

**In The United States District Court  
For The District Of Columbia**

BRET D. LANDRITH )  
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Topeka, KS 66604 )  
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1-913-951-1715 )

**Case No. 12-cv-01916-ABJ**

SAMUEL K. LIPARI )  
803 S. Lake Drive )  
Independence, MO 64064 )  
saml@medicalsupplyline.com )  
1-816-365-1306 )

*Plaintiffs* )

vs. )

Hon. JOHN G. ROBERTS, JR., )  
Chief Justice of the United States )  
1 First St. NE )  
Washington, DC 20543 )

**COMPLAINT**

In his official capacity as head of the )  
Judicial Conference of the United States )

**Claim for Injunctive Relief**

*Defendant* )

**COMPLAINT**

Comes now the plaintiffs, BRET D. LANDRITH and SAMUEL K. LIPARI, appearing *pro se* and make the following claims against Chief Justice Hon. JOHN G. ROBERTS, JR., in his official capacity as head of the Judicial Conference of the United States. This complaint is solely in equity for prospective injunctive relief under the United States Constitution and not for monetary damages.

## PRELIMINARY STATEMENT

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

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

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

3. The plaintiff is in imminent danger of suffering irreparable harm from Hon. JOHN GLOVER ROBERTS, JR.'s administration of the federal courts which participate in unlawful retaliation against the plaintiff BRET D. LANDRITH for his protected speech in the representation of an African American and an American Indian infant in vindication of their race based federal statutory civil rights. This open participation in injury to the fundamental liberty interest of the plaintiff in working in his profession violates the plaintiff's constitutional rights under color of state law and violates the

United States Supreme Court's determination in *Selling v. Radford*, 243 U.S. 46, 50-51, 37 S.Ct. 377, 61 L.Ed. 585 (1917).

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

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

6. The disbarment proceeding (facially in violation of 18 U.S.C. § 245 (b)(5), the Fourteenth Amendment and 42 USC § 1981) imposes a prior restraint of speech against the plaintiff for having sought redress in federal courts to enjoin the State of Kansas Judicial Branch official Stanton A. Hazlett from prosecuting the plaintiff BRET D. LANDRITH for advocacy and representation of James L. Bolden, Jr., an African American and for the *pro bono* representation of Bolden's witness David M. Price and David M. Price's American Indian infant son on federal civil rights racial discrimination causes of action including 42 USC § 1981 and 25 U.S.C. §§ 1901 *et seq.*

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

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

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

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

10. The plaintiff SAMUEL K. LIPARI is being denied the constitutional right to operate a business even an unincorporated business where attorney representation is not required to create and enforce contracts and other property rights. And State of Missouri officials including Missouri Department of Revenue Director Alana M. Barragán-Scott's participation in the Novation Cartel's prevention of SAMUEL K. LIPARI's use of his business vehicle (Audi 2004 Audi A8 L sedan, VIN # W AUMI44E84N023747) for

selling medical supplies and Missouri Department of Social Services Interim Director Brian Kinkade's repeated denial of Medicaid benefits in order to help the Novation Cartel gather more information about plaintiff SAMUEL K. LIPARI's home healthcare supply business.

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

***Relief sought is in administrative and executive functions***

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

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

## **PARTIES**

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

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

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

## **JURISDICTION AND VENUE**

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

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

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

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

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

## **GENERAL ALLEGATIONS OF FACTS**

22. Neither plaintiff has appeared before the defendant in his capacity as a judge or justice.
23. Neither plaintiff is seeking to reverse judgments by state or federal courts in this action.
24. The Congress empowered private citizens to enforce federal statutes including the Civil Rights Act 42 USC § 1981 and the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq.*
25. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI brought the private civil action *Med. Supply Chain, Inc. v. Neoforma, Inc.*, W.D. of Missouri Case No. 05-0210 (later transferred and captioned *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006)) against the Novation hospital supply cartel for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (RICO) that are also grave felonies.
26. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI had earlier brought the private civil action *Med. Supply Chain, Inc. v. US Bancorp Piper Jaffray*
27. Federal judges have been found by reviewing courts to be inappropriately reluctant to follow the legislated public policy of the U.S. Congress in 15 U.S.C. §§ 1,2 (Sherman Act) and 18 U.S.C.A. § 1961 *et seq* (RICO) and have dismissed complaints under F. R. Civ. P. Rule 12(b)(6) despite the sufficiency of their claims.
28. A widespread practice which has not been renounced by the Judicial Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive, is for federal judges to write memorandums and orders under F. R. Civ. P. Rule 12(b)(6) dismissing 15 U.S.C. §§ 1,2 (Sherman Act) and 18 U.S.C.A. § 1961 *et seq* (RICO) claims with scurrilous attacks on the plaintiff and

his counsel, despite the fact that no discovery or presentation of evidence has been allowed and the federal judge has no basis to determine whether the alleged conduct was committed.

