

No. 18-

In the Supreme Court of the United States

ELLIS KEYES,

Petitioner,

v.

EDISON BANKS, *ET AL*,

Respondents.

**ON PETITION FOR WRIT OF CERTIORARI
TO THE SUPREME COURT OF THE
COMMONWEALTH OF KENTUCKY**

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Is the ABA a Union for purpose of Kentucky Right to Work Law?

Shall a Candidate for Commonwealth be subject to a mandatory literacy test abridgement for voting rights to be a good faith bona fides candidate for election?

Shall it be policy to have open and honest government?

Would a Bill of Rights carry any weight in the face of a despotic government?

LIST OF PARTIES

Respondents are Letcher County Commonwealth Attorney Edison Banks, represented by Adam P. Collins, Esq., Collins & Collins & Conley P.S.C., P.O. BOX 727, Hindman, Kentucky 41822 (606) 785-5048. Also The State of Kentucky Office of the Attorney General, Capitol Suite 118, 700 Capitol Avenue Frankfort, KY 40601-3449 (502) 696-5300.

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**IN THE
SUPREME COURT OF THE UNITED STATES**

OPINIONS BELOW

The opinion of the Kentucky Court of Appeals 2018-CA-432 EL appears at Appendix A-6 and A-8. The opinion of the Commonwealth of Kentucky Letcher Circuit Court to stay 18-CI-00032 follows in A-10.

JURISDICTION

The date on which the Kentucky Supreme Court decided my case was August 8, 2018 and a copy of the order denying discretionary review appears in A-18. The jurisdiction of this court is invoked under 28 U.S.C. 1257(a). Jurisdiction is proper for the Electorate who know their needs and a stay from the prohibitive state court order is the appropriate remedy. We need not defer or cancel the Election due to an unconstitutionally practiced custom.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

KRS 342.320 (9) is a legislative trespass in violation of the separation of powers provisions of the Constitution of Kentucky. KY. CONST. §§ 27, 28, 116. Same as: Kentucky Constitution section 100 which states, No person shall be eligible to {hold} the office of Commonwealth Attorney unless he shall have been a licensed practicing lawyer ... (the power and restriction of license to practice law is opposed to equality before the law.)

The 15th Amendment right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

Article I, Section 10, Clause 1 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

Citing (*Schwartz v. Board of Examiners*, 353 U.S. 238, 239)(a) A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment. Pp. 353 U.S. 238-239.(c) Even in applying permissible standards, officers of the State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. P. 353 U.S. 239. Regardless of how the State's grant of permission to engage in this occupation is characterized, it is

sufficient to say that a person cannot be prevented from practicing except for valid reasons. Certainly the practice of law is not a matter of the State's grace. *Ex parte Garland*, 4 Wall. 333, 71 U.S. 379. *U.S. v. Seeger*, 380 U.S. 163, 172, 85 S. Ct. 850, 13 L. Ed. 2d 733 (1965) "The practice of law cannot be licensed by any state/State. *Schware v. Board of Examiners*, United States Reports 353 U.S. pgs. 238, 239. In *Sims v. Aherns*, 271 S.W. 720 (1925)

STATEMENT OF THE CASE

The Incumbent's original petition for removal in the Letcher County Circuit Court falsely alleged that somehow irreparable harm is caused by my candidacy in order to stop the process of the election, and violate a substantial right of the people and myself. Therefore the Letcher Circuit Court in this action acts as an unconstitutional tribunal, lacks jurisdiction to interfere in the process of a free election and should be stayed from doing so, deferring to the will of the people for judgment. The fundamental issue is equal protection, omnipresent throughout our federal and state constitutions, it is the motto engraved on Supreme Court, expressed in the reality of nature and Law, the principle is universal. Article 7 of the Universal Declaration of Human Rights (UDHR) states: All are equal before the law and are entitled without any discrimination to equal protection of the law. No State can deprive particular persons or classes of persons of equal and impartial justice under the law. Equal justice to all in their private differences; if no social standing, advancement in public life falls to reputation for

capacity, class considerations not being allowed to interfere with merit; nor again does poverty bar the way, if a man is able to serve the state, he is not hindered by the obscurity of his condition. We are not a nation that disqualifies lawyers and judges from public service because of race, religion, gender or because they spend their careers representing the wealthy and the powerful. Equal justice requires states guarantee the same rights, privileges, and protections to all citizens: reinforces due process and prevents states from passing or enforcing laws that arbitrarily discriminate against anyone regardless of race, gender, national origin, color, ethnicity, religion, disability, or other characteristics, without privilege, discrimination or bias. We are equal by nature because of objective truth and our common natural reality. From this foundational axiom, I seek to stay the unconstitutional order because there is no valid reason to deny my right to make application for the practice of law to the electorate.

