

Bards, Rise!

Federal Judges are Felons, Too



Housekeeping – BBS Pic



Housekeeping – BBS Pic (cont'd)



Housekeeping – Twin Flames (cont'd)

Re: Question about twin flames

If he's on this earth plane you can run any clearings you wish for him. They will need to be purchased in his name. Do you know what problems he's having?

Blessings

Live in Peace,

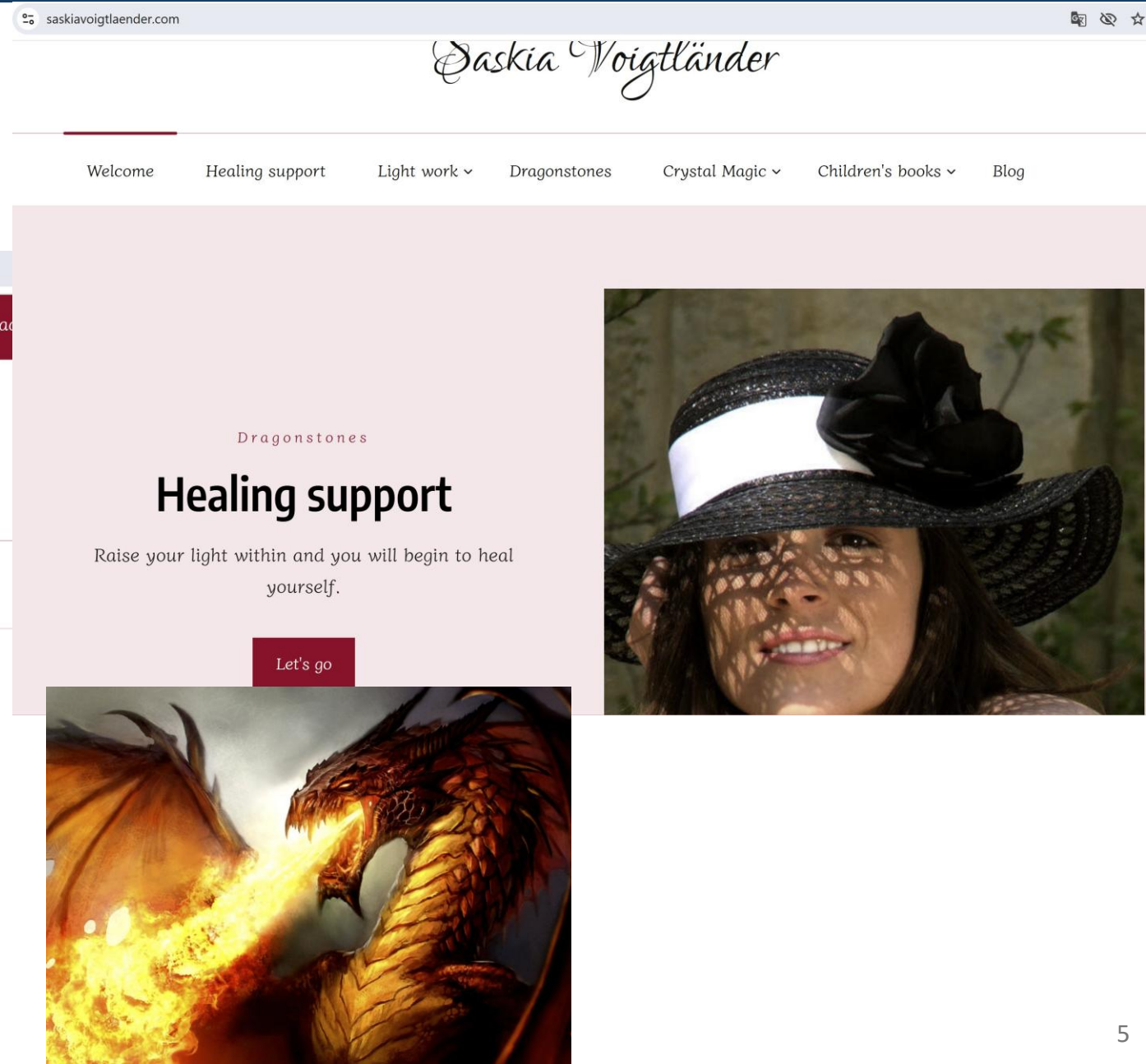
The CLS Team

creationlightship.com

creationlightship-archive.com

Dedicated to Creation Lightship and the

Healing – Saskia Voigtlander



Healing – Saskia Voigtlander (cont'd)

bbsradio.com/happynewnowshow



BBS Station 1

Weekly Show

1:00 pm CT

1:59 pm CT

Wednesday

Telegram

Column17 ~ Go Within



Column17 ~ Go Within – Spirit Merging

19:51, 5.2 MB

SPIRIT MERGING

With Saskia

REPLAY

[LEARN WHAT WE DO ON THESE CALLS HERE](#)

There is no space and time so join us whenever you are inspired. 🥰

If you feel moved to donate to Saskia for holding these calls for us all please to do here:

[Donate to Saskia](#)

[BOOK WITH SASKIA](#)

❤️ 10 👍 2 🔥 1

👁️ 319 3:10 PM

[Leave a comment](#)



Abductions + Radiation = Computer Malfunction

Healing – Farm-acy

Forwarded from  SECRETS OF CIVILIZATIONS



1. Carrots – Eyes:

When sliced, carrots resemble the human eye. Some believe they promote eye health, and in fact, they are rich in beta-carotene, which the body converts to vitamin A, essential for good vision.

2. Walnuts – Brain:

A walnut's shape closely resembles the brain, with its folds and two hemispheres. Walnuts are also rich in omega-3 fatty acids, which are beneficial for brain function.

