**United States District Court for the**

**Newark District of New Jersey**

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AMY WEBER, Individually and as Parent,

Natural Guardian and Next Friend on behalf

K..A.Y., a minor

 Plaintiff, CIVIL ACTION No. 14-CV-07340

 Court No. 3

v.

**Civil Action**

FRANCES A. MCGROGAN, et. al. **BRIEF SUMMARY**

 Defendants

Amy Weber

Pro Per Plaintiff

AMY WEBER

452-B North 8th Street

Fairview, NJ 07022

(917) 847-5026

March 30, 2015

**Via Regular Mail and Certified Mail**

United States District Court for the

Newark District of New Jersey.

Martin Luther King Building

& U.S. Courthouse

50 Walnut Street

Newark, NJ 07101

Law Clerk

 **RE: WEBER,** Amy v. **McGROGAN,** Frances A. et al

 **Case Number**: 14-CV-07340

Dear Judge Clark:

Kindly accept Plaintiff’s Summary Brief as requested by Your Honor.

"Pleadings in this case are being filed by Plaintiff In Propria Persona, wherein pleadings are to be considered without regard to technicalities. Propria, pleadings are not to be held to the same high standards of perfection as practicing lawyers. See *Powell v. Lennon*, 914 F.2d 1459 (11th Cir1990), also See *Hulsey v. Ownes* 63 F3d 354 (5th Cir 1995). Also See *Hall v. Bellmon* 935 F.2d 1106 (10th Cir. 1991)."

In *Puckett v. Cox*, 456 F2d 233 (1972 Sixth Circuit USCA). it was held that a pro-se pleading requires less stringent reading than one drafted by a lawyer. According to Rule 8(f) FRCP and the State Court rule which holds that all pleadings shall be construed to do substantial justice and in support of Plaintiff’s Complaint against Defendant Pursuant 42 U.S.C.S. § 1983.

**FACTUAL BACKGROND**

1. Plaintiff Amy WEBER (hereafter called “WEBER”) appears in this action in Propria Persona, as Parent, Natural Guardian and Next Friend on behalf of Keith Alexander Yonos a Minor (hereafter called “KAY”), for the commence of this litigation;
2. This legal action is the consequence of the actions and inactions by certain named and unnamed Defendants that violated Plaintiffs WEBER and KAY’S Constitutional rights;
3. This is an action alleging violations of the United States Constitution Federal Statutes, Contempt to Court; violation of the Modified Settlement Agreement; Federal Rules of Evidence; New Jersey State Constitution 1947; New Jersey States Statutes; Rules Governing the Courts of the State of New Jersey; Legal Standard for Review Appeals;
4. The applicable constitutional standards and federal statutes establish a broad range of general and specific duties that Defendants willfully failed to meet;

