In The United States District Court
For The District Of Columbia

BRET D. LANDRITH Apt. 209, 5308 SW Tenth St. Topeka, KS 66604 bret@bretlandrith.com 1-913-951-1715	)	**Case No. 12-cv-01916-ABJ**
SAMUEL K. LIPARI 803 S. Lake Drive Independence, MO 64064 saml@medicalsupplyline.com 1-816-365-1306	)	
Plaintiffs	)	
vs.	)	
Hon. JOHN G. ROBERTS, JR., Chief Justice of the United States 1 First St. NE Washington, DC 20543	)	**FIRST AMENDED COMPLAINT** **Claim for Injunctive Relief**
In his official capacity as head of the Judicial Conference of the United States	)	
Defendant	)	

FIRST AMENDED COMPLAINT UNDER RULE 15(a)(1)(B)

Comes now the plaintiffs, BRET D. LANDRITH and SAMUEL K. LIPARI, appearing *pro se* and make the following amended complaint. The amendment addresses and corrects the defendant's perceived deficiencies in the original complaint. The amendment also includes new claims against Chief Justice Hon. JOHN G. ROBERTS, JR., for the Post-Complaint Conduct of Chief Justice Hon. JOHN G. ROBERTS in the

form of an independent cause of action for Abuse of Process that are also brought against him in his official capacity as head of the Judicial Conference of the United States. The amendments retain the original complaint's outline and paragraph numbering for the convenience of the defendant and the court. This amended complaint, like the original complaint, is solely in equity for prospective injunctive relief under the United States Constitution and not for monetary damages.

PRELIMINARY STATEMENT

1. The plaintiffs seek relief in equity to prevent Hon. JOHN GLOVER ROBERTS, JR. from depriving the plaintiff BRET D. LANDRITH of an evidentiary hearing and/or the opportunity to enter into the record documentary evidence of his character and fitness when the plaintiff applies for admission as an attorney to United States District Courts, and Courts of Appeal, and from continuing the restraint of trade in the hospital supply market where plaintiff SAMUEL K. LIPARI is prevented from making and enforcing contracts or enjoying the privileges and immunities of United States citizenship.

***Continuing, present adverse effects against* BRET D. LANDRITH**

2. The plaintiff BRET D. LANDRITH has suffered and is in imminent danger of suffering irreparable harm from Hon. JOHN GLOVER ROBERTS' JR.'s administration of the federal courts which participate in unlawful retaliation against the plaintiff BRET D. LANDRITH for his protected speech in the representation of SAMUEL K. LIPARI in his efforts to enter the monopolized national market for hospital supplies in vindication of the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*.

3. The plaintiff is in imminent danger of suffering irreparable harm from Hon. JOHN GLOVER ROBERTS, JR.'s administration of the federal courts which participate

in unlawful retaliation against the plaintiff BRET D. LANDRITH for his protected speech in the representation of an African American and an American Indian infant in vindication of their race based federal statutory civil rights. This open participation in injury to the fundamental liberty interest of the plaintiff in working in his profession violates the plaintiff's constitutional rights under color of state law and violates the United States Supreme Court's determination in *Selling v. Radford*, 243 U.S. 46, 50-51, 37 S.Ct. 377, 61 L.Ed. 585 (1917).

4. The plaintiff BRET D. LANDRITH was disbarred by the proceeding *In the Matter of BRET D. LANDRITH*, Case No. 94,333 (Kan. 2005) by State of Kansas Judicial Branch officials for bringing the racial discrimination Civil Rights claims of James L. Bolden, Jr., an African American to federal court and for the *pro bono* representation of Bolden's witness David M. Price in an appeal of a parental rights termination case where the Kansas SRS deprived the natural father of access to interstate compact against child trafficking documents used to place the American Indian child in an adoption out of state prior to the termination of parental rights.

5. The plaintiff was also disbarred by State of Kansas Judicial Branch officials for raising the Indian Child Welfare Act 25 U.S.C. §§ 1901–1963 which prohibited the taking and placement of the child without notice to the natural father.

6. The disbarment proceeding (facially in violation of 18 U.S.C. § 245 (b)(5), the Fourteenth Amendment and 42 USC § 1981) imposes a prior restraint of speech against the plaintiff for having sought redress in federal courts to enjoin the State of Kansas Judicial Branch official Stanton A. Hazlett from prosecuting the plaintiff BRET D. LANDRITH for advocacy and representation of James L. Bolden, Jr., an African

American and for the *pro bono* representation of Bolden's witness David M. Price and David M. Price's American Indian infant son on federal civil rights racial discrimination causes of action including 42 USC § 1981 and 25 U.S.C. §§ 1901 *et seq*.

***Continuing, present adverse effects against* SAMUEL K. LIPARI**

7. The plaintiff SAMUEL K. LIPARI, a medical supply business owner continues to be injured by federal judges, court clerks and U.S. Department of Justice attorneys for having been an intimate associate of BRET D. LANDRITH. This is a result of the Code of Silence among federal and state judges that functions like the Code of Silence sometimes called the Blue Shield, Blue Wall, Curtain, Veil. Despite judicial ethics canons and mandatory reporting designed to remedy the widespread problem and foreseeable injury to litigants including the plaintiff SAMUEL K. LIPARI.

8. The plaintiff SAMUEL K. LIPARI is targeted for deprivation of federal civil rights including the clearly established First Amendment right to advocate for government enforcement of the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*. and government enforcement of the Racketeer Influenced and Corruption Organizations Act (RICO) 18 U.S.C.A. § 1961 *et seq.* to vindicate his right to sell medical supplies.

9. The result of this targeting is that he has been denied a full and fair opportunity to vindicate his rights to business property in State of Missouri courts citing orders by federal judges as justification.

10. The plaintiff SAMUEL K. LIPARI is being denied the constitutional right to operate a business even an unincorporated business where attorney representation is not required to create and enforce contracts and other property rights. And State of Missouri officials including Missouri Department of Revenue Director Alana M. Barragán-Scott's

participation in the Novation Cartel's prevention of SAMUEL K. LIPARI's use of his business vehicle (Audi 2004 Audi A8 L sedan, VIN # W AUMl44E84N023747) for selling medical supplies and Missouri Department of Social Services Interim Director Brian Kinkade's repeated denial of Medicaid benefits in order to help the Novation Cartel gather more information about plaintiff SAMUEL K. LIPARI's home healthcare supply business.

11. Redress for vindication of the plaintiff SAMUEL K. LIPARI's fundamental rights in federal court is futile where prior memorandum and orders by federal court judges have personally attacked him and threatened the attorneys representing him.

Relief sought is in administrative and executive functions

12. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI seek injunctive relief against Hon. JOHN GLOVER ROBERTS, JR. in his administrative and executive functions to stop federal court judges from unlawfully furthering a Code of Silence through ineffective judicial ethics enforcement and ineffective appellate review as a regular and widespread practice to ignore and stop redress for the participation of federal judges with state officials in violation of 18 USC §§ 241, 242, and 245.

13. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI seek declaratory relief against Hon. JOHN GLOVER ROBERTS, JR. in his administrative and executive functions that federal courts violate the plaintiff SAMUEL K. LIPARI's Due Process rights when the deny him an unbiased forum as a result of the continuing Code of Silence by federal judges; that federal courts violate the plaintiff BRET D. LANDRITH's Due Process rights when the deny him an deprive him of an evidentiary hearing and an opportunity to prove his eligibility for admission where he would otherwise meet the

requirements, but for his lawful advocacy on behalf of three minority citizen's federal civil rights.

PARTIES

14. Plaintiff BRET D. LANDRITH is a citizen of the State of Kansas and resides in Topeka, Kansas.

15. Plaintiff SAMUEL K. LIPARI is a citizen of the State of Missouri and resides in Independence, Missouri.

16. Defendant Hon. JOHN GLOVER ROBERTS, JR. Chief Justice of the United States, is sued in his official capacity as head of the Judicial Conference Judicial Conference Of The United States, has his office in the District of Columbia and is believed to reside in the District of Columbia.

JURISDICTION AND VENUE

17. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

18. This case arises under the Constitution and laws of the United States.

19. This Court has authority to issue a declaratory judgment and order other relief that is just and proper pursuant to 28 U.S.C. §§ 2201 and 2202.

20. This court has subject matter jurisdiction over the defendant for prospective injunctive relief in his official capacity in the function of administering the Judicial Conference Judicial Conference Of The United States and in the function of enforcing attorney admission rules for prospective injunctive relief under *Stump v. Sparkman*, 435 U.S. 349, 362-63, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978); *Supreme Court Of Virginia v. Consumers Union of United States, Inc*., 446 U.S. 719, 100 S. Ct. 1967, 64 L.Ed.2d 641 (1980); and *Pulliam v. Allen*, 466 U.S. 522, 104 S.Ct. 1970, 80 L.Ed.2d 565 (1984).

20.1. This court has repeatedly exercised subject matter jurisdiction over prospective injunctive relief and declaratory relief claims against a higher federal appeals court chief judge in the private individual redress action *McBryde v. Committee to Rev. Cir. Council Conduct*, 83 F.Supp.2d 135 at 149 (D.D.C., 1999) where Fifth Circuit Chief Judge Henry A. Politz was a defendant in his official capacity as chairperson of the Fifth Circuit judicial conference review committee. *McBryde* 83 F.Supp.2d 149, *id*.

20. 2. This court does not apply judicial immunity to defendants "performing administrative/managerial functions" regardless of the character of the agent. *Atherton v. District of Columbia Office of Mayor*, 567 F.3d 672 at 683-4 (D.C. Cir., 2009) , the assignment of numbers or names (the nature of the injunctive relief sought by the plaintiffs) is determined by this court to be a ministerial act not protected by judicial immunity *Powell v. Nigro,* 601 F.Supp. 144 at 148-9 (D.D.C., 1985).

20.3. This court recognizes that FED. R. CIV. P. 15(a)(1) permits a party to amend its pleading once as a matter of course. *Hajjar-Nejad v. George Washington Univ.* (D.D.C., 2012).

20.4. The plaintiffs met the meet and confer requirements of Local Civil Rule 7(m) through two letters dated January 11, 2013 and February 20, 2013 and two telephone conferences (January 14, 2013 and) to apprise the defendant through his counsel Assistant U.S. Attorney Claire Whitaker of the increased misconduct against the plaintiffs by the defendant's agents and employees after the original complaint was filed and the need to include the post complaint misconduct in an amended complaint under FED. R. CIV. P. 15(a)(1)(B) in response to any bad faith motion to dismiss if the misconduct did not stop.

20.5. The Notes of Advisory Committee on Rules—1993 Amendment for FED. R. CIV. P. Rule 11 provide for an independent claim for Abuse of Process for a sanctionable bad faith Motion to Dismiss described in the plaintiffs' February 20, 2013 letter and the February 25, 2013 teleconference.

