

# COURT OF APPEALS OF GEORGIA

## RETURN NOTICE

January 21, 2015

To: Mr. Mike Bishop, GDC01022761 353/870, Cobb County Sheriff's Office Adult Detention Center, Post Office Box 100110, Marietta, Georgia 30061

Case Number: \_\_\_\_\_ Lower Court: \_\_\_\_\_ County Superior Court

Court of Appeals Case Number and Style: \_\_\_\_\_

Your document(s) is (are) being returned for the following reason(s).

- There is no case pending in the Court of Appeals of Georgia under your name.**
- A Notice of Appeal is filed with the clerk of the trial court and not with the Court of Appeals of Georgia. See OCGA §5-6-37.** Once the trial court clerk has received and filed the Notice of Appeal, the trial court clerk will prepare a copy of the record and transcripts as designated by the Notice of Appeal and transmit them to this Court. Once the Notice of Appeal is docketed in the Court of Appeals of Georgia, a Docketing Notice with the Briefing Schedule and other important information is mailed to counsel for the parties or directly to the parties, if the parties are representing themselves. You do not need to provide this Court with a copy of the Notice of Appeal you filed with the superior court.
- The Notice of Appeal must include a proper Certificate of Service.** A Certificate of Service must show service to the opposing counsel and contain the counsel's full name and complete mailing address. The opposing counsel must actually be served with a copy of your filing.
- An Application for Writ of Habeas Corpus should be filed in the superior court of the county in which you claim you are illegally detained.** An appeal from a denial of an Application for Writ of Habeas Corpus is to the Supreme Court and not the Court of Appeals.
- An Application for Writ of Mandamus should be filed in the superior court of the county official whose conduct you intend to mandate.** An appeal from a denial of an Application for Writ of Mandamus is to the Supreme Court and not the Court of Appeals.
- Your appeal was disposed by opinion (order) on \_\_\_\_\_.** The Court of Appeals \_\_\_\_\_  
\_\_\_\_\_ The remittitur issued on \_\_\_\_\_  
divesting this Court of jurisdiction. The case decision is therefore final.
- Your mailing/documents indicate that you intended to file your papers in another court rather than the Court of Appeals of Georgia. The address of the Clerk of the Eleventh Circuit Court of Appeals is: 56 Forsyth Street, N.W., Atlanta, Georgia 30303.**
- If an attorney has been appointed for you and you are concerned with the representation provided by that attorney, you should address that issue to the trial court.** As long as you are represented by an attorney, you cannot file pleadings on your own behalf. Your attorney must file a Motion to Withdraw as Counsel and it must be granted, before you can file your own pleadings in this Court.
- A request for an out-of-time appeal should be made to the trial court from which you are appealing.** If your motion is denied by the trial court, you can file an appeal of that decision by filing a Notice of Appeal with the clerk of the superior court.

OFFICE OF THE CLERK  
UNITED STATES DISTRICT COURT

Now comes, Michael Bishop, moves  
this Court ASKING FOR A 'CERTIFICATION  
OF Pro Se, I AM FILING MY CASE  
IN Pro se.

I AM DOING ALL MY LEGAL FILING  
AND LEGAL MATERIAL ON MY OWN.

I, Michael Bishop ASK FOR THIS  
CERTIFICATION OF Pro Se FOR MY  
LEGAL FILING'S.

I WOULD LIKE TO THANK THE  
CLERK OF COURT AND HONORABLE  
JUDGE FOR HIS/HER TIME WITH  
THIS FILING. NAME:

NOTARY STAMP



SIGNED:

Michael Bishop

DATE:

10-2-14

[Signature]

NOTARY PUBLIC

# Court of Appeals

Michael Bishop  
Plaintiff

vs.

State of Georgia  
Nadine Bellinger

Defendant

Pre-indictment habeas Corpus

CIVIL no.

