No._____

IN THE SUPREME COURT OF THE UNITED STATES

MACHIAVELLI FARRAKHAN SIBERIUS

Plaintiff - Petitioner,

v.

AMERICAN PUBLIC UNIVERSITY SYSTEM, INC.; PRESSLEY RIDGE;

WEST VIRGINIA DEPARTMENT OF EDUCATION, et al.

Defendants - Respondents,

On Petition for Writ of Certiorari to the

United States Court of Appeals for the Fourth Circuit;

Case No. 19-7400 (Case No. 2:18-cv-001125)

MOTION FOR LEAVE OF COURT, PURSUANT TO RULE 33.1(d), TO EXTEND LENGTH OF WRIT OF CERTIORARI

Circuit Justice

Machiavelli Farrakhan Siberius
P.O. Box 1162
Parkersburg, WV 26102
Telephone: (304) 210-6097
MFSiberius@hotmail.com

February 25, 2021

Machiavelli Farrakhan Siberius,
Pro Se

Motion to Extend Writ of Certiorari

Motion to enlarge word-count limit, the movant Machiavelli Farrakhan Siberius respectfully requests this Court leave to file a single "Writ of Certiorari" containing an extension from the 9,000 word limit to 20,398 words in the petition; this addition will be reflected in the additional pages required from 40 pages to 58 pages. This will extend the overall length of the "Writ of Certiorari" from the original guidelines in Rule 33.1(g). Movant request leave of court to extend the named document, pursuant to Rule 33.1d, Rule 22, and Order List, 589 U.S.

INTRODUCTION

The civil complaint is complex and can't serve as just a simple maxim or corollary to a lawsuit: "a slip on the ice and injury," explained through the details of a short incident and evidence to ascribe to a claim to relief, and here is 9,000 words. The petitioner, Machiavelli F. Siberius was permitted by a teacher licensing board, to perform the duties of a licensed teacher at a state-run school. He was enrolled at an accredited university, simultaneously in a teacher degree program with state certification capability. The petitioner was not only refused payment for services, but he was reprimanded and retaliated against, for talking to the police department about a staff member at the placement school; consequently, an underage girl was being abused and held incommunicado, at a level 3 security facility and school.

The incident described in the 105-page Amended Complaint [ECF No. 29], happened over a three-month period. This included a salary not being paid, documents not being completed by the defendants, empty promises, defendants not cooperating with contracts and law of the land, a college degree not being conferred, and damages to the

plaintiff's occupational career as a licensed teacher. Since this lawsuit is more complex than a "simple fall," the petitioner is requesting 20,398 words on the writ of certiorari.

BACKGROUND

In 2016, the petitioner was enrolled at American Military University & American Public University Systems as a federally funded and self-paying student. He was permitted through the West Virginia Department of Education to be a student-teacher in the course subject of English; this of course was after a criminal background check, teacher occupational insurance, Praxis scores, teacher observation hours, and passing grades in college level courses.

"In the Amended Complaint, 'the plaintiff Machiavelli Siberius [had] filed a civil action due to circumstances that surround his status and titles, as a student, student teacher, teacher candidate, teacher, and intern as designated by the defendants at various times in the history of their association and relationship' (p. 4, lines 19-22). Siberius was not a student at Pressley Ridge, a K-12 school that issues diplomas to wards of the state and juvenile delinquents. The plaintiff/appellant was not a *Student Worker* receiving payments, reduced tuition, or boarding. In addition, the appellant was not engaged in the activity of 'Observation of Teacher(s),' as noted on a timecard, due to that particular activity being completed months prior to the incident, at a rate of 125 hours."

"The perception that the appellant possesses of the event seems to be reflected in the contract, procedure, and state laws that define teacher candidates and a student-teacher, operating as a teacher at a particular time within the context of a teacher program. In order to step into a K-12 classroom as an instructor, the university and WVDE demand teacher occupation insurance, which this is not a necessity of an observer of teachers" (Informal Brief 19-7400, pp. 2-3).

There were numerous protocols, laws, and a few contracts that had been broken in the student university relationship, and the teacher candidate relationship with a local school. These particular problems were at no fault of the petitioner, but the tortfeasor and breaches were the responsibility of the defendants captioned in the complaint. There was an unpaid salary for the student-teaching position and career damages.