20.6. District of Columbia law recognizes the misconduct of Abuse of Process. *Houlahan v. World Wide Ass'n of Specialty Programs & Schs*., 677 F. Supp.2d 195 at 199 (D.D.C., 2010).

21. Venue is proper in this Court pursuant to 28 U.S.C. § 1391(b)(1), (b)(2) and (e).

GENERAL ALLEGATIONS OF FACTS

22. Neither plaintiff has appeared before the defendant in his capacity as a judge or justice.

23. Neither plaintiff is seeking to reverse judgments by state or federal courts in this action.

24. The Congress empowered private citizens to enforce federal statutes including the Civil Rights Act 42 USC § 1981 and the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*.

25. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI brought the private civil action *Med. Supply Chain, Inc. v. Neoforma, Inc.,* W.D. of Missouri Case No. 05-0210 (later transferred and captioned *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan. 2006)) against the Novation hospital supply cartel for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (RICO) that are also grave felonies.

26. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI had earlier brought the private civil action *Med. Supply Chain, Inc. v. US Bancorp Piper Jaffray*

27. Federal judges have been found by reviewing courts to be inappropriately reluctant to follow the legislated public policy of the U.S. Congress in 15 U.S.C. §§ 1,2 (Sherman Act) and 18 U.S.C.A. § 1961 *et seq* (RICO) and have dismissed complaints under F. R. Civ. P. Rule 12(b)(6) despite the sufficiency of their claims.

28. A widespread practice which has not been renounced by the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive, is for federal judges to write memorandums and orders under F. R. Civ. P. Rule 12(b)(6) dismissing 15 U.S.C. §§ 1,2 (Sherman Act) and 18 U.S.C.A. § 1961 *et seq* (RICO) claims with scurrilous attacks on the plaintiff and his counsel, despite the fact that no discovery or presentation of evidence has been allowed and the federal judge has no basis to determine whether the alleged conduct was committed.

29. The purpose of federal judges engaging in this widespread practice is to provide cover for their dismissal which is contrary to the legislated public policy of the U.S. Congress, despite foreseeable certain injury to the plaintiff's and his counsel's property rights in their professional reputations, and to discourage federal appellate review.

30. When federal judges (who have a right to dismiss complaints regardless of the law) engage in this damaging tactic against plaintiffs and their counsel authorized to report and privately enforce violations of federal criminal statutes including 15 U.S.C. §§ 1,2 (Sherman Act); 18 U.S.C.A. § 1961 *et seq* (RICO); and the Civil Rights Acts 18 USC §§ 241, 242, and 245 as privately enforceable violations of 42 USC § 1981 et seq. enforceable under 42 USC § 1983; the judges' orders facially violate the plaintiffs' and their counsel's First Amendment rights.

31. The scurrilous attacks by federal judges on a plaintiff or his counsel despite the absence of discovery, evidence, or even knowledge of the industry can be so severe that law enforcement agencies including the Federal Bureau of Investigation and the USDOJ foreseeably respond with the belief that plaintiffs or their counsel are dangers to large corporations or national security and bring the investigatory resources of the federal government to bear against one side in private civil litigation.

32. In the circumstances of a new entrant seeking to compete in a national market, like the SAMUEL K. LIPARI continuing efforts to enter the national market for a hospital supplies, the federal judge's scurrilous attack has the foreseeable and certain effect of cutting off resources including outside investment and the rights to make and enforce contracts in state court, the very antithesis of the purpose of Congress in enacting the Sherman Antitrust Act, 15 U.S.C. §§ 1,2 to protect and promote competition.

33. Similarly federal judges are sometimes found by appellate courts to be inappropriately reluctant to find a complaint for race based federal civil rights violations by state officials under 42 USC § 1983 survives motions to dismiss under F. R. Civ. P. Rule 12(b)(6), and use scurrilous attacks on the plaintiff or his counsel to provide cover for a judgment that contradicts the legislated public policy of the U.S. Congress.

34. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have been repeatedly vilified by federal judges for expressly following the US Supreme Court rule in *Lawlor v. National Screen Service Corporation,* 349 U.S. 322, 75 S.Ct. 865, 99 L.Ed. 1122 (1955) and bringing complaints based on subsequent antitrust conduct being actionable in *Zenith Radio Corp v. Hazeltine Research, Inc*, 401 U.S. 321 at 340, 91 S.Ct. 795, 28 L.Ed.2d 77 (1971).

35. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have been repeatedly vilified by federal judges for stating claims for antitrust conspiracy to restrain trade in the nationwide market for hospital supplies where the complaint alleged specific agreements to exclude competitors including Medical Supply Chain, Inc. between independent entity market participants in the Novation Cartel controlling more than 70% of the $1.3 Trillion Dollar market for hospital supplies in America and for medical supplies distributed to hospitals through an electronic marketplace.

36. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have been repeatedly vilified by federal judges for stating claims for antitrust violations against individual Novation Cartel members for their naked acts in restraint of trade including refusal to deal and ten year contracts that allocate market share.

37. The plaintiffs are unable to rely on government to enforce federal statutes preventing restraint of trade in the nationwide hospital supply market, or rely on the government not to be negligent in protecting the plaintiffs from the foreseeable injuries to the plaintiff's rights as the Novation Cartel continues to hunt down and destroy the plaintiffs and their associates for the plaintiffs having challenged the Eighty Billion Dollar a year in fraud, hospital skimming operation.

38. In the concurrent government investigation of the Novation Cartel for restraint of trade in the nationwide market for hospital supplies, two Assistant United States Attorneys on the case died under mysterious circumstances, then three more white collar crime prosecutors were fired from the same office.

39. First Assistant US Attorney Thelma Quince Colbert who brought the sealed False Claims act proceeding against Novation with testimony of a Novation medical supply

purchasing executive verifying the same practices used for the Novation Cartel's nationwide restraint of trade in hospital supplies that the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI had alleged in the private civil action *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan. 2006) against Novation and its co-conspirators for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (Racketeer Influenced and Corrupt Organizations Act) that are also grave felonies.

40. Assistant US Attorney Shannon Ross, who supervised 70 US Justice Department prosecutors and who signed the criminal subpoenas against Novation was found dead in her home just before the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's expert testified in the US Senate antitrust hearing on Novation's conduct to restrain trade in hospitals, and mere days after she signed the criminal subpoenas.

41. The Dallas USDOJ office also lost three veteran prosecutors, Michael Uhl, Michael Snipes and Leonard Senerote. Then the US Attorney purge was found to have targeted the US Attorney for the Western District of Missouri Todd Graves and the US Attorney for the Southern District of California Carol Lam for their investigation of Novation Cartel hospitals defrauding Medicare in Springfield, Missouri and San Diego California.

42. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's legal actions accurately reported the monopolization of the nationwide hospital supply market through bribes to hospital administrators, inducement into long term exclusive purchasing contracts with hospital supply group purchasing organizations ("GPOs") that restrained trade and allocated market share among medical device suppliers based on kickbacks far

in excess of those permitted at law and extortion of entry fees and equity interests in manufacturing companies seeking to enter the nationwide hospital supply market.

43. Hon. Judge Carlos Murguia sanctioned the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI for asserting there was a private right of action under the USA PATRIOT Act (Public Law 107–56—OCT. 26, 2001) which had been used by the Novation cartel members to keep SAMUEL K. LIPARI and Medical Supply Chain, Inc. out of the nationwide hospital supply market they monopolized. A bad faith use designed to injure the plaintiffs and provide a false reason for US Bank to breach their contract with the plaintiffs later found to be a cause of action in *Bank of Eureka Springs v. Evans,* 353 Ark. 438, 109 S.W.3d 672 (Ark. 2003). And 15 U.S.C. §§ 1,2 has been clearly established to prohibit bad faith use of sham petitioning to restrain trade.

44. In order to stop the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI from accurately reporting the monopolization of the nationwide hospital supply market; some federal judicial branch officials under the supervision, control and standards of the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive, participated with State of Kansas officials in a well known form of a clearly established unlawful civil rights practice pioneered by the Mississippi State Sovereignty Commission of targeting individuals under color of state law for their protected advocacy for the enforcement of federal statutes.

45. The plaintiff BRET D. LANDRITH was deprived of a hearing in reciprocal disbarment by the United States District Courts of the District of Kansas and the Western District of Missouri to provide evidence of misconduct by State of Kansas judicial branch

officials to procure his disbarment in furtherance of an unlawful violation of his three clients' federal civil rights.

46. The hearing in Kansas District Court was *sua sponte* canceled in the wake of a facially erroneous judgment in action *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan. 2006) against Novation for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (Racketeer Influenced and Corrupt Organizations Act) that are also grave federal felonies.

47. The Western District of Missouri had a procedure for oral determination at a meeting by judges of it bench on whether a disbarment will be pursued and the plaintiff was reciprocally disbarred without a requested hearing, despite the Western District of Missouri, Hon. Judge Dean Whippel's statement to retired federal employee Sidney J. Perceful that the disbarment did not arise in the meeting.

48. A series of cases in United States District Courts of the District of Kansas and the Western District of Missouri, and the State of Missouri courts by the plaintiff BRET D. LANDRITH's former Medical Supply Chain, Inc. client SAMUEL K. LIPARI in repeated attempts to enter into the monopolized nationwide market for hospital supplies detailed the unlawful conduct to procure the disbarment of the plaintiff to deprive Medical Supply Chain, Inc. and SAMUEL K. LIPARI of counsel but were transferred to the District of Kansas and dismissed under Rule 12(b)(6) despite complying with the applicable pleading standards to state a claim.

49. Included in the complaint filings by SAMUEL K. LIPARI is the documented allegation that Kansas District Court Chief Judge, Hon. Kathryn H. Vratil; one of the two judges on *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan.

2006), procured the plaintiff BRET D. LANDRITH's disbarment through extrinsic fraud using her dismissal of the plaintiff BRET D. LANDRITH's civil rights action (later reversed on appeal[1]) for James L. Bolden, Jr:

> "208. The petitioner's counsel was disbarred through Stanton Hazlett and the State of Kansas Disciplinary office presenting ex parte testimony by Kansas District Judge Kathryn H. Vratil to personnel and justices of the Kansas Supreme Court, disparaging Medical Supply's counsel without his knowledge or opportunity to question Kansas District Court Judge Kathryn H. Vratil's testimony on October 20, 2005 minutes before the Kansas Supreme Court justices heard Medical Supply's counsel's oral argument in defense of his law license."

