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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DNJ DEPUTY

Plaintiff Christina Michelle Cruise Pro Se

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CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY DNJ DEPUTY**UNITED STATES DISTRICT COURT****WESTERN DISTRICT OF TEXAS****AUSTIN DIVISION****A19CV0919 RP****CHRISTINA MICHELLE CRUISE****Plaintiff****v****NATHAN L. HECHT****JIMMIE BLACKLOCK****DEBRA LEHRMANN****JOHN PHILLIP DEVINE****PAUL W. GREEN****JEFF BROWN****JEFFREY S. BOYD****J. BRETT BUSBY****EVA GUZMAN****Defendants**

No. _____

TITLE 42 U.S.C §1983**CIVIL RIGHTS COMPLAINT****For****DECLARATORY RELIEF****And Or****INJUNCTIVE RELIEF****CIVIL RIGHTS COMPLAINT****PURSUANT TO TITLE 42 UNITED STATES CODE §1983**

Plaintiff Christina Michelle Cruise brings this Complaint pursuant to Title 42 United States Code 1983.

Plaintiff complains that the Justices of the Supreme Court of Texas have promulgated, and have implemented, and are executing, Policies and Practices, that supports and defends the practice of Texas Department of Family and Protective Services (TDFPS), The Harris County Attorney, Harris County Social Workers, and Harris County Judges, violating the Constitutional Rights of the Plaintiff, during the prosecution of Parental Rights termination cases in Harris County, Texas.

Plaintiff seeks to vindicate Constitutional Rights, as secured to the Plaintiff by Federal Laws and the United States Constitution First (1st) Right to intimate associations, Fourth (4th) Amendment Prohibition against unreasonable search, Fourth (4th) Amendment Prohibition against unreasonable seizure, the Sixth (6th) Amendment Right to Effective Legal Counsel, Fourteenth (14th) Amendment Equal Protection Clause, Fourteenth (14th) Amendment Due Process, and Fourteenth (14th) Amendment Secured, Liberty Interest in the Care, Comfort, and Control, of the Plaintiff own Biological Children, against defendants, Justices of the Supreme Court of Texas, all of whom, at all times relevant to acts herein complained of, were acting under the color of State law.

Plaintiff seeks to vindicate rights, privileges, or immunities secured to the Plaintiff by the Constitution and laws of the United States of America. Plaintiff seeks Declaratory Relief stating that the Justices of the Supreme Court, in promulgating and implementing, and executing policies and practices that violated the Constitutional Rights of the Plaintiff have committed Federal Felonies, and or, are currently committing Federal Felonies.

Said Federal Felonies include, but are not limited to, Title 18 United States Code 241 Conspiracy against Rights, Title 18 United States Code 4 Misprision of Felony, Title 18 United States Code 1349 Attempt and conspiracy, Title 18 USC 1201(g) – Kidnapping, Title 18 - Chapter 96 - Racketeer Influenced and Corrupt Organizations Section 1961-1968, Racketeering Predicate acts include Two (2) Counts of Texas Penal Code - PENAL § 36.02(a) (3), and Three (3) counts of Title 18 USC 1201(g) Kidnapping.

JURISDICTION

This Court has jurisdiction over this action pursuant to Title 28 U.S.C. § 1331, (federal question jurisdiction). Title 28 U.S.C § 1343 also confers jurisdiction in actions authorized by 42 U.S.C. § 1983 against defendants acting under color of state law. Title 28 U.S.C § 2201 (authorizing declaratory relief) and Title 28 U.S.C § 2202 (authorizing injunctive relief).

VENUE

Venue is proper in the United States District Court, Western District of Texas, Austin Division, as all Defendants are Justices of The Supreme Court of Texas, which is located in the Austin Division of the Western District of Texas. Pursuant to Title 28 US code 1391(b) (1), at least one of the Defendants is alleged to reside in the Austin Division of the Western District of Texas. All Defendants are alleged to be residents of the State of Texas.

PLAINTIFF

The Plaintiff is Christine Michelle Cruise, a citizen of the city of Houston, Harris County, Texas. The address of the Plaintiff is 90 Northpoint Drive # 1603 Houston, TX 77060. Plaintiff can be reached by telephone at (520) 233-4848 and by email at: teralynncamp2010@gmail.com.

DEFENDANTS

Nathan L. Hecht is Place 1 Chief Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Chief Justice Nathan L. Hecht, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Jimmie Blacklock is Place 2 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Jimmie Blacklock, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Debra Lehrmann is Place 3 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Debra

Lehrmann, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

John Phillip Devine is Place 4 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice John Phillip Devine, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Paul W. Green is Place 5 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Paul W. Green, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Jeff Brown is Place 6 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Jeff Brown, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Jeffrey S. Boyd is Place 7 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Jeffrey S. Boyd, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

J. Brett Busby is Place 8 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice J. Brett Busby, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

Eva Guzman is Place 9 Justice of the Supreme Court of Texas. The physical address of The Supreme Court of Texas is 201 W 14th St #104, Austin, TX 78711. Defendant, Justice Eva Guzman, a judicial officer, is sued in Defendant's individual capacity for declaratory and or injunctive relief only.

DEFENDANTS are "PERSONS" under TITLE 42 U.S.C. § 1983

All government employees are "persons" under § 1983 and can be sued for anything they do at work that violates clearly established constitutional rights.

HAFFER v. MELO (1991) United States Supreme Court No. 90-681 Argued: October 15, 1991 Decided: November 5, 1991

State officials sued in their individual capacity do not enjoy sovereign immunity from suit and may be sued under § 1983. Title 42 U.S.C.A. § 1983 *Hamilton v. Pechacek*, 319 S.W.3d 801 (Tex. App. 2010)

Qualified Immunity not Available under TITLE 42 USC § 1983

The United States Supreme Court held "that government officials performing discretionary functions generally are shielded from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." If the law was clearly established, the immunity defense ordinarily should fail, since a reasonably competent public official should know the law governing his conduct.

Harlow v. Fitzgerald, 457 U.S. 818, 819 (1982)

Therefore, this action not barred by qualified immunity as the First (1st), Fourth (4th), Sixth (6th), Fourteenth (14th) United States Constitutional Amendments are clearly established.

STATEMENT OF FACTS

Social Worker Sefra Perkins, accompanied by an unidentified, armed Police officer, entered the premises of this Plaintiff Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about Friday, December 05, 2014, at approximately 7:00 pm.

Social Worker Sefra Perkins entered into the premises of the Plaintiff in an attempt to seize, without a valid court order, without exigent circumstances, and without permission, the Biological Children of this Plaintiff Christina Cruise. Social Worker Sefra Perkins was not successful in her seizure attempt. However, Social Worker Sefra Perkins did execute an unreasonable search of the premises of the Plaintiff, on or about, December 05, 2014. *See Exhibit "B" police report dated December 05, 2014.*

On or about December 08, 2014, Social Worker Sefra Perkins, accompanied by an unidentified, armed Police officer, entered the premises of this, Plaintiff Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373. Social Worker Sefra Perkins entered onto the premises of this Plaintiff without a valid court order, without permission, and without exigent circumstances. *See Exhibit "C" police report dated December 08, 2014.*

Subsequently to Social Worker Sefra Perkins, unreasonable entry of the premises of the Plaintiff, at 3030 Hirschfield Rd Apt 23C Spring TX 77373 on or about December 08, 2014, Social Worker Sefra Perkins did seize, without a valid court order, without permission, and without exigent circumstances, the Biological children of this Plaintiff Christina Michelle Cruise. Social Worker Sefra Perkins seized the Biological children of this plaintiff and placed said children in the Temporary Conservatorship of The Texas Department of Family and Protective Services.

A valid Court Order is required, pursuant to the United States Constitution Fourth (4th) Amendment prohibition against unreasonable search onto the premises, and prohibition against unreasonable seizures. Social Worker Sefra Perkins would have been fully aware of the court order requirement of the Fourth (4th) Amendment to the United States Constitution, as the Fourth (4th) Amendment was clearly established, at the time of the events herein complained of.

***GATES v. TDFPS* 5th Circuit No. 06-20763 Decided: July 28, 2008;**

However, now that we have clearly established the law in this area, we expect that TDPRS (now TDFPS), law enforcement agencies, and their agents and employees will abide by these constitutional rules and seek to involve the state courts, who act as neutral magistrates in these complicated matters, as early in the process as is practicable. In that way, the government may ensure that everyone's interests are considered, and the least amount of harm will come to the children the government seeks to protect, as well as to their parents. *Gates v. Texas Department of Protective and Regulatory Services* US Court of Appeals, Fifth Circuit. No.06-20763 Decided: July 28, 2008

TDFPS own internal Memorandum, would have notified the employees of TDFPS of the absolute necessity of obtaining a court order prior to entry into the premises, and prior to seizure of the Biological Children of this Plaintiff, Christina Michelle Cruise. Said internal memorandum

was title “Urgent Legal Advisory for Investigations” and dated August 22, 2008 *Marked as Exhibit “A”*.

Social Worker Sefra Perkins, in executing the unreasonable search of the premises of the Plaintiff, without a valid court order that would have authorized the search, permission, or exigency, violated the United States Constitution Fourth (4th) Amendment and violated the TDFPS own internal Memorandum, titled, “Urgent Legal Advisory for Investigations” and dated August 22, 2008. Said unreasonable search violated the rulings of United States Court of Appeals for the Fifth Circuit No. 06-20763, which clearly establishes the necessity of obtaining a valid court order, permission, or exigency, prior to entry and prior to seizure.

Entry into the premises, of the Plaintiff, without permission, without a valid court order, or exigent circumstances, is inconsistent with the unreasonable search and seizure prohibition as secured by the Fourth (4th) Amendment to the United States Constitution. The court order requirement, pursuant to the Fourth (4th) Amendment, prevents TDFPS from unreasonably depriving this Plaintiff Christina Michelle Cruise, of right to be free from unreasonable search and seizures as secured by the Fourth (4th) Amendment. The failure to obtain a valid court order prior to the search of the premises of the Plaintiff violates due process, as secured by the United States Constitution and Fourteenth (14th) Amendments Due Process Clause.

This case was pending longer than is allowed by statute TX Family code 263.401

The statute is clear that these, parental rights termination cases filed by TDFPS, must be dismissed on the first Monday after the first anniversary of the date TDFPS was appointed temporary managing conservator of the children, absent the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); *see In re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d at 612 (“Subsection 263.401(a) of the Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department (TDFPS) if a final order has not been rendered” by the deadline.).

The court cannot just enter an extension order, though. For the suit to remain on the court's docket beyond the one-year dismissal date, the court must make specific findings to support the extension order: “the court *may not* retain the suit on the court's docket” after the one-year

dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM. CODE § 263.401(b)* (*emphasis added*).

Even if a trial court enters an extension order, the suit may be retained on the court's docket for a maximum of 180 days after the one-year dismissal date, and the trial court must make specific provision in the order setting;

- (1) The new dismissal date for not later than the 180-day limit, and
- (2) The trial on the merits for a date that complies with the 180-day limit. *Texas Family Code § 263.401(b) (1)*
- (3) A trial court may not grant a second extension to retain the suit on the court's docket beyond the 180-day limit. *Texas Family § 263.401(c)*

Parties may not extend the deadlines set by the court "by agreement or otherwise."

In Re Dept of Family & Protective Services Relator Cite as 273 S.W. 3d 637 (Texas 2009) No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009 Texas Family Code § 263.402(a).

The record of this case is clear. TDFPS was appointed Temporary Managing Conservator on December 08, 2014. Pursuant to Statute, *Texas Family § 263.401(a)*, if the court had not rendered a final order by the one-year anniversary date of December 08, 2015, the court must dismiss the case on the following Monday, December 14, 2015.

The court of Judge Sheri Y. Dean, then of the 309th Judicial District Harris County, failed to render a final order by December 08, 2015, the one-year anniversary of the date TDFPS was appointed Temporary Managing Conservator in this case. Therefore, pursuant to Statute *Texas Family § 263.401(a)*, Judge Sheri Y. Dean had no discretion but dismiss the case on Monday, December 14, 2015, as this was the first Monday following the one-year anniversary date that TDFPS was appointed temporary managing conservator.

Judge Sheri Y. Dean, then of the 309th Judicial District Harris County abused her discretion when she failed to act in accordance with the Statute. *Texas Family Code § 263.401(a)*. Plaintiff alleges, Judge Sheri Y. Dean violated due process, as secured by the 14th Amendment to the

United States Constitution, when she failed to observe the fair procedures, contained in Texas *Family Code* § 263.401(a), and dismiss the Parental Rights Termination case against this Plaintiff on December 14, 2015, as no final order had be rendered by the deadline.

The court could have lawfully, extended the case, pursuant to Statute Texas Family § 263.401(b), but to do so Judge Sheri Y. Dean would have had to have found, extra ordinary circumstances, grounds for extending the case. The court *may not* retain the suit on the court's docket" after the one-year dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM. CODE* § 263.401(b).

The record of this court contains no findings of extraordinary circumstances such that it was necessary that the children remain in the temporary managing conservatorship of TDFPS and that continuing the appointment of TDFPS as temporary managing conservator was in the best interest of the child. *TEX. FAM. CODE* § 263.401(b).

Because neither Presiding Judge Sheri Y. Dean, nor Associate Judge Beverly Malazzo, made the requisite findings as required by Statute *Texas Family Code* § 263.401(b), Plaintiff alleges that Presiding Judge Sheri Y. Dean, failure to dismiss this case on, December 14, 2015, the first Monday following the first anniversary, TDFPS was appointed Temporary Managing Conservator, violates Due Process as secured by the 14th Amendment to the United States Constitution.

Pursuant to statute, *Texas Family Code* § 263.401(a)(b), Plaintiff alleges that Presiding Judge Sheri Y. Dean, abused her discretion by not following the dictates of the Texas family code, in particular *Texas Family Code* § 263.401(a)(b), when she failed to dismiss this case December 14, 2015.

A trial court has no discretion in determining what the law is, or properly applying the law and if the trial court fails to properly interpret the law or applies the law incorrectly, it abuses its discretion.

In re Tex. Dep't of Family & Protective Services No. 08-0524 Supreme Court of Texas, argued Nov 12, 2008 Delivered Jan 09, 2009. Cite as 273 S.W. 3d 637 (Tex. 2009).

Plaintiff Christina Michelle Cruise complained, via a timely motion to dismiss, that the trial court, had neither entered a final order, before the one-year anniversary date, nor had the trial court made findings that extraordinary circumstances existed, such that it was in the best interest of the children that TDFPS continue as temporary managing conservator.

Judge Sheri Y. Dean, then Presiding Judge of the 309th Judicial District Harris County, TX, denied the Plaintiff Christina Michelle Cruise's motion to dismiss. Pursuant to Statute, the Texas Family Code 263.401, Judge Dean had no choice but to dismiss the cases, a ministerial task, and abused her discretion when she failed to do so. *No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009.*

Being out the time allotted to render final judgment in these cases, instead of dismissing the case and returning the children to their biological mother Christina Cruise, as required by the Texas Family Code Section 263.401, TDFPS and Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, conspired to perpetrate a fraud, and violate Plaintiff rights to Due Process under the Fourteenth (14th) Amendment. TDFPS and Judge Sheri Y. Dean extended the case without the requisite findings of extraordinary circumstances, as required by statute. *TEX. FAM. CODE § 263.401(b).*

Judge Sheri Y. Dean extended this case, without rendering findings of extra ordinary circumstances, in violation of the 14th Amendment Due Process Clause of the United States Constitution, and the *Texas Family Code 263.401*. No record of a finding of extraordinary circumstances, that necessitate TDFPS remain as Temporary Managing Conservator, exists in the records of the court.

