

FOR PUBLICATION

UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF CALIFORNIA

In re: ) Misc. File No. 20-102  
Named Involuntary Petitioner )  
STEVEN DEON TURNER )

**SUBSEQUENT ORDER RE**  
**Usurpation of Power, Refusing to File Creditor Petition/Supplemental**  
**With a New Submission of the Involuntary Petition accompanied**  
**with A Appendix A of Relevant Material Exhibits,**  
**Identifying the Legal Authority for the Bond Tendered**  
**for Payment of the Fee in this Case.**

Steven Deon Turner, Jr. ("Mr. Turner") delivered to the court one Official Bankruptcy Form 105 Involuntary Bankruptcy Petition ("Form 105"). The Form 105 names the person targeted as the bankruptcy debtor to be William Joe Sullivan (the "Form 105 Target"), California Correctional Institution, PO Box 1031, Tehachapi, California, for the involuntary bankruptcy case that Mr. Turner seeks to commence.

The court determined that filing the Form 105 as an involuntary petition and commencing an involuntary bankruptcy case is improper for at least two reasons. First, Mr. Turner has not paid the required filing fee. As discussed below, Mr. Turner has purported to have "paid" the filing fee by providing the court with a document he identifies as his personal "bond" to ensure payment. An involuntary petitioner providing his personal promise to pay the fee does not satisfy the statutory obligation to pay the fee.

Second, Mr. Turner does not appear to have standing to commence an involuntary bankruptcy case against the Form 105 Target. Though Mr. Turner states that he is owed Forty Million Dollars

1 (\$40,000,000.00) by the Form 105 Target for a variety of alleged wrongs, such asserted obligation  
2 does not facially provide the necessary “claim against such person [the Form 105 Target] that is not  
3 contingent as to liability or the subject of a *bona fide* dispute as to liability or amount.” 11 U.S.C.  
4 § 303(b).

5 The court opened this Miscellaneous File for Mr. Turner and issued an order on the above.  
6 Initial Order and Decision, Dckt. 1. That order provided for allowing Mr. Turner a thirty-day time  
7 period to file supplemental pleadings addressing the ruling of the court in the Initial Order and  
8 Decision.

9 On February 20, 2020, Mr. Turner filed a response pleading which is titled “Usurpation of  
10 Power, Refusing to File Creditor Petition/Supplemental With a New Submission of the Involuntary  
11 Petition, accompanied With A Appendix A of Relevant Material Exhibits, Identifying the Legal  
12 Authority for the bond tendered for payment of the Fee, in this Case. See APPX.G United States of  
13 Amer. Money Act, 1 Statute At Large 246.” Response Pleading, Dckt. 7.

14 The court addresses the Response Pleading as follows.

#### 15 RESPONSE PLEADING REVIEW

16 The court breaks up its review into the topical sections addressed by Mr. Turner. In reviewing  
17 this pleading, the court notes that while passionate in his arguments, Mr. Turner is polite and  
18 professional in his presentation. He can rest assured that no offense was or is taken in connection  
19 with the review of these pleadings.

#### 20 **Bond of Steven Turner Asserted** 21 **To Be Lawful as Payment of Filing** 22 **Fee Required for Filing an** **Involuntary Bankruptcy Petition**

23 The first point addressed by Mr. Turner is that his personal bond is proper and sufficient for  
24 the filing fee required for the commencement of an involuntary bankruptcy case (discussed in the  
25 Initial Order and Decision). Mr. Turner provides a list of citations, which the court addresses as  
26 follows.

27 A. *Legal Tender Case, Juilliard v. Greenman*, 110 U.S. 421 (1884) and 31 CFR Part 203

28 1. In the *Legal Tender Case*, the Supreme Court addressed the power of

1 Congress to authorize the Secretary of the Treasury to issue, redeem, and cancel  
2 United States legal tender notes. It is unclear the applicability of the powers of  
3 Congress to issue legal tender to Mr. Turner's assertion that his personal bond  
(promise) constitutes payment of the filing fee.

4 B. 31 C.F.R. Part 203

5 1. This portion of the Code of Federal Regulations relates to the processing by  
6 financial institutions of electronic and paper-based deposits and payments of Federal  
7 taxes. It also addresses the operation of the Federal Treasury Tax and Loan Program,  
8 designation of depositories for that program, and the operation of the investment  
program relating thereto. Mr. Turner does not explain how the Regulations relating  
to the electronic payment of taxes are applicable to his payment of the required filing  
fee to commence an involuntary bankruptcy case.

