

No. 22-1028

Supreme Court, U.S.
FILED

APR 19 2023

OFFICE OF THE CLERK

In The
Supreme Court of the United States

—◆—
LOY ARLAN BRUNSON,

Petitioner,

v.

ALMA S. ADAMS, et, al.,

Respondents.

—◆—
**On Petition for Writ of Certiorari
To The United States Court Of Appeals
For The Tenth Circuit**

—◆—
**RULE 11
PETITION FOR A WRIT OF CERTIORARI**

—◆—
Loy Arlan Brunson
55 North Merchant St. #1631
American Fork, UT 84003
Phone: 801-375-3278
Petitioner in pro se

QUESTIONS PRESENTED

"It is emphatically the province and duty of the judicial department to say what the law is." *Marbury v Madison*, 5 US 137 (1 Cranch) (1803).

If it is the province and duty of this Court to say what the law is, then due to the nature of this case, which exposes a current ongoing serious national security breach affecting both Canada and Mexico, and being that there exists no other remedy in play that could cure this breach, and being that an emergency exists to cure this breach immediately, doesn't this Court, by authority of the oath of office and other judicial factors have the power to cure this breach immediately?

Also, if the oath of office emphatically on its face mandates the province of duty for allegiance to protect and defend the Constitution against all enemies foreign and domestic, and when this Court is faced with a domestic enemy, as shown in this case, that is attacking the Constitution, then doesn't this Court have the full authority and duty to cure this attack by fully adjudicating this case, especially when nothing else is in play to cure it?

Also, can Congress count votes under Amendment XII if allegations arise that there is a breach in the electoral process, especially when a breach in the electoral process has the same effect as war, which is to put into power its victor? By counting the votes without first investigating the allegations of this breach, isn't that an act of giving aid and comfort to this breach which is an enemy of the Constitution, a violation of the oath of office, an act of treason?

Also, isn't the said breach an act of war? This Honorable Court has already ruled that one need not pick

up arms in order to “levy war” in US v Burr (1807) 4 Cranch (8 US) 4669, 2 L.Ed. 684.

Also, how can Congress pass laws that protect themselves when they violate their oath of office?

Also, if jurisprudence teaches that it’s a crime to make laws to protect a crime, then when Congress passes laws that protect themselves from their own violation of their oath, isn’t that on its face a violation of their oath?

If treason is found in giving aid and comfort to enemies of the Constitution, and if misprision of treason is the concealment of treason, or if having knowledge of the commission of treason while failing or refusing to disclose the same to a judge or proper authority, then isn’t the trial judge, who dismissed this case with no explanation, guilty of misprision of treason due to the fact that this case factually exposes acts of treason by the Respondents? And wouldn’t misprision of treason extend to all those who help effectuate the dismissal of this case?

Also, if fraud vitiates everything that it touches, and if giving aid and comfort to enemies of the Constitution is also an act of fraud, then when Congress met under Amendment XII to count the votes, and when they didn’t investigate the founded claims of a breach of the electoral process, then what Congress participated in was a war party in order to put into power their victor from this breach, therefore they did not participate under authority of Amendment XII because didn’t fraud vitiate it?

Also, because this case exposes the Respondents in giving aid and comfort to an enemy of the Constitution, and because this is also an act of fraud on their part, didn’t this fraud vitiate all their legal theories used to dismiss this case in the trial court?

Also, because Brunson's right to seek a redress of grievances is protected by Amendment I of the Constitution, and because Brunson has the right, and patriotic duty under an implied oath, that we all have, to protect the Constitution and himself against enemies of the Constitution, doesn't this alone sustain Brunson's Article III standing? To claim otherwise doesn't that give aid and comfort to enemies of the Constitution?

Also, due to the nature of this case that exposes a serious national security threat that is ongoing, and in light of the allegiance to the Oath of Office, doesn't this moot any civil procedure rules like rule 12, or the Federal Tort Claims Act, or other legal theories used to dismiss this case in order to avoid giving aid and comfort to enemies of the Constitution?

Also, when the Respondents made claims that Brunson doesn't have Article III standing, isn't that just an act to strip Brunson of his right to seek a redress of grievances under the nature of this case along with his right to protect himself from the Respondents whom Brunson has factually alleged are enemies of the Constitution?

Also, how can one of the Respondents make a threat to several members of this Court and not be removed from office under this case?

Also, how can the trial court close its doors under the doctrine of equitable maxim without it being a violation of the object principle of justice?