Lipari v. General Electric, US District Court for the Western District of Missouri, Case No. 07-0849-CV-W-FJG Proposed Amended Complaint. (Doc. 27 PL. MOT. FED. R. CIV. P. 59(e) at pg. 7, ¶ 10)

50. The plaintiff BRET D. LANDRITH is targeted by State of Kansas officials on state and national law enforcement databases in retaliation for his protected representation to prevent him from work in non attorney and non law based occupations, even while he was a resident of Missouri, Florida, New Jersey and Oklahoma looking for work.

51. The inaccurate law enforcement database information used by State of Kansas officials to retaliate against the plaintiff for his 42 USC § 1981 protected advocacy on behalf of Bolden, Price and *Baby C* makes the plaintiff ineligible for many non law related jobs where the plaintiff had worked as a licensed insurance agent (where criminal background checks are required); a warehouseman and a truck driver (industries where Homeland Security Agency has implemented the "Do Not Work List" that was not passed legislatively) in USA PATRIOT Act II), and makes him ineligible for even a part

[1] *Bolden v. City of Topeka, Kan.,* 441 F.3d 1129 (10th Cir., 2006).

time worker at McDonalds' franchise restaurants that utilize the Homeland Security Agency background database).

52. The plaintiffs' intimate associate Donna L. Huffman was targeted by State of Kansas officials to prevent her from taking the bar exam in Kansas for three years and are still preventing her from admission to the Nebraska bar in the Kansas Attorney Discipline prosecutor Gayle B. Larkin's expressly stated retaliation for Huffman's association with the plaintiff through his representation of her in *Huffman v. ADP, Fidelity et al*, W.D. of Missouri Case No. 05-CV-01205 while he was admitted to practice in the Western District of Missouri U.S. District Court.

53. The plaintiff BRET D. LANDRITH was prosecuted by State of Kansas officials for failure to pay child support to discredit him when his former client David M. Price filed an action in Kansas District Court to enjoin the court and Kansas District Court Chief Judge, Hon. Kathryn H. Vail from representing him and a class of similarly situated parents in a civil rights class action against the State of Kansas Social and Rehabilitation Services.

54. In defending against being jailed for contempt of court for non payment of child support (voluntarily dismissed after the plaintiff proved he was not personally served in the divorce), the plaintiff found he is being prevented from employment in non law based jobs using his skills and experience because of the continuing retaliation by State of Kansas officials utilizing law enforcement data bases for the plaintiff's representation of the African American James L. Bolden and the American Indian infant *Baby C*.

55. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI traveled to Seminole, Oklahoma to take BRET D. LANDRITH and agreed to work with the

Oklahoma licensed attorney William Choate to set up an electronic marketplace to develop surplus fresh water near a water pipeline if Choate was able to get him admitted in the U.S. District for the Western District of Oklahoma Court.

56. The Court Clerk for the U.S. District for the Western District of Oklahoma refused to docket the district court action to prevent the unconstitutional enforcement of the Western District Court of Oklahoma's policy that was likely to deprive the plaintiff of an evidentiary hearing because the admissions committee was likely to take at face value the facially invalid Kansas disbarment determination.

57. Clerk Dennis's refusal to docket William Choate's action to obtain representation of the plaintiff BRET D. LANDRITH where Choate himself was and is suffering from destruction of his property in Seminole, Oklahoma by state actors in retaliation for Choate's protected speech, deprived the plaintiff of a remedy at law and fulfilled the implied element required for injunctive relief of no remedy at law.

58. The attorney admission committee members for the Western District of Oklahoma successfully argued they were not federal officials and therefore not subject to jurisdiction under 28 U.S.C. § 1391(e)(1)(c) in *Landrith v. Kansas Attorney General Derek Schmidt, et al*.; KS Dist. Court Case no. 12-cv-02161, preventing injunctive relief or a remedy at law to seek redress for the ongoing deprivation of the plaintiff BRET D. LANDRITH's rights by State of Kansas officials.

59. The court findings of law expressly used by *In re Landrith,* Kansas Supreme Court Case No. 94333 as the reason to disbar the plaintiff BRET D. LANDRITH have all been reversed. The plaintiff was later found to have stated a 42 USC Sec. 1981 cause of action not barred by *Rooker-Feldman* (Cmplt. pg.76, ¶.355) in *Bolden v. City of Topeka.*

441 F.3d 1129 (10th Cir. 2006).; Kansas Supreme Court later adopted the plaintiff's *Baby C* argument that the Indian Child Welfare Act applied to American Indians living off the reservation (Cmplt. pg.76, ¶.357) in its decision on *In The Matter Of A.J.S.,* Kansas Supreme Court Case No. 99,130 (2009); and adopted the plaintiff's argument (Cmplt. pg.3 fn 1-3) that fraud by one parent to conceal the adoption is reversible: *In The Matter Of The Adoption Of Baby Girl P.* Case No. No. 102, 287 at 13-16 (Kan., Oct. 2010).

60. The plaintiff BRET D. LANDRITH properly decided service on individual City of Topeka employees for official capacity claims was unnecessary *Miles v. Kansas* at fn 18 (D. Kan., 2012) and merely an impermissible attack on the plaintiff by US. District of Kansas Magistrate Hon. James P. O'Hara that was used in concert with Topeka attorney Sherri Price (pg.44, ¶.215) (Official Court Audio recording online : http://www.medicalsupplychain.com/pdf/Bolden%20Hearing.wav) to procure the disbarment despite knowledge of its misrepresentation of the law where the City of Topeka had already entered its appearance. *Bruner-McMahon v. Cnty. of Sedgwick* at pg. 1-2(D. Kan., 2011) (Doc. 85pg.1-2, ¶.4 and fn 1).

61. The State of Kansas is an independent sovereign state and has determined that advocating on behalf of minority citizens' federal statutory civil rights violates state law (*In re Landrith,* Kansas Supreme Court Case No. 94333) even though it is protected by 42 USC § 1981 and raised as a defense by plaintiff BRET D. LANDRITH.

62. The State of Kansas has expressly determined by 42 USC § 1981 does not protect white citizens advocating on behalf of an African American or American Indian's federal statutory rights. *Landrith v. Jordan*, Shawnee County, Kansas Dist Court Case No. 10C 001436 (04/06/2011) and this ruling secedes from controlling federal precedent in

Sullivan v. Little Hunting Park, Inc, 396 U.S. 229 at 237, 90 S.Ct. 400, 24 L.Ed.2d 386 (1969) and *Phelps* v. *Wichita Eagle Beacon,* 886 f.2d, 1267 (10 Cir. 1989) and is consistent with the conduct of State of Kansas agencies in furtherance of an independent sovereign state policy of declining to recognize standing under 42 USC § 1981 and 42 USC § 1985(3) for advocacy by whites on behalf of federal rights against race based animus.

63. The State of Kansas Judicial Branch is unlikely to change its position that state law prevents advocacy on behalf of federal civil rights where that advocacy threatens the regular business of a state agency like the Kansas Social and Rehabilitation Services administration of adoptions or more recently the Kansas Department of Corrections' administration of prisons where the State of Kansas Judicial Branch's highest official Stanton A. Hazlett shut down the Topeka civil rights practice of US Supreme Court First Amendment plaintiff and advocate Keen Umbehr[2] for two years over Umbehr's interview of a female prison inmate who was subjected to having guards stomp her baby out of her at the direction of the prison administrators to prevent exposure of drug distribution and sex exploitation at the women's prison.

64. In the alternative, State of Kansas officials are unlikely to support reinstatement of the plaintiff BRET D. LANDRITH by the Kansas Supreme Court because executive branch agency heads rely on the good will of Kansas District Court Chief Judge Hon. Kathryn H. Vratil and the other Kansas District judges to continue their independent sovereign state policies where citizens would otherwise be able to obtain redress in federal court for the violations to their federal rights.

---

[2] *Board of County Comm'r Wabaunsee County v. Umbehr*, 518 U.S. 668, 116 S.Ct. 2342, 135 L.Ed.2d 843 (1996)

65. This alternative allegation is supported by the widespread use of 28 U.S.C. § 1915(d) dismissals, sometimes at the direction of the Kansas Attorney General and over a heightened standard that F. R. Civ. P. Rule 12(b)(6) , despite a Kansas District Court magistrate's determination U.S. Marshal service is warranted, and presentation of evidence or discovery would document 18 USC §§ 241, 242, and 245 felonies by state officials.

66. The US District courts permit state attorneys general including Kansas Attorney General General Derek Schmidt in *Landrith v. Kansas Attorney General Derek Schmidt, et al*.; KS Dist. Court Case no. 12-cv-02161 and *Landrith v. Gariglietti,* No. 11- 2465, 2012 WL 171339 *4 (D. Kan. 2012); to argue that federal courts lack subject matter jurisdiction to hear actions in equity against state officials to restrain constitutional violations under to 28 U.S.C. § 1331, the 14th Amendment, and the constitution or alternatively 42 USC § 1983, despite the Tenth Circuit's determination that the Federal Courts Improvement Act of 1996 does not bar prospective injunctive relief against state judicial officials to restrain unconstitutional enforcement of rules in *Roe # 2 v. Ogden,* 253 F.3d 1225, 1233-34 (10th Cir.2001). Which has been followed in *Dubuc v. Michigan Bd. of Law Examiners,* 342 F.3d 610 at 616 (6th Cir., 2003)and *Leclerc v. Webb,* 419 F.3d 405 (Fed. 5th Cir., 2005).

67. The US District courts permit US Department of Justice attorneys in their capacity as defense counsel and agents for US District court judges and clerks including US Attorney Barry R. Grissom to misrepresent clearly established controlling precedent in court while preventing Kansas citizens from having counsel that will vindicate their federal constitutional rights.

68. US Attorney Barry R. Grissom in *Landrith v. Kansas Attorney General Derek Schmidt, et al*.; KS Dist. Court Case no. 12-cv-02161 was permitted to repeatedly misrepresent the controlling precedent for the jurisdiction for whether *Pulliam v. Allen*, 466 U.S. 522, 536-543 (1984) abrogates immunity of federal judges and clerks for prospective injunctive relief when the Tenth Circuit in a published decision *Martinez v. Winner*, 771 F.2d 424 at 436 (C.A.10 (Colo.), 1985) has expressly determined federal judges are not immune from prospective injunctive relief under the constitution.

69. US Attorney Barry R. Grissom in *Landrith v. Kansas Attorney General Derek Schmidt, et al*.; KS Dist. Court Case no. 12-cv-02161 is now being indulged by the US District of Kansas judge to permanently restrain the plaintiff BRET D. LANDRITH's ability to seek redress in federal court because he has with diligence accurately applied the controlling precedent of the jurisdiction that federal judicial officials are not immune from prospective injunctive relief and that the admissions committee members of the Western District of Oklahoma and the Clerk of the Court have violated the plaintiff BRET D. LANDRITH's right to Due Process regarding his admission under from *Mattox v. Disciplinary Panel of U.S. Dist. Ct. for Dist. of Colo*., 758 F.2d 1362, 1369 (10th Cir. 1985) and *In re Martin*, 400 F.3d 836 at 841 (10th Cir., 2005).

