No._____

In The
Supreme Court Of The United States

Brandon L. Fake, et al,
Petitioners

v.

COMMONWEALTH OF PENNSYLVANIA
PHILADELPHIA COURT OF COMMON PLEAS,
Margaret T. Murphy, Court Administrative Judge;
DIANE R. THOMPSON, Judge; ROBERT A. GRACI,
Judicial Conduct Board; JUDGE MARGARET T.
MURPHY, an individual.,
Respondents

On Application To Individual Justice For
United States Court of Appeals
For The Third Circuit

APPLICATION TO JUSTICE ALITO SEEKING EXTENSION FOR FILING PETITION FOR CERTIORARI IN THE U.S. SUPREME COURT

Brandon L. Fake
P.O. Box 280730
Lakewood, CO 80228
(303) 506-9910
Pro se Petitioner

Brandon L. Fake, pro se petitioner ("Fake") seeks mercy of this Justice to extend the deadline for filing his petition for certiorari in a ground-breaking case presenting issues of broad national importance. Unlike professional attorneys, Fake has limited resources.

Fake has fought steadfast for many years in hopes of righting many wrongs perpetuated under the color of law by public officials who fail their constitutional duty to protect the people. Instead, his pleas are set aside under the cover of immunity without adequate diligence to inquire whether immunity is in fact justified and without affording any leniency for Fake as a pro se litigant. Many similar litigants who petition this court reveal similar callous treatment from federal courts. In the case Fake seeks to petition, the actions below show no regard for this Court's instruction that a pro se complaint, "however inartfully pleaded," must be held to "less stringent standards than formal pleadings drafted by lawyers" and only be dismissed if it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." *Haines v. Kerner*, 404 U.S. 519, 520-521, (1972). The courts below instead disregard the substance of Fake's arguments and focus on technical oversight that do not prejudice appellees. Amicus for another pro se petitioner[1], a prior Seventh Circuit appellate judge, documents the biased suffered by pro se litigants.

Fake complains of constitutional injury perpetuated during directorial policymaking activities, but without any due-diligence, his claims are dismissed on unfounded bases of absolute judicial immunity solely because the perpetrators wear judicial titles. Defendant-Appellees fail to show where their actions in question

[1] Petition 17-8352 Martin v Living Essentials, LLC
https://www.supremecourt.gov/DocketPDF/17/17-8352/46216/20180509111037119_Amicus.pdf

represents "judicial acts" that are "entitled to absolute immunity from civil suit" as required under *Bradley v. Fischer,* 13 Wall. 335, 351, 20 L.Ed 646 (1872). Instead the federal courts below fail to even inquire, by functional analysis, whether actions were actually judicial acts that could be entitled to absolute immunity from civil suit. Such inquiry is required and:

> "Federal courts have repeatedly emphasized that, "The application of the doctrine [of judicial immunity] does not depend on the job title of the defendant, but instead, requires an analysis of the function or act allegedly performed."" *Sierzega v. Ashcroft,* 440 F.Supp.2d 1198, 1206-07 (D. Or. 2006).

They merely presume County Court actions are *de facto* judicial capacity acts where immunity applies simply because the actions were taken by County judiciaries in a County Court. However, as this Court established in *Prentis,* the nature of the proceeding is not determined by its form and the mere fact that a hearing is performed by a judicial officer in a court of law does not, without more, render the resulting court order a Judicial Act:

> "[The proper characterization of an ... action] depends not upon the character of the body but upon the character of the proceedings. . . . And it does not matter what inquiries may have been made as a preliminary to the ... act. Most legislation is preceded by hearings and investigations. But the effect of the inquiry, and of the decision upon it, is determined by the nature of the act to which the inquiry and decision lead up. . . . **The nature of the final act determines the nature of the previous inquiry.** As the judge is bound to declare the law he must know or discover the facts that establish the law. **So when the final act is legislative the decision which induces it cannot be judicial in the practical sense, although the questions considered might be the same that would arise in the trial of a case.**" *New Orleans Pub. Serv., Inc. v. Council of City of New Orleans,* 491 U.S. 350, 370-371 (1989), (hereafter, "*NOPSI*"), citing *Prentis v. Atl. Coast Line Co.,* 211 U.S. 210, 226, 29 S.Ct. 67, 53 L.Ed. 150 (1908)

