

Supreme Court, U.S.  
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No. 21-14

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**In the Supreme Court of the United States**

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Elizabeth Harding Weinstein,  
Petitioner,  
v.

Village of Briarcliff Manor, ET AL.,  
Respondents.

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*On Petition for Writ of Certiorari to the  
United States Court of Appeals for the Second Circuit*

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**SUPPLEMENTAL BRIEF FOR PETITIONER**

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Elizabeth Harding Weinstein,  
Pro Se

Currently Homeless as per the  
Courts, Address Kept  
Confidential from Abusers

Please direct all  
correspondence to  
[lizharding1@mac.com](mailto:lizharding1@mac.com)  
(646) 261-7685

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August 9, 2021

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Brian Stryker  
Weinstein, Pro Se

180 River Road  
Briarcliff Manor, NY 10510  
[brian.weinstein@davispolk.com](mailto:brian.weinstein@davispolk.com),  
[brianstrykerweinstein@gmail.com](mailto:brianstrykerweinstein@gmail.com)  
(646) 261-7685

David Chen  
Office of the Westchester  
County Attorney

148 Martine Avenue Suite 600  
White Plains NY 10601  
[dhca@westchestergov.com](mailto:dhca@westchestergov.com)  
(914) 995-3616

Lewis Silverman  
Silverman & Associates

445 Hamilton Avenue Suite  
#1102  
White Plains NY 10601  
[lsilverman@silvermanandassociatesny.com](mailto:lsilverman@silvermanandassociatesny.com)  
(914) 574-4510

(Counsel for Respondents)

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## SUPPLEMENTAL BRIEF

The coercion and torture Petitioner has endured since filing this Writ has been profound, devastating, unlawful and unfathomable. While the evidence of harm is exhaustive, the case itself is clean and simple: this is about judicial tyranny, which has a catastrophic impact on the rights and lives of all citizens.

A partner from the coveted law firm Davis Polk and Wardwell, whose livelihood is threatened, uses local, state, federal, and federal appellate judges, court clerks, and police to torture and abuse a Pro Se Petitioner, with alarming ease. At the crux of the case is a manufactured false arrest and imprisonment, in solitary confinement, for “not wearing a mask,” a subsequent “competency evaluation” order to give the presiding judge thin plausible deniability for his kidnapping, and an article 81 proceeding to seek totalitarian dominion over a competent Pro Se Plaintiff who will not stop fighting for her children’s and her rights.

Pro Se Plaintiff seeks relief in the courts from the crimes of the Defendants, but is met with abuse, lawlessness, and an utter absence of any due process. The evidence of the Judiciary’s continued retaliation is undeniable and sometimes overwhelming. It sets dangerous precedence, impacts the rights of all citizens, and requires this court’s immediate attention.

Plaintiff addresses the harm in the order of magnitude.

**A. ARTICLE 81 “HEARING”:** Janet C Malone’s unlawful adjudication of this case is horrifying. The court recalls the petitioner for my “guardianship,” is Defendant Brian Stryker Weinstein, my domestic violence abuser and a pedophile. Petitioner is divorcing Defendant Weinstein after discovering Defendant Weinstein’s pedophilia, and after Defendant began using police and judges to torture our children and Petitioner.

At the time of Writ filing, it was unclear if “hearings” were conducted, as Malone had a tacit admission she lacked jurisdiction, and Malone ignored Petitioner’s clear competency and affidavits of Petitioner’s long time Domestic Violence therapist who affirmed such. (A3). Malone outright sanctioned Defendant Weinstein’s criminal service for the case, including stalking, criminal trespassing, breaking and entering which required police intervention. (A1, doc 28-44) Only after an exorbitant bill was submitted by a “court evaluator,” Charles Goldberger, who never met Petitioner, on July 15, 2021 was there evidence that “conferences” were held. (A4)

Petitioner never wavered from the position that Malone lacked jurisdiction and the case must be immediately dismissed, and documented that Malone denied Petitioner (the Pro Se Respondent in Malone’s court) access to the court or “hearings,” denied Petitioner’s witnesses, press requests, jury trial, or motion to unseal, denied any proper request of the court for transparency, discovery, legal fees. (A1, A2, A3)