70. The plaintiff SAMUEL K. LIPARI has filed judicial ethics complaints with the judicial conferences of the Eighth Circuit and Tenth Circuit Judicial Conferences under the rules for reporting judicial misconduct.

71. The plaintiff SAMUEL K. LIPARI has traveled repeatedly to Denver, Colorado to meet with the Tenth Circuit Court Administrator and to St. Louis, Missouri to meet

with the Chief Clerk of the Eighth Circuit in efforts to address the judicial ethics violations he repeatedly encountered.

72. In his function as head of the Judicial Conference of the United States, the Chief Justice Hon. JOHN G. ROBERTS, JR. is like a Walmart store manager in a failing community fighting shrinkage and other threats to the store's ability to serve the community and improve the quality of life of its residents.

73. Widespread policies continued under Chief Justice Hon. JOHN G. ROBERTS, JR. are the equivalent of a Walmart store manager permitting department heads and their employees themselves to shoplift, embezzle, and injure its customers to the point that the store's ability to serve the community or its shareholders is threatened.

FACTS RELATED TO COUNT III INJUNCTION FROM ABUSE OF PROCESS

74. The plaintiffs allege the following facts in support of their new claim COUNT III Injunctive relief from Abuse of Process:

(1) Facts defendant did not contest in plaintiffs' Motion in Opposition Doc. 8

75. The plaintiffs started attempting to docket the original complaint for prospective injunctive relief from being targeted for criminal retaliation for having repeatedly attempted to provide competition in the nationwide monopoly of hospital supplies and for the plaintiff's advocacy against Sherman Antitrust and Civil Rights violations with the District of Columbia Court on 12/20/2012 (Doc. #8 pg. 2, ¶ 1). See (Doc. 8-1 pg. 2 Attachment 1 LANDRITH Affidavit at pg. 1.)

76. The defendant appears to have obtained a copy of the complaint in an undocumented screening process of the D.C. court by November 21, 2012 exhibited by a majority of the U.S. Supreme Court reopening the Affordable Care Act ("Obamacare") to

a constitutionality challenge on November 26, 2012 (Doc. #8 pg. 2, ¶ 2). See (Doc. 8-1 pg. 47 , Attachment 2 Washington Post Article).

77. The plaintiffs were forced to attempt to voluntarily dismiss their cause in this court due to post complaint misconduct by the defendants agents in the USDOJ and sent a settlement offer to the defendant Chief Justice JOHN G. ROBERTS, JR.'s counsel (see Entry of Appearance Doc. # 2), giving her notice of the misconduct and seeking the USDOJ's help through outside counsel in reincorporating SAMUEL LIPARI's Medical Supply Chain business within the District of Columbia and help through outside counsel in attempting to get BRET LANDRITH admitted to the D.C. Bar so that the plaintiffs can attempt to restart their lives in a jurisdiction where they would have the rights and privileges guaranteed under U.S. law (Doc. #8 pg. 2, ¶ 3). See (Doc. 8-1 pg. 56 Attachment 3 First Settlement Offer).

78. The defendant Chief Justice JOHN G. ROBERTS, JR.'s counsel acknowledged the offer in a reply email seeking to discuss the offer during a telephone call with the plaintiffs (Doc. #8 pg. 3, ¶ 4). See (Doc. 8-1 pg. 56 Attachment 4 Acknowledgment of First Settlement Offer).

79. The plaintiff SAMUEL LIPARI contacted the defendant's counsel by phone where she stated she doubted their was "subject matter jurisdiction" but that the people she had assigned to investigate the claims had not reported back yet (Doc. #8 pg. 3, ¶ 5).

80. No acceptance or rejection of the settlement offer was made by the defendant Chief Justice JOHN G. ROBERTS, JR before it expired by its terms on January 18, 2013. See (Doc. 8-1 pg. 59 Attachment 4 Acknowledgment of First Settlement Offer, pg. 2).

81. The plaintiff SAMUEL LIPARI's celluar prepaid phone on January 24, 2013, the wireless carrier H2O was shut off (despite being prepaid). LIPARI made several efforts to regain service through technical support who were unfamiliar with any other instance where prepaid services would be cut off (Doc. #8 pg. 3, ¶ 7). See (Doc. 8-1 pg. 59 Attachment 5 LIPARI Affidavit at pg. 1-2 and attached exhibits).

82. The plaintiff BRET LANDRITH's celluar phone on the wireless carrier AT&T on January 24, 2013 was also shut off preventing communication with SAMUEL LIPARI and his friends and associates most of the business day (Doc. #8 pg. 3, ¶ 7). See (Doc. 8-1 pg. 6 Attachment 1 LANDRITH Affidavit at pg. 5).

83. On January 25, 2013 the Kansas Supreme Court reversed the murder conviction of the African American Phillip D. Cheatham client of BRET LANDRITH in a decision describing LANDRITH's role in the preliminary hearing and where LANDRITH, the only other attorney assisting Cheatham's criminal attorney defend the capital murder charges was suspended by Kansas Discipline Attorney Stanton A. Hazlett during the penalty phase of the trial (Doc. #8 pg. 3, ¶ 9). See (Doc. 8-1 pg. 6 Attachment 1 LANDRITH Affidavit at pg. 5).

84. On 11/30/2012 ,the trial Judge Carlos Murguia in *Landrith v. Kan. Attorney Gen.* D. Kan. 12-cv-02161, (2012) ordered the filing sanctions sought by US Attorney for the District of Kansas, Barry R. Grissom and laundered through State of Kansas official defendants expressly prejudging the plaintiff LANDRITH's property claims before Kansas Judge Eric F. Melgren in *Landrith v.Bank of New York Mellon, et. al,* 12-CV-02352-EFM-DJW that had not been ruled on, USA Grissom then tried to used the judgment procured through his material misrepresentations of the controlling law for

prospective injunctive relief to similarly sanction the Kansas District Court plaintiff Stewart Webb. See trial (Doc. #8 pg. 4, ¶ 10). See (Doc. 8-1 pg. 7-8 Attachment 1 LANDRITH Affidavit at pg. 6-7) and (Doc. 8-1 pg. 43-46 Exhibit 5 Webb Docket.

85. On 2/24/2013, SAMUEL LIPARI's nephew Ryan J. Lipari who had been identified in Medical Supply Line business plans as a candidate for executive officer of the dormant Kansas corporation Medical Supply Management, Inc. (created to avoid the monopolized market and sell to much less profitable home health customers) and who lost his executive job with Rent A Center after helping SAMUEL LIPARI, started experiencing trouble with his home internet connection. During several searches for his own wireless router, Ryan J. Lipari witnessed USDOJ F.B.I. wireless equipment in the vicinity of his home showing on his router list (Doc. #8 pg. 4, ¶ 11). See (Doc. 8-1 pg. 7-8 Attachment 6 RYAN J. LIPARI Affidavit at pg. 1-2).

86. The plaintiffs became concerned that the USDOJ was now targeting SAMUEL LIPARI's nephew Ryan J. Lipari with the "surveillance" that would interfere with his communications in his job search where he needed to support his children and wife in retaliation for his willingness to associate with the plaintiff's in launching Medical Supply Management, Inc. with the Medical Supply Line intellectual property developed by SAMUEL LIPARI to enter the home healthcare market and out of fear and experience with agencies controlled or supervised by the defendant Chief Justice JOHN G. ROBERTS, JR attacking other family members associated with the plaintiffs (the film Political Prosecutions documents the W.D. of MO USDOJ pattern and practice of targeting young family members to prevent advocacy http://www.politicalprosecutions.org) in the attempt to break the hospital supply

monopoly, the plaintiffs made a second attempt to voluntarily dismiss their complaint through settlement list (Doc. #8 pg. 4, ¶ 12 and Doc. #8 Attachment 7 Second Settlement Offer filed via email to D.C. Court and via paper copy but not appearing on docket).

87. The plaintiffs Second Settlement Offer emailed on 2-20-2013 apprises the defendant's counsel that subject matter jurisdiction over the Chief Justice JOHN G. ROBERTS, JR in his function as head of the Judicial Conference Of The United States is clearly established under *Stump v. Sparkman*, 435 U.S. 349, 362-63, 98 S.Ct. 1099, 55 L.Ed.2d 331 (1978)., and that no appellate court has found an exception to judicial liability for the prospective injunctive relief against federal judges under these circumstances without relief at law in *Pulliam v. Allen,* 466 U.S. 522, 104 S.Ct. 1970, 80 L.Ed.2d 565 (1984) (Doc. #8 pg. 5, ¶ 13 and Doc. #8 Attachment 7 Second Settlement Offer at pg. 1 filed via email to D.C. Court and via paper copy but not appearing on docket0.

88. The Second Settlement offer gave notice to the defendant to Chief Justice JOHN G. ROBERTS, JR that more extrinsic fraud violating the constitutional rights of the plaintiffs was being committed by his agent US Attorney General Eric Holder in an attempt to defend unlawfully against the plaintiffs' claims and gives notice of the plaintiffs' evidence that the USDOJ investigation of the plaintiffs' claims has now verified that federal officials knowingly participated in 15 U.S.C. §§ 1,2 (Sherman Act) criminal conduct and violations of the Civil Rights Acts 18 USC
§§ 241, 242, and 245 with state officials, injuring the plaintiffs 2013 (Doc. #8 pg. 5, ¶ 14).

89. No acceptance or rejection of the settlement offer was made by the defendant Chief Justice JOHN G. ROBERTS, JR before it expires by its terms on March 8, 2013 (Doc. #8 pg. 6, ¶ 15 and Doc. #8 Attachment 7 Second Settlement Offer at pg. 3. filed via email to D.C. Court and via paper copy but not appearing on docket).

90. The defendant to Chief Justice JOHN G. ROBERTS, JR. instead attempted to email the plaintiff SAMUEL LIPARI at his email address of ten years saml@medicalsupplyline.com finding it undeliverable (the plaintiff SAMUEL LIPARI has repeatedly been in court showing the USDOJ participates as an enforcer of the criminal monopoly in hospital supplies that skims over $80 Billion a year from healthcare systems in many forms of extrinsic fraud including causing internet censorship and in "surveillance" solely for the active disruption of communications including email See www.MedicalSupplyChain.com/news) but found it was undeliverable and then emailed LANDRITH seeking to consult on an extension (Doc. #8 pg. 6, ¶ 15 and Doc. #8 Attachment 8 Defendant's Email Seeking Extension Consultation filed via email to D.C. Court and via paper copy but not appearing on docket).

