

UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF
TEXAS

Civil Action No. 3:22-CV-9

United States Courts
Southern District of Texas
FILED

JOE BLESSETT
Plaintiff

MAR 17 2022

V

Nathan Ochsner, Clerk of Court

TEXAS ET AL.
Defendants

Motion Objecting to Stay of Discovery

Plaintiff request the court count backward for Motion for Partial Summary Judgment as per Federal Rule of Civil Procedure 56(e) and Injunctive Relief Rule 65(b)(1) as per rule 6(a)(5) before an event. Considering the U.S 5th Circuit Court of Appeals¹ ruling on state official's immunity and Rule 26(f), parties may seek any source of Discovery such as the Plaintiff administrative process to avoid judicial enforcement. The evidence provided from the administrative action shifted the burden of proof to the state defendants.

Plaintiff mailed a Motion for Partial Summary Judgment as per Federal Rule of Civil Procedure 56(e) and Injunctive Relief Rule 65(b)(1) as per rule 6(a)(5) from Airport Station San Antonio, 10250 John Saunders RD, San Antonio, Texas 78246-9998, U.S. Priority Mail # 9405511699000930180882 on March 12, 2022, at 6:48 PM. On March

¹ We hold that the plaintiffs have established federal jurisdiction for purposes of a Rule 12(b)(1) motion, at least on their requested injunction to "promptly rule." Under Rule 12(b)(1)'s straightforward inquiry, plaintiffs' procedural due process and equal protection claims seeking an injunction directing the Department to rule on their license application satisfy Ex parte Young. **PLANNED PARENTHOOD GULF COAST, INCORPORATED v. Phillips, Court of Appeals, 5th Circuit 2022**, An injunction ordering the Department to provide the protections guaranteed by the federal Due Process Clause and heed the requirements of the Equal Protection Clause does not order the Department to conform to state law in violation of Pennhurst. **See Brown v. Ga. Dep't of Revenue, 881 F.2d 1018, 1023 (11th Cir. 1989)**

15, 2022, a delivery attempt was made at 17:33 (5:33 PM) in Galveston, Texas. Delivery attempt was made on March 16, 2022, at 19:43 (7:43 PM) with no access to the delivery location. Pro Se litigants are denied electronic service to file. As a result, they must rely on the U.S. Postal service or personal delivery in actions where time matters, as proven in **Exhibit A** United States Postal Service tracking—placing the Pro Se litigants at a disadvantage. Plaintiff asks the Court the grant fair play by applying “Inaccessibility of the Clerk’s Office” Rule 6(3)(B) during the last hour for filing under Rule 6(a)(2)(A) starting at 5:34 PM on March 15, 2022, under the Rule 6 the motions should be filed before the court order to Stay Discovery.

Plaintiff asks the Court to accept them private administrative discovery process as alternative Discovery with certified evidence, the Plaintiff’s Divorce Decree as evidence available in public records, and the U.S. Court of Appeals, 5th Circuit 2022, opinion on federal jurisdiction for the purpose of Rule 12(b)(1) motions. Under Rule, the Court already has jurisdiction under a federal question for 42 U.S.C. § 1983, 28 U.S.C. §§ 2201, and 2202. Nothing in the state defendant’s request for relief absolves them from their color of law actions and the infringement on JOSEPH C BLESSETT’s rights. Ex parte Young and a request for injunctive relief destroys blanket 11th amendment immunity for state officials charged with Supremacy Clause issue related to the U.S. Constitution supremacy and federal statute supremacy over state codes, policies, laws, or order from other high ranking state officials. Matter of Fact and Matter of Law with Ethical logic support the physical evidence present against the state officials showing their inaction after receiving a legal notice of infringements on JOSEPH C BLESSETT rights. *The defense cannot claim 11th amendment immunity if the defense has not refuted the charges that destroyed the 11th amendment immunity with evidence that contradict the evidence the Plaintiff presented.*

Plaintiff is not performing exploratory Discovery² looking for an injury or evidence to support his claims. Instead, Plaintiff is looking for evidence to refute the material evidence he has presented against the state Defendants. Plaintiff is challenging his facts to secure the truth through logic with the experience of an engineer and testing the truth for distortion, defects, and strength as facts in law. These are facts in existence for the Court to use to base a favorable decision for the Plaintiff against nonextant facts in law supporting the state actor's defense.

