

No.

IN THE

**SUPREME COURT OF THE UNITED STATES**

KAREN KHAN,

PETITIONER

v.

UNITED STATES,

RESPONDENT

**Application Pursuant to Rule 33 (1) (d) of the Rules of This Court**

**CHIEF JUSTICE JOHN G. ROBERT**

Karen Khan, pro se  
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SUPREME COURT OF THE UNITED STATES

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Karen Khan, )  
Petitioner ) No.  
v. ) Chief Justice John G. Roberts, Jr.  
U.S., ) APPLICATION PURSUANT TO  
Respondent ) RULE 33 (1) (d)  
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1. Plaintiff will file a Petition for a Writ of Certiorari. This Court has jurisdiction under 28 U.S.C. 1254 (1). The filing deadline for the Petition is July 8, 2019. U.S. Court of Appeals for the Federal Circuit issued its decision on February 5, 2019, and an En Banc Order denying Rehearing and Rehearing En Banc, was issued on April 10, 2019. Both these Orders are attached herewith. Also enclosed herewith is a draft of the Statement of the Case.
2. Plaintiff requests leave to file a Petition for a Writ of Certiorari up to 1500 words in excess of the word limit of 9000 words set in Rule 33 of the Rules of this Court. Since FBI is continuing with its devious activities, Plaintiff requests that this Application be decided expeditiously which will allow her to file the Petition, shortly thereafter.
3. The Court should grant this Application for good cause as shown hereunder;
4. This appeal involves two circuit splits on two separate issues. First, it involves at least a three-way circuit split, on whether intra-corporate conspiracy

doctrine applies to §1985 conspiracies. Second, it involves a two-way circuit split on the issue of waiver of sovereign immunity, where a statute reads “person” to include a government or government agency. Bormes v. United States, 759 F.3d 793 (7<sup>th</sup> Cir. 2014) held when a statute [FCRA] defined “person” to include the federal government, and the remedy provision applied to “any person,” sovereign immunity is waived for damages against the government. Whereas, Daniel v. National Park Service, 891 F.3d 762, 776 (9<sup>th</sup> Cir. 2018) held that when a statute [FCRA] broadly defines person to include “government or governmental subdivision or agency” and separately provides remedial provision against “any person” who violates the statute, sovereign immunity is not waived for damages against the government.

5. Further, this appeal requires an answer to the following precedent-setting questions of exceptional importance:

- Federal Circuit’s Application of the Plausibility Standard to Weigh Evidence Against Plaintiff Conflicts With This Court’s Precedent In *Twombly* and *Iqbal* As It Nullifies Procedural Due Process Under The Fifth Amendment To The U.S. Constitution;
- U.S. Court of Federal Claims Has Concurrent Jurisdiction With A U.S. District Court Over a RICO Action Against the U.S. Pursuant To This Court’s Precedent In *Tafflin v. Levitt*;
- A Declaratory Judgment Is A Proper Vehicle For This Court To Uphold A Woman’s Equality To A Male Man Under God’s Word And The Fifth

and Fourteenth Amendments To The U.S. Constitution To Effectively Abolish The Class-Based Invidiously Discriminatory Animus Against Women Entrenched In America's Tribal Culture;

- This Case Is A Proper Vehicle Through Which FBI Should Be Dismantled In View Of Its Unlawful Use Of Its Internal Policy COINTELPRO Against U.S. Citizens Especially Women Because FBI Employees Are By Law Public Servants And Not Public Rulers To Control And Oppress U.S. Citizens In Conflict With The Fifth Amendment To The U.S. Constitution;
- Is This Case A Proper Vehicle For This Court To Permissibly Fashion A Remedy To Vindicate Federal Rights Under Fifth And Fourteenth Amendments To The U.S. Constitution When As In The Present Case There Is An Ongoing Violation Of Equal Protection Of The Laws;
- Federal Circuit Committed An Egregious Error Because It Is In Defiance Of All Relevant Statutory Provisions And Court Holdings On The Subject Of All Material Elements Required To Sustain Recovery Under Civil Rights And Civil RICO Statutes;
- Is Civil Rights Statute 42 U.S.C. §1985 Read In Conjunction With 28 U.S.C. §1343 (a)(1) and (2) and 42 U.S.C. § 2000e(a), Money-Mandating Against the U.S. AND Money Mandating Against The U.S. Pursuant to U.S. Supreme Court Precedent In *Monell v. Department of Social Services of City of New York*;

