20-6413

No.

In the Supreme Court of the United States

Maxine Shepard, et al, Petitioner, *pro se*

v.

Department of Veterans Affairs, et al

On Petition for Writ of Certiorari from the United States Court of Appeals for the Tenth Circuit
19-1313, Shepard v. DOVA, et al
Dist/Ag. Docket: 1:18-CV-01098-PAB_KMT

PETITION FOR A WRIT OF CERTIORARI

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Questions presented for review:

1. Whether the COA improperly held- in conflict with the decisions of other courts - that the Petitioner did not show good cause to excuse any procedural default in order to allow for a permissive extension to cure failure of service in violation of Fed.R.Civ.P 4(i).

2. Whether the Tenth Circuit COA improperly held that a good faith effort had not been shown by the Petitioner to cure the failure in service when the Courts' own conduct contributed to the default in mismanagement and errors in the case.

3. Whether the Tenth Circuit COA improperly held that the Petitioner was expected to act on reissue of service before being told to do so by the Court in a lawful order.

4. Whether the COA improperly held that Federal Express is not a permissible way to serve a federal agency. See Fed. R. Civ. P 4(i)(2).

5. Whether the Court of Appeals (COA) improperly held that Petitioner could not herself take the packages to the mail facility because she is a party relying on Fed. R. Civ. P 4(c)(2) which would put a substantial burden on her as a pro se litigant.

6. Whether the 10th Circuit District erred or mismanaged Petitioners' case and showed favoritism to outside interests such as Jones Day law firm and/or interference from the President of the United States.

Parties to the Proceedings

Maxine Shepard, et al

v.

Department of Veterans Affairs, et al.

The Department of Defense component organizations include but are not limited to the military departments of the defense agencies which are responsible for implementation and management of programs and projects associated with research including micro and nanotechnology. Some ot these include: the USAMRMC, SPAWAR, AFOSR, ARL, ARO, DARPA, it's subcontractors the NIH and Alfred Mann Foundation and several other subcontractors and actors.

Corporate Disclosure Statement

The Petitioner acknowledges that the Defendants, the Department of Veterans Affairs and the Department of Defense are both government agencies. No corporate disclosure statement is required pursuant to United States Supreme Court Rule 29.6.

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Statement of the Basis for the Jurisdiction

The judgment of the Court of Appeals was entered on 8/24/20. A petition for rehearing was not filed. This petition is timely filed pursuant to Supreme Court Rule 13.1. Jurisdiction conferred pursuant to 28 U.S.C 1331 (federal question), the Fourth and Thirteenth U.S. Constitutional Amendment and violations under the Federal Common Rule policy regarding human research subjects.

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I. PETITION FOR WRIT OF CERTIORARI

Maxine Shepard petitions the Court pro se for a writ of certiorari to review the judgment of the United States Court of Appeals for the Tenth Circuit. Disputes regarding Rule 4 have been in the court system for years. This case centers around the Court's strict and harsh scrutiny in applying the Fed.R.Civ.P 4(m), denying Petitioner time to cure failure or defect in service pursuant to Fe.R.Civ.P 4(i)(3), as well as the Fourth and Thirteenth Amendments of the US Constitution.

II. STATEMENT OF THE CASE

Petitioner is a veteran of the United States Army and the Army National Guard. She has had the honor of serving this nation during the onset of the Gulf War in 1990 and the war in Afghanistan in 2001. She suffered injuries during her active duty service for which she sought relief at the McClellan VA Hospital in Little Rock, AR. In June of 2005 she was surgically implanted throughout her body with a network of microchips without her knowledge or informed consent. This case survives statute of limitations due to the ongoing conspiracy of the Department of Veterans Affairs, et al, to conceal knowledge of the implants to the Petitioner despite many requests for them to reveal the truth. See *Harrison v. US., 708 F. 2d 1023 (5th Cir. 1983)*, (claim filed 10 years after medical malpractice was not barred by statute of limitations because the Air Force had actively concealed information and failed to provide the plaintiff with her medical records despite

