

Ervin Middleton Jr. and Ann Gates Middleton Proper name, pursuant to Title 18 U.S. Code § 1342
Natural Person, In Full Life, In Propria Persona, Sui Juris
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7380 South Eastern Avenue # 124348
Las Vegas, Nevada Republic, Zip Exempt [89123]
United States Republic, Continental North America

TO: U.S. DEPARTMENT OF JUSTICE
ATT: ATTORNEY GENERAL William Barr
950 Pennsylvania Ave NW Washington, DC Certified mail # 7019-1120-0000-2860-6458

TO: Georgia Attorney General Chris Carr
40 Capitol Square, SW
ATLANTA, GA 30334 fax number: 404-657-8733

TO: STATE OF ATLANTA GOVERNOR'S OFFICE
ATT: GEORGIA GOVERNOR Brian Kemp
206 Washington Street 111 State Capitol
ATLANTA, GA 30334 fax number: 404.657.7332

TO: Congressman David Scott
173 North Main Street
Jonesboro, GA 30236 fax: [\(770\) 210-5673](tel:7702105673) fax: [\(202\) 225-4628](tel:2022254628)

CITIZEN'S CRIMINAL COMPLAINT

RE: CASE # 1:20-cv-1221, DISTRICT COURT, GEORGIA, ATLANTA DIVISION

AFFIDAVIT OF COMPLAINING WITNESS

DEFENDANTS:

Federal Magistrate Justin S. Anand
75 Ted Turner Drive
Atlanta, Georgia

Bria Stephens c/o Alston & Bird
1201 West Peachtree St., NW
Atlanta, GA 30309-3424

Derin Bronson Dickerson c/o Alston & Bird
1201 West Peachtree St., NW
Atlanta, GA 30309-3424

Arthur A. Ebbs c/o Womble Bond Dickinson
271 17th Street, NW # 2400
Atlanta, GA 30363-1017

COMPLAINANTS:

Ervin Middleton Jr. and Ann Gates Middleton
7380 South Eastern Avenue # 124348
Las Vegas, Nevada

Kimberly Rae Simmons
810 Villa Point Parkway
Mcdonough, Georgia

1.1 We, the undersigned Complainants, common-law-free men and women, hereafter “we”, “us” or “our”, three of the people¹ on Clark county soil Nevada, and Henry County soil, Georgia, over the age of 21 years and competent to testify, having first hand knowledge, and swearing under penalty of perjury as God is our witness per laws of Nevada, all the material facts and law are true and correct as follows:

1.2 The following is a true statement of the events that led to the filing of this complaint. Complainant’s Affidavit attached hereto is incorporated by this reference as if fully restated herein.

1.3 For we claim we are men and women living on-the-land and a creation-of-God/Nature known as Ann-Gates Middleton, Ervin Middleton Jr., and Kimberly Rae Simmons. and not a artificial-fictional-entity or corporate “person”, such as ANN GATES-MIDDLETON JR., ERVIN MIDDLETON JR., KIMBERLY RAE SIMMONS or any variation of those capital lettered nom-dequerre.

1.4 For we claim all rights and remedies and waive no rights or remedies. .

1.6 For we claim that Federal Justice Justin Ananad has committed multiple felonies and violated our rights and our privacy.

1.7 For we accept all valid “oath-of-office”(s) for each and every public servant as a binding contract(s).

1.8 For we are not slaves and slavery is prohibited by the Georgia, Nevada and U.S.Constituions.

1.9 For we claim we don't consent to any form of involuntary servitude.

¹ "...at the Revolution, the **sovereignty devolved on the people**; and they are truly the sovereigns of the country, but they are sovereigns without subjects...with none to govern but themselves....". CHISHOLM v. GEORGIA (US) 2 Dall 419, 454, 1 L Ed 440, 455 @DALL (1793) pp471-472.

1.10 For we claim all public-servants-government-employees are required to obey all public policies (legislated acts), and the Constituitons of Georgia, Nevada and the United States in their capacity as trustees² of public trusts (Constituitons).

2.1 For we claim my right to a court of record proceeding under Common-Law as it is a requirement enforced by the Georgia Constitution of 1777.

