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Supreme Court of the United States Office of the Clerk

Lasher v. Buchwald

USCA2 No. 18-981

FILED

MAR 05 2019

OFFICE OF THE CLERK
SUPREME COURT, U.S.

Application to leave to file the writ of certiorari to exceed the page limit

On February 15, 2019, the Plaintiff submitted an "Application to leave to file the writ of certiorari in excess of the word limits" (See Exhibit ¹ ~~1~~). On March 4, 2019, the Plaintiff received a letter from the Clerk of the Court stating: if the Plaintiff is seeking to file a motion to exceed the page limit, the Plaintiff "must file the motion with the petition" (See Exhibit ² ~~2~~). In compliance with the Court's instructions, the Plaintiff now submits this "Application to leave to file the writ of certiorari to exceed the page limit" along with the Petition, "Writ of Certiorari".

Due to the nature of the Plaintiff's case, in which a wrongful conviction that relied on testimony that is easily proven to be false, and built on withheld and suppressed evidence, and on misrepresenting both the law and material facts to the jury, the Plaintiff is requesting leave to file the writ of certiorari to exceed the page limit, to an additional 21 pages.

The United States Supreme Court stressed that a defendant's due process rights are violated both when a prosecutor knowingly presents false testimony and when he knowingly fails to correct such perjury. The Court also held that the same rule applies even when the false testimony concerns only the witness's credibility, since "a lie is a lie, no matter what its subject." *Napue v. Illinois*, 360 U.S. 264 (1959). Here, the lies that brought about this wrongful conviction even extend to the District Court Judge Naomi Reice Buchwald who deceived the jury to secure a wrongful conviction. *Morse v. Fusto*, No. 13-4074 (2d Cir. 2015). *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971)

Further, the Plaintiff can establish a violation of substantive due process rights by an executive official, Judge Naomi Reice Buchwald, by showing (1) that the official violated one or more fundamental constitutional rights and (2) that the conduct of the executive official was shocking to the contemporary conscience." *Truong v. Hassan*, 829 F.3d 627, 631 (8th Cir. 2016) (internal quotations and citations omitted). "To be conscience shocking, the government action must be 'truly irrational, that is, something more than ... arbitrary, capricious, or in violation of state law.'" *Draper v. City of Festus*, 782 F.3d 948, 953 (8th Cir. 2015) (quoting *Weiler v. Purkett*

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137 F.3d 1047, 105 (8th Cir. 1998) (en banc)).

Here, the Defendant's actions rise to the "conscience shocking" level as a result of her conduct of a kangaroo court, and only a higher court can stop this judicial misconduct.

For the aforementioned reasons, the Plaintiff is requesting leave to file the writ of certiorari in excess of the word limits, to an additional 15 to 20 pages.

Respectfully submitted,

March 5, 2019



Lena Lasher, 16 Patton Street
High Bridge, NJ 08829

Supreme Court of the United States Office of the Clerk

Lasher v. Buchwald

USCA2 No. 18-981

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Further, the Plaintiff can establish a violation of substantive due process rights by an executive official, Judge Naomi Reice Buchwald, by showing (1) that the official violated one or more fundamental constitutional rights and (2) that the conduct of the executive official was shocking to the contemporary conscience." *Truong v. Hassan*, 829 F.3d 627, 631 (8th Cir. 2016) (internal quotations and citations omitted). "To be conscience shocking, the government action must be 'truly irrational, that is, something more than ... arbitrary, capricious, or in violation of state law.'" *Draper v. City of Festus*, 782 F.3d 948, 953 (8th Cir. 2015) (quoting *Weiler v. Purkett* 137 F.3d 1047, 105 (8th Cir. 1998) (en banc)).

Here, the Defendant's actions rise to the "conscience shocking" level as a result of her conduct of a kangaroo court, and only a higher court can stop this judicial misconduct.

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Respectfully submitted,

February 15, 2019



Lena Lasher, 16 Patton Street
High Bridge, NJ 08829