

NO. _____

IN THE
SUPREME COURT OF THE UNITED STATES

CAROLYN BARNES, individually and on behalf of her children,

Plaintiff - Appellant

v.

UNITED STATES OF AMERICA,

Defendants - Appellees

ON PETITION FOR WRIT OF CERTIORARIA TO THE
UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT
CASE NO. 18-2096
On Appeal from the
United States Court of Federal Claims
No. 17-534-C
Judge Williams

MOTION TO ENLARGE THE PAGE LIMIT

Carolyn Barnes, *et al*,
Appellant
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Pursuant to Rules 21, 22, and 33(d) of the Rules of this Court, the Petitioner, Carolyn Barnes, respectfully submits this Motion to Enlarge the Page Limit for the Petition for Writ of Certiorari that Petitioner is filing on even date herewith.

1. Petitioner requests leave to file the Petition for Writ of Certiorari. It is an impossible task to fit the relevant arguments, fully briefed, into less than 40 pages. Rules should not curtail constitutional arguments and this is a case of first impression on the constitutional challenges to the CFC. There is no case law on these issues and this Court has not ever addressed the constitutionality of the Congressional Acts involved that violate the separation of powers and common law constitutional principle of *delegata potestas non potest delegari*.

2. This 40-page limit is arbitrary, capricious, and oppressive in a case of this nature. Good cause exists to enlarge the 40-page limitation to permit the following issues to be presented within the allotted pages:

PETITION FOR WRIT OF CERTIORARI **Error! Bookmark not defined.**

OPINIONS BELOW **Error! Bookmark not defined.**

JURISDICTIONAL STATEMENT **Error! Bookmark not defined.**

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED **Error! Bookmark not defined.**

STATEMENT OF THE CASE **Error! Bookmark not defined.**

REASONS TO GRANT REVIEW **Error! Bookmark not defined.**

ARGUMENT **Error! Bookmark not defined.**

Conflict with Precedent	Error! Bookmark not defined.
Unconstitutional Application of Rules	Error! Bookmark not defined.
“Collateral Attack” is Fixer Propaganda	Error! Bookmark not defined.
Willful Conflation of Claims	Error! Bookmark not defined.
Violation of Separation of Powers	Error! Bookmark not defined.
CONCLUSION	Error! Bookmark not defined.
REQUEST FOR RELIEF	Error! Bookmark not defined.

3. The Argument section fits within the 40-page limit. However, the other included portions add 10 pages. Petitioner made a genuine, sincere, and good faith effort to constrict her arguments within the 40-page limit; however, it is impossible to fully brief the points on appeal and present the argument within the 40-page limit.

4. The 40-page limit includes 10 pages of information required for the convenience and aid of this Court (*see* pages 24-31 of the petition), which restricts the argument to only 30 pages. Since there are five distinct issues, that leaves only 6 pages per issue. This restrictive page limit proved to be an unreasonable barrier to this Court.

5. Petitioners set out the precedent with which the panel opinion conflicted in 4 pages.

6. Petitioners set out the basis for the complaint concerning the unconstitutional application of the CFC Rules in 3 pages.

7. Petitioners set out the red herring and adoption of the propaganda that Petitioners were “collaterally attacking” a void document in 6 pages,

which is extremely reasonable when so much is required to be covered in order to overcome entrenched self-protecting juridical posturing by the partnership paradigm. The inherent prejudice designed into the mechanical system adopted by the partnership in official lawlessness creates a huge blind spot within the judicial branch when it comes to review of criminal conduct of attorneys in the role of “judges.” This totalitarian, authoritarian, and dictatorial reactive posturing is the result of long-term imbalance of power, usurpation of sovereignty, and systemic concealment of official wrongdoing. It could not have been addressed in less than 6 pages.