2.2 For we claim that magistartes must receive consent to oversee a case in Federal Court, pursuant to Rule 73. Magistrate Judges: Trial by Consenent; Appeal

(a) Trial by Consent. When authorized under [28 U.S.C. §636\(c\)](#), a magistrate judge may, if all parties consent, conduct a civil action or proceeding, including a jury or nonjury trial. A record must be made in accordance with [28 U.S.C. §636\(c\)\(5\)](#).

(b) Consent Procedure.

(1) *In General*. When a magistrate judge has been designated to conduct civil actions or proceedings, the clerk must give the parties written notice of their opportunity to consent under [28 U.S.C. §636\(c\)](#). To signify their consent, the parties must jointly or separately file a statement consenting to the referral. A district judge or magistrate judge may be informed of a party's response to the clerk's notice only if all parties have consented to the referral.

(2) *Reminding the Parties About Consenting*. A district judge, magistrate judge, or other court official may remind the parties of the magistrate judge's availability, but must also advise them that they are free to withhold consent without adverse substantive consequences.

2.3 For we claim that we did NOT receive the required letter from the clerk, and informed the court of this on page 2 of a filing on May 28, 2020, docket # 25, entitled "NOTICE OF ERRORS BY COURT AND 2ND DEMAND FOR WRONGDOERS' ATTORNEYS' FOREIGN REGISTRATION FOR ALL ATTORNEYS HOLDING BAR CARDS." We also stated on that page that we did NOT consent to the Magistrate overseeing the case.

2.4 For we claim that we identified ourselves in, literally, the first sentence of the amended complaint as "sui juris, NOT pro se," we are "claimants," NOT "plaintiffs," but that whoever was responsible for making up the docket, presumably

² "Fraud in its elementary common law sense of deceit -- and this is one of the meanings that fraud bears [483 U.S. 372] in the statute, see *United States v. Dial*, 757 F.2d 163, 168 (7th Cir.1985) -- includes the deliberate concealment of material information in a setting of fiduciary obligation. **A public official is a fiduciary toward the public**, including, in the case of a judge, the litigants who appear before him, and **if he deliberately conceals material information from them, he is guilty of fraud**. When a judge is busily soliciting loans from counsel to one party, and not telling the opposing counsel (let alone the public), he is concealing material information in violation of his fiduciary obligations. " *McNally v. United States*, 483 U.S. 350 (1987) [verified]

at the behest of Anand, kept changing our status. Furthermore, the docket shows Number 32 as follows:

06/24/2020	32	PRO SE MOTION for Default Judgment as to American Dealer Services Corp. by Elaine Middleton. (tcc) (Entered: 06/25/2020)
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The above was two false filings in one: one, as mentioned, none of the claimants is appearing as “pro se,” and, a “motion” was NOT filed: an affidavit was filed. Upon information and belief, we allege these are in violation of:

U.S. Code › Title 18 › Part I › Chapter 101, Section 2071: Concealment, removal, or mutilation generally

(a) Whoever willfully and unlawfully conceals, removes, mutilates, obliterates, or destroys, or attempts to do so, or, with intent to do so takes and carries away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined under this title or imprisoned not more than three years, or both.

(b) Whoever, having the custody of any such record, proceeding, map, book, document, paper, or other thing, willfully and unlawfully conceals, removes, mutilates, obliterates, falsifies, or destroys the same, shall be fined under this title or imprisoned not more than three years, or both; and shall forfeit his office and be disqualified from holding any office under the United States. As used in this subsection, the term “office” does not include the office held by any person as a retired officer of the Armed Forces of the United States.

2.5 For we claim that, in spite of being explicitly told that we did NOT consent to Anand overseeing the case, on June 19, 2019, he issued the following “order:”

06/19/2020	30	ORDER re 22 Joint Preliminary Report and Discovery Plan filed by American Education Services LLC. The Court ORDERS Plaintiffs Ervin Middleton, Jr., Kimberly Rae Simmons, and Ann Gates Middleton and Defendants AES and WFB to participate in a telephone conference with the Court, which is set for Friday, June 26, 2020 at 1:00 PM EST, before Magistrate Judge Justin S. Anand using the instructions outlined in this Order. Signed by Magistrate Judge Justin S. Anand on 6/19/2020. (See order for specific details.).(kt) (Entered: 06/19/2020)
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2.6 For we claim that, on June 24, 2020, docket # 33, we filed “Error of Coram Nobis” (Exhibit 1). We appeared by Special Devine Appearance, which is ONLY for challenging jurisdiction, and/or for filing a summary judgment, and, the court is divested of ALL jurisdiction EXCEPT to ratify said judgment.

