

No. 18-1252

In The
Supreme Court of the United States

REV. BARRY D. BILDER,

Petitioner Pro Se,

v.

REV. BETH MATHERS, RUTH BILDER,

Respondents.

**On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Tenth Circuit**

**RESPONDENTS REV. BETH MATHERS
& RUTH BILDER'S BRIEF IN
OPPOSITION TO PETITIONER'S
PETITION FOR WRIT OF CERTIORARI**

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PARTIES TO THE PROCEEDING

All parties to this proceeding are listed on the cover page.

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ARGUMENTS AND REASONS WHY A WRIT OF CERTIORARI SHOULD NOT BE GRANTED

Comes now the Respondents, Rev. Beth Mathers and Ruth Bilder and respectfully responds to Petitioner's Petition for Writ of Certiorari as follows:

I. Jurisdiction

Federal Rule of Appellate Procedure 3(c)(1) requires a notice of appeal to "designate the judgment, order, or part thereof begin appealed." Petitioner's notice is defective because it fails to do so. The dictates are jurisdictional in nature, *Smith v. Barry*, 502 U.S. 244 (1992).

II. Rule 15 Arguments

The Petition contains a serious and substantial mistake of fact and it bears on what issues properly would be before the Court if Certiorari was granted. In his Petition the Petitioner states that one of the investigating police officers interviewed Respondents Beth Mathers and Ruth Bilder with regard to the investigation of the alleged kidnapping. The Petitioner further states the following:

"The City developed an interest in the Petitioner, Rev. Barry Bilder, as a suspect after conducting multiple interviews with his ex-wife, Ruth Bilder, at the Church of Holistic Science, Inc." [Petition for Certiorari, p. 6]

This misstatement is of critical importance because it suggests that the very reason the City of Tulsa was interested in pursuing the investigation of the Petitioner was because the Church, Ruth Bilder, or Beth Mathers had somehow implicated the Petitioner in the crime. However, the exact opposite is true as is revealed in the Order and Judgment of the United States Court of Appeals for the Tenth Circuit as follows:

“Both Ms. Mathers and Ms. Bilder state in their respective affidavits that they informed TPD officers that they did not believe Plaintiff to be the person TPD was seeking and ‘exonerated’ Plaintiff in their interviews with TPD. (Doc. No. 73-1, ¶¶ 8-9; Doc. No. 73-2, ¶¶8-9).”
[Petition for Certiorari, p. 12(a)]

This mistake of facts bears on what issues properly would be before the Court if certiorari were granted. The Petition should be denied.

CONCLUSION

The Petition for Certiorari should be denied.

Respectfully submitted,

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