Goldbergers’s affidavit and bill reveal Goldberger conducted “business” and attended Malone “hearings” from June 17-July 1 prior to filing a Notice of Appointment with Goldberger’s fiduciary license, which was submitted after the “hearing.” This renders Goldberger a legal stranger from June 17 through the June 24, 2021 hearing, and displays Goldberger’s inclination to act unethically and unlawfully. (A1, doc 74, 75, 128, 140)

Goldberger willfully ignored Petitioner’s June 17, 2021 letter, filed and served the day of Goldberger’s “appointment” which demonstrated Petitioner’s clear competency, the criminal intent of the court, and denied Goldberger consent to contact Petitioner or Petitioner’s illegal representation in any way. (A1, A4)

Goldberger's willfully misrepresents Petitioner's address, acknowledges frequent communication with illegal representation, to wit Hall and Penachio, while having knowledge the "representation" was acting illegally. (A1, A4)

The file for the case was tampered with and documents deleted. To wit, documents 67-71, Malone's signed subpoenas ordering virtual and in person appearances for Defendant Weinstein's witnesses, were deleted, and the file was not appropriately docketed. (A5) Subpoenas reveal Defendant Weinstein employed Defendant Weinstein's co-defendants and nefarious related parties from Petitioner's federal cases as his only "experts" and "witnesses" for why "guardianship" was necessary over every aspect of Petitioner's life. Malone approved the subpoenas for virtual hearing, then deleted them from the record after denying Petitioner virtual attendance to the "hearing." (A1, A5) Files 109, 110, 111, 146 were also deleted by the Court without proper docketing, document 146 being an important OSC to Malone.

Ms. Malone violated her own order (A6), as there was an illegal service which rendered the case a nullity, Petitioner was denied conference on exhibits, and denied an exchange of exhibits prior to "hearing." Petitioner was not present at the "conferences" or "hearing" and Defendants failed to file a waiver or provisions directly to the court to allow for the proceeding to continue in Petitioner's absence.

There was a diligent effort by Defendant Weinstein, his multiple lawyers (one who is a Defendant in a related case) and Malone, to act unlawfully and deny Petitioner any due process. It can not be overemphasized that Malone conducted the hearings illegally *ex parte*, and denied Pro Se Petitioner any access to the court.

During the pendency of the Malone case, Defendant Weinstein was cyberstalking and harassing Petitioner and her supporters for filing information about Defendant Weinstein's crimes and pedophilia, and Petitioner's clear competency, in court cases. (A7)

Defendant Weinstein issued Malone a Proposed Judgement and Order on July 23, 2021 which traffics Petitioner and desecrates Petitioner's freedoms, property and assets. Petitioner objected the same day, and filed an OSC on July 26, 2021 to dismiss with cross-motion for sanctions, and denial of Goldberger fees, acknowledging the lack of jurisdiction, the obvious conflict, the illegality of the proceeding, denial of Petitioner's access, and the misappropriation of taxpayer dollars. Petitioner's motion for Judgement to Dismiss and cross motion for sanctions was deleted by the Court on July 30, 2021. (A1, doc 146) Petitioner resubmitted the motion the same day, July 30.

On August 2, 2021, Malone refused to sign Petitioner's OSC, willfully lying that Petitioner did not submit to Malone an affidavit, a untruth easily verified on the docket. (A8,A1). Malone immediately issued a signed Judgement which enslaves Petitioner, desecrates my rights, and ordered Petitioner pay for nefarious court officers who Malone used to traffic Petitioner. (A1, doc 150). Malone sent her signed order to the clerk's office.

Malone's appointed "guardian" Mr. Neal Fellenbaum and "court evaluator" Mr. Richard Haig Sarajian both refused the appointment in Malone's order after I contacted them directly, rendering Malone's order, unsigned by the county clerk, moot. (A9) Petitioner submitted another August 2, 2021 OSC to dismiss the case and an amended August 3, 2021 OSC which included sanctions, damages, and subpoenas (A1, A10).