3. Tomatoes – Heart:

3. Tomatoes – Heart:

A sliced tomato, with its four chambers, looks like the heart. Tomatoes contain lycopene, an antioxidant linked to reduced heart disease risk.

4. Grapes – Lungs:

Grapes, in their cluster form, resemble alveoli, the small air sacs in the lungs. Grapes are rich in resveratrol, which is believed to help reduce lung inflammation and support healthy lung function.

5. Ginger – Stomach:

Ginger root looks like the stomach and has long been used to aid digestion, reduce nausea, and treat stomach ailments.

6. Avocados – Uterus:

The shape of an avocado resembles the womb. Interestingly, avocados take about 9 months to mature, and they are rich in folic acid, which is crucial for reproductive health and fetal development.

7. Celery – Bones:

Celery stalks resemble bones, and celery contains silicon, which is part of the molecular structure that gives bones their strength.

8. Sweet Potatoes – Pancreas:

8. Sweet Potatoes – Pancreas:

Sweet potatoes bear a resemblance to the pancreas and are thought to help balance blood sugar levels, due to their low glycemic index and rich fiber content.

9. Kidney Beans – Kidneys:

As the name suggests, kidney beans look like human kidneys and are believed to promote kidney function. They contain fiber and protein, which are beneficial for overall health, including that of the kidneys.

10. Mushrooms – Ears:

Mushrooms, especially sliced in half, resemble the shape of the ear. Mushrooms contain vitamin D, which is essential for bone health, including the tiny bones in the ears that help with hearing.

11. Figs – Testicles:

As mentioned earlier, figs resemble male testicles and have been associated with male fertility. They are rich in minerals like zinc, important for reproductive health.

12. Olives – Ovaries:

Olives resemble ovaries in shape and size. They contain healthy fats and nutrients that can support reproductive health.

13. Bananas – Phallic Symbol:

13. Bananas – Phallic Symbol:

Bananas are often associated with male genitalia due to their shape. In some cultures, bananas are seen as symbols of fertility and vitality.

14. Peanuts – Testicles:

Peanuts, when in their shell, resemble testicles and are high in healthy fats and proteins, contributing to overall health, including reproductive wellness.

Yours, Steve Johnson

Join: [@Secrets_of_civilizations](#)

Recommended Channels: [Click here](#)

 30K 9:26 AM ✓

Healing – Growing Our Auras

youtube.com/watch?v=gGJW6fpxHVM



YouTube

Search



0:11 / 25:59

13 Signs Your Aura Is So Powerful It Can Disturb Others | Carl Jung



Hidden synchronicity
19.3K subscribers

Subscribe

14K



Share

Download

Thanks



grammarly



Bards Rising – Shout Outs

Forwarded from  Land Down Under 



The Woman Who Withheld Council Tax: A Police Visit You Have to See!

In this entertaining video, we explore the story of a woman who decided to withhold her council tax payments until her local council could prove how her money was being spent. Taking her protest a step further, she began returning all correspondence from the council with a bold message: "GO **** YOURSELVES." This audacious act led to a home visit from the police, resulting in a conversation that is both eye-opening and entertaining. Join us as we delve into this unique encounter, highlighting the importance of accountability in local governance and the lengths some individuals will go to make their voices heard. Whilst I admire her spirit and bravery, I think it's imperative that we remain in good standing, when dealing with legal matters.

 @RealLandDownUnder

2118 10:3

The Sacred Blue Tent Channel

Forwarded from  TikTok News & Humor



James O'Keefe exposing human trafficking

https://www.instagram.com/reel/DIMkz66yn5h/?utm_source=ig_web_copy_link



viralanimalclips • 1w • Follow

Bonnie Tyler • Holding out for a Hero (from "Footloose")