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

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

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

32. In the circumstances of a new entrant seeking to compete in a national market, like the SAMUEL K. LIPARI continuing efforts to enter the national market for a hospital supplies, the federal judge's scurrilous attack has the foreseeable and certain

effect of cutting off resources including outside investment and the rights to make and enforce contracts in state court, the very antithesis of the purpose of Congress in enacting the Sherman Antitrust Act, 15 U.S.C. §§ 1,2 to protect and promote competition.

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

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

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

36. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have been repeatedly vilified by federal judges for stating claims for antitrust violations against

individual Novation Cartel members for their naked acts in restraint of trade including refusal to deal and ten year contracts that allocate market share.

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

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

39. First Assistant US Attorney Thelma Quince Colbert who brought the sealed False Claims act proceeding against Novation with testimony of a Novation medical supply purchasing executive verifying the same practices used for the Novation Cartel's nationwide restraint of trade in hospital supplies that the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI had alleged in the private civil action *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006) against Novation and its co-conspirators for violations of 15 U.S.C. §§ 1,2 (Sherman Antitrust Act) and for predicate acts of 18 U.S.C. § 1962 (Racketeer Influenced and Corrupt Organizations Act ) that are also grave felonies.

40. Assistant US Attorney Shannon Ross, who supervised 70 US Justice Department prosecutors and who signed the criminal subpoenas against Novation was found dead in

her home just before the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's expert testified in the US Senate antitrust hearing on Novation's conduct to restrain trade in hospitals, and mere days after she signed the criminal subpoenas.

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

42. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's legal actions accurately reported the monopolization of the nationwide hospital supply market through bribes to hospital administrators, inducement into long term exclusive purchasing contracts with hospital supply group purchasing organizations ("GPOs") that restrained trade and allocated market share among medical device suppliers based on kickbacks far in excess of those permitted at law and extortion of entry fees and equity interests in manufacturing companies seeking to enter the nationwide hospital supply market.

43. Hon. Judge Carlos Murguia sanctioned the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI for asserting there was a private right of action under the USA PATRIOT Act (Public Law 107-56—OCT. 26, 2001) which had been used by the Novation cartel members to keep SAMUEL K. LIPARI and Medical Supply Chain, Inc. out of the nationwide hospital supply market they monopolized. A bad faith use designed to injure the plaintiffs and provide a false reason for US Bank to breach their contract with the plaintiffs later found to be a cause of action in *Bank of Eureka Springs v. Evans*,

353 Ark. 438, 109 S.W.3d 672 (Ark. 2003). And 15 U.S.C. §§ 1,2 has been clearly established to prohibit bad faith use of sham petitioning to restrain trade.

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

45. The plaintiff BRET D. LANDRITH was deprived of a hearing in reciprocal disbarment by the United States District Courts of the District of Kansas and the Western District of Missouri to provide evidence of misconduct by State of Kansas judicial branch officials to procure his disbarment in furtherance of an unlawful violation of his three clients' federal civil rights.

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

47. The Western District of Missouri had a procedure for oral determination at a meeting by judges of it bench on whether a disbarment will be pursued and the plaintiff

was reciprocally disbarred without a requested hearing, despite the Western District of Missouri, Hon. Judge Dean Whippel's statement to retired federal employee Sidney J. Perceful that the disbarment did not arise in the meeting.

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

49. Included in the complaint filings by SAMUEL K. LIPARI is the documented allegation that Kansas District Court Chief Judge, Hon. Kathryn H. Vratil; one of the two judges on *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006), procured the plaintiff BRET D. LANDRITH's disbarment through extrinsic fraud using her dismissal of the plaintiff BRET D. LANDRITH's civil rights action (later reversed on appeal<sup>1</sup>) for James L. Bolden, Jr:

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

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<sup>1</sup> *Bolden v. City of Topeka, Kan.*, 441 F.3d 1129 (10th Cir., 2006).