These serious conflicts on a national level call for the supervisory power of this Court to resolve these conflicts, which has not, but should be, settled by this Court.

PARTIES TO THE PROCEEDING

Petitioner Loy Arlan Brunson is an individual representing himself and is a Plaintiff in the trial court and in the Petitioner in this petition.

The following Respondents, 388 of them, are a party to this action and are defendants in the trial court:

Named persons in their capacities as United States House Representatives: ALMA S. ADAMS; PETE AGUILAR; COLIN Z. ALLRED; MARK E. AMODEI; KELLY ARMSTRONG; JAKE AUCHINCLOSS; CYNTHIA AXNE; DON BACON; TROY BALDERSON; ANDY BARR; NANETTE DIAZ BARRAGÁN; KAREN BASS; JOYCE BEATTY; AMI BERA; DONALD S. BEYER JR.; GUS M. ILIRAKIS; SANFORD D. BISHOP JR.; EARL BLUMENAUER; LISA BLUNT ROCHESTER; SUZANNE BONAMICI; CAROLYN BOURDEAUX; JAMAAL BOWMAN; BRENDAN F. BOYLE; KEVIN BRADY; ANTHONY G. BROWN; JULIA BROWNLEY; VERN BUCHANAN; KEN BUCK; LARRY BUCSHON; CORI BUSH; CHERI BUSTOS; G. K. BUTTERFIELD; SALUD O. CARBAJAL; TONY CÁRDENAS; ANDRÉ CARSON; MATT CARTWRIGHT; ED CASE; SEAN CASTEN; KATHY CASTOR; JOAQUIN CASTRO; LIZ CHENEY; JUDY CHU; DAVID N. CICILLINE; KATHERINE M. CLARK; YVETTE D. CLARKE; EMANUEL CLEAVER; JAMES E. CLYBURN; STEVE COHEN; JAMES COMER; GERALD E. CONNOLLY; JIM COOPER; J. LUIS CORREA; JIM COSTA; JOE COURTNEY; ANGIE CRAIG; DAN CRENSHAW; CHARLIE CRIST; JASON CROW; HENRY CUELLAR; JOHN R. CURTIS; SHARICE DAVIDS; DANNY K. DAVIS; RODNEY DAVIS; MADELEINE DEAN; PETER A. DEFAZIO; DIANA DEGETTE; ROSAL DELAURO; SUZAN K. DELBENE; ANTONIO DELGADO; VAL BUTLER DEMINGS; MARK DESAULNIER; THEODORE E. DEUTCH; DEBBIE

DINGELL; LLOYD DOGGETT; MICHAEL F. DOYLE;
TOM EMMER; VERONICA ESCOBAR; ANNA G. ESHOO;
ADRIANO ESPAILLAT; DWIGHT EVANS; RANDY
FEENSTRA; A. DREW FERGUSON IV; BRIAN K.
FITZPATRICK; LIZZIE LETCHER; JEFF
FORTENBERRY; BILL FOSTER; LOIS FRANKEL;
MARCIA L. FUDGE; MIKE GALLAGHER; RUBEN
GALLEGO; JOHN GARAMENDI; ANDREW R.
GARBARINO; SYLVIA R. GARCIA; JESÚS G. GARCÍA;
JARED F. GOLDEN; JIMMY GOMEZ; TONY GONZALES;
ANTHONY GONZALEZ; VICENTE GONZALEZ; JOSH
GOTTHEIMER; KAY GRANGER; AL GREEN; RAÚL M.
GRIJALVA; GLENN GROTHMAN; BRETT GUTHRIE;
DEBRA A. HAALAND; JOSH HARDER; ALCEE L.
HASTINGS; JAHANA HAYES; JAIME HERRERA
BEUTLER; BRIAN HIGGINS; J. FRENCH HILL; JAMES
A. HIMES; ASHLEY HINSON; TREY HOLLINGSWORTH;
STEVEN HORSFORD; CHRISSY HOULAHAN; STENY H.
HOYER; JARED HUFFMAN; BILL HUIZENGA; SHEILA
JACKSON LEE; SARA JACOBS; PRAMILA JAYAPAL;
HAKEEM S. JEFFRIES; DUSTY JOHNSON; EDDIE
BERNICE JOHNSON; HENRY C. JOHNSON JR.;
MONDAIRE JONES; DAVID P. JOYCE; KAIALI'I
KAHELE; MARCY KAPTUR; JOHN KATKO; WILLIAM R.
KEATING; RO KHANNA; DANIEL T. KILDEE; DEREK
KILMER; ANDY KIM; YOUNG KIM; RON KIND; ADAM
KINZINGER; ANN KIRKPATRICK; RAJA
KRISHNAMOORTHY; ANN M. KUSTER; DARIN
LAHOOD; CONOR LAMB; JAMES R. LANGEVIN; RICK
LARSEN; JOHN B. LARSON; ROBERT E. LATTA; JAKE
LATURNER; BRENDA L. LAWRENCE; AL LAWSON JR.;
BARBARA LEE; SUSIE LEE; TERESA LEGER
FERNANDEZ; ANDY LEVIN; MIKE LEVIN; TED LIEU;
ZOE LOFGREN; ALAN S. LOWENTHAL; ELAINE G.
LURIA; STEPHEN F. LYNCH; NANCY MACE; TOM
MALINOWSKI; CAROLYN B. MALONEY; SEAN
PATRICK MALONEY; KATHY E. MANNING; THOMAS
MASSIE; DORIS O. MATSUI; LUCY MCBATH; MICHAEL