9 The authorities provided by Mr. Turner do not alter the courts conclusion that payment of the  
10 filing fee is required when filing an involuntary petition and that Mr. Turner is not exempt from the  
11 requirement to pay such filing fee. The court has addressed this requirement in detail in the Initial  
12 Order and Decision (Dckt. 1), which is incorporated into this Subsequent Order for all purposes by  
13 this reference.

14 **Establishment of a Claim**

15 Mr. Turner asserts that his Proof of Claim was established under Article I and IXth of the  
16 International Bill of Rights 1771 C.E. and the Bankruptcy Code. It is further asserted that Mr. Turner  
17 made demand on the Form 105 Target, the Form 105 Target was given the time set by Mr. Turner  
18 to respond, and since the Form 105 Target failed to respond in the time period set by Mr. Tuner,<sup>1</sup> then  
19 the obligation is determined, the Doctrine of *Res Judicata* is established, and invoked by Mr. Turner  
20 as the basis for having a claim not subject to a *bona fide* dispute.

21 Mr. Turner does not provide an explanation as to how the cited International Bill of Rights  
22 governs the Bankruptcy Law as enacted by Congress. The court has addressed in the Initial Order  
23 and Decision the claim requirements for a person to qualify as a creditor to commence an involuntary  
24 bankruptcy case. With respect to the Bankruptcy Code, other than making reference to it, Mr. Turner

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26 <sup>1</sup> The court refers to this unilaterally created private procedure by which Mr. Turner  
27 makes demand on the Form 105 Target, sets a deadline for the Form 105 Target to respond, and  
28 that upon failure to respond the alleged obligation is then determined to be owed to Mr. Turner  
as the "notice and demand to respond process."

1 does not provide any further analysis in response to the Initial Order and Decision.

2 Mr. Turner cites the Doctrine of *Res Judicata* and directs this court to a series of decisions,  
3 which the court reviews below.

4 A. *Matchett v. Rose*, 36 Ill. App.3d 638 (334 N.E. 770)

5 In *Matchett*, the Illinois appellate court considered the application of the Doctrine of *Res*  
6 *Judicata* under Illinois law, beginning with the initial requirement that: “It is fundamental to the  
7 invocation of the *res judicata* doctrine in a subsequent proceeding that the question be presented and  
8 adjudicated on the merits by a court of competent jurisdiction in the first proceeding between the  
9 parties. (*People v. Kidd*, 398 Ill. 405, 75 N.E.2d 851.)” Mr. Turner does not assert that there is a  
10 “court of competent jurisdiction” which has issued a judgment or final order establishing the asserted  
11 claim. Mr. Turner only references his personal notice and demand to respond process.

12 B. *Allen v. McCurry*, 449 U.S. 89 (1989)

13 In *Allen*, the United States Supreme Court addressed that Court’s denial of a petitioner’s  
14 multiple requests to proceed *in forma pauperis*. The request to proceed *in forma pauperis* was based  
15 on then Supreme Court Rule 46.1. The Supreme Court affirmed its decision to not let the petitioner  
16 proceed *in forma pauperis*. It is not clear why this case is cited in the discussion of *Res Judicata* or  
17 why it is applicable to the fee mandated by Congress to be paid (and which fee is not one that is  
18 included in the applicable Federal Code and Rules for fees that may be waived in bankruptcy court  
19 proceedings).

20 C. *Rondone v. Appellate Department*, 5 C3d 536

21 In *Rondone*, the California Supreme Court addressed fundamental Due Process rights as they  
22 related to a state court issuing a writ of attachment. Absent a countervailing state interest, a court  
23 shall not order the taking, or lien, of property of another without notice.