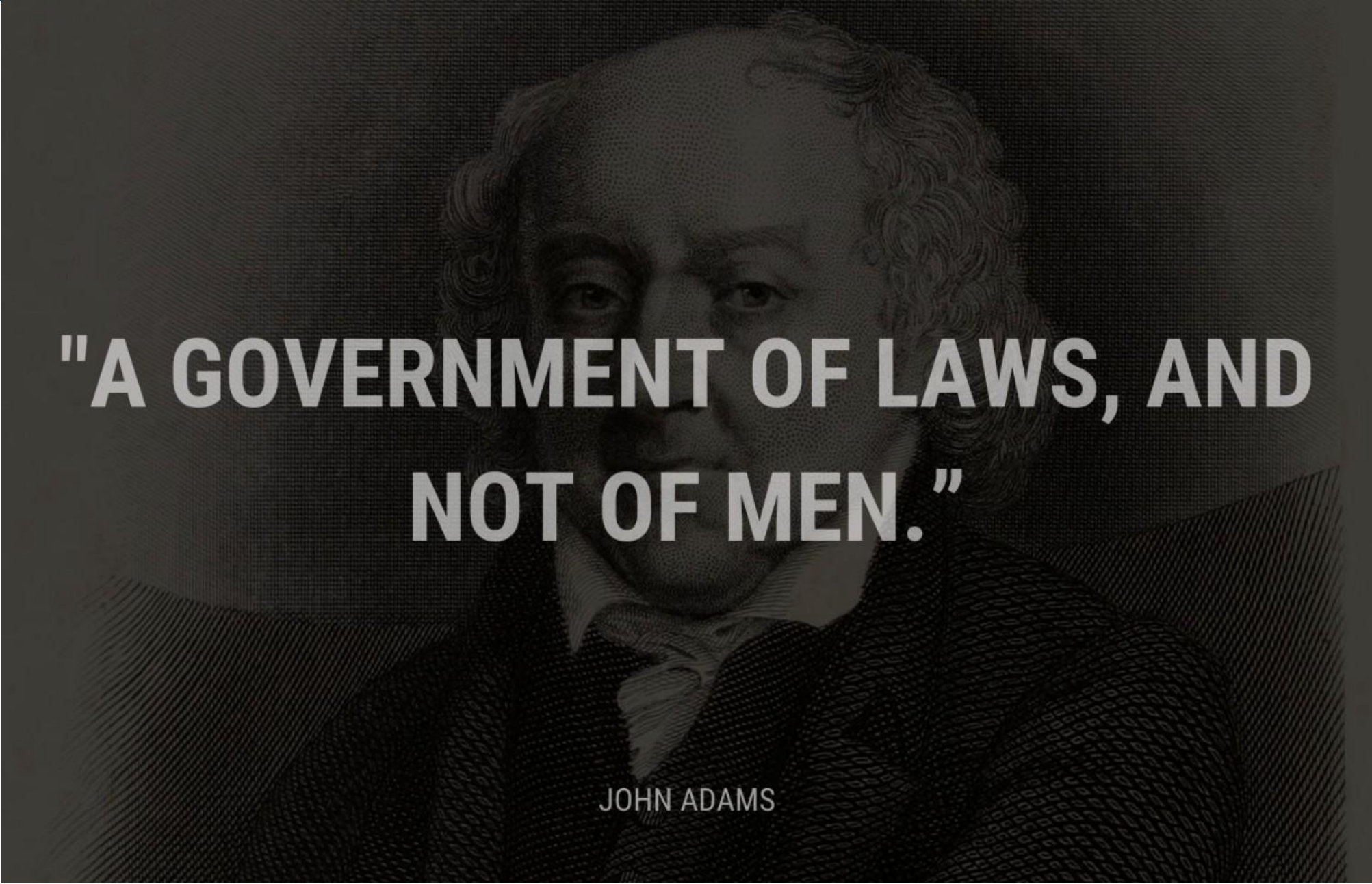
 Viral Animal Clips
@viralanimalclips



Cat saves his friend from a pack of dogs



Truisms

A dark, textured portrait of John Adams, showing him from the chest up. He has curly hair and is wearing a dark coat with a white cravat. The portrait is the background for the text.

**"A GOVERNMENT OF LAWS, AND
NOT OF MEN."**

JOHN ADAMS

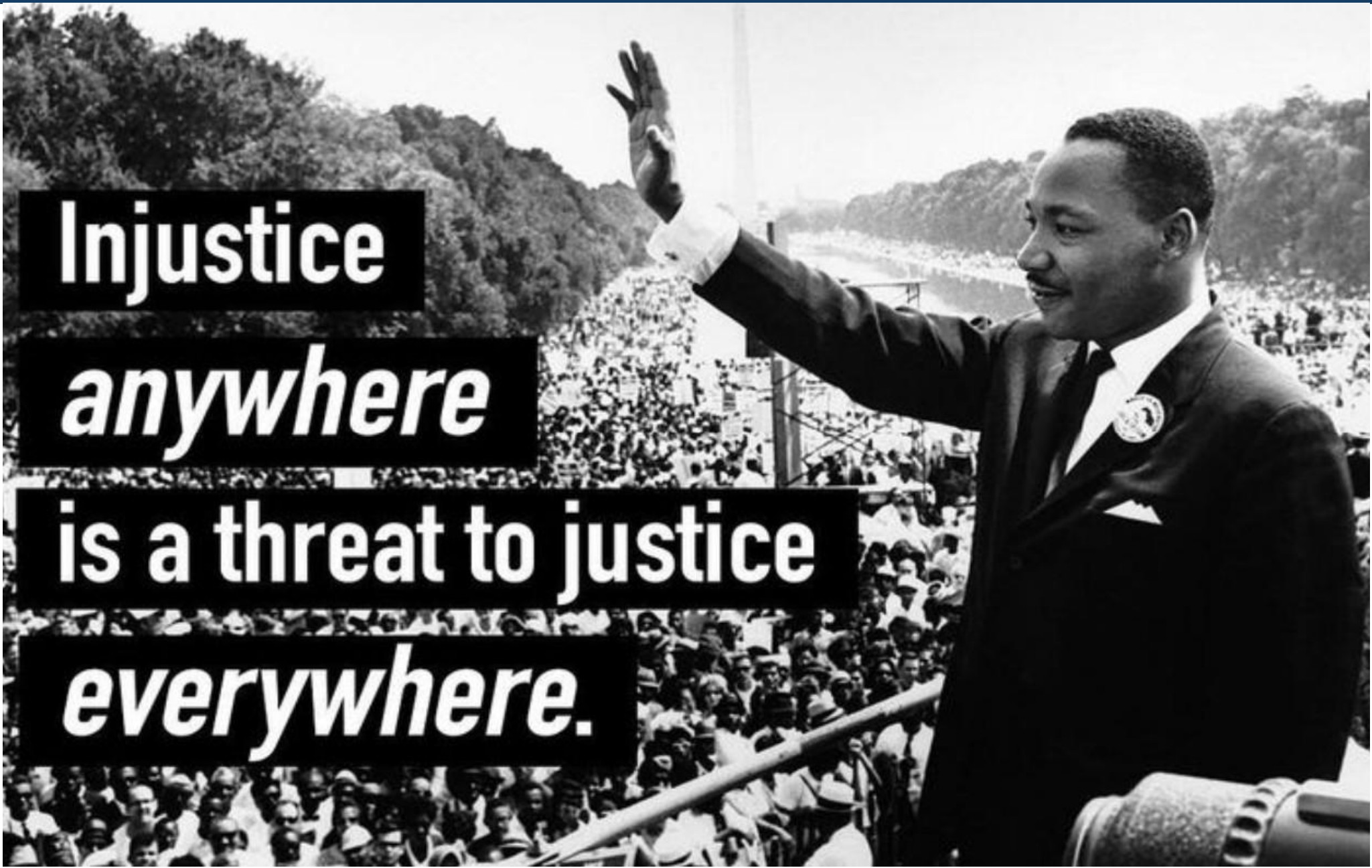
Truisms (cont'd)

