

*JH*

UNITED STATES DISTRICT COURT )  
NORTHERN DISTRICT OF ILLINOIS )  
EASTERN DIVISION )  
vs. )  
SHARON ANZALDI )  
PHILLIP DE SALVO )  
STEVE LATIN )

**FILED**  
SEP 18 2013  
*9-18-13*  
THOMAS G. BRUTON  
CLERK, U.S. DISTRICT COURT

**JUDGE HARRY D. LEINENWEBER  
DOCKET NUMBER 11 CR 0820**

VOID ORDER ab initio: FOR LACK OF SUBJECT  
MATTER JURISDICTION, VENUE, AND PERSONAL  
JURISDICTION due to "FRAUD UPON THE COURT"  
and violation of " DUE PROCESS OF LAW" PROTECTED  
BY THE 4th, 5th, 6th, 8th and 11th AMENDMENTS

According to rights protected by the Constitution, and in violation of " due  
process of law", " fraud upon the court", cruel and unusual  
punishment", "malicious prosecution", loss of nationality, frauds and  
swindles laws, by indicting natural people, a criminal conduct by using  
fictitious names falls under Title 18 U.S.C. 1842 (Fictitious Names, and  
violation of the" Administrative Procedure Act of 1946"  
Act (APA), enacted June 11, 1946.

Black's Law Dictionary, Sixth Edition. p. 1574

Void Judgement: One which has no legal force or effect, invalidity of which may be asserted by any persons whose rights are affected at any time and at any place directly or collaterally. *Reynolds v. Volunteer State Life Ins. Co. Tex Civ. App. 80 S. W. 2d 1087, 1092.* One which from its inception is and forever continues to be absolutely null, without legal efficacy, ineffectual to bind parties or support a right, of no legal force effect whatever, and incapable of confirmation, ratification, or enforcement in any manner or to any degree. Judgement is a "void judgement" if the court that rendered judgement lacked jurisdiction of the "subject matter", or of the parties, or acted in a manner inconsistent with "due process." Fed Rules Civ. Rule 60 (b) (4), 28 U.S.C.A; U.S. U.S.C.A. *Constitutional Amendment 5. Klugh v. U.S., D.C.s.C., 620 F. Supp 892 (D.S.C. 1985) 610 F. Supp. 892, 901.*

A void judgement or order procured by fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly before the court. *See Long v. Shorebank Development Corp. 182 F. 3d 548 (C.A. 7 111. 1999).*

A judgement or order is void where a Complaint states no cognizable "cause of action" that party, *Charles v. Core, 248 111. App 3d 441, 618 n.E.*

*2 554 (1st Dist. 1993).*

A judgement or order is void where service of process was not made pursuant to statute and Supreme Court rules, *Janove v. Bacon*, 6 ill. 2d 245, 249, 218 N.E. 2d 706, 708, (1955).

A Judgement or order is void where the Rules of Circuit Court are not complied with. *Elliot V. Piersol*, 1 Pet. 328, 340, 26 U.S. 328, 340 (1828).

Under Federal law which is applicable to all states, the U.S. Supreme Court that is a court is "without authority, its judgements and orders are regarded as nullities. They are not voidable, but simply void; and form no bar to recovery sought, even prior to a reversal in opposition to them. They constitute no jurisdiction; and all persons concerned in executing such judgements are considered in law, as trespassers."

A judgement or order is void where "fraud upon the court" is committed in the procurement of jurisdiction, *Fredman Brothers Furniture v. Dep. of Revenue*, 109 Ill. 2d. 202, 486 N.E. 2d 893 (1985).

A Judgement or order is void where the prosecutor and court continue to move against a natural born citizen, especially without representation, while from the inception of the case, violated the 4th, 5th, 6th, 8th, and 11th. Constitutional Amendments under "color of law". "Fraud upon the Court"

has been defined by the 7th. Circuit of Appeals to “embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner, its impartial task of adjudging cases that are resented for adjudication. “kenner v. C.I.R. 387 F. 3d 689 (1968); 7 Moore’s Federal Practice 2ed., p. 512, 60.23. The 7th Circuit further stated “a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final.” “Fraud upon the Court” makes void the orders and judgements of that court. It is also a clear and well settled Illinois Law that any attempt to commit “fraud upon the court” vitiates the entire proceeding. The People of the State of Illinois v. Fred E. Sterling. 357 Ill 354; 192 N.E. 229 (1934) (“Maxim that fraud vitiates every transaction which it enters...” ) applies to judgements as well to contracts and other transactions.”) (It is axiomatic that fraud vitiates everything”). Skelly Oil Co. v. Universal Oil Products Co. 338 Ill. App. 79, 86 N.E. 2d 875 883-4 (1949); Thomas Stasel v. The American Home Security Corporation, 362 Ill 350; 199 N.E. 798 (1935). Under Illinois and Federal Law, when any officer of the court has committed “of no force or effect, fraud upon the court “ , the orders and judgement of that court are void. Federal Law requires the

automatic disqualification of a Federal judge under certain circumstances.

A judgement or order is void when the prosecution initiates using fictitious names (the real party in interest, never appeared in the courtroom, nor filed a valid complaint, "FRCP 17" supported by an Affidavit of Truth and Fact.)