The condition for candidacy set forth in Kentucky Constitution section 100, No person shall be eligible to {hold} the office of Commonwealth Attorney unless he shall have been a licensed practicing lawyer for four years, if liberally construed has been met because I am a self-licensed practicing Lawyer, Lay man of common Law, Propria Persona. This is the only interpretation that withstands the whole requirements of constitutional law.

The unconstitutional Judgment appealed from holds a fraudulent standard that law is magically separated hierarchically from ordinary citizens, We the People, required to trust the strange god of the

idols of external deification such as in ancient Babylon traditions to pay divine homage to graven images like the national flag or the image of a crucified antichrist, establishing fraud as the essence of all business, false on its application in conflict with our enlightened foundation of law beginning with all are equal.

The burden of proof as to the bona fides of candidacy was on the Petitioner-Respondent and has not objectively been met because I do in fact practice law in the courts as a person engaged or qualified in a profession, this is self-evident, anyone similarly so inclined is qualified to make motions and so forth. The incumbents unconstitutional tribunal pretends that Licensed Lawyers by the Bar Association have a divine gift, are superior in courts of law but the opposite is true because we the people by all rights govern, the lawyer is a servant, ambitious to overthrow government by and for the people and the natural order.

The irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an "injury in fact. See *Howlett v. Rose*, 496 U.S. 356 (1990) " Since there is no injured party to complain, it is not actionable and should be stayed to avoid actual irreparable harm of denying a free electoral process, in violation of the checks and balances of equal protection.

The Letcher County Kangaroo court called my unconstitutional proceeding and as soon as it began I said loud and clear, I, Ellis Keyes, say under oath, Judge Craft is prejudiced against me. I cannot receive a fair impartial hearing from Judge Craft. This

beginning portion of the court video transcript was deleted, doctored out professionally fixing rigged as usual from the unconstitutional tribunal and its fraudulent judgment order to remove me from the Ballot for which I seek a Stay. The same Lawyer, now Judge, caused or committed perjury in an earlier case with me on dissolution of business documents filed with the Kentucky Secretary of state and the court, that falsely swore his client is president of Baker Construction when according to date of dissolution the business did not exist, perjury. He caused falsified statements or directed it to be so, said no law suits were pending, no debts owed at time of dissolution.

Records show proof of my Law Practice spanning more than twelve years in this jurisdiction and documents to disqualify the Letcher Circuit Court Judge. Although reported to the Bar and Judicial Counsel, no disciplinary action has been taken to correct known violation of ethics and rules of conduct. From my first-hand experience I know that the Kentucky Letcher County Circuit Judge is dishonest, has never ruled in my favor and is disqualified in this matter.

From my perspective this kind of denial of due process is an ad homonym discrimination against equal rights. I understand that we need to be respectful and assume experts of law are honorable but I cannot excuse these errors of judgment. It is a human problem of a pattern of seemingly unconscious reflexive behavior that must be seen to realize the difference between pretended fantasy of imaginary justification to perpetuate and enable criminal conduct, a cause that creates an infinite ripple in the

continuum of eternity. These are small simple points of error but greater patterns are self-evident to any reasonable mind, failure to exercise ordinary care is dangerous for the collective and individual common good of who we are. As one subjugated by another who holds a superior position in the judicial branch, who ignores or does not understand that by nature all are equal and reality is perfection I ask, Do you think that God has given you a secret that he has not also given to me?