T. MCCAUL; TOM MCCLINTOCK; BETTY MCCOLLUM;
A. ADONALD MCEACHIN; JAMES P. MCGOVERN;
PATRICK T. MCHENRY; DAVID B. MCKINLEY; JERRY
MCNERNEY; GREGORY W. MEEKS; PETER MEIJER;
GRACE MENG; KWEISI MFUME; MARIANNETTE
MILLER-MEEKS; JOHN R. MOOLENAAR; BLAKE D.
MOORE; GWEN MOORE; JOSEPH D. MORELLE;
SETH MOULTON; FRANK J. MRVAN; STEPHANIE N.
MURPHY; JERROLD NADLER; GRACE F.
NAPOLITANO; RICHARD E. NEAL; JOE NEGUSE; DAN
NEWHOUSE; MARIE NEWMAN; DONALD NORCROSS;
ALEXANDRIA OCASIO-CORTEZ; TOM O'HALLERAN;
ILHAN OMAR; FRANK PALLONE JR.; JIMMY
PANETTA; CHRIS PAPPAS; BILL PASCRELL JR.;
DONALD M. PAYNE JR.; NANCY PELOSI; ED
PERLMUTTER; SCOTT H. PETERS; DEAN PHILLIPS;
CHELLIE PINGREE; MARK POCAN; KATIE PORTER;
AYANNA PRESSLEY; DAVID E. PRICE; MIKE
QUIGLEY; JAMIE RASKIN; TOM REED; KATHLEEN M.
RICE; CATHY MCMORRIS RODGERS; DEBORAH K.
ROSS; CHIP ROY; LUCILLE ROYBAL-ALLARD; RAUL
RUIZ; C. A. DUTCH RUPPERSBERGER; BOBBY L.
RUSH; TIM RYAN; LINDA T. SÁNCHEZ; JOHN P.
SARBANES; MARY GAY SCANLON; JANICE D.
SCHAKOWSKY; ADAM B. SCHIFF; BRADLEY SCOTT
SCHNEIDER; KURT SCHRADER; KIM SCHRIER;
AUSTIN SCOTT; DAVID SCOTT; ROBERT C. SCOTT;
TERRI A. SEWELL; BRAD SHERMAN; MIKIE
SHERRILL; MICHAEL K. SIMPSON; ALBIO SIRES;
ELISSA SLOTKIN; ADAM SMITH; CHRISTOPHER H.
SMITH; DARREN SOTO; ABIGAIL DAVIS
SPANBERGER; VICTORIA SPARTZ; JACKIE SPEIER;
GREG STANTON; PETE STAUBER; MICHELLE STEEL;
BRYAN STEIL; HALEY M. STEVENS; STEVE STIVERS;
MARILYN STRICKLAND; THOMAS R. SUOZZI; ERIC
SWALWELL; MARK TAKANO; VAN TAYLOR; BENNIE
G. THOMPSON; MIKE THOMPSON; DINA TITUS;
RASHIDA TLAIB; PAUL TONKO; NORMA J. TORRES;

