

No. 21-6172

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

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

- vs. -

Plaintiff

United States Department of Intelligence Agencies, (ODNI) et al

Defendant

FILED

OCT 26 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

**APPLICATION FOR CONSIDERATION TO THE  
HONORABLE SUPREME COURT JUSTICE BRETT KAVANAUGH  
FOR WRITS OF MANDAMUS IN THE  
EIGHTH CIRCUIT COURT OF APPEALS  
(RULE 22)**

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In Re: Justin Paul Sulzner

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Justin Paul Sulzner, Pro Se  
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## **QUESTIONS PRESENTED**

- 1. Whether the 8th Circuit Appellate Court should have granted emergency injunctive reliefs against an ODNI covert community operating inside the CCJW, when proof is available that past ODNI covert operations were conducted for multiple decades within CCJW.**

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## **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.

## JURISDICTION

This petition is for the 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 was denied on September 1st, 2021. An 8th Circuit En Banc rehearing was requested by Plaintiff, but was only given a 3 panel rehearing. The 3 panel rehearing was denied. A week later the En Banc hearing was denied! The Appeal to the 8th Circuit Court was affirmed on October 22nd, 2020. The order of the Iowa Northern District Court was denied on June 6th, 2021.

## 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

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. The Judge would not move forward with the Plaintiffs claim that there are still are impostors within the CCJW knowing it is easier to dispense with this legal case by using inflammatory adjectives like "conclusory in nature", "conclusory statements" "conclusory statement without citation of facts" "conclusory allegations" "speculation, conjecture and conclusions without foundation"

Rather than order innocuous writs of mandamus requested to truly discover the facts behind this ODNI ongoing operation, Judge C.J. Williams has ignored the hard NARA facts presented to him on past ODNI covert operations, and is seeking to keep current ODNI operations from discovery.

#### **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 blatantly 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. The ACLU said : Seek more proof of the government’s intrusion !

In the next four months, 18 FOIA’s were filed for more information on ODNI communities within the CCJW.

National Archives (NARA) responded to the FOIA and confirmed TWO covert ODNI intelligence operations 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”)

In May, 2021, a state of Iowa complaint was filed against ODNI. It was moved to the Iowa N. District Federal Court by the Assistant Attorney. Plaintiff alleges ODNI operatives were still inside the CCJW and requested 6 injunctive reliefs after discovering 2 active intelligence operations directed by ODNI within CCJW over 56 years. Mr. Sulzner twice requested attorney assistance from the Court and notified both Courts early concerning his mental disability.

This religious freedom 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. In the first case brought before the U.S. Supreme Court (**20-7660**), The Iowa N. District didn't care and said it was just a "conspiracy theory." and used this as one reason for dismissal. An appeal was filed with the 8th Circuit Court of Appeals. They didn't care either and affirmed the Iowa N. District ruling. More information is yet to be discovered, and it will unquestionably affect other innocent bystanders. The NARA information is indisputable. These ODNI impostors also hold normal jobs within our communities, affecting others who they contact that are 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 from ODNI ?

#### 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.

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

**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 MULTIPLE 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 reliefs 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. If applicable and valid, the effects would span centuries for individuals desiring to worship freely without secret, caustic government intervention.

## CONCLUSION

**Yes, I am one of those “treasonous” Jehovah’s Witnesses, relentlessly known for filing 1st Amendment complaints with the U.S. Supreme Court to secure religious freedom 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!**

The petition for writs of mandamus requesting orders of injunctive relief against ODNI should be granted under these unusual circumstances. (Rule #22)

This petition complies with the Rule #14, #18, #20 and #33 - Rules of the Supreme Court and has 2440 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 23rd day of September, 2021

/s/ Justin Paul Sulzner

Justin P. Sulzner, Pro Se

3315 Williams Blvd. Suite 2-242

Cedar Rapids, Iowa 52404

319-213-7608

**INDEX TO APPENDIX A - LOWER COURT FILINGS**

Iowa N. District Court & 8th Cir Court of Appeals  
(1:20 - CV- 43 -CJW - MAR) ( 21 - 2777 )

**IN THE UNITED STATES SUPREME COURT**

IN THE MATTER OF:  
JUSTIN PAUL SULZNER  
Plaintiff(s)  
vs.  
AND CONCERNING:  
ODNI, et al  
Defendant(s)

**MOTION TO FILE AND  
PROCEED IN FORMA PAUPERIS**

**FROM 8th CIRCUIT APPELLATE COURT**

**CASE NO. 21-2777**

Plaintiff(s) )  
                  )  
                  )  
                  )  
vs.             )  
                  )  
AND CONCERNING: )  
                  )  
                  )  
ODNI, et al    ... )  
                  )  
                  )  
Defendant(s)    )

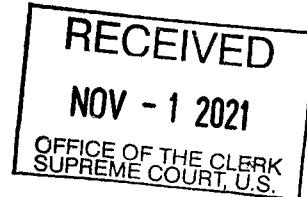
**CASE NO. 21-2777**

COMES NOW, THE PLAINTIFF, AND APPLIES TO THE UNITED STATES SUPREME COURT and states as follows:

This case was filed in a timely fashion and USPS did not deliver the first complaint to the Supreme Court. Documentation is provided, if timeliness is a factor.

Plaintiff requests any filing fees associated with this judicial case be waived, as the request and application to file in forma pauperis is considered by the U.S. Supreme Court.

Leave has currently been granted for *in forma pauperis* cases considered in the 8th Circuit Appellate Court and Iowa Northern District Court.



I, JUSTIN PAUL SULZNER, REQUEST THE DISTRICT COURT TO GRANT THIS MOTION AND ATTACHES AFFIDAVIT TO CERTIFY UNDER THE PENALTY OF PERJURY THAT THE STATED INFORMATION IS TRUE AND CORRECT.

/s/ Justin Paul Sulzner \_\_\_\_\_ DATE : October 26th, 2021

RESPECTFULLY REQUESTED -

Justin P. Sulzner  
3315 WILLIAMS Blvd. SW - Suite 2-242  
Cedar Rapids, IA 52404 - (319) 213-7608  
/s/ Justin P. Sulzner

**AFFIDAVIT FOR IN FORMA PAUPERIS REQUEST**

RESPECTFULLY SUBMITTED:

JUSTIN P. SULZNER  
3315 Williams Blvd. SW - Suite 2-242  
CEDAR RAPIDS, IOWA 52404  
319-213-7608

STATE OF IOWA -        )  
COUNTY OF LINN        )

I, JUSTIN PAUL SULZNER, BEING FIRST DULY SWORN UPON OATH, DEPOSE AND STATE THAT I HAVE READ the following request for hearing and complaint, and that the statements and certify under penalty of perjury and pursuant to the laws of the State of Iowa that the preceding is true and correct.

/s/ Justin P. Sulzner

SUBSCRIBED AND SWORN TO before me this 26 day  
of October 2021.

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