

At the June 30, 2025 final trial conference, the Court stated—before Plaintiff was permitted to speak—that because prior judges had not acted on Defendant’s misconduct, that misconduct was now to be presumed acceptable, and Plaintiff should “accept those results.” This prevented the Plaintiff from controlling his emotions.

No findings of fact were ever made. No opposing evidence was presented. No legal analysis was offered to justify the prior decisions. See Docket Entries 99, 101, 103.

Such reasoning is constitutionally untenable. Courts cannot rely on prior unreasoned silence to declare constitutional violations resolved by implication.

“Where no judicial resources have been spent on the resolution of a question, trial courts must be eroding the principle of party presentation so basic to our system of adjudication.”

—*Arizona v. California*, 530 U.S. 392, 412–13 (2000)

“[I]ssue preclusion attaches only ‘when an issue of fact or law is actually litigated and determined by a valid and final judgment...’ In the case of a judgment entered by confession, consent, or default, none of the issues is actually litigated.”

—*Id.* at 414 (quoting Restatement (Second) of Judgments § 27)

2. The Court’s Conduct Violates Bedrock Due Process Principles

“Due process requires, at minimum, that absent countervailing state interest of overriding significance, persons forced to settle their claims of right and duty through the judicial process must be given meaningful opportunity to be heard.”

—*Boddie v. Connecticut*, 401 U.S. 371, 379 (1971)

“There are “fundamental requirements of fairness which are of the essence of due process in a proceeding of a judicial nature. Those requirements relate not only to the taking and consideration of evidence but also to the concluding, as well as to the beginning and intermediate, steps in the procedure.” *Morgan v. United States*, 304 U.S. 1, (1938)

The Court has repeatedly refused to evaluate Plaintiff’s arguments or evidence regarding the misconduct, including unopposed filings, documented threats, impersonation, and procedural fraud. This refusal has emboldened retaliation, deterred witness participation, and denied Plaintiff any meaningful remedy.

3. The Constitution Supersedes Past Judicial Errors

“A law repugnant to the Constitution is void; and courts, as well as other departments, are bound by that instrument.”

—*Marbury v. Madison*, 5 U.S. 137, 180 (1803)

“We can and should acknowledge our past [constitutional] mistakes and cease perpetuating them.”

—*Commonwealth v. Rossetti*, 489 Mass. 589, 610 (2022)

“When new insight reveals discord between the Constitution's central protections and a received legal stricture, a claim to liberty must be addressed.”

—*Obergefell v. Hodges*, 576 U.S. 644, 664 (2015)

To elevate unreviewed and plainly flawed prior rulings above the Constitution is itself a constitutional injury. That is what occurred here.

4. Ongoing Harm and Mootness Justify Immediate Dismissal

Due to the Court's tolerance of unaddressed misconduct, Plaintiff's own physician declined treatment out of fear of retaliation as a witness. See Docket Entry 122.2 at 5. The chilling effect extends beyond medicine to economic opportunity: Plaintiff has lost investment prospects and remains unable to safely develop his intellectual property.

A trial that ignores foundational misconduct cannot meaningfully remedy those injuries. It would instead amplify the damage. Proceeding further is both legally moot and medically dangerous.

The right of self-preservation protects litigants from such conditions:

“To ‘repel force by force’ when ‘the intervention of society in his behalf may be too late to prevent an injury.’”

—*District of Columbia v. Heller*, 554 U.S. 570, 595 (2008) (quoting Blackstone) See also *Mass. Const. Pt. 1, art. 1*.

Plaintiff’s decision to seek dismissal is not resignation, but a principled refusal to dignify a process that has abandoned the rule of law.

5. Statement of Faith and Moral Conviction

Plaintiff respectfully notes that his moral and religious beliefs do not permit him to continue seeking monetary redress through a process so distorted. The Lord has a plan that does not include further abuse. See Jonah 3:4; Amos 5.

PRAYER FOR RELIEF

Plaintiff respectfully requests that this Court:

1. Dismiss this action in its entirety, with prejudice, based on the unaddressed misconduct and constitutional violations;
2. Alternatively, dismiss this action in its entirety, with prejudice, based on Plaintiff’s unwillingness to proceed under current conditions;
3. Grant such other and further relief as this Court deems just and proper.

Respectfully submitted,

/s/ Rian Waters

Rian Waters, Plaintiff Pro Se Dated: July 2nd 2025

watersrian@gmail.com (530) 739-8951

Certificate Of Service

I, Rian Waters, hereby certify that I will today serve a copy of the **PLAINTIFF'S RENEWED
MOTION TO DISMISS DUE TO FAILURE OF COURT TO ADDRESS
MISCONDUCT** upon Kearney by email at ryan@mclanelaw.com.

/S/ Rian Waters

(530)739-8951 Watersrian@gmail.com Dated: July 2nd 2025