91. The plaintiff BRET LANDRITH called the defendant's counsel that afternoon and emotionally expressed his grave concern over the targeting of SAMUEL LIPARI by the defendant's USDOJ and F.B.I. agents in deliberate use of extrinsic fraud to defend Chief Justice JOHN G. ROBERTS, JR.; the plaintiffs' past bad faith conduct in Kansas District court and the Western District of Missouri District Court to procure bad faith dismissals through materially misrepresenting the controlling law and even the facts on the face of the complaint; and the undisputable presence of subject matter jurisdiction over Chief Justice JOHN G. ROBERTS, JR in his role as head of the National Judicial

Conference (Doc. #8 pg. 6, ¶ 17 and Doc. #8 Attachment 9 Memorialization of Extension Consultation filed via email to D.C. Court and via paper copy but not appearing on docket).

92. The plaintiffs gave notice of their objection to extension and Chief Justice JOHN G. ROBERTS, JR 's counsel agreed to serve by email any motions she may file, understanding the plaintiffs were severely prejudiced by the lack of electronic filing and service and that under local rules leave of the court was required for electronic filing, which SAMUEL LIPARI had sought her help in during the first phone call (Doc. #8 pg. 7, ¶ 18).

93. No email has been sent to either plaintiff with the Chief Justice JOHN G. ROBERTS, JR 's motion for extension and on PACER, the plaintiffs were surprised to find one filed and that it was listed as "unopposed" and granted by this court the following day (2-26-2013) without any knowledge of the plaintiffs (Doc. #8 pg. 7, ¶ 19)

94. Chief Justice JOHN G. ROBERTS, JR's motion for extension (Doc. #3) does not contain a statement of points and authorities as required under LCvR 7 (a) and cites no case law, rule or statute related to granting the extension (Doc. #8 pg. 6, ¶ 20).

95. Chief Justice JOHN G. ROBERTS, JR's proffered reason for granting the extension is that the agency under the control and supervision of Chief Justice JOHN G. ROBERTS, JR the Administrative Office of the U.S. Courts ("AO") informed Chief Justice JOHN G. ROBERTS, JR's counsel on or about February 18th, 2013 that the agency would not assist her in this litigation (Doc. #8 pg. 7, ¶ 21).

96. February 18th, 2013 is a day after the Topeka Capital Journal newspaper printed, and two days after the newspaper's website CJonline published an article about the Chief

Justice Lawton Nuss of the Kansas Supreme Court and accusations that the justice participated in the fabrication of evidence and that documentary evidence shows either Ed Collister, the appointed investigator of an ethics complaint against Kansas Attorney Discipline Administrator Stanton A. Hazlett for using his office for racketeering to criminally extort Kansas licensed attorneys from advocating for persons seeking to vindicate federal constitutional and statutory rights in court or Kansas Board for Discipline of Attorneys Chairman Sara S. Beezley to cover up and the bad faith investigation and prosecution used to attempt to extort the Kansas licensed attorney Keen Umbehr (Doc. #1 pg.18, ¶63) described in the complaint before this court as being similarly situated to the plaintiff BRET LANDRITH (Doc. #8 pg. 7, ¶ 22). See (Doc. 8-1 pg. 10-12 Attachment 1 Landrith Affidavit Exhibit 1 CJ Article).

(2) Facts related to defendants' post complaint conduct against the plaintiffs

97. On March 11, the defendant Chief Justice JOHN G. ROBERTS, JR., U.S. Attorney ("USA") Ronald C. Machen Jr., and Assistant U.S. Attorney ("ASA") Claire Whitaker filed a Motion to Dismiss (Doc. # 9) with exhibits including the Kansas District Court Judge Carlos Murguia's Order (Doc. # 9-1) sanctioning the plaintiff BRET D. LANDRITH with filing restrictions described in the original complaint and this amended complaint as being instigated by District of Kansas USA Barry R. Grissom.

98. Chief Justice JOHN G. ROBERTS, JR. misrepresented the material acts and law regarding subject matter jurisdiction 28 U.S.C. § 1331 to invite Judge Amy Berman Jackson to commit fraud on her own court and obstruct justice in this proceeding.

99. Chief Justice JOHN G. ROBERTS, JR. misrepresented the facts regarding *McBryde v. Committee to Rev. Cir. Council Conduct*, 83 F.Supp.2d 135 at 149 (D.D.C.,

1999) stating that the subsequent history of the action in *McBryde v. Committee to Rev. Cir. Council Conduct,* 264 F.3d 52 (D.C.Cir.2001).

100. Chief Justice JOHN G. ROBERTS, JR. through USA Ronald C. Machen Jr., and ASA Claire Whitaker knowingly adopted the ethical misconduct of dishonesty toward the tribunal (as alleged above against District of Kansas USA Barry R. Grissom's procurement of a dismissal of the W.D. of Oklahoma defendants through repeated misrepresentation of the controlling law despite notice by the plaintiff) in filed a Motion to Dismiss (Doc. # 9) "..there is no support in McBryde for their proposition that this Court is authorized to impose injunctive relief on the Chief Justice." Chief Justice JOHN G. ROBERTS, JR. (Doc. #9 at pg. 7).

101. In fact, this court exercised subject matter jurisdiction over prospective injunctive relief and declaratory relief claims under the constitution against the higher federal appeals court chief judge in a private individual redress action (see *McBryde v. Committee to Rev. Cir. Council Conduct*, 83 F.Supp.2d 135 at 149 (D.D.C., 1999)) where Fifth Circuit Chief Judge Henry A. Politz was a defendant in his official capacity as chairperson of the Fifth Circuit judicial conference review committee. *McBryde* 83 F.Supp.2d 149, *id*.

102. This court granted the plaintiff McBryde declaratory relief under the constitution not 28 U.S.C. § 351-355: "The Court shall enter judgment for Judge McBryde on his claim that the confidentiality clause, as it has been applied to him, violates the First Amendment " (*McBryde* 83 F.Supp.2d 178, *id*.) The court dismissed McBryde's 28 U.S.C. § 351-355 based claims for lack of subject matter jurisdiction, and Chief Justice

JOHN G. ROBERTS, JR. knows that the plaintiffs who are not judges did not bring claims under 28 U.S.C. § 351-355 or Mandamus (Doc. #9 pg. 7).

103. Chief Justice JOHN G. ROBERTS, JR. through USA Ronald C. Machen Jr., and ASA Claire Whitaker knowingly misrepresented the plaintiffs' original complaint through omission of (Doc. 1 Pg. ¶22) "Neither plaintiff has appeared before the defendant in his capacity as a judge or justice" for the purpose of intentionally misrepresenting the application of *In re Marin,* 956 F.2d 339, 340 (D.C. Cir.) to procure a dismissal through fraud on the court as the compliant alleges District of Kansas USA Barry R. Grissom procured a dismissal of the W.D. of Oklahoma defendants.

104. This court denied mandamus relief against the Clerk of the United States Supreme Court, a court Melvin Marin was before, to make the clerk do a judicial function act *In re Marin,* 956 F.2d 340 citing among other reasons, Marin could seek the relief in the Supreme Court which had supervisory authority over its clerk.

105. To save the court and the parties from wasteful process and delay of relief, the plaintiffs' complaint and this complaint expressly states (Doc. 1 Pg. ¶22) "Neither plaintiff has appeared before the defendant in his capacity as a judge or justice" and in Count I "The defendant is liable to the plaintiffs for prospective injunctive relief restraining his ministerial and executive administration of the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive" (Doc. 1 Pgs. 22-23) to give notice that *In re Marin,* 956 F.2d 339 (D.C. Cir.) is inapplicable.

106. Chief Justice JOHN G. ROBERTS, JR. through USA Ronald C. Machen Jr., and ASA Claire Whitaker knowingly misrepresented the plaintiffs' standing against the

defendant for stating:injury "Nothing that the Chief Justice does in his capacity as "Chief Executive Officer" of the Judicial Conference relates in any way to controlling the manner in which federal judges rule. 28 U.S.C. §§ 331-32. Thus, there is no injury–in–fact that is connected to the Chief Justice's conduct " Chief Justice JOHN G. ROBERTS, JR. (Doc. #9 at pg. 8).

107. In fact the defendant Chief Justice JOHN G. ROBERTS, JR.'s predecessor Chief Justice William Rehnquist responded to growing Congressional testimony of judicial misconduct and in his ministerial capacity as head of the National Judicial Conference initiated an investigation and study for a 2006 committee headed by Justice Stephen Breyer [3] to determine the need for policy changes on the discipline of federal judges.

108. The defendant Chief Justice JOHN G. ROBERTS, JR. despite his material factual misrepresentation to this court (Doc. #9 at pg. 8) that he has nothing to do with judicial misconduct policy, changed that policy in his capacity as head of the National Judicial Conference including the change that discipline complaints be posted online in each circuit.

109. The plaintiffs complaint and amended complaint identify continuing problems injuring their constitutional rights in ways that are foreseeable from the September 2006 report's reliance on reversal by appellate courts as the primary check on judicial misconduct "prevent in protection of the plaintiffs from the foreseeable injury to their rights through the lack of effective enforcement of judicial ethics canons and from failing

[3] Implementation of the Judicial Conduct and Disability Act of 1980
A Report to the Chief Justice The Judicial Conduct and Disability Act Study Committee Stephen Breyer, *Chair* September 2006.

to provide a public record of censure from which litigants can appraise the need for future enforcement or protection from bias" (Doc. # 1 pg. 22) See Count I *infra*.

110. On March, 2013 the plaintiffs provided Chief Justice JOHN G. ROBERTS, JR., USA Ronald C. Machen Jr., and ASA Claire Whitaker the Tenth Circuit brief showing that Kansas District Court Judge Carlos Murguia's Memorandum and Order vilifying the plaintiff BRET D. LANDRITH violated Eighteen clearly established controlling precedents and that Judge Carlos Murguia would not alter or amend his judgment or the order of filing restrictions despite notice of the plain errors.

111. The plaintiffs warned Chief Justice JOHN G. ROBERTS, JR. through USA Ronald C. Machen Jr., and ASA Claire Whitaker that they were under the jurisdiction of the ethical rules for this jurisdiction:

> "an important part of defending your client is complying with your D.C. Rules of Professional Conduct 8.3 (a) and(b) which requires you to report ethical misconduct of attorneys and judges and which as an Assistant US Attorney, 28 U.S.C. § 530B mandates that you obey.
> Had you exercised your required diligence, federal officials would likely have ceased the misconduct described in our complaint and potentially, the action could be dismissed as moot if laws were enforced by Chief Justice Robert's court administration.
> I ask you not to participate in criminal felonies of USDOJ and FBI employees by seeking an extension for the purpose of giving them more time to commit extrinsic frauds violating the rights Sam Lipari and myself in an effort to extort us into dismissing our claim for redress. "

Plaintiff's 2-25-2013 Memorialization of Second Telephone Conference.Attachment 9, pg. 1-2 to (Doc. 8).