- This Case Is An Ideal Vehicle For This Court To Establish Solid Legal Foundations Under Amendment Fifth To The U.S. Constitution For Acceptable Surveillance Practices While Upholding Its Own Ruling In *Ziglar* That National-Security Concerns Must Not Become A Talisman A “Label” Used To “Cover A Multitude Of Sins” Especially When “Danger Of Abuse” Against Women Is Even More Heightened Given The Judiciary’s Failure To Define “Security Interest” In Domestic Cases.

**WHEREFORE**, in view of the two Circuit Splits and the multiple number of questions of exceptional importance, involved in the present case, it is respectfully requested that the Court grant Plaintiff leave to file a Petition for Writ of Certiorari with up to 1500 [Fifteen Hundred] words in excess to the word limit of 9000 words set in Rule 33 of the Rules of this Court.

May 24, 2019



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Phone 845-233-0744

NOTE: This order is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**KAREN KHAN,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2018-2196

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Appeal from the United States Court of Federal Claims  
in No. 1:18-cv-00609-CFL, Judge Charles F. Lettow.

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**ON PETITION FOR PANEL REHEARING AND  
REHEARING EN BANC**

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Before PROST, *Chief Judge*, NEWMAN, LOURIE, DYK,  
MOORE, O'MALLEY, REYNA, WALLACH, TARANTO, CHEN,  
HUGHES, and STOLL, *Circuit Judges*.

PER CURIAM.

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**ORDER**

Appellant Karen Khan filed a combined petition for panel rehearing and rehearing en banc. The petition was referred to the panel that heard the appeal, and thereafter the petition for rehearing en banc was referred to the circuit judges who are in regular active service.

Upon consideration thereof,

IT IS ORDERED THAT:

The petition for panel rehearing is denied.

The petition for rehearing en banc is denied.

The mandate of the court will issue on April 17, 2019.

FOR THE COURT

April 10, 2019

Date

/s/ Peter R. Marksteiner

Peter R. Marksteiner  
Clerk of Court

NOTE: This disposition is nonprecedential.

**United States Court of Appeals  
for the Federal Circuit**

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**KAREN KHAN,**  
*Plaintiff-Appellant*

v.

**UNITED STATES,**  
*Defendant-Appellee*

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2018-2196

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Appeal from the United States Court of Federal Claims  
in No. 1:18-cv-00609-CFL, Judge Charles F. Lettow.

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Decided: February 5, 2019

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KAREN KHAN, Poughkeepsie, NY, pro se.

ALISON VICKS, Commercial Litigation Branch, Civil Division, United States Department of Justice, Washington, DC, for defendant-appellee. Also represented by JOSEPH H. HUNT, ROBERT EDWARD KIRSCHMAN, JR., PATRICIA M. MCCARTHY.

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Before MOORE, TARANTO, and CHEN, *Circuit Judges*.



## PER CURIAM.

Karen Khan seeks review of a judgment by the U.S. Court of Federal Claims (Claims Court) granting the Government's motion to dismiss Ms. Khan's complaint for lack of jurisdiction and failure to state a claim. J.A. 2. Ms. Khan's complaint alleged violations under the Civil Rights Act (42 U.S.C. §§ 1985, 1986), the Fifth and Fourteenth Amendments of the U.S. Constitution, and the Racketeer Influenced and Corrupt Organizations Act (RICO). See J.A. 103–50. Because the Claims Court properly granted the Government's motion, we affirm.

