

No. 20-7660

In the
Supreme Court of the United States

Justin P. Sulzner, member Christian Cong. of Jehovah's Witnesses (CCJW)

Plaintiff

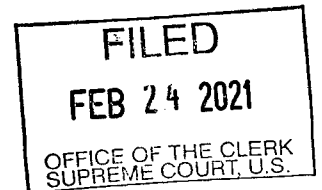
- vs. -

ORIGINAL

United States Intelligence Agencies, (ODNI) et al

Defendant

**PETITION FOR
WRITS OF MANDAMUS IN THE
EIGHTH CIRCUIT COURT OF APPEALS**



In Re: Justin Paul Sulzner

Justin Paul Sulzner, Pro Se
1834 1st Avenue NE - #104
Cedar Rapids, Iowa 52402
319-213-7608
justinsulzner@gmail.com

QUESTIONS PRESENTED

1. Whether the 8th Cir. Appellate Court should have used “special care” when dealing with a mentally disabled, indigent, pro se Plaintiff under 28 U.S.C. 1915(d)(e) and appointed an attorney to help him.
2. Whether the 8th Cir. Appellate Court should have granted emergency injunctive reliefs against an ODNI covert community operating inside the CCJW, when proof is available that past covert operations were conducted within it.

TABLE OF CONTENTS

TABLE OF AUTHORITIES	4
LIST OF PARTIES.....	5
JURISDICTION.....	5
CASE OPINIONS.....	5
CONSTITUTIONAL & STATUTORY PROVISIONS.....	5, 6
STATEMENT OF THE CASE	6, 7
FACTS OF THE CASE.....	7, 8, 9, 10
REASONS FOR GRANTING THE WRITS.....	10, 11, 12, 13
CONCLUSION.....	14
CERTIFICATE OF SERVICE.....	15
INDEX TO APPENDIX A (LOWER COURT FILINGS).....	16

TABLE OF AUTHORITIES

CONSTITUTIONAL AUTHORITY

1. First Amendment
2. Free Exercise Clause
3. Fourth Amendment
4. Fourteenth Amendment

FEDERAL RULES OF CIVIL PROCEDURE

1. Federal Rule of Civil Procedure 12(b)6 - “Failure to State a Claim”

CONGRESSIONAL AUTHORITY

1. Religious Freedom Restoration Act (RFRA) - 42 U.S.C. § 2000bb - 4

JUDICIAL CASES

1. Bivens vs. “Six Agents” - 403 U.S. 388 (1971)
2. In re First S. Sav. Ass’n, 820 F.2d 700, 707 (1987)
3. Haines vs. Kerner 404 U.S. 519 (1972)
4. La Buy vs. Howes Leather Co., 352 U.S. 249, 256-258, (1957)
5. Mallard vs. U.S. Dist. S. Dist. of Iowa, 490 U.S. 296 (1989)
6. Nelson vs. Campbell (2004), citing 18 U.S.C. 3626(a).
7. Nietzke vs. Williams (1989)
8. Naranjo vs. Thompson (2015)
9. Parham vs. Johnson, 126 F.3d 454, 457 (3rd Circuit) (1997)
10. Ex parte Peterson, 253 U.S. (1920)
11. Tummino vs. Torti, 603 F. Supp. 519 (2009)
12. In re Vuitton Et Fils S.A., 606 F.2d 1, 3 (1979)

STATUTES

1. 28 U.S.C. § 1254(1)
2. 28 U.S.C. § 1361
3. 28 U.S.C. § 1651(a)(b)
4. 28 U.S.C. § 1915(d)(e)

MISCELLANEOUS AUTHORITY

1. 1 Timothy 3:1-5 (Bible)

LIST OF PARTIES

ODNI (Neil Wiley, Laura Schiao, Beth Sanner, Jeffrey Kruse, Dustin Weiss, Steve Vanech, William Evanina, Alan McDougall, Ben Huebner, Thomas Monheim, Bradley Brooker, Matthew Kozma, Trey Treadwell. Amanda Schoch - Iowa Northern District Court, 8th Cir. Court of Appeals & 8th Circuit Court En Banc.