Indeed, all the County judiciary can present from their extensive County Court docket are orders establishing new rules to be applied to the fragmented Fake family. Under *Prentis* such orders are the result of discretionary policymaking and reveal the proceedings of the County Courts thus cannot be judicial:

> "A judicial inquiry investigates, declares and enforces liabilities as they stand on present or past facts and under laws supposed already to exist. That is its purpose and end. **Legislation on the other hand looks to the future and changes existing conditions by making a new rule to be applied thereafter to all or some part of those subject to its power.**" *NOPSI*, 491 U.S. at 370-71, citing *Prentis* (emphasis added).

In *Prentis* the establishment of a rate, even though established in a court much like the County family courts, was determined to be the making of a rule for the future, and thus rendered the act to be legislative and not a Judicial Act. Likewise, the various hearings undertaken by the County Court did not investigate, declare or enforce liabilities according to present or past facts and under laws supposed already to exist. As Fake has said in numerous ways, the County Court did not declare him guilty or otherwise enforce liabilities or penalties according to present or past facts. Instead, the County Court simply decreed the rules it decided were suitable to govern the future of the fragmented Fake family under its legislative policymaking authority.

All considered, in contrast to the County Defendant's mistaken presumption, under the binding precedent of *Prentis* the actions of the County judiciary are in fact not "Judicial Acts" to which the principle of judicial immunity applies. As this Court noted in *Stump*, the core objective of judicial immunity is "the proper administration of justice" and is not aimed to protect discretionary policymaking, especially when actions violate their victim's constitutional rights. *Stump v. Sparkman,* 435 U.S.

349, 355, 98 S. Ct. 1099 (1978). The County Defendants extensive argument relative to judicial immunity for Judicial Acts, though wise and applicable to actual Judicial Acts taken by judicial officers in their judicial capacity as clarified by *Prentis*, does not apply below.

Fake has exposed corruption and fraud within a criminal enterprise which has been operating as the Philadelphia Court of Common Pleas, a criminal investigation is currently taking place by State and Federal law enforcement agencies.

However, before Fake expends the vast sums needed to again petition this Court he prays this Court will address the questionable case filing practices of this Court. Petition, 18-917,[2] presents substantial arguments and evidence of document tampering by the police at the Supreme Court. Fake agrees with that pro se petitioner, Bent, that this Court would not sanction confiscation of petitions with no assurance of that petitions will be preserved. Especially considering Bent sued the Chief of Police over a confiscated 2017 petition and he now again confiscated Bent's current petitions (18-888 and 18-917 the very case against the Chief of Police) with no assurance that Bent's booklets were delivered untampered to the Court Clerk. Fake prays this Justice agrees the filing process of this Court is grossly improper and further prays this Court will promptly remedy the deficiency so as to honor its commitment to zealously "protect the interests of ... litigants before [this Court] from unseemly efforts to pervert judicial action." *Pennekamp v. Florida*, 328 U.S. 331, 347, 66 S.Ct. 1029 (1946). It is a matter of public importance that all of the stated issues be addressed by this Court to ensure the integrity of our judicial system.

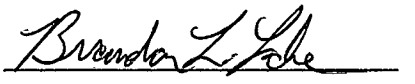
---

[2] Bent v Talkin, et al.
https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/18-917.html

PRAYER FOR RELIEF

The case below presents important federal questions of national importance. The Third Circuit judgment was filed on January 30, 2019 and Fake prays for an extension to present a petition for certiorari on June 28, 2019. Fake also trusts this Court will protect the rights of the people and will assure his petition is given proper consideration along with other petitions which present such significant questions.

Brandon L. Fake, Pro Se Petitioner



P.O. Box 280730
Lakewood, CO 80228
(303) 506-9910