Law is AN OCCUPATION OF COMMON RIGHT! (*Sims v. Aherns*, 271 S.W. 720 (1925)) The "CERTIFICATE" from the State Supreme Court: ONLY authorizes, To practice Law "IN COURTS" As a member of the STATE JUDICIAL BRANCH OF GOVERNMENT, can ONLY represent WARDS OF THE COURT, INFANTS, PERSONS OF UNSOUND MIND (SEE CORPUS JURIS SECUNDUM, VOLUME 7, SECTION 4.) "CERTIFICATE" IS NOT A LICENSE to practice Law AS AN OCCUPATION.

The "STATE BAR" CARD IS NOT A LICENSE!!! It is a "UNION DUES CARD". Kentucky is a Right to work State. The "BAR" is a "PROFESSIONAL ASSOCIATION, a NON-GOVERNMENTAL PRIVATE ASSOCIATION, an Unconstitutional Monopoly, Violates Article 2, Section 1, Separation of Powers clause of the Constitution.

FEDERAL COURT PROCEEDINGS

Seeking Stay of the State of Kentucky Letcher County Circuit Courts unconstitutional proceeding to

remove me from the Ballot, I took action supplemental to this in the Federal Court Eastern District of Kentucky that was dismissed on reasoning that state courts have exclusive jurisdiction and no other relief was requested. Appeal was made that I asked for other further relief as is just and proper, the Sixth Circuit also denied the stay reasoning an unlikelihood of success that I assign as error. I then moved to reconsider and was denied so we are here where we belong. I can not ask for more perfect circumstances than this to answer my calling and yours. I know I am entitled to redress on the merits of equality before the law. Likelihood of success should not be a question for a judge, because of the special interest and conflict for members of a monopolistic Bar Association and entrenched incumbents but most importantly that it is a right reserved to the people because this is how the constitutional checks and balances operate as a cohesive unity.

Incumbent's partnership association in the Letcher Circuit Court is too predictable of a kangaroo court for me, so I brought action in the Federal Court as a supplemental remedy to defend my right to equality before the law, it was dismissed and I immediately appealed to the sixth circuit.

Federal precedent establishes reasonable practice of constitutional law in *Picking v. Pennsylvania R. Co.* 151 Fed. 2nd 240; *Pucket v. Cox* 456 2nd 233. *Pro se* pleadings are to be considered without regard to technicality; *pro se* litigant pleadings are not to be held to the same high standards of perfection as lawyers. *Platsky v. C.I.A.* 953 F.2d. 25. Additionally, *pro se* litigants are to be

given reasonable opportunity to remedy the defects in their pleadings. *Reynoldson v. Shillinger* 907 F.2d 124, 126 (10th Cir. 1990); See also *Jaxon v. Circle K. Corp.* 773 F.2d 1138, 1140 (10th Cir. 1985) (1)

Haines v. Kerner (92 S.Ct. 594). The respondent in this action is a nonlawyer and is moving forward in *Propria persona*. *NAACP v. Button* (371 U.S. 415); *United Mineworkers of America v. Gibbs* (383 U.S. 715); and *Johnson v. Avery* 89 S. Ct. 747 (1969). Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law." *Howlett v. Rose*, 496 U.S. 356 (1990) Federal Law and Supreme Court Cases apply to State Court Cases. Federal Rules Civil Proc., Rule 17, 28 U.S.C.A. "Next Friend" is a person who represents someone who is unable to tend to his or her own interest... Title 42 U.S.C. Sec. 1983, *Wood v. Breier*, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972). *Frankenhauser v. Rizzo*, 59 F.R.D. 339 (E.D. Pa. 1973). "Each citizen acts as a private attorney general who 'takes on the mantle of sovereign'," Luke 11:52, "There is a higher loyalty than loyalty to this country, loyalty to God" *U.S. v. Seeger*, 380 U.S. 163, 172, 85 S. Ct. 850, 13 L. Ed. 2d 733 (1965)

In *Sims v. Aherns*, 271 S.W. 720 (1925) "The practice of law is an occupation of common right." A bar association is that what it is, a club, An association is not license, it has a certificate though the State, the two are not the same.... Conflicts of interest disqualify the state court from having jurisdiction pertaining to election law.