112. The plaintiffs also cautioned Chief Justice JOHN G. ROBERTS, JR. through USA Ronald C. Machen Jr., and ASA Claire Whitaker not to seek an extension solely to make a bad faith motion to dismiss:

> "As I stated, our litigation in federal courts has shown us that an extension is invariably part of a bad faith effort to prepare a Rule 12(b) motion for dismissal misrepresenting controlling precedent. Our concern is heightened by the extrinsic fraud being committed by the USDOJ in response to our original filing of the complaint which I have twice brought to your attention "

Plaintiff's 2-25-2013 Memorialization pg. 1.

113. Chief Justice JOHN G. ROBERTS, JR., USA Ronald C. Machen Jr., and ASA Claire Whitaker cannot have a serious belief that the court could lawfully dismiss the plaintiffs' claims based on their misrepresentations of material facts and misrepresentations of controlling law to this tribunal.

(3) Defendant's extrinsic fraud against the plaintiffs

114. Beginning January 7th, 2013 SAMUEL K. LIPARI had nineteen (19) MAILER-DAEMON@sip2-89.nexcess.net messages to LIPARI's Business Partner in Florida who was brought on to raise capital for the company www.medicalsupplyline.com and has raised capital for other companies in his past but has not raised any capital for SAMUEL K. LIPARI 's company to date.

115. SAMUEL K. LIPARI and his partner have tried other email accounts but continually get server restriction errors.

116. This blocking of SAMUEL K. LIPARI's business email as a form of obstruction of justice and extrinsic fraud to prevent him from having resources to vindicate his rights in federal court has been carried out by US Attorney General Eric Holder on behalf of the defendant's federal judges as an unpublished USA PATRIOT Act policy.

117. Until this week, the plaintiff's public record court filings on SAMUEL K. LIPARI's business site www.medicalsupplychain.com were largely blocked as a censorship in obstruction of justice and extrinsic fraud to prevent him from having

resources to vindicate his rights in federal court, his US Senate Campaign site was similarly blocked despite its pure political speech.

118. Between 6-10am on March 27th, 2013 SAMUEL K. LIPARI posted the docket summary and legal fillings for Case 1:12-cv-01916-ABJ *Landrith ,et al v. Roberts* to the news page for Medical Supply Chain. http://www.medicalsupplychain.com/news.htm. When SAMUEL K. LIPARI returned to the site to make sure all the links worked and the correct documents were launched LIPARI noticed that the complaint (a section of code was changed) was pasted over with code from the DOJ 1st extension.

119. SAMUEL K. LIPARI corrected to page and made sure it is working properly as of March 27, 2013 11:30 am CST.

120. The plaintiffs were told of the secret part or unpublished part of USA PATRIOT Act to address citizens posting information about the courts on the Internet by Michael Lynch who was working with Judge Duff of the Northern District of Illinois and Sidney J. Perceful to uncover what Judge Duff and Perceful believed was a massive network for the corrupt procurement of court rulings in several states by an organized crime enterprise.

121. The federal court's own program to deter corruption in the bankruptcy courts "Silver Stream" was failing according to them and they related that the head bankruptcy judge of the Northern District of Illinois who had been connected to the much earlier Greylord corruption investigation had given the names of federal judges participating with the organized crime enterprise by providing orders contrary to black letter law or established precedent and by vilifying the innocent parties reporting the misconduct, sometimes with flagrant sanctions like that ordered against Michael Lynch.

122. As a result of the new investigation Michael Lynch and Sidney J. Perceful stated Judge Mark R. Filip left the federal bench, however the information related to these events was not made available to the US Senate Judiciary Committee and its Chairman Senator Patrick J. Leahy on August 21, 2009 when the hearing on Judge Mark R. Filip's nomination and confirmation for Deputy Attorney General and currently Judge Mark R. Filip as a private attorney is on the nomination committee for US Attorney candidates for the Northern District of Illinois.

123. When US Attorney General Eric Holder is carrying out these violations of the plaintiffs' First Amendment Rights as part of a judge protection policy, he is reporting to the defendant Chief Justice JOHN G. ROBERTS, JR. by statute.

124. Chief Justice JOHN G. ROBERTS, JR. through his agent Attorney General Eric H. Holder, Jr. and the USDOJ in direct response to the plaintiffs' present lawsuit redoubled their disruptive surveillance of the plaintiffs, even stopping their phone service and committed other acts to interfere with SAMUEL K. LIPARI's medical supply business to violate the plaintiffs' First, Fourth and Fifth Amendment rights for the purpose of defending Chief Justice JOHN G. ROBERTS, JR. through extrajudicial means.

125. Chief Justice JOHN G. ROBERTS, JR.'s employees have committed post filing conduct in the Kansas District Court and Tenth Circuit Court in concert with the US Attorney for the District of Kansas.

126. In *Landrith v. Bank Of New York Mellon*, *et al* Case No. 12-cv-02352, Kansas District Court Judge Eric F. Melgren , the Kansas US Attorney during the Medical Supply Chain litigation issued an order denying a New Trial and vilifying the plaintiff

BRET D. LANDRITH for raising the "black letter law" issue that the State of Kansas, the Tenth Circuit and the US Supreme Court require personal service on an out of state property for a foreclosure to be valid. Despite admission that the foreclosing law firm specializing in Kansas real estate law failed to get personal service of process and chose to rely on service by publication.

127. Kansas District Court Judge Eric F. Melgren in the ORDER IMPOSING FILING RESTRICTIONS Doc. 55, expressly joined Judge Carlos Murguia in finding a pattern of frivolous abusive litigation that as Judge Eric F. Melgren observed caused the plaintiff BRET D. LANDRITH to be reciprocally disbarred in the Kansas District Court and lose his ability to earn a living, despite having the documentary evidence (Doc.# 21, 21- 3, 21- 4, 21- 4, 21- 6, 21- 7) that the order of Judge Carlos Murguia that caused the plaintiff to be reciprocally disbarred without a hearing was fraudulently procured (the same modus operandi employed by Chief Justice JOHN G. ROBERTS, JR.'s Motion to Dismiss Doc. #9):

> "The BAC defendants appear to be arguing that the present complaint contains the conclusory allegations the court found in *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316, 1333-36 (D. Kan. 2006) and for which LANDRITH and his client Samuel K. Lipari were sanctioned for.
>
> The plaintiff respectfully suggests that Hon. Judge Carlos Murguia erroneously relied upon Husch Blackwell LLP attorney John K. Power's summary of the case in Power's Motion for Hearing on Dismissal. See Exhibit 2 Pleading of John K. Power. And shortly thereafter, and without a hearing Hon. Judge Murguia sustained the motions to dismiss and in the order Hon. Judge Murguia sanctioned LANDRITH and Med. Supply Chain, Inc. See Exhibit 3 Memorandum and Order.
>
> The complaint however had each element John K. Power's motion (exhibit 2) stated it lacked. The elements were like the complaint before this court, arranged in a table of contents which directed the parties and the court to the outline sections of the complaint where numbered paragraphs provided supporting averments of fact for each element. Like the complaint before this court. See Exhibit 4 Med. Supply Chain, Inc. Complaint.
>
> The defendants must mean to assert that the non fraud based RICO allegations for Hobbs Act extortion and obstruction of justice predicate acts in what

was mainly a Sherman Act antitrust action were insufficiently pled. The plaintiff hereby includes a separate attachment of the table of contents section and complaint's RICO elements and supporting facts. See Exhibit 5 Med. Supply Chain, Inc. RICO excerpt.

Med. Supply Chain, Inc. appealed the dismissal on the grounds that the appeal did sufficiently plead Sherman Act and RICO violations. The appellees made a motion to dismiss the appeal for timeliness. However, the Tenth Circuit referred this issue to the panel and required the parties to brief the action. See Exhibit 6 Med. Supply Chain, Inc. Brief. The brief identifies each of the elements required under the then controlling precedent for the Tenth Circuit regarding the pleading of RICO claims. The brief identifies by paragraph number each of the supporting averments of fact for each required pleading element. None were missing. See Exhibit 7 Med. Supply Chain, Inc. Brief RICO excerpts.

The Tenth Circuit ultimately ruled that the appeal was untimely and did not address the issues appealed by Med. Supply Chain, Inc.. See *Medical Supply Chain, Inc. v. Neoforma, Inc*., 508 F.3d 572 (10th Cir., 2007). Samuel K. Lipari as sole successor in interest to Med. Supply Chain, Inc. sought relief from judgment. See Exhibit 8 Lipari Rule 59(e) Answer. But Lipari's motion was stricken by Hon. Judge Murguia.

Since Hon. Judge Carlos Murguia's ruling in *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316, 1333-36 (D. Kan. 2006), dismissing the antitrust and RICO claims, the Kansas District Court and the Tenth Circuit Court of Appeals have reexamined *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) where the court addressed the plausibility of an inferred antitrust conspiracy to their Rule 12(b)(6) dismissal standard. The majority of Med. Supply Chain, Inc.'s were non fraud based and the antitrust conspiracy was alleged to be express and averments supporting an overt agreement and concerted action in furtherance of the antitrust and RICO conspiracy claims were contained in LANDRITH's complaint."

Plaintiff's Answer To The Bank Of America Defendants' Motion To Dismiss *Landrith v. Bank Of New York Mellon*, *et al* Case No. 12-cv-02352 (Doc.# 21) pg. 17-18.

128. The interest in maintaining the fraud of mortgages for a single house being copied and counterfeited multiple times to preserve the financial derivative crisis is greater than the legislated public interest and court precedent, it is not enough to rule contrary to "black letter law" and find an ownership interest was terminated without valid service of process despite the proceeding being *void ab initio* for lack of jurisdiction, the person

making the argument must be destroyed as in the Medical Supply Chain, Inc. litigation for the fraud to be perpetuated.

129. An attorney in a meritorious action against M.E.R.S., *Bowers v. Mortg. Elec. Registration Sys., Inc*. (D. Kan., 2013) was similarly vilified by the Kansas District Court Judge J. Thomas Marten the same week despite a blanket denial of discovery from M.E.R.S. required to defend summary judgment.

130. Because the federal regulations for federally insured mortgages have strong procedural protections for homeowners and federal civil rights law, specifically 42 USC § 1981 protects the Bowers' rights to enforce contracts, the attorney competently representing the African American homeowners had to be vilified and the homeowners extravagantly sanctioned for legal fees despite having made their mortgage payments and being featured in a Reuters News Service investigative report Old mortgages rise from the dead, haunt homeowners.[4] By Michelle Conlin, Jan 26, 2012 in 600 papers across the country about wrongful foreclosure against African American families who were making their mortgage payments for the enterprise to continue to function.