## BACKGROUND

Ms. Khan is an attorney admitted to the bar of the State of New York and the U.S. District Court for the Southern District of New York (S.D.N.Y.). Appellant Op. Br. at 2. In April 2018, Ms. Khan filed an action in the Claims Court alleging, *inter alia*, conspiracy for human trafficking for the purpose of impeding, hindering, obstructing, and defeating the due course of justice with the intent to deny Ms. Khan the equal protection of the laws. J.A. 103. These allegations were based in part on “domestic violence” actions taken by the Supreme Court of the State of New York, Dutchess County, in handling a divorce proceeding of one of Ms. Khan's clients. J.A. 104–06. Ms. Khan alleged that after these actions took place, she and her client approached the U.S. Department of Justice (DOJ), Civil Rights Division in 2011 and filed a complaint. J.A. 107. Ms. Khan alleged that the DOJ and the Federal Bureau of Investigation (FBI) have since been interfering with her personal and professional life, including her law practice. See J.A. 107–50. Ms. Khan detailed the alleged actions taken by the FBI and DOJ—including telephone calls, internet communications, and personal visits—throughout the remainder of her complaint. *Id.* Ms. Khan sought \$30 million in damages, as well as “[a]ny and all other relief to which [she] is entitled.” J.A. 150.

The Government moved to dismiss Ms. Khan's complaint pursuant to Rules 12(b)(1) and 12(b)(6) of the Rules of the Court of Federal Claims (RCFC). See J.A. 10–28. The Claims Court granted the Government's motion, agreeing that Ms. Khan's allegations, though detailed, "do not link explicitly to claims for relief under any money mandating source of law." J.A. 2–3. The Claims Court concluded that Ms. Khan's assertions do not establish all of the material elements necessary to sustain recovery under any viable legal theory, and therefore fail to state a claim. J.A. 3.

The Claims Court also concluded that the federal district courts, not the Claims Court, have jurisdiction over civil-rights and RICO claims. *Id.* The Claims Court then rejected Ms. Khan's transfer request to S.D.N.Y., finding that the transfer would not be in the interests of justice, given Ms. Khan's failure to state any plausible claim for relief. *Id.*

Ms. Khan appeals. We have jurisdiction pursuant to 28 U.S.C. § 1295(a)(3).

#### DISCUSSION

"This court reviews *de novo* whether the Court of Federal Claims possessed jurisdiction and whether the Court of Federal Claims properly dismissed for failure to state a claim upon which relief can be granted, as both are questions of law." *Wheeler v. United States*, 11 F.3d 156, 158 (Fed. Cir. 1993).

"Subject matter jurisdiction is a threshold requirement for a court's power to exercise jurisdiction over a case . . . ." *Dow Jones & Co. v. Ablaise Ltd.*, 606 F.3d 1338, 1348 (Fed. Cir. 2010). "The Tucker Act . . . 'is itself only a jurisdictional statute; it does not create any substantive right enforceable against the United States for money damages.'" *James v. Caldera*, 159 F.3d 573, 580 (Fed. Cir. 1998) (quoting *United States v. Testan*, 424 U.S. 392, 398 (1976))

(internal quotation marks omitted). Thus, “[i]n order to invoke jurisdiction under the Tucker Act, a plaintiff must point to a substantive right to money damages against the United States.” *Hamlet v. United States*, 63 F.3d 1097, 1101 (Fed. Cir. 1995). “What this means is that a Tucker Act plaintiff must assert a claim under a separate money-mandating constitutional provision, statute, or regulation, the violation of which supports a claim for damages against the United States.” *James*, 159 F.3d at 580.

The Claims Court lacks jurisdiction over claims under the Civil Rights Act, including provisions 42 U.S.C. §§ 1985 and 1986. See 28 U.S.C. § 1343(a) (vesting original jurisdiction in federal “district courts”); see also *Searles v. United States*, 88 Fed. Cl. 801, 804 (2009). The Claims Court likewise lacks jurisdiction over Ms. Khan’s constitutional claims because they are not based on money-mandating provisions. *LeBlanc v. United States*, 50 F.3d 1025, 1028 (Fed. Cir. 1995) (finding allegations of violations “under the Due Process Clauses of the Fifth and Fourteenth Amendments” and “the Equal Protection Clause of the Fourteenth Amendment” not to be “a sufficient basis for jurisdiction because they do not mandate payment of money by the government”). The Claims Court also lacks jurisdiction over RICO claims. See 18 U.S.C. § 1965(a) (“Any civil action or proceeding under this chapter against any person may be instituted in the district court of the United States for any district in which such person resides, is found, has an agent, or transacts his affairs.”); see also *Hufford v. United States*, 87 Fed. Cl. 696, 702 (2009) (“This court has no jurisdiction over RICO claims . . .”). Because Ms. Khan did not plead any claims over which the Claims Court has jurisdiction, we find that the Claims Court properly dismissed Ms. Khan’s complaint under RCFC 12(b)(1).