repeated requests). An 1151 Claim was filed on February of 2017 in accordance with the Federal Tort Claims Act 28 U.S.C. The VA denied FOIA requests and other requests for assistance to obtain pertinent information relative to the implants. See Appendix 4. The VA has a duty to assist claimants in obtaining evidence according to 38 CFR 21.1032. Absent any assistance by the VA, the court s take as fact the allegations made herein her petitions and the harm that she has suffered as a result of their negligent actions. The 1151 claim she filed with the VA was denied. After exhausting all administrative remedies, a lawsuit was filed for Injunctive Relief in the United States District Court in Colorado. Not only have the negligent actions of the Department of Veterans Affairs et al caused Petitioner irreparable harm, but they along with several actors, contractors, and co-conspirators have also caused her a severe amount of public scorn which has ultimately led to abuses for which she continues to suffer today due to intentional unmasking of what she has learned may have been classified information about her surgery to the general public. Deplorable things have been done to her body since 2005 which no woman should have to endure. Petitioner provided all information she had available to the court including information she obtained from an x-ray at a medical facility in Austin, TX where she received emergency treatment. The implant in her chest started to vibrate causing her heart to beat irradically and shortness of breath. All signs of a heart attack. The North Austin Medical Center was named as a defendant, but the lower court removed them from the suit. The district court dismissed the suit in error stating among other

things that the VA would be harmed. She filed an appeal to the Colorado Court of Appeals who denied her appeal on 8/24/20.

Petitioner will continue to suffer irreparable harm and exacerbation of her service-connected diabilitites if writ is not granted due to sadistic, inhumane, unlawful human experimentation efforts and harassments (*See Patent No.6506148 B2 which focuses on manipulation of the human nervous system by electromagnetic fields from monitors for an example of a mechanism that may have been implanted in Petitioner*), by NSA personnel, exploitation by her neighbors who have acquired certain equipment necessary and may be receiving monetary compensation, scholarships, vehicles or other forms of compensation to monitor Petitioner in her home without having any medical license or consent to do so and from the POTUS and/or his supporters. She is being subjected to NSA DOMINT covert psychological control operations (*See Cain v. Barak Obama*), she is being used as 'entertainment' and/or for political purposes, and they perform what they have termed 'a wake up call' whereby parts of Petitioners' body are awakened by electric shock, her body triangulated and her nervous system manipulated until they create impulses in the nerves running through her lower legs all the way up to the back of her neck and her brain causing her to be abruptly awakened every morning. All of these things are being done without implied or expressed consent and with impunity due to the Department of Veterans Affairs participation in these actions by 1) refusal to admit the truth and fully disclosing what they did to her during the surgery, and by not

providing healthcare to remove them, 2) by knowingly violating laws regarding unconsentual human researsh, and refusal of law enforcement including the local police, Sheriff and FBI to provide her with equal protection under the law. It is worth noting that the VA has rated Petitioner has totally and permanently disabled since 2011. So she has been in a protected class as a disabled veteran since that time and their actions are unlawful pursuant to the ADA (Americans with Disabilities Act). In addition to her service-connected disabilities, while the VA was evaluating her disability claim they discovered in Petitioners' medical records that the surgeon who performed the microdiscectomy surgery had damaged a nerve in her left leg during the dangerous experimental surgery causing permanent paralysis to the Petitioner. Since her implantation Petitioner has been subjected to hypnotic triggers, radiation, voice-to-skull, ULF, VHF, ultrasound, pulsed microwave, and through-wall-surveillance. The Department of Veterans Affairs has an internal Report Exec risk-assessment system in place whereby they report veterans who are receiving certain VA benefits to various law enforcement agencies such as the local police, Sheriffs and FBI. The VA Police Information Management System needs improvement according to VA OIG 19 - 05798-107 published June 17, 2020 . Since 2005, the Department of Veterans Affairs has negligently used their internal reporting systems to deprive the Petitioner and many veterans of their civil and constitutional rights.

