No. 22-1029

In The
Supreme Court of the United States

JACK JORDAN,

Petitioner,

v.

UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT,

Respondent.

On Petition For Writ Of Certiorari
To The United States Court Of Appeals
For The Tenth Circuit

SUPPLEMENTAL BRIEF

JACK JORDAN
Pro Se
3102 Howell Street
North Kansas City, Missouri 64116
jack.jordan@emobilawyer.com
(816) 853-1142

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Petitioner, Jack Jordan, respectfully submits that the writ also should be granted as a result of compelling developments after the petition was filed.

SUPPLEMENTAL FACTS

On April 20, the petition was filed and served on the U.S. Solicitor General. *See* Proof of Service.

On April 24, anonymous Court employee(s) temporarily "suspended" Petitioner. Supp. App. 1. The Clerk ordered Petitioner to "show" within "40 days" why he "should not be disbarred" by "this Court." Supp. App. 2. The only justification offered for such conduct was the mere observation that Petitioner was "disbarred" by "Kansas" judges. *Id*. No Court employee even pretended to be able to identify any Petitioner misconduct or admissible evidence thereof.

This Court indicated that it received a copy of the Kansas order seven months ago on October 31. *See* https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/22d03109.html.

Petitioner learned of this Court's April 24 actions on the evening of April 28. Very promptly (on May 3 and 5) Petitioner submitted to this Court a response and a motion for a hearing comprising 95 pages of material facts and analysis thereof under controlling legal authorities (including the Constitution and federal law) that clearly precluded disbarring Petitioner.

Petitioner proved that the Constitution's text, history and purpose and many decisions of this Court established and confirmed that Petitioner could not be subjected to any adverse action because no one did or can identify any evidence showing *how* any Petitioner speech/petition (regarding judges or attorneys lying and committing crimes) violated any rule of professional conduct.

This Court considered Petitioner's submissions in its June 1 "conference." *Id*. This Court never addressed Petitioner's motion for hearing. It never even identified any purported Petitioner misconduct or admissible evidence thereof.

In his submissions to this Court, Petitioner proved that federal judges and attorneys of the U.S. Department of Justice, the U.S. Department of Labor and Littler Mendelson, P.C., lied about one or two emails that judges reviewed *in camera*.

Petitioner declared the following (and presented additional evidence) establishing that Kansas disbarred Petitioner solely because he exposed and opposed the lies and crimes of judges and attorneys:

> [Petitioner] stated in federal court filings that Judges Smith, Phillips and Contreras used court decisions to lie and commit federal offenses in 18 U.S.C. §§ 241, 242, 371, 1001, 1512(b) or 1519. Judges Smith and Contreras, agency attorneys and attorneys of Littler Mendelson, P.C., lied and deceived (at least) about the content and nature of one or two

> purportedly-privileged emails [ ]. Judges Phillips and Smith have worked for years to have [Petitioner] disbarred by state and federal courts as a means of concealing evidence of lies and fraudulent conduct (18 U.S.C. §§ 1341, 1343, 1346, 1349) [ ] by federal judges, federal agency attorneys or Littler Mendelson attorneys.

Petitioner further declared the following:

> To date, no judge or attorney (state or federal) in any proceeding involving [Petitioner] ever even contended that anything [Petitioner] wrote in any court filing about any lie or any crime of any judge or government attorney was false or misleading. No one ever even contended that any such statement [by Petitioner] was factually false or misleading. No one stated any fact or attempted to prove any fact that could establish that any such statement [by Petitioner] was false or misleading. No one ever even attempted to refute or dispute any fact, evidence or legal authority that [Petitioner] presented in any such filing. No one ever even attempted to show that any judge had any power to knowingly violate or flout any language of any legal authority that [Petitioner] presented.

Petitioner proved that federal judges and agency attorneys lied and deceived about evidence and material facts and they knowingly violated federal law and the Constitution and committed crimes to conceal evidence of such lies. They lied about text redacted from an email. They lied about it being protected by the

attorney-client privilege. Many lied about such text including particular phrases.

Many attorneys and judges, above, publicly represented that such email was privileged because it included particular phrases. But none ever did (or ever could) justify concealing any non-commercial words in any such phrase.

They represented that the email contained one (or two) privilege notations ("Subject to Attorney Client Privilege" or "subject to attorney-client privilege").

They represented that the email expressly or explicitly requested a particular attorney's advice, input or review of or regarding information in the email. Any such express request must contain non-commercial words such as "please advise regarding" or "please review and provide input."

The materials that Petitioner submitted to this Court on May 3 and 5 also were emailed and mailed to the Solicitor General because they pertained to the instant petition.