RITCHIE TORRES; LORI TRAHAN; DAVID J. TRONE; MICHAEL R. TURNER; LAUREN UNDERWOOD; FRED UPTON; JUAN VARGAS; MARC A. VEASEY; FILEMON VELA; NYDIA M. VELÁZQUEZ; ANN WAGNER; MICHAEL WALTZ; DEBBIE WASSERMAN SCHULTZ; MAXINE WATERS; BONNIE WATSON COLEMAN; PETER WELCH; BRAD R. WENSTRUP; BRUCE WESTERMAN; JENNIFER WEXTON; SUSAN WILD; NIKEMA WILLIAMS; FEDERICA S. WILSON; STEVE WOMACK; JOHN A. YARMUTH; DON YOUNG; the following persons named are for their capacities as U.S. Senators; TAMMY BALDWIN; JOHN BARRASSO; MICHAEL F. BENNET; MARSHA BLACKBURN; RICHARD BLUMENTHAL; ROY BLUNT; CORY A. BOOKER; JOHN BOOZMAN; MIKE BRAUN; SHERROD BROWN; RICHARD BURR; MARIA CANTWELL; SHELLEY CAPITO; BENJAMIN L. CARDIN; THOMAS R. CARPER; ROBERT P. CASEY JR.; BILL CASSIDY; SUSAN M. COLLINS; CHRISTOPHER A. COONS; JOHN CORNYN; CATHERINE CORTEZ MASTO; TOM COTTON; KEVIN CRAMER; MIKE CRAPO; STEVE DAINES; TAMMY DUCKWORTH; RICHARD J. DURBIN; JONI ERNST; DIANNE FEINSTEIN; DEB FISCHER; KIRSTEN E. GILLIBRAND; LINDSEY GRAHAM; CHUCK GRASSLEY; BILL HAGERTY; MAGGIE HASSAN; MARTIN HEINRICH; JOHN HICKENLOOPER; MAZIE HIRONO; JOHN HOEVEN; JAMES INHOFE; RON JOHNSON; TIM KAINE; MARK KELLY; ANGUS S. KING, JR.; AMY KLOBUCHAR; JAMES LANKFORD; PATRICK LEAHY; MIKE LEE; BEN LUJAN; CYNTHIA M. LUMMIS; JOE MANCHIN III; EDWARD J. MARKEY; MITCH MCCONNELL; ROBERT MENENDEZ; JEFF MERKLEY; JERRY MORAN; LISA MURKOWSKI; CHRISTOPHER MURPHY; PATTY MURRAY; JON OSSOFF; ALEX PADILLA; RAND PAUL; GARY C. PETERS; ROB PORTMAN; JACK REED; JAMES E. RISCH; MITT ROMNEY; JACKY ROSEN; MIKE ROUNDS; MARCO RUBIO; BERNARD SANDERS; BEN

SASSE; BRIAN SCHATZ; CHARLES E. SCHUMER; RICK SCOTT; TIM SCOTT; JEANNE SHAHEEN; RICHARD C. SHELBY; KYRSTEN SINEMA; TINA SMITH; DEBBIE STABENOW; DAN SULLIVAN; JON TESTER; JOHN THUNE; THOM TILLIS; PATRICK J. TOOMEY; HOLLEN VAN; MARK R. WARNER; RAPHAEL G. WARNOCK; ELIZABETH WARREN; SHELDON WHITEHOUSE; ROGER F. WICKER; RON WYDEN; TODD YOUNG; JOSEPH ROBINETTE BIDEN JR in his capacity of President of the United States; MICHAEL RICHARD PENCE in his capacity as former Vice President of the United States, and KAMALA HARRIS in her capacity as Vice President of the United States and JOHN and JANE DOES 1-100.

TABLE OF CONTENTS

| | Page |
|--------------------------------------------------|----------------|
| QUESTIONS PRESENTED | 1 |
| PARTIES TO THE PROCEEDING..... | 4 |
| TABLE OF CONTENTS..... | 9 |
| TABLE OF AUTHORITIES | 10 |
| LIST OF PROCEEDINGS | 1 |
| JURISDICTION..... | 1 |
| SUPREME COURT RULE 14(F) PROVISIONS | 2 |
| STATEMENT OF THE CASE | 5 |
| REASONS FOR GRANTING THIS PETITION..... | 12 |
| CONCLUSION | 14 |
| APPENDICES | |
| JUDGMENT IN CIVIL CASE..... | App. 1 |
| REPORT AND RECOMMENDATION | App. 2 |
| PLAINTIFF’S OBJECTION TO THE R&R..... | App. 14 |
| MOTION TO DISMISS | App. 23 |
| OPPOSITION TO MOTION TO DISMISS | App. 45 |
| REPLY TO MOTION TO DISMISS | App. 61 |