Plaintiff Christina Michelle Cruise complained via Mandamus to the First (1st) Court of Appeals. Judge Sheri Y. Dean conspired with TDFPS to execute a fraudulent Nunc Pro Tunc order or judgment to create a false record of an alleged hearing that never took place. Defendants, Judge Sheri Y. Dean and TDFPS committed fraud into the record of the 309th Judicial District Court of Harris County, TX, and in the First (1st) Court of Appeals, when she used an order or judgment nunc pro tunc to make it appear that she conducted an extension hearing. Judge Sheri Y. Dean conducted no extension hearing. Judge Sheri Y. Dean rendered no findings of extraordinary

circumstances such that it was in the best interest of the children to remain in the Temporary custody of TDFPS.

Proper use of the Nunc pro tunc is to correct a clerical error, to make the record speak the truth. Nunc pro tunc cannot be used to create a record of something that did not in fact happen. Nunc pro tunc cannot be used to rewrite history. Judge Dean and her Co Conspirators, Associate Judge Beverly Malazzo, and Assistant Harris County Attorney Francesca Aguirre, and TDFPS, unlawfully extended this case without a hearing and without the finding of extraordinary circumstances as required, by statute, the *Texas Family Code Section 263.401*.

The fraudulent use of a Nunc Pro Tunc, to correct a judicial error, as opposed to its proper use; to correct a clerical error, was a fraud perpetrated to allow TDFPS to continue as Temporary Managing Conservator. This fraud violated Due Process of Law, a Constitutional right, secured by the United States Constitution 14th Amendment.

The extension of this case, beyond mandatory timeframes, without findings of extraordinary circumstances that necessitated TDFPS continuing as temporary managing conservator, is a judicial error.

Texas Family Code - FAM § 263.401 Dismissal after One Year; New Trials; Extension,

Pursuant to Statute, the court can only retain the case on its docket for a single, 180-day extension. The statute is clear on the mandatory timeframes.

The record of the court of Judge Sheri Y. Dean is clear. TDFPS was appointed Temporary Managing Conservator on December 08, 2014. The one-year Anniversary of the case would have been December 08, 2015. A single 180-day extension would have ended on Monday June 6, 2016. The court of Judge Sheri Y. Dean had no discretion but dismiss the case on Monday June 13, 2016, if no final judgment had been rendered by June 06, 2016.

The Trial Court of Judge Sheri Y. Dean, then of the 309th Judicial District Harris County Texas, executed a court order titled, *Order Setting Dismissal Date* establishing the final dismissal date of June 13, 2016. Trial Judges Dean and Malazzo, abused the judges' discretion when the Trial Judges, Dean and Malazzo, retained the Parental Rights Termination, case on the Trial Court

docket in violation of their own court order, and in violation of the mandatory timeframes. *See TX FAM Code § 263.401. See Exhibit "D" Order Setting Dismissal Date on June 13, 2016.*

When Trial Judge Sheri Y. Dean, failed to dismiss the parental rights termination case, as required by statute, Judge Dean allowed TDFPS to continue unlawfully as Temporary Managing Conservator, a deprivation of a Liberty Interest in the care, comfort, and control of the Plaintiff's own biological children. Said Liberty is a Constitutional Right, secured by the 14th Amendment to the United States Constitution.

Judge Sheri Y. Dean could only perform the ministerial task of dismissing this case. By failing to dismiss the case, and failing to return the Plaintiff's Biological children to her, Judge Sheri Y. Dean, constructively, seized the biological Children of the Plaintiff, in violation of the Fourth (4th) Amendment proscription against unreasonable seizures. Plaintiff alleges that Judge Sheri Y. Dean violated the due process rights, of this Plaintiff, as secured by the 14th Amendment of the United States Constitution, when Judge Sheri Y. Dean failed to dismiss the case, as required by the statute, *Texas Family Code § 263.401*, after the one-year anniversary and the single, allowed, 180-day extension had passed.

TDFPS Had No Standing by Which the Trial Court Could Assert Jurisdiction.

TDFPS brought this suit, and alleged that the children had been abused and or neglected, asking the court of Judge Sheri Y. Dean, then the 309th Judicial District Harris County, TX, to assert its jurisdiction. TDFPS alleged that the court had jurisdiction because the children had been victims of abuse and or neglect. TDFPS alleged it had standing to prosecute their claim alleging abuse and or neglect of the biological children of this Plaintiff.

TDFPS, by and through, the Harris County Attorney committed fraud in their allegations of abuse. There was no abuse or neglect, inflicted upon these children. TDFPS has no standing, because there is no case or controversy. Abuse or neglect is necessary for TDFPS to have Standing. Standing is necessary to confer jurisdiction of the court of Judge Sheri Y. Dean. Judge Sheri Y. Dean conspired with TDFPS to assert illegally, that her court had jurisdiction over these cases. Without abuse or neglect, TDFPS has no standing. If TDFPS had no standing, the court of Judges Dean and Malazzo, had no jurisdiction. If a court acts without jurisdiction, its orders and judgments are void, a nullity, and therefore subject to collateral attack.

Texas Family Code; Subchapter B. Taking Possession of Child Sec. 262.101

An original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and a hearing must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:

- (1) there is an immediate danger to the physical health or safety of the child or the child has been a victim of neglect or sexual abuse;
- (2) continuation in the home would be contrary to the child's welfare;
- (3) there is no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; and
- (4) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.

The record of this court contains no such sworn affidavit, as required by statute, TX Family Code Sec. 262.101. This Plaintiff, Christina Cruise alleges that, TDFPS and Judge Sheri Y. Dean have not complied with the requirements of the statute, Texas Family Code Sec. 262.101.

There is no record of the sworn affidavit, that is required pursuant Texas Family Code Sec 262.101. The court of Judge Sheri Y. Dean has no jurisdiction, because TDFPS never presented a sworn affidavit as required by statute Texas Family Code Sec 262.101. The Court of Judge Sheri Y. Dean did not have jurisdiction, because TDFPS did not have standing to prosecute the case.

This Case was void from its inception. TDFPS has no standing; therefore, the court has no jurisdiction. If a judge acts without jurisdiction, the judgment and orders are void.

In *Ex parte Armstrong*, 8 S.W.2d 674, 675–676 (Tex.Cr.App.1928), it was stated: “Jurisdiction may be concisely stated to be the right to adjudicate concerning the subject matter in a given case. Unless the power or authority of a court to perform a contemplated act can be found in the Constitutions or laws enacted there under, it is without jurisdiction, and its acts, without validity.” *State ex rel. Millsap v. Lozano*, 692 S.W.2d 470, 482 (Tex. Crim. App. 1985)

“If the court has no jurisdiction, it should proceed no further with the case other than to dismiss it for want of power to hear and determine the controversy. In such a case, any order or decree entered other than one of dismissal is void.” *Hall v. Wilbarger County*, 37 S.W.2d 1041, 1046 (Tex.Civ.App.—Amarillo 1931), affirmed 55 S.W.2d 797. Standing may be predicated on statutory or common-law authority. *Aubrey v. Aubrey*, 523 S.W.3d 299 (Tex. App. 2017)

When standing has been statutorily conferred, the statute itself serves as the proper framework for a standing analysis, and the party seeking relief must allege and establish standing within the parameters of the language used in the statute. *Aubrey v. Aubrey*, 523 S.W.3d 299 (Tex. App. 2017)

Standing is a component of the trial court’s subject-matter jurisdiction. *Tex. Ass’n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 445–46 (Tex. 1993).

As a component of subject-matter jurisdiction, it cannot be waived, nor can it be conferred by agreement. See *id.* (Holding standing cannot be waived); *In re K.K.C.*, 292 S.W.3d 788, 790 (Tex. App.—Beaumont 2009, no pet.) (Holding “[a] party generally cannot confer or obtain standing by consent or agreement”).

Standing is a prerequisite to subject-matter jurisdiction, and subject-matter jurisdiction is essential to a court's power to decide a case. *The M.D. Anderson Cancer Ctr. v. Novak*, 52 S.W.3d 704 (Tex. 2001)

Standing is a prerequisite to subject-matter jurisdiction, and subject-matter jurisdiction is essential to a court's power to decide a case. The absence of subject-matter jurisdiction may be raised by a plea to the jurisdiction, as well as by other procedural vehicles, such as a motion for summary judgment. *Bland Indep. Sch. Dist. v. Blue*, 34 S.W.3d 547, 553–54 (Tex. 2000)

Standing is a necessary component of subject-matter jurisdiction, without which a court lacks authority to hear a case. *Freeman v. Harleton Oil & Gas, Inc.*, No. 06-16-00034-CV, 2017 WL 2889121 (Tex. App. July 7, 2017), *reh'g overruled* (Aug. 8, 2017)

If the record presents a standing issue the parties have failed to raise, courts must do so sua sponte. *Freeman v. Harleton Oil & Gas, Inc.*, No. 06-16-00034-CV, 2017 WL 2889121 (Tex. App. July 7, 2017), reh'g overruled (Aug. 8, 2017) If the plaintiff lacks standing to bring all of his claims, the court must dismiss the whole action for want of jurisdiction. *Neff v. Brady*, No. 01-15-00544-CV, 2017 WL 2806784 (Tex. App. June 29, 2017)

Where standing is conferred by statute, the statute itself serves as the proper framework for the standing analysis. *Neff v. Brady*, No. 01-15-00544-CV, 2017 WL 2806784 (Tex. App. June 29, 2017).

If the plaintiff fails to establish proper standing, then the trial court must dismiss the suit. *Rolle v. Hardy*, No. 01-16-00402-CV, 2017 WL 2376826 (Tex. App. June 1, 2017).

Aggravated Perjury Texas Penal Code 37.03

TDFPS, in conspiracy with Assistant Harris County Attorney Francesca committed Aggravated Perjury in the Trial Court. The purpose of said Aggravated Perjury Texas Penal Code was to fraudulently acquire the jurisdiction of the Court, and subsequently, to unlawfully seize three of the Plaintiff' biological children, all of the children being under the age of 18 at the time of the seizure. The offense is described in Section 37.03 of the Texas Penal Code

(a) A person commits the offense of **Aggravated Perjury** if he commits perjury as defined in Section 37.02, and the false statement: (1) is made during or in connection with an official proceeding; and (2) is material.

Attorney Francesca Aguirre signed and executed the filing of the Original petition in this case. By signing and swearing to the truth of sworn statements that were used in an Official Proceeding; statements that Attorney Aguirre knew to be false, Attorney Aguirre committed Aggravated perjury.

Court Appointed Attorneys failed to raise the issue of the Aggravated perjury that is on the face of the original petition. Fraud, Aggravated perjury on the Original Pleadings violates due process, a fundamental error, that Court Appointed Attorneys should have raise in the Trial Court and Appellate Court. Failure to raise the issue of Aggravated perjury in the Original Petition is

per se, ineffective assistance of counsel a violation of the Sixth (6th) Amendment to the United States Constitution.

Plaintiff Provides Details of Aggravated Perjury Committed in Trial Court

Attorney Francesca Aguirre, Assistant Harris County Attorney, swore to the truth of false statements contained in the Original Petition titled, *Original Petition for protection of a child for conservatorship, and for suit affecting the parent child relationship Application for writ of attachment as to Taelyn Cruise., the child on December 8, 2014*. Assistant Harris County Attorney Francesca Aguirre provided legal representation to Texas Department of Family and Protective Services (TDFPS) in this parental rights termination suit. Assistant Harris County Attorney Francesca Aguirre made material representation of the law, and material misrepresentation of fact, when Attorney Aguirre swore to the truth of the following false statements: *See Original Petition Cause of Action on the court's docket in cause number 2014-71072, Dec 8, 2014 Marked as Exhibit "E"*.

Paragraph 14: Termination of Christina Cruise, parental rights

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **Christina Cruise** and the child **Taelyn Victoria Cruise**, the subject of this suit under Chapter 161, Texas Family Code, because termination of the parent-child relationship is in the child's best interest and **Christina Cruise** has committed one or more of the following acts or omissions.

14.1 Knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child. Pursuant to 161.001 (1) (D) Texas Family Code

14.2 Engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child. Pursuant to 161.001(1) (E) Texas Family Code

14.1 [sic] Constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the department of family and Protective Services

or an authorized agency for not less than six months and: (1) the department or authorized agency has made reasonable efforts to return the child to the mother; (2) the mother has not regularly visited or maintained significant contact with the child; and (3) the mother has demonstrated an ability to provide the child with a safe environment, pursuant to 161.001(1)(N), Texas family Code;

14.2 [sic] Failed to comply with the provisions of a court order that specifically established the actions necessary for the mother to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months as a result of the child's removal from the parent under Chapter 262 for the abuse and neglect of the child, pursuant to 161.001(1) (O), Texas family Code;

AGGRAVATED PERJURY BY ATTORNEY FRANCIE AGUIRRE

Assistant Harris County Attorney Francesca Aguirre made material misrepresentation of law, and material misrepresentation of fact, for the purpose of deceiving the Court, thereby committing aggravated perjury. Said Material Misrepresentations were made when Attorney Francesca Aguirre swore to the truth of the statements that Christina Cruise, committed one or more the acts or omissions contained in paragraph 14 of *Original Petition for protection of a child for conservatorship, and for suit affecting the parent child relationship Application for writ of attachment as to Taelyn Victoria Cruise, the child on December 8, 2014. See original Petition Cause of Action on the court's docket in cause number 2014-71072, Dec 8, 2014. See Original Petition on Court's Docket Marked as Exhibit "E"*.

In Attorney Aguirre's First paragraph 14.1 of the Original Petition (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that Christina Cruise. "Knowingly placed or knowing allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child. Pursuant to chapter 161.001(1) (D), Texas Family Code

Attorney Aguirre swore to the truth of these statements, but Attorney Aguirre does not substantiate these sworn statements with sworn affidavits from a person with personal knowledge of the alleged abuse or neglect as required by: *Tex. Fam. Code - FAM § 262.101*.

In Attorney Aguirre's First paragraph 14.2 of the Original Petition (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact that CHRISTINA CRUISE "engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to chapter 161.001(1) (E), Texas Family code.

Attorney Francesca Aguirre swore to the truth of these statements, but Attorney Aguirre does not substantiate these sworn statements with sworn affidavits from a person with personal knowledge of the alleged abuse or neglect as required by: *Tex. Fam. Code - FAM § 262.101*.

Texas Family Code - FAM § 262.101 Filing Petition before Taking Possession of Child:

An original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and a hearing **must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:**

- (1) there is an immediate danger to the physical health or safety of the child or the child has been a victim of neglect or sexual abuse;
- (2) Continuation in the home would be contrary to the child's welfare;
- (3) there is no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; and
- (4) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.

In Aguirre's second paragraph 14.1 (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that Christina Cruise abandoned the child who has been in the permanent or temporary managing conservatorship of the Texas Department of Family and Protective Services (TDFPS) or an authorized agency for not less than six months.

Attorney Francesca Aguirre committed Aggravated perjury, because the child was unlawfully seized on the same day, December 08, 2014, that the Original Petition was filed. Therefore, it is impossible for the child to have been abandoned in the care of TDFPS for “not less than 6 months”, on December 08, 2014.

Social worker Sefra Perkins searched the home of this Plaintiff on December 05, 2014 and executed a police report stating that she is there to pick up the 11-month-old child. *See attached Police Reports dated December 05, and December 08, 2014.*

Attorney Francesca Aguirre swore to the truth of the statements the children had been in the custody of TDFPS for “not less than 6 months” as of December 08, 2014. Six (6) months before December 08, 2014 would have been June 8, 2014. There is no entry in the record of the court before December 08, 2014. There is no mention, in the record of the court, of TDFPS taking possession of the child on or before June 08, 2014. *See court’s Docket, see also police report marked as exhibit “B” and “C” of Dec 5, and 8, of 2014.*

It is important to note that Attorney Aguirre did not “allege” that the events happened; but Attorney Aguirre swore to the truth of the statements contained in paragraph 14 of the Original Petition.