On May 24, the deadline passed for a response to the instant petition. Respondent failed to file a response and (to the best of Petitioner's knowledge) failed to submit anything to this Court regarding Petitioner's May 3 and 5 submissions.

Despite all the foregoing, on June 5, this Court summarily ordered that Petitioner "is disbarred from the practice of law in this Court." Supp. App. 3. The only purported justification offered therefor was the

mere *issuance* of *this Court's April 24 documents*, above. *See id*. Anonymous justices of this Court decided to illegally disbar Petitioner because he exposed the lies and crimes of judges.

RELATED REASONS FOR GRANTING THE WRIT

I. The Government Implicitly Conceded that Kansas and Tenth Circuit Judges Lied and Committed Crimes.

The government's "opposition" to "the petition" was required to "address any perceived misstatement of fact or law" therein bearing "on what issues properly would be before the Court." U.S. Sup. Ct. R. 15.2. Moreover, "[c]ounsel" had "an obligation to" this "Court to point out in" their "opposition" every "perceived misstatement" in "the petition." *Id*.

The government implicitly confirmed that the facts are pristinely clean and punishing Petitioner's speech/petitions (exposing and opposing the lies and crimes of judges) did not and cannot serve any public or government interest.

No one ever did (or can seriously) dispute Petitioner's statements about the lies of Kansas and Tenth Circuit judges. *Cf*., *e.g*., Pet. at 9 (citations omitted):

> Kansas judges lied when they contended that "clear and convincing evidence establishes a KRPC 8.2(a) violation." They lied when they

> contended that "clear and convincing evidence establishes" Petitioner's "violations of KRPC 3.1, 3.4(c), 8.2(a), and 8.4(d) and (g)." They lied when they contended that "clear and convincing evidence supports each rule violation the panel found."

"Tenth Circuit judges" maliciously "lied" about "seeing" admissible "evidence" that "Petitioner's speech/petitions constituted" actual "misconduct." Pet. at 3-4, 11. "They knowingly misrepresented" that "in its disbarment order" Kansas "set forth" all "the evidence" required to prove Petitioner's speech/petitions constituted "misconduct." *Id*. at 4.

II. After Seven Months to Investigate, Even this Court Did Not (and Cannot) Show How Petitioner's Speech/Petitions Constituted Misconduct.

This Court was required to conduct its own "investigation" to at least identify "acts of misconduct" and "the proof" necessary "to establish" the "existence" thereof. *Selling v. Radford*, 243 U.S. 49 (1917). No one did or can show *how* any Petitioner speech/petition (exposing and opposing the lies and crimes of judges and government or Littler Mendelson attorneys) violated any rule of conduct.

"[T]he responsibility that remains" with each court under the Constitution regarding reciprocal discipline was "authoritatively expounded in *Selling*." *Theard v. United States*, 354 U.S. 278, 282 (1957). Petitioner, as

"an officer" of each court, was "an instrument or agency" of the *public* "to advance the ends of justice." *Id.* at 281. So *each* court must *prove* its "power of disbarment" is used only for "protection of the public." *Id*.

"Discipline" does not mean mere judicial retaliation against lawyers. Discipline must be "designed to protect the public" (not judges injuring the public by lying and committing crimes). *In re Ruffalo*, 390 U.S. 544, 550 (1968). No one did or can prove *how* disbarring Petitioner from any court "protect[ed] the public." *Id*. Every order disbarring Petitioner was *designed* to harm the public.

Courts must *prove* disbarment is being used only "for the purpose of preserving the courts of justice" and protecting the public from "persons" *proved* "unfit to practice" therein. *Ex Parte Wall*, 107 U.S. 265, 288 (1883). Each court must *prove* Petitioner guilty of "conduct unbecoming a member of the bar," *i.e*., "conduct contrary to professional standards that shows an unfitness to discharge continuing obligations to clients or the courts, or conduct inimical to the administration of justice." *In re Snyder*, 472 U.S. 634, 645 (1985). No one did or can prove *how* any Petitioner speech/petition (exposing and opposing the lies and crimes of judges and government or Littler Mendelson attorneys) showed Petitioner was unfit to serve the public and justice.

III. Someone Should Show that Disbarment Was Not Designed for Illegal Retaliation.

Courts are responsible for protecting "all Privileges and Immunities of Citizens" and helping "guarantee" truly "Republican Form of Government." U.S. Const. Art. IV. The Bill of Rights emphatically and prominently secured citizens' "freedom of speech" and "press" and "right" to "petition the Government for a redress of grievances." Amend. I. "No person" may "be deprived" of any "liberty" or any "property" by any judge "without" all "due process of law." Amend. V. *Accord* Amend. XIV, §1 (Due Process and Equal Protection Clauses); Art. VI (Supremacy Clause).

