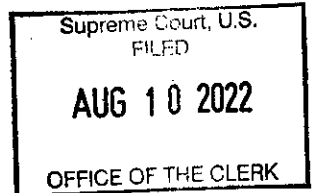


No. 22-140



---

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

—◆—  
YVETTE B. BEAULIEU,

*Petitioner,*

v.

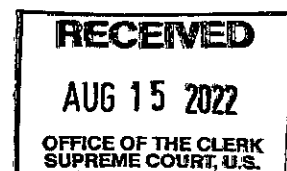
MERRICK D. GARLAND, et al.,

*Respondents.*

—◆—  
**On Petition For Writ Of Certiorari  
To The United States Court Of Appeals  
For The District Of Columbia Circuit**

—◆—  
**PETITION FOR WRIT OF CERTIORARI**

—◆—  
YVETTE B. BEAULIEU  
Pro Se  
1967 Sky Dr.  
Clearwater, Florida 33755  
(727) 210-7176



### **QUESTIONS PRESENTED**

1. WHY IS THERE NO EQUAL APPLICATION OF RELEVANT FAIRNESS PRINCIPLES IN CIVIL AND CRIMINAL MATTERS?
2. WHY IS THE UNITED STATES GOVERNMENT ALLOWED TO SCHEME BETWEEN CRIMINAL AND CIVIL MATTERS AS A LEGAL TACTIC WITHOUT DISCLOSING THIS TO THE COURTS OR TO EITHER PARTY, AND WHICH ALLOWS THE USG TO SUBVERT THE PURSUIT OF THE TRUTH, THE CONCEPTS OF FAIRNESS, AND THE EQUAL APPLICATION OF JUSTICE UNDER THE LAW?
3. WHY DOES THE UNITED STATES GOVERNMENT NOT HAVE TO DISCLOSE TO THE COURTS WHETHER AN INDIVIDUAL WAS UNDER CRIMINAL OR CIVIL INVESTIGATION AT THE OUTSET USING FISA OR ANY OTHER COURT ORDERED SURVEILLANCE WARRANT, ESPECIALLY IN CASES INVOLVING CURRENT AND/OR FORMER USG FEDERAL EMPLOYEES?

## LIST OF PARTIES

Petitioner: Yvette B. Beaulieu

Respondents: Eric H. Holder, Jr. Attorney General,  
Department of Justice (Federal Bureau of Investigation, Agency

Mark Gross, Complaint Adjudication Officer, US Department of Justice, Civil Rights Division

Office of the Director of National Intelligence (ODNI)

James, R. Clapper, Director of National Intelligence

Denis Blair, Former Director of National Intelligence

John M. McConnel, Former Director of National Intelligence

ODNI Office of General Counsel

Leslie Silverstein, Terrorist Threat Integration Center/National Counterterrorism Center

Joel Brenner, National Counterintelligence Executive, part of the ODNI

FBI:

Donald Everett Packham

John S. Pistole

Arthur M. Cummings, NCTC/FBI

Joseph L. Ford

Sarah J. Zeiglar, Ombudsman FBI

Michael S. Washburg

Willie T. Hulon

John Phillip Mudd

**LIST OF PARTIES – Continued**

Tracy Reinhold

Kevin Favreau

Robert D. Foley, III

Eric Velez-Villar

James P. Myers

Wayne M. Murphy

Chris M. Brieese

Owen D. Harris

Dina M. Corsi

Kari A. Erlewine

Donna Alecia Minor

Scott McBride

Joshua J. Obstfeld

Purvi Patel

Alix B. Mueller

Joseph M. Dimino

Christine Butler

Monique A Bookstein

Diego G. Rodgriguez

Manuel E. Castillo

Christina T. Galano-Slack

Elizabeth M. Petrie

Brenda J. Wise

**LIST OF PARTIES – Continued**

Jongmi F. Kim  
Amy L. Pepper  
Ronald B. Narida  
Richard F. Kelly  
Anthony T. Colliluori  
Christopher Gay  
Anthony Bladen  
First Name Unknown, Raucci  
Angela L. Byers, c/o Inspection Division Initial Processing Unit  
FBI Inspector General  
FBI Office of General Counsel, Employment Law Unit  
I c/o Patricia Miller  
Jennifer Smith Love  
Sergio A. Mendez  
Veronica Venture  
Fred J. Gregory  
Richard A. Davidson, III  
Diane D. Williams  
Doris Dillinger  
Pamela A. Barlow  
Rosalind D. Trapp  
Will Harris  
A Tonay Odom