8. Petitioners set out the facts and law to unravel a routine tactic of the partnership that effectively disfranchises the people by equating the USA with its employees to gift each employee with stolen sovereignty that was clawed back from the people by the partners in official lawlessness. Petitioners not only have to un-conflate the issues, but must also show that the two conflated claims are each supported by pleadings showing grounds for the recovery of damages. Petitioners did this in 13 pages, which is more than reasonable considering the engrained habit of thinking and operating in this stubborn paradigm for financial, professional, political reasons and a sense of camaraderie among government attorneys. Petitioners could not have unraveled the conflation in less than 13 pages, let alone less than 6.

9. Petitioners are left with only 8 pages to address the true constitutional issue at the heart of this appeal. This is the partnership

purpose in imposing these harsh, restrictive rules in a mechanical manner. It disfranchises those whom the partnership has inundated with constitutional infractions. Eight pages are woefully inadequate to fully address the unconstitutionality of a mechanical system and method of absorbing power in violation of the separation of powers that has been allowed to operate since 1953 without any constitutional challenge. This Court has not ever considered or questioned the impact of the violation of the separation of power because it operated to its advantage. The amassing and amalgamation of usurped power, combined with clawed-back absolute immunity, and the secrecy of hiding juridical and partnership crimes behind a PACER wall and exemption from transparency, now threatens the future of this constitutional republic and the safety, security, property, and rights of the people. The usurpation was insidious and the self-interests of the attorneys involved obscured the breach and resulting imbalance of power. However, it is still unconstitutional as a matter of law for the judiciary to take hold of Article I authority and exercise Article I duties. It is unconstitutional *per se* for Congress to abdicate or re-delegate its authority to Article III courts when that transfer or re-delegation violates the common law doctrine of *delegata potestas non potest delegari* and deprives the people of Article I protection to provide for the public welfare and preserve the bill of rights. Human rights are now trampled and discarded because we have lost the nation's conscience and the partnership in official lawlessness requires a dollar sign on each

right, or it has no value. The partnership has stated in writing that it does not value human rights and that, within its paradigm, the violation of all fundamental rights protected by the bill of rights cannot be vindicated because they are not “money-mandating.” Petitioners should have been allowed at least 20 pages to address this crucial constitutional challenge. Petitioners were extremely reasonable in setting out this constitutional challenge in only 9 pages.

10. Thus, Petitioners are requesting that this Court permit them to file the Petition for Writ of Certiorari being filed on even date herewith even though it exceeds the page limit by 11 pages. Petitioners request that this Court grant this motion to enlarge the page limit by 11 pages. Good cause exists to grant this motion because the Argument portion of the Petition is 40 pages, and considering the five issues addressed, this is a reasonable request. Petitioners will be deprived of a meaningful review if this motion is not granted.

11. Due to the tactic of interjecting red herrings, conflating the issues, and obfuscating the constitutional infractions, more than 40 pages is required to navigate the quagmire. It is a violation of substantive due process to require Petitioners to accomplish an act impossible to perform. To impose the 40-page limit is to force those most affected to forfeit and waive complaints on appeal, truncate arguments, and allow the Court to find waiver by failure to raise and fully brief the issues. In this mechanical manner, arbitrary procedural

rules are abused by this Court to circumvent and suspend the clear mandate of the bill of rights on an *ad hoc* basis with discriminatory impact, and the partnership is allowed to repeal the bill of rights.

12. The pattern and practice of the partnership in official lawlessness has proven to deprive targeted and marginalized citizens of fair and just treatment by willfully undermining the totality of constitutional protections rather than negligently impairing one; and to conflate law, issues, facts, and arguments to confuse and overwhelm the courts. Thus, this Court is spread too thin to review the cases that most need review. This is a willful practice to shove mechanical judgments through the courts without due process or fundamental fairness. This systemic machinery violates international treaties, covenants, and conventions signed by the USA and betrays the American people.

13. Arbitrary page limits should not operate to obscure the issues, impair the right to petition for the redress of grievances, or infringe upon the right to equal treatment and protection under the law to fully address and brief constitutional challenges on appeal. Erecting barriers to the courts and using procedural rules and arbitrary and capricious page limits to obstruct the fundamental right to petition for the redress of grievances and present constitutional issues on appeal is antithetical to American jurisprudence.