The "right to petition" is "one of the most precious of the liberties safeguarded by the Bill of Rights." *BE&K Constr. Co. v. NLRB*, 536 U.S. 516, 524 (2002) *quoting United Mine Workers v. Illinois Bar Ass'n*, 389 U.S. 217, 222 (1967) (cleaned up). Such "right is implied" by "the very idea of a government, republican in form." *Id*. at 524-25. "[T]he right to petition extends to all departments of the Government," so it includes "the right of access to the courts." *Id*. at 525.

"When the government encourages diverse expression," *e.g*., "by creating a forum for debate" and discussion of legal issues, "the First Amendment prevents it from discriminating against speakers based on their viewpoint." *Shurtleff v. City of Bos*., 142 S. Ct. 1583, 1587 (2022). Courts "may not exclude speech" (in motions to recuse judges or reconsider their conduct) to repress the "viewpoint" that judges are not entitled to

force their lies and crimes on lawyers or litigants; that irrefutably is "impermissible viewpoint discrimination." *Id*. at 1593.

Here, "the government targets" Petitioner's "particular views," so "the violation of the First Amendment is all the more blatant" and "egregious" than viewpoint-neutral "content discrimination." *Rosenberger v. Rector & Visitors of the Univ. of Va*., 515 U.S. 819, 829 (1995). Such "viewpoint discrimination" is unconstitutional "even when the limited public forum is" of the government's "own creation." *Id*.

"Constitutional concerns are greatest when the State attempts to impose its will by force of law." *Maher v. Roe*, 432 U.S. 464, 476 (1977). Clearly, "the Government may not" directly or indirectly actually "aim at the suppression of" so-called "dangerous ideas." *Nat'l Endowment for the Arts v. Finley*, 524 U.S. 569, 587 (1998). Rules and rulings cannot be "manipulated" to have a "coercive effect" on Petitioner's constitutionally-protected speech. *Id*. Any "[d]ifferential" treatment "of First Amendment speakers is constitutionally suspect" even if it merely "threatens to suppress the expression of particular ideas or viewpoints." *Id*. Courts cannot engage in conduct "result[ing] in the imposition of a disproportionate burden calculated to drive 'certain ideas or viewpoints from the marketplace.'" *Id*. Court rules cannot be "applied" for "suppression of disfavored viewpoints." *Id*. This Court assured the public that it "will deal with those problems" properly "when they arise." *Id*. It should do so now.

"Content-based laws" (or court rules or rulings) are "presumptively unconstitutional." *Reed v. Town of Gilbert*, 576 U.S. 155, 163 (2015). Judges targeted Petitioner's speech/petitions for its content. *Cf. id*. at 163-64 (identifying types of "content-based" restrictions). Such conduct must "be justified only" by "prov[ing] that" it was "narrowly tailored to serve" public "interests" that are "compelling." *Id*. at 163. No court did or can do so.

"When First Amendment compliance is the point to be proved, the risk of non-persuasion" always "must rest with the Government, not with the citizen." *United States v. Playboy Entertainment Group, Inc*., 529 U.S. 803, 818 (2000). "When" any "Government restricts [any] speech, the Government" always "bears the burden of proving the constitutionality of its actions." *Id.* at 816. "When the Government seeks to restrict [any] speech based on its content," any potential "presumption of constitutionality" must be "reversed. Content-based regulations are presumptively invalid, and the Government bears the burden to rebut that presumption." *Id*. at 817 (cleaned up).

Any purported "proof presented to show" each material fact must have "the convincing clarity which the constitutional standard demands." *New York Times Co. v. Sullivan*, 376 U.S. 254, 285-86 (1964). The "First Amendment mandates a 'clear and convincing' standard" of proof of each material fact. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 252 (1986).

Such "standard of proof" is "embodied in the Due Process Clause" to establish "the degree of confidence" each court must "have in the correctness" of its own "factual conclusions." *Addington v. Texas*, 441 U.S. 418, 423 (1979). It "allocate[s] the risk of error" to each court repressing Petitioner's speech/petitions, and "indicate[s] the" great "importance attached to the ultimate decision." *Id*. It "reflects the" great "value society places" on the "liberty" at stake. *Id*. at 425.