The Claims Court also properly rejected Ms. Khan’s request to transfer the case to S.D.N.Y. When courts lack jurisdiction, 28 U.S.C. § 1631 requires them to transfer the case to any other court in which the action could have been

brought at the time it was filed or noticed, “if it is in the interest of justice.” While Ms. Khan’s complaint could have been filed in S.D.N.Y., the Claims Court correctly concluded that it would not have been in the interest of justice to transfer the case.

In addition to dismissing for lack of jurisdiction, the Claims Court scrutinized Ms. Khan’s complaint and concluded that it must be dismissed for failure to state a plausible claim. “To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)); accord *Twombly*, 550 U.S. at 555 (“Factual allegations must be enough to raise a right to relief above the speculative level, on the assumption that all the allegations in the complaint are true (even if doubtful in fact).” (internal citation omitted)). “A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Iqbal*, 556 U.S. at 678. “The plausibility standard is not akin to a ‘probability requirement,’ but it asks for more than a sheer possibility that a defendant has acted unlawfully.” *Id.* (quoting *Twombly*, 550 U.S. at 556).

Under those standards, the Claims Court properly concluded that Ms. Khan has not pleaded any facts that support her allegations against the Government. For example, Ms. Khan alleges that the “FBI has used different channels . . . [to] convey[] its perversions to [Ms. Khan] to deny her equal protection of the laws.” Appellant Op. Br. at 19. Ms. Khan cites to emails and photographs as support for her allegations. *E.g., id.* at 19–21. But none of these documents evidences any communication by the Government. *See, e.g.,* J.A. 469, 471, 473–76, 488, 502–05, 531–32, 543–52, 576–86. The remainder of the evidence cited by Ms.

Khan similarly fails to establish any plausible basis for her allegations.

Ms. Khan's complaint, in fact, falls far short of complying with the "plausibility" standard set out by the Supreme Court in *Twombly* and *Iqbal*, and Ms. Khan has advanced no basis for thinking that the deficiency could be cured by amendment. In these circumstances, we see no error in the Claims Court's ruling that it would not have been in the interest of justice to transfer this case to S.D.N.Y. See *Galloway Farms, Inc. v. United States*, 834 F.2d 998, 1000-01 (Fed. Cir. 1987).

We have reviewed Ms. Khan's other arguments, but find them unpersuasive. Accordingly, we affirm the Claims Court's judgment granting the Government's motion to dismiss under RCFC 12(b)(1) and denying the request to transfer.

**AFFIRMED**

## Statement of the Case

### Summary of the Background of the Case

Petitioner/Plaintiff, *pro se*, is an attorney, admitted to the bar of the State of New York, since 2005, and to the U.S. Court, Southern District of New York, since 2014. Since 2010 and 2011, FBI has been engaged in disruptive and obstructive activities towards Plaintiff's person and property, including her law practice. These disruptive activities are in furtherance of its conspiracy to impede, hinder, defeat, and obstruct the due court of justice, with intent to deny Plaintiff equal protection of the laws. Plaintiff has been deprived of life, liberty, and property because of FBI's continued interferences in her personal and professional life. Plaintiff and her client, in January 2011, filed an initial complaint with Civil Rights Division, DOJ, for a blatant and egregious violation of their civil rights, by the State of New York. Prior to filing a complaint with DOJ, Plaintiff and her client, had also filed a complaint with the NYS Attorney General,<sup>1</sup> in 2010. An expert on matrimonial and civil rights cases, in May 2011, wrote a letter to DOJ strongly corroborating Plaintiff and her client's Complaint. Plaintiff also filed separate Complaint[s] with DOJ in 2015. The premise of the Complaints was blatant and gross violations of the Fourteenth Amendment, by New York State Courts. Plaintiff and her client had requested DOJ, as relief, a reversal of the New York State Court of Appeals, lawless, capricious and

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<sup>1</sup> Eric Schneiderman resigned from his office, within hours, after four women accused him of physical abuse, in May 2018. This story was published by 'The New Yorker' on May 7, 2018. [Public Information accessible via internet search]

arbitrary, decision dated February 23, 2010, as it is an ongoing violation of federal law, until reversed.