Attorney Aguirre’s sworn statements conflict with the truth and actions of TDFPS. Social Worker Sefra Perkins executed a search of the premises of Christina Cruise, on December 05, 2014. Social Worker Sefra Perkins executed a search of the premises, and a seizure in the premises on December 08, 2014.

A Search and attempted seizure was executed, on December 05, 2014, quoting the Police Report executed by Social Worker Sefra Perkins, “to pick up an 11 month old child.” This 11-month-old child, according to the sworn statement by Attorney Francesca Aguirre, on December 08, 2014, had been in the custody of TDFPS for “not less than six (6) months.

Attorney Francesca Aguirre thereby committed aggravated perjury Texas Penal Code Sec. 37.03 when Attorney Aguirre swore that on December 08, 2014, the 11-month-old child had been in

the custody of TDFPS for “not less than six (6) months. The purpose of the Aggravated Perjury was to deprive this Plaintiff of the 14th Amendment secured Constitutional in the care, comfort, and control of the Plaintiff’s own biological children. See *Troxel v. Granville*, 530 U.S. 57 (2000).

The purpose of the Aggravated perjury on the part of Assistant Harris County Francesca Aguirre was to execute the unreasonable search and the unreasonable seizure in the premises of the plaintiff, Christina Michelle Cruise, in violation of the 4th Amendment to the United States Constitution, and in violation of *Title 18 USC 1201 (g) Kidnapping*.

Attorney Aguirre falsely represented that the child had been abandoned in the care of TDFPS for “not less than 6 months”, with the specific intent to unlawfully acquire the jurisdiction of the Court, per se aggravated perjury.

In Aguirre’s second paragraph 14.1 (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that the department made reasonable efforts to return the child to the mother.

Attorney Francesca Aguirre committed Aggravated perjury, because the child was unlawfully seized, on the same day, December 08, 2014, as the Original Petition was filed. Therefore, it is impossible for the department to have made reasonable efforts to return the child to the mother, because the child had not been in the custody of TDFPS for “not less than six months”, on December 08, 2014.

In Attorney Aguirre’s Second paragraph 14.1, (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Attorney Aguirre swears to the truth of the statements:

- (1) the department or authorized agency has made reasonable efforts to return the child to the mother;
- (2) the mother has not regularly visited or maintained significant contact with the child;

These statements are perjured. The department could not have made reasonable efforts to return the child to the mother, because the child was not in the custody of the TDFPS until December 08, 2014. The mother did not have to regularly visit the child because the child was in the home with the mother. Attorney Aguirre committed Aggravated Perjury for the purpose of deceiving the court to execute the unlawful seizure of at least one child under the age of 18 at the time of the seizure, in violation of Title 18 USC 1201 (g) Kidnapping.

In Aguirre's second paragraph 14.2, (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as fact that CHRISTINA CRUISE "Failed to comply with the provisions of a court order..."

Attorney, Francesca Aguirre committed aggravated perjury under Texas Penal Code Sec. 37.03 Aggravated perjury, when Aguirre stated as a fact that as of December 08, 2014, CHRISTINA CRUISE failed to comply with a court order, when in fact no court order was in existence. No court orders were in place, because the Original Petition was filed on December 08, 2014, and there had been no court appearances in which a judge would have issued orders. Attorney Aguirre swore to the statements that this Plaintiff failed to comply with Court Orders that did not exist.

Attorney Aguirre committed aggravated perjury with purpose of deceiving the court into believing the mother had abandoned the child; while in actuality, the child was safe at home with the mother.

PLAINTIFF APPEALED PARENTAL RIGHTS TERMINATION CASE TO THE SUPREME COURT OF THE STATE OF TEXAS

This Plaintiff appealed the final judgment of termination of the parental rights, rendered by the Trial Court in June 2017. Plaintiff appealed to the Supreme Court of Texas. Plaintiff filed a Motion to Dismiss for Lack of Subject Matter jurisdiction in the Supreme Court of the State of Texas. This Plaintiff put the Justices of the Supreme Court on notice that the Supreme Court of the State of Texas, an Appellate court, did not have jurisdiction over the void orders and the void

judgments rendered by the Trial Court. *See Plea to the jurisdiction to the Texas Supreme Court Marked as Exhibit "G"*.

The Justices of the Supreme Court of Texas denied this Plaintiff's Motion to Dismiss for Lack of Subject Matter Jurisdiction, thereby asserting the alleged jurisdiction of the Supreme Court of Texas. The Justices of the Supreme Court of the State of Texas then issued discretionary rulings that affirmed the void orders and void judgments of the Trial Court. *See Court denial of Plea to the Jurisdiction Marked as Exhibit "H" dated March 15, 2019*.

In affirming the void orders and void judgments of the Trial Court, the Justices of the Supreme Court of Texas, promulgated its official policy and practice of supporting and defending the use of void orders and void judgments, by the Harris County Attorney's office and the Texas Department of Family and Protective Service (TDFPS), in the prosecution of the parental rights termination cases against this Plaintiff.

Plaintiff alleges that Defendants, all acting under the color of Law, as Justices of the Supreme Court of the State of Texas, promulgated, and implemented and executed a policy and practice that Harris County Social Workers, Harris County Attorneys, TDFPS, and Harris County Judges, used to deprive the Plaintiff of rights, privileges and immunities that are secured by the United States Constitution and Federal Laws.

Plaintiff alleges that the Justices of the Supreme Court of the State of Texas have promulgated, implemented, and are executing a policy and practice that violates the Constitutional Rights of the Plaintiff, as secured by the First(1st), Fourth (4th), Sixth (6th), and Fourteenth (14th) Amendments to the United States Constitution.

Plaintiff alleges that Defendants, the Justices of the Supreme Court of the State of Texas, all acting under the color of the Law, did promulgate, implement and cause to be executed Policy and practices that violate Federal Criminal Laws, including but not limited to; Title 18 United States Code 241 Conspiracy against Rights, and Title 18 United States Code 4 Misprision of Felony, Title 18 United States Code 1201g Unlawful Seizure, Kidnapping of three (3) children under the age of 18, Title 18 U.S. Code chapter 96—Racketeer Influenced And Corrupt

Organizations Section 1961-1968, predicate acts of Texas Penal Code Bribery 36.03 two counts, and RICO predicate acts of three counts Title 18 United States Code 1201g Kidnapping.

POLICY AND PRACTICE

The Justices of the Supreme Court of Texas have Promulgated and are implementing and executing, Policy and Practice that supports and defends the Practice of The Harris County Attorney's Office and the Texas Department of Family and Protective Services (TDFPS) commission of Texas Penal Code - PENAL § 36.02 Bribery and Constitutional Rights violations secured to the Plaintiff by the First (1st), Sixth (6th), Fourth (4th), Fourteenth (14th) Amendments to the United States Constitution, in the prosecution of Parental Rights Termination Cases.

Said Policy and Practice of The Justices of the Supreme Court of the State of Texas, was revealed to this Plaintiff, when the Justices of the Supreme Court, alleged that the Supreme Court of the State of Texas, possessed jurisdiction over the void orders and void judgments rendered by the Trial Court. The justices of the Supreme Court then issued a discretionary ruling affirming the void orders and void judgments, rendered by the Trial Court of the Presiding Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, then judges of the 309th Judicial District Harris County Texas.

A governmental policy, for purpose of establishing governmental liability under § 1983, may be a policy statement, ordinance, regulation, or decision that is officially adopted and promulgated by the government's lawmaking officers or by an official to whom the lawmakers have delegated policy-making authority. 42 U.S.C.A. § 1983 *Gates v. Texas Dep't of Protective & Regulatory Servs.*, 537 F.3d 404, 438–39 (5th Cir. 2008)

A custom, for purpose of establishing governmental liability under § 1983, is shown by evidence of a persistent, widespread practice of government officials or employees, which, although not authorized by officially adopted and promulgated policy, is so common and well settled as to constitute a custom that fairly represents government policy. 42 U.S.C.A. § 1983 *Gates v. Texas Dep't of Protective & Regulatory Servs.*, 537 F.3d 404, 438–39 (5th Cir. 2008)

CAUSE OF ACTION #1

Unreasonable Search on or about December 05, 2014

In Violation of the Fourth (4th) Amendment United States Constitution

On or about December 05, 2014, at 3030 Hirschfield Rd Apt 23C, Spring, Harris County, TX 77373, in the Southern District of Texas, Houston Division;

SOCIAL WORKER SEFRA PERKINS;

while acting under the Color of Law, and while, executing the Official Policy of the Justices of the Supreme Court of Texas, did knowingly, and willfully, combine, conspire, confederate and agree with the Defendants, the Justices of the Supreme Court of the State of Texas, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable searches as secured by the 4th Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Social Worker Sefra Perkins would, while executing the Official Policy of the Justices of the Supreme Court of Texas, and in agreement with the Defendants, the Justices of the Supreme Court of the State of Texas; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 05, 2014. Social Worker Sefra Perkins, while acting under the color of law, and while executing the Official Policy of the Justices of the Supreme Court of Texas, did so enter the premises of the Plaintiff, on or about December 05, 2014, without a valid court order authorizing the search, without exigent circumstances and without permission, with the definite intent of depriving Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable searches.

It was part of the conspiracy that The Justices of the Supreme Court of the State of Texas would provide material support, and aid and abet, Social Worker Sefra Perkins by providing her with an officially adopted and promulgated policy by the Justices of the Supreme Court of the State of

Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority. The Justices of the Supreme Court officially adopted and promulgated policy provided the means and methods to accomplish the unlawful entry.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co-Conspirators, namely Social Worker Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 05, 2014, at least one of the following overt acts.

SOCIAL WORKER SEFRA PERKINS;

in executing officially adopted and promulgated policy by the Justices of the Supreme Court of the State of Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority, entered the premises of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 05, 2014, without valid court order authorizing the entry, without exigent circumstances, and without permission, in an unreasonable search of the home of Plaintiff Christina Michelle Cruise.

Said unreasonable search of the premise of the Plaintiff was in violation of the unreasonable search prohibition of the 4th Amendment of the United States Constitution. Social Worker Sefra Perkins stated, in a Police Report executed on the scene by Sefra Perkins herself that the purpose of the unreasonable search was to seize an 11-month old child. The 11-month old child was not seized by Social Worker Perkins; however a seizure was attempted, in violation of Title 18 United States Code 1349 Attempt. Said unreasonable attempted seizure was in violation of Title 18 United States Code 1201(g) kidnapping of a child under the age of 18.

Said unreasonable search constitutes Federal Crimes under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony and gives rise to this **Cause of Action #1**, Violation of the Fourth (4th) Amendment to the United States Constitution, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #2

Unreasonable Search on or about December 08, 2014

Violation of the Fourth (4th) Amendment United States Constitution

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C, SPRING, HARRIS COUNTY, TX 77373, in the Southern District of Texas, Houston Division;

SOCIAL WORKER SEFRA PERKINS;

while acting under the Color of Law, and while, executing the Official Policy and Practices of the Justices of the Supreme Court of Texas, did knowingly, and willfully, combine, conspire, confederate and agree with the Defendants, the Justices of the Supreme Court of the State of Texas, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable searches as secured by the Fourth (4th) Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Social Worker Sefra Perkins would, while, executing the Official Policy of the Justices of the Supreme Court of Texas, and in agreement with the Defendants, the Justices of the Supreme Court of the State of Texas; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014.

Social Worker Sefra Perkins, while acting under the color of law, and while executing the Official Policy and Practices of the Justices of the Supreme Court of Texas, did so enter the premises of the Plaintiff, on or about December 08, 2014, without a valid court order authorizing the search, without exigent circumstances, and without permission, with the definite intent of depriving Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable searches.

It was part of the conspiracy that The Justices of the Supreme Court of the State of Texas would provide material support, and aid and abet, Social Worker Sefra Perkins by providing her with an

officially adopted and promulgated policy and practice by the Justices of the Supreme Court of the State of Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority. The Justices of the Supreme Court officially adopted and promulgated policy provided the means and methods to accomplish the unlawful entry.

OVERT ACTS

In the furtherance of the Conspiracy, and to achieve the object thereof, at least one of the Co-Conspirators, namely Social Worker Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SOCIAL WORKER SEFRA PERKINS;

in executing officially adopted and promulgated policy by the Supreme Court of the State of Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority, entered the premises of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without a valid court order authorizing the search, without exigent circumstances, and without permission, in an unreasonable search of the home of Plaintiff Christina Michelle Cruise.

Said unreasonable search of the premise of the Plaintiff was in violation of the unreasonable search prohibition of the Fourth (4th) Amendment of the United States Constitution.

Said unreasonable search constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 U.S. Code § 1349 Attempt and Conspiracy, Title 18 U.S. Code § 1201 Kidnapping, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968.

Said Unreasonable Search, in violation of the Fourth (4th) Amendment to the United States Constitution, executed on or about December 08, 2014, gives rise to this **Cause of Action #2**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #3

Unreasonable seizure Child 'A' on or About December 08, 2014 in

Violation of the Fourth (4th) Amendment United States Constitution;

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C, SPRING, HARRIS COUNTY, TX 77373, in the Southern District of Texas, Houston Division;

SOCIAL WORKER SEFRA PERKINS;

while acting under the Color of Law, and while, executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did knowingly, and willfully, combine, conspire, confederate and agree with the Defendants, the Justices of the Supreme Court of the State of Texas, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the Fourth (4th) Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Social Worker Sefra Perkins would, while executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, and in agreement with other conspirators; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Social Worker Sefra Perkins, while acting under the color of law, did so enter the premises of the Plaintiff, on or about December 08, 2014, without valid court order authorizing the entry, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that Defendants, The Justices of the Supreme Court of the State of Texas, would provide material support, and aid and abet, Social Worker Sefra Perkins by providing her with a policy and practice, officially adopted and promulgated by the Justices of the Supreme Court of the State of Texas, lawmaking officers or officials to whom the lawmakers

have delegated policy-making authority. The Justices of the Supreme Court officially adopted and promulgated policy provided the means and methods to accomplish the unlawful seizure.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co-Conspirators, namely Social Worker Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SOCIAL WORKER SEFRA PERKINS

entered the premises of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without valid court order authorizing the entry, without exigent circumstances, and without permission, in order to execute an unreasonable seizure in the home of Plaintiff Christina Michelle Cruise.

Social Worker Sefra Perkins, accompanied by an armed Police Officer, and executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did without a valid court order authorizing the seizure, without permission, and without exigent circumstances, did seize, Child 'A', the Biological Child of this Plaintiff Christina Michelle Cruise.

Said unreasonable seizure, of Child 'A', Shanice Michelle Cruise the Biological Child of this Plaintiff Christina Michelle Cruise, without a valid court order authorizing the seizure, without permission, and without exigent circumstances, from the premises of the Plaintiff, is in violation of the unreasonable seizure prohibition of the Fourth (4th) Amendment of the United States Constitution.

Said unreasonable seizure constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18. Said unreasonable seizure, in violation of the Fourth (4th) Amendment to the United States Constitution, gives rise to this **Cause of Action #3**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #4

Unreasonable seizure Child 'B' on or About December 08, 2014 in

Violation of the Fourth (4th) Amendment United States Constitution;

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C, SPRING, HARRIS COUNTY, TX 77373, in the Southern District of Texas, Houston Division;

SOCIAL WORKER SEFRA PERKINS;

while acting under the Color of Law, and while, executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did knowingly, and willfully, combine, conspire, confederate and agree with the Defendants, the Justices of the Supreme Court of the State of Texas, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the 4th Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Social Worker Sefra Perkins would, while, executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, and in agreement with other conspirators; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Social Worker Sefra Perkins, while acting under the color of law, and while executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did so enter the premises of the Plaintiff, on or about December 08, 2014, without a valid court order authorizing the entry, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that The Justices of the Supreme Court of the State of Texas would provide material support, and aid and abet, Social Worker Sefra Perkins by providing her with a policy and practice, officially adopted and promulgated by the Justices of the Supreme Court of

the State of Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority. The Justices of the Supreme Court officially adopted and promulgated policy provided the means and methods to accomplish the unlawful seizure.