## **PARTIES TO THE PROCEEDINGS**

Petitioner is Yvette B. Beaulieu

Respondent is the Department of Justice, Federal Bureau of Investigation

## **RELATED CASES**

*Beaulieu v. Barr*, No. 21-21583, United States District Court for the District of Columbia, Judgment entered on October 29, 2019.

*Beaulieu v. Garland*, No. 15-896 TJK, United States District Court for the District of Columbia, Judgment entered on August 16, 2021.

*Beaulieu v. Garland*, No. 21-21583, United States Court of Appeals for the District of Columbia Circuit, Judgment entered on February 15, 2022.

*Beaulieu v. Garland*, No. 21-21583, United States Court of Appeals for the District of Columbia Circuit, Judgment entered on May 19, 2022.

## TABLE OF CONTENTS

	Page
QUESTIONS PRESENTED .....	i
LIST OF PARTIES .....	ii
PARTIES TO THE PROCEEDINGS .....	v
RELATED CASES .....	v
TABLE OF AUTHORITIES .....	viii
PETITION FOR WRIT OF CERTIORARI.....	1
OPINIONS BELOW.....	1
JURISDICTION.....	2
CONSTITUTIONAL AND STATUTORY PROVI- SIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	6
REASONS FOR GRANTING THE PETITION ...	17
CONCLUSION.....	17

## APPENDIX

Order, United States Court of Appeals for the District of Columbia Circuit (Feb. 15, 2022) ...	App. 1
Order, United States District Court for the Dis- trict of Columbia (Aug. 16, 2021).....	App. 4
Memorandum Opinion, United States District Court for the District of Columbia (Aug. 16, 2021) .....	App. 5
Memorandum Opinion and Order, United States District Court for the District of Co- lumbia (Oct. 29, 2019).....	App. 11

TABLE OF CONTENTS – Continued

	Page
Order, United States Court of Appeals for the District of Columbia Circuit (May 19, 2022) ... App. 28	
Order, United States Court of Appeals for the District of Columbia Circuit (May 19, 2022) ... App. 29	



## TABLE OF AUTHORITIES

	Page
CASES	
Bartlett v. Kitchen, 76 Misc. 2d 1087, 352 N.Y.S.2d 110 (Supreme Court 1973).....	3, 8
Brady v. Maryland, 373 U.S. 83 (1963)....	4, 5, 12, 14, 15
Gideon v. Wainright, 372 U.S. 335 (1963).....	3, 9
Giglio v. United States, 405 U.S. 150, 92 S. Ct. 763 (1972).....	4, 14
Greene v. McElroy, 360 U.S. 474 (1959) .....	5, 11
Kwock Jan Fat v. White, 253 U.S. 454 (1920).....	4, 13
Minneapolis & St. Louis Railroad Co. v. Bombolis (1916) .....	5, 16
Palko v. Connecticut, 302 U.S. 319 (1937).....	3, 7
U.S. v. Reliance Med. Sys., LLC, CD Cal. No. 14-06979 .....	5, 12, 14, 15
STATUTES AND RULES	
5 U.S.C. § 504 .....	5, 8
28 U.S.C. § 2412 .....	5, 8
Classified Information Procedures Act .....	4, 12
Equal Access to Justice Act .....	5, 8
Foreign Intelligence Surveillance Act.....	4
USA Patriot Act .....	4

**PETITION FOR WRIT OF CERTIORARI**

Pro Se Yvette B. Beaulieu respectfully petitions this court for a writ of certiorari to review the judgments from the United States Court of Appeals for the District of Columbia and the United States District Court for the District of Columbia.