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

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

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

52. The plaintiffs’ intimate associate Donna L. Huffman is targeted by State of Kansas officials to prevent her from taking the bar exam in Kansas for three years and are still preventing her from admission to the Nebraska bar in the Kansas Attorney Discipline prosecutor Gayle B. Larkin’s expressly stated retaliation for Huffman’s association with the plaintiff through his representation of her in *Huffman v. ADP, Fidelity et al*, W.D. of

Missouri Case No. 05-CV-01205 while he was admitted to practice in the Western District of Missouri U.S. District Court.

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

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

55. The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI traveled to Seminole, Oklahoma to take BRET D. LANDRITH and agreed to work with the Oklahoma licensed attorney William Choate to set up an electronic marketplace to develop surplus fresh water near a water pipeline if Choate was able to get him admitted in the U.S. District for the Western District of Oklahoma Court.

56. The Court Clerk for the U.S. District for the Western District of Oklahoma refused to docket the district court action to prevent the unconstitutional enforcement of the Western District Court of Oklahoma's policy that was likely to deprive the plaintiff of

an evidentiary hearing because the admissions committee was likely to take at face value the facially invalid Kansas disbarment determination.

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

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

59. The court findings of law expressly used by *In re Landrith*, Kansas Supreme Court Case No. 94333 as the reason to disbar the plaintiff BRET D. LANDRITH have all been reversed. The plaintiff was later found to have stated a 42 USC Sec. 1981 cause of action not barred by *Rooker-Feldman* (Cmplt. pg.76, ¶.355) in *Bolden v. City of Topeka*. 441 F.3d 1129 (10th Cir. 2006).; Kansas Supreme Court later adopted the plaintiff's *Baby C* argument that the Indian Child Welfare Act applied to American Indians living off the reservation (Cmplt. pg.76, ¶.357) in its decision on *In The Matter Of A.J.S.*, Kansas Supreme Court Case No. 99,130 (2009); and adopted the plaintiff's argument (Cmplt. pg.3 fn 1-3) that fraud by one parent to conceal the adoption is reversible: *In The Matter Of The Adoption Of Baby Girl P.* Case No. No. 102, 287 at 13-16 (Kan., Oct. 2010).

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

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

62. The State of Kansas has expressly determined by 42 USC § 1981 does not protect white citizens advocating on behalf of an African American or American Indian's federal statutory rights. *Landrith v. Jordan*, Shawnee County, Kansas Dist Court Case No. 10C 001436 (04/06/2011) and this ruling secedes from controlling federal precedent in *Sullivan v. Little Hunting Park, Inc*, 396 U.S. 229 at 237, 90 S.Ct. 400, 24 L.Ed.2d 386 (1969) and *Phelps v. Wichita Eagle Beacon*, 886 f.2d, 1267 (10 Cir. 1989) and is consistent with the conduct of State of Kansas agencies in furtherance of an independent sovereign state policy of declining to recognize standing under 42 USC § 1981 and 42 USC § 1985(3) for advocacy by whites on behalf of federal rights against race based animus.

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

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

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

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

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

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

68. US Attorney Barry R. Grissom in *Landrith v. Kansas Attorney General Derek Schmidt, et al.*; KS Dist. Court Case no. 12-cv-02161 was permitted to repeatedly misrepresent the controlling precedent for the jurisdiction for whether *Pulliam v. Allen*, 466 U.S. 522, 536-543 (1984) abrogates immunity of federal judges and clerks for prospective injunctive relief when the Tenth Circuit in a published decision *Martinez v.*

*Winner*, 771 F.2d 424 at 436 (C.A.10 (Colo.), 1985) has expressly determined federal judges are not immune from prospective injunctive relief under the constitution.

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

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

71. The plaintiff SAMUEL K. LIPARI has traveled repeatedly to Denver, Colorado to meet with the Tenth Circuit Court Administrator and to St. Louis, Missouri to meet with the Chief Clerk of the Eighth Circuit in efforts to address the judicial ethics violations he repeatedly encountered.