24 Mr. Turner does not explain the support that *Rondone* provides for his arguments concerning  
25 *Res Judicata* or that his basis for asserting a claim - the Mr. Turner private notice and demand for  
26 response process - establishes a claim under the Bankruptcy Code. In fact, given that the  
27 fundamental impact of commencement of a bankruptcy case is to deprive a person of his or her  
28 property – all real and personal property (with several limited exceptions) being immediately and

1 automatically transferred into the bankruptcy estate (11 U.S.C. § 541) – it is Mr. Turner who is  
2 seeking to deprive the Form 105 Target of his property without hearing. Rather, Mr. Turner seeks  
3 to have it occur because: (1) Mr. Turner asserts he has a claim, (2) the claim is based on Mr. Turner’s  
4 private notice and demand for response, and (3) Mr. Turner seeks to commence an involuntary  
5 bankruptcy case. This is contrary to *Rondone* and shows that Congress needed to be very careful in  
6 structuring the involuntary bankruptcy law.

7 D. *Mullane v. Central Hanover Trust Co*, 339 U.S. 306 (1950)

8 In *Mullane*, the U.S. Supreme Court addressed some of the basic requirements of Due Process  
9 and the adjudication of judicial proceedings. The Supreme Court was considering when public notice  
10 of a judicial proceeding was sufficient and when actual personal notice and service was required. In  
11 *Mullane*, for the New York Statute at issue, the Supreme Court concluded that mere notice of a  
12 judicial proceeding was not sufficient. Rather, under those facts, there have been actual service of  
13 notice and the pleadings for there to be a judicial adjudication of the rights of the parties. As  
14 discussed in connection with *Rondone*, for the \$40,000,000 asserted claim by Mr. Turner against the  
15 Form 105 Target, there are no judicial determinations or proceedings relating to the asserted claim.  
16 *Mullane* does not provide authority for Mr. Turner asserting that his extra-judicial, privately created,  
17 unilateral notice and demand to respond process are binding in judicial proceedings.

18 Res Judicata in Federal Court

19 The Ninth Circuit Court of Appeal has addressed the requirements for the application of the  
20 Doctrine of *Res Judicata* to a subsequent adjudication in *Robertson v. Isomedix, Inc. (In re*  
21 *International Nutronics)*, 28 F.3d. 965, 969 (9th Cir. 1994).

22 The doctrine of *res judicata* bars a party from bringing a claim if a court of competent  
23 jurisdiction has rendered final judgment on the merits of the claim in a previous action  
24 involving the same parties or their privies. *In re Jenson*, 980 F.2d 1254, 1256 (9th Cir.  
25 1992). "*Res judicata* bars all grounds for recovery that could have been asserted,  
whether they were or not, in a prior suit between the same parties on the same cause  
of action." *Clark v. Bear Stearns & Co.*, 966 F.2d 1318, 1320 (9th Cir. 1992)  
(emphasis added).

26 The initial requirement for *Res Judicata* to apply is that there be a prior final judgment “of  
27 a court of competent jurisdiction.” This is consistent with the discussion of the Doctrine of *Res*  
28 *Judicata* in federal court by the Supreme Court in *Commissioner v. Sunnen*, 333 U.S. 591,597 (1948)

1 (emphasis added), that:

2 The general rule of *res judicata* applies to repetitious suits involving the same cause  
3 of action. It rests upon considerations of economy of judicial time and public policy  
4 favoring the establishment of certainty in legal relations. The rule provides that **when**  
5 **a court of competent jurisdiction has entered a final judgment on the merits of**  
6 **a cause of action**, the parties to the suit and their privies are thereafter bound "not  
7 only as to every matter which was offered and received to sustain or defeat the claim  
8 or demand, but as to any other admissible matter which might have been offered for  
9 that purpose." *Cromwell v. County of Sac*, 94 U.S. 351, 352. The judgment puts an  
10 end to the cause of action, which cannot again be brought into litigation between the  
11 parties upon any ground whatever, absent fraud or some other factor invalidating the  
12 judgment.

13 Here, Mr. Turner cites to no prior judgment of a court of competent jurisdiction, but just to his  
14 personally created notice and demand to respond process.

15 Mr. Turner further asserts that because the Form 105 Target did not respond as demanded by  
16 Mr. Turner in his personally created "demand to respond" procedure, then the Form 105 Target has  
17 waived his Due Process rights. No legal authority provided supports the contention that the failure  
18 to respond in response to Mr. Turner's personally created notice and demand to respond process is  
19 the basis for forfeiture of Due Process rights.