The primary issue in this case is not whether or not the Petitioners' claim for redress is valid since

no medical evidence is required for my case per *Trafter v. Secretary of Veteran Affairs, No. 10-3605*, on Appeal from the Board of Veterans Appeals, or even if Federal Express is a valid means of effecting service on government defendants, but rather, whether or not the courts have ruled in error by refusing to allow the Petitioner time to cure the failure or defect in service pursuant to Fed.R.Civ.P. 4(i)(3).

A. The courts' standing based on Fed.R. Civ.P 4(m).

There is a longstanding and deep split of opinion on the fundamental question of service of process by certified US Postal mail under Fed.R.Civ.P 4. An issue arouse approximately a year into the case regarding Fed.R.Civ.P 4. The Petitioner questioned the court as to why they waited so long to address the issue when in previous cases the Magistrate Judge Tafoya addressed pertinent issues at the very onset of cases under her management. Civil case management pursuant to 50 U.S.C. 1881a(h)(4)(D), Rule 28 and 10th District Courts' Civil Justice Reform Act of 1993 states that case management shall be tailored to the complexity of the particular case. Uniform pretrial orders (D.C.COLO.LR 16.1) 4 and scheduling orders (D.C.COLO.LR 16.2(B)) provide case management tools for all cases. Petitioner contends that her case was not managed properly at the onset pursuant to the aforementioned federal rules and procedures although the court has acknowledged its complexity. *Id* at 25. Case was assigned to a magistrate judge against will of petitioner for a trial by jury. *Id* at 7, 8.

Fed.R.Civ.P. 4(c) states that:

(1) *In General.* A summons must be served with a copy of the complaint. The plaintiff is responsible for having the summons and complaint served within the time allowed by Rule 4(m) and must furnish the necessary copies to the person who makes service. (2) *By Whom.* Any person who is at least 18 years old and not a party may serve a summons and complaint.

B. Extension of Time should have been granted pursuant to Fed.R.Civ. P 4(i)(3).

Petitioner contends that the VA was lawfully served in accordance with Fed.R.Civ.P 4(c) and that any defects in service would invoke Fed.R.Civ.P 4(i)(3) for an Extension of Time which states that the court ***must*** allow time to cure any defects if the party has served the United States officer or employee. Summons was sent to the United States headquarters of the Department of Veteran Affairs where a VA employee signed for the certified package that was delivered by FedEx In accordance with Fed.R.Civ.P 4(i)(3) and an extension of time to cure any defect in service should have been granted. The court improperly held that she did not meet the criteria for an extension of time and wrongfully interpreted that she had not made a good faith effort as if it only applied to Pennsylvania law. See *Lamp v. Heyman, 469 Pa. 465, 366 A.2d 882 (1976)*, a

landmark case on good faith effort. See also, *McCreesh v. City of Philadelphia.*

In McCreesh, the writ had been hand delivered to a receptionist and the trial court held that a good faith effort had been made to serve the writ. It also held that a good faith attempt at service had been made because it was at least delivered by a competant adult which is defined as "an individual eighteen years of age or older who is neither a party to the action nor an employee or a relative of a party."

III. REASON FOR GRANTING WRIT

A. The Courts' intervention is warranted because Petition raises Fourth Amendment issues and are of great public importance in accordance with C.A.R. 49.