14. Petitioners are being forced to raise the issue of unconstitutionality; yet, this Court has steadfastly refused to address, correct, or rectify illegal,

unconstitutional, and unethical conduct by the judiciary and white supremacists, and male privileged predatory government attorneys. It this Court will continue to obstinately refuse to see this significant blight on the courts of this country, women, children, minorities, and activists will continue to suffer outlawry, marginalization, and exclusion from society.

15. If this Court continues on this course, it will unwittingly aid, abet, and assist the criminal conduct of attorneys simply because they are employed by the government. Rules cannot be employed to destroy human rights and commit crimes against humanity. Courts cannot become accomplices after the fact to conceal and cover-up a criminal enterprise because that perpetuates a judicial culture and climate of misogyny, bigotry, and extreme intolerance. Without a true People's Court there is no national conscience. This Court must resist the inertia of protective concealment and stop giving comfort to the enemies of this Constitutional Republic who willfully undermine the due administration of justice.

16. The people of this republic are entitled to a fair and meaningful review of the grave constitutional issues involved, a fair consideration of the complexity of the issues in the case, and a fair tribunal free from the complicity of approval for the partnership in official lawlessness that discards the Constitution and laws of Texas and the United States.

17. The arbitrary and capricious imposition of a 40-page limit insures that the Court staff will not fully comprehend or grasp the extent of despotic,

totalitarian, and authoritarian oppression within the Texas judiciary due to the cognitive bias, cognitive priming, and cognitive dissonance caused by the governmental positions and employment within the judiciary. Pre-determined assumptions and prejudicial presumptions cannot be overcome in 40-pages. The gatekeepers and decision-makers must not be hindered by an indoctrinated gender-bias or institutionalized misogyny that continues to marginalize the harm, injury, damage, and disfranchise Texas women.

18. When the rules impair civil and human rights and the result is punitive and case determinative, the rule should be construed liberally in favor of the person injured thereby and against the author of the rule. Rules cannot be used to disfranchise the people or abrogate fundamental rights. For Petitioners to enjoy equal protection under the law, they must be granted equal footing with others who have the full panoply of rights extended to them in fair and open courts.

19. The partnership manipulates the effectiveness of a petition for writ of certiorari and renders attempts futile by an oppressive use of rules. When embarking on a criminal course to undermine the protections afforded by the bill of rights, a partner merely needs to violate so many rights that the requirement to raise and fully brief every constitutional argument, lest it be waived, will cut off any chance of review. Thus, a fair tribunal operating in good faith within the bounds of the law will be reviewed far more often because the constitutional error is slim to none. Thus, with far fewer issues to

raise and fully brief, the arguments fit fairly easy within the 40-page limit.

20. The oppressive interpretation or strict application of Rules cutoff fundamental rights to equal treatment and protection under the law and are a grant of a license to lower courts to dispense with the bill of rights *in toto* when targeting and disposing of a “miscreant.” The one-size-fits-all 40-page limit applied to every case and everyone has lead to the discriminatory impact that undermines the due administration of justice. The lower courts are encouraged to commit so much error that it would be impossible to raise and fully brief it all within the arbitrary 40-page limit. In this manner, juridical attorneys manipulate the rules in their favor to conceal the suspension of the rule of law, nullification of the bill of rights, and destruction of the republic.

21. Interpretation and application of rules should be mindful of the intent, purpose, and spirit of the rules to facilitate a just, fair, and true outcome that serves justice and the best interests of society. Rules must not be designed or utilized to strip away fundamental rights to participate in the process or to be heard.

22. The intent behind the rules and the interpretation that would best serve fairness, equality, and justice is to make sure the issues and arguments are presented in a concise and succinct manner; not to limit or restrict the points or issues raised. Attorneys know full well how to create an

impossibility of performance and set up these obstructions of justice. This is the earmark of a fixer and facilitator (often a former fixer himself).

23. Petitioner has endured nine years of oppressive punishment, torture, and cruel and unusual punishment and has been denied any avenue of relief. Petitioner continues to be betrayed by her own country and has no remedy or recourse under the law for these frank breaches of contract and fiduciary duty owed. The onerous burdens, hardships, and obstruction of justice are falling in an unequal manner on political targets who are oppressed, abused, disfranchised, and punished by the judiciary.