JURISDICTION

This petition is for a writ of certiorari and writs of mandamus. Jurisdiction is invoked under 28 U.S.C. 1254(1); 28 USC § 2106, & requested writs under 28 U.S.C. 1651(a)(b) & 28 U.S.C. 1361.

CASE OPINIONS

The order of the 8th Circuit Court of Appeals rehearing and En Banc rehearing was denied on December 2nd, 2020. The Appeal to the 8th Circuit Court was affirmed on October 22nd, 2020. The order of the Iowa Northern District Court was denied on September 3rd, 2020.

CONSTITUTIONAL & STATUTORY PROVISIONS

1. **1st & 14th Amendments** - “Petition the Government for a redress of grievances for practices restricting individual religious practice.” “ODNI covert operation resulted in a violation of “separation of church and state”
2. **Free Exercise Clause** - “ Prohibits ODNI interference with religious belief and, within limits, religious practice”

3. **Religious Freedom Restoration Act (RFRA) - 42 U.S.C. § 2000bb - 4** " ODNI has intentionally burdened Plaintiffs' religious exercise with an internal intelligence operation and must now show that the burden is (1) in furtherance of a compelling governmental interest and (2) the least restrictive means of furthering that interest."
4. **Bivens vs. Six Agents 403 U.S. 388 (1971)** - "ODNI has violated (1st and 14th) Amendments by directing and controlling an intelligence operation within the sanctuary of CCJW's, allowing for a "Bivens" action to proceed.

STATEMENT OF THE CASE

1. The federal in forma pauperis statute, 28 U.S.C. 1915, "ensure[s] that indigent litigants have meaningful access to the federal courts." - **Neitzke vs. Williams - 490 U.S. 319 (1989)**. Knowing the mentally disabled Plaintiff desperately needed legal representation (App. P. 28, 29), the Iowa N. District Court cited 3 pro se filing mistakes to ensure "meaningful dismissal". (App. P. 44). **Nietzke vs. Williams (1989)** further held: "A complaint filed *in forma pauperis* is not automatically frivolous within the meaning of § 1915(e) because it fails to state a claim...and should not be dismissed" (App. P. 41, 42). Iowa N. District Court improperly cited Fed Civ. R. 8(a) (2) "failure to state relief" as a reason for dismissal. Relief is clearly requested under "Request for relief" at the end of Plaintiff's filed complaint !? (App. P. 24)

2. Plaintiff clearly stated “relief” in complaint seeking 6 emergency injunctions. This is the only “adequate means of relief” and the “only appropriate remedy” under the circumstances. Mandamus is appropriate where Plaintiff "lacks adequate alternative means to obtain the relief they seek"- **Mallard vs. Iowa S. District Court**, 490 U.S. 296 (1989). ODNI refuses to answer any further FOIA' s concerning details surrounding any intelligence operation within CCJW.

FACTS OF THE CASE

Pro Se, age 51, mentally disabled, first time Federal filer, have attended the Christian Congregation of Jehovah's Witnesses (CCJW) all my life. Around 2009, Mr. Sulzner began to take note of many “suspect members” being appointed to positions of high responsibility within various congregations he had attended in eastern Iowa. It was a cause for alarm, as these individuals had no business leading congregations. In 2019, Mr. Sulzner began to suspect his wife and extended family may be involved and confronted his (now divorced) wife and family of 30 years about this matter and they carelessly admitted they were involved. In 2019, at the local ACLU office, he filed a complaint alleging these “impostors” were part of a large ODNI intelligence community within CCJW (App. P. 7- 9). The ACLU said : Seek more proof !

In the next four months, 18 FOIA' s were filed for more information on ODNI communities within the CCJW. (App. P. 10 -12)

National Archives (NARA) responded to the FOIA and confirmed TWO covert ODNI intelligence operations (App. P. 13, 14) with 13,600 pages of unredacted information, within CCJW from 1921 to 1977. Strong merits for a court case now existed. - (“we look first to the likelihood of merit of the underlying dispute.”) - **Parham vs. Johnson**, 126 F.3d 454, 457 (3rd Circuit) (1997) (“Plaintiff’s must have some merit in fact & law”)

On 6 /15 /2020, a Federal complaint was filed (App. P. 16 - 27) in the Iowa N. District alleging ODNI operatives were still inside the CCJW and requested injunctive relief. Mr. Sulzner twice requested attorney assistance from the Court and notified both Courts early concerning his mental disability. (App. P. 31, 46).

