No. _____

In the
Supreme Court of the United States

SAMUEL ARMSTRONG,
Petitioner,
v.

GAVIN NEWSOM; DOES, 1 THROUGH 50,
IN THEIR INDIVIDUAL CAPACITIES, INCLUSIVE,
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

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May 16, 2022

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QUESTIONS PRESENTED

Did Governor Newsom's Executive Order N-33-20, mandating that Californians "stay home" to prevent the spread of COVID-19, violate the rights of petitioner and all similarly-situated Californians guaranteed to them by the Due Process Clause of the Fourteenth Amendment?

In evaluating the due process claim, does *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11 (1905) provide the governing standard, or does a stricter level of scrutiny apply to such emergency measures taken during a proclaimed public crisis, as suggested by more-recent precedent like *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 208 L. Ed. 2d 206 (2020)?

PARTIES TO THE PROCEEDINGS

Petitioner Samuel Armstrong was the plaintiff in the United States District Court and the appellant in the United States Court of Appeals. Respondent Governor Gavin Newsom was the defendant in the District Court and the appellee in the Court of Appeals.

STATEMENT OF RELATED PROCEEDINGS

There are no proceedings in any court that are directly related to this case.

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PETITION FOR A WRIT OF CERTIORARI

Samuel Armstrong petitions this Court for a Writ of Certiorari to review the decision of the Court of Appeals and underlying District Court decision.

A citizen's most valuable asset in our Country is his personal sovereignty, which the Constitution provides may not be infringed without due process. Due process is baked into every aspect of Citizen Armstrong's relationship with government and civil society so that society is largely self-regulating. Accordingly, when the COVID pandemic was realized, private businesses and entities, which entertained forums of mass gatherings such as sports stadiums and entertainment venues, wary of civil liability, suspended operation.

Due process is baked into the California quarantine guidelines. California's Unruh Act provides statutory damages to victims, without proof of actual damages, for civil rights offenses. Governor Newsom was legislatively granted a 14-day state of emergency powers. Using this power, he dictated a stay-at-home order under penalty of criminal prosecution. He then extended the stay-at-home order from14 days to over three months without *any* degree of review or scrutiny.

Citizen Armstrong sued Governor Newsom for civil rights damages. The District and Ninth Circuit courts committed further deprivation of Citizen Armstrong's due process rights by sustaining Governor Newsom's motion to dismiss per Fed. R. Civ. Pr. 12(b)(6), frustrating Citizen Armstrong's due process right to have scrutinized, in a court of law, Governor Newsom's rationale for the stay-at-home order.

OPINIONS BELOW

The December 21, 2021 Opinion of the United States Court of Appeals for the Ninth Circuit is unpublished and appears at Appendix A. The January 11, 2021 Decision of the United States District Court for the Central District of California is unpublished and appears at Appendix B.

JURISDICTION

The Opinion of the Court of Appeals was entered on December 21, 2021. App. A. Appellant filed for a 60 day extension of time, which Justice Kagan granted, extending the time to file this Petition until May 20, 2022. This Court's jurisdiction is invoked under 28 U.S.C.A. § 1254.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Section One of the Fourteenth Amendment to the United States Constitution provides in part, "No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of...liberty...without due process of law."

STATEMENT OF THE CASE

This case involves the constitutionality of a statewide stay-at-home order issued during the COVID-19 pandemic. On March 19, 2020, California Governor Newsom issued Executive Order N-33-20, mandating that Californians "stay home" to prevent the spread of COVID-19.

Petitioner Armstrong filed this lawsuit for civil rights damages under 42 U.S.C § 1983, charging that Governor Newsom's Order violated the rights of petitioner and those of all similarly-situated Californians guaranteed to them by the Due Process Clause of the Fourteenth Amendment.

The Executive Order in Question

On March 13, 2020, President Trump declared a state of emergency and issued "Coronavirus Guidelines for America," which, among other measures, urged the public to "avoid social gatherings in groups of more than 10 people" and to "use drive-thru, pickup, or delivery options" instead of "eating or drinking at bars, restaurants, and food courts." The Center for Disease Control and Prevention concurrently recommended that individuals "stay at home as much as possible" and when in public keep "about 6 feet" away from others." Plaintiff and similarly-situated Californians complied with those federal Guidelines.