24. During the past nine years, Petitioner has not been afforded any right to be heard or right to be present and participate in the trial and appellate courts. Now, in the one Court left, Petitioner is still being denied a right to be heard because of the cognitive priming, cognitive bias, and cognitive dissonance created and instilled by legal education and indoctrination. Petitioner has been consistently deprived of the rights guaranteed by the 1st, 4th, 5th, 6th, 8th, and 14th amendments to the United States Constitution by the judiciary for nine years. Those violations are never reviewed by this Court because of arbitrary and capricious rules enforced with discriminatory impact.

25. The courts cannot formulate, interpret, or apply oppressive rules to circumvent the presentation of a petition to redress grievances when it deals with constitutional issues. There is no way available for Petitioner to enforce

her fundamental rights when the judiciary is the department infringing upon them and no way to vindicate the violation of those fundamental rights when it is the judiciary that tramples them after the loss of the People's Court.

26. The prejudicial impact of misogyny constitutes an impermissible burden upon and has an overwhelming chilling effect on competition, economic freedom, religious freedom, political freedom, advocacy, associations, activism, and impairs other invaluable rights protected by the 1st, 4th, 5th, 5th, 8th, and 14th amendments to the United States Constitution. The prejudice inflamed by the labels affixed to women is allowed to drown out the truth.

27. Rules are used to politically manipulate this Court's process in deciding which petitions to hear and which to summarily deny without any consideration whatsoever. Criminal conduct within the judiciary is covered-up and concealed by this Court when it denies a petition. Key opinions by this Court were willfully overturned by corrupt juridical officials and partners in official lawlessness over the past nine years, with impunity. Why does this Court allow misogynous malice to succeed?

28. Due to the fact that the partnership in official lawlessness manipulate the rules and filed the opinion with red herring to frustrate and truncate the appeal coupled with the fact that this Court has not ever reviewed the constitutionality of the statute, this is a case of first impression in this Court.

29. Appellant seeks enlargement in the page limit and leave of Court to file the Petition for Writ of Certiorari, which is being filed on even date

herewith. Barnes also seeks extraordinary relief from this Court to permit or grant leave to file the amended Petition for Writ of Certiorari due to the constitutional issues involved. The Court can see that Petitioners have not raised any frivolous, groundless, or inconsequential issues. Petitioners have been deprived of any reasonable or timely or meaningful avenue to secure the structural rights guaranteed by law.

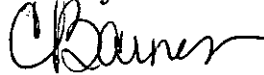
30. The petitioner's declaration in support of this motion is attached hereto and the proof showing the worthiness of this review is contained in the record. The issues have been joined by the signature of the United States to the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the Convention Against Torture, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Rights of Persons with Disabilities, the Declaration on the Rights of Disabled Persons, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and the Convention on the Elimination of All Forms of Discrimination Against Women.

"What is happening when human rights get invoked: power is being challenged, domination contested, authority questioned. The issue is not whether human rights are compatible with existing beliefs and practices around the world; in many instances they are not. The issue is rather whether one endorses the values expressed though human rights or the values of the underlying beliefs and practices that might conflict with human rights."—Michael Goodhart, *Human Rights: Politics and Practice*, p. 5 (Oxford University Press 2009).

31. Petitioner is respectfully requesting an enlargement of the 40-page limit by 11 pages to 51 and that this Court grant leave to file the Petition for Writ of Certiorari being filed on even date herewith as is.

Dated: June 8, 2019.

Respectfully submitted,



____/s/ Carolyn Barnes _____

Carolyn Barnes, J.D., Ph.D.

Petitioner

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DECLARATION OF CAROLYN BARNES

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct. I have read the foregoing motion and all the facts stated therein are within my personal knowledge and are true and correct. I declare these facts under declaration of the penalty of perjury.

Executed this 8th day of June 2019 at Leander, Texas.



/s/ Carolyn Barnes

CAROLYN BARNES, J.D., PH.D.