---

**OPINIONS BELOW**

The decision by United States Court of Appeals for the District of Columbia Circuit denying Pro Se Yvette B. Beaulieu's direct appeal on February 15, 2022 is reported as Yvette B. Beaulieu v. Merrick B. Garland, et al., and reported as App. 1.

A timely petition for rehearing en banc and petition for rehearing was denied by the United States Court of Appeals on May 19, 2022 and two different copies denying rehearing appears at App. 28 and App. 29.

The opinion of the United States District Court appears in the Appendix to the petition and is reported as App. 4.

---

## **JURISDICTION**

The judgment of the court of appeals was entered on February 15, 2022. A petition for rehearing was denied on May 19, 2022. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).



## **CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

Bill of Rights:

Amendment 1<sup>1</sup>

Amendment 4<sup>2</sup>

Amendment 5<sup>3</sup>

Amendment 6<sup>4</sup>

Amendment 7<sup>5</sup> – requires civil jury trials only in Federal courts.

Amendment 8<sup>6</sup>

---

<sup>1</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript>, Amendment 1 Bill of Rights, accessed March 12, 2022.

<sup>2</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript#toc-the-u-s-bill-of-rights>.

<sup>3</sup> <https://constitution.congress.gov/constitution/amendment-5/>, accessed March 10, 2022.

<sup>4</sup> Ibid.

<sup>5</sup> Ibid.

<sup>6</sup> Ibid.

Amendment 9<sup>7</sup>

Amendment 14<sup>8</sup>

*Gideon v. Wainwright*, 372 U.S. 335 (1963) – US Supreme Court held that the Sixth Amendment's guarantee of counsel is a fundamental right essential to a fair trial and as such, applies the states through the Due Process Clause of the Fourteenth Amendment.<sup>9</sup>

*Palko v. Connecticut*, 302 U.S. 319 (1937) – US Supreme Court held that fair procedures were a fundamental right that supported ordered liberty.<sup>10, 11</sup>

*Bartlett v. Kitchin*, 76 Misc. 2d 1087, 1090, 352 N.Y.S.2d 110, 114 (Supreme Court 1973) due process requires at a minimum that absent a countervailing state interest of overriding significance [a person forced to litigate] be given a meaningful opportunity to be heard, then that opportunity arguably requires the aid of counsel, appointed if necessary.<sup>12</sup>

---

<sup>7</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript>, Amendment 9, Bill of Rights, accessed March 12, 2022.

<sup>8</sup> Ibid.

<sup>9</sup> <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-gideon-v-wainwright>, accessed March 10, 2022.

<sup>10</sup> *Palko v. Connecticut* 302 US 319 1937j US Supreme Court, Court held that fair procedures were a fundamental right that supported ordered liberty. [https://ballotpedia.org/List\\_of\\_court\\_cases\\_relevant\\_to\\_procedural\\_rights](https://ballotpedia.org/List_of_court_cases_relevant_to_procedural_rights), accessed March 12, 2022.

<sup>11</sup> Ibid.

<sup>12</sup> <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2172&context=flr>, first accessed March 8, 2022.

Classified Information Procedures Act – civil cases involving the USG do not comply with this act.

The Foreign Intelligence Surveillance Act.<sup>13</sup>

The USA Patriot Act.<sup>14</sup>

*Kwock Jan Fat v. White*, 253 U.S. 454 (1920), the US Supreme Court held that decisions made based on a record that omitted relevant evidence was not a fair hearing.<sup>15</sup>

*Brady v. Maryland*, 373 U.S. 83 (1963) – The USG withholding of evidence that is material to the determination of either guilt or punishment of a criminal defendant violates the defendant's constitutional right to due process.<sup>16</sup>

*Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763 (1972) – Suppression of material evidence justifies a new trial irrespective of the good or bad faith of. . . .<sup>17</sup>

---

<sup>13</sup> [https://www.fletc.gov/sites/default/files/imported\\_files/training/programs/legal-division/downloads-articles-and-faqs/research-by-subject/miscellaneous/ForeignIntelligenceSurveillanceAct.pdf](https://www.fletc.gov/sites/default/files/imported_files/training/programs/legal-division/downloads-articles-and-faqs/research-by-subject/miscellaneous/ForeignIntelligenceSurveillanceAct.pdf), accessed July 24, 2022.