Only six days later, however, Governor Newsom issued the statewide residential-confinement order, Executive Order N-33-20, at issue. Governor Newsom summarily ordered plaintiff, and all those similarly situated, to be confined to their respective residences under penalty of being convicted of a criminal misdemeanor carrying a $1,000 fine and/or six months of imprisonment. Governor Newsom's Executive Order provided in part, "To protect public health, I as State Public Health Officer and Director of the California Department of Public Health order all individuals living in the State of California to stay home or at their place of residence except as needed to maintain

continuity of operations of the federal critical infrastructure sectors…"

Plaintiff's Claim

Plaintiff charged that Governor Newsom's Order "applied indiscriminately to plaintiffs, without regard to whether they complied with President Trump's and CDC Guidelines, without regard to danger from [the COVID-19 virus], whether or not they were suspected of harboring an infectious disease, including residents of sparsely populated counties such as Modoc, Lassen, Sierra and Alpine Counties, which haven't had a single case of corona." The Order violated the due process rights of plaintiff and all similarly-situated California residents by precluding them "from exercising their basic liberties including freedom of association, traveling, contracting and earning a living." Plaintiff specified that he "was forbidden from visiting his family members and associates, regardless if anyone was suspected of harboring an infectious disease. He was forbidden from traveling. He was forbidden from attending to his work and servicing his contractual obligations."

Plaintiff was harmed by the Order as "a sovereign law abiding California citizen who has never committed a crime." Plaintiff alleged in his Complaint that he "resides in Los Angeles. He works as a custodian for commercial buildings. The company of plaintiff's family, friends and associates brings comfort and happiness to plaintiff's life. Plaintiff enjoys working for a living and maintaining his sovereignty. He keeps himself healthy and harbors no infectious disease. He enjoys traveling to his house in Northern California."

Yet, as "a direct and proximate result" of Governor Newsom's Executive Order, "plaintiff lost the comfort and society of his family, friends and associates, and lost substantial business and income … He could not travel to his property in Northern California. He could not visit and socialize with his family, friends and associates and lost the comfort of their society." Plaintiff was deprived of his liberty preserved by the Due Process Clause as a result of the "loss of time which can never be replaced…" Plaintiff was subjected to emotional distress and anxiety "as a result of enduring the confinement and without knowing when he may be released." Substantial elements of plaintiff's life were criminalized by the Executive Order, too. "Plaintiff's emotional distress was magnified by the vagueness of the order … which was not objective as to what constitutes essential work or activity, how the order would be enforced, whether his normal social activities will cause him to be a criminal and whether he will lose further liberties," plaintiff charged in his Complaint below.

The Decisions

The District Court granted the Governor's motion to dismiss plaintiff's Third Amended (final) Complaint under Rule 12(b)(6) for failure to state a claim. Appx. 5. The court acknowledged that it must construe plaintiff's complaint in the light most favorable to him by accepting all allegations of material fact as true and drawing all reasonable inferences in his favor. Citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555, 127 S. Ct. 1955, 167 L. Ed. 2d 929 (2007) and *Ashcroft v. Iqbal*, 556 U.S. 662, 678, 129 S. Ct. 1937, 173 L. Ed. 2d

868 (2009), however, the court said that "plaintiff must provide grounds demonstrating its entitlement to relief … this requires that the complaint contains 'sufficient factual matter ... to 'state a claim to relief that is plausible on its face.'" Appx. 5 (citing *Ashcroft*, 556 U.S. at 678, quoting *Bell Atlantic Corp.*, 550 U.S. at 570). The court said that plaintiff's Third Amended Complaint failed that test because "many of the[] allegations are demonstrably false." "While in this latest complaint Armstrong has now specifically alleged where he cannot travel (his other property in Northern California), that allegation is incorrect," the court said. Though plaintiff specified his work as "a custodian for commercial buildings" and detailed in his complaint the actions the Executive Order prohibited him from doing, "temporarily interrupting certain businesses certainly has a 'real or substantial relation' to protecting the public health," the court said, citing this Court's 1905 Opinion in *Jacobson v. Commonwealth of Massachusetts*, 197 U.S. 11, 31, 25 S. Ct. 358, 49 L. Ed. 643 (1905), and Justice Roberts' concurrence in *S. Bay United Pentecostal Church v. Newsom*, 140 S. Ct. 1613, 1613–14, 207 L. Ed. 2d 154 (2020), stating that "Our Constitution principally entrusts '[t]he safety and the health of the people' to the politically accountable officials of the States 'to guard and protect.'" "Where those broad limits are not exceeded, they should not be subject to second-guessing by an 'unelected federal judiciary,' which lacks the background, competence, and expertise to assess public health and is not accountable to the people." Appx 5.