The state judicial branch of government has a particular interest in insuring that people who collect fees to represent clients in court are qualified to be there but I do not collect fees, am not competing with economic interest of the Bar Association who as a special interest benefit keeps the supply low and cost high. I am seeking office only to more accurately represent the best interest of all the people as opposed to the selfish interest of pretended nobility, exploiters who profit from oppressing human rights making the common man a servant to their wishes, a form of involuntary servitude abolished by the founding fathers who established that the courts belong to the people. It is for love of liberty and justice. I am an ordinary person who practices law, a lawyer, a law man, a lay man of common law, from equality of all. The Lawyers Union have an economic interest increasing cost and personal profit, a contrary interest that creates a direct conflict with its membership against the people as the true owners. For these reasons I stand as a "Next Friend" a person who represents someone who is unable to tend to his or her own interest... The Local Court needs help, I am here for that purpose because it isn't getting the job done with its entrenched judiciary. I look forward to working with the court upon being legitimately elected.

Free and fair elections are an obligation and informed voters are fit to choose the proper person for the occasion.

KRS 342.320 (9) is a legislative trespass in violation of the separation of powers provisions of the

Constitution of Kentucky. See KY. CONST. §§ 27, 28, 116.

The irreducible constitutional minimum of standing contains three elements. First, the plaintiff must have suffered an "injury in fact" There is no injured party to complain, so not actionable. Actual irreparable harm is only of denying a free electoral process making the stay necessary. Freedom of speech and the voters right to appoint counsel of their own choosing is the priority for good government.

Incumbent is not harmed by free and fair election, Elections are required for public accountability and attention to the common good, the Court of We the People. I am acting as Friend to the people, who may appoint me as counsel as they see fit by their own free will.

It is extremely oppressive to have no alternative in an election when so called licensed lawyers collude in professional courtesy and bow out to not challenge an entrenched incumbent, permitting an alienation system separate from the people it is intended to serve. The so called licensed lawyers are pacified by an artificial fixed system of priveledge to the detriment of the people subjected to tyrannical abuse and not one of them came forward to offer an alternative candidate to reform the corrupt system so it is my duty, welcomed by the electorate, for transparent open government. I am entitled to take the initiative pursuant to constitutional laws found in the Kentucky Constitution.

Kentucky Constitution Section 6 Elections to be free and equal. All elections shall be free and equal. There is no need to cancel the people's right to choose a candidate who will represent their own best interest. With a controlled small group of make believe licensed lawyers we the people are not making progress in living according to the meaning of constitutional law and so it is the right of the people to abolish such unconstitutional policy and practice. The civil remedy naturally is in the electoral process, pursuant to Kentucky Constitution Section 4 Power inherent in the people -- Right to alter, reform, or abolish government. All power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety, happiness and the protection of property. For the advancement of these ends, they have at all times an inalienable and indefeasible right to alter, reform or abolish their government in such manner as they may deem proper.

The Incumbent denies an ordinary person from the people to be entitled to practice law in the courts, in violation of our civil constitutional rights. As Foreman of the Grand Jury I personally was denied access to the Grand Jury by the Incumbent, an act of Jury tampering. Furthermore as a crime victim who wished to present evidence for the purpose of prosecuting a crime I was denied access to the grand jury by the Incumbent who denied me access to the grand Jury and refused discovery request pursuant to the Victims Bill of Rights, substantial harm, in violation of the checks and balances of equal protection and justice. It may be alright with the protected ABA licensed lawyers who are secure in

their profession but it is not alright with me to be excluded from Judicial Courts of Law, nor is it alright with the same class of ordinary persons like myself who are and ostracized from equal protection of the law.

The conflict of interest is obvious. Precedent affirms in *NAACP v. Button* (371 U.S. 415); *United Mineworkers of America v. Gibbs* (383 U.S. 715); and *Johnson v. Avery* 89 S. Ct.747 (1969). Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the group in court without being charged with "Unauthorized practice of law." The courts of our form of government are by and for all of the people from our birthright as a Republic, not an elite minority. An association of membership dues paying lawyers is a special interest group by and for professional lawyers whose interest are different from the general public. Kentucky does not require union dues paid memberships to be of service in any occupation and the state cannot license the practice of law or deny equal protection. I have standing with no conflict of interest because Kentucky is a Right-to-Work state, we do not have to join or pay dues to any union organization.