**“SILENCE BECOMES A KIND OF CRIME
WHEN IT OPERATES AS A COVER OR AN
ENCOURAGEMENT TO THE GUILTY.”**

THOMAS PAINE



Truisms (cont'd)

A black and white photograph of Martin Luther King Jr. He is standing at a podium, gesturing with his right hand raised. He is wearing a dark suit, a white shirt, and a dark tie. A small circular pin is visible on his lapel. In the background, a large, dense crowd of people is gathered, and a forested hillside is visible under a bright sky.

Injustice

anywhere

is a threat to justice

everywhere.

Federal Judges are Felons, Too

I R A C

Federal Judges are Felons, Too (cont'd)

I - Issue

R - Rule

A - Application

C - Conclusion

Federal Judges are Felons, Too (cont'd)

- I - Issue to be resolved
- R - Rule that applies
- A - Application of rule to facts of the case
- C - Conclusion without fear or favor

Federal Judges are Felons, Too (cont'd)



Federal Judges are Felons, Too (cont'd)

- Publication of
Order
- Published v.
Unpublished



Federal Judges are Felons, Too (cont'd) – Nelson S. Ramos, USDJ, SDNY, Order of Dismissal

130. Judge Gordon-Oliver *sua sponte* extended the “no contact” TOP entered on June 25, 2018 without any basis in fact, law, policy or reason, and further alienated Plaintiff from his

23

Case 7:18-cv-06186-NSR Document 15 Filed 07/20/18 Page 24 of 29

children, home and property. Judge Gordon-Oliver did so in excess of jurisdiction and in clear absence or in excess of all jurisdiction.

131. The proceedings before Judge Gordon-Oliver were “judicial” in name only. They were in fact sham proceedings used maliciously, willfully and deviously to deny Plaintiff his rights to parental relations, due process and property.

132. Defendants’ misconduct is all done in bad faith and gives rise to extraordinary circumstances that pose great, immediate, irreparable and ongoing harm to Plaintiff and his children.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL DEEM,

Plaintiff,

-against-

LORNA DiMELLA-DEEM; ROBERT J.
FILEWICH, PhD; ANGELINA YOUNG;
ROLLIN AURELIEN; ROBIN D. CARTON,
ESQ.; FAITH G. MILLER, ESQ.; ANGELA
DiMELLA; JANE DOE; HON. ARLENE
GORDON-OLIVER, F.C.J.,

Defendants.

DOC. 15
DATE FILED: 7/2

18-CV-6186 (NSR)

ORDER OF DISMISSAL

NELSON S. ROMÁN, United States District Judge:

Plaintiff, an attorney who is proceeding *pro se*,¹ brings this action asserting federal constitutional claims under 42 U.S.C. § 1983, conspiracy claims under 42 U.S.C. § 1985, as well as supplemental state-law claims.² Plaintiff has paid the relevant fees to commence this action and the Clerk of Court has issued a summons.

Plaintiff sues: (1) Lorna DiMella-Deem, his wife, (2) Robert J. Filewich, PhD, his and his wife’s marriage counselor and mental health practitioner, (3) Angelina Young, a caseworker employed by the Westchester County Department of Social Services, (4) Rollin Aurelien, a senior caseworker employed by the Rockland County Department of Social Services, (5) Robin

¹ The Court notes that Plaintiff is suspended from practicing law in this Court. *In re: Michael Deem*, No. M-2-238 (S.D.N.Y. June 17, 2016). The Court further notes that Plaintiff does not mention anywhere in his original complaint or amended complaint that he is an attorney or that he is suspended from practicing law in this Court. Plaintiff’s amended complaint (ECF No. 15) is the operative pleading for this action.

Federal Judges are Felons, Too (cont'd) – Appeal I

18-2266
Deem v. DiMella-Deem

In the United States Court of Appeals For the Second Circuit

August Term, 2019

Argued: August 26, 2019
Decided: October 30, 2019

Docket No. 18-2266

MICHAEL ANTHONY DEEM,

Plaintiff-Appellant,

v.

LORNA DiMELLA-DEEM, ROBERT J. FILEWICH, PhD, ANGELINA YOUNG, ROLLIN AURELIEN, ROBIN D. CARTON, ESQ., FAITH G. MILLER, ANGELA DiMELLA, JANE DOE, HON. ARLENE GORDON-OLIVER, F.C.J.,

Defendants-Appellees.

Appeal from the United States District Court
for the Southern District of New York
No. 18-cv-6186, Román, Judge.

Before: WINTER, POOLER, AND SULLIVAN, Circuit Judges.