TABLE OF AUTHORITIES

CONSTITUTIONAL PROVISIONS

| | |
|-------------------------------------------------------|------|
| Amendment XII | 6 |
| Article 1 Section 2 of the Constitution of Utah..... | 3 |
| Article I Section 7 of the Constitution of Utah | 3 |
| Article II, Section 1, Clause 8..... | 3 |
| Article III, Section 3..... | 9 |
| Article VI | 2 |
| Article VI, clause 3..... | 3 |
| Fifth Amendment..... | 2 |
| Fourteenth Amendment..... | 2 |
| Ninth Amendment | 2, 8 |

STATUTES

| | |
|-----------------------------|---|
| 18 U.S. § 2381..... | 9 |
| 18 USC §2382..... | 4 |
| 28 U. S. C. § 2101(e) | 1 |
| 28 U.S.C.A. §1257(a)..... | 1 |
| 5 U.S.C. §3331 | 4 |

CASES

| | |
|----------------------------------------------------------------------------------|------|
| American Bush v. City Of South Salt Lake, 2006 UT 40 140 P.3d.1235..... | 7 |
| Council Of Federated Organizations v. MIZE, 339 F.2d 898 (5th Cir. 1964)..... | 11 |
| Radioshack Corp. v. ComSmart, Inc., 222 SW 3d 256..... | 5, 7 |
| US v Burr (1807) 4 Cranch (8 US) 4669, 2 L.Ed. 684 | 2, 6 |

RULES

| | |
|--------------|----|
| Rule 11..... | 12 |
|--------------|----|

LIST OF PROCEEDINGS

- *Loy Arlan Brunson v. Alma S. Adams*, et al., No. 2:21-cv-00175-RJS-CMS U.S. District Court of the District of Utah. Judgment entered on March 29, 2023.
- *Loy Arlan Brunson v. Alma S. Adams*, No. 23-4042, U.S. Court of Appeals for the Tenth Circuit. This case is currently pending.



JURISDICTION

This petition is filed under Rule 11, and this Court's jurisdiction is invoked under 28 U.S.C.A. §1257(a).

Rule 11 "A petition for a writ of certiorari to review a case pending in a United States court of appeals, before judgment is entered in that court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e)."

28 U.S.C.A. §1257(a) "Final judgments...rendered by the highest court of a State...may be reviewed by the Supreme Court by writ of certiorari...where any...right [or] privilege...is specially set up or claimed under the...statutes of...the United States."



SUPREME COURT RULE 14(F) PROVISIONS

Amendment I of the Constitution of the United States: "Congress shall make no law respecting an establishment of religion, or prohibiting . . . the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

Article VI of the Constitution. "This Constitution, and the Laws of the United States which shall be made Pursuance thereof; . . . shall be the supreme Law of the land; and the Judges in every State shall be bound thereby."

Fourteenth Amendment to the Constitution of the United States; ". . . nor shall any state deprive any person of life, liberty, or property, without due process of law. . . nor deny to any person within its jurisdiction the equal protection of the laws." **Section 3:** "No person shall be a Senator or Representative in Congress, or elector of President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having previously taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House, remove such disability."

Fifth Amendment of the United States Constitution: "No person shall...be deprived of life, liberty, or property, without due process of law . . ."

Ninth Amendment of the Constitution of the United States; "The enumeration in the Constitution, of certain

rights, shall not be construed to deny or disparage others retained by the people.”

Article I Section 7 of the Constitution of Utah; “No person shall be deprived of life, liberty or property, without due process of law.”

Article 1 Section 2 of the Constitution of Utah; “All courts shall be open . . . which shall be administered without denial or unnecessary delay; and no person shall be barred from prosecuting or defending before any tribunal in this State, by himself or counsel, any civil cause to which he is a party.”

Article II, Section 1, Clause 8 “Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation:—“I do solemnly swear (or affirm) that I will faithfully execute the Office of President of the United States, and will to the best of my Ability, preserve, protect and defend the Constitution of the United States.”

The U.S. Constitution, Article VI, clause 3 states “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; . . .”

The U.S. Constitution, Article VI, clause 3 states “The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.”

The oath states "I do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter: So help me God."

5 U.S.C. §3331 which states "I, AB, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

18 USC §2382. Misprision of treason, reads, "Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be fined under this title or imprisoned not more than seven years, or both."