OVERT ACTS

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co-Conspirators, namely Social Worker Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014, at least one of the following overt acts.

SOCIAL WORKER SEFRA PERKINS

entered the premises of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without valid court order authorizing the entry, without exigent circumstances, and without permission, in order to execute an unreasonable seizure in the home of Plaintiff Christina Michelle Cruise. Social Worker Sefra Perkins, accompanied by an armed Police Officer, and executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did without valid court order authorizing the entry, without permission, and without exigent circumstances, did seize, Child 'B', the Biological Child of this Plaintiff Christina Michelle Cruise.

Said unreasonable seizure, of Child 'B', Teralynn Campbell the Biological Child of this Plaintiff Christina Michelle Cruise, without a valid court order authorizing the seizure, without permission, and without exigent circumstances, from the premises of the Plaintiff, is in violation of the unreasonable seizure prohibition of the Fourth (4th) Amendment of the United States Constitution.

Said unreasonable seizure constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL §

36.02 Bribery and Three (3) Counts of Title 18 United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

Said unreasonable seizure, in violation of the Fourth (4th) Amendment to the United States Constitution, gives rise to this **Cause of Action #4**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #5

Unreasonable seizure Child 'C' on or About December 08, 2014 in Violation of the Fourth (4th) Amendment United States Constitution;

On or about December 08, 2014, at 3030 Hirschfield Rd Apt 23C, SPRING, HARRIS COUNTY, TX 77373, in the Southern District of Texas, Houston Division;

SOCIAL WORKER SEFRA PERKINS;

while acting under the Color of Law, and while, executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did knowingly, and willfully, combine, conspire, confederate and agree with the Defendants, the Justices of the Supreme Court of the State of Texas, to injure, oppress, and intimidate, Plaintiff, Christina Michelle Cruise, in the free exercise and enjoyment of the rights and privileges secured to Plaintiff, Christina Michelle Cruise, by the Constitution and laws of the United States, namely, the right to be free from unreasonable seizures as secured by the Fourth (4th) Amendment to the United States Constitution.

MANNER AND MEANS

It was part of the conspiracy that the Social Worker Sefra Perkins would, while, executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, and in agreement with other conspirators; enter the premises of the Plaintiff, Christina Michelle Cruise, at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014. Social Worker Sefra Perkins, while acting under the color of law, did so enter the premises of the Plaintiff, on or about December 08, 2014, without valid court order authoring the entry, without exigent circumstances and without permission, with the express intent to deprive Christina Michelle Cruise, of those rights secured to her by the United

States Constitution Fourth (4th) Amendment, namely the right to be free of unreasonable seizures.

It was part of the conspiracy that The Justices of the Supreme Court of the State of Texas would provide material support, and aid and abet, Social Worker Sefra Perkins by providing her with a policy and practice, officially adopted and promulgated by the Justices of the Supreme Court of the State of Texas, lawmaking officers or officials to whom the lawmakers have delegated policy-making authority. The Justices of the Supreme Court officially adopted and promulgated policy provided the means and methods to accomplish the unlawful seizure.

OVERT ACTS;

In the furtherance of the Conspiracy and to achieve the object thereof, at least one of the Co-Conspirators, namely Social Worker Sefra Perkins, committed and caused to be committed at 3030 Hirschfield Rd Apt 23C Spring TX 77373, in the Southern District of Texas, Houston Division, on or about December 08, 2014 at least one of the following overt acts.

SOCIAL WORKER SEFRA PERKINS

entered the premises of Christina Michelle Cruise at 3030 Hirschfield Rd Apt 23C Spring TX 77373, on or about December 08, 2014, without valid court order authorizing the entry, without exigent circumstances, and without permission, in order to execute an unreasonable seizure in the home of Plaintiff Christina Michelle Cruise. Social Worker Sefra Perkins, accompanied by an armed Police Officer, and executing the Official Policy and Practice of the Justices of the Supreme Court of Texas, did without a valid court order authorizing the entry, without permission, and without exigent circumstances, did seize, Child 'C', the Biological Child of this Plaintiff Christina Michelle Cruise.

Said unreasonable seizure, of Child 'C', Taelyn Victoria Cruise the Biological Child of this Plaintiff Christina Michelle Cruise, without a valid court order authorizing the seizure, without permission, and without exigent circumstances, from the premises of the Plaintiff, is in violation of the unreasonable seizure prohibition of the Fourth (4th) Amendment of the United States Constitution.

Said unreasonable seizure constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts of Title 18 United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

Said unreasonable seizure, in violation of the Fourth (4th) Amendment to the United States Constitution gives rise to this **CAUSE OF ACTION #5**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #6

**Violation of the 14th Amendment Due Process; Lack of Subject Matter Jurisdiction
Trial Judges Sheri Y. Dean and Associate Judge Beverly Malazzo are Disqualified**

Texas Constitution Article 5 Section 11; Disqualification Of Judges

No judge shall sit in any case wherein the judge may be interested, or where either of the parties, may be connected with the judge, either by affinity or consanguinity, within such a degree as may be prescribed by law, or when the judge shall have been counsel in the case.

This Plaintiff Christiana Michelle Cruise filed a civil rights complaint under Title 42 United States Code 1983, in the Southern District of Texas Houston Division. CMC complained of, among other things, 4th Amendment Unreasonable Searches and Seizures, 14th Amendment Procedural Due Process. Among the named as Defendants, were Presiding Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, then judges in the 309th Judicial District Court. *See federal Suit section 1983 for Civil rights court docket marked as Exhibit "I"*.

In Harris County Texas, the Texas Department of Family and Protective Services (TDFPS), prosecutes Parental Rights Termination Cases by and through the Harris County Attorney. That arrangement makes the State of Texas, by and through its TDFPS, and Harris County by and

through its Harris County Attorney, parties against the Parents facing parental rights termination proceedings in Harris County Texas.

Presiding Judge Sheri Y. Dean answered the Civil Rights Complaint, filed by this Plaintiff, by and through, her personal attorney, Rola Daaboul, Assistant Attorney General, at the Office of Attorney General of the State of Texas. Associate Judge Beverly Malazzo answered the Civil Rights Complaint, filed by this plaintiff, by and through, her personal attorney, Randall Raymond Smidt, Assistant Harris County Attorney.

Judges Dean and Malazzo are disqualified pursuant to Texas Constitution Article 5 Section 11. Trial Judges Dean and Malazzo sat in the Parental Rights Termination case, against this Plaintiff. Trial Judges, Dean and Malazzo's, personal Attorneys, prosecuted said Parental Rights Termination case against this Plaintiff. A disqualified judge is absolutely without jurisdiction, his orders are void, a nullity, and therefore subject to collateral attack. The use of void orders and void judgments to deprive this Plaintiff of the Liberty Interest to care, comfort, and control, this Plaintiff's own biological children, violate Due Process, as secured by the Fourteenth (14th) Amendment to United States Constitution.

Texas Rules of Civil Procedure RULE 18b

GROUND FOR DISQUALIFICATION OR RECUSAL OF JUDGES

(a) Grounds for Disqualification: A judge must disqualify in any proceeding in which:

(1) the judge has served as a lawyer in the matter in controversy, or a lawyer with whom the judge previously practiced law served during such association as a lawyer concerning the matter;

(2) the judge knows that, individually or as a fiduciary, the judge has an interest in the subject matter in controversy; or

(d) Terminology and Standards. In this rule:

(4) "Financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, adviser, or other active participant in the affairs of a party.

Texas Constitution article 5, section 11, and Texas Rules of Civil Procedure 18b (a) govern the disqualification of judges. If the grounds for disqualification are established, disqualification of a judge is mandatory. *See Tesco Am., Inc. v. Strong Indus., Inc.*, 221 S.W.3d 550, 553 (Tex. 2006).

If a judge is disqualified, he (she) is without jurisdiction to hear the case, and therefore, any judgment he (she) renders is void and a nullity. *Vernon's Ann. Texas Const. Art. 5, § 11. McKenna v. State*, 221 S.W.3d 765 (Tex. App. 2007)

Disqualified judge may perform a ministerial act, but is prohibited from performing any and all acts that call for the exercise of judicial discretion, and thus, any discretionary orders or judgments by a disqualified judge are void. *Fuelberg v. State*, 410 S.W.3d 498 (Tex. App. 2013)

Disqualification of a judge on constitutional grounds cannot be waived and may be raised even after the judgment is beyond appeal. *Vernon's Ann. Texas Const. Art. 5, § 11 F.S. New Prod., Inc. v. Strong Indus., Inc.*, 129 S.W.3d 594 (Tex. App. 2003).

Associate Judge, Beverly Malazzo, formed an attorney-client relationship with the Harris County Attorney's Office, in the person of Randall Smidt, a party in her court. In so doing, Judge Malazzo became an active participant in the affairs of a party in her court, namely the Harris County Attorney's Office, thereby, acquiring an interest in the matter before her court, and becoming disqualified pursuant to Texas Constitution Article 5 Section 11. TX Rule Civ Proc Rule 18 (b)(a)(2); TX Rules of Civ Proc Rule 18 (b)(d)(4). *See Court federal court docket sheet.*

Judge, Sheri Y. Dean, formed an attorney-client relationship with the State of Texas, a party in her court, by and through its Texas Department of Family and Protective Services (TDFPS). Judge, Sheri Y. Dean, formed an attorney-client relationship with the State of Texas, by and through its office of Attorney General, in the person of Assistant Attorney General Rola Dabaoul. In so doing, Judge Dean became an active participant in the affairs of a party in her court, namely the State of Texas, thereby, acquiring an interest in the matter before her court, and

becoming disqualified pursuant to Texas Constitution Article 5 Section 11 TX Rule Civ Proc Rule 18 (b)(a)(2); TX Rules of Civ Proc Rule 18 (b)(d)(4).

Judge Sheri Y. Dean in forming an attorney-client relationship with the State of Texas, by and through, its Office of Attorney General, and Judge Beverly Malazzo, in forming an attorney-client relationship with the Harris County Attorney's Office, discussed the underlying case, involving the Termination of the Parental rights of CMC, with their personal attorneys, parties to the case in the judges' court.

By being involved in the preparation and investigation of the case, with the State of Texas and with Harris County, the judges, Dean and Malazzo, acted as a counsel for the state, thereby becoming disqualified pursuant to Texas Const. Art. 5, § 11. TX Rule Civil Procedure Rule 18(b) (a) (1).

If a trial judge participates in any manner in the preparation and investigation of a case, he (she) would be counsel for state and hence disqualified. V.T.C.A., Government Code § 74.059(c) (3); Vernon's Ann. Texas Const. Art. 5, § 11 *Martin v. State*, 876 S.W.2d 396 (Tex. App. 1994).

BRIBES & PROHIBITED GIFTS

A judge cannot solicit or accept any benefit from a person the judge knows is interested in, or is likely to become interested in, any matter before the court. TX Penal Code §36.02; (prohibits judge from engaging in bribery). TX Penal Code §36.08 (e); (prohibits judge from soliciting or accepting benefits from person subject to judge's jurisdiction).

TEXAS PENAL CODE § 36.08

Gift to Public Servant by Person Subject to His Jurisdiction

TX Penal Code §36.08 (e); A public servant who has judicial or administrative authority, who is employed by or in a tribunal having judicial or administrative authority, or who participates in the enforcement of the tribunal's decision, commits an offense if he (she) solicits, accepts, or agrees to accept any benefit from a person the public servant knows is interested in, or likely to become interested in, any matter before the public servant or tribunal.

Judges, Dean and Malazzo, accepted something of value, legal services, from a party in their court. Judge Malazzo accepted legal services from the Harris County Attorney's office. Judge Dean accepted legal services from the State of Texas, by and through its Office of Attorney General.

When the Judges Dean and Malazzo accepted the legal services from a party in their court, the judges accepted a benefit, something of value, from a person, the Harris County Attorney's office and the State of Texas, interested in a matter before the court of the Judges, Dean and Malazzo, thereby committing an offense under Texas Penal Code § 36.08 (e). An offense under this section is a Class A misdemeanor.

By accepting a benefit, something of value, from a person interested in a matter before the court, namely the Harris County Attorney's Office and the State of Texas, the Judges, Dean and Malazzo, acquired an interest in the matter before their court. The Judges Dean and Malazzo, are therefore disqualified, pursuant to Texas Constitution Article 5 Section 11.

BRIBERY; TEXAS PENAL CODE § 36.02 relevant part;

TX Penal § 36.02 (a) A person commit an offense if he (she) intentionally or knowingly offers, confers, or agrees to confer on another, or solicits, accepts, or agrees to accept from another; (1) any benefit as consideration for the recipient's decision, opinion, recommendation, vote, or other exercise of discretion as a public servant, party official, or voter; (2) any benefit as consideration for the recipient's decision, vote, recommendation, or other exercise of official discretion in a judicial or administrative proceeding; (3) any benefit as consideration for a violation of a duty imposed by law on a public servant or party official. Bribery Texas Penal Code 36.02 (e); an offense under this section is a felony of the second degree.

The Judges, Dean and Malazzo are disqualified, under the Texas Constitution Article 5 Section 11. When, the judges Dean and Malazzo, accepted legal services, something of value in exchange for a violation of a duty imposed by law on a public servant, from a party before their tribunal, namely the State of Texas for Judge Dean and the Harris County Attorney's Office for Judge Malazzo, the judges committed bribery, under the Texas Penal Code Chapter 36.02 (a) et seq., and acquired an interest in the matter before their tribunal.

Said interest in the matter before their tribunal violated the Texas Constitution Article 5 Section 11. The Judges Dean and Malazzo are therefore disqualified under Texas Constitution Article 5 Section 11. Said Disqualification renders the orders and judgments of the judges Dean and Malazzo, void, a nullity, and subject to collateral attack.

Freedom Commc'ns, Inc. v. Coronado, 372 S.W.3d 621 (Tex. 2012); Supreme Court of Texas

Trial judge had an interest in a case in which he denied a newspaper publisher's motion for summary judgment on claims against it for defamation and invasion of privacy, such that trial judge was constitutionally disqualified, trial judge's discretionary ruling on the motion was therefore void, and the Court of Appeals and the Supreme Court accordingly lacked jurisdiction to address the merits of publisher's interlocutory appeal from the denial; trial judge, who pleaded guilty to federal racketeering charges and admitted that he accepted \$8000 for, in part, making rulings favorable to the plaintiffs in publisher's case, including denying the summary-judgment motion, obtained a pecuniary gain as a direct result of his rulings. Vernon's Ann.Texas Const. Art. 5, § 11. *Freedom Commc'ns, Inc. v. Coronado*, 372 S.W.3d 621 (Tex. 2012); Supreme Court of Texas. June 22, 2012, 372 S.W.3d 621; 55 Tex. Sup. Ct. J. 975

The rules announced in constitution and statutes upon subject of disqualification of a judge by reason of interest in case or by reason of relationship to one of parties are mandatory. Vernon's Ann.Civ.St. art. 15; Vernon's Ann.St.Const. Art. 5, § 11. *Fry v. Tucker*, 146 Tex. 18, 202 S.W.2d 218 (1947)

The question of disqualification of a judge by reason of his interest in case or by reason of relationship to one of the parties may be raised subsequent to his actions in the case. Vernon's Ann.Civ.St. art. 15; Vernon's Ann.St.Const. Art.5, § 11. *Fry v. Tucker*, 146 Tex. 18, 202 S.W.2d 218 (1947)

A party may collaterally attack a void judgment at any time, even after time within which to file a direct attack has expired. *In re Merino*, 542 S.W.3d 745 (Tex. App. 2018).