I. Judicial Immunity

We affirm the dismissal of Deem’s claims against Judge Gordon-Oliver substantially for the reasons set forth in the district court’s well-reasoned decision. See App’x 40–42. In particular, the district court correctly determined that, at all relevant times, Judge Gordon-Oliver acted in her judicial capacity. See *Mireles v. Waco*, 502 U.S. 9, 11 (1991). Furthermore, even assuming that Judge Gordon-Oliver erred in extending the temporary protection order against Deem shortly after recusing herself, any such error falls far short of an act “taken in the complete absence of all jurisdiction.” *Id.* at 12; see also, e.g., *Brandley v. Keeshan*, 64 F.3d 196, 201 (5th Cir. 1995) (holding that judicial immunity barred suit against a state court judge who set an execution date after recusing himself), abrogated on other grounds by *Wallace v. Kato*, 549 U.S. 384 (2007). Because Judge Gordon-Oliver was thus clearly entitled to judicial immunity, the district court did not err in *sua sponte* dismissing the claims against her as frivolous. See *Mills v. Fischer*, 645 F.3d 176,

5

177 (2d Cir. 2011) (“Any claim dismissed on the ground of absolute judicial immunity is ‘frivolous’ for purposes of 28 U.S.C. § 1915(g).”).

Federal Judges are Felons, Too (cont'd) – Appeal I

II. Domestic Relations Exception and Abstention

With respect to Deem's remaining federal claims, the district court abstained from exercising subject matter jurisdiction under *American Airlines*. On appeal, Deem argues that, under our subsequent decision in *Williams v. Lambert*, 46 F.3d 1275 (2d Cir. 1995), the domestic relations abstention doctrine does not apply in federal-question cases. We disagree. Although the domestic relations "exception" to subject matter jurisdiction recognized by the Supreme Court in *Ankenbrandt v. Richards*, 504 U.S. 689 (1992), does not apply in federal-question cases, the domestic relations *abstention* doctrine articulated in *American Airlines* does. And since *American Airlines* remains good law in this Circuit, we affirm the district court's dismissal of Deem's federal claims on abstention grounds.

A. Background: *American Airlines* (1990), *Ankenbrandt* (1992), and *Williams* (1995)

In *American Airlines*, a federal-question interpleader case, we held that the district court erred in not abstaining from adjudicating the parties' dispute over the distribution of certain funds – specifically, funds corresponding to an ex-spouse's maintenance obligations that had not yet been reduced to a final

With respect to abstention, we agree with the district court that Deem's claims are, at a minimum, "on the verge of being matrimonial in nature" and that "there is no obstacle to their full and fair determination in state courts." *Am. Airlines*, 905 F.2d at 14 (internal quotation marks omitted). Accordingly, this case

11

is squarely governed by our holding in *American Airlines*, unless that holding is no longer good law.

Turning then to the question of *American Airlines*'s validity, we begin by recognizing the basic rule that a published panel decision is binding on future panels "unless and until it is overruled by the Court *en banc* or by the Supreme Court." *Jones v. Coughlin*, 45 F.3d 677, 679 (2d Cir. 1995) (per curiam). Of course,

Federal Judges are Felons, Too (cont'd) – Appeal I

AMERICAN AIRLINES, INC. v. BLOCK

No. 893, Docket 89-9019.

View Case

905 F.2d 12 (1990)

AMERICAN AIRLINES, INC., Appellee, v. *Marsha Ann BLOCK*, Interpleader-Appellee, *Robert M. Block*, Interpleader-Appellant.

United States Court of Appeals, Second Circuit.

Argued February 27, 1990.

Decided May 23, 1990.

Attorney(s) appearing for the Case

Martin I. Saperstein, Garden City, N.Y., for appellant *Robert M. Block*.

Abraham Hecht, Forest Hills, N.Y., for appellee *Marsha Block*.

Bigham Englar Jones & Houston, New York City, for appellee *American Airlines, Inc.*

Before *OAKES*, Chief Judge, *FEINBERG* and *WALKER*, Circuit Judges.

[905 F.2d 13]

PER CURIAM:

Robert M. Block, a pilot for American Airlines, appeals an amended order and judgment entered on October 10, 1989, by the United States District Court for the Eastern District of New York, Reena Raggi, Judge, awarding his former wife, Marsha Ann Block, a money judgment in the amount of \$60,628.29 for matrimonial support obligations arising from May 1986 until April 1989. The judgment was to be satisfied, pending...

Federal Judges are Felons, Too (cont'd) – Appeal I

Ankenbrandt, the intervening Supreme Court decision most relevant to *American Airlines*'s abstention holding, neither overruled that holding nor cast doubt on it to the extent that we are free to chart a new course here. As we have

12

explained, *Ankenbrandt* was not a federal-question case and thus did not squarely address the issue presented in *American Airlines* or this case. And while *Ankenbrandt* could be read to suggest that abstention based on domestic relations concerns is merely a variant of *Younger* or *Burford* abstention, see *Ankenbrandt*, 504 U.S. at 705–06, 706 n.8, the existence of a distinct abstention doctrine for certain domestic relations disputes is supported by the Supreme Court's longstanding recognition – in a non-diversity case involving a child custody dispute – that “[t]he whole subject of the domestic relations of husband and wife, parent and child, belongs to the laws of the states, and not to the laws of the United States.” *In re Burrus*, 136 U.S. 586, 593–94 (1890); see also *Ankenbrandt*, 504 U.S. at 703 (citing *In re Burrus* with approval while noting that it “technically did not involve a construction of the diversity statute”); *Elk Grove Unified Sch. Dist. v. Newdow*, 542