A judge in any proceeding governed by the rules of limited jurisdiction, including but not limited to Federal Courts, lacks jurisdiction (i.e., lawful authority) if the record of the case does not support that jurisdiction was ever conferred upon the court. Further, in addition to other situations, a judge will lose jurisdiction if the judge or any officer of the court commits a "fraud upon the court", or if the judge gives the "appearance of partiality".

The U.S. Supreme Court has held that when a judge acts without jurisdiction, the judge has engaged in treason. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821).

Illinois law is clear and well-settled that:

"The petition required to put the court in motion and give it jurisdiction must be in conformity with the statute granting the right and must show all the facts necessary to authorize it to act, -i.e., it must contain all the statements which the statute says the petition shall state, - and if the petition fails to contain all of these essential elements the court is without jurisdiction."

Brown v. VanKeuren, 340 Ill. 118, 122 (1930).

Further, the valid petition **must affirmatively** be present within the record of the case. State Bank of Lake Zurich v. Thill, 113 Ill.2d 294, 497 N.E.2d 1156 (1986); Wabash Area Development, Inc. v. Ind. Com., 88 Ill.2d 392 (1981).

The filing of false Proofs of Claims, is a Federal Crime.

"Fraud upon the court" has been defined by the 7th Circuit Court of Appeals to "embrace that species of fraud which does, or attempts to, defile the court itself, or is a fraud perpetrated by officers of the court so that the judicial machinery can not perform in the usual manner its impartial task of adjudging cases that are presented for adjudication." Kenner v. C.I.R., 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶60.23. The 7th Circuit further stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final."

Whenever a judge acts without jurisdiction, the judge is not performing a judicial function; the judge is acting only in his personal capacity.

Judges have no immunity for their criminal acts. Yates v. Village of Hoffman Estates, Illinois, 209 F.Supp. 757 (N.D. Ill. 1962).

The U.S. Supreme Court has consistently held that a void order is void at all times, does not have to be reversed or vacated by a judge, can not be made valid by any judge, nor does it gain validity by the passage of time. The order is void ab initio. Vallely v. Northern Fire & Marine Ins. Co., 254 U.S. 348, 41 S.Ct. 116 (1920).

#### **PROTECTION UNDER THE ADMINISTRATIVE PROCEDURE ACT (1946)**

The **Administrative Procedure Act (APA)**, Pub.L. 79-404, 60 Stat. 237, enacted June 11, 1946, is the United States federal law that governs the way in which administrative agencies of the federal government of the United States may propose and establish regulations. The APA also sets up a process for the United States federal courts to directly review agency decisions. It is one of the most important pieces of United States administrative law. The Act became law in 1946.

The APA applies to both the federal executive departments and the independent agencies. U.S. Senator Pat McCarran called the APA "a bill of rights for the hundreds of thousands of Americans whose affairs are controlled or regulated" by federal government agencies. The text of the APA can be found under Title 5 of the United States Code, beginning at Section 500.

The Court continued to violate rights under the Administrative Procedure Act. As the Court is in receipt of a 28 Page Affidavit of Truth, Fact, Law and Points of Authority, as Document Number 1323154018 dated August 19th, 2013, filed in the Cook County Recorder's Office, and received by your office on August 21st, 2013. Your Office, and Administrative duty to respond accordingly, point for point has not been received. Consequently, all facts presented stand as truth, and you are now in Dishonor/Default, and properly noticed as of August 19th, 2013, August 31st, 2013 and September 11th., 2013. RE 366 181 099 US, RE 366 181 108 US, RE 366 181 111 US, RE 366 181 139 US, mailed August 19th, 2013. RE 366 181 142 US, RE 366 180 156 US, RE 366 181 160 US, and RE 366 181 173 US mailed 8/31/2013. RE 366 181 187 US, RE 366 180 822 US, RE 295 005 177 US, RA 295 005 195 US, mailed on September 11th, 2013 at United States Post Office, postage pre paid stamps.

REMEDY;

Void Order, Judgements, and Indictment with Prejudice ab initio.

Expunge all personal fingerprints, dna, photos and negative information from Public Records and FBI files, and any/all restriction of movement, as all victims have been maliciously defamed, which is protected by the First Amendment.

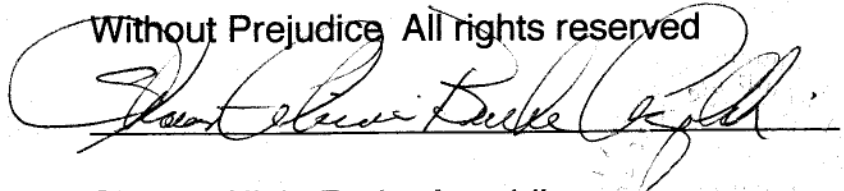
Attachments include the following:

1. Affidavit of Truth, Fact and Points of Authority.
2. Certificate of Service
3. Postage Receipts
4. Void Order ab initio and
5. Certificate of Non-Performance -Default

### Affidavit of Truth, Fact and Points of Authority;

I, Sharon Alicia Burke Anzaldi aver, to the best of my knowledge and understanding, believe the information provided within this Void Order are true, correct, and not meant to be misleading so help me God.

Without Prejudice All rights reserved



Sharon Alicia Burke Anzaldi



Date September 11<sup>th</sup>, 2013

WITNESS my hand and official seal

Mary J. Janota DATE 9-11-13

NOTARY PUBLIC

My Commission expires 3-22 2014