Supreme Court Dutchess County, New York, perpetuated domestic violence against Plaintiff's client while also denying Plaintiff equal protection of the laws, in her lawful representation of her client. It amongst other factors, perpetrated an unconscionable stipulation, upon Plaintiff's client, under threat of loss of custody and incarceration. Plaintiff's client and her children had been victims of domestic violence which was corroborated by a Social Services indicated report. Plaintiff's client filed a Motion to set aside the coerced stipulation. Supreme Court lawlessly imposed monetary sanctions on the Plaintiff and her client, while making *false accusations* against Plaintiff and her client. Plaintiff and her client appealed. A separate Amicus Curiae brief, by Schiff Hardin LLP., was also filed, at the appellate level. The New York State Court of Appeals, through a lawless, capricious, and arbitrary decision dated February 23, 2010, upheld these monetary sanctions, in passionate defense of 'perpetrators of domestic violence.'

All through these years Plaintiff has endured a cycle of ongoing harassments, disruptions and obstructions, perpetuated by FBI, to punish and deter Plaintiff for having pursued and for continuing to pursue her client's and her rights, including at DOJ. As though this cycle of abuse in itself was insufficient, DOJ and FBI in furtherance of its conspiracy to impede, hinder,

defeat and obstruct the due course of justice engaged in human trafficking,<sup>2</sup> with intent to deny Plaintiff equal protection of the laws. Two FBI agents, have personally met with Plaintiff, attempting to enter into a relationship with her. Plaintiff has stated that though she does not consider unethical *per se*, these agents meeting up with her, she cannot be coerced into any relationship[s]. Plaintiff has several times and through several means conveyed to DOJ and FBI that she is not interested in a relationship with any person or agent[s] that FBI, including through its unlawful, coercive and cheap tactics, aspires for Plaintiff to enter in-- including the two named agents who met with her-- these did not understand the language of politeness, and have persisted in their unlawful and perverted activities. Plaintiff took a stand against injustice perpetuated by the New York State and it also resulted in exposing FBI's lawlessness and perversions.

Complaint, in the present case, elucidates FBI's lawlessness, which includes obstructions and interceptions in Plaintiff's law practice/business, harassing phone calls, emails and messages sent to her through various channels-- and are in conspiracy between FBI and DOJ, FBI within the FBI and FBI and private church personnel. Plaintiff sustained, in her person and property, severe injuries, including deprivation of her constitutional rights, and

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<sup>2</sup> The term, Human Trafficking, has been used in the Complaint to mean, "the illegal practice of procuring or trading in human beings for the purpose of prostitution, forced labor, or other forms of exploitation." Any coercive conduct or contact, including through injurious manipulations, to capture a woman in a relationship[s] is tantamount to human trafficking and prostitution of a woman within or without marriage.



to an even greater extend, in 2017 into 2018 and current. Myra Armstead, a controlling member of Faith Assembly of God Church, informed Plaintiff that “intelligence” is involved. Diedre Hays, whom Plaintiff met at a New York State Women’s Bar Association conference, in 2015, informed Plaintiff, “FBI is chasing you.”

Plaintiff, on November 15, 2016, filed a Complaint against FBI including FBI agent Michael D. Rourke, with Civil Rights Criminal Investigation Unit. Plaintiff via email dated March 9, 2017, requested Jeffrey Veltri-Chief, Civil Rights, Criminal Investigation Unit [FBI], to meet up with her. Plaintiff received no response from FBI Chief, or an interest in addressing Plaintiff’s concerns. To the contrary, FBI has continued its unlawful activities and perversions.

Plaintiff contacted U.S. Representatives and a Senator, in March 2017, and on request from Senator’s office contacted some organizations, for assistance in this matter, but FBI intercepted. [Discovery will reveal these interceptions].

The named agents and those aligned with them have freely conducted their unlawful and disruptive activities, through FBI’s internal policy, the Counter Intelligence Program, COINTELPRO.

The methodical and repetitive manner in which these invidiously discriminatory acts have been perpetuated, are circumstantial evidence of FBI’s “involvement” and “chase” of a woman to impede, hinder, defeat and obstruct

the due course of justice, through their perverted control and injurious manipulations, with intent to deny, including the Plaintiff, equal protection of the laws. These are desperately attempting to preserve the *status quo* of their corruption and perversions, including against the Plaintiff. Plaintiff is convinced that she is not FBI's only woman victim.