131. SAMUEL K. LIPARI's medical supply online database has been largely censored until this week, however the daily reports (which themselves were censored by the previous site host GoDaddy.com in erroneous compliance with USDOJ and FBI interest letters) show the documents being retrieved in the progress of a federal law enforcement investigation instead of through search engine and publicized link referrals (which are also routinely censored or disabled at the direction of USDOJ) that has obtained evidence of the veracity of the original complaint's factual allegations.

[4] http://www.reuters.com/article/2012/01/26/us-usa-housing-mortgage-reincarnation-idUSTRE80P0SJ20120126

132. Chief Justice JOHN G. ROBERTS, JR., USA Ronald C. Machen Jr., and ASA Claire Whitaker now know federal officials knowingly participated in 15 U.S.C. §§ 1,2 (Sherman Act) criminal conduct, RICO 18 U.S.C. § 1961 *et seq*. violations to benefit private actors at the injury to the government, and violations of the Civil Rights Acts 18 USC §§ 241, 242, and 245 with state officials, injuring the plaintiffs.

133. The plaintiffs know from the fact no ethics investigator has contacted either of them that Chief Justice JOHN G. ROBERTS, JR., USA Ronald C. Machen Jr., and ASA Claire Whitaker are in violation of D.C. Rules of Professional Conduct 8.3 (a) and (b) required reporting of ethical misconduct of attorneys and judges and which USA Ronald C. Machen Jr., and ASA Claire Whitaker are mandated to comply with under 28 U.S.C. § 530B.

COUNT I
CAUSE OF ACTION FOR INJUNCTIVE RELIEF
Under First Amendment Of United States Constitution

The plaintiff hereby re-alleges the above facts.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered an `injury in fact'-a harm to their First Amendment and Due Process rights under the Constitution.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered concrete injuries including the deprivation of personal property and the loss of property rights.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI are in imminent danger and are under actual threat of deprivation of personal property and the loss of property rights, privileges, immunities and federal statutory benefits.

The injuries the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered and the property and rights the plaintiffs are in imminent danger and are under actual threat of losing are the result of the negligence of the defendant in protecting the plaintiffs from the foreseeable injury to their rights from the continuing widespread practice of federal judges to write memorandums and orders under F. R. Civ. P. Rule 12(b)(6) dismissing claims of misconduct for privately actionable federal criminal statutes with scurrilous attacks on plaintiffs or their counsel, despite the fact that no discovery or presentation of evidence has been allowed and the federal judge has no basis to determine whether the alleged conduct was committed.

The injuries the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered and the property and rights the plaintiffs are in imminent danger and are under actual threat of losing are the result of the negligence of the defendant in protecting the plaintiffs against foreseeable injury to their rights from the widespread and unlawful judicial Code of Silence.

The federal Appellate Courts like the US Supreme Court have to prioritize their review function to address developing disputes on issues of law that will provide guidance to other courts. Trial courts that rule contrary to "black letter law" fall out of this priority and the effects of a Code of Silence among judges and the vilification of an attorney violating the norms of the group acting contrary to the legislated public policy steer appeals to the clerk pool to summarily disposed of. The Tenth Circuit has published that the reversal rate in civil appeals is approximately one in eighty. This may even be a high rate compared to some Eastern circuits. The check or balance of reversal upon appeal is inadequate to protect the foreseeable injury to the constitutional rights of

litigants even from only the ongoing infiltration by enterprises known to the members of the National Judicial Conference like the second Greylord type Northern District of Illinois investigation described above and the nationwide bankruptcy program “Silver Stream”.

The injuries the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered and the property and rights the plaintiffs are in imminent danger and are under actual threat of losing are the result of the negligence of the defendant or affirmative actions of the defendant to prevent in protection of the plaintiffs from the foreseeable injury to their rights through the lack of effective enforcement of judicial ethics canons and from failing to provide a public record of censure from which litigants can appraise the need for future enforcement or protection from bias.

The injuries the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have suffered and the property and rights the plaintiffs are in imminent danger and are under actual threat of losing are the result of the negligence of the defendant or affirmative actions of the defendant to prevent the plaintiff BRET D. LANDRITH from having an evidentiary hearing and/or the opportunity to enter into the record documentary evidence of his character and fitness when the plaintiff applies for admission as an attorney to United States District Courts, and Courts of Appeal

The defendant is liable to the plaintiffs for prospective injunctive relief restraining his ministerial and executive administration of the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive.

SPECIFIC INJUNCTIVE RELIEF SOUGHT

1. The plaintiffs seek to have the defendant Chief Justice Hon. JOHN G. ROBERTS, JR. change the official policy of the National Judicial Conference so that parties ethics complaints against judicial branch officials are posted online with the name of the judicial branch official against whom the complaint is made for the purpose of other litigants and their representatives to better evaluate patterns of where a judicial branch official deviates from "black letter law" in their decisions and determinations.

2. The plaintiffs do not seek to have the defendant Chief Justice Hon. JOHN G. ROBERTS, JR. post rulings on those complaints before the judicial branch official has exhausted his opportunities to review or contest those rulings.

3. The plaintiffs do not seek to have the defendant Chief Justice Hon. JOHN G. ROBERTS, JR. change the policy of the US Supreme Court or in any way alter his judicial function activities.

FACTORS WARRANTING INJUNCTIVE RELIEF

The plaintiffs make the following allegations of factors warranting injunctive relief:

(1) The plaintiffs are likely to succeed on the merits of the case

BRET D. LANDRITH and SAMUEL K. LIPARI have clearly established First Amendment protection to report violations of the Civil Rights Acts including 42 USC § 1981 and the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*., and protection in advocating in court for government action on factually accurate petitions: "Although "a private citizen lacks a judicially cognizable interest in the prosecution... of another," private

citizens have the right to inform law enforcement officers of violations of the law. *Leeke v. Timmerman*, 454 U.S. 83, 85-86, 102 S.Ct. 69, 70, 70 L.Ed.2d 65 (1982) (internal quotation marks omitted). *In re Quarles*, 158 U.S. 532, 535-36, 15 S. Ct. 959, 960-61, 39 L. Ed. 1080 (1895)."

The plaintiff BRET D. LANDRITH has not yet been granted a hearing by the US District Court for the Western District of Oklahoma as required by the Tenth Circuit in *Mattox v. Disciplinary Panel of U.S. Dist. Ct. for Dist. of Colo*., 758 F.2d 1362, 1369 (10th Cir. 1985); or given a docket number for his injunctive relief action by Clerk of the Court Hon. Robert D. Dennis.

The plaintiff BRET D. LANDRITH will prevail if granted a hearing by individual federal courts because the factors that determine whether a federal court can recognize a state court order of disbarment prevent federal courts from recognizing the disbarment of BRET D. LANDRITH.

The plaintiff BRET D. LANDRITH does not collaterally attack the state court judgment or seek reinstatement by the State of Kansas.

The US Supreme Court (1) absence of due process in the state procedure, (2) substantial infirmity in the proof of lack of private and professional character, or (3) "some other grave reason" sufficient to indicate that reciprocal disbarment was inconsistent with "principles of right and justice." *Selling v. Radford,* 243 U.S. 46, 50-51, 37 S.Ct. 377, 61 L.Ed. 585 (1917).

The facts show that the disbarment was facilitated by the extrinsic fraud of federal court officials Kansas District Judge Hon. Kathryn H. Vratil and Magistrate James P. O'Hara to procure the disbarment in the State of Kansas Supreme Court, and that the

order of Kansas District Judge Hon Carlos Murguia in *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan. 2006) to procure through extrinsic fraud on the Kansas District Attorney Ethics panel a denial of plaintiff BRET D. LANDRITH requested evidentiary hearing.

There are no statutes of limitations on judicial ethics prosecutions and the proposed injunctive relief will permit the plaintiffs to more effectively obtain deterrents from the judicial conduct of continuing Code of Silence by federal judges ruling contrary to "black letter law" and of vilifying plaintiffs exposing the statutory violations of federal laws protecting civil rights and business to cover up for the judge's intentional deviation from controlling precedent.

(2) The plaintiffs will suffer irreparable harm if the court withholds injunctive relief

US Court judges, clerks and other officials depriving the plaintiff BRET D. LANDRITH of his constitutional property right to pursue his profession for having advocated on behalf of the minority citizens James L. Bolden, David M. Price and *Baby C*'s federal race based statutory civil rights in a state that punishes that protected advocacy violates 18 USC §§ 241, 242, and 245.

The complainant has no remedy at law, and to deny him equitable relief would be to enforce the contract…" *Fairbanks, Morse & Co. v. City of Wagoner,* 86 F.2d 288 at 292 (10th Cir., 1936).

BRET D. LANDRITH was again subjected to cancelation of his federal food stamp benefits at the dismissal of the case before Kansas District Judge Carlos Murguia to reinstate them, despite having been the prevailing party and causing them to be reinstated when he held an emergency preliminary injunctive relief hearing.

The State of Kansas Shawnee District Court has determined that BRET D. LANDRITH is still in danger of being jailed for child support payments from a divorce decree in the absence of personal jurisdiction.

SAMUEL K. LIPARI is still being blocked from the sale of hospital supplies by the USDOJ in partnership with members of the Novation Cartel, even in markets outside of those unlawfully monopolized by the Novation Cartel, including his www.medicalsupplyline.com home healthcare business.

SAMUEL K. LIPARI cannot enforce rights in federal or state courts because of past orders vilifying him for bringing his antitrust claims.

Foreseeable injury to SAMUEL K. LIPARI ‘s constitutional rights occurs when state court judges refer to orders in his past antitrust litigation to deny him redress in a later unrelated action instead of basing their decision on the merits of the claims and proffered evidence in the current action before them, exactly as Chief Justice JOHN G. ROBERTS, JR. misrepresented the material acts and law regarding subject matter jurisdiction 28 U.S.C. § 1331 to invite Judge Amy Berman Jackson to commit fraud on her own court and obstruct justice in this proceeding by adopting and ratifying the order of Kansas District Court Judge Carlos Murguia to justify dismissal of the plaintiffs’ claims despite knowledge of the eighteen controlling precedents it violates.

SAMUEL K. LIPARI relies on the restoration of his personal right to conduct business and enforce contracts under his constitutional property rights.

Foreseeable injury to SAMUEL K. LIPARI ‘s constitutional rights occur when attorneys refuse to represent him because of the unchecked Code of Silence enforced by

federal judges without fear of judicial ethics prosecution that would come from personally identified judicial ethics complaints posted online.

