

**NO. C-16-0692-CR**

STATE OF TEXAS

IN THE 244<sup>TH</sup> DISTRICT COURT

VS

OF

NATHAN MICHAEL ALTENHOFEN

ECTOR COUNTY, TEXAS

Judge: JAMES RUSH

**DEFENDANT’S ESTOPPEL OF NO CONFIDENCE**

Respondent comes before this court *Pro Per* with this “**ESTOPPEL OF NO CONFIDENCE**” in **DEMANDING** the immediate removal of this case to the United States District Court, Western District of Texas under CR-6A, CR32, (*see attached Trial Brief*). *Estoppel by Conduct* as a *Defense Doctrine* is within rules of procedure to prevent further Vexatious Litigation, and my Right to seek *Due Process*. Clearly; evidence of ineptness in interpretation of the Subject Matter in this case has become suspect; *See Constitutional-doubt Canon, Derelict-official act (1912), Dereliction of Duty*.

This case has evolved into a “*Confidence Game (1856)*” by way of officials entrusted as a “*Confidence Man (1849)*”, exploiting said “*Confidence (14c)*”. Such “*Confidence Trickery*” is cause for this removal action under the “*Emoluments Clause*” of **The Constitution of The United States** “*Breach of Statutory Duty (1844)*”, to a proper legally recognized “*Article 3 Court*” which pays due respect to *Title 28 Judicial Procedures* set

forth by **The Congress of The United States**, and the implementation of “*Jury / Grand Jury Proceedings*” be initiated in the best interest of preserving the Courts’ Integrity.

*(Yale Journal of Law & the Humanities, Braucher and Orbach: Scamming: The Misunderstood Confidence Man (2015))* Confidence men are not "crooks" in the ordinary sense of the word. They are suave, slick and capable. Their depredations are very much on the genteel side. Because of their high intelligence, their solid organization, the widespread convenience of the law, and the fact that the victim [sometimes] must admit criminal intentions if he wishes to prosecute, society has been neither willing nor able to avenge itself affectively [sic].<sup>8</sup>

**42 U.S.C. 1983.** Liberty under 1983 exists for damaging the parent child relationship where the conduct of the state actor is so intrusive “as to be the equivalent if termination of that relationship”.

***Owen v. City of Independence, 445 U.S. 622 (1980)***, was a case decided by the United States Supreme Court, in which the court held that a municipality has no immunity from liability under Section 1983 flowing from its constitutional violations and may not assert the good faith of its officers as a defense to such liability.

***HARDWICK V. VREEKEN, Case: 15-55563, (2017), ID: 10251467,***

No official under the color of authority can commit Perjury or submit false evidence, and those liabilities are to be construed liberally to encompass both Civil and Criminal Proceedings depending on context and /or consequence.

***Sherar v. Cullen, 481 F 945, Miller vs. U.S. , 230 F. 486,489,***

Supreme Court Ruling there can be no sanction or penalty imposed upon one because of this exercise of Constitutional Rights.

***Sperry v. State of Florida ex re. The Florida Bar, 373 U.S. 379, 83 S. Ct. 1322, 10 L.Ed. 2d 428 (1963).*** Where proceeding is administrative in nature, non-lawyers are authorized to provide representation.

***Ulrich v. Butler No. 09-7660,*** A complaint should not be dismissed unless it appears from the pleadings that the plaintiff could prove no set of facts in support of his claim which would entitle him to relief.

***Warnock v. Pecos County, 88 F.3d 341 (5th Cir. 07/08/1996), Ex parte Young, 209 U.S. 123, 155-56, 52 L. Ed. 714, 28 S. Ct. 441 (1908); Edelman v. Jordan, 415 U.S. 651, 664, 39 L. Ed. 2d 662, 94 S. Ct. 1347 (1974); Brennan v. Stewart, 834 F.2d 1248, 1252 (5th Cir. 1988).*** The Eleventh Amendment does not protect state officials from claims for prospective relief when it is alleged that state officials acted in violation of federal law.