### **Statement of the Case**

Plaintiff filed a Constitutional, Civil Rights and a RICO claim with the U.S. Court of Federal Claims on April 26, 2018. Plaintiff also filed a Motion for Injunction. Defendant filed a Motion for Leave to Respond to Plaintiff's Motion for Temporary and Permanent Injunction Concurrent with its Response to Plaintiff's Complaint. Defendant then filed a Motion to Dismiss, under USCFC Rules 12 (b) (1) and 12 (b) (6). Defendant's Motion to Dismiss indicated that it was on notice of a potential Civil Rights, Constitutional and a RICO action. Further, Claims Court Order dated July 12, 2018, presents that the Court was on notice of a Constitutional, Civil Rights and a RICO action. Plaintiff's response to the Defendant's Motion to Dismiss elucidated Defendant's fabrications of the true facts of the case. Defendant filed a reply and stated, "...and to the extent that there were any errors in the United States recital or summary of Ms. Khan's claims, the United States regrets those errors, although they were inadvertent," thereby invoking Sovereign Immunity for its fabrication of the true facts presented in the Complaint. After the Claims Court issued its said Order, Plaintiff filed a timely appeal with the Federal Circuit. Defendant at the

Federal Circuit contended, “none of Ms. Khan’s claims are based on a money-mandating statute or contract; instead, they are based on the civil rights statutes, torts and civil RICO...” Plaintiff, however, based her claims on money-mandating statutes and further asserted that Claims Court has concurrent jurisdiction with a U.S. district court, under the Tucker Act, over a RICO action based upon employment contract[s] between the Federal government and its employees, as discussed under next section “reasons for granting the Petition...” Furthermore, Plaintiff’s briefs at the Federal Circuit highlighted the dangerous class-based invidiously discriminatory animus that exists against women, in this Country. Plaintiff also filed a Memorandum in Lieu of an Oral Argument, requesting the Federal Circuit to take judicial notice of certain recent news coverage on women speaking out against sexual harassments, in 2017 into 2018, as well as documentaries and an article elucidating the class-based animus against women, in State courts. Also included in the list was a link to Charlie Rose talk show of 2017, discussing the rise of prostitution in the USA, in the 1970’s, and misogyny that currently exists in the American culture, particularly with the rise of pornography. Federal Circuit issued an adverse decision to the Plaintiff, dated February 5, 2019, based not on the law but instead on lawlessness. It inaccurately selected to base the true allegations of human trafficking on the NYS Supreme Court judge, to wrongfully vindicate the FBI. Federal Circuit also misapprehended Claims Court Order, dated July 12, 2018, and thus imputed its lawlessness on the Claims Court. Claims Court had

provided a road map to the Plaintiff, on how to pursue her appeal. Plaintiff provides hereunder a few examples, of many, as basis for her assertion.

Claims Court favorably cited Papasan v Allain, 478 U.S. 265 (1986), which sets two astounding precedents. First, ongoing constitutional violations -- [of equal protection of laws] -- is precisely the type of continuing violation for which a remedy may permissibly be fashioned; Second, an Appeals Court right up to the U.S. Supreme Court, is not precluded in its review of a complaint from taking judicial notice of relevant information on its own motion. [Although this case comes to us on a motion to dismiss under FRCP 12(b), we are not precluded in our review of the complaint from taking notice of items in the public record,... At Footnote 1].

Claims Court determined that Plaintiff has set out her Complaint in "considerable detail" whereby upholding the Complaint as well pleaded, but then in contradiction to its first determination declined relief on two grounds a). These allegations do not link explicitly to claims for relief under any money mandating source of law, and b). Her assertions do not establish all the material elements necessary to sustain recovery under some viable legal theory and therefore fails to state a claim. Claims Court for Plaintiff gave these two grounds for her to establish otherwise, through her briefs, at the appellate level. Plaintiff, through her briefs at the Federal Circuit, followed the Claims Court road map, closely.