On August 4, 2021 Malone signed the moot August 2, 2021 OSC, thereby acknowledging Pro Se Petitioner's competency, and Malone's bad faith to not adjudicate on the proper OSC. Malone still advanced the also moot Malone August 2, 2021 Judgement, which was signed by County Clerk Timothy Idoni on August 6, 2021 (A11). Mr. Idoni has not yet responded to the letters informing him of the fraud and moot order. (A12)

Trafficking an outspoken, competent Pro Se litigant, and a divorcing spouse, who is highlighting judicial corruption, into a guardianship and slavery, might be the dream of many criminal judges and a sociopathic lawyer husband, but it decimates our humanity and in the end benefits no one.

**B. CHILDREN REMAIN KIDNAPPED, PETITIONER HOMELESS, ALL FINANCES CUT OFF, THREATENED WITH ARREST AND DENIED ACCESS TO COURT** Petitioner still has been denied all direct access to her children, her home, her finances, her belongings, her passport, her court documents, mail, and access to the court by Mr. Lewis Lubell, judge in Petitioner's Divorce Case 55866/2020, and by Defendant Weinstein. It has been 430 days of torture. Mr. Lubell continues to hideously denied the children any medical or protective oversight while there is evidence of date rape drug use on the children by Defendant Weinstein.

On August 2, 2021, Mr. Lubell issued an order willfully misrepresenting fact and law to defraud the children Petitioner's protection, and defraud Petitioner (the Pros Se Petitioner in the Lubell case), access to her children, financial support, housing, passport court documents, due process, discovery, jury trial or mail. (A13) Lubell dismissed Petitioner's well-founded motions for legal fees, to vacate a "trial ready" order when discovery has been denied, contempt motions, vacating *ex post facto*, *ex parte* orders, to name a few, and protects Defendant Weinstein from accountability.

Lubell openly protects an *ex parte*, *ex post facto* illegal Order and colludes to defraud Petitioner. (A13) Lubell prohibits Petitioner from filing new motions, including for Defendant Weinstein's clear contempt, yet bestows Petitioner "permission" to submit duplicative, frivolous motions, and chides her for not filing them, when existing motions for the same relief are unadjudicated or could be renewed, reargued and reconsidered.

**C. DISMISSAL OF 21-1099 AND 21-1127:** The Writ was mailed July 2, filed July 7, 2021. On July 8, 2021, Appeals 21-1099 and 21-1127 in the Second Circuit Court of Appeals, were dismissed, for "not filing form DP," ignoring the denial of access to the court. Second Circuit ignored and thus denied the court's tampering with evidence of Defendant Weinstein's pedophilia, and Petitioner's motion for correction and for electronic filing. (A14) Clerk of the Court Catherine O'Hagan Wolf previously denied Petitioner access to the court, revoked Petitioner's electronic filing, deprived Petitioner telephone access to the court, all after Petitioner publicly posted about the Second Circuit's impropriety, which prompted this Writ (A14).

Three weeks after the cases were dismissed, Ms. O'Hagan Wolf filed a "mandate." (A14)

**D. SEIBEL AND SWAIN COLLUSION AND DESPOTIC ORDERS:** Immediately after the writ was filed, Petitioner filed copies of the writ and exhibits into the clerk's office for cases 7-21-CV-01996-CS (Seibel, 1983 case for false imprisonment) and 1-21-CV-04543-LTS (Swain, Fraud for Appellate Court 5704 Review). Petitioner did so for notice, good faith, and evidentiary submission of the breadth of the abuse from which Petitioner and her children were suffering at the hands of the judiciary. Clerks refused to file the documents into the cases and

Cathy Seibel denied Petitioner an order to the Clerk to file the submitted documents into the case. (A15)