Bouvier's Law Dictionary of 1856 states: "2. Misprision of treason, is the concealment of treason, by being merely passive; Act of Congress of April 30, 1790, 1 Story's L. U. S. 83; 1 East, P. C. 139; for if any assistance be given, to the traitor, it makes the party a principal, as there is no accessories in treason."

Fraud vitiates everything that it touches. "Our courts have consistently held that fraud vitiates whatever it touches, *Morris v. House*, 32 Tex. 492 (1870)". Estate of

Stonecipher v. Estate of Butts, 591 SW 2d 806. And “It is a stern but just maxim of law that fraud vitiates everything into which it enters.” Veterans Service Club v. Sweeney, 252 S.W.2d 25, 27 (Ky.1952).” Radioshack Corp. v. ComSmart, Inc., 222 SW 3d 256.

◆

STATEMENT OF THE CASE

This action is against 388 federal officers in their official capacities which include President Joseph Robinette Biden Jr, Vice President Kamala Harris, and former Vice President Michael Richard Pence (“Respondents”). All the Respondents have sworn an Oath to support and defend the Constitution of the United States of America against all enemies, foreign and domestic, and as such they are liable for consequences when they violate the Oath of Office by giving aid and comfort to enemies of the Constitution and acting in a capacity of waging war.

The Respondents waged a covert domestic war against the United States of America. This war began on January 6, 2021 during the 117th session of Congress when arguments arose from both sides of the party accusing each other of treason for causing a breach in the electoral process. Over 100 members of Congress requested an investigation into these and other such breaches. It was the Respondents who voted not to investigate these breaches. If a breach in the electoral process seeks to put into power its victor, and if war seeks to do the same thing, then this breach is an act of war.

The Respondents refused to do an investigation which would have identified who was or wasn’t interfering with the electoral process. Purposely voting against the investigation was a war strategy that guaranteed putting

into power its victor. Therefore, on January 6, 2021 the Respondents waged war which continues to this day.

During the said session of Congress many members claimed that their duty under their Oath of Office and Amendment XII was to count the votes and that they were not there to do an investigation into the said allegations of a breach into the electoral process. So they purposely gave aid and comfort to this breach which is an act of war against the Constitution.

The Oath of Office emphatically on its face mandates a province of dutiful and allegiance to protect and defend the Constitution against all enemies foreign and domestic. And to avoid the serious penalties associated with the violation of their Oath of Office it was Respondents' first dutiful allegiance to their Oath of Office to first investigate the allegations that there was a breach of the electoral process before counting the votes under Amendment XII, otherwise wouldn't they be giving aid and comfort to an act of war disguised as an "honest election?"

This Honorable Court has already ruled that one need not pick up arms in order to "levy war" in *US v Burr* (1807) 4 Cranch (8 US) 4669, 2 L.Ed. 684.

Despite the fact that a breach of the electoral process is an act of war against the Constitution, this breach also comprises as being an act of fraud. Fraud vitiates everything that it touches. "Our courts have consistently held that fraud vitiates whatever it touches, *Morris v. House*, 32 Tex. 492 (1870)". *Estate of Stonecipher v. Estate of Butts*, 591 SW 2d 806. And "'It is a stern but just maxim of law that fraud vitiates everything into which it enters." *Veterans Service Club v. Sweeney*, 252 S.W.2d 25, 27 (Ky.1952)." *Radioshack Corp. v. ComSmart, Inc.*, 222 SW 3d 256. Therefore, when the Respondents voted against

doing an investigation into the founded claims that the election was breached, then the said session turned away from being a session under Amendment XII, rather it turned into a war party giving aid and comfort to enemies against the Constitution, and this war party also constitutes acts of fraud perpetrated by Respondents.

And the outcome of this war party seriously breached our national security that is still ongoing today! This breach also affects the national security of Canada and Mexico!

The actions of Respondents as stated above seriously damaged Brunson upon which Brunson brought his claims couched and guaranteed by the Constitution against the Respondents.

“We the People” commissioned government to secure our rights. “We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness, — That to secure these rights, governments are instituted among Men, deriving their just powers from the consent of the governed.” —Second clause of the Declaration of Independence. The case of *American Bush v. City Of South Salt Lake*, 2006 UT 40 140 P.3d.1235 clearly states that the Constitution of the United States along with State Constitutions do not grant rights to the people. These instruments measure the power of the rulers but they do not measure the rights of the governed, and they are not the fountain of law nor the origin of the people’s rights, but they have been put in place to protect their rights.