The Iowa N. District did not grant access to an attorney, injunctive relief or two requested hearings. (App. P. 32, 35). This issue “is one committed to the discretion of the trial court, a clear and indisputable right to the issuance of the writ of mandamus will arise only if the district court has clearly abused its discretion, such that it amounts to a judicial usurpation of power.” - **In re First S. Sav. Ass’n**, 820 F.2d 700, 707 (1987). Both Federal Court’s have unquestionably abused their discretion.

When NARA released the FOIA information, it was a surreal feeling knowing only ODNI, NARA and Mr. Sulzner knew of the existence of this multi-decades long top secret covert intelligence operation. The Iowa N. District didn’t care and said it was just a “conspiracy theory.” (App. P. 44) and used this as one reason for dismissal. An appeal was filed with the 8th Circuit of

Appeals (App. P. 46 - 51). They didn't care either and affirmed the Iowa N. District ruling. (App. 52). If further information is discovered, it will unquestionably affect more than just religious communities within the U.S.A. These ODNI impostors also hold normal jobs within our communities, affecting others unaware of their real role.

How is it possible for a stupid janitor from Olin, IA (pop. 691) to discover a multi-million dollar intell. operation inside CCJW and then be treated by both Courts as if that information is of no consequence to his filed complaint ? The lower courts have truly “refused to perform their true adjudicator role & duty.” - **La Buy vs. Howes Leather Co.**, 352 U.S. 249, 256-258, (1957)

Further FOIA information demands were stalled by ODNI stating: “scope request is not applicable” or “we can neither confirm nor deny any of your questions.”

Mr. Sulzners complaint is simple....ODNI did not tell their trained, embedded intelligence operatives to just “go home” after the 1977 investigation for treason had ended (without results). ODNI had invested billions of dollars in time and training this “invisible” intelligence army. They would stay within the CCJW, weaken the congregation from within, and patiently execute adverse decisions. Eventually the Kingdom Hall (place of worship) would be sold and the door - to - door preaching work would cease. The circumstances surrounding these two intelligence operations are quite perplexing.....for 57 years ODNI felt there was enough “evidence” to justify a functioning treason investigation and that operation was CONTINUALLY APPROVED

decade after decade....yet there were never ANY federal charges filed against Jehovah's Witnesses for treason.

If an ODNI covert operation were found looking for "treasonous judges" inside the Iowa N. District and 8th Cir. Appellate Court for over 57 years, I'm 100% confident it would not be labeled as a "conspiracy theory!" Every judge (maybe?) would be appalled and demand more details on the operation!...Why are judges not appalled in THIS situation ? Why aren't there more court ordered demands ?

REASONS FOR GRANTING THE WRIT -
(ATTORNEY APPOINTMENT)

The Supreme Court held that "pro se pleadings should be held with special care, a litigant with counsel may include crucial facts a pro se litigant would not think to include in his pleading" - **Haines vs. Kerner 404 U.S. 519 (1972)**. No "special care" was afforded to Mr. Sulzner by the Iowa N. District or the 8th Cir. Appellate Court.

"The authority to appoint counsel in civil cases applies...because federal courts have inherent power to provide themselves with the appropriate instruments required for the performance of their duty." - **Ex parte Peterson, 253 U.S. (1920)**.

The First, Fourth, Fifth, Sixth, Ninth and Eleventh Circuits all require that "exceptional circumstances"

exist before a court can appoint counsel for an indigent civil litigant under 28 U.S. Code § 1915 (e). If you live in any other Circuit, without case precedence, like the Eighth Circuit District...too bad! No justice for you!