Swain ignored and denied Petitioner's motions for emergency relief or access to the court since May filing. On July 12, Petitioner submitted another prayer for relief. (A16). Within hours, Swain consolidated the case without motion and transferred the case to Seibel, when it had been well documented that Seibel violated Petitioner's rights thus far. Petitioner filed objections, which were ignored. (A16)

Seibel issued and mailed despotic "orders" to non-parties to the case, some who were friendly to Petitioner and some who were hostile. Seibel's Orders (not subpoenas) to non-parties demanded the non-parties provide Seibel with Petitioner's confidential medical records. Seibel's "orders" are highly illegal, in violation of HIPPA laws, and absent of any due process. (A15)

On July 16, 2021 Seibel dismissed the Swain case, which deprived Petitioner of her children, her home, her freedoms, and her rights, as "frivolous," prior to any servicing or access to the court, just as Seibel did in her own case. Seibel ordered the Swain case consolidated after dismissal, for the nefarious purposes of an "inquiry" into the Petitioner's "competency," when Petitioner was a Pro Se Plaintiff in the Swain and Seibel cases, and had never been before Seibel, and Seibel's illicit intent to disparage and irreparably harm Petitioner was obvious. (A16)

On July 27, 2021, when Petitioner realized the case had been dismissed then "consolidated," Petitioner filed an appeal in the Second Circuit for the Swain case, requesting immediate electronic filing, and a motion to move venues given the Second Circuit corruption thus far. (A17)

**E. FEDERAL COURT COLLUSION WITH SEALED ILLEGAL “GUARDIANSHIP” CASE** On or around August 2, 2021 Seibel submitted an “order” in the “consolidated” case written in the upper right hand corner of a July 27, 2021 *ex parte* letter from Mr. Lewis Silverman, the lawyer who represents many Defendants and Police Officers in Petitioner’s 1983 (Seibel) case. Mr. Silverman’s July 27, 2021 letter was previously kept secret from Petitioner and parties in the case. (A18)

It is noteworthy that Mr. Silverman has never filed an order of appearance in the Seibel case, refused all communication with the Petitioner since Petitioner’s filing, but continues to have *ex parte* communications with Seibel, which Seibel seals from Petitioner, except for this letter.

The Silverman letter willfully shows Silverman, who was not a party to the Malone case (for illegal guardianship), had insider information about the Malone case, and willfully engaged with *ex parte* communications and collusion with federal judge Seibel regarding the sealed case.

Mr. Silverman’s July 27, 2021 letter discloses, in granular detail, Malone’s order from the confidential Malone case, in advance of any order issued. Seibel “ordered” Silverman to provide a federal judge more confidential information about a sealed case as soon as it was available. (A18)

**F. SECOND CIRCUIT OBSTRUCTION OF JUSTICE 21-1818** Second Circuit Clerks denied Petitioner the case number for Petitioner’s appeal from the Swain case for weeks, which was eventually disclosed to be 21-1818. All requests for emergency injunctive relief and access to be heard on *the ex post facto ex parte* Temporary Orders of Protection stemming from the case have been ignored and thus denied.

Clerks deny Petitioner access to electronic filing and willfully mis-categorize Petitioner's filings, lumping them all as "supplemental papers to motion," making docket 21-1818 unruly. (A17) Petitioner's requests to Ms. O'Hagan Wolfe, Clerk of the Court, to correct the misrepresentations and fraud, and to approve Petitioner's electronic filing are ignored and thus denied.

**G. DENYING ACCESS TO MAIL WHILE COURTS AND DEFENDANTS MAIL IMPORTANT DOCUMENTS, SPOILATION OF EVIDENCE:** Defendants in this case deny Petitioner any and all direct communication, yet, upon information and belief, mail documents to Petitioner's home.

All local, state, federal, federal appellate, and US Supreme courts are noticed that the Lubell and Halper courts are denying Petitioner access to her mailbox, which is not on private property. All courts are mailing Petitioner documents to the mailbox. All courts mandate Petitioner is accountable for the instructions, information, and Orders in Petitioner's mail. All courts deny Petitioner access to the court for relief from the clear fraud.

