IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

Cause No.: 04-CV-722-CVE-PJC

Raymond G. CHAPMAN, individually, and on behalf of all persons similarly situated,	)
Plaintiffs-Petitioners,	)
v.	)
The State of OKLAHOMA, et al.	)
Defendant-Respondents.	)

Motion to Correct Errors; and Formal Request for Findings of Fact of Conclusions of Law

Comes now the principal Plaintiff-Petitioner, Raymond G. Chapman, individually, and also on behalf of all persons so similarly situated in this action (together, "the Class"), and respectfully moves the Court to correct its recent errors, and formally requests this Court to issue its findings of fact and conclusions of law therefore, by submitting the following:

1. On February 6, 2006, this Court fashioned an order of dismissal that supposed to find no jurisdiction over the Plaintiffs' claims of constitutional violations by the various Defendants made against their inalienable rights as parents to the custody of their children.

2. This finding by the Court is directly contrary to the binding authority of the United States Supreme Court, and constitutes nothing less than a willful fraud upon the court, due to the fact that this Court has *already* been duly advised of the same binding authority.

3. The elements of a fraud upon the court are (1) conduct by an officer of the court (2) directed towards the judicial machinery itself that is (3) intentionally false, willfully blind to the

truth or is in reckless disregard for the truth and (4) a positive averment or concealment, when one is under a duty to disclose, and that (5) deceives the court. *Demjanjuk v. Petrovsky*, 10 F.3d 338, 348 (6th Cir. 1993).

4. As if not done enough times already, the Plaintiffs will again duly advise this Court of the binding authority of the United States Supreme Court, mandating jurisdiction of this same Court over the Plaintiffs' constitutional claims:

> **Parents have a fundamental right to the custody of their children, and the deprivation of that right effects a cognizable injury**. See Santosky v. Kramer, 455 U.S. 745, 758-59, 102 S. Ct. 1388, 1397, 71 L. Ed. 2d 599 (1982). (**emphasis added**).
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> *Troxel v. Granville*, 530 U.S. 57, 68-69, 147 L. Ed. 2d 49, 120 S. Ct. 2054 (2000) (plurality opinion)

5. Surely this Court is not even thinking of attempting to feign any ignorance as to what the very basic term "**cognizable injury**" means, so the only remaining conclusion is a willful refusal to obey the binding rulings of the United States Supreme Court, a corresponding willful refusal to use its jurisdiction as required by law, and what strongly appears to be a resulting act of willful treason committed against the United States of America.

6. The United States Supreme Court has ruled that no "judicial officer can war against the Constitution without violating his undertaking to support it." *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401 (1958). If a judge does not fully comply with the Constitution, then his orders are void, *In re Sawyer*, 124 U.S. 200 (1888), she is without jurisdiction, and she has engaged in an act or acts of treason. Whenever a judge acts where she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. *U.S. v. Will*, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); *Cohens v. Virginia*, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). Any judge or attorney who does not report a judge who has committed treason as required by law might themselves be guilty of misprision of treason. 18 U.S.C., Sections 4 and 2382.

7. Further, the Court's reliance on the so-called "*Rooker-Feldman*" doctrine is just as weak as it has been so often progressively misapplied in order to intentionally abuse the power of a federal court to violate countless thousands of federal litigants and their rights to redress and to be heard in a court of law. *Rooker-Feldman* itself provides: "[A] federal court 'may entertain a collateral attack on a state court judgment which is alleged to have been procured through fraud, deception, accident, or mistake . . . .'" *Resolute Insurance Co. v. State of North Carolina*, 397 F.2d 586, 589 (4th Cir. 1968); *Sun Valley*, 801 F.2d at 189. See also: *Lewis v. East Feliciana Parish Sch. Bd.*, 820 F.2d 143, 146 (5th Cir. 1987) (due process challenge to state proceedings not barred by Feldman doctrine). If a divorce judgment was unconstitutionally obtained, it should be regarded as a nullity. See, e.g.: *Phoenix Metals Corp. v. Roth*, 284 P.2d 645, 648 (Ariz. 1955); *Catz v. Chalker*, 142 F.3d 279 (6th Circuit 1998).