<sup>14</sup> <https://www.aclu.org/other/surveillance-under-usapatriot-act>, accessed July 24, 2022.

<sup>15</sup> [https://ballotpedia.org/List\\_of\\_court\\_cases\\_relevant\\_to\\_procedural\\_rights](https://ballotpedia.org/List_of_court_cases_relevant_to_procedural_rights), accessed March 12, 2022.

<sup>16</sup> <https://supreme.justia.com/cases/federal/us/373/83/>, accessed March 10, 2022

<sup>17</sup> <https://www.lexisnexis.com/community/casebrief/p/case-brief-giglio-v-united-states>, accessed March 13, 2022.

Minneapolis & St. Louis Railroad Co. v. Bombolis (1916).<sup>18</sup>

U.S. v. Reliance Med. Sys., LLC, CD Cal. No. 14-06979 – Lawyer fights for Brady Evidence Rule in Civil False Claims Case.<sup>19</sup>

Greene v. McElroy, 360 U.S. 474 (1959) – The USG withholding of evidence that is material to the determination of either guilt or punishment of a criminal defendant violates the defendant’s constitutional right to due process.<sup>20</sup>

Equal Access to Justice Act. 28 U.S.C. § 2412; 5 U.S.C. § 504.<sup>21, 22</sup>

---

<sup>18</sup> The Seventh Amendment requires civil jury trials only in federal courts. This Amendment is unusual. The US Supreme Court has required states to protect almost every other right in the Bill of Rights, such as the right to criminal jury trial, but the Court has not required states to hold civil jury trials. Minneapolis & St. Louis Railroad Co. v. Bombolis (1916). Nearly all of the states, however, have rights to civil jury trial in certain cases in their state constitutions, <https://constitutioncenter.org/interactive-constitution/interpretation/amendment-vii/interps/125>, accessed March 12, 2022.

<sup>19</sup> Lawyer Fights for Brady Evidence Rule in Civil False Claims Case, September 14, 2020, <https://news.bloomberglaw.com/daily-labor-report/lawyer-fights-for-brady-evidence-rule-in-civil-false-claims-case>, accessed March 10, 2022.

<sup>20</sup> <https://supreme.justia.com/cases/federal/us/360/474/>, accessed March 10, 2022.

<sup>21</sup> <https://www.concordlawschool.edu/blog/news/right-to-attorney-civil-cases/>, accessed March 11, 2022.

<sup>22</sup> Ibid.

## STATEMENT OF THE CASE

Pro Se Yvette B. Beaulieu petitioned the US Court of Appeals and the US District Court for the District of Columbia for the assignment of legal counsel to assist with her case versus the US Government at the outset, especially since her discovery materials contained classified USG information.

This case in my assessment has precedential implications for cogitation.

Just because the term *civil* is not enumerated throughout in the US Constitution's Bill of Rights, the Ninth Amendment states that it shall not be construed to deny or disparage other rights retained by the people.<sup>23</sup> Therefore, it is reasonable to infer that the rights afforded alleged criminals as noted in the Bill of Rights are applicable to other rights retained by the people in civil matters.

As such, an alleged criminal, should not have more rights, privileges, or advantages over any other United States citizen in a civil matter especially so when seeking redress from the USG<sup>24</sup> or from a private entity.

The administration of all rights should occur equally in both civil and criminal matters as if they were enumerated as such in the Bill of Rights.

---

<sup>23</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript>, Amendment 9, Bill of Rights, accessed March 12, 2022.

<sup>24</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript>, Amendment 1 Bill of Rights, accessed March 12, 2022.