REF 14-1-1615-99

14-W-4032

Injury by abuse of discretion

\* Incarcerated since 8-22-14 NOW INDICTED \*

I Michael Bishop, Prayfully ask for immediate release from willful abuse of discretion. by Judge that issued illegal TPO, when Georgia, Cobb County IN NO Error had venue or Jurisdiction

1) to issue TPO over VACATED TPO of same incident, by Home-State, explicit Jurisdiction and residence to custodial parent.

Cobb County, Court's legalized Child abduction by NON-custodial parent. It lacked Jurisdiction over subject matter.

2) Judge whom issued TPO (I state IN error from lack of Jurisdiction) was same over probable cause hearing (PREJUDICIAL) "I didn't see this Judge overturning error of TPO Judge, (SAME Judge)"

"(2) examples of law, on modifying Phila custody order's were charged & to me by Judge, that WAS Reason for this mess, that clearly was/is NON custodial parent's duty, Not custodial's". TPO WAS NOT merged to aggravated Stalking as required by Law

(UNIFORM Superior Court rule 31.3.166) allowing evidence that was ignored within the (UCCJEA) of checking recent TPO modifies Void is or any Custody Changes over subject matter, (Contradictory affidavits of incident and vacated TPO of Home State would be entered.

3) Charges received from Violation of illegal TPO (aggravated stalking) 16-5-91 is also Void, Georgia Lacked personal Jurisdiction of out-of-state non resident phone caller (O.C.G.A. § 19-13-2(A) & (B) Huggins v. Boyd. 304 GA.) where trial court lacked personal Jurisdiction over out-of-state caller, calls must be made from within State of Georgia. I called from Phila. Penna. Home State, with correct venue/jurisdiction and current active legal custody order that void's any-other foreign Judgements

4) Gallo v. Kofler, 289 GA. 355, 356 (1) non custodial parent, child to New-York for visit and intent not to return child.

A. My ex-wife has been un-stable from Diagnosed BI-POLAR DISORDER, Fraudulent accusation's is not new in case history, which is documented in Home Venue Records, that would have been caught if (UCCJEA) was utilized as required as law on out of state custody dispute's.

My ex-wife has had our childrens in harms ways many times, and Court ordered not to be able to ever have Sole custody from previous (13) year history battling MAJOR Depression - Bi-polar MANIC fit's and if History was checked or Home-state contacted per custody § 32:4 or 24:11. (PKPA)(UCCJEA) History of priors PARIMORE/cop-killers/drug dealers and act of SOM being molested is all in History, and by abuse of discretion and failure to Best Interest to Child Rule my children's been put in harm's way per officer and witness to state and Illegal arrester and per Probable Hearing Transcript Perjurer of Law, in order to cover initial Error and Verbal Clash

between the two of us, from Cobb Police refusal to check fact that Phila. Penna. TPO & Custody award being displayed to them are Void, vacated and being used fraudulently as if valid, as she did in Phila. withdrawing our childrens from Very Elite Schooling's!

Please i've been devided after being primary parent to childrens their entire lives check signatures on every medical appointment at Chop in phila., Contact all Schools, Greenwoods charter, SLA beeber, Robert Morris check Please. my ex-wife has been in Georgia while kid's with me in Phila. past 3 years. I've been at CVS Pharmacy learning with our daughter about Women's Personels as she entered into Women hood. and to Violate all Law's because your authority say you CAN. I Get it Youve Prooved your point's.

"Now Can Some-one Please! Please! including Me, Put Malik, Iyanwah and (Pootie Poo) Mikayla's Best interest above our ego's to be right"

You all are Right, I Apologize! Please Look at the evidence I've consistantly told Same repeatedly.

PS. (I am pop pop to ~~me~~ makayla (Pootie Poo) return me to my children's lives, I've done what I sposed to have done as Dad!)"