Federal Judges are Felons, Too (cont'd) – Appeal I

Finally, there is no merit to the argument that the abstention issue presented here is governed by *Williams* rather than *American Airlines*. Admittedly, certain language in *Williams* is, at first glance, suggestive of a ruling on abstention. Nevertheless, *Williams* did not squarely address whether abstention under *American Airlines* was appropriate, let alone whether its abstention holding had been abrogated by *Ankenbrandt*. See 46 F.3d at 1283–84. Rather, *Williams* ultimately relied on *Ankenbrandt* to conclude that “the matrimonial exception does not apply.” *Id.* at 1284 (emphasis added). In these circumstances, we will not read *Williams* to be in conflict with *American Airlines*, much less a binding holding that *American Airlines* is no longer good law. See *Friends of the E. Hampton Airport, Inc. v. Town of E. Hampton*, 841 F.3d 133, 153 (2d Cir. 2016) (“[A] *sub silentio* holding is not binding precedent.” (internal quotation marks and citation omitted)). Furthermore, “even if the [*Williams*] Court had wanted to overrule [*American Airlines*], it could not have done so.” *Tanasi v. New All. Bank*, 786 F.3d 195, 200 n.6 (2d Cir. 2015) as amended (May 21, 2015). Thus, even assuming the two cases were in direct conflict, we would “have no choice but to follow” *American Airlines*, and we do so here.¹ *Id.*

¹ Our decision today is consistent with our unbroken practice of citing *American Airlines* when upholding, in unpublished decisions, the dismissal of both federal-question and diversity cases involving domestic relations disputes. See, e.g., *Martinez v. Queens Cty. Dist. Att’y*, 596 F. App’x 10, 12 (2d Cir. 2015); *Keane v. Keane*, 549 F. App’x 54, 55 (2d Cir.

Accordingly, since *American Airlines* continues to be the law of this Circuit, and since Deem’s claims are at least “on the verge of being matrimonial in nature” and are capable of being fairly resolved in state court, we affirm the district court’s dismissal of Deem’s federal claims on abstention grounds.

III.

We have considered Deem’s remaining arguments and find them without merit. For the reasons stated above, we **AFFIRM** the judgment of the district court.

2014); *Hamilton v. Hamilton-Grinols*, 363 F. App’x 767, 769 (2d Cir. 2010); *Schottel v. Kutyla*, No. 06-1577, 2009 WL 230106, at *1 (2d Cir. Feb. 2, 2009); *Mitchell-Angel v. Cronin*, 101 F.3d 108, 1996 WL 107300, at *2 (2d Cir. Mar. 8, 1996).

Federal Judges are Felons, Too (cont'd) – Motion for Hearing *En Banc*

No. 19-2266

In The
UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

On Appeal from the United States District Court
for the Southern District of New York

APPELLANT’S PETITION FOR HEARING *EN BANC*

MICHAEL A. DEEM,

Plaintiff-Appellant,

v.

LORNA DiMELLA-DEEM, ROBERT J. FILEWICH, PhD, ANGELINA
YOUNG, ROLLIN AURELIEN, ROBIN D. CARTON, ESQ., FAITH G.
MILLER, ESQ., ANGELA DiMELLA, JANE DOE AND
HON. ARLENE GORDON-OLIVER, F.C.J.,

Defendants-Appellees.

TABLE OF CONTENTS

TABLE OF AUTHORITIES	iii
INTRODUCTION	1
REASONS FOR GRANTING THE PETITION	1
I. <i>EN BANC</i> REVIEW IS REQUIRED TO ALIGN THIS COURT’S PRACTICE AND DECISIONS WITH SUPREME COURT PRECEDENT REGARDING ABSTENTION	1
II. <i>EN BANC</i> REVIEW IS REQUIRED TO CORRECT THE PANEL’S DEVIATION FROM PRIOR DECISIONS OF THE SUPREME COURT AND THIS COURT REGARDING JUDICIAL IMMUNITY	2
III. <i>EN BANC</i> REVIEW IS REQUIRED BECAUSE A MATTER OF FIRST IMPRESSION THAT MEETS THIS COURT’S TWO PRONG TEST FOR IMMUNITY DOES NOT WARRANT SANCTIONS	5
CONCLUSION	7

Federal Judges are Felons, Too (cont'd) – Motion for Hearing *En Banc*

INTRODUCTION

Appellant, a fit parent who provided minimum standards of care to his two adopted children (14 and 12), whom are neither neglected nor abused, seeks to prosecute federal-question claims against those responsible for completely ripping him out of his children's lives since June 13, 2018, based on fabricated allegations and denial of any semblance of due process. By all accounts, Appellant's parental rights have been summarily terminated. He seeks to pursue federal question claims in federal court against those responsible.

REASONS FOR GRANTING THE PETITION

I. *EN BANC* REVIEW IS REQUIRED TO ALIGN THIS COURT'S PRACTICE AND DECISIONS WITH SUPREME COURT PRECEDENT REGARDING ABSTENTION.

Federal courts, it was early and famously said, have no more right to decline the exercise of jurisdiction which is given, than to usurp that which is not given. Jurisdiction existing, this Court has cautioned, a federal court's "obligation" to hear and decide a case is virtually unflagging.

Sprint Communications, Inc. v. Jacobs, 571 U.S. 69, 134 S.Ct. 584, 590-591, 187 L.Ed.2d 505 (2013).

Here, the Panel held, "this case [] is before this Court on federal-question jurisdiction, not diversity." Op. at 10. Federal "district courts have original jurisdiction of all civil actions arising under the Constitution, laws, or treaties of the United States." 28 U.S.C. § 1331.

However, the Panel upheld this Court's "unbroken practice of citing *American Airlines[, Inc. v. Block]* when upholding, in unpublished decisions, the dismissal of both federal-question and diversity cases involving domestic relations disputes." 905 F.2d 12 (2d Cir. 1990). Op. at 15.

The Panel's decision is in direct conflict with the Supreme Court's clear directive in *Sprint*, that a federal court's obligation to hear and decide a case is virtually unflagging. This Court's practice to the contrary must be abandoned and the Panel's decision overturned and the matter remanded.