An order or judgment rendered by a constitutionally disqualified judge is void. Vernon's Ann.Texas Const. Art. 5, § 11, F.S. *New Prod., Inc. v. Strong Indus., Inc.*, 129 S.W.3d 594 (Tex. App. 2003).

Disqualification of a judge on constitutional grounds cannot be waived and may be raised even after the judgment is beyond appeal. Vernon's Ann.Texas Const. Art. 5, § 11. F.S. *New Prod., Inc. v. Strong Indus., Inc.*, 129 S.W.3d 594 (Tex. App. 2003)

If a judge is disqualified, he is without jurisdiction to hear the case, and therefore, any judgment he renders is void and a nullity. Texas Const Art 5, § 11 *McKenna v. State*, 221 S.W.3d 765 (Tex. App. 2007).

When an Appeal is taken from a void judgment, the appellate court must declare the judgment void... Because the appellate court may not address the merits, it must set aside the trial courts judgments and dismiss and remand. *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192, 194 (Tex.App.-Houston [14th Dist] 1994, no writ)

Invalidity of void order is a matter that may be raised at any time and at any place by any person whose rights are affected. *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192 (Tex. App. 1994

Judges Dean and Malazzo are disqualified pursuant to Texas Constitution Article 5 Section 11. A disqualified judge is absolutely without jurisdiction, his orders are void, a nullity, and therefore subject to collateral attack. The use of void orders and judgments, to deprive this Plaintiff of rights, privileges, and immunities that are secured by the United States Constitution, and Federal Laws, violate Due Process pursuant to United States Constitution 14th Amendment. Trial Judges Dean and Malazzo used void orders and void judgments to deprive this Plaintiff of Constitutional Rights as secured by the United States Constitution 1st, 4th, 6th 14th Amendments. The Justices of The Supreme Court of the State of Texas affirmed the use of void orders and void judgments to deprive the Plaintiff of Constitutional Rights as secured by the United States Constitution 1st, 4th, 6th, and 14th Amendments.

This plaintiff complained to the Justices of the Texas Supreme Court via a Motion to Dismiss for Lack of Subject Matter jurisdiction. This Plaintiff complained that the underlying State Court

Orders and Judgments were void, a nullity, and therefore subject to Collateral Attack. This Plaintiff put The Justices of the Texas Supreme Court of Texas, on notice, that void orders and void judgments cannot be used to deprive this Plaintiff of Constitutional Rights. A void order or void judgment is a nullity that is legally worthless.

This Plaintiff put The Justices of the Texas Supreme Court of Texas, on notice, that the Supreme Court of Texas, an appellate court, does not have jurisdiction to consider the merits of void orders and void judgments. This Plaintiff put The Justices of the Texas Supreme Court of Texas, on notice, that the Justices of the Supreme Court of Texas, when confronted with void orders and void judgments, can only perform the ministerial task of dismissing the appeal and remanding back to the trial court with an order of dismissal. *El-Kareh v. Texas Alcoholic Beverage Comm'n*, 874 S.W.2d 192, 194 (Tex.App.-Houston [14th Dist] 1994)

The justices of the Supreme Court of Texas abused their discretion when the Justices of the Supreme Court of Texas, asserted the “alleged” jurisdiction of the Texas Supreme Court, and subsequently, rendered a judgment requiring judicial discretion, affirming the void orders and void judgments of the Trial Court.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Justices of the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Said policy and practices, Promulgated by the Justices of the Supreme Court, and executed by the Justices of the Supreme Court of Texas, Harris County Social Workers, Attorneys for the State of Texas, and Attorneys for Harris County, and the Trial Court Judges, constitutes Federal Felonies, including but not limited to: Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts

of Title 18 United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

The use of Void Orders and Void Judgments, to deprive the Plaintiff of Rights, Privileges and Immunities that are secured by the Laws and Constitution of the United States is in violation of 14th Amendment Due Process Clause and gives rise to this **Cause of Action #6**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #7

Violation of the United States Constitution Sixth (6th) Amendment Ineffective Assistance of Counsel in Trial Court

The Trial judges Dean and Malazzo, appointed, and arranged payment for, a succession of court appointed attorneys, to give the appearance of Legal representation to this Plaintiff, all the while, the succession of court appointed attorneys, were selling out the interest of this Plaintiff, and failing to support and defend the constitutional rights of this Plaintiff; per se extrinsic fraud.

Court appointed Attorneys did not challenge the Aggravated Perjury Texas Penal Code Sec. 37.03 committed by Attorney Francesca Aguirre. Aggravated Perjury Texas Penal Code 37.03 was obvious on the face of the Original petition, filed in this case by Attorney Francesca Aguirre.

1. Attorney Francesca Aguirre signed and executed the filing of the Original petition in this case. By signing and swearing to the truth of materially, false statements that Attorney Aguirre knew to be false, Attorney Aguirre committed Aggravated perjury.

Court Appointed Attorneys conspired with Assistant Harris County Attorney Francesca Aguirre, to commit the Aggravated perjury that is evident on the face of the Original Petition. Fraud, in the form of Aggravated perjury on the Original Petition violates due process as secured by the 14th Amendment to the United States Constitution, a fundamental error, that Court Appointed Attorneys should have raise in the Trial Court and Appellate Court. Failure to raise the issue of Aggravated perjury in the Original Petition is per se, ineffective assistance of counsel, a Sixth (6th) Amendment violation.

Plaintiff Provides Details of Aggravated Perjury Committed in Trial Court

Attorney Francesca Aguirre, Assistant Harris County Attorney, swore to the truth of false statements contained in the Original Petition titled, *Original Petition for protection of a child for conservatorship, and for suit affecting the parent child relationship Application for writ of attachment as to Taelyn Cruise., the child on December 8, 2014. See Original Petition Cause of Action on the court's docket in cause number 2014-71072, Dec 8, 2014.* Assistant Harris County Attorney Francesca Aguirre represented The Texas Department of Family and Protective Services (TDFPS) in this parental rights termination suit.

Assistant Harris County Attorney Francesca Aguirre made material false statements during legal proceedings, the prosecution of the parental rights termination case, against this plaintiff. Texas Penal Code **Sec. 37.03 AGGRAVATED PERJURY** was committed by Attorney Francesca Aguirre, during the “legal” proceedings to terminate the parental rights of the Plaintiff, when Attorney Francesca Aguirre swore to the truth of the following false statements:

Paragraph 14: Termination of C.M.C. parental rights

If reunification with the mother cannot be achieved, the Court should terminate the parent-child relationship between **CHRISTINA CRUISE.** and the child **Taelyn Cruise**, the subject of this suit under Chapter 161, Texas Family Code, because termination of the parent-child relationship is in the child's best interest and **CHRISTINA CRUISE.** has committed one or more of the following acts or omissions.

14.1 Knowingly placed or knowingly allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child. Pursuant to 161.001 (1) (D) Texas Family Code

14.2 Engaged in conduct or knowingly placed the child with persons who engaged in conduct which endangers the physical or emotional well-being of the child. Pursuant to 161.001(1) (E) Texas Family Code

14.1 [sic] Constructively abandoned the child who has been in the permanent or temporary managing conservatorship of the department of family and Protective Services or an authorized agency for not less than six months and: (1) the department or

authorized agency has made reasonable efforts to return the child to the mother; (2) the mother has not regularly visited or maintained significant contact with the child; and (3) the mother has demonstrated an ability to provide the child with a safe environment, pursuant to 161.001(1)(N), Texas family Code;

14.2 [sic] Failed to comply with the provisions of a court order that specifically established the actions necessary for the mother to obtain the return of the child who has been in the permanent or temporary managing conservatorship of the Department of Family and Protective Services for not less than six months as a result of the child's removal from the parent under Chapter 262 for the abuse and neglect of the child, pursuant to 161.001(1) (O), Texas family Code;

AGGREVIATED PERJURY COMMITTED BY ATTORNEY FRANCESCA AGUIRRE

Assistant Harris County Attorney Francesca Aguirre made material misrepresentation of law, and material misrepresentation of fact, for the purpose of deceiving the Court, thereby committing aggravated perjury. Said Material Misrepresentations were made when Attorney Francesca Aguirre represented, as fact, that CHRISTINA CRUISE committed one or more the acts or omissions contained in paragraph 14 of Attorney Aguirre's Original Petition.

In Attorney Aguirre's First paragraph 14.1 of the Original Petition (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that CHRISTINA CRUISE "knowingly placed or knowing allowed the child to remain in conditions or surroundings which endanger the physical or emotional well-being of the child. *Pursuant to chapter 161.001(1) (D), Texas Family Code*

Attorney Aguirre swore to the truth of these statements, but Attorney Aguirre does not substantiate these sworn statements with sworn affidavits from a person with personal knowledge of the alleged abuse or neglect as required by: *Tex. Fam. Code - FAM § 262.101*.

In Attorney Aguirre's First paragraph 14.2 of the Original Petition (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact that CHRISTINA CRUISE "engaged in conduct or knowingly placed the child with persons who

engaged in conduct which endangers the physical or emotional well-being of the child, pursuant to chapter 161.001(1) (E), Texas Family code.

Attorney Francesca Aguirre swore to the truth of these statements, but Attorney Aguirre does not substantiate these sworn statements with sworn affidavits from a person with personal knowledge of the alleged abuse or neglect as required by: *Tex. Fam. Code - FAM § 262.101*.

Texas Family Code - FAM § 262.101 Filing Petition before Taking Possession of Child

An original suit filed by a governmental entity that requests permission to take possession of a child without prior notice and a hearing must be supported by an affidavit sworn to by a person with personal knowledge and stating facts sufficient to satisfy a person of ordinary prudence and caution that:

- (1) there is an immediate danger to the physical health or safety of the child or the child has been a victim of neglect or sexual abuse;
- (2) Continuation in the home would be contrary to the child's welfare;
- (3) there is no time, consistent with the physical health or safety of the child, for a full adversary hearing under Subchapter C; and
- (4) reasonable efforts, consistent with the circumstances and providing for the safety of the child, were made to prevent or eliminate the need for the removal of the child.

In Aguirre's second paragraph 14.1 (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that CHRISTINA CRUISE abandoned the child who has been in the permanent or temporary managing conservatorship of the department of family and Protective Services or an authorized agency for not less than six months.

Attorney Francesca Aguirre committed Aggravated perjury, because the child was unlawfully seized on the same day, December 08, 2014, that the Original Petition was filed. Therefore, it is impossible for the child to have been abandoned in the care of TDFPS for "not less than 6 months", on December 08, 2014.

Social worker Sefra Perkins searched the home of this Plaintiff on December 05, 2014 and executed a police report stating that she is there to pick up the 11 month old child. Said search of the premises of the Plaintiff on December 05, 2014, was executed, according to the false statements of Attorney Francesca Aguirre, to seize a child that was already in the care of the TDGPS for not less than 6 months. Attorney Aguirre clearly committed aggravated perjury.

Attorney Francesca Aguirre swore to the truth of the statements the children had been in the custody of TDFPS for “not less than 6 months” as of December 08, 2014. It is important to note that Attorney Aguirre did not “allege” that the events happened; but Attorney Aguirre swore to the truth of the statements contained in paragraph 14 of the Original Petition.

Attorney Aguirre’s sworn statements conflict with actions of TDFPS. Social Worker Sefra Perkins executed a search of the premises of CHRISTINA CRUISE, on December 05, 2014. Social Worker Sefra Perkins executed a search of the premises, and a seizure in the premises on December 08, 2014.

The purpose of the Aggravated Perjury by Attorney Francesca Aguirre was the falsely represent that the child had been abandoned. Attorney Francesca Aguirre alleged that the child had been abandoned, in order to unlawfully and unconstitutionally, acquire the jurisdiction of the court.

The child had not been abandoned in the care of TDFPS; in fact the children were safe at home with their biological mother, this Plaintiff. Attorney Aguirre committed Aggravated Perjury, Texas Penal Code **Sec. 37.03 aggravated perjury**, in order to unlawfully, and unconstitutionally, acquire the jurisdiction of the Trial Court.

For a Party to commit aggravated perjury in order to acquire the jurisdiction of the court is no jurisdiction at all. The Trial Court of Judges Dean and Malazzo, never possessed jurisdiction in the parental rights termination cases against this plaintiff, the orders and judgements of the Trial Court of Judges, Dean and Malazzo are void.

A Search and attempted seizure was executed, on December 05, 2014, quoting the Police Report executed by Social Worker Sefra Perkins, “to pick up an 11 month old child.” This 11 month old

child, according to the sworn statement by Attorney Francesca Aguirre, on December 08, 2014, had been in the custody of TDFPS for “not less than six (6) months”.

Attorney Francesca Aguirre committed aggravated perjury Texas Penal Code Sec. 37.03 when Attorney Aguirre swore that on December 08, 2014, the 11 month old child had been in the custody of TDFPS for “not less than six (6) months. The purpose of the Aggravated Perjury was to deprive this Plaintiff of the 14th Amendment secured Liberty Interest in the care, comfort, and control of the Plaintiff’s own biological children. See *Troxel v. Granville*, 530 U.S. 57 (2000). The purpose of the Aggravated perjury on the part of Assistant Harris County Francesca Aguirre was to execute the unreasonable search and the unreasonable seizure, in violation of the Fourth (4th) Amendment, in the premises of the plaintiff, Christina Michelle Cruise.

In Aguirre’s second paragraph 14.1 (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as a fact, that the department made reasonable efforts to return the child to the mother.

Attorney Francesca Aguirre committed Aggravated perjury, because the child was unlawfully seized, on the same day, December 08, 2014, as the Original Petition was filed.

Therefore it is impossible for the department to have made reasonable efforts to return the child to the mother because the child had not been in the custody of TDFPS for “not less than six months”, on December 08, 2014.

In Aguirre’s second paragraph 14.2, (note: *there are two paragraphs marked 14.1 and two paragraphs marked 14.2*), Aguirre states as fact that CHRISTINA CRUISE “Failed to comply with the provisions of a court order...”

Attorney, Francesca Aguirre committed aggravated perjury under Texas Penal Code Sec. 37.03 Aggravated perjury, when Aguirre stated as a fact that as of December 08, 2014, C.M.C failed to comply with a court order, when in fact no court order was in existence. No court orders were in place, because the Original Petition was filed on December 08, 2014, and there had been no court appearances in which a judge would have issued orders.

Sec. 37.02. PERJURY.

(a) A person commits an offense if, with intent to deceive and with knowledge of the statement's meaning:

(1) he makes a false statement under oath or swears to the truth of a false statement previously made and the statement is required or authorized by law to be made under oath; or

(2) he makes a false unsworn declaration under Chapter 132, Civil Practice and Remedies Code.

(b) An offense under this section is a Class A misdemeanor.

Sec. 37.03. AGGRAVATED PERJURY

(a) A person commits an offense if he commits perjury as defined in Section 37.02, and the false statement:

(1) is made during or in connection with an official proceeding; and

(2) is material.

(b) An offense under this section is a felony of the third degree.

Sec. 37.04 MATERIALITY

(a) A statement is material, regardless of the admissibility of the statement under the rules of evidence, if it could have affected the course or outcome of the official proceeding.

(b) It is no defense to prosecution under Section 37.03 (Aggravated Perjury) that the declarant mistakenly believed the statement to be immaterial.

(c) Whether a statement is material in a given factual situation is a question of law.

PERJURED STATEMENTS

In Texas, Aggravated perjury is a crime of moral turpitude. That means the public generally considers it morally wrong. Individuals convicted of crimes of moral turpitude can face additional hardships, such employment, housing, and immigration issues.

Attorney Aguirre willfully committed aggravated perjury Texas Penal Code 37.03, when she swore to false statements contained in the original petition. Attorney Aguirre's used perjured

statements to unlawfully seize the three biological children of Ms. Christina Cruise; all of the children were under the age of 18 at the time of the seizures.