The Fourth and Thirteenth Amendments rights violations are a issues of great importance for the public. "It is always in the public interest to prevent the violation of a person's constitutional rights." *Awad, 670 F.3d at 1131.* "As far as the public interest is concerned, it is axiomatic that the preservation of Fourth and Thirteenth Amendment rights serves everyone's best interest." Local Org. Comm., Denver Chap., Million Man March v. Cook, 922 F. Supp. 1494, 1501 (D. Colo. 1996); accord Elam Constr. v. Reg. Transp. Dist., 129 F.3d 1343, 1347

(10th Cir. 1997). In her opening statement of the case for this writ to be approved, the Petitioner mentioned being monitored by various agents in conjunction with the VA. The monitoring itself would not be an issue if that was all there was. Anyone can install a camera outside their home or look out their window. It becomes an issue when the government believes that it has a right to do so to anyone for any reason regardless of whether or not they are a law abiding citizens. It becomes an issue when they use their powers to alter the electric cable box inside someone's home for the purposes of installing audio/video surveillance equipment. The monitoring also becomes an issue when they illicit the assistance of the mainstream media, neighbors and members of the community to perform procedures which should only be done by licensed medical personnel and only then with informed consent. The monitoring being done by those assigned to do so is much more intense, intrusive and elaborate than someone just looking out their window. They actually go through a process of manipulating the nerves and blood vessels in her body. They have actually been taught to go through a process whereby they connect remotely to Petitioners' body like one would connect to a wi-fi network at a coffee shop or library which we all have done. Except the remote connections occur at night while the Petitioner is sleeping, in her own home, in her own bed. The police call this a FOIA request, Petitioner calls it Unlawful Search and Seizure. Her body has been seized by the police who have connected to the implants so that they can monitor, analyze, criminalize her thoughts while she is

criminalize her thoughts while she is sleeping. They believe for instance that it is unlawful for a person to even dream or think thoughts of committing a crime or hurting someone. These beliefs seem to directly imitate those depicted in a 2002 hollywood movie with actor Tom Cruise entitled, "Minority Report." In the movie police utilize a psychic technology to arrest and convict murderers before they commit their crimes. Petitioners' body is being seized so that they can monitor her every move, see what she sees, know what shes thinking. These actions should shock the conscious of the court because they violate everything a reasonable person would call lawful and certainly should not be condoned by a nation in a democratic society. [1]As Sen. Amy Klobuchar (D-MN) once put it in a campaign speech during her 2019 bid for president of the United States, "the bathroom is no place for the government to be!" The Petitioner has never committed or even thought about committing murder in her sleep or any where else. For these and other reasons, in her original complaint, the Petitioner invoked the Fourth Amendment. Along with the Amendment and the Thirteenth Amendments, she also invoked the Supremacy Clause Article VI, Clause 2. By invoking the United States Constitution as the Supreme law of the land, Petitioner hoped to overrule any state laws or state constitutions in Arkansas, Texas, Colorado and now Michigan, that would allow for slavery or involuntary servitude. Since she has committed no crime for which law enforcement could lawfully surveil her, Congress

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1 Quote was made at one of the rallies for Sen. Amy Klobuchar in 2019.

Congress and others would often defer to state laws on slavery to continue their conduct on behalf of the VA. Violations under her rights under the Thirteenth Amendment were raised in Petitioners' original complaint. The involuntary seizure of a person's body for the purpose of controlling their movements, what they think or do, or use them for entertainment is tantamount to slavery. A slave has no say in their day to day activities, hence they are all controlled by their master. See *US* v. *Amistad,* which is how they tried to force the Petitioner into thinking using very dehuminizing methods including sleep deprivation and various other torture methods that are normally reserved for terrorists and enemies of the United States, not US citizens. According to the Supremacy Clause of the US Constitution, neither the states or Congress can enact laws that restrict the rights and freedoms of any US citizen.