Our judicial branch is a representation of the individual person collectively but a fraudulent corporation of lawyers cannot reach parity with a true human being. Law is treated like an intangible commodity in the professions special interest, short sighted to have taken away the key to knowledge, not entered, and hindering those who enter.

REASONS FOR GRANTING STAY

This is an Election Appeal, the unconstitutional removal judgment should be stayed because the practice of law is an occupation of common right."

The law rest in the instincts of all people and it is the cardinal maxim that a statute contrary to natural right is illegal, is in itself null and void as the anchor of mankind. The Commonwealth attorney should not have discretionary liberty to refuse crime victim's right to access the grand jury proceeding and evidence, putting his thumb on the scales of justice to favor criminals contrary to ethical rules of judicial conduct, the victim's bill of rights, and pursuit of happiness. The Incumbent has taken over the Grand Juries FROM the people, where the people are DENIED ACCESS to the grand jury when they attempt to present evidence of crimes committed and keeping discovery secret. Kentucky has one of the worst records for discovery, our incarceration rate is among the highest in the nation. These injustices must be prevented or an out of control monopoly on kangaroo court will continue causing irreparable harm with puppet mastering of the jurors who instead need creative freedom to prosper, not to be enslaved by the unconstitutional robes of nobility. "Men" in black dresses that are Unconstitutional ROBES OF NOBILITY. (Article 1, Section 9 and 10) dispense a perverted ideology, where the people are terrorized by members of the BLACK ROBE CULT!

Incumbent has held the same office a lifetime and would otherwise be unopposed if not for this

private citizen who shows good cause to relieve the incumbent whose services are no longer required. We appoint counsel of choice pursuant to this election by the sixth amendment of the U S Constitution responding to the call of duty. There is no member of the bar association motivated to advance civil rights in this contest so a next friend is the only alternative. The incompetence of pretended nobility is insanity and grounds for removal of the harmful unnecessary mediator who stands between the people and justice. It is our grand jury, by and for the people, that has been hijacked from us and we must take it back for the common good. Let justice roll like waters and righteousness like an ever-flowing stream.

STATE COURT PROCEEDINGS

My Appeal to the Kentucky Court of Appeals should be liberally construed. It was filed within five days of the entry of the Circuit Court order. I filed a NOTICE OF APPEAL AND APPEAL together. Within the APPEAL is the language specific to set aside the order of the circuit court and the same as motion to set aside the order, setting forth in the CONCLUSION the relief requested as: Let the emergency stay be granted, the removal of name from ballot dismissed and such other further relief deemed just and proper.

The Kentucky Court of Appeals ruled that because I did not call my Appeal a Motion to Set Aside it is fatally flawed. The substantial civil and constitutional rights involved have evasively been avoided. No valid reason to deny me equality before the law is shown.

The Kentucky Court of Appeals dismissal applies conversion of time requirements to strict adherence to technical form.

See *Heleringer v. Brown*, Ky., 104 S.W.3d 397 (2003) (holding that election laws should be liberally interpreted so as to allow the candidate to stand for election).

See *Skaggs v. Fyffe*, 266 Ky. 337, 98 S.W.2d 884 (recognizing the rule of statutory interpretation that laws are to be liberally construed so as to reach a substantially correct result and the court should, to every reasonable extent, interpret such provisions as directory rather than mandatory). In this Commonwealth, there exists a strong public policy in favor of broad voter participation in elections, thus requiring any doubt in statutory interpretation to be resolved in favor of allowing the candidacy to continue. *Heleringer v. Brown*, 104 S.W.3d at 403.

In *Queenan v. Mimms*, Ky., 283 S.W.2d 380, 382 (1955), it was noted that: It is a fundamental principal that the courts will construe election statutes liberally in favor of the citizens whose right to choose their public officers is challenged. *Greene v. Slusher*, 300 Ky., 715, 190 S.W.2d 29 (1945). The right of the qualified voter to cast an effective vote is among our most precious freedoms. *Heleringer*, 104 S.W.3d at 404-405.