Plaintiff appealed, but the Ninth Circuit affirmed the District Court's 12(b)(6) dismissal of plaintiff's

claim, ruling, "Armstrong's claims are barred by qualified immunity because the Governor did not violate clearly established law." Appx. 1.

> The stay-at-home order did not violate clearly established law. Armstrong does not cite a single case that supports that the March 2020 order violated his due process rights (or that it violated any Constitutional provision or statute) and, at the time, there was no Ninth Circuit or Supreme Court precedent instructing the Governor that he could not issue the order. In March 2020, *Jacobson v. Massachusetts* was the law on the authority of governments in public health emergencies, and the order meets the requirements of that case. 197 U.S. 11, 31 (1905). The order had a real or substantial relation to protecting public health and was not "beyond all question, a plain, palpable invasion of rights secured by the fundamental law." *Id*. at 31.

"Requiring Californians to stay at home was clearly related to the order's stated purpose of 'bend[ing] the curve, and disrupt[ing] the spread of the virus,'" the Ninth Circuit said. Appx. 1. The Ninth Circuit acknowledged that "[l]ater cases" such as *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 66, 208 L. Ed. 2d 206 (2020) "call into question some aspects of *Jacobson*," but noted that such precedent was "not decided when the Governor issued the March 2020 order" in question in this case. "The Governor had no reason to believe his actions were unconstitutional and, therefore, he is immune from personal liability," the

Ninth Circuit said. Plaintiff likewise failed to establish "a valid vagueness claim" as well, because Governor Newsom's Order "gave a 'person of ordinary intelligence a reasonable opportunity to know what is prohibited,'" the court said. Appx. 1 (quoting *Grayned v. City of Rockford*, 408 U.S. 104, 108, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972)).

REASONS FOR GRANTING THE PETITION

The Court should grant Certiorari to clarify the limits the Due Process Clause of the Fourteenth Amendment imposes on claimed emergency measures taken by state executives during a proclaimed public crisis.

More than 100 years ago in *Jacobson*, 197 U.S. at 27, the Court said that "under the pressure of great dangers," individual constitutional rights *may* be reasonably restricted "as the safety of the general public *may* demand." (emphasis added). State action "purporting to have been enacted to protect the public health, the public morals, or the public safety" must have a "real or substantial relation to those objects" claimed, 197 U.S. at 31. Constitutional rights may only be *reasonably* restricted "as the safety of the general public may demand," *Jacobson*, 197 U.S. 29.

More recently, however, the Court has emphasized that "[e]ven in a pandemic, the Constitution cannot be put away and forgotten," *Roman Cath. Diocese of Brooklyn v. Cuomo*, 141 S. Ct. 63, 208 L. Ed. 2d 206 (2020); *see Roman Catholic Diocese of Brooklyn*, 141 S. Ct. at 74 (Kavanaugh, J., concurring) ("judicial

deference in an emergency or a crisis does not mean wholesale judicial abdication."); *cf.* Lindsay F. Wiley & Stephen I. Vladeck, *Coronavirus, Civil Liberties, and the Courts: The Case Against "Suspending" Judicial Review*, 133 Harv. L. Rev. F. 179, 183 (2020). Rights secured by the Constitution "do not disappear" during a crisis, *cf. In re Abbott*, 954 F.3d 772, 784 (5th Cir. 2020), *cert. granted*, *judgment vacated sub nom. as moot Planned Parenthood Ctr. for Choice v. Abbott*, 141 S. Ct. 1261, 209 L. Ed. 2d 5 (2021).