Over five different accounts social media accounts, with evidence of judicial crimes, fraud, harassment, and stalking, which have been used as evidentiary submissions in this case and other federal cases, have been deleted, two since the writ filing. Federal Judge Seibel denies any relief for the spoliation of evidence.

## **II. DEVASTATING AND DESTABALIZING EFFECT ON ALL CITIZENS**

The desecration of an individual's rights to one's children, home, finances, freedoms, right to bear arms, medical autonomy, privacy, and free speech, absent of all due process, via tyrannical judicial orders, has a clear devastating and destabilizing effect on all citizens that requires no further explanation.

#### **IV. FLOOD OF LAWSUITS TO SYSTEM ENCOURAGED BY COURT'S DELAY**

It is improper for this court to delay on adjudication of the constitutionality of mask mandates, violations of Nuremberg code, the government's lack of power to enforce both, guardianships as slavery, and the issue of judicial immunity when these very issues permeate into every aspect of daily life, and have remained at the surface. Surely, it would appear to the fair minded person there is conflict of interest in the courts willful delay as a means to drum up business for the courts, as it is reasonable to expect a flood of lawsuits while the US Supreme court toys with the case and people's lives.

Allowing lawsuits on these critical issues to go forward, and subjecting litigants to the hardships of them, when these issues can be adjudicated forthwith, conflicts with the purpose of the courts as a shield for We The People.

#### **V. THERE ARE NO JURISDICTIONAL BARRIERS TO REVIEW, AND TRIAL WILL NOT AID THIS COURT'S REVIEW**

While Petitioner and my children's right to a trial by jury is clear yet has been denied, accepting this case for US Supreme Court review, when lower courts have denied due process, is an appropriate and necessary sacrifice Petitioner is willing to make. A trial would not clarify anything relevant to the questions presented, except to provide more evidence of the violations of Petitioner's rights. If federal law allows for mask mandates, slavery via guardianship, and violations of the Nuremberg Code, this Court should say so now and allow We The People the opportunity to promptly respond.

The Court has the evidence of the unlawful arrest and imprisonment for no mask, and the catastrophic consequences that have followed. Petitioner can replace

the video evidence that was uploaded and spoliated by the mysterious deletion of Petitioner's social media if this court refuses to stop the destruction of it. This Court should not stay its hand and invite a depletion of resources and time for others enduring the same fate. Basic principles of constitutionality demand granting certiorari to allow for a decision by this Court.

#### **VI. NO COMPROMISE ON OUR INALIENABLE RIGHTS, RESTRICTIONS ON INDIVIDUAL RIGHTS AND MEDICAL FREEDOMS ARE INCREASING**

New, unconstitutional restrictions are being enforced that require citizens to give up one right to exercise others. None can be so clear as the mask and covid restrictions that are imposed in the courts, required for entry to defend your rights, throughout our country. Live Nation is now requiring one give up one's right to privacy or medical autonomy in order to exercise our right to assemble.

We The People will not compromise on our inalienable rights. It is a logical fallacy that a middle ground compromise will lead to the truth. This Court should not tolerate the erosion of protections that Congress and the Supremacy Clause provide, and should take up this case now. Are We The People left to conclude the U.S. Supreme Court's current silence, or failure to accept this case for Writ of Certiorari, is a tacit admission the Supreme Court Justices are culpable for the crimes against humanity now being committed?

## CONCLUSION

It seems impossible that these issues of constitutional law could come to the attention of a stay at home Mother of three but not to the attention of the Justices who defend the Constitution of the United States against all enemies, foreign and domestic.

This Court should grant the petition for writ of certiorari, and partner with We The People to defend the Constitution, or leave We The People to defend the Constitution from this Court.

Respectfully Submitted,

Elizabeth Harding Weinstein

Currently Homeless as Per the Courts  
Please direct all Communications to  
Lizharding1@mac.com 646-261-7685  
Previous Home Address now denied to  
me by the court:  
180 River Rd  
Briarcliff Manor NY 10510

Plaintiff, Pro Se

**Additional material  
from this filing is  
available in the  
Clerk's Office.**