The effect of the unconstitutional order of the Letcher circuit court and the Kentucky Court of Appeals is in violation of the U.S. Constitution 15th Amendment Section 1. The right of citizens of the United States to vote shall not be denied or abridged

by the United States or by any State on account of race, color, or previous condition of servitude. AND Article I, Section 10, Clause 1 No State shall enter into any Treaty, Alliance, or Confederation; grant Letters of Marque and Reprisal, or Law impairing the Obligation of Contracts, or grant any Title of Nobility.

The effect of The Court of Appeals dismissal by default is to sustain an unconstitutional title of nobility on a fraudulent corporation of Lawyers with pretended license to the practice of law and unconstitutional title of Nobility, in violation of equal rights provision of the state constitution.

Section 1. Rights of life, liberty, worship, pursuit of safety and happiness, free speech,. . . All men are, by nature, free and equal, and have certain inherent and inalienable rights, among which may be reckoned: First: The right of enjoying and defending their lives and liberties.

Second: The right of worshipping Almighty God according to the dictates of their consciences.

Third: The right of seeking and pursuing their safety and happiness. Fourth: The right of freely communicating their thoughts and opinions...

The Kentucky Court of Appeals ruling misleadingly cites only one precedent in support of notion that the unconstitutional rule must be strictly adhered to; however it clearly refers to time

constraints. Quoting *Duvall v. Gatewood*, 500 S.W.2d 416 (1973)

“The time limitations are mandatory and the court is without jurisdiction to entertain an appeal in an election contest which does not comply with the requirements as to time.”

The time requirements are fulfilled by me having appealed and requested necessary relief within five days limit prescribed by the rule so time is not the issue. Applicant complied with time requirement, so error was in finding this action dismissed as improperly taken. It should be liberally construed. It was filed within five days of the entry of the Circuit Court order. Within the APPEAL is the language specific to set aside the order of the circuit court. “Let the emergency stay be granted, the removal of name from ballot dismissed and such other further relief deemed just and proper.”

Picking v. Pennsylvania R. Co. 151 Fed. 2nd 240; *Pucket v. Cox* 456 2nd 233. Pro se pleadings are to be considered without regard to technicality; pro se litigant’s pleadings are not to be held to the same high standards of perfection as lawyers.

Schware v. Board of Examiners, 353 U.S. 238, 239)(a) A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the

Due Process Clause of the Fourteenth Amendment. Pp. 353 U.S. 238-239.(c) Even in applying permissible standards, officers of the State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or

when their action is invidiously discriminatory. P. 353 U.S. 239. Also: A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal Protection Clause of the Fourteenth Amendment *Dent v. West Virginia*, 129 U.S. 114. Cf. *Slochower v. Board of Higher Education*, 350 U.S. 551; *Wieman v. Updegraff*, 344 U.S. 183. And see 60 U.S. 19 How. 9, 60 U.S. 13. Page 353 U.S. 239 ... Regardless of how the State's grant of permission to engage in this occupation is characterized, it is sufficient to say that a person cannot be prevented from practicing except for valid reasons. Certainly the practice of law is not a matter of the State's grace. *Ex parte Garland*, 4 Wall. 333, 71 U.S. 379.

The practice of Law is AN OCCUPATION OF COMMON RIGHT! (*Sims v. Aherns*, 271 S.W. 720 (1925))

1. *Platsky v. C.I.A.* 953 F.2d. 25. Additionally, pro se litigants are to be given reasonable opportunity to remedy the defects in their pleadings. *Reynoldson v. Shillinger* 907 F.2d 124, 126 (10th Cir. 1990); See also *Jaxon v. Circle K. Corp.* 773 F.2d 1138, 1140 (10th Cir. 1985) (1)

2. *Haines v. Kerner* (92 S.Ct. 594). The respondent in this action is a nonlawyer and is moving forward in *Propria persona*.

3. *NAACP v. Button* (371 U.S. 415); *United Mineworkers of America v. Gibbs* (383 U.S. 715); and *Johnson v. Avery* 89 S. Ct. 747 (1969). Members of groups who are competent nonlawyers can assist other members of the group achieve the goals of the

group in court without being charged with "Unauthorized practice of law."

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

5. Federal Rules Civil Proc., Rule 17, 28 U.S.C.A. "Next Friend" A next friend is a person who represents someone who is unable to tend to his or her own interest...