8. But, of course, this is just another example of a federal court being *already duly advised* of the law, and its refusal to obey that stare decisis, since all the above has been cited previously.

9. Moreover, the United States Supreme Court has recently (2005 Term) **clarified** the typically unlawful misuse of the "*Rooker-Feldman*" doctrine by the lower federal courts:

> The Rooker-Feldman doctrine, we hold today, **is confined** to cases of the kind from which the doctrine acquired its name: cases brought by state-court losers complaining of injuries caused by state-court judgments rendered before the district court proceedings commenced and inviting district court review and rejection of those judgments. **Rooker-Feldman does not** otherwise override or supplant preclusion doctrine or augment the circumscribed doctrines that allow federal courts to stay or dismiss proceedings in deference to state-court actions. In the case before us, the Court of Appeals for the Third Circuit **misperceived the narrow ground occupied by *Rooker-Feldman***, and consequently **erred in ordering the federal action dismissed for lack of subject-matter jurisdiction**. We therefore reverse the Third Circuit's judgment. (emphasis added).
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> *Exxon Mobil v. Saudi Basic Industries*, 544 U.S. 280, 290, 125 S. Ct. 1517, 161 L. Ed. 2d 454 (2005).

10. In *Exxon*, the United States Supreme Court clarified that "*Rooker-Feldman*" does not preclude the Plaintiffs from maintaining their claims of widespread misapplication of the law against federal or constitutional rights. The Plaintiffs herein have **never** challenged any single, particular state-court judgment, and even have **expressly** maintained that the claims are against widespread practices or policies. As such, "*Rooker-Feldman*" does **not** – repeat **not** – bar their claims in this court to challenge the same said unconstitutional practices or policies. This Court erred in applying "*Rooker-Feldman*", and it likewise erred in refusing to allow *many* other putative plaintiff parties to join in this action. Indeed, the very fact that *others* desired to join in this action as plaintiffs, itself, overrules any attempt by this Court to proffer that a *single* state-court judgment was being attacked.

11. And, again, the Plaintiffs have **never** asked this Court to *reverse* or *modify* any lower state-court judgments – and also never to seek a federal court to *issue* or *change* any divorce or child custody decrees, but *only* to declare them null and void as unconstitutional, one of the most basic precepts for the very *existence* of a federal court, and its mandated duty to do its job.

12. Any attempt by either the Defendants or this Court to fundamentally mischaracterize this suit as one attacking only a *single* state-court judgment would be a criminal act intended solely to deprive the Plaintiffs – as a putative Class, and again, exampled *also* by the numerous motions for joinder and intervention filed in this case – of their collective right to redress against severely violative acts committed by the Defendants against the United States Constitution, and the binding authority of the United States Supreme Court that has **already established** the Plaintiffs' collective right to pursue their constitutional claims in this very Court:

> "**Parents have a fundamental right to the custody of their children, and the deprivation of that right effects a cognizable injury**." *Troxel v. Granville*, 530 U.S. 57, 68-69 (2000).

13. The Plaintiffs have never asked any federal court to weigh in *on the underlying merits* of *any* state-court judgments, but only to weigh in on the unconstitutionality *of the unlawful procedures* used within such practices or policies, and not as to any single such judgment, but only to the widespread violations against the same fundamental rights recognized by *Troxel* as cognizable injuries for the jurisdiction of federal courts: THE most basic rights known to man.

WHEREFORE, the undersigned Plaintiff, Raymond G. Chapman, individually, and also on behalf of all persons so similarly situated in this action (together, "the Class"), respectfully moves the Court to correct its recent errors of failing to utilize its jurisdiction, and of dismissing this case, **to set this case for trial**, and for all other relief that is just and proper in the premises.

Respectfully submitted,

_____
Raymond G. Chapman

CERTIFICATE OF SERVICE

I hereby certify that, on this _____ day of February, 2006, a true and complete copy of the foregoing motion to correct errors, by depositing the same in the United States mail, postage prepaid, has been duly served upon:

Gregory Thomas Metcalf
Office of the Attorney General
4545 North Lincoln Blvd., Suite 260
Oklahoma City, Oklahoma 73105

_____
Raymond G. Chapman

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