2.7 In the June 24, 2020 filing, we stated, “The court is also filing documents re: claimants which have their names in all capital letters, including the June 19, 2020 Order, # document 30. Upon information and belief, Affiants allege that the court is violating the following:

The use of fictitious addresses (ALL CAPITAL LETTERS) in a private individual’s names or a ZIP CODE against the individual’s wishes is a crime under Title 39 U.S.C. Section 3003, Title 18 U.S.C. 1302, 1341, 1342, and is punishable by up to 15 years imprisonment and \$1,000,000.00 names or fine.” And we claim that the court-and the defense attorneys-have violated the above.

2.8. For we claim that Anand, who is listed in the Georgia BAR Association as Justin S. Anand, is violating 6 CFR 37.3 (Title 6 Homeland Security; Chapter 1 Department of Homeland Security, Office of the Secretary; Part 37 Real ID Driver’s Licenses and Identification Cards; Subpart A-General), Full Legal Name means, “An individual’s first name, middle name(s), and last name or surname, without use of initials or nicknames. Upon information and belief, we allege that Justin S. Anand is not his legal name.

2.9 For we claim that Anand’s reaction to the “Error of Coram Nobis” filing on 06/24/20, was to issue the following “order:”

06/29/2020	36	ORDER DIRECTING Plaintiffs Plaintiffs Ervin J. Middleton, Jr., Kimberly Rae Simmons, and Ann Gates Middleton TO SHOW CAUSE in writing within fourteen (14) days of the date of this Order, why their claims should not be dismissed for failure to obey an Order of the Court and for want of prosecution. Plaintiffs Simmons, Ann Gates Middleton and Robert Davalos must also SHOW CAUSE, within the same period set forth above, why their claims in the Amended Complaint should not be dismissed or stricken for not having been signed by themselves or a licensed attorney. Plaintiff Ervin J. Middleston, Jr. is ORDERED to stop signing court filings on behalf of any other pro se party. Signed by Magistrate Judge Justin S. Anand on 6/29/2020. (kt) (Entered: 06/29/2020)
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Before getting to the gross illegality of the above order-for the 2nd time-it should be pointed out that Ervin Middleton Jr. (“EMJ”) has Powers of Attorney for Ann Gates Middleton, his wife, Kimberly Rae Simmons, his niece, and, for that matter, Mr. Robert Davalos (Ms. Simmons reiterated her wish to have EMJ be her counsel in her filing on June 15, 2020 docket # 29). In the 6/24/20 “Coram Nobis” filing, we provided ample evidence that

Arthur Ebbs claim that EMJ was engaged in the unauthorized practice of law was utterly and completely baseless (pages 6 and 7), therefore, Anand's order for EMJ to stop filing on behalf of others was completely illegal, including the fact that Anand, once again, arrogantly refers to Affiants as "pro se."

2.10 For we claim that in the 6/24/20 filing, which was verified, we demanded that Anand recuse himself because of bias and prejudice, listing the reasons on pages 4 through 7. The most compelling of these was that he never had consent to be involved in the first place, the second of which was probably that all three of the orders issued by him in the instant case were also void because they violated.

28 U.S.C. 1691, 62 Stat. 945: **A CIVIL SUMMONS AND A COURT ORDER BOTH REQUIRE THE SEAL OF THE COURT AND THE SIGNATURE OF THE CLERK**, 28 U.S. Code § 1691 - Seal and teste of process: *All writs and process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof.*

NONE of Anand's three orders, docket # 15, on May 15, 2020 (where, incidentally, he denied EMJ the right to file electronically, a courtesy which has been extended in other courts), June 19, 2020, and, June 29, 2020, were sealed by the court, exhibiting either incompetence and/or dishonesty.

Anand thus violated: 28 U.S. Code § 144. *Bias or prejudice of judge U.S. Code; Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding. The affidavit shall state the facts and the reasons for the belief that bias or prejudice exists, and shall be filed not less than ten days before the beginning of the term at which the proceeding is to be heard, or good cause shall be shown for failure to file it within such time. A party may file only one such affidavit in any case. It shall be accompanied by a certificate of counsel of record stating that it is made in good faith.*

3.1 Newly discovered information leads us, upon information and belief to allege that Anand has a conflict of interest between his judicial oath and his executive one with the Georgia Bar Association.

