

19A346

Supreme Court of the United States Office of the Clerk

Lasher v. Nebraska Board of Pharmacy, et al

USCA8 No. 18-2235

FILED  
AUG 16 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

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

On June 13, 2019, the Plaintiff submitted a "Petition for a writ of certiorari". On June 19, 2019, the Plaintiff received a letter from the Clerk of the Court to correct the Petition for a writ of certiorari (See Appendix D). In compliance with the Court's instructions, the Plaintiff corrected the Petition for a writ of certiorari and is also submitting this "Application/Permission 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 revocation of the Plaintiff's pharmacist license 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 Nebraska Board of Pharmacy, the State Board hearing examiner, etc... the Plaintiff is requesting leave to file the writ of certiorari to exceed the page limit, to an additional 11 pages.

The United States Supreme Court stressed that a defendant's due process rights are violated both when a state investigator 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 revocation of the Plaintiff's pharmacist license 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, State investigator, Jeff Newman of Division of Public Health-Investigations, 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 (8<sup>th</sup> 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 (8<sup>th</sup> Cir. 2015) (quoting Weiler v. Purkett 137 F.3d 1047, 105 (8<sup>th</sup> Cir. 1998))

RECEIVED  
AUG 20 2019  
OFFICE OF THE CLERK  
SUPREME COURT, U.S.

Here, the Defendant's actions rise to the "conscience shocking" level as a result of their conduct of a "kangaroo court", and only a higher court can stop this Nebraska State Board of Pharmacy's 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 11 pages.

Respectfully submitted,

August 16, 2019



Lena Lasher, 16 Patton Street  
High Bridge, NJ 08829