The unlawful seizure of one child, under the age of 18, constitutes a Federal felony under Title 18 U.S.C. 1201(g) Unlawful seizure kidnapping. The penalty for Title 18 USC 1201(g) Unlawful seizures kidnapping, one child under the age of 18, is a minimum of 20 years in federal prison.

That the Federal felonies under Title 18 United States code 1201(g) Unlawful seizure kidnapping were not reported constitutes Federal felonies under title 18 U.S. code 4 Misprision of a felony. Moreover, Attorney Aguirre perjured statements were used to unlawfully acquire the jurisdiction of the court.

2. The court appointed Attorneys did not challenge the Unreasonable search of the home of Christina Cruise that was executed on December 05, 2014, a violation of the 4th Amendment to the United States Constitution, a fundamental error.
3. The court- appointed Attorneys did not challenge the failure of Sefra Perkins to obtain a valid Court order prior to searching the home of Christina Cruise, on or about December 05, 2014, a 14th Amendment Due Process violation, a fundamental error.
4. The court- appointed Attorneys did not bring the allege witness, Social Worker, Sefra Perkins to testify in court. Social worker Sefra Perkins is the person that made allegations of abuse or neglect, but not one of the court-appointed attorneys brought Social Worker, Sefra Perkins to testify in court.
5. The court appointed Attorneys did not challenge the constitutionality of the Unreasonable search and seizures in the home of this Plaintiff Christina Michelle Cruise, that was executed on December 08, 2014, a violation of the 4th Amendment to the United States Constitution, a fundamental error.

6. Not one of the court appointed Attorneys interviewed the State's main witness, Social Worker Sefra Perkins to obtain a statement regarding the searches and seizures in the home of Christina Cruise on December 05, 2014 and December 08, 2014.
7. Not one of the court-appointed Attorneys interviewed the State's main witness, Social worker; Sefra Perkins to obtain a statement regarding who Sefra Perkins alleges is the perpetrator and the victim of the alleged abuse or neglect,
8. Not one of the court-appointed attorneys interviewed the State's main witness, Social Worker, Sefra Perkins, to ascertain the identity of the alleged perpetrator.
9. Not one of the court-appointed attorneys interview the State's main witness, Social Worker, Sefra Perkins, to determine the location of the alleged perpetrator on December 08, 2014. The location of the alleged perpetrator would be important, because if the alleged perpetrator was out of the vicinity, there would be no exigency of circumstances, therefore, no need to seize the children on December 08, 2014.
10. The court appointed Attorneys did not challenge the constitutionality of the judge, Dean and Malazzo's failure to render findings of extra ordinary circumstances prior to extending the cases against Christina Cruise, on or about December 10, 2015, a violation of the Texas Family Code 263.401, and the 14th Amendment Due Process Clause.
11. The court appointed Attorneys did not challenge the constitutionality of the judge's failure to dismiss the case on June 13, 2016, as required by Texas Family Code 263.401, as this was the end of the mandatory one-year deadline, and the end of the single allowed 180 day extension. This date was set by order of the court, signed and executed by Associate Judge Beverly Malazzo. Said Failure to dismiss the case is a 14th amendment Due Process Violation, 14th Amendment Deprivation of the Liberty Interest in the care, comfort, and control of the biological children of this Plaintiff, fundamental errors.

12. The court appointed Attorneys conspired with the Harris County Trial Judges to further the unlawful seizure of three children of Christina Cruise, all under the age of 18 at the time of the unlawful seizures.
13. The court appointed attorneys did not challenge any of the State and Federal Felonies committed against Christina Cruise.
14. The court appointed Attorneys did not challenge violations of the constitutional rights of Christina Cruise, committed by the judges Dean and Malazzo, Harris County Attorney, and TDFPS.
15. The court appointed Attorneys perpetrated extrinsic fraud against Christina Cruise, as it was their part of the conspiracy, to give the appearance of putting on a defense for Christina Cruise, while in actuality, the court appointed attorneys were corruptly selling out the interest of this Plaintiff to the other side, per se extrinsic fraud.
16. Court appointed Attorneys, Julie Brock, Bobbie Young, William Thursland, Elsie Martin-Simon, and Douglas York, all court appointed attorneys, committed extrinsic Fraud against this Plaintiff, by corruptly selling out to the other side.
17. The Judges personal attorneys, the Harris County Attorney's office for Judge Beverly Malazzo, and the State of Texas by and through it office of Attorney General was personal attorney for Judge Dean. The Judges Dean and Malazzo, never disclosed, to Christina Michelle Cruise, that their personal attorneys were prosecuting the parental rights termination case against Christina Michelle Cruise, per se extrinsic fraud. Said extrinsic Fraud shows that there was never a real contest in the hearings or in the trial. Court appointed Attorneys did not challenge the Jurisdiction of the Trial Court.
18. Attorney Bobbie Young took her client, Christina Michelle Cruise to trial, in the parental rights termination case. The trial was held approximately a year, in June 2017, after the case was to be dismissed, on June 13, 2016, pursuant to Texas Family Code 263.401(c). Attorney Bobbie Young never filed a plea to the jurisdiction or any other procedural

device to challenge the standing of TDFPS to prosecute, and or to challenge the judges Dean and Malazzo's, jurisdiction to sit, in the parental rights termination cases, a full year past the date, the legislature, through statute orders the cases be dismissed. The final date was set by Texas Family Code 263.401 and by order of the Trial Court itself, and the 14th Amendment Due Process Clause.

Assistant Harris County Attorney Francesca Aguirre deprivation of the Constitutional rights of the Respondent while acting under to color of law, violates Fundamental rights secured by the United States Constitution 1st, 4th, 6th, and 14th Amendments. Failure to follow the dictates of the United States 1st, 4th, 6th, and 14th Amendments to the United States Constitution renders the judgments of the Trial Court void, a nullity, and therefore subject to collateral attack.

Court Appointed Counsel failed to raise any of the aforementioned fundamental errors on behalf of the Plaintiff, per se ineffective assistance of Counsel, a violation of the Sixth (6th) Amendment to the United States Constitution, rendering the State Court parental rights termination judgments void, a nullity, and subject to collateral attack.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Said policy and practices, Promulgated by the Justices of the Supreme Court, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts of Title 18 United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

Ineffective Assistance of Counsel in the Trial Court, in Violation of Sixth (6th) Amendment to the United States Constitution, gives rise to this **CAUSE OF ACTION #7**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #8

14th Amendment Due Process Violation Failure to Dismiss the Parental Rights Termination Case on the First Monday following the One Year Anniversary of date TDFPS was appointed Temporary Managing Conservator

Procedural Due Process, a Constitutional Right secured by the 14th Amendment to the United States Constitution, requires the State to follow and observe fair procedures when undertaking to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the United States Constitution. *Texas Family Code 263.401* establishes the maximum length of time that these Parental Rights Termination cases can remain on the Court's Docket. Violations of these legislatively set time frames are a violation of Procedural Due Process, as secured to the Plaintiff by the Fourteenth (14th) Amendment to the United States Constitution. Said constitutional violations render the orders and judgments void, a nullity, and therefore subject to collateral attack.

The date that TDFPS was appointed Temporary Managing Conservator, December 08, 2014, is significant in the prosecution of parental rights termination cases prosecuted by TDFPS. The statute is clear that these, parental rights termination cases, prosecuted by TDFPS, must be dismissed on the first Monday after the one-year anniversary of the date the Department was appointed temporary managing conservator of the children, (December 08, 2014) absent the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); see *In re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d at 612 ("Subsection 263.401(a) of the Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department if a final order has not been rendered" by the deadline.).

The court cannot just enter an extension order, though. For the suit to remain on the court's docket beyond the one-year dismissal date, the court must make specific findings to support the extension order: "the court may not retain the suit on the court's docket" after the one-year dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM. CODE § 263.401(b)*

Even if a trial court enters an extension order, the suit may be retained on the court's docket for a maximum of 180 days after the one-year dismissal date, and the trial court must make specific provision in the order setting;

- (1) The new dismissal date for not later than the 180-day limit, and
- (2) The trial on the merits for a date that complies with the 180-day limit. *Texas Family Code* § 263.401(b) (1)
- (3) A trial court may not grant a second extension to retain the suit on the court's docket beyond the 180-day limit. TX FAM § 263.401(c)

Parties may not extend the deadlines set by the court "by agreement or otherwise."

*In Re Dept of Family & Protective Services Relator Cite as 273 S.W. 3d 637 (Texas 2009)
No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009
Texas Family Code* § 263.402(a).

The record of this case is clear. TDFPS was appointed Temporary Managing Conservator on December 08, 2014. Pursuant to Statute, *Texas Family code* § 263.401(a), if the court has not rendered a final order by the one-year anniversary date, December 08, 2015, then the court must dismiss the case on the following Monday, December 14, 2015.

The court of Judge Sheri Y. Dean, then of the 309th Judicial District Harris County, failed to render a final order by the December 08, 2015 anniversary of the date TDFPS was appointed Temporary Managing Conservator in this case. Therefore, pursuant to Statute Texas Family § 263.401(a), Judge Sheri Y. Dean had no discretion but dismiss the case on Monday, December 14, 2015, as this was the first Monday following the anniversary date of December 08, 2015, that TDFPS was appointed temporary managing conservator.

Judge Sheri Y. Dean, then of the 309th Judicial District Harris County abused her discretion when she failed to act in accordance with the Statute Texas Family Code § 263.401(a). Plaintiff alleges, Judge Sheri Y. Dean violated due process, as secured by the 14th Amendment to the United States Constitution, when she fail to observe the fair procedures, contained in Texas Family Code § 263.401(a).

Judge Sheri Y. Dean and her Associate Judge, Beverly Malazzo extended the case, brought by the Harris County Attorney and TDFPS, that sought to terminate the parental rights of Christina Michelle Cruise with respect to her biological children. Because no final order had been rendered, by the one-year anniversary date of December 08, 2015, the case should have been terminated on Monday, December 14, 2015, as this was the first Monday following the anniversary date that TDFPS was appointed temporary managing conservator.

The Trial Court Failure to dismiss the Parental Rights Termination case on December 14, 2015, the first Monday following the one-year anniversary, as required by *Texas Family Code 263.401*, is a Failure on the part of the Trial Court to observe and follow fair procedures during proceedings that attempt to deprive the Plaintiff of Rights, privileges, and immunities, that are secured by the United States Constitution, a Due Process violation of the 14th Amendment.

Plaintiff raised these issues to the Justices of the Supreme Court of the State of Texas in the Plaintiff's first Plea to the Jurisdiction. The Justices of the Supreme Court of the State of Texas have the full records of the Case. The Justices of the Supreme Court of the State of Texas should have ruled that the State Court Judgments were void, dismiss the appeal, and reverse and remand to the Trial Court with an order of dismissal.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as Justices of the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Said policy and practices, Promulgated by the Justices of the Supreme Court, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts of Title 18

United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

The failure to observe and follow Procedural Due Process, by failing to Dismiss the Parental Rights Termination case on the First Monday Following the One Year Anniversary (December 14, 2015), as required by the *Texas Family Code 263.401*, is in violation of the Due Process Clause of the 14th Amendment to the United States Constitution.

The Defendants, Justices of the Supreme Court in affirming the use of void orders and void judgments to violate the Constitutional Rights of the Plaintiff, violate the 14th Amendment Due Process Clause, and gives rise to this **Cause of Action #8**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #9

14th Amendment Due Process Violation: Failure to Render Findings of Extra Ordinary Circumstances Prior to Extending the Parental Rights Termination beyond the Initial Twelve (12) Months Timeframe

The statute is clear that these, parental rights termination cases filed by TDFPS, must be dismissed on the first Monday after the first anniversary of the date the Department was appointed temporary managing conservator of the children, absent the rendering of a final order or the granting of an extension. *Id.* § 263.401(a); *see In re Tex. Dep't of Family & Protective Servs.*, 210 S.W.3d at 612 ("Subsection 263.401(a) of the Texas Family Code requires a trial court to dismiss a SAPCR filed by the Department if a final order has not been rendered" by the deadline.). The court cannot just enter an extension order, though. For the suit to remain on the court's docket beyond the one-year dismissal date, the court must make specific findings to support the extension order: "the court *may not* retain the suit on the court's docket" after the one-year dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM. CODE* § 263.401(b).

Trial Judges Dean and Malazzo extended the Parental Rights Termination case against this Plaintiff, in violation of *Texas Family Code 263.401*, in that the Trial Judges, Dean and Malazzo,

failed to render findings of extraordinary circumstances that necessitated TDFPS remain as Temporary Managing Conservator.

The court could have extended the case, pursuant to Statute *Texas Family Code 263.401(b)*, but to do so Trial Judge Sheri Y. Dean would have had to have found, and rendered findings of extraordinary circumstances before extending the case. The court *may not* retain the suit on the court's docket" after the one-year dismissal date unless the court makes specific findings as set out in the statute. *TEX. FAM. CODE § 263.401(b)*

The record of this court contains no findings of extraordinary circumstances that make it necessary that the children remain in the temporary managing conservatorship of TDFPS and that continuing the appointment of TDFPS as temporary managing conservator was in the best interest of the child, as required by Statute. *TEX. FAM. CODE § 263.401(b)*

Because neither Presiding Judge Sheri Y. Dean, nor Associate Judge Beverly Malazzo, rendered findings of extra ordinary circumstances, such that it was necessary that TDFPS continue as Temporary Managing Conservator, as required by Statute *Texas Family Code § 263.401(b)*, Plaintiff alleges that Presiding Judge Sheri Y. Dean, failure to dismiss this case on the first Monday following the first anniversary TDFPS was appointed Temporary Managing Conservator, violates Due Process as secured by the 14th Amendment to the United States Constitution.

Pursuant to statute, *Texas Family Code § 263.401(a)(b)*, Plaintiff alleges the court of Sheri Y. Dean abused the discretion of the court by not following the dictates of the Texas family code, in particular *Texas Family Code § 263.401(a)(b)*, when she failed to dismiss this case.

Plaintiff Christina Michelle Cruise complained, via a timely motion to dismiss, that the trial court, had neither entered a final order, before the one-year anniversary date, nor had the trial court made findings that extraordinary circumstances existed, such that it was in the best interest of the children, that TDFPS continue as temporary managing conservator.

Judge Sheri Y. Dean, Presiding Judge of the 309th Judicial District Harris County, TX, denied the Plaintiff Christina Michelle Cruise's motion to dismiss. Judge Sheri Y. Dean would have known that her court was out of the allotted time to render final judgment. Pursuant to Statute, the

Texas Family Code 263.401, Judge Dean had no choice but to dismiss the cases, and abused her discretion when she failed to do so. *No. 08-0524 Supreme Court of Texas Argued November 12, 2008 Delivered Jan 9, 2009.*

Being out the time allotted to render final judgment in these cases, instead of dismissing the case and returning the children to their biological mother Christina Cruise, as required by the *Texas Family Code Section 263.401*, TDFPS and Judge Sheri Y. Dean conspired to perpetrate a fraud, and violate Plaintiff rights to Due Process under the Fourteenth (14th) Amendment. TDFPS and Trial Judges Dean and Malazzo, conspired to extend the parental rights termination case without the requisite findings as required by statute.

Judge Sheri Y. Dean extended this case, without the requisite findings of extra ordinary circumstances, in violation of the 14th Amendment Section 1 Due Process Clause of the United States Constitution, and the *Texas Family Code 263.401*. No record of a hearing exists in the records of the court. No record of a finding of extraordinary circumstances, that necessitate TDFPS remain as Temporary Managing Conservator, exists in the records of the court.