3.2 For we claim that, by violating the above laws, Anand has committed multiple impeachable offenses, so we are contacting Ms. Simmons' Congressman David Scott to investigate that possibility as well. We also claim that by repeatedly taking jurisdiction when he didn't have it-particularly after we brought up that issue in our Special Devine Appearance on 06/24/20 filing-Anand has committed multiple felonies, depriving us of our rights under color of law, Title 18, Section 242, and conspired with the attorneys under color of law Title 18 Section 241, prison sentences of up to 10 years, and \$250,000 fines; with his unlawful order to prevent EMJ to counsel co-claimants, Anand is denying Claimants access to the court and denying them due process. We objected to a grossly improper ex parte meeting between Anand and the defense attorneys on May 26, 2020, docket # 22, and Anand has refused to force defense attorneys to provide documentation required by law. When a judge or magistrate acts without one of the 4 kinds of jurisdiction, he or she no longer has immunity. Annad is a criminal who has committed multiple crimes, in broad daylight, and, we demand that he be prosecuted.

3.3 For we claim that the alleged attorneys Bria Stephens, **Derin Bronson Dickerson, and Arthur Allen Ebbs** have all violated the Anti-Bribery Statement as required by the Foreign Corrupt Practices Act of 1977 ("FCPA"), 15 U.S.C. §§ 78dd-1, et seq., and pursuant to Title 18, Sec. 201. Bribery the Magistrate's Anti-Bribery statement, *Privacy Act Statement*. The filing of this document is required for the Foreign Agents Registration Act of 1938, as amended, 22 U.S.C. § 611 et seq., for the purposes of registration under the Act and public disclosure. Provision of the information **requested is mandatory**, and failure to provide the information is subject to the penalty and enforcement provisions established in Section 8 of the Act. Affiants first demanded the documentation on May 11, 2020, docket # 14, and again in the June 24, 2020 filing.

3.4 For we claim that the above named alleged attorneys do NOT have licenses issued by the state of Georgia to practice law and have falsely claimed that EM cannot be counsel for his co-claimants, violating 2010 Georgia Code TITLE 10 - COMMERCE AND TRADE CHAPTER 1 - SELLING AND OTHER TRADE PRACTICES ARTICLE 31 - UNFAIR OR DECEPTIVE PRACTICES TOWARD THE ELDERLY § 10-1-850 - Definitions in Deceptive Trade Practices Vs. Older People, as both Middletons are senior citizens.

Furthermore we say not, govern yourselves accordingly. Failure to rebut this affidavit within 30 days, point by point and show cause with facts and law that any point is not true and correct will by tacit procurement be declared to be the truth stated in the un rebutted points and be

evidence the defendants has tacitly agreed to the charges, Claimants produced plenty of evidence showing that an un rebutted affidavit stands as truth, and it is already violating Claimants' property and privacy but studiously ignoring that . Wherefor the court should dismiss this matter sua sponte. We are belligerent claimants and object to any Martial-law-war-powers, presumptions, summary judgment, and denial of due process the Defendants and Court engages in .

I, the undersigned, claimant and Affiant herein do hereby certify under penalty of perjury, that the factual assertions set forth herein above are a matter of record, the truth, the whole truth, and nothing but the truth, to the extent that I am able to perceive and articulate it.

By: Ann Gates Middleton by Ervin Middleton p.c.s. seal
Ann Gates Middleton

By: Kimberly Rae Simmons by Ervin Middleton p.c.s. seal
Kimberly Rae Simmons

By: Ervin Middleton Jr. seal
Ervin Middleton Jr.

JURAT

Nevada, State) §
Clark, County) §

Sworn to (or affirmed) and subscribed before me on this 30th day of the sixth month in the year two thousand and twenty by **Ervin Middleton Jr.** a L.S proved to me on the basis of satisfactory evidence to be the one who appeared before me, and executed the foregoing instrument for the purpose stated therein and acknowledged that said execution was by his free act and deed.

Print Notary Name Rox A Wark
Rox A Wark 6-30 2020
Notary Public Autograph