But it is not only law enforcement agents operating under their official capacity who are violating the rights of the Petitioner. It is also members of the general public and her neighbors. See *Kate Watterson v. Aro* (targeted individual in California who was being assaulted with microwave weapons by her neighbor). Proof of the attacks aimed at Petitioner were forever encased in a metal screen that she uses to block the RF attacks coming through her window day and night attached as Appendix 3. The question of the prolonged surveillance and unlawful experimentation of her by the VA and law enforcement has created extreme safety concerns for the Petitioner. Especially now in the very volatile political climate that we all find ourselves in. The VBA and their use of internal system that

arbitrarily gives VA execs authority to report veterans to local police, FBI or Sheriffs if they are receiving certain benefits or need help managing their finances and the problems and abuses that can occur when their personal medical information is unmasked to the general public. This case could effect an entire class of people, disabled veterans or any veteran seeking care within the VA Healthcare System. The balance of harms and public interest weigh strongly in favor of granting a writ of certiorari. [See *Winter, 555 U.S. at 24.* In contrast to the irreparable injury facing plaintiffs, the government has presented no evidence of harm resulting from this legal action. The federal governments' interest in enforcing laws related to national security (due to sensitive nature of her surgery), absent any evidence of a threat, cannot outweigh these real harms. See *Washington, 847 F3d. At 1168*, dismissing the governments' claim of irreparable injury and noting that "the government has done little more than reiterate" it's general interest in combating terrorism."

The writ of certiorari that the Petitioner seeks, which preserves Fourth and Thirteenth Amendment rights, is clearly in the public interest. "It is always in the public interest to prevent the violation of a person's constitutional rights." *Awad, 670 F.3d at 1131.* "As far as the public interest is concerned, it is axiomatic that the preservation of Fourth and Thirteenth Amendment rights serves everyone's best interest." Local Org. Comm., Denver Chap., Million Man March v. Cook, 922 F. Supp. 1494, 1501 (D. Colo. 1996); accord Elam Constr. v. Reg. Transp. Dist., 129 F.3d 1343, 1347 (10th Cir. 1997).

B. The Court's Intervention is Warranted because the COA Introduced a New Standard of Review Allowing Any COA to Disregard the Clear Error or Erroneous Standard of Review In Any Case on Appeal.

The COA improperly applied a "heightened scrutiny" standard and refused to apply the clearly erroneous standard of review. See Non-Public Docket Entry No. [10674565], atached as Appendix E, entered with mock date of 8/29/1980, shows courts' adoptation of their own R&R review quidelines:

"Defendant St. David's Medical Center was dismissed early in the case. Pltf didn't object to magj's recommendation to dismiss this defedant[sic]. May have waived appellate review of the order adopting that R&R. See what she says in opening br and mention in screening memo if necessary. No challenge at case opening since Apet is pro se."

However, in her recommendation, Id at 29, Judge Tafoya states: "a district courts' decision to review a magistrate judge's recommendation de novo despite the lack of an objection does not preclude application of the "firm waiver rule"); the court relied on *One Parcel of Real Prop, 73 F3d at 1059-60*. But see *Morales-Fernandez v INS, 418 F3d 1116, 1122 (10th Cir. 2005)* (stating that firm waiver rule does not apply when the interests of justice require review.

On, 10/30/20, Petitioner sent several emails to Ms. Cheryl Stevens, the court clerk for the Colorado Supreme Court, asking about how she could file a writ with the Colorado Supreme Court. Email communications with Ms. Stevens are attached as

Appendix D. After several emails back and forth, Ms. Stevens finally replied that she could not accept it.

The clerk's reply is as follows:

"The case you are seeking to appeal is from the federal court of appeals. You cannot seek certiorari review of that case in the Colorado Supreme Court. I cannot open a case for you with this document. "

It is for this reason that Petitioner submitts this writ of certiorari with the US Supreme Court noting that the Colorado Supreme Court may have wrongfully denied her petition for review based on the firm waiver rule and for the fact that the case serves the interest of justice."It is always in the public interest to prevent the violation of a person's constitutional rights." *Awad, 670 F.3d at 1131.* "As far as the public interest is concerned, it is axiomatic that the preservation of Fourth and Thirteenth Amendment rights serves everyone's best interest." Local Org. Comm., Denver Chap., Million Man March v. Cook, 922 F. Supp. 1494, 1501 (D. Colo. 1996); accord Elam Constr. v. Reg. Transp. Dist., 129 F.3d 1343, 1347 (10th Cir. 1997). The Court of Appeals improperly held that Petitioner could not herself mail the packages because she is a party according to Fed. R. Civ. P 4(c)(2): The COA relied on *Constien v. United States, 628 F. 3d 1207, 1213(10th Cir. 2010).* (Even when service is effected by use of the mail, only a non party can place the summons and complaint in the mail."). *Id* at 38. The pro se Respondent did not herself put 'the packages in the mail. The packages were actually 'put in the mail' by the Federal Express employee. Based on these facts,