Therefore, in commissioning a Government to secure our rights, the Constitution of the United States with the first ten amendments was ratified in 1791. This is the official and only Constitution of the United States. The

first 10 amendments are defined by Congress as “further declaratory and restrictive clauses.” These clauses are set in place to restrict the interpretation of the Constitution from ever being an instrument that government could use to rule over “We the People.” On this premise, the government shall always be restricted by the rights of the people. “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”—Amendment IX of the Constitution. This is the supreme law of the land. “This Constitution, and the Laws of the United States which shall be made Pursuance thereof; . . . shall be the supreme Law of the land; and the Judges in every State shall be bound thereby.” Article VI of the Constitution.

The Respondents freely took upon themselves, without reservation, the Oath of Office. It binds them to protect Brunson’s rights. When they violate their oaths it makes them liable for the claims that Brunson made against them, and it fulfills the promise that “Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, **and to petition the Government for a redress of grievances.**”? (Bold emphasis added) — Amendment 1.

It is argued by the Defendants that that Brunson’s right to bring the said claims against the Respondents is first subject to the Federal Tort Claims Act (“FTCA”), if that is true then this Act restricts Brunson’s right to seek a redress of his grievances under his claims which is unconstitutional because is not the Constitution a restriction against the government and not Brunson?

Brunson brought six causes of action against the Defendants for their violations of their Oath of Office.

Specifically, these torts are as follows: 1. Promissory Estoppel, 2. Promissory Estoppel Count II, 3. Breach of Duty, 4. Intentional Infliction of Emotional Distress, 5. Fraud, and 6. Civil Conspiracy. Brunson alleged under each cause of action that he had suffered: (1) concrete injury; (2) that his injuries are directly traceable to the actions of Respondents, and (3) that the injury will be—not merely speculative—redressed by a favorable decision. To be in keeping with the Constitution this Court should rule that this gives Brunson Article III standing.

The violation of the Oath of Office is serious; Article III, Section 3 of the said Constitution specifies that, “Treason against the United States shall consist only in levying War against them, or in adhering to their Enemies, giving them Aid and Comfort.” And “Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason and shall suffer death, or shall be imprisoned not less than five years and fined under this title but not less than \$10,000; and shall be incapable of holding any office under the United States.”—18 U.S. § 2381. How can they be incapable of holding office and still retain their office without removal? Therefore, doesn’t this give the trial court power to remove individuals from office, including this Court?

In addition, how can Congress take an oath to uphold the Constitution then pass laws that protect themselves when they violate their oath by giving aid and comfort to enemies of the Constitution? They passed laws giving themselves immunity, they also passed the FTCA which unconditionally mandates restrictions such as the requirement to obtain permission from the government before you can bring action against individuals like the Respondents, and then once you gain this permission you must bring your action in the United States Court of

Federal Claims. These are unconstitutional restrictions placed upon Brunson.

The Constitution was not written to protect treason or fraud, so when government officials violate their oath by giving aid and comfort to enemies of the Constitution, or by becoming an enemy themselves, they cannot hide behind statutes, or case law, or the Constitution or any other acts of Congress, nor by any of the heavily riddled legal theories found in Respondents' motion to dismiss. Isn't the Oath of Office absolute? You cannot give aid and comfort to enemies of the Constitution, therefore, no interpretation of any law can exist that protects this or delays this, or stops anybody like Brunson from prosecuting such acts.

In addition, it's clear, when you give aid and comfort to enemies of the Constitution that is also an act of fraud, and fraud vitiates everything that it touches as stated above. So there can be no immunity or court procedure that would stall and hinder or keep a person like Brunson from bringing his claims against individuals for their violation of their Oath of Office.

Also, being that the consequences of misprisions of treason is serious, and being that this case factually alleges with evidence that the Respondents have engaged in treason, and the fact that this case was dismissed, isn't the dismissal a showing of misprision of treason by all those parties that effectuated the dismissal of this action, or the dismissal of any other action with the same merits?

In addition, one of the Respondents has breathed out threats against several members of this Court by stating "I want to tell you Gorsuch, I want to tell you Kavanaugh - you have released the whirlwind, and you will pay the price. You won't know what hit you if you go forward with these awful decisions," Schumer, as one of the Respondents

and as a member of Congress, threatened with these words to a cheering crowd in March 2020. (This statement can be easily found on the internet.) How could words like these not be a direct threat against the Justices of this Court, knowing full well, that Schumer, as an enemy of the Constitution, could assemble Congress and make this threat a reality? Doesn't this give this Court another reason to grant this case, and to remove the Respondents from office by canceling their credentials with a Court order via by the U.S. Marshalls who then would submit it to the sergeant of arms who then would execute the order?