Claims Court cited Ingram v. Madison Square Garden Center, Inc., 482 F. Supp. 414 (S.D.N.Y. 1979) [Civil Rights] and 4 K & D Corp. v. Concierge Auctions, LLC, 2 F. Supp. 3d 525 (S.D.N.Y. 2014) [RICO] to indicate that district courts can hear Civil Rights and RICO claims, but neither of these two cases establish a U.S. district court's exclusive jurisdiction over Civil Rights and RICO claims. *Ingram*, establishes that when plaintiffs allege a continuous and present practice of discrimination rather than a single, isolated act, the statute of limitations is no bar. Further, of utmost importance, *Ingram* held that a Plaintiff can maintain two actions, under two statutes, out of the same set of facts, when the two statutes are completely independent. Whereas, *Concierge Auctions* provides a requirement for presentation, on appeal, i.e. to draw a distinction between the Federal Government and its employees. Further, *Concierge Auctions*, held that to constitute a mail or wire fraud violation, it is not necessary to show that defendants actually mailed or wired anything themselves; it is sufficient if they caused it to be done.

Claims Court reason for its lack of jurisdiction, over a RICO claim, was the language of 18 U.S.C. 1964 (c), which it incorrectly cited, "...which specify that district courts shall have jurisdiction over civil suits by persons injured by violations of RICO." J.A. 3 at footnote 3.

Further, Federal Circuit in an egregious error, weighed evidence against Plaintiff when it stated, "...Ms. Khan's complaint, in fact, falls short of the "plausibility" standard set out by the Supreme Court in *Twombly* and *Iqbal*, and Ms. Khan has advanced no basis for thinking that the deficiency could be cured

by amendment” [at 6]. Plaintiff filed a timely Petition for a Rehearing and a Rehearing En Banc with the Federal Circuit. Petition stated that every part of the Complaint, in the present case, corroborates the other and the referenced documents, and vice versa. In addition, at least two persons had also informed Plaintiff, that intelligence is involved, and FBI is chasing her. Furthermore, of utmost importance, though Plaintiff had anticipated making further corroborations through discovery, she provided the Federal Circuit with additional astounding basis for issuing a decision which will abolish the organized and systemic class-based invidiously discriminatory animus against women [or in other words “America’s tribal culture”], in this Country,<sup>3</sup> as follows;

- Plaintiff filed a Complaint, in May 2017, with the Office of the U.N. High Commissioner for Human Rights, pursuant to Human Rights Council Resolution 5/1 on the basis of U.S. Government’s gross failure to fulfill its Human Rights obligations and commitments under International law and its Federal Laws. Plaintiff requested the Commission to appoint a highly qualified expert, including to monitor FBI’s emails to Plaintiff’s email accounts, i.e. karenkhan@kknylawfirm.org and karenkhanlaw@hotmail.com. A highly qualified expert is continuing to monitor FBI’s emails to her two email accounts, since 2017.

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<sup>3</sup> Plaintiff requested the Federal Circuit to address the issues “in favor of this Country” based upon her understanding that government corruption cannot be in any country’s favor.

- Pursuant to Federal Rules of Evidence, Rule 614, a Federal Court may call a witness on its own or at a party's request. Plaintiff is aware, through various emails she has received, that she has at least a couple of friends<sup>4</sup> in the FBI, of which one is Frank Newcomer. FBI agents will testify, when given the necessary safeguards and protections, by the Court.
- Evidence cannot be sealed in a RICO or a Civil Rights action.

Federal Circuit issued an En Banc Order dated April 10, 2019, denying Plaintiff's Petition for a Rehearing and Rehearing En Banc, upon consideration. Federal Circuit completely and lawlessly denied Plaintiff equal protection of the laws, based upon its class-based animus against women-- that there were women judges involved does not by itself bespeak of non-bias against women. Including the present case elucidates that women, in this Country, play a vital role in perpetuation of the organized and systemic class-based invidiously discriminatory animus against women. It is not the Plaintiff who has attacked the Government, but rather it is the Government which has consistently victimized/attacked the Plaintiff, through FBI's perversions and lawlessness, for taking a lawful stand for herself and other women.

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<sup>4</sup> Plaintiff's refers to these agents as her 'friends,' because these have not participated in FBI's lawlessness and perversions, against the Plaintiff. These 'friend' agents will no doubt, stand with the Plaintiff, when called by the Court, as witnesses.