**CLAIMS**

**IN THE MATTERS WEBER**

1. On or about July 8th, 2009 to the present date, WEBER was and still has been accused, prosecuted, charged, harassed, intimidated and incarcerated, by certain named and unnamed Defendants deprived WEBER and KAY of their substantive and procedural due process rights under the United States Constitution. With this action certain named and unnamed Defendants waived their official immunity;
2. Certain named and unnamed Defendants repeatedly and systematically interfered with WEBER’S right to parent her minor child KAY and rights to access each other as parent and child based upon government action. Violating Plaintiff WEBER’S Ninth Amendment to the Constitution. With this action certain named and unamend Defendants waived their official immunity.
3. WEBER filed emergent motions, complaints of judicial misconduct, requested and demanded to provide KAY with medical treatment physical and mental, made requests and demands to access crucial and exculpatory evidence, provided evidence of child abuse and neglect, regular appeals and made referrals to certain named and unnamed Defendants and willfully and wantonly certain named and unnamed Defendants refused to act. Violating Plaintiff’s First Amendment to the United States Constitution Petition Clause protecting Plaintiff’s right to petition all branches and agencies of government for action. With this action certain named and unnamed Defendants waived their official immunity;
4. WEBER supported with evidence her claims of Fraud upon the Court, Defamation, Perjury, Child abuse and neglect. WEBER requested to certain named and unnamed Defendants to take action addressing, correcting and/or admonishing certain named and unnamed Defendants that committed those actions against WEBER. Violating WEBER’S First Amendment to the United States Constitution Petition Clause which protects WEBER’S right to petition all branches and agencies of government for action. With this action certain named and unnamed Defendants waived their official immunity;
5. WEBER was threatened by certain named and unnamed Defendants with withholding KAY’S custody if WEBER did not plead guilty to the wrongful and confirmed to be wrongful charges, attempting to coerce WEBER to admit crimes WEBER did not commit. Violating WEBER’S First Amendment to the Constitution, regarding free expression, “Congress shall make no law abridging the freedom of speech”. The Courts have interpreted the language to mean that no arm of the government, federal or state, can abridge the free speech right;
6. WEBER was informed by certain named and unnamed Defendants that WEBER had not rights, statements made on the record and/or recorded audio. Violating WEBER’S Constitutional rights and the Amendments to the Constitution. With this action certain named and unnamed Defendants waived their official immunity.
7. WEBER was denied the right to file legal documents with the Court by certain named and unnamed Defendants. Violating her right to a fair trial under the Due Process Clause of the Fourteenth Amendment to the Constitution. With this action certain named and unnamed Defendants waived their official immunity.
8. WEBER’S Fourth Amendment to the Constitution was violated by certain named and unnamed Defendants, when certain named and unnamed Defendants willfully seized exculpatory evidence weighting in favor of WEBER . Certain named and unnamed Defendants unreasonably searched Plaintiff’s home by coercion and intimidation. With this action certain Defendants waived their official immunity.
9. WEBER’S Fourth Amendment to the Constitution that guarantees Plaintiff privacy, dignity and security was violated when certain named and unnamed Defendants stated that Plaintiff was “crazy” on the record and/or recorded audio. The Fourth Amendment applies to the states by way of the Due Process Clause of the Fourteenth Amendment. With this action certain named and unnamed Defendants waived their official immunity.
10. WEBER’S Sixth Amendment to the U.S. Constitution was violated when certain named and unnamed Defendants denied WEBER’S right to confront her accusers and accepting certain named and unnamed Defendants’ reports and/or evaluations. The Fourteenth Amendment has made the Sixth Amendment's right to confrontation applicable to state court as well as federal court. With this action certain named and unnamed Defendants waived their official immunity.
11. WEBER was threated by certain named and unnamed Defendants with prosecution if WEBER made one more claim or statement to certain named and/or unnamed officials. Violating WEBER’S First Amendment to the Constitution freedom to speech. With this action certain named and unnamed Defendants waived the official immunity.
12. WEBER’S Sixth Amendment to the Constitution was violated by certain named and unnamed Defendants, under the confrontation clause. This guarantee applies to both statements made in court and statements made outside of court that are offered as evidence during trial. Certain named and unnamed Defendants used both, statements made in court and outside court to prosecute WEBER and denying WEBER requests to cross-examine certain named an unnamed Defendants that made statements against WEBER. With this action certain named and unnamed Defendants waived their official immunity.
13. Plaintiff WEBER’S Eight Amendment to the Constitution was violated by certain named and unnamed Defendants by imposing excessive bails against WEBER without due process, violating at the same time WEBER’S Fourteen Amendment to the Constitution. With this action certain named and unnamed Defendants waived the official immunity.
14. Plaintiff WEBER’S Eight Amendment to the Constitution was violated by certain named and unnamed Defendants by inflicting cruel and unusual punishments by the removal of Kay from WEBER’S custody without due process. With this action certain named and unnamed Defendants waived their official immunity;
15. Plaintiff’s Fourteenth Amendment to the Constitution under the Equal Protection Clause was violated by certain named and unnamed Defendants. WEBER requested to certain named and unnamed Defendants to provide her with legal assistance as WEBER was an indigent litigant, WEBER is also an immigrant with limited knowledge of the legal proceedings; WEBER. Plaintiff was accused of child abuse and neglect, this accusation by itself is a crime, at state and national level. Under N.J.S.A. § 9:6-3 is crime of fourth degree and carries a potential penalty of up to 18 months in jail. And under Plaintiff’s Sixth Amendment to the Constitution, which requires the "assistance of counsel" for the accused "in all criminal prosecutions." Certain named and unnamed Defendants denied Plaintiff’s requests for legal representation. With this action certain named and unnamed Defendants waived their official immunity;
16. Plaintiff WEBER reserves the right to supplement Counts against Defendants as this action progresses.
17. Plaintiff WEBER reserves the right to sue certain named and unnamed Defendants for malicious prosecution and abuse of process;