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

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

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

The plaintiff hereby re-alleges the above facts.

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

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

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

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

discovery or presentation of evidence has been allowed and the federal judge has no basis to determine whether the alleged conduct was committed.

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

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

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

The defendant is liable to the plaintiffs for prospective injunctive relief restraining his ministerial and executive administration of the Judicial Conference of the United

States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive.

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

BRET D. LANDRITH and SAMUEL K. LIPARI have clearly established First Amendment protection to report violations of the Civil Rights Acts including 42 USC § 1981 and the Sherman Antitrust Act 15 U.S.C. §§ 1 *et seq.*, and protection in advocating in court for government action on factually accurate petitions: “Although "a private citizen lacks a judicially cognizable interest in the prosecution... of another," private citizens have the right to inform law enforcement officers of violations of the law. *Leeke v. Timmerman*, 454 U.S. 83, 85-86, 102 S.Ct. 69, 70, 70 L.Ed.2d 65 (1982) (internal quotation marks omitted). *In re Quarles*, 158 U.S. 532, 535-36, 15 S. Ct. 959, 960-61, 39 L. Ed. 1080 (1895).”

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

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

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

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

The facts show that the disbarment was facilitated by the extrinsic fraud of federal court officials Kansas District Judge Hon. Kathryn H. Vratil and Magistrate James P. O'Hara to procure the disbarment in the State of Kansas Supreme Court, and that the order of Kansas District Judge Hon Carlos Murguia in *Med. Supply Chain, Inc. v. Neoforma, Inc.*, 419 F. Supp. 2d 1316 (D. Kan. 2006) to procure through extrinsic fraud on the Kansas District Attorney Ethics panel a denial of plaintiff BRET D. LANDRITH requested evidentiary hearing.

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

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

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

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

There is no hardship to the defendant if US Courts are restrained from

participating in depriving the plaintiff BRET D. LANDRITH of property rights for having advocated on behalf of the minority citizens James L. Bolden, David M. Price and Baby C's federal statutory civil rights.

There is no hardship to the defendant if US Courts are restrained from participating in depriving the plaintiff SAMUEL K. LIPARI of the property right of a profession selling medical supplies to hospitals,

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

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

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

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

The plaintiff hereby re-alleges the above facts.

The plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI have clearly established First Amendment protection to report violations of federal statutory law including the Civil Rights Acts including 42 USC § 1981; the Sherman Antitrust Act 15

U.S.C. §§ 1 *et seq.*, ; and racketeering in violation of RICO 18 U.S.C. § 1961 *et seq.* in advocating in court for government action on factually accurate complaints.

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

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

The Due Process Clause forbids convictions predicated on deliberate deceptions. See *Brown v. Mississippi*, 297 U.S. 278, 286, 56 S.Ct. 461, 80 L.Ed. 682 (1936); a contrived conviction to take a Liberty interest violates Due Process. *Mooney v. Holohan*, 294 U.S. 103, 55 S.Ct. 340, 79 L.Ed. 791 (1935). And does where the state has not corrected false evidence *Napue v. Illinois*, 360 U.S. 264, 269, 79 S.Ct. 1173, 3 L.Ed.2d 1217 (1959). The plaintiff's injunctive relief actions "...sufficiently charge a deprivation of rights guaranteed by the Federal Constitution." *Pyle v. Kansas*, 317 U.S. 213, 216, 63 S.Ct. 177, 87 L.Ed. 214 (1942).

US District Court judges, including the judges of the US District Court for the District of Columbia are under the supervision, control and standards of the Judicial

Conference of the United States, where the Chief Justice Hon. JOHN G. ROBERTS, JR. functions in a ministerial capacity as the chief executive.

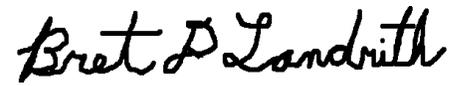
The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. respectfully violates the plaintiffs BRET D. LANDRITH and SAMUEL K. LIPARI's when appellate review and judicial ethics reporting and enforcement are insufficient to provide meaningful hearings before independent and unbiased courts as a result of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

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

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

free from unlawful restraint of trade.

Respectfully submitted,



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Bret D. Landrith  
Plaintiff appearing *pro se*



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Samuel K. Lipari  
Plaintiff appearing *pro se*