the trial court's conclusion that Petitioner violated Rule 4(c)(2) was in error and puts a substantial burden on her to hire someone else to put the items across the mail counter. The court also improperly held that Petitioner did nothing to cure defect in service while she was waiting for a court decision. *Id* at 25. The COA improperly held- in conflict with the decisions of other courts - that the Petitioner did not show good cause to allow for a permissive extension when it was in their discretion to do so. Relying on *Espinoza v. United States, 52 F. 3d 838, 841 (10th Cir. 1995)* for their decision, the COA held the Petitioner had not shown good cause for an extension of time to cure the failure of service of process. Their only justifiable reason for this appears to be that the Petitioner did not act to reissue service while she was waiting on the court to issue her an order that it was ok to do so. "Ms. Shepard states that she showed good cause by trying to comply with the rule. But after the magistrate judge issued the show-cause order, Ms. Shepard had 72 days to effect service. Yet there's no indication that she made any effort." *Id* at 24. However, there is no precedent for a litigant in a civil action to take it upon themselves to act on an issue before a valid order from a court is entered. If the judge wanted the Petitioner to act while she waited for the courts' decision, he or 1she could have entered a bench warrant ordering her to do so. The courts did not issue such a bench warrant. Pursuant to 50 U.S.C. 1881a(h)(4)(D), Rule 28, a judge must conduct an initial review of a petition to modify or set aside a directive within five days after being assigned a petition. The COA erred in denying

Petitioner an extension of time and writ of certiorari should be issued.

C. Court Decisions in Other Divisions that Allow Service of Process via Federal Express.

Two divisions of the court of appeals have now departed from the accepted and usual course of judicial proceedings by allowing service of process via Federal Express, she sites cases in Pennsylvania and North Carolina. In *American Interior Construction Blinds Inc. v. Benjamin's Desk LLC*, No. 3257 EDA 2017, on appeal to the Superior Court of Philadelphia from the order sustaining the preliminary objections in the nature of a demurrer filed by Appellee Benjamin's Desk, LLC, also known as and doing business as Benjamin's Desk. AICB contends that the court erred by concluding that the notice of the intent to lien under the Mechanics' Lien Law of 1963 1 could not be served by a FedEx courier. The Superior Court reversed. In *Washington v. Cline*, there the issue was whether dropping off a FedEx package satisfied the phrase "delivering to the addressee" found in Rule 4(j)(1)(d) of the NC Rules of Civil Procedure. The Court of Appeals noted that" defendants argued that a delivery service must personally serve natural persons or service agents... with the summons and complaint in order to sufficiently 'deliver to the addressee.'" Defendants also argued that even if defendants ultimately received the FedEx package that service of process was still insufficient and the case was properly dismissed by the trial court. The NC Court of Appeals disagreed, however, finding that the "crucial

inquiry is whether the addressee received the summons and complaint, not who physically handed the summons and complaint to the addressee." In Petitioners' case, the FedEx packages were not dropped off, but were actually signed for by a VA employee, A. Owens, which shows the VA did receive the complaint.