Illegal Move of child

§ 24:10 Change of condition—Relocation, Ga. Divorce, Alimony, & Child Custody § 24:10

5 Bodine v. Bodine, 277 Ga. 445, 588 S.E.2d 728 (2003), reversing Bodine v. Bodine, 257 Ga.App. 761, 572 S.E.2d 95 (2002).  
6 For an example of where the trial court properly exercised discretion in changing the initial custody award in a relocation case, see Hardin v. Hardin, 274 Ga. App. 543(1), 618 S.E.2d 169 (2005). Also see Haskell v. Haskell, 286 Ga. 112(1), 686 S.E.2d 102 (2009).  
7 Wickert v. Wickert, 268 Ga. App. 624(1), 612 S.E.2d 337 (2004), holding further that although the trial court did not use the word "material," (1) the order as a whole gives a strong implication of such, and (2) the mother having pled in judgment that a "substantial change has occurred," cannot now argue to the contrary. (628)  
8 Gallo v. Kofler, 289 Ga. 355, 356 (1), 717 S.E.2d 687 (2011), holding that trial court properly changed custody to the father when mother violated the court order by taking the child for a visit to New York and moved some of the child's belongings there, evidence showed that child thrived in Georgia, child had better quality of life in Georgia than child would have in New York, father's relationship with child would be harmed if child moved to New York, mother was financially unstable, and other miscellaneous evidence.  
9 Bodine v. Bodine, 277 Ga. 445, 588 S.E.2d 728 (2003), reversing Bodine v. Bodine, 257 Ga.App. 761, 572 S.E.2d 95 (2002); Hardin v. Hardin, 274 Ga. App. 543, 344(1), 618 S.E.2d 169 (2005).  
10 Bodine v. Bodine, 277 Ga. 445, 588 S.E.2d 728 (2003), the concurring opinion at p. 448, 588 S.E.2d 728.  
11 End of Document  
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Georgia Court's Just going to legalize the abduction of my kids, I've provided court records from jurisdiction evidence of custody, history from home state venue. This is error 6 months never allowed due process then or now 300,000.00 bond for calling my abducted kid's please your Honor

Honor

Best Interest of child test

§ 24:11 Change of condition—Evidence, Ga. Divorce, Alimony, & Child Custody § 24:11

Ga. Divorce, Alimony, & Child Custody § 24:11  
Georgia Divorce, Alimony, and Child Custody Database updated November 2014  
Dan E. McConaughey<sup>30</sup>  
Part III. Custody  
Chapter 24 Modifying Prior Award  
§ 24:11. Change of condition—Evidence  
Effective January 1, 2013 the new Evidence Code<sup>1</sup> enacted by the Georgia General Assembly went into effect, it being the legislative intent to adopt the Federal Rules of Evidence to the extent that it is consistent with the Constitution of Georgia, and any issues of evidence not covered by such new legislation will continue to be covered by prior Georgia law.<sup>2</sup>