EVIDENCE DISPUTE

On September 13, 2019, District Judge Joseph R. Goodwin issued an opinion [ECF No. 48] that contained disputed evidence, e.g. Joseph Garvey's *Affidavit*, however, there was never an evidentiary hearing nor a compliance with record keeping according to the Fair Labor Standard Act or parallel laws for student workers. U.S. Department of Labor 29 CFR §516.30; 29 U.S. Code §211; *Reich v. Shiloh True Light Church of Christ*, 895 F.Supp. 799, 819 (W.D.N.C. 1995); *United States v. Carignan*, 342 U.S. 36, 38 (1951), (example of a derivative error of admission is the improper exclusion by the trial court of evidence that may have rendered other admitted evidence inadmissible).

ARGUMENT AGAINST PROLIXITY

I

There is an intertwining of the teacher program with the state agency WVDE, and coincidently, the local school being conjoined with the state agency rather than a county board: this has added to the strenuous explanation of this particular situation: student-teaching and clinical teaching experience. Furthermore, especially the defendants have gone as far as to deny their very names, not keeping proper records, and denying involvement with the plaintiff-petitioner.

II

The District Judge Joseph R. Goodwin's irrational, radical, and separatist opinion of 42 U.S. Code §1983, is not only his mark of inexperience or prejudice towards the petitioner, but possibly the signs of a mental illness contributing to an intellectual disability. In retrospect, he should be reviewed by the bar association, because he is about 78 years old, past the retirement age of most federal judges, and seems to be not up-to-

date on current laws and forgets the basic elements of a claim in a civil action. The petitioner has a lot of legal discussion to cover, since the Judge has submitted an opinion that is irrational, radical, and separate from up-to-date precedence and laws. And of course, the defendants would applaud the District Judge's opinion, for they can slip out of a lawsuit and slide more money in their pockets.

III

In *Western Pac. R. Corp. v. Western Pac. R. Co.*, 345 U.S. 247 (1953), "Litigants are given no statutory right to compel each member of the court to give formal consideration to an application for a rehearing *en banc*." Pp. 345 U. S. 256-259, 345 U. S. 267. Accordingly, "the Court grants rehearing *en banc* in approximately 0.3% of the cases in which it is requested." This does not necessarily mean that the other 99.7% cases for rehearing *en banc* are wrong, as much as not chosen by the internal processes of the circuit court. In 28 U.S. Code §46, "The statute does not compel the court to adopt any particular procedure governing the exercise of the power; but, whatever procedure is adopted,..." 345 U. S. 259-261, 345 U. S. 267. *Shenker v. Baltimore & Ohio R. Co.*, 374 U.S. 11 (1963) reaffirmed, [that] "It neither forbids nor requires each active member of a Court of Appeals to entertain each petition for a hearing or rehearing *en banc*."

IV

The petitioner is arguing the Fair Labor Standard Act for student-teachers, 42 U.S. Code §1983, and discussing record keeping with the 'FLSA'.

V

To accommodate the rule requirements between the Supreme Court and U.S. Court of Appeals for the Fourth Circuit.

Memorandum of Law in Support

In Revisions to Rules of the Supreme Court of the United States (Adopted 18, 2019) has shown that a reduction in word limits had occurred in 2016 and 2019, due to undue repetition and petitioners making effective argument in fewer words. *Condon v. City of Chicago*, Case No. 09-C-2641, (7th Cir., 2011) (The proper course of action would have been to seek leave to file a brief in excess of the page limitation and not to alter the font and spacing of its brief and omit portions of its brief.) See *English v. CSA Equipment Company, LLC*, Civil Action 05-0312-WS-B, (11th Cir., 2006)

Forsythe v. BD. OF EDUC., DIST. NO. 489, 956 F. Supp. 927 (D. Kan. 1997) "Although other litigants have in the past attempted to circumvent the court's page limitations by expanding margins and/or shrinking the font size to near microscopic proportions, see, e.g., *Phelps v. Hamilton*, 840 F. Supp. 1442, 1448 (D.Kan.1993) ("Briefs using such a `favorite undergraduate gambit' may be struck in the court's discretion."), or by the filing of piecemeal dispositive motions, until now no one has been so brazen as to file a "supplemental" brief that is nothing more a thinly veiled attempt to circumvent this court's page limitation." *Id.* at 928.

CONCLUSION

Wherefore, the petitioner respectfully requests the U.S. Supreme Court permission to file a writ of certiorari containing a 20,398 word limit and 58 pages at length to accommodate.

Machiavelli Siberius

Petitioner-Plaintiff, Pro se Litigant

Machiavelli Farrakhan Siberius
Telephone: (304) 210-6097
MFSiberius@hotmail.com