The defense is wasting the Plaintiff's time and the Court's time. If the Defendants claim the right to enforce a financial obligation to a contract, it will not play well against Rule 8(b). Defendants must prove the contractual obligation to be in good faith to deny the allegation in the claim. 11th amendment Immunity is not granted to a state official that acts against the U.S. Constitution. The defense has submitted no evidence that the state actors defended the U.S. Supremacy Clause or U.S. Constitution in their inaction to correct the Plaintiff's injuries before this legal action or after receiving legal notice requesting action from the Plaintiff. The defense has presented no evidence of JOSEPH C BLESSETT's financial obligation to the state Title IV-D agency.

The Title IV-D program is voluntary. No evidence of JOSEPH C BLESSETT's consent to the program has been presented. Defendant's motion to dismiss under Rule 12(b)(1) or 12(b)(6) is not supported with facts in law for the stare decisis precedent to

² To survive a Rule 12(b)(6) motion to dismiss, a complaint must contain "sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" **Ashcroft v. Iqbal**, 556 U.S. 662, 678 (2009) (quoting **Bell Atl. Corp. v. Twombly**, 550 U.S. 544, 570 (2007)). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." **Iqbal**, 556 U.S. at 678. In determining facial plausibility, the court must accept all factual allegations in the complaint as true. *Id.* The Complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief" and sufficient "[f]actual allegations . . . to raise a right to relief above the speculative level " **Twombly**, 550 U.S. at 555 (internal quotation marks omitted). Therefore, the Complaint must "allege facts sufficient to state all the elements of [the] claim." **Bass v. E.I. Dupont de Nemours & Co.**, 324 F.3d 761, 765 (4th Cir. 2003). Although "a complaint attacked by a Rule 12(b)(6) motion to dismiss does not need detailed factual allegations," a pleading that merely offers "labels and conclusions" or "a formulaic recitation of the elements of a cause of action will not do." **Twombly**, 550 U.S. at 555.

anchor a plausible legal argument against the Plaintiff securely. Plaintiff has presented a preponderous of convincing evidence shifting the burden of proof on the defendants. The defense cannot ask in good faith for the Court to dismiss the facts in law. The defense's argument asks the Court and judicial system to discriminate against *Child Support Debtors.*


This motion in no way diminishes the legal standing of the Amended Complaint, previously standing injunctions for relief, motions, or facts in law presented against the Defendants

The Court may consider the evidence presented and U.S. Postal tracking record available for viewing on the government website attesting to the facts. The Court may consider the timeline for the Plaintiff missing Motion for Partial Summary Judgment as per Federal Rule of Civil Procedure 56(e) and Injunctive Relief Rule 65(b)(1) as per rule 6(a)(5). The Court may consider allowing Rule34 early production of documents for the remaining defendants to continue. The Court may consider immediately granting the Plaintiff an order for injunctive relief. Finally, the Court may consider the facts in law presented by the Plaintiff against the Defendant's nonexistent facts in law, dropping the Stay of Discovery and resetting the Discovery Conference for a date in May or June.

Conclusion

We ask the Court to uphold the U.S. Supremacy Clause for the color of law issues, U.S. Constitution for the Defendant's failure to preserve the Plaintiff's rights at law, Uniform Commercial Codes for the Defendant's defects in equity and legal principle in determining points in litigation according to precedents.

I declare and verify as per 28 U.S. Code § 1746 the foregoing **Motion Objecting to the Stay of Discovery** filed herein. To the best of my knowledge and attached documentation submitted, each fact alleged therein is true and correct under penalty perjury.

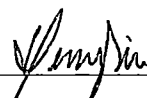


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3/17/2022

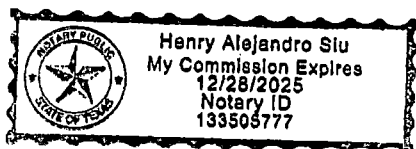
Date

SWORN TO AND SUBSCRIBED BEFORE THIS 17 DAY OF
March 2022



NOTARY PUBLIC

My commission expires 12/28/2025



UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF TEXAS

Civil Action No. 3:22-CV-00009

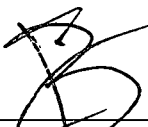
JOE BLESSETT
PLAINTIFF

VS.

TEXAS et al.
DEFENDANTS

Certificate of Service

I declare and verify as per 28 U.S. Code § 1746 the foregoing **Motion Objecting to Stay of Discovery** filed herein. A copy will be sent to all Defendant's counsel by U.S.P.S. **First Class Mail or higher** and each fact alleged therein is true and correct under penalty perjury.

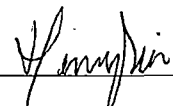


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Date

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