20 Mr. Turner has not provided the court with legal authorities or evidence of his having a claim  
21 that is not subject to a *bona fide* dispute as to liability or amount. Mr. Turner does not qualify as a  
22 "creditor" to commence an involuntary petition against the Form 105 Target. The court has  
23 incorporated herein its analysis in the Initial Order and Decision (Dckt. 1).<sup>2</sup>

#### 24 **Basis for Asserted Lien**

25 For the legal foundation for asserting the existence of a lien, Mr. Turner directs this court to  
26 the well know U.S. Supreme Court decision *Sniadach v. Family Finance Corp.*, 395 U.S. 337 (1969).  
27 In *Sniadach*, the Supreme Court was addressing the propriety of a prejudgment lien imposed by a  
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<sup>2</sup> The involuntary bankruptcy law is not a "forum choice" strategy that someone who  
asserts that another owes an obligation can go straight to enforcing the alleged obligation by  
dumping the target debtor into bankruptcy to strip away the target debtor's assets into a  
bankruptcy estate for liquidation. Mr. Turner has access to the California Superior Court and the  
United States District Court (to the extent that a basis for federal jurisdiction exists) to file a  
complaint to assert and diligently prosecute adjudication of his assertion that the Form 105  
Target owes him \$40,000,000.00.

1 court of competent jurisdiction. The prejudgment lien was based upon Wisconsin statutes. The  
2 Supreme Court concluded that the application of Wisconsin law to allow for the creation of a judicial  
3 lien by a court of competent jurisdiction was not proper under the circumstances of that case because  
4 the defendant obligor was not afforded notice and opportunity to address, prior to issuance of the  
5 judicial lien, the propriety of the issuance of such a lien by the court of competent jurisdiction.

6 Nothing in *Sniadach* provides the basis for Mr. Turner asserting that he has a lien based on  
7 his privately created notice and demand to respond process. The quote from *Sniadach* relied upon  
8 by Mr. Turner is a statement made by the Wisconsin Supreme Court that is cited in the dissent of  
9 Justice Black. The Wisconsin Supreme Court and its reference to the law of “medieval England [and]  
10 ... Roman times” is what was overruled in *Sniadach* by the U.S. Supreme Court.

11 Mr. Turner has not provided the court with legal authority or evidence of his having a lien in  
12 any property of the Form 105 Target.

### 13 **Assertion That Citations to U.S. Codes Is Void**

14 Mr. Turner then asserts that he gives “Notice” that any citation to the United States Code is  
15 void and this court is without authority pursuant to Article 1, § 7 of the Constitution. Article I, § 7  
16 of the United States Constitution provides: (1) all bills for raising Revenue shall originate in the  
17 House of Representatives; (2) the power of the President to veto bills passed by the Legislature and  
18 the Legislature’s power to override the veto; and (3) that the Senate and the House may override the  
19 President’s veto by a two-third vote of each. This does not provide a basis for rendering the United  
20 States Codes void or there being no authority of the federal court to apply such laws enacted by  
21 Congress.

22 Mr. Turner also cites to *Toledo Newspaper Co. v. U.S.*, 247 U.S. 402 (1918), in asserting that  
23 the U.S. Code is void and this court is without authority to issue the ruling it previously did. The  
24 portion of the *Toledo Newspaper* decision referenced by Mr. Turner relates to the power of the  
25 federal courts, both inherent and statutory, to punish persons for contempt. Such power is exercised  
26 for “misbehavior” (statutory term) in the presence of, or so near thereto, to obstruct the administration  
27 of justice. *Id.* at 418.

28 Though Mr. Turner may feel he is being “punished” because of the court’s reading, analysis,



1 and application of the law, evidence, and assertions presented, there is no punishment. The court is  
2 applying the law as written by Congress for who qualifies as a “creditor” to have standing to  
3 commence an involuntary bankruptcy case.

4  
5 **Concern That Prior Decision  
Was “Not for Publication”**

6 As part of his discussion asserting that the court is depriving him access to the court because  
7 it does not commence the involuntary bankruptcy case as demanded by Mr. Turner, he states:

8 My — Petition speaks for itself. The Constitutional requirement was asserted from  
9 the outset. You are trying to change that and convince me you have the authority to  
do so. Is this why its not published.”