The "clear" and "convincing" standard "reduce[s] the risk to" Petitioner "of having his reputation tarnished erroneously by increasing" each court's "burden of proof." *Id*. at 424. Such "level of certainty" is "necessary to preserve fundamental fairness" in "government-initiated proceedings that threaten" an "individual" with a "significant deprivation of liberty" or "stigma." *Santosky v. Kramer*, 455 U.S. 745, 756 (1982).

This Court and the Tenth Circuit flouted the foregoing. They deliberately failed to identify any fact, evidence, Petitioner speech or petition, rule of conduct or other legal authority that permitted or supported Petitioner's disbarment. This Court appears to have literally merely rubber-stamped its seal on unsigned suspension and disbarment orders to effectively rubber-stamp the lies and crimes of Kansas judges.

IV. Someone Should Show the Disbarment Orders Were Not Designed to Commit Crimes.

If anybody can show that Petitioner's disbarments are anything more than a black collar crime spree,

someone should do so. Judges criminally retaliated against Petitioner for exercising his rights (secured by many provisions of the Constitution and federal law) to expose and oppose the lies and crimes of judges and government attorneys. *See*, *e.g.*, Pet. at 11-16 regarding 18 U.S.C. 241, 242.

Kansas's order also was issued (and sought and subsequently abused by federal judges) to prevent Petitioner from providing to any federal "judge" any "information" even "relating to" judges' and government attorneys' "possible commission of" any "Federal offense." 18 U.S.C. 1512(b).

Moreover, with each federal disbarment order, judges necessarily did and would "knowingly and willfully" **(1)** use any "trick, scheme, or device" to falsify, conceal or cover-up any "fact" that was "material" to any federal court proceeding, **(2)** make "any materially false, fictitious, or fraudulent statement or representation" or **(3)** make or use "any false writing or document" while "knowing the same to contain any materially false, fictitious, or fraudulent statement or entry." 18 U.S.C. 1001(a).

Judges and government attorneys cannot justify or excuse their own violations of federal law and the Constitution (much less criminal misconduct) by merely purporting to follow illegal orders. American soldiers cannot use the excuse that they were merely following orders; neither can judges or attorneys.

V. This Court Should Show that Lawyers and Judges Are Governed by Laws, Not Outlaws.

Ours was "emphatically termed a government of laws, and not of men." *Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 163 (1803) (Marshall, C.J.). "It will certainly cease to deserve this high appellation, if" judges, themselves, "furnish no remedy for" judges' vicious and malicious "violation[s] of" lawyers' and litigants' "vested legal right[s]." *Id*. The orders disbarring Petitioner (because he exposed the lies and crimes of judges) are evidence that lawyers and judges are governed not by laws, but by outlaws.

Judges knowingly violating any controlling legal authority "would subvert the very foundation of" the Constitution. *Id.* at 178. "It would declare, that" judges may "do what is expressly forbidden" by the Constitution, giving them "a practical and real omnipotence." *Id*. Such misconduct "reduces to nothing" America's "greatest improvement on political institutions – a written constitution." *Id*. Judges "cannot" pretend to have the "discretion" to "sport away" lawyers' or litigants' "vested rights," as they did to disbar Petitioner. *Id.* at 166.

VI. Someone Should Show that the Disbarment Orders Were Not Part of a Confidence Game.

Each judge "must continuously bear in mind that to perform" a court's "high function in the best way justice must satisfy the appearance of justice." *Liljeberg v.*

Health Services Acquisition Corp., 486 U.S. 847, 864 (1988) (cleaned up). Judges also must "promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible." *Id*. at 865. The judicial misconduct Petitioner has exposed did not even appear just. It appeared intentionally illegal and intentionally criminal. Judges have egregiously abused the people's "confidence in the judiciary," *i.e*., that judges will not lie about facts, evidence or legal authorities or knowingly violate controlling legal authority. *Id*.

The foremost duty of all federal judges is to "support and defend the Constitution" against "all enemies." 5 U.S.C. 3331. Such enemies necessarily include public officials viciously violating the Constitution and the peoples' rights and freedoms secured thereby. "Each" federal "judge" must "administer justice" and "do equal right to" judges, lawyers and litigants, and "faithfully and impartially discharge and perform all" professional "duties" under "the Constitution and" federal "laws." 28 U.S.C. 453. No one did or can show that disbarring Petitioner based on the Kansas order did not violate both oaths.

CONCLUSION

The writ should be granted to support and defend the Constitution and to confirm that the government did not and cannot prove (with admissible evidence)

any fact material to showing *how* any Petitioner speech/petition violated any rule of conduct.

Respectfully submitted,

JACK JORDAN
Pro Se
3102 Howell Street
North Kansas City, Missouri 64116
jack.jordan@emobilawyer.com
(816) 853-1142