The Panel's decision requires *en banc* review.

II. *EN BANC* REVIEW IS REQUIRED TO CORRECT THE PANEL'S DEVIATION FROM PRIOR DECISIONS OF THIS COURT REGARDING JUDICIAL IMMUNITY.

The Panel went to great lengths to describe the interpretation of prior decisions of this Court and rules governing the application of those decisions to uphold this Court's unbroken "practice" of citing *American Airlines*. Op. at 15.

However, the Panel abandoned that reasoning in affirming the dismissal of Appellant's judicial immunity claim.

In this Circuit,

a judge will be denied immunity only where it appears, first, that the judge acted in the clear absence of jurisdiction, and second, that the judge must have known that he or she was acting in the clear absence of jurisdiction.

Tucker v. Outwater, 118 F.3d 930, 934 (2d Cir. 1997) (citing *Maestri v. Jutkofsky*, 860 F.2d 50, 53 (2d Cir. 1988)).

Neither the Panel nor the district court addressed the decisions in *Tucker*, *Maestri* or any decision that describes how this Court looks to state law to determine if jurisdiction exists. And neither the Panel nor the district court addressed the controlling state law cited in Appellant's brief and reply brief: *Cummings v. Cummings*, 439 N.Y.S.2d 825 (2d Dep't 1981); *Wilcox v. Royal Arcanum*, 210 N.Y. 370, 104 N.E. 624 (1914); 22 NYCRR 100.3(E)(1)(a)(i).

The controlling state rule is "disqualification of a judge deprives h[er] of jurisdiction." See, *Cummings, supra*. Judge Gordon-Oliver even failed to squarely address the controlling state law in her opposition brief, because there is no authority with which to rebut the rule. If there were, surely she, the district court or the Panel would have cited to it. All three failed to do so because no countervailing authority exists.

Moreover, neither the district court nor the Panel considered the New York State rule, cited in Appellant's brief and reply brief, that "[a] judge has an obligation not to recuse [] herself, even if sued in connection with [] her duties, unless [] she is satisfied that [] she is unable to serve with complete impartiality, in fact or appearance." *Silber v. Silber*, 84 A.D.3d 931, 923 N.Y.S.2d 131 (2d Dep't 2011). Judge Gordon-Oliver failed to squarely address this rule as well. Rather, she

Federal Judges are Felons, Too (cont'd) – Motion for Hearing *En Banc*

attempted to rebut this compelling rule in a footnote of her opposition brief by citing a different provision of the state rule regarding remitter, not the governing provision regarding mandatory disqualification. (Gordon-Oliver Brief, *fn.* 6)

The Panel held,

even assuming that Judge Gordon-Oliver erred in extending the temporary protection order against Deem shortly after recusing herself, any such error falls far short of an act “taken in the complete absence of all jurisdiction.”

Op. at 5.¹

In support of that conclusion the Panel cited two cases. Neither of those cases turned on state law that expressly deprives a judge of all jurisdiction once she recuses herself.

Finally, the Panel held, “We affirm the dismissal of Deem’s claims against Judge Gordon-Oliver substantially for the reasons set forth in the district court’s well-reasoned decision.” Op. at 5. However, the district court held,

[Appellant] also asserts Judge Gordon-Oliver was either “in clear absence or in excess of all jurisdiction” when, *upon recusing herself, she extended a previously issued temporary order of protection, which prohibited him from having contact with the children*, Until September 13, 2018[]]. Judges are immune from claims arising from decisions made in excess of their jurisdiction,

¹ Only by assumption can it be said that Judge Gordon-Oliver “erred” in extending the “no contact” restraining order. Appellant intends to prove at trial, supported by transcripts of the proceedings before Judge Gordon-Oliver, that she was an active, willing member of the conspiracy to deny Appellant all contact with his children and summarily terminate his parental rights. Malice may be insufficient to deny judicial immunity, but it does provide the motivation to hold her to the letter of the controlling state law and policy considerations when judicial immunity is not warranted due to lack of jurisdiction. *Cessante razione legis cessat ipsa lex*.

as opposed to decisions made in the clear absence of their jurisdiction. Thus, this Court will not decide whether these decisions were made in error. And [Appellant] has alleged no facts showing that Judge Gordon-Oliver was in clear absence in her jurisdiction when she made these decisions.

Appx. at A-042 (n. 3) (emphasis added).

Admittedly, the district court did not even *attempt* to distinguish controlling federal and state law. Citing to decisions that are not on point, the district court simply held that because “judicial immunity” is within the judicial lexicon, Judge Gordon-Oliver was entitled to it. *Fait accompli*.

Appellant’s claim against Judge Gordon-Oliver is sound. Judge Gordon-Oliver, the district court and the Panel did not even attempt to squarely rebut Appellant’s legal analysis of the controlling state law. As such, it is left to this Court *en banc* to do so, or to apply the rule, overturn the decision below and remand the matter for further proceedings.

The Panel’s decision requires *en banc* review.

III. *EN BANC* REVIEW IS REQUIRED BECAUSE A MATTER OF FIRST IMPRESSION THAT MEETS THIS COURT’S TWO PRONG TEST FOR IMMUNITY DOES NOT WARRANT SANCTIONS.

The Panel held, “Because Judge Gordon-Oliver was thus clearly entitled to judicial immunity, the district court did not err in *sua sponte* dismissing the claims against her as frivolous.” Op. at 5. The Panel erred.

Fed. R. Civ. P., Rule 11(3) provides,

Federal Judges are Felons, Too (cont'd) – Motion for Hearing *En Banc*

By presenting to the court a pleading, written motion, or other paper [] the claims, defenses, and other legal contentions are warranted by *existing law* or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing *new law*.