6. Title 42 U.S.C. Sec. 1983, *Wood v. Breier*, 54 F.R.D. 7, 10-11 (E.D. Wis. 1972). *Frankenhauser v. Rizzo*, 59 F.R.D. 339 (E.D. Pa. 1973). "Each citizen acts as a private attorney general who 'takes on the mantle of sovereign',"

7. Luke 11:52, "There is a higher loyalty than loyalty to this country, loyalty to God" *U.S. v. Seeger*, 380 U.S. 163, 172, 85 S. Ct. 850, 13 L. Ed. 2d 733 (1965)

8. "The practice of law can not be licensed by any state/State. *Schware v. Board of Examiners*, United States Reports 353 U.S. pgs. 238, 239. *In Sims v. Aherns*, 271 S.W. 720 (1925)

"The practice of law is an occupation of common right." A bar card is not a license, its a dues card and/or membership card. A bar association is that what it is, a club, An association is not license, it has a certificate though the State, the two are not the same....

Our courts properly function as bulwarks against government abuse, unconstitutional policies and orders.

I am seeking election as a Democrat for the office of Commonwealth Attorney in Letcher County, Kentucky.

CONSTITUTIONS AND STATUTES U.S. Const. art. I, 4, cl. 1.....KRS 342.320 (9) is a legislative trespass in violation of the separation of powers provisions of the Constitution of Kentucky. See KY. CONST. 27, 28, 116.

15th Amendment right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

REASONS FOR GRANTING THE APPLICATION

Because of the important public interest we have a strong probability that the Court will consider the case on the merits and because of the constitutional issue a prospect that a majority of the Court will vote to reverse the decision below; and a likelihood that irreparable harm will result from the denial of a stay. *Hollingsworth v. Perry*, 558 U.S. 183, 190 (2010). Those factors are satisfied here.

I am seeking election as a Democrat for the office of Commonwealth Attorney in Letcher County, Kentucky. The incumbent has not and will not suffer any irreparable harm because fair elections are an obligation and informed voters are fit to choose the proper person for the occasion.

Courts function as bulwarks against government abuse, unconstitutional policies and

orders. Conflicts of interest arise that disqualify a court system from having jurisdiction when pertaining to election law and equal protection.

CONCLUSION

For these reasons I stand as a "Next Friend" I respectfully request that this Court grant application for a stay here to avert immediate danger of sustaining direct and substantial injury as the result of its enforcement. A person cannot be prevented from practicing except for valid reasons. I am a qualified elector constitutionally from our birthright as a Republic. I change not. I have no conflict of interest here. Kentucky is a Right-to-Work state. Certainly the practice of law is not a matter of the States grace. Let the stay issue pending review and such other further relief as is just and proper.

For the foregoing reasons, Applicants respectfully request that this Court grant application for a stay of the unconstitutional Kentucky Circuit Court orders. Citing (*Schwartz v. Board of Examiners*, 353 U.S. 238, 239)(a) A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process Clause of the Fourteenth Amendment. Pp. 353 U.S. 238-239.(c) Even in applying permissible standards, officers of the State cannot exclude an applicant when there is no basis for their finding that he fails to meet these standards, or when their action is invidiously discriminatory. P. 353 U.S. 239. Also: A State cannot exclude a person from the practice of law or from any other occupation in a manner or for reasons that contravene the Due Process or Equal

Protection Clause of the Fourteenth Amendment
Dent v. West Virginia, 129 U.S. 114. Cf. *Slochower v.*
Board of Higher Education, 350 U.S. 551; *Wieman v.*
Updegraff, 344 U.S. 183. And see 60 U.S. 19 How. 9,
60 U.S. 13. Page 353 U.S. 239

Regardless of how the State's grant of
permission to engage in this occupation is
characterized, it is sufficient to say that a person
cannot be prevented from practicing except for valid
reasons. Certainly the practice of law is not a matter
of the States grace. *Ex parte Garland*, 4 Wall. 333, 71
U.S. 379.

It is by act of Congress that we are equal before
the law, a stay is warranted. Let the appropriate
order issue granting certiorari and such other further
relief as is just and proper.

Respectfully submitted

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