In *Roman Catholic Diocese of Brooklyn*, the Court enjoined the enforcement of a New York executive order that placed restrictions on in-person religious services in a claimed effort to combat COVID-19. 141 S. Ct. at 65–66. The Court undertook a traditional tiers-of-scrutiny analysis of the plaintiffs' First Amendment free exercise claims, concluding that strict scrutiny applied because the executive order targeted religious services. *Id.* at 66–67. Though "[s]temming the spread of COVID is unquestionably a compelling interest," the Court ruled that the restrictions were not narrowly tailored and, therefore, did not pass constitutional muster. *Id.* at 67.

Since *Roman Catholic Diocese*, some courts have declined to apply the *Jacobson* framework to challenges brought under the First Amendment, *see, e.g.*, *Amato v. Elicker*, 534 F. Supp. 3d 196 (D. Conn. 2021). Others have limited *Roman Catholic Diocese* to First Amendment free exercise challenges, *see Jones v. Cuomo*, 542 F. Supp. 3d 207 (S.D.N.Y. 2021) (collecting cases in this and other circuits); *Hopkins Hawley LLC v. Cuomo*, 518 F. Supp. 3d 705, 712–13 (S.D.N.Y. 2021).

Other courts have noted the doubts that *Roman Catholic Diocese* raises about *Jacobson*'s continued applicability. *Hopkins Hawley LLC*, 518 F. Supp. 3d at 712.

The Court should clarify for lower courts whether *Jacobson* still provides the correct legal framework for examining executive actions such as Governor Newsom's in this case, *see, e.g.*, *Agudath Israel of Am. v. Cuomo*, 983 F.3d 620, 635–36 (2d Cir. 2020) ("In *Jacobson*, the Supreme Court upheld a mandatory vaccination law against a substantive due process challenge. *Jacobson* predated the modern constitutional jurisprudence of tiers of scrutiny, was decided before the First Amendment was incorporated against the states, and 'did not address the free exercise of religion.' Indeed, the *Jacobson* Court itself specifically noted that 'even if based on the acknowledged police powers of a state,' a public-health measure 'must always yield in case of conflict with ... any right which [the Constitution] gives or secures.'")

The Court should clarify whether *Roman Catholic Diocese* limits *Jacobson*'s relevance in all or only some Constitutional claims arising from the pandemic. *See, e.g.*, *Big Tyme Invs., L.L.C. v. Edwards*, No. 20-30526, 2021 WL 118628 (5th Cir. Jan. 13, 2021) (Willet, J., concurring) (stating *Jacobson* has been displaced); *Plaza Motors of Brooklyn, Inc. v. Cuomo*, No. 20CV4851WFKSJB, 2021 WL 222121, at *5 (E.D.N.Y. Jan. 22, 2021) (concluding *Jacobson* has been abrogated). Or does the Court's analysis in *Roman Catholic Diocese* apply only to First Amendment claims?

Cf. Delaney v. Baker, 511 F. Supp. 3d 55, 72–73 (D. Mass. 2021) (applying both *Jacobson* and traditional Constitutional analysis and noting, "Last month, in *Roman Catholic Diocese of Brooklyn*, the Supreme Court shed some light on this debate without resolving it. Without overruling *Jacobson*, the Supreme Court applied the tiers of scrutiny to enjoin the governor of New York").

The Court should clarify whether *Jacobson*'s deferential standard of judicial review applies to cases such as this one challenging Governor Newsom's executive action. *Jacobson* is more than a century old and predates many of the doctrinal developments in modern Constitutional law enforcing individual constitutional rights against state action. *Roman Catholic Diocese of Brooklyn*, 141 S. Ct. at 70 (Gorsuch, J., concurring); *Big Tyme Investments, L.L.C.*, 2021 WL 118628 (Willet, J., concurring) ("*Jacobson* was decided 116 years ago. And I do not believe it supplies the standard by which courts in 2021 must assess emergency public health measures."); *Agudath Israel of America*, 983 F.3d at 635.

