

Marc A. Stephens

271 Rosemont Place
Englewood, NJ 07631
201-598-6268

**NOTICE OF TORT AND INTENT TO SUE FOR
VIOLATION OF COMMON LAW AND
CONSTITUTIONAL RIGHTS TO
DUE PROCESS AND RIGHT TO TRIAL BY JURY
PURSUANT TO 42 U.S. CODE § 1983**

RE: Marc Stephens vs City of Englewood, et el - CASE NO. 16-1868; CASE NO. 2:14-cv-05362-WJM-MF

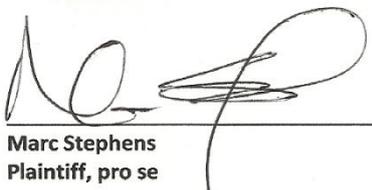
This Letter shall serve as your formal notice of intent to commence legal proceedings for deprivations of civil rights against Federal Judge **William J Martini** of the District Court in Newark, **Anthony Joseph Scirica**, **Luis Felipe Restrepo**, and **Dennis Michael Fisher** of the United States Court of Appeals for the Third Circuit, and Law clerks, case managers, administrators, and court staff.

The Judges **did not** review the case, briefs, motions, or evidence. The law clerks made the final decision in this matter, ignored evidence, facts, law, and testimony, improperly filed and/or removed evidence from the record. The Judges took on the role of the Jury, and denied Appellants right to due process and right to trial by jury. The Fifth Amendment of the Constitution of the United States reads, "No person shall be deprived of life, liberty, or property, without due process of law". "At its core, the right to due process reflects a fundamental value in our American constitutional system", **Boddie v. Connecticut, 401 US 371 - Supreme Court 1971 at 374**. The seventh Amendment to the Constitution of the United States reads, "In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved". "[Error] involving the denial of basic fundamental rights may constitute judicial misconduct". **In re Dileo, 83 A. 3d 11 - NJ: Supreme Court 2014 at 15-26**. **In re Quirk, 705 So.2d 172, 178 (La.1997)**. ("A single instance of serious, egregious legal error, particularly one involving the denial to individuals of their basic or fundamental rights, may amount to judicial misconduct." (citing Jeffrey M. Shaman, Judicial Ethics, 2 Geo. J. Legal Ethics 1, 9 (1988))). **See Alvino, supra, 100 N.J. at 97 n. 2, 494 A.2d 1014**. By its terms, § 1983 "creates a species of tort liability that on its face admits of no immunities." *Imbler v. Pachtman*, 424 U. S. 409, 417 (1976). Its language is absolute and unqualified; no mention is made of any privileges, immunities, or defenses that may be asserted. Rather, the Act imposes liability upon "every person" who, under color of state law or custom, "subjects, or causes to be subjected, any citizen of the United States . . . to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws." **Owen v. Independence, 445 US 622 - Supreme Court 1980 at 635**.

Respectfully Submitted,



Tyrone Stephens
Plaintiff, pro se



Marc Stephens
Plaintiff, pro se