Plaintiff raised these issues to the Justices of the Supreme Court of the State of Texas in the Plaintiff's first Plea to the Jurisdiction. The Justices of the Supreme Court of the State of Texas have the full records of the Case. The Justices of the Supreme Court of the State of Texas should have ruled that the State Court Judgments were void, a nullity, and therefore subject to collateral attack because the judgment was obtained without due process, in violation of *Texas Family Code 263.40*, and the Fourteenth (14th) Amendment to the United States Constitution.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Said policy and practices, Promulgated by the Justices of the Supreme Court, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt

Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities. Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts of Title 18 United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

Said 14th Amendment Due Process Violation; The failure to render findings of Extra Ordinary Circumstance Prior to Extending the Parental Rights Termination beyond the Initial Twelve (12) month timeframe gives rise to this **CAUSE OF ACTION #9**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #10

14th Amendment Due Process Violation: Failure to Dismiss the Parental Rights Termination Case at the Expiration 18 month Mandatory Dismissal Date of June 13, 2016

The record of the Trial Court of Judges Sheri Y. Dean, and Beverly Malazzo, then of the 309th Judicial District Harris County Texas, is clear. TDFPS was appointed Temporary Managing Conservator on December 08, 2014. The one-year Anniversary of the case would have been December 08, 2015. A single 180-day extension would have ended on Monday June 6, 2016. The court of Judge Sheri Y. Dean would have had no discretion but dismiss the case on Monday June 13, 2016 if no final Judgement was rendered by the Mandatory Deadlines. The court of Judge Sheri Y. Dean, then the 309th Judicial District Harris County Texas, abused its discretion when it retained this case on its docket in violation of the mandatory timeframes contained in the *TX Fam Code § 263.401*.

Trial Judge Sheri Y. Dean and Associate Judge, failed to dismiss the case, on June 13, 2016, as required by statute. Trial Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, failed to dismiss the case, on June 13, 2016, as required by the Judges, Dean and Malazzo's own court order establishing June 13, 2016 as the final date that the case could have been on the docket. Said failure to act according to statute, allowed TDFPS to unlawfully continue as Temporary Managing Conservator, in violation of the Fourteenth (14th) Amendment secured Liberty Interest, in the care, comfort, and control of this Plaintiff own biological children.

Trial Judge Sheri Y. Dean could only perform the ministerial task of dismissing this case on June 13, 2016, as no final order had been rendered, nor was the court conducting a trial on the matters of the Parental rights termination of this Plaintiff. By failing to dismiss the case, and failing to return the Plaintiff's Biological children to the Plaintiff, Judge Sheri Y. Dean, constructively seized the biological Children of the Plaintiff, in violation of the Fourth (4th) Amendment proscription United States Code against unreasonable seizures, and in violation of Title 18 United States Code 1201 (g) Kidnapping unlawful seizure of child under the age of 18.

Plaintiff alleges Judge Sheri Y. Dean violated the Plaintiff's due process rights as secured by the 14th Amendment of the United States Constitution, when Judge Sheri Y. Dean failed to dismiss the case, as required by the statute, after the one-year anniversary and the single 180-day extension had passed. *Texas Family Code § 263.401*

Plaintiff raised these issues to the Justices of the Supreme Court of the State of Texas in the Plaintiff's first Plea to the Jurisdiction. The Justices of the Supreme Court of the State of Texas have the full records of the Case. The Justices of the Supreme Court of the State of Texas should have ruled that the State Court Judgments were void, a nullity, and therefore subject to collateral attack because the judgment was obtained without due process, in violation of *Texas Family Code 263.401*.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Said policy and practices, Promulgated by the Justices of the Supreme Court, constitutes Federal Felonies under Title 18 U.S. Code 241 Conspiracy against Rights, and Title 18 U.S. Code 4 Misprision of a Felony, Title 18 United States Code 1201g Kidnapping, unlawful seizure of a child under the age of 18, Title 18 U.S. Code § 96 Racketeer Influenced and Corrupt Organizations Sections 1961-1968, Title 18 U.S. Code § 1962(c) (d) Prohibited activities.

Racketeer Influenced and Corrupt Organizations predicates act include but may not be limited to Two (2) Counts of Texas Penal Code - PENAL § 36.02 Bribery and Three (3) Counts of Title 18

United States Code 1201(g) Unlawful Seizure, Kidnapping of three (3) children under the age of 18.

Failure to Dismiss the Parental Rights Termination Case at the Expiration the 18 month (the initial 12 months and the single allowed six month extension) Mandatory Dismissal Date of June 13, 2016, is a violation of the Due Process Clause of the 14th Amendment and gives rise to this **CAUSE OF ACTION #10**, under Title 42 United States Code Section 1983.

CAUSE OF ACTION #11

Equal Protection of Law as Secured by the 14th Amendment US Constitution

The Equal Protection Clause of the 14th Amendment prohibits states from denying any person within its jurisdiction the equal protection of the law. In other words, the laws of a state must treat an individual in the same manner as other people in similar conditions and circumstances.

IN THE SUPREME COURT OF TEXAS no. 08-0524

In Re Department of Family & Protective Services, Relator; On Petition For Writ Of Mandamus; Argued November 12, 2008

The Department of Family and Protective Services brought this parental-rights termination case and was appointed temporary managing conservator of two children. The trial court ordered the mother's parental rights terminated before the one-year dismissal date prescribed by the Family Code, but then, after the dismissal date, granted the mother's motion for new trial. The trial court neither rendered another final order nor entered an extension order, and the mother moved to dismiss the case more than nineteen months after the Department was first appointed temporary managing conservator. Her motion to dismiss was denied. We hold that the Family Code required the case to be dismissed and the trial court abused its discretion by failing to do so.

In Re Department of Family & Protective Services No. 08-0524 January 9, 2009, The Supreme Court of the State of Texas ruled that the Timeframes contained in the Texas Family Code 263.401 are Mandatory. In the parental rights termination cases against this Plaintiff, the Justices

of the Supreme Court of the State of Texas affirmed the Trial Court termination of the Parental Rights of Christina Michelle Cruise.

In the termination of the Parental Rights of Christina Michelle Cruise, the Trial Judge conducted “trial” in June of 2017; approximately, a year after the case had to have been dismissed pursuant to Texas Family code 263.401. That date of the required dismissal was June 13, 2016, pursuant to Texas Family code 263.401, and the date was affirmed by the trial court, by order of the Court of the Trial Judges, Dean and Malazzo. *See attached exhibit “J” Order Retaining the Suit and Setting Trial Date”*

The record of the case is not in doubt. TDFPS was appointed Temporary Managing conservator on December 08, 2014. No final judgment was rendered by the one-year anniversary date of December 08, 2015, therefore, the Trial Court had to dismiss the case on Monday December 14, 2015, as this was the first Monday following the one-year anniversary, of December 08, 2014, the date TDFPS was appointed Temporary Managing Conservator.

Trial judges Dean and Malazzo failed to dismiss the Case Monday December 14, 2015. The Plaintiff filed a timely motion to dismiss, which the trial court denied. This Plaintiff filed a Mandamus in the Court of Appeals where Justice Jennings Denied the Mandamus. Trial Judges Dean and Malazzo conducted a “trial”, and rendered, judgment termination the parental right of the Plaintiff, in June 2017. This “Trial” was held approximately one year after the last date of June 13, 2016, the absolute maximum date that the case could have remained on the court’s docket. *See Writ of Mandamus Marked as Exhibit “K”. See also the first court of appeals denial of Writ of Mandamus Marked as Exhibit “L”*

This Plaintiff appealed the ruling of the Trial Court, to the Justices of the Supreme Court of Texas. The Justices of the Supreme Court of Texas affirmed the Trial Court conducting an “alleged” trial and the termination the Parental Rights of the Plaintiff, a full year after the case had to have been dismissed, pursuant to *Texas Family Code 263.401*. The trial judges own order set the dismissal date at June 13, 2016. The Justices of the Supreme Court of the State of Texas, in affirming the termination of the Plaintiff’s parental rights approximately a full year after the case had to have been dismissed, violates stare decisis, with respect to the ruling of the Supreme Court of Texas in *In Re Department of Family & Protective Services No. 08-0524 January 9,*

2009, and deprives this Plaintiff of equal Protection of the Laws as secured by the 14th Amendment to the United States Constitution.

These affirmation of void orders and void judgments, by the Justices of the Supreme Court of Texas, and the use of void orders and void judgments, to violate the Constitutional Rights of this Plaintiff, represents bias and animus against an unpopular group (low income persons who are subjected to Parental Rights Termination Cases in Texas), and an attempt to judicially frustrate a certain way of living, per se an equal protection of law violation as secured by the 14th Amendment to the United States Constitution.

The Justices of the Supreme Court of the State of Texas failed to afford the Plaintiff the Equal Protection of the Laws. In other cases, the Supreme Court ruled that the timeframes in *TX FAM Code 263.401* require mandatory dismissal, in this Plaintiff's case; the justices ruled that Mandatory dismissal is not required. Said unequal protection of the laws, violate the 14th Amendment to the US Constitution and gives rise to this **CAUSE OF ACTION #11** under Title 42 USC 1983.

CAUSE OF ACTION #12

14th Amendment Equal Protection, 14th Amendment Due Process

The Equal Protection Clause of the 14th Amendment prohibits states from denying any person within its jurisdiction the equal protection of the law. In other words, the laws of a state must treat an individual in the same manner as other people in similar conditions and circumstances.

IN THE SUPREME COURT OF TEXAS no. 09-0745;
Freedom Communications, Inc., D/B/A The Brownsville Herald And Valley Morning Star, Petitioner, V. Juan Antonio Coronado, et al., Respondents

We conclude that neither the court of appeals nor this Court has jurisdiction to consider the merits of the parties' arguments because the trial court judge accepted a bribe for ruling on the summary-judgment motion, constitutionally disqualifying him from this case and thus making his order void. We vacate the judgment of the court of appeals and remand the case to the trial court for further proceedings.

In *Freedom Communications v. Coronado*, The Supreme Court of the State of Texas ruled that a judge that accepts something of value, a bribe, from a party in the judge's court, would be disqualified for interest in the case, pursuant to the Texas Constitution Article 5 Section 11 and the 14th Amendment Due Process Clause, which requires a fair and impartial tribunal.

This Plaintiff put the Justices of the Supreme Court of the State of Texas on notice that the Trial Judges, Dean and Malazzo are disqualified for interest in the parental rights termination case against the Plaintiff. Trial Judges, Dean and Malazzo, committed bribery Texas Penal Code 36.03, when Trial Judges, Dean and Malazzo, accepted something of value, legal services, from a party in the court of the Trial Judges.

Judge Sheri Y. Dean accepted legal services from the State of Texas, a party in the court of Judge Dean. Said Legal Representation was provided by the Office of the Attorney General of the State of Texas, in the Person of Rola Daaboul, Assistant Attorney General of the State of Texas. Judge Beverly Malazzo, accepted legal representation from the Harris County Attorney, in the person of Assistant Harris County Attorney Randall Smidt.

In Harris County Texas, the Texas Department of Family and Protective Services, (TDFPS) prosecutes parental rights termination cases by and through the Harris County Attorney. That arrangement makes the Harris County Attorney and the State of Texas, a party to the Parental Rights termination case against this Plaintiff.

As a party in the Parental rights termination case, by and through its TDFPS, the State of Texas, cannot offer the Trial Judges something of value, legal representation, by and through its Office of Attorney General. As a party in the Parental rights termination case, by and through its Harris County Attorney's Office, Harris County cannot offer the Trial Judges something of value. Legal representation services to the Trial Judges, was the thing of value that was offered and accepted by the trial judges, Dean and Malazzo.

The provision of Legal Services to the Trial Judges, by a party in the judge's court, is per se bribery, Texas Penal code 36.03. The trial judge's acceptance of a bribe from a party in the judge's court constitutes and interest on the part of the judge, an illegal interest, but an interest nevertheless.

Said interest, in the case on the part of the Trial Judge, disqualifies the judge, pursuant to the Texas Constitution Article 5 Section 11, rendering the judge's orders and judgment void, a nullity, and therefore subject to collateral attack. Said interest, in the case on the part of the Trial Judge, violated the 14th amendment Due Process, fair and impartial tribunal requirement. Failure to provide due process is a fundamental error, rendering the orders and judgment void.

Failure on the part of these Defendants, Justices of the Supreme Court of Texas, to afford this Plaintiff the same protection as afforded the litigants in the *Freedom Communications v. Coronado*, is a failure to provide equal protection of the laws, a violation of the 14th Amendment to the United States Constitution.

Said failure to provide equal protection of the Laws, represents bias and animus against an unpopular group (low income persons who are subjected to Parental Rights Termination Cases in Texas), and an attempt to judicially frustrate a certain way of living, per se an equal protection of law violation as secured by the 14th Amendment to the United States Constitution.

The Justices of the Supreme Court of the State of Texas failure to afford the Plaintiff the equal protection of the laws, as was provided to Litigants in, *IN THE SUPREME COURT OF TEXAS no. 09-0745 Freedom Communications v Coronado* case, violates the 14th Amendment to the United States Constitution and gives rise to this **CAUSE OF ACTION #12** under Title 42 USC 1983.

CAUSE OF ACTION #13

Violation of Due Process Pursuant to the 14th Amendment to the United States Constitution

TRIAL COURT HAD NO JURISDICTION BECAUSE NO ORIGINAL PETITION WAS FILED

This Court does not have jurisdiction because TDFPS and the Harris County Attorney has not complied with the requirement of the Texas Rules of Civil Procedure in that TDFPS and the Harris County Attorney did not file an Original Petition seeking termination of the Parental Rights of Ms. Christina Cruise in *Cause No. 2003-54655 In the interest of a child Shanice Michelle Cruise*

TEXAS RULES OF CIVIL PROCEDURE 22; COMMENCED BY PETITION: A civil suit in the District or County Court shall be commenced by a petition filed in the office of the clerk.

TRCP 24 DUTIES OF CLERK: When a petition is filed with the clerk he shall indorse thereon the file number, the day on which it was filed and the time of filing, and signed his official thereto.

An Original Petition needed to have been filed for each child under all three causes in which parental rights termination was sought. These are all separate cases and remained that way throughout the litigation. The children all have different fathers, therefore the three fathers would have had to have been sued and served pursuant to the Texas Rules of Civil Procedure. The TDFPS and Assistant Harris County Attorney Francesca Aguirre would have known that to commence a Suit Affecting the Parent child relationship an original petition would have had to have been filed.

Assistant Harris County Attorney Aguirre fraudulently used a motion to modify an existing Child support order that was filed in 2003, as a petition to terminate the parent child relationship between this Plaintiff and the biological children of this Plaintiff. A modification was the only pleadings filed in *Cause No. 2003-54655 In the interest of a child Shanice Cruise*, to the trial court of the then Honorable Judge Sheri Y. Dean and Associate Judge Beverly Malazzo. No original petition has been filed with the clerk. *See the 309th Court docket.*

An Original petition is necessary to invoke the jurisdiction of the court. No Original petition was filed in *Cause No. 2003-54655 In the interest of a child Shanice Michelle Cruise* Attorney Aguirre never invoked the jurisdiction of the court with respect to *Cause No. 2003-54655 In the interest of a child Shanice Cruise* Therefore the court of Judge Sheri Y. Dean and Associate Judge Beverly Malazzo never acquired jurisdiction over *Cause No. 2003-54655 In the interest of a child Shanice Cruise*.

The orders and judgments of the Trial Court Judges, Dean and Malazzo, then of the 309th Judicial District Court, are void. A court must have jurisdiction to enter a valid, enforceable judgment on a claim. Jurisdiction requires an Original Petition. Where jurisdiction is lacking, the orders and judgments of these cases are void, a nullity and subject to collateral attack. Litigants

through various procedural mechanisms may retroactively challenge the validity of a void judgment at any time. The Supreme Court of the State of Texas, an Appellate Court, does not possess jurisdiction over void orders and judgment.