The Court should clarify the level of constitutional scrutiny that applies to claims challenging such state actions, *cf. Adarand Constructors, Inc. v. Pena*, 515 U.S. 200, 115 S. Ct. 2097, 132 L. Ed. 2d 158 (1995) (noting if governmental action infringes upon fundamental right, strict scrutiny applies and requires showing that challenged state action is narrowly tailored to further compelling governmental interest). *Jacobson* states that an emergency may justify only *temporary* constraints which also must be reasonably

restricted and tailored – with a real or substantial relation to the claimed crisis. *Jacobson* states that other constitutional limitations continue to constrain the government, *Jacobson*, 197 U.S. at 25 (emergency public health powers of the State remain subject "to the condition that no rule . . . shall contravene the Constitution of the United States, nor infringe any right granted or secured by that instrument"). Here, Governor Newsom continued his residential-confinement order despite the Federal Government's contrary directives, and despite that plaintiff and the other similarly-situated citizens of California abided by the supreme Federal Guidelines by wearing masks, social distancing, maintaining germ-free premises, etc. Governor Newsom directed his residential confinement order to all citizens regardless of their age and health condition, and despite that 90% of COVID-19 hospitalizations involved people with severe underlying conditions (and over 99% of COVID-19 deaths were due to severe underlying conditions as plaintiff specified in his claim below). Governor Newsom issued his Executive Order without any limitation on its scope and duration.

Indeed, while dismissing plaintiff's due process claim on its face, the district and circuit courts disregarded that only twice has this Court approved of the suspension of fundamental constitutional rights – both during war time. *See Ex parte Milligan*, 71 U.S. 2, 18 L. Ed. 281 (1866) (permitting imprisonment of citizen by court-martial without jury trial); *Korematsu v. United States*, 323 U.S. 214, 65 S. Ct. 193, 89 L. Ed. 194 (1944) (permitting internship of citizens of Japanese descent during World War II), *abrogated by*

Trump v. Hawaii, 138 S. Ct. 2392, 201 L. Ed. 2d 775 (2018). Governor Newsom's Executive Order at issue in this case was not issued during a comparable crisis. The Court has never condoned deprivation of the citizen's right to be free of confinement without due process during peace time. *Ex parte Milligan*, 71 U.S. 2, itself stressed that the Founding Fathers took into consideration the fact that emergency circumstances would arise where leaders would seek to deprive persons of their rights, and because of that, created the Bill of Rights. "Those great and good men [the Founding Fathers] foresaw that troublous times would arise, when rulers and people would become restive under restraint and seek by sharp and decisive measures to accomplish ends deemed just and proper; and that the principles of constitutional liberty would be in peril, unless established by irrepealable law." *Id.* at 120. "No doctrine, involving more pernicious consequences, was ever invented by the wit of man than that any provisions [of the Bill of Rights] can be suspended during any of the great exigencies of government…" *See also Home Bldg. & Loan Ass'n v. Blaisdell*, 290 U.S. 398 (1934) ("The Constitution was adopted in a period of grave emergency. Its grants of power to the federal government and its limitations of the power of the States were determined in the light of emergency, and they are not altered by emergency… even the war power does not remove constitutional limitations safeguarding essential liberties").

Even if *Jacobson* continues to provide in whole or in part the governing standard, the district and circuit court rulings in this case failed to abide by the fundamental limits on state power even in times of

claimed emergency – disregarding *Jacobson*'s limitation that even state action "purporting to have been enacted to protect the public health, the public morals, or the public safety" must have a "real or substantial relation to those objects" claimed, 197 U.S. at 31, and can only *reasonably* restrict constitutional rights "as the safety of the general public may demand,'" *Jacobson*, 197 U.S. at 29.

The district and circuit courts disregarded the constitutional limitations set forth in *Jacobson*, 197 U.S. 11, by dismissing plaintiff's due process claim on its face without any inquiry into the reasonableness or the "real or substantial relation" limits that *Jacobson* itself prescribes, this Court should hold and clarify. Governor Newsom's order has insufficient "real or substantial relation to" his stated object of protecting the California public from COVD-19 and is not reasonably restricted to achieve the stated goal. The Order called for a mass quarantine period of 14 days based upon medical authority, ostensibly so that medical authorities could identify the sources of corona infections and thereafter enact targeted and rational measures to control its spread. Yet Governor Newsom extended the residential-confinement order ninety days and did not rescind the order. Governor Newsom's Order infringed California's own Constitution and other California legal standards providing that to sustain the quarantine of a person alleged to have a disease, there must be probable cause to believe that the person has a communicable infectious disease requiring the quarantine. The mass quarantine is particularly irrational in light of California's open borders policy. Governor Newsom required residential

confinement while, at the same time, relaxing the sale of alcohol that compromises immunity from such viruses, and while reopening beaches where citizens use common public restrooms and facilities. Governor Newsom claimed to derive his authority from health officials, yet his Order violates the procedures specified in the "Health Officer Practice Guide for Communicable Disease Control in California" mandating that such orders must be consistent with applicable constitutional requirements.