There is no dispute that Plaintiff could not adequately present his case without the assistance of counsel. Like many pro se litigants, the Plaintiff only has a high school education. These deficits are compounded by the Plaintiff's diagnosis of mental disability from the State of Iowa (App. P. 46). All of these facts were AGAIN ignored by both Courts. Mr. Sulzner's disability was not even acknowledged in either Court's trivialized opinions.

REASONS FOR GRANTING THE WRIT - **6 INJUNCTIVE RELIEFS**

The 6 injunctive requests were clearly explained to the Iowa N. District Court and the 8th Circuit Appellate Court. All requests fell on deaf ears (App. 24, 25, 51).

The Supreme Court has repeatedly stated that “three conditions must be satisfied” before granting an extraordinary writ:

First : “Petitioner seeking writ must have no other adequate means to obtain the relief sought.” Both the Iowa N. District and 8th Cir. Appellate Courts have unjustly and unfairly DENIED ALL REQUESTS. The U.S. Supreme Court is the last available “adequate means” to rectify this important matter.

Second : Petitioner must show the right to the writ is “clear and indisputable.”

- A. Observed “impostors” had no Biblical qualifications to lead others inside the CCJW. Loving concern for others was truly lacking. (1 Timothy 3:1-5)**
- B. Ex-family members admitted intelligence involvement.**
- C. NARA FOIA confirmed TWO covert operations within the CCJW over decades.**
- D. No other action can be taken without the “hammer” of a court order forcing discovery in this covert operation or the injunctions ordering ODNI departure and discovery detailing the operation. ODNI refuses to reply to any further questions.**
- E. ODNI has a legal duty to divulge ANY involvement in the CCJW, even if considered to be minimally invasive. They choose not to divulge anything.**
- F. Discovery in this case would be completely different from discovery in an ordinary case. In any other case, a plaintiff can demand written discovery and depositions. In this case, deposing any high-ranking government officials is extremely difficult and virtually impossible. Nor are ordinary Plaintiffs able to access to documents and communications that ODNI would claim is protected by legislative and executive privilege - See **Tummino vs. Torti**, 603 F. Supp. 519 (2009) (detailing the huge burden getting discovery from FDA and branch official exec’s)**

Third : Petitioner must establish the writ is appropriate under the present circumstances. In this case, the injunctive relief is similar to a “restraining order” - See *In re Vuitton Et Fils S.A.*, 606 F.2d 1, 3 (1979).

Injunction is the only appropriate remedy to identify and “purge” those who are not truly part of the CCJW, so the practice of individual religious worship can prosper. ODNI will simply deny any involvement today, as they would have denied involvement if they were asked for information between the years of 1921 and 1977.

The requested injunctive relief was also very “specific and narrowly drawn.” *Nelson vs. Campbell* (2004), citing 18 U.S.C. 3626(a). The 6 injunctive requests against ODNI were drafted in a manner to avoid years of unwanted burdensome legal discovery. It would eliminate fighting about qualified immunity and objections to release of information protected by executive privilege. If ordered and nothing happened, the injunctive court order would be completely innocuous, affecting no one.

Yes, I am one of those “treasonous” Jehovah’s Witnesses, relentlessly known for filing 1st Amendment complaints with the U.S. Supreme Court, however, I can assure the U.S. Supreme Court if one of Jehovah’s Witnesses is at their front door, there is a MAJOR CONSTITUTIONAL ISSUE that needs and requires fair, impartial judicial consideration. **This complaint is just that!**

CONCLUSION

The petition for writ of certiorari to quash the orders of dismissal and petition for writs of mandamus requesting orders of injunctive relief against ODNI should be granted under these unusual circumstances.

This petition complies with the Rule #14, #18, #20 and #33 - Rules of the Supreme Court and has 2600 words.

Respectfully submitted -

"I declare and certify under penalty of perjury that the foregoing fact within this Supreme Court petition are true and correct in compliance with 28 U.S.C § 1746 " :

Dated this 7th day of January, 2021

/s/ Justin Paul Sulzner
Justin P. Sulzner, Pro Se
1834 1st Avenue - #104
Cedar Rapids, Iowa 52402
319-213-7608