*Howlett v. Rose*, 496 U.S. 356 (1990). Federal Law and Supreme Court Cases apply to State Court Cases.

*Miranda v. Arizona*, 384 U.S. 436 (1966), was a landmark decision of the United States Supreme Court. In a 5–4 majority, the Court held that both inculpatory and exculpatory statements made in response to interrogation by a defendant in police custody will be admissible at trial only if the prosecution can show that the defendant was informed of the right to consult with an attorney before and during questioning and of the right against self-incrimination before police questioning, and that the defendant not only understood these rights, but voluntarily waived them.

*Sims V. Aherns*, 271 s.w. 720 (1925), The practice of law is an occupation of common right.

*Davis v. Wechsler*, 263 US 22, 24. The assertion of Federal Rights, when plainly and reasonably made, is not to be defeated under the name of local practice.

*Jenkins v. McKeithern* 395 U.S. 411, 421 (1969), *Picking v. Pennsylvania R. Co.* 151 F.2d 240, and *Haines v. Kerner*, 92 S. Ct. 747 (1969). Pro se pleadings are to be considered without regard to technicality. Pro se litigants pleadings are not to be held to the same high standards of perfection as lawyers.

*Sampson v. Murray 415 U.S. 61, 88 (1974)*, This action as a defense against a hostile force is reasonable in the absence of any path to relief or remedy.

**The core subject matters in this case are as follows:**

- 1) This Courts' continued ignoring of Christian's Outcries for Help in concert with other relevant evidence and testimony in support of the established facts, *see appendix of evidence, also see Derelict-official act (1912), Dereliction of Duty, Breach of Statutory Duty (1844)*.
- 2) False allegations of Domestic Abuse resulting in my false arrest and incarceration with the obvious intention to affect a desired outcome in the tangent Family Court Custody Matter, *see Crimen Falsi (17c), Confidence Game (1856)*, with respect to *Confidence Man (1849)*.

As this case is well known to be "*Dismissed Without Prejudice*" instead of "*Dismissed With Prejudice*" which is clear vexatious litigation without cause. On the basis of perspective; this action is the judicial equivalent of an adjudicatory gun to my head, and at the mercy of the Prosecutors Office to re-file these false charges as "They" see fit. Be advised this Federal Removal is required to continue to defend my position and free

myself of the *Crimen Falsi* circumstances, and associated victimization of this blatant *Confidence Game (1856)*, imposed upon me in context of this case and its tangent relationship to my current custody case.

Be advised; the use of Government offices to subdue me through these *Vexatious Litigation Tactics* to achieve a desired financial, or other, outcome through *Monopoly Leveraging (1982)*, of the *Legal Monopoly (18c)[aka the BAR]*, and subsequent manipulations of *Due Process* resulting in *Defective Practices* have reached their end. At the end of the day, I intend to demonstrate to the court and jury there is nothing more than Lies and Deceits at the heart of this matter.

### **Prayer**

May the Lord bestow His grace upon these wrongdoers; that they might muster the integrity and courage to repent and turn from their sinful ways; that they might then be forgiven their sins against my children and family and inherit eternal life. (Luke 17:3,4) (Luke 13:3)

Signed: \_\_\_\_\_ Date: \_\_\_\_\_  
Nathan M Altenhofen (**Dad**)

Attachments:

1. Trial Brief
2. Appendix of Evidence

## **CERTIFICATE OF CONFERENCE**

Be advised, upon closer examination of the current case status, Defendant is perplexed over the decision to Dismiss Without Prejudice instead of Dismissing With Prejudice. There was clearly no substantial evidence, *lack of Discovery filings*, to support the charges / filing in the first place. It is this reasonable question for clarification, in combination with the “Totality of the Circumstances”; damage to his reputation within his family, and within the community, as the continued “Soiling” of his good name remains. The current result of this continued “*Libelous Public Record Entry*”, and consequence of “*Shaming*”, which is clearly *unjustifiable*, by the lack of evidence in this case.