10 Response Pleading, p. 3:7-10; Dckt .7.

11 The court’s Initial Order and Decision, Dckt. 1, has at the top “*NOT FOR PUBLICATION.*”  
12 This is not a designation that it is a secret, undisclosed ruling. Rather, when an order or other  
13 decision is marked “For Publication,” it designates that the judge(s) or justices believe that it presents  
14 an advancement of existing law, addresses a new area of the law, establishes new law, or provides  
15 a discussion of existing law which would warrant citation by other courts.

16 Though marked “Not for Publication,” the order is included in the listed opinions for the  
17 undersigned judge on the court’s website. This is the same as the court has done with several other  
18 incarcerated persons who sought to commence involuntary bankruptcy cases against wardens,  
19 correctional officers, or persons working in prison hospitals. In addition to being available on the  
20 website, these “Not for Publication” decision can be picked up by legal reporting services such as  
21 LEXIS and Westlaw.<sup>3</sup>

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24  
25 <sup>3</sup> The court notes that Mr. Turner’s reference to the “Not For Publication” designation  
26 caused the court to review the website and discover that it had not yet been posted. This appears  
27 to have arisen due to a clerical error relating to there being four rulings to be posted at the same  
28 time. Before issuing this Ruling, the court confirmed that the January 24, 2020 filed order is  
posted to the court’s website. Additionally, the court expressly designates this Ruling “For  
Publication” to ensure that Mr. Turner does not fear that the denial of his request to commence  
an involuntary bankruptcy case for the Form 105 Target is being done “under the radar.”



**Certifications**

The Response Pleading concludes with a series of Certifications by Mr. Turner, which the court accepts as his testimony as if it were provided in a declaration. He testifies as to his personal knowledge and that he is authorized to file the Response Pleading. His statements include: (1) his position that he has substantial interest in the involuntary petition and the relief thereunder; (2) that a failure of the Form 105 Target to answer the involuntary bankruptcy case may jeopardize or damage his rights to liberty and property; and (3) he wants to exercise his right to be present at all hearings.

**DECISION**

The court has considered the Response Pleading, the Form 105 and attached documents (Dckt. 2), and the Request for Notice of Motion for Mandatory Judicial Notice and attached documents (Dckt. 5). The additional materials and authorities presented, and the re-review of the original documents filed, do not change the court's conclusion as stated in the Initial Order and Decision (Dckt. 1) that Mr. Turner does not meet the requirements for being a "creditor" to have standing to commence an involuntary bankruptcy case against the Form 105 Target. Additionally, Mr. Turner does not provide a basis for being exempt from paying the statutory filing fee for commencing an involuntary bankruptcy case. His promise to pay sometime in the future, even if he calls it a "bond," is not payment of the filing fee.

No basis has been given for the court vacating or amending its Initial Order and Decision. The court incorporates herein as part of this Decision its Initial Order and Decision (Dckt. 1) by this reference.

**ORDER**

Therefore, upon review of the Response Pleading (Dckt. 7), the Form 105 and attached documents (Dckt. 2), the Request for Notice of Motion for Mandatory Judicial Notice and attached documents (Dckt. 5), and the Initial Order and Decision (Dckt. 1); consideration of the legal authorities cited by Mr. Turner and applicable law; and good cause appearing;

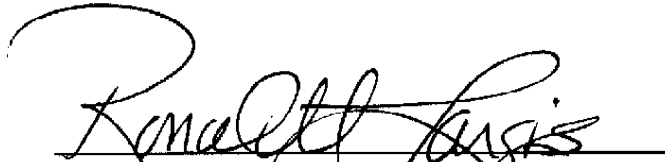
**IT IS ORDERED** that no modification, amendment, or other change is made to this court's Initial Order and Decision.

The consideration of the Form 105 submitted to the court is concluded, no involuntary

1 bankruptcy case is commenced, and the Clerk of the Court shall maintain this Miscellaneous File for  
2 Steven Deon Turner.

3 **Dated:** March 23, 2020

By the Court

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7 Ronald H. Sargis, Judge  
United States Bankruptcy Court  
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# Instructions to Clerk of Court

## Service List - Not Part of Order/Judgment

**The Clerk of Court is instructed to** send the Order/Judgment or other court generated document transmitted herewith *to the parties below*. The Clerk of Court will send the document via the BNC or, if checked XXXX, via the U.S. mail.

Steven Deon Turner, Jr.  
c/o California Correctional Institution, 48-B2-C-110  
P.O. Box 1031  
Tehachapi, CA