The Court should grant Certiorari to clarify the related problem of constitutional vagueness as well. The test whether the act "standing alone or as construed, made it reasonably clear at the relevant time that the defendant's conduct was criminal." *McBoyle v. United States*, 283 U.S. 25, 27, 51 S. Ct. 340, 75 L. Ed. 816 (1931). This Court has stressed that the more important aspect of the vagueness doctrine "is not actual notice, but the other principal element of the doctrine – the requirement that a legislature establish minimal guidelines to govern law enforcement." *Smith v. Goguen*, 415 U.S. 566, 574, 94 S. Ct. 1242, 39 L. Ed. 2d 605 (1974). To avoid contravening the void-for-vagueness doctrine, the state action must contain "relatively clear guidelines as to prohibited conduct" and provide "objective criteria" to evaluate whether a crime has been committed" – including the important defining element of criminal intent or *mens rea*. *Colautti v. Franklin*, 439 U.S. 379, 395, 99 S. Ct. 675, 58 L. Ed. 2d 596 (1979). Governor Newsom's Executive Order does not pass that test. It contains no defined *mens rea* at all. Neither law enforcement nor citizens

can objectively recognize when a crime of violating the Executive Order is committed.

Finally, the courts below so ruled on a Rule 12(b)(6) motion while characterizing some of plaintiff's allegations as "demonstrably false" – which this Court should clarify exceeds a court's scope of review on a Rule 12(b)(6) motion. The District Court credited "facts" the Governor's lawyers submitted to the District Court in support of its Rule 12(b)(6) motion. Crediting these "facts" on a 12(b)(6) motion contravenes the governing standard under *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, and *Ashcroft v. Iqbal*, 556 U.S. 662 (providing that complaint need only contain "sufficient factual matter ... to 'state a claim to relief that is plausible on its face'" to withstand pleadings dismissal). Plaintiff set forth in his Third Amended Complaint well-pleaded facts showing that Governor Newsom's Order conflicted with the Federal Guidelines that President Trump had issued only six days before – which did not require residential confinement. Plaintiff emphasized his inability to maintain a steady income because of the Executive Order – a deprivation of his due process right, *see Allgeyer v. State of La.*, 165 U.S. 578, 589, 17 S. Ct. 427, 41 L. Ed. 832 (1897) (stressing liberty interest grants citizen right to "live and work where he will; to earn his livelihood by any lawful calling" and "to pursue any livelihood or avocation"). The District Court's procedure also violated Fed. R. Civ. P. 56 by effectively converting the Governor's motion to dismiss into one for summary judgment without the required notice to plaintiff and his counsel. Taking judicial notice of "facts" claimed by the defendant on a Rule 12(b)(6) motion grossly exceeds the

review that a district court is supposed to employ under the Federal Rules of Civil Procedure, the Court also should clarify by grant of Certiorari here.

CONCLUSION

As Justice Harlan stressed more than 100 years ago and several members of the current Court stressed only last year, "the Constitution is not to be obeyed or disobeyed as the circumstances of a particular crisis ... may suggest[.]" *Downes v. Bidwell*, 182 U.S. 244, 384, 21 S.Ct. 770, 45 L.Ed. 1088 (1901) (Harlan, J., dissenting); *Dr. A v. Hochul*, 142 S. Ct. 552, 559 (2021). The Court should grant this Petition for a Writ of Certiorari to clarify the limits that the Due Process Clause of the Fourteenth Amendment imposes on state actions taken during such proclaimed public crises that our Country will no doubt endure again in the future.

Respectfully submitted,

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Dated: May 16, 2022