Also, being that the only thing stated from the trial court's ruling is that "It is ORDERED AND ADJUDGED that judgment is hereby entered in favor of Defendants". This is a violation of Brunson's right of due process, the right to be heard. This ruling did not address anything stated from Brunson. "The right of a litigant to be heard is one of the fundamental rights of due process of law. A denial of the right requires a reversal." Council Of Federated Organizations v. MIZE, 339 F.2d 898 (5th Cir. 1964).

Brunson paid a filing fee to be heard, it's his right under due process to be heard, therefore the said ruling violated Brunson of his right to be heard when it did not address his arguments. Therefore under the law, Brunson's case requires reversal. However, due to the serious nature of this case, Brunson moves this court to adjudicate this case.

This Court has created the doctrine of equitable maxim which stands in direct conflict with the doctrine of the object principle of justice.

The doctrine of the object principle of justice is couched by the supreme law of the land, and sets in motion to provide our court system to be the most just, limited, highly

effective and easy to understand, and infuses our court system to be the most highly respected and dearly admired court system greater than the world has ever seen. The doctrine of equitable maxim kills this and had the trial court been guided by the object principle of justice this appeal would not be necessary.

In addition, the doctrine of the object principle of justice stops the precarious nature of our courts, their jobs would be much easier with less stress, and parties in court would have a strong sense on how the court is going to rule thus promoting settlements to high degree and as such, lawsuits and appeals would be greatly reduced. This is an absolute fact.

Jurisprudence requires this Court to revoke the doctrine of equitable maxim that it created and to instill the doctrine of the object principle of justice more thoroughly throughout the entire court system in America.

The doctrine of equitable maxim and the object principle of justice are fully explained in a petition before this court under docket No. 18-1147. To avoid being repetitious, Brunson herein incorporates the argument found therein as though fully stated herein and moves this court to address the question either under this petition or docket No. 18-1147.



REASONS FOR GRANTING THIS PETITION

Brunson believes that there will be millions of letters and affidavits that will pour into this Court encouraging this Court to hear this case. This is because this case represents a national security breach on a unprecedented level like never before seen which seriously damages

Brunson and consequentially effects every citizen of the U.S.A. and courts of law, and affects the national security of Mexico and Canada.

Brunson's complaint alleges fraud, violations of the Oath of Office and touches on acts of treason committed by the Respondents. These serious offenses need to be addressed immediately with the least amount of technical nuances of the law and legal procedures because these offenses are flowing continually against Brunson's liberties and life and consequently they are a continual national security breach. Therefore, Brunson moves this court to grant this petition and to adjudicate it.

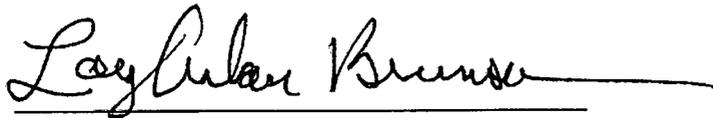


CONCLUSION

This petition is set forth in the interest of justice in protecting Brunson's right to petition for a redress of grievances that needs this Court's supervisory power to be protected, and to cure the national security breach as stated above, and to ensure the right of due process against the encroachment of the doctrine of equitable maxim is protected, and charging the Respondents who failed to investigate the allegations of a breach in our election by having them removed from office without further delay for the violation of their oath of office.

Dated: April 11, 2023

Respectfully submitted,

A handwritten signature in cursive script that reads "Loy Arlan Brunson". The signature is written in black ink and is positioned above a horizontal line.

Loy Arlan Brunson
55 North Merchant St. #1631
American Fork, UT 84003
Phone: 801-375-3278
Petitioner in pro se

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF UTAH

LOY ARLAN BRUNSON,

Plaintiff,

v.

ALMA S. ADAMS, et al.,

Defendants.

**JUDGMENT IN CIVIL
CASE**

Case No. 2:21-cv-00175-RJS-
CMR

Chief District Judge
Robert J Shelby

Magistrate Judge
Cecilia M. Romero

It is ORDERED AND ADJUDGED that judgment is hereby entered in favor of Defendants.

SO ORDERED this the 20th day of March, 2023.

BY THE COURT:

/s/ Robert J Shelby

ROBERT J SHELBY

United States Chief District Judge