(emphasis added).

Appellant argued in his brief (Point II) and before the Panel that this claim appeared to be a matter of first impression. The Panel cited two cases in affirming the district court. Those cases neither cited to nor distinguished the state law that controls whether or not Judge Gordon-Oliver had jurisdiction at the time she denied Appellant all contact with his two children for two months. The claim against Judge Gordon-Oliver is a matter of first impression. By definition the claim is not frivolous. Sanctions are not warranted.

Indeed, Appellant's argument continues to remain un rebutted, because it cannot be rebutted. The compelling state court decisions and blackletter state law cannot be distinguished. Rather, they must be applied. Judge Gordon-Oliver relinquished all jurisdiction when she recused herself *sua sponte*.

Finally, the Panel expanded the holding in *Mills v. Fischer*, 645 F.3d 176 (2d Cir. 2011). The *Mills* decision held, "Any claim dismissed on the ground of absolute judicial immunity is 'frivolous' for purposes of 28 U.S.C. § 1915(g)." The Panel expanded that ruling to all claims where judicial immunity is held to apply, even cases of first impression that are not governed by 42 U.S.C. § 1997e or where

the plaintiff has paid the filing fee in full, as in the instant matter. Sanctions are not warranted because Appellant's claim is sound.

The Panel's decision requires *en banc* review.

CONCLUSION

For all these reasons *en banc* review is required.

Dated: November 7, 2019

Federal Judges are Felons, Too (cont'd) – Appeal II

PRESENT: AMALYA L. KEARSE,
JOSÉ A. CABRANES,
MICHAEL H. PARK,
Circuit Judges,

MICHAEL ANTHONY DEEM,
Plaintiff-Appellant,

v.

19-1630-cv

LORNA M. DIMELLA-DEEM, LINDA EICHEN, ESQ.,
HON. HAL B. GREENWALD, F.C.J., AND HON. JOSEPH
A. EGITTO, A.J.S.C.,
*Defendants-Appellees.**

UPON DUE CONSIDERATION WHEREOF, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the judgment of the District Court be and hereby is **AFFIRMED**.

Plaintiff-Appellant Michael Deem (“Deem”), an attorney proceeding *pro se*, sued his estranged wife, Lorna DiMella-Deem, her family law attorney, Linda Eichen, and two state-court judges under 42 U.S.C. § 1983 for violations of the First, Second, Ninth, and Fourteenth Amendments. He alleged that DiMella-Deem and Eichen conspired with a family court judge to deny him due process and extend a temporary order of protection against him that prohibited him from contacting his children, practicing his religion with them, or accessing his guns. The District Court dismissed the complaint, reasoning, *inter alia*, that the DiMella-Deem and Eichen were not state actors, that the defendant judges were entitled to judicial immunity, and that it should abstain under the domestic relations abstention doctrine. See App’x 48. We assume the parties’ familiarity with the underlying facts, the procedural history of the case, and the issues on appeal.

Federal Judges are Felons, Too (cont'd) – Appeal II

The District Court properly dismissed the complaint. In *American Airlines, Inc. v. Block*, we held that “[a] federal court presented with matrimonial issues or issues ‘on the verge’ of being matrimonial in nature should abstain from exercising jurisdiction so long as there is no obstacle to their full and fair determination in state courts.” 905 F.2d 12, 14 (2d Cir. 1990) (quoting *Csibi v. Fustos*, 670 F.2d 134, 137 (9th Cir. 1982)). Because we saw no such obstacle, we held that the District Court should have abstained in part from adjudicating the action. *Id.* at 15.

We recently re-affirmed the vitality of *American Airlines* in *Deem v. DiMella-Deem*, 941 F.3d 618, 623–25 (2d Cir. 2019). There, Deem—the same plaintiff here—sued DiMella-Deem and others under § 1983, alleging that they conspired to maliciously prosecute him and violate his right to intimate association with his children by seeking and obtaining a temporary order of protection prohibiting him from contacting his children. *See Deem*, 941 F.3d at 620. We concluded that the District Court properly abstained under *American Airlines* because Deem’s claims were, “at a

minimum, on the verge of being matrimonial in nature” and that there was “no obstacle to their full and fair determination in state courts.” *Id.* at 623 (internal quotation marks omitted).

Deem’s allegations in this case are nearly identical to the allegations we considered in his prior appeal. In this case, he alleged that his injuries—inability to practice Catholicism with his children, inability to gain access to his guns, inability to see his children, and denial of due process—stemmed from the defendants’ actions in obtaining an extension of the temporary order of protection from the family court. This is the same order of protection and family court case discussed in *Deem*. Therefore, the issues here are also “on the verge of being matrimonial in nature.” *See id.* at 623, 625. Further, Deem made no allegation that he could not vindicate his rights in state court, and does not dispute the District Court’s conclusion on this point. Accordingly, the District Court properly dismissed the complaint on *American Airlines* domestic relations abstention grounds.

CONCLUSION

We have reviewed all of the arguments raised by Deem on appeal and find them to be without merit. For the foregoing reasons, we **AFFIRM** the May 2, 2019 judgment of the District Court.

Federal Judges are Felons, Too (cont'd) –

18 U.S.C. § 242 – Deprivation of rights under color of law

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title, or imprisoned for any term of years or for life, or both, or may be sentenced to death.

Federal Judges are Felons, Too (cont'd) – 18 U.S.C. § 241 – Conspiracy against rights

If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

If two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured—

They shall be fined under this title or imprisoned not more than **ten years**, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse or an attempt to commit aggravated sexual abuse, or an attempt to kill, they shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.