**IN THE MATTERS OF KAY**

1. KAY, a minor, appears in this action through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation.
2. KAY is an individual of a Protected Class as KAY is a minor.
3. KAY through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation claims that; certain named and unnamed Defendants repeatedly and systematically interfered with KAY’S right to access his natural mother WEBER when KAY was wrongfully removed and parenting was suspended based upon government actions. Violating KAY’S Ninth Amendment to the Constitution and the N.J.S.A. § 9:2-7.1. With this action certain named and unamend Defendants waived their immunity.
4. KAY, through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation, petitioned to certain named and unnamed Defendants to protect him from physical and sexual abuse perpetrated by his natural father Defendant Keith YONOS, certain named and unnamed Defendant denied KAY’S right. Violating KAY’S Ninth Amendment to the Constitution, KAY’S First Amendment to the United States Constitution Petition Clause which protects KAY’S right to petition all branches and agencies of government for action and the N.J.S.A. § 9:2-7.1. With this action certain named and unnamed Defendants waived their official immunity;
5. KAY through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation, claims that certain named and unnamed Defendants violated his Fourth Amendment to the Constitution. Certain named and unnamed Defendants unreasonably harassed KAY in places that KAY was to be free of unnecessary questioning. With this action certain Defendants waived their official immunity;
6. KAY’S through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation, claims that; the Fourth Amendment to the Constitution guarantees him privacy, dignity and security against certain arbitrary and invasive acts by officers of the Government, without regard to whether the government actor is investigating crime or performing another function. Certain named Defendants stated to KAY that WEBER was “crazy” and made sexual remarks to WEBER in front of KAY causing KAY to cry and be upset. With this action certain named and unnamed Defendants waived their official immunity.
7. KAY’S through his, Mother, Natural Guardian and Next Friend WEBER, for the commencement of this litigation, claims that; his Eight Amendment to the Constitution was violated by certain named and unnamed Defendants by inflicting cruel and unusual punishments by depriving him of his mother without due process. With this action certain named and unnamed Defendants waived their official immunity;
8. Under the Fourteenth Amendment to the Constitution the Equal Protection KAY is entitled to legal representation as KAY is a minor and WEBER is not a license attorney;
9. KAY is protected under the federal Child Abuse Prevention and Treatment Act requires states to appoint independent and unbiased guardians ad litem for children in abuse or neglect proceedings. 42 U.S.C. 5106a(b)(2)(A)(xiii); KAY is protected under the Modified Settlement Agreement while in care of the STATE, he is protected under the New Jersey Statute 9:6-8.23, where:
10. Any minor who is subject of a child abuse or neglect proceeding under this act must be represented by an independent and unbiased law guardian to help protect his interests and to help him express his desires;
11. KAY received religious beliefs and traditions from WEBER;
12. KAY is protected by the Civil Right Act of 1964 under the Protected Class due to WEBER’S National Origin, Race, and Ethnic Background;

**ANSWERS TO DEFENSES**