A recent far-reaching Georgia Supreme Court decision provides that in all relocation cases, as well as in all child custody cases, the trial court (1) must apply the best interests of the child test, and (2) cannot apply a bright-line test, i.e., the rebuttable presumption that the custodial parent has a prima facie right to retain custody.<sup>3</sup> This means that in a change of custody case, the initial custody award will not always control after any new and material change in circumstances that affects the child is considered.<sup>4</sup> Not only does this decision reverse the long line of cases relating to relocation of a parent,<sup>5</sup> but it also reverses any other Georgia case that presumes the custodial parent has a prima facie right to retain custody.<sup>6</sup> The following are examples of evidence which has been held "reasonable evidence" to show the required change of condition: surrender of physical custody from one parent to the other parent;<sup>7</sup> the custodial mother's employment required extensive overnight travel and the children frequently stayed with their father or their grandparents;<sup>8</sup> relinquishment of physical custody by one parent to the other parent for the school year;<sup>9</sup> the sole fact that the mother was living with a man to whom she was not married and she was unrepentant of such fact;<sup>10</sup> where the mother's cohabiting with a man who is not her husband, in the presence of the children, was reasonable evidence to support change of custody to the ex-husband;<sup>11</sup> addiction of the mother to alcoholic drinks, living with a man unmarried, and neglecting the children;<sup>12</sup> abandonment of the children for long periods of time by the mother who left them with her parents, who were unable to care for them;<sup>13</sup> immoral conduct of mother with a married man in her home (decree granted two months earlier);<sup>14</sup> that mother had an illegitimate child, had gone out alone with married man on several occasions and hugged and kissed him, and had dated another married man;<sup>15</sup> poisoning of the mind of the child by one parent against the other parent;<sup>16</sup> moving the children 1000 miles away from the other parent's residence and refusing to let her visit them, insulting her, prejudicing the children against her, instructing them not to call her "mother," and telling them she was not their mother;<sup>17</sup> mother having remarried soldier with children of his own and changed residence to other places;<sup>18</sup> where parents were previously awarded divided custody of six months each and child not of school age, and mother has remarried and has home for child;<sup>19</sup> where older of two children in custody of father upon reaching his fourteenth birthday elects to live with mother, and younger child desires to live with mother;<sup>20</sup> the emotional condition of the child has deteriorated to a point that it threatens to become a permanent disordered mental and emotional condition or psychosis;<sup>21</sup> where the father testifies that if the children were awarded to him he would get his father and mother to come down and stay for some time, which was never done, that while he was a flight officer in the Air Force, he would arrange his schedule as he wished, and that he would do so that he might be at home and take care of the children. However, during the first 45 days the children were with him he was away on one trip for a period of 11 days and on another for 13 days, or a total of 24 days, during which time they were looked after by a practical nurse whom he had employed to stay with them. This woman, who resigned after 30 days, testified that the father did not know how to care for



IN THE COURT OF COMMON PLEAS OF PHILADELPHIA COUNTY

NADINE J. BELLINGER  
PLAINTIFF

FAMILY COURT DIVISION  
CIVIL ACTION

VS.

No. 1402V7089  
PROTECTION FROM ABUSE

MICHAEL D. BISHOP  
DEFENDANT

AFFIDAVIT OF SERVICE

I, \_\_\_\_\_, the undersigned, hereby state that I served a copy of the Notice of Hearing and Order, Petition and Temporary Order in the above captioned action upon Defendant by handing the papers to:

\_\_\_\_\_ at the following  
address: \_\_\_\_\_ Philadelphia,

Pennsylvania ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 20\_\_

AT APPROXIMATELY \_\_\_\_\_ A.M. / P.M.

I verify that the statements made in this Affidavit are true and correct. I understand that false statements are made subject to the penalties of 18 Pa. C.S. §4904, relating to unsworn falsification to authorities.

*(wasnt able to  
get TPO from correct  
venue/Jurisdiction, stole the  
kids bring to Georgia Illegally  
using fraudulent orders.  
Get GA order's(TPO) from  
same Judge of my  
Probable Cause hearing  
on Illegal  
charges!*

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Address

Date: \_\_\_\_\_

THIS FORM MUST BE COMPLETED AND SIGNED BY THE PERSON WHO SERVES THE DEFENDANT WITH THE NOTICE OF HEARING AND ORDER, PETITION AND TEMPORARY ORDER. IT MUST BE BROUGHT TO COURT ON THE HEARING DATE.



NADINE J. BELLINGER

Plaintiff

V.

MICHAEL D. BISHOP

Defendant

COURT OF COMMON PLEAS OF  
PHILADELPHIA COUNTY,  
PENNSYLVANIA

FAMILY DIVISION

No. 1402V7089

**ORDER TO VACATE**

AND NOW, on this 7TH Day of February, 2014, the TEMPORARY ORDER in the above captioned matter is hereby VACATED and the action is DISMISSED without prejudice for plaintiff's failure to prosecute.

BY THE COURT:

Judge EDWARD R. SUMMERS

February 7, 2014

Date