28, RCW 4.48.210 and 28 USC 453, among other laws.

The plaintiff has performed all conditions precedent to the maintenance of this action, including grievances to the appropriate regulating agency per 28 USC chapter 171, and is in all other respects fully qualified to maintain this action.

VIII. RELIEF

Defendants' conduct to violate the constitutional provisions and state and federal laws noted above is contrary to the very purpose for which these provisions and laws are established – to protect individual rights – that is, to protect Plaintiff's rights, as the US 10th amendment provides and Washington's Article 1, section 1 expressly declares as governments' purpose. Defendants' violation of these provisions and laws are overt, intentional, for the purpose to deprive plaintiff of his life, liberty and property through theft, deception, fraud, and to isolate him from his legal remedies for redress, and deny the "people" as represented by a jury the right to exercise their plenary powers and constitutional oversight of government-defendants employees and surrogates.

Plaintiff demands, per 28 USC Ch 171, full restitution against the United States for its negligence in controlling the intentional unauthorized acts by its judicial branch officials in their self-established schemes to take plaintiff's property and inflict intentional distress in the amount of $470,000.00.

In the alternative to full restitution, Plaintiff demands his cases #3:12-cv-05996, and #3:16-cv-06016 go to a jury – in other words to *void all orders* by the judges who violated the laws that apply to judges.

Plaintiff demands, per 28 USC 1361, a writ of mandamus directing the Judges of the US Supreme Court exercise their legal and ethical duty to uphold the constitutions and laws of the United States and Washington State and supervise their subordinate judges.

Plaintiff demands, per 42 USC 1983, an award the jury finds just.

Plaintiff, per 18 USC 4, hereby, provides the US Attorney General and the presiding judge of the US District Court evidence of felony crimes committed by judicial branch officials – lawyers, judges and their subordinates. These crimes include, but are not limited to, 18 USC Ch 11 – Bribery and corrupt solicitation; 18 USC Ch 13 – Conspiracy against rights; 18 USC Ch 63 – Frauds; 18 USC Ch 73 – Obstruction of Justice.

Signed this February 6, 2019,

_____

William Scheidler, Plaintiff pro per.

I declare under penalty of perjury that the foregoing is true and correct. (Date) (Signature of Plaintiff

_____

William Scheidler, Plaintiff pro per.
1515 Lidstrom Place E
Port Orchard, WA 98366
360-769-8531
billScheidler@wavecable.com