14th AMENDMENT DUE PROCESS VIOLATIONS

An Original Petition was never filed in the cases in *Causes No. 2003-54655 In the interest of a child Shanice Michelle Cruise* Harris County Assistant Attorney Francesca Aguirre never invoked jurisdiction of the court, because Attorney Aguirre did not file an Original Petition as required by Texas Rules of Civil Procedure. The case in *Cause No. 2003-54655 In the interest of a child Shanice Cruise* is void. Assistant Harris County Attorney Francesca Aguirre failed to follow fair procedures contained in the Texas Rules of Civil Procedure Rule 22 and Rule 24 See also Tex. Fam. Code 262.101(1) (2) (3) (4), in violation of the 14th Amendment to the United States Constitution Due Process Clause.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Failure to follow fair procedures is a failure to observe due process; a constitutional violation as secured by the 14th Amendment, and as such, renders the orders and judgments of the trial court void, and gives rise to this **Cause of Action #13** under Title 42 United States Code 1983.

CAUSE OF ACTION #14

Violation of Due Process Pursuant to the 14th Amendment to the United States Constitution

TRIAL COURT HAD NO JURISDICTION BECAUSE NO ORIGINAL PETITION WAS FILED

This Court does not have jurisdiction because TDFPS and the Harris County Attorney has not complied with the requirement of the Texas Rules of Civil Procedure in that TDFPS and the Harris County Attorney did not file an Original Petition seeking termination of the Parental Rights of Christina Cruise with respect to *Cause No.2011-08360 In the interest of a child Teralynn Campbell*

TEXAS RULES OF CIVIL PROCEDURE 22; COMMENCED BY PETITION: A civil suit in the District or County Court shall be commenced by a petition filed in the office of the clerk.

TRCP 24 DUTIES OF CLERK: When a petition is filed with the clerk he shall indorse thereon the file number, the day on which it was filed and the time of filing, and signed his name officially thereto.

An Original Petition needed to have been filed for each child under all three causes in which parental rights termination was sought. These are all separate cases and remained that way throughout the litigation. The children all have different fathers, therefore the three fathers would have had to have been sued and served pursuant to the Texas Rules of Civil Procedure. The TDFPS and the Harris County Attorney Francesca Aguirre would have known that to commence a Suit Affecting the Parent child relationship an original petition would have had to have been filed.

Assistant Harris County Attorney Aguirre fraudulently used a motion to modify an existing Child support order that was filed in 2011, as a petition to terminate the parent child relationship between the Plaintiff and the biological children of the Plaintiff. A modification was the only pleadings filed in *Cause No.2011-08360 In the interest of a child Teralynn Campbell* to the trial court of the then Honorable Judge Sheri Y. Dean and Associate Judge Beverly Malazzo. No original petition has been filed with the clerk.

An Original petition is necessary to invoke the jurisdiction of the court. No Original petition was filed in *Cause No.2011-08360 In the interest of a child Teralynn Campbell* Attorney Aguirre never invoked the jurisdiction of the court with respect to cause number *Cause No.2011-08360 In the interest of a child Teralynn Campbell*. Therefore, the court of Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, never acquired jurisdiction over the Shanice Cruise the Eldest Child and the Middle age child Teralynn Campbell of Christina Cruise The orders and judgments of the Trial Court Judges, Dean and Malazzo, then of the 309th Judicial District Court, are void.

A court must have jurisdiction to enter a valid, enforceable judgment on a claim. Jurisdiction requires an Original Petition. Where jurisdiction is lacking, the orders and judgments of these cases are void, a nullity and subject to collateral attack. Litigants through various procedural

mechanisms may retroactively challenge the validity of a void judgment at any time. The Supreme Court of the State of Texas, an Appellate Court, does not possess jurisdiction over void orders and judgment.

14th AMENDMENT DUE PROCESS VIOLATIONS

An Original Petition was never filed in the cases in *Cause No.2011-08360 In the interest of a child TERALYNN CAMPBELL* Harris County Assistant Attorney Francesca Aguirre never invoked jurisdiction of the court, because Attorney Aguirre did not file an Original Petition as required by Texas Rules of Civil Procedure. The case in *Cause No.2011-08360 In the interest of a child TERALYNN CAMPBELL* is void. Assistant Harris County Attorney Francesca Aguirre failed to follow fair procedures contained in the Texas Rules of Civil Procedure Rule 22 and Rule 24, and also Tex. Fam. Code 262.101(1) (2) (3) (4), in violation of the 14th Amendment to the United States Constitution Due Process Clause.

The Justices of the Supreme Court of Texas, possessors of policy making authority, as the Supreme Court of Texas, in affirming the void orders and void judgments of the Trial Court, established and promulgated the policy and practices of, state courts, using void orders and void judgments to deprive this Plaintiff of Rights, Privileges, and Immunities that are secured by the Laws and Constitution of the United States of America.

Failure to follow fair procedures, is a failure to observe due process; a constitutional violation as secured by the 14th Amendment, and as such, renders the judgment of the trial court void, and gives rise to this **Cause of Action #14** under Title 42 United States Code 1983.

SUMMARY

Plaintiff alleges that Defendants, acting in the Defendants individual capacities, under the color of state law, as justices of the Supreme Court of Texas, conspired to deprive the Plaintiff of rights and privileges that are secured by the United States Constitution. The overt acts that Defendants, Justices of the Supreme Court of Texas performed to effect the object of the conspiracy, is that the Justices of the Supreme Court of the State of Texas, promulgated and executed Policies and Practices that deprived the Plaintiff of Rights secured by the Constitution and Laws of the United States of America.

Said Official Policy and Practices was revealed to this Plaintiff, when the Justices of the Supreme Court asserted the alleged jurisdiction, of the Texas Supreme Court, in this Plaintiff's Appeal of the Void State Court Judgments, against the Plaintiff, and then issued a discretionary ruling, affirming Void orders and Void Judgment against the Plaintiff.

In allegedly affirming the void orders and void judgments of the Trial Court, the Justices of the Supreme Court of the State of Texas, promulgated and executed the Policy and Practice that state actors were implementing and executing, when violating the constitutional rights of the Plaintiff in the prosecution of Parental Rights termination cases. The Constitutional rights so violated include, but are not limited to:

1. Plaintiff's right to be free from unreasonable searches and unreasonable seizures as secured by the Fourth (4th) Amendment to the United States Constitution. Said Fourth (4th) Amendment violations occurred in the premises of the Plaintiff on December 05, 2014 and December 08, 2014.
2. Plaintiff's right not to be deprived the 14th Amendment secured, Liberty Interest in the Care, Comfort and Control of the Biological children of the Plaintiff, without Procedural Due Process as Secured by the 14th Amendment to the United States Constitution. Numerous Due Process Constitutional violations occurred during the prosecution of the Parental rights termination cases.
3. The right to be tried in a fair and unbiased tribunal as secured by the Due Process Clause of the 14th Amendment to the United States Constitution. Trial Judges, Presiding Judge Sheri Y. Dean and Associate Judge Beverly Malazzo, sat in the Parental Rights termination cases, against this Plaintiff. Cases that were prosecuted by the Judges, Dean and Malazzo's personal attorneys. The Judges, Dean and Malazzo, sitting in these cases that were being prosecuted by the judges own personal attorneys, violated the 14th Amendment Due Process Clause which requires a fair and impartial Tribunal.

Judges Dean and Malazzo sitting in these parental rights termination cases that were being prosecuted by the judges own personal attorneys, disqualifies the judges, pursuant

to Texas Constitution Article 5 Section 11, depriving the Judges of Subject Matter Jurisdiction, rendering the orders and judgments of the Trial Judge, void, a nullity, and therefore subject to collateral attack.

The Defendants, Justices of the Supreme Court of the State of Texas, asserted their 'alleged jurisdiction' and subsequently, issued discretionary rulings that 'affirmed' the void orders and void judgments that were rendered by the disqualified trial court judges. In affirming the void orders and void judgments of the Trial court, these Defendants, Justices of the Supreme Court of Texas, promulgated, implemented, and executed policies and practices that violate the United States Constitutional rights of this Plaintiff.

4. The right to effective legal representation when confronted with parental rights termination proceedings, as secured by the Sixth (6th) Amendment to the United States Constitution. Trial judges, Dean and Malazzo, appointed and arranged payment for a succession of Court Appointed Attorneys. Said court appointed attorneys corruptly sold out the interest of this Plaintiff, per se extrinsic fraud, when, court appointed attorneys did not challenge any of the Constitutional violations that were perpetrated against this Plaintiff.
5. The right to be tried by a judge that is not disqualified under the Texas Constitution Article 5 Section 11. Texas Constitutional disqualification of the Associate Judge Beverly Malazzo and the Trial Judge Sheri Y. Dean renders the orders and judgments of the Disqualified Judges void. The use of void orders and void judgments to deprive the Plaintiff of the 14th Amendment secured, Liberty Interest in the care, comfort, and control of the Plaintiff's biological children, without due process, a violation of the 14th Amendment Due Process Clause.
6. A state's statutes will determine what constitutes standing in that particular state's courts. Standing, or *locus standi*, is capacity of a party to bring suit in court. These typically revolve around the requirement that plaintiffs have sustained or will sustain direct injury or harm and that this harm is redress- able. The Texas Family Code, Title 5,

Subtitle E, Subchapter A, Section 261.001 as amended and effective 9-1-2011 sets out the statutory definitions of “abuse” and “neglect” as regards protection of the child.

It was not proven in trial, by “Clear and Convincing” evidence, that the Biological children of the Plaintiff, have been victims of abuse or neglect. No sworn affidavit by a witness to the alleged abuse or neglect is contained in the records of the Court. Without evidence of abuse or neglect, the TDFPS did not have standing to prosecute a claim of abuse or neglect.

In particular, which of the Child was the victim of alleged abuse or neglect? Who is the perpetrator of the alleged abused or alleged neglect? What was the location of the alleged perpetrator at the time TDFPS, alleged that it was necessary to seize the children? If the alleged perpetrator of abuses or neglect were not in vicinity, then it would not have been necessary to seize the children.

Without evidence of abuse or neglect by TDFPS, the trial court did not have jurisdiction. Judges Dean, Malazzo, apparently conferred jurisdiction of the court by agreement, not by the facts of the case. The court of Judge Sheri Y. Dean and Beverly Malazzo did not have jurisdiction, because there were no abuse or neglect inflicted upon the Biological children of the Plaintiff. The deprivation of the Constitutional rights in the care comfort and control of the biological children of the Plaintiff, a liberty interest secured by the 14th Amendment, was deprived, from this plaintiff, without due process of Law as secured by the 14th Amendment to the United States Constitution.

Moreover, TDFPS, in conspiracy with Assistant Harris County Attorney Francesca Aguirre, conspired with Trial Judges Dean and Malazzo, to unlawfully assert the alleged jurisdiction of the Trial Court. Assistant Harris County Attorney Francesca Aguirre committed aggravated perjury in the petition seeking termination of this Plaintiff's parental rights with respect to the Plaintiff's youngest child.

In the cases of the two older children of this Plaintiff, no original petition was filed. Assistant Harris County Attorney Francesca Aguirre, fraudulently use existing child support orders to prosecute Parental Rights termination proceedings! The Failure to file original petitions is a due process violation. The Trial court never had jurisdiction over the parties. The trial court never had jurisdiction of the subject matter in any of the parental rights termination cases against this Plaintiff; therefore, the Parental rights termination cases are void, from their inception.

7. Aggravated perjury, a due process violation of the 14th Amendment to the United States Constitution, was committed by Assistant Harris County Attorney Francesca Aguirre in the initial Petition that was filed in the Trial Court to unlawfully and unconstitutionally acquire the jurisdiction of the Trial Court. Said aggravated perjury violates due process and renders the orders and judgments void. The apparent purpose of the perjured petition was to unlawfully acquire the jurisdiction of the Trial court in the unlawful and unconstitutional attempted parental right termination of the child that was 11 month old, at the time.
8. The record of the Trial court does not contain an original petition on the other two children of this Plaintiff. Therefore, the Harris County Attorney and TDFPS never invoked the jurisdiction of the Trial court with respect to the attempted jurisdiction of the other two children of this Plaintiff. Therefore, the Trial court never had jurisdiction over the children and the Trial court orders are void. The Justices of the Supreme Court of the State of Texas, affirmed what the Justices of the Supreme Court knew to be void orders and void judgments, thereby violating the constitutional rights of this Plaintiff, as secured by the First (1st), Fourth (4th), Sixth (6th), and Fourteenth (14th) Amendments to the United States Constitution.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

- A. That this court issue Temporary Restraining Order and Preliminary Injunction to restrain the Defendants, Justices of the Supreme Court of Texas from promulgating,

implementing, and executing, Policies and Practices that violate this Plaintiff's rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States of America.

- B. That this court enter a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to commit an Unreasonable search of the home of the Plaintiff on or December 05, 2014, in violation of the 4th Amendment to the United States Constitution.
- C. That this court enter a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to commit an Unreasonable search of the home of the Plaintiff on December 08, 2014, in violation of the Fourth (4th) Amendment to the United States Constitution.
- D. That this court enter a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to commit Unreasonable seizures in the home of the Plaintiff on December 08, 2014, in violation of the Fourth (4th) Amendment to the United States Constitution.
- E. That this court enters a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United

States, conspired to violate the United States Constitution Sixth (6th) Amendment requirement that parents that are sued in Parental Rights Termination cases, be provided Effective Legal Counsel.

- F. That this court enters a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to unlawfully seize, without Due Process, three (3) of the biological children of the Plaintiff, all under the age of 18 at the time, in violation of the 14th Amendment secured liberty interest in the Care, Comfort, and Control of the Plaintiff's own biological children.
- G. That this court enters a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to unlawfully seize three (3) children under the age of 18, in violation of Title 18 United States Code 1201(g) Unlawful Seizure Kidnapping.
- H. That this court enters a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, in promulgating, implementing, and executing, policies and practices that deprived this Plaintiff of rights, privileges, and immunities, that are secured by the United States Constitution and Laws of the United States, conspired to deprive the Plaintiff of the Right to Due Process, as secured by the Fourteenth (14th) to the United States Constitution, when the Defendants, Justices of the Supreme Court of the State of Texas, conspired to bribe the Trial Court judges, in violation to Texas Penal Code Bribery 36.03.
- I. That this court enters a Declaratory Judgment declaring that the Supreme Court of the State of Texas is an enterprise that affects interstate commerce.



- J. That this court enter a Declaratory Judgment declaring that the Trial Court, the 309th Judicial District Court Harris County, Texas is an enterprise that affects interstate commerce.
- K. That this court enters a Declaratory Judgment declaring that the Texas First (1st) Court of Appeals, is an enterprise that affects interstate commerce.
- L. That this court enters a Declaratory Judgment declaring that the Harris County Attorney's Office, is an enterprise that affects interstate commerce.
- M. That this court enter a Declaratory Judgment declaring that the Texas Department of Family and Protective Services (TDFPS), an agency of the State of Texas, is an enterprise that affects interstate commerce.
- N. That this court enters a Declaratory Judgment declaring that the Office of Attorney General of the State of Texas, an agency of the States of Texas, is an enterprise that affects interstate commerce.
- O. That this court enter a Declaratory Judgment declaring that Defendants, Justices of the Supreme Court of the State of Texas, conspired to conduct the affairs of and enterprise affecting interstate commerce, the Supreme Court of the State of Texas, through a pattern of Racketeering Activity. Said Pattern of Racketeering Activity predicate acts of; two (2) counts of Texas Penal Code Bribery 36.03, and three (3) counts of Title 18 United States Code 1201(g) Unlawful seizure Kidnapping.
- P. That the Honorable Judge grants such other and further relief as the court deems proper.

Dated the 12 th Day of September 2019.



Christina Michele Cruise

Christina Michelle Cruise
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