D. United States Supreme Courts' Allowance of Issuance of Service via FedEX in International Cases.

In *Water Splash Inc. v. Menon*, Water Splash filed suit against Tara Menon, a former regional sales director at Water Splash, claiming that, at some point while she was still an employee with Water Splash, she also began working for a competitor, South Pool. Water Splash claimed that South Pool used Water Splash's designs to submit a bid to the City ofGalveston for the construction of splash pads at two parks. To effectuate service on Menon, Water Splash filed a motion for service of process pursuant to Texas Rule of Civil Procedure 108a, which governs service of process in foreign countries and provides for various methods of service. One of those methods is substituted service under Rule 106(b), which states, in part, that a court may authorize service in "any other manner that the affidavit or other evidence before the court shows will be reasonably effective to give the defendant notice of the suit." Tex. R. Civ. P. 106(b). Water Splash's motion requested that the trial court order service on Menon in Quebec, Canada, by "first class mail, certified mail, and Federal Express to Menon's address" and "by email toeach of Menon's known

email addresses." *Menon v. Water Splash, Inc.,* 472 S.W.3d 28, 30 (Tex. App.—Houston [14th Dist.] 2015, pet. denied). The trial court granted Water Splash's motion. Water Splash also alleged that Menon's emails proved she knew about the suit. The trial court entered the default judgment against Menon for actual and exemplary damages and attorneys' fees.Menon eventually filed a motion for new trial and argued that the default judgment should be set aside because service did not comply with Article 10(a) of the Hague Service Convention. In response, Water Splash argued that Rule 108a was an acceptable form of alternative service. The trial court denied Menon's motion for new trial, and Menon appealed.

In its Petition for Writ of Certiorari, Water Splash focused heavily on Justice Christopher's dissent. Petition for Writ of Certiorari, No. 16-254 (Aug. 25, 2016). Water Splash also asserted that the question about service by mail under the Hague Convention "implicates a longstanding and deep split of authority on a fundamental question of civil procedure." *Id.* at 14. Water Splash cited to more than 120 recent decisions regarding this issue in support of its assertion that the question presented arises frequently and should thus be resolved. *Id.* at 15. On December 2, 2016, the court granted Water Splash's Petition for Writ of Certiorari. *Water Splash, Inc. v. Menon,* 2016 WL 4523079 (Dec. 2, 2016). Notably, after Water Splash filed its opening brief, the United States filed an *amicus curiae* brief in support of Water Splash, arguing that Article 10(a) must be

read in the context of the rest of the Convention and "*is properly construed as permitting service of process by postal channels where such service satisfies otherwise applicable law.*" Brief for the United States as Amicus Curiae Supporting Petitioner, 2017 WL 382689, at *7 (January 24, 2017).

E. Summary of Argument – Unfair interference in case by POTUS and/or his law firm Jones Day.

Finally, the Court is asked to consider another reason for granting this writ of certiorari and that is the ongoing interference in this case by either the President of the United States and/or his law firm Jones Day. On or about Novermber 10, 2020, I contacted the US District Court in Denver, CO to request a copy of the docket sheet in preperation for writing this writ. After receiving her request for a copy of the docket sheet, the court clerk sent her an invoice. It seems that members of the Jones Day law firm have been keeping track of her preperations and also requested a copy of the docket sheet. The court clerk sent a copy of an invoice addressed to Jones Day law firm instead of the Petitioner. According to an article by the Washington Post on 11/12/20[2], Jones Day is a law firm either owned or used on a regular basis by President Trump and the Republican party. The cat is out of the preverbable bag. The invoice addressed to Jones Day law firm that she received in her email from the Tenth District Court clerk is herein attached as Appendix F.

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2 Washington Post article "Yes, the Jones Law Firm is Fair Game, written by_____ _____, published on 11/12/20.

Conclusion

Petitioner contends that be it not for the undue external influence of the President and others such as the Jones Day law firm she would have been granted the extension of time in accordance with Fed.R.Civ. P 4(i)(3). The court's allowance of political affiliation to override sound judgement was a miscarriage of justice. The court erred in not granting Petitioner an extension of time pursuant to Fed.R.Civ.P 4(i)(3).

The writ of certiorari should be granted.

Respectfully submitted,

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November 19th, 2020