(3) Hardships balance to the respective parties favors the grant of injunctive relief

There is no hardship to the defendant if US Courts are restrained from participating in depriving the plaintiff BRET D. LANDRITH of property rights for having advocated on behalf of the minority citizens James L. Bolden, David M. Price and Baby C's federal statutory civil rights **through the more effective judicial misconduct enforcement sought in relief.**

There is no hardship to the defendant if US Courts are restrained from participating in depriving the plaintiff SAMUEL K. LIPARI of the property right of a profession selling medical supplies to hospitals **through the more effective judicial misconduct enforcement sought in relief.**

(**4) It is in the public interest to grant injunctive relief**

The citizens as taxpayers have a strong interest in the plaintiff SAMUEL K. LIPARI entering the nationwide market for hospital supplies where government funded healthcare programs including Medicare, Medicaid, Federal Employees Health Benefits Program, have to pay for medical supplies in a market that has been artificially inflated from $1.3 Trillion Dollars to 2.2 Trillion dollars in the last ten years of Group Purchasing Organization restraint of competitive trade.

Citizens have a strong interest in independent counsel free from extortion by state officials to prevent enforcement of federal statutes and vindication of constitutional rights.

These favorable public interest outcomes would result if the more effective

judicial misconduct enforcement sought in relief were implemented.

COUNT II
CAUSE OF ACTION FOR DECLARATORY RELIEF
Under First Amendment Of United States Constitution

The plaintiff hereby re-alleges the above facts.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have clearly established First Amendment protection to report violations of federal statutory law including the Civil Rights Acts including 42 USC § 1981; the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*., ; and racketeering in violation of RICO 18 U.S.C. § 1961 *et seq*. in advocating in court for government action on factually accurate complaints.

The plaintiff BRET D. LANDRITH as an attorney and SAMUEL K. LIPARI in his capacity as an antitrust client have the constitutional right to seek redress for the loss of their Due Process rights from the extrinsic fraud of Kansas District Judge Hon. Kathryn H. Vratil and Magistrate James P. O'Hara to deprive Medical Supply Chain, Inc. and SAMUEL K. LIPARI of counsel

The plaintiff BRET D. LANDRITH as an attorney and SAMUEL K. LIPARI in his capacity as an antitrust client have the constitutional right to seek redress for the loss of their Due Process rights from the extrinsic fraud of Kansas District Judge Hon Carlos Murguia in *Med. Supply Chain, Inc. v. Neoforma, Inc.,* 419 F. Supp. 2d 1316 (D. Kan. 2006) to procure through extrinsic fraud on the Kansas District Attorney Ethics panel a denial of plaintiff BRET D. LANDRITH's requested evidentiary hearing.

The Due Process Clause forbids convictions predicated on deliberate deceptions. See *Brown v. Mississippi*, 297 U.S. 278, 286, 56 S.Ct. 461, 80 L.Ed. 682 (1936); a contrived conviction to take a Liberty interest violates Due Process. *Mooney v.*

Holohan, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791 (1935). And does where the state has not corrected false evidence *Napue v. Illinois*, 360 U.S. 264, 269, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959). The plaintiff's injunctive relief actions "…sufficiently charge a deprivation of rights guaranteed by the Federal Constitution." *Pyle v. Kansas*, 317 U.S. 213, 216, 63 S.Ct. 177, 87 L.Ed. 214 (1942).

US District Court judges, including the judges of the US District Court for the District of Columbia are under the supervision, control and standards of the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. respectfully violates the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's when appellate review and judicial ethics reporting and enforcement are insufficient to provide meaningful hearings before independent and unbiased courts as a result of the continuing Code of Silence by federal judges that prevent the plaintiffs from vindicating their rights to advocate in support of the enforcement of the Civil Rights Acts including 42 USC § 1981; and the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*., respectively.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR.'s federal courts in the United States and in U.S. protectorates and territories violate the plaintiff BRET D. LANDRITH's constitutional property rights when they deprive him of an evidentiary hearing and an opportunity to prove his eligibility for admission where he would otherwise meet the requirements, but for disbarment under color of State of Kansas law *In the Matter of BRET D. LANDRITH*, Case No. 94,333 (Kan. 2005).

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR.'s federal courts in the

United States and in U.S. protectorates and territories violate the plaintiff SAMUEL K. LIPARI's Due Process rights when the deny him an unbiased forum as a result of the continuing Code of Silence by federal judges that prevent SAMUEL K. LIPARI from vindicating contract and intellectual property rights, and to deny him advocate in support of the enforcement of the Civil Rights Acts including 42 USC § 1981; the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*.,; and RICO 18 U.S.C. § 1961 *et seq*. in his efforts to enter the national market for medical supplies to hospitals and other healthcare facilities free from unlawful restraint of trade.

SPECIFIC DECLARATORY RELIEF SOUGHT

1. The plaintiffs seek to have the court declare that vilifying parties for bringing actions under the Civil Rights Acts including 42 USC § 1981; the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*.,and RICO 18 U.S.C. § 1961 *et seq*. before any discovery has been permitted violates their rights.

2. The plaintiffs seek to have the court declare that the constitution under the Supremacy Clause requires a state court's discipline or disbarment action against an attorney for bringing federal actions under the Civil Rights Acts including 42 USC § 1981; the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq*., and RICO 18 U.S.C. § 1961 *et seq*. or federal claims in state court under federal statutory law is subject to an evidentiary hearing in a US District Court when requested to retain or obtain admission in a US District or Appeals Court.

COUNT III
CAUSE OF ACTION FOR INJUNCTIVE RELIEF
Under Due Process Of United States Constitution

The plaintiff hereby re-alleges the above facts.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have a clearly established constitutional right to seek redress before an impartial court free from Abuse of Process designed to deprive the plaintiffs of Due Process.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. has not withdrawn his motion to dismiss.

(1) The defendant Chief Justice Hon. JOHN G. ROBERTS, JR., his agents and employees have an ulterior motive;

Black letter law provides subject matter jurisdiction for the plaintiffs' action.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. in investigating the claims against himself now knows them to be factually accurate and that the plaintiffs will prevail in Summary Judgment.

The extrajudicial prior restraint by the USDOJ of the plaintiffs First Amendment Right to post public court documents on the Medical Supply Chain, Inc. web site with the intention that they could be keyword searched by all permitted the national debate on healthcare reform to be conducted without exposing the Novation Cartel and its unlawful monopoly driving healthcare costs beyond what employers and citizens could pay in free markets.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. and his agents and employees adopted the conduct complained of in the original complaint to further vilify the plaintiffs for the purpose of inviting the trial judge to participate in the fraud on her court and obstruct justice for the plaintiffs without fear of attention from a reviewing court.

As the last ten years of experience by the plaintiffs show, it works.

(2) The defendant Chief Justice Hon. JOHN G. ROBERTS, JR., his agents and employees have acted in the use of process other than such as would be proper in the regular prosecution of the charge;

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. cannot answer the plaintiffs' original complaint because he would be required to admit the material facts entitling the plaintiffs to relief.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. instead filed a Motion to Dismiss based on misrepresentations of the material facts and controlling case law to provide camouflage for the trial court to rule contrary to the US Supreme Court cases stating a judge does not have immunity in his ministerial or administrative function, that the District of Columbia Court has deciding to number or name complaints is a ministerial function, and that the District of Columbia Court has exercised subject matter jurisdiction under the constitution for prospective injunctive relief and declaratory relief.

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. has not withdrawn his motion to dismiss.

SPECIFIC INJUNCTIVE RELIEF SOUGHT

1. The plaintiffs seek to have the defendant Chief Justice Hon. JOHN G. ROBERTS, JR.'s Motion to Dismiss (Doc. #9) stricken and that he be directed to answer or otherwise respond to this amended complaint.

2. The plaintiffs seek to have the defendant Chief Justice Hon. JOHN G. ROBERTS, JR. enjoined from misrepresenting the legal authority or factual basis for his pleadings.

Allegations in support of the proposed injunctive relief:

(1) The plaintiffs are likely to succeed on the merits of the case

BRET D. LANDRITH and SAMUEL K. LIPARI have clearly established rights to subject Chief Justice Hon. JOHN G. ROBERTS, JR. in his ministerial capacity to prospective injunctive relief and declaratory relief based on the constitution.

The intentional misrepresentation of material facts and controlling case law by Chief Justice Hon. JOHN G. ROBERTS, JR. in an attempt to procure a dismissal by fraud will be remedied by this court, a reviewing court or the Congress.

(2) The plaintiffs will suffer irreparable harm if the court withholds injunctive relief

BRET D. LANDRITH and SAMUEL K. LIPARI will suffer repeated violations to their rights as they seek to restore their Equal Protection under the law and rights as a US Citizen throughout this proceeding, its appeals and the US House Judiciary Committee if required and therefore are dependent on this court granting injunctive relief against Chief Justice Hon. JOHN G. ROBERTS, JR. Abuses of Process.

(3) Hardships balance to the respective parties favors the grant of injunctive relief

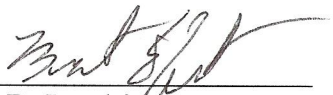
There is no hardship to the defendant Chief Justice Hon. JOHN G. ROBERTS, JR. who is responsible for ensuring his agents and employees do not violate the D.C. Rules of Ethics and do not violate the plaintiffs' Due Process rights.

(**4) It is in the public interest to grant injunctive relief**

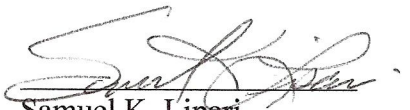
The public interest is stated in Judicial Canons governing Chief Justice Hon. JOHN G. ROBERTS, JR.

Chief Justice Hon. JOHN G. ROBERTS, JR. is required to keep his agents and employees giving even the appearance of acting unethically in his defense or of violating the law of the District of Columbia.

Respectfully submitted,



Bret D. Landrith
Plaintiff appearing *pro se*



Samuel K. Lipari
Plaintiff appearing *pro se*

CERTIFICATE OF SERVICE

The plaintiff's hereby certify that they have served the defendant's counsel by email and by ship to print copy on March 29, 2013.

Ms. Claire Whitaker,
Assistant U.S. Attorney
Judiciary Center Building
555 Fourth St., N.W., Rm. E4204
Washington, D.C. 20530
Claire.Whitaker@usdoj.gov
Attorney for Defendant Hon. JOHN G. ROBERTS, JR.

BRET D. LANDRITH
Apt. 209, 5308 SW Tenth St.
Topeka, KS 66604
bret@bretlandrith.com
1-913-951-1715
Plaintiff appearing *pro se*

SAMUEL K. LIPARI
803 S. Lake Drive
Independence, MO 64064
saml@medicalsupplyline.com
1-816-365-1306
Plaintiff appearing *pro se*