Therefore, with the said, the lower courts' decisions conflict with procedural due process based on the principles of fundamental fairness as noted in the Fifth Amendment to the US Constitution,<sup>25</sup> to include notice, opportunity for hearing, confrontation and cross-examination, discovery, basis of decision, and availability of counsel.<sup>26</sup>

Furthermore, fundamental to this case is an inherent concept of fairness that counsel affords a civil litigant.<sup>27</sup> See *Palko v. Connecticut*, 302 U.S. 319 (1937) – US Supreme Court.<sup>28</sup> How can I demonstrate sufficient likelihood of success on the merits if I have not had assistance of counsel prior to, to help me craft specific aspects of my argument, strategize on legal tactics both in the court room and outside, help me with classified discovery, witnesses, and overall general legal assistance from the outset?

Appointed counsel is especially important if my opponent is a member of the USG with unlimited government and covert resources at their disposal. Appointment of counsel will help tip the scales of justice

---

<sup>25</sup> <https://constitution.congress.gov/constitution/amendment-5/>, accessed March 10, 2022.

<sup>26</sup> [https://constitution.congress.gov/browse/essay/amdt5-4-1/ALDE\\_00000874/](https://constitution.congress.gov/browse/essay/amdt5-4-1/ALDE_00000874/), accessed March 10, 2022.

<sup>27</sup> <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2172&context=fir>, accessed March 7, 2022.

<sup>28</sup> *Palko v. Connecticut* 302 U.S. 319 (1937 US Supreme Court, Court) held that fair procedures were a fundamental right that supported ordered liberty. [https://ballotpedia.org/List\\_of\\_court\\_cases\\_relevant\\_to\\_procedural\\_rights](https://ballotpedia.org/List_of_court_cases_relevant_to_procedural_rights), accessed March 12, 2022.



in equilibrium, and create the perception that the balance of power is on a more even playing field.

Additionally, the lower courts' decisions fail to consider how the appointment of counsel beforehand could enable an unemployed Federal employee now earning half of their previous wages to use the Equal Access to Justice Act.<sup>29</sup> Because I lack appointed counsel, I do not have the opportunity to pursue the following options: Under 28 U.S.C. § 2412, a court may award attorneys' fees to a plaintiff prevailing against the United States, a federal official, or a federal agency in a civil action. Similarly, 5 U.S.C. § 504 provides for an award of attorneys' fees to a defendant who prevails in an administrative action by a federal agency.<sup>30</sup>

Moreover, the lower courts' decision conflicts with *Bartlett v. Kitchen*, "due process requires, at a minimum, that absent a countervailing state interest of overriding significance, [a person forced to litigate] be given a meaningful opportunity to be heard,<sup>31</sup> then that opportunity arguably requires the aid of counsel, appointed if necessary."<sup>32</sup>

---

<sup>29</sup> <https://www.concordlawschool.edu/blog/news/right-to-attorney-civil-cases/>, accessed March 11, 2022.

<sup>30</sup> <https://www.concordlawschool.edu/blog/news/right-to-attorney-civil-cases/>, accessed March 11, 2022.

<sup>31</sup> *Id.* at 377; see *Bartlett v. Kitchen*, 76 Misc. 2d 1087, 1090, 352 N.Y.S.2d 110, 114 (Sup. Ct. 1973).

<sup>32</sup> <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=2172&context=fir>, accessed March 8, 2022.

Continuing, the lower courts' decisions conflict with Supreme Court precedent, *Gideon v. Wainwright*, 372 U.S. 335 (1963),<sup>33</sup> and the right to have the appointment of counsel. The Court held that the Sixth Amendment's guarantee of counsel is a fundamental right essential to a fair trial and, as such, applies the states through the Due Process Clause of the Fourteenth Amendment.

In overturning *Betts*, Justice Black stated that "reason and reflection require us to recognize that in our adversary system of criminal justice, any person hauled into court, who is too poor to hire a lawyer, cannot be assured a fair trial unless counsel is provided for him." He further wrote that the "noble ideal" of "fair trials before impartial tribunals in which ever defendant stands equal before the law . . . cannot be realized if the poor man charged with crime has to face his accusers without a lawyer to assist him."<sup>34</sup>

Furthermore, what makes this case unique, what the lower courts fail to consider, and which raises more important questions re the fairness doctrine under due process, is why the USG does not have to disclose whether an individual was under a criminal investigation at the outset using FISA or any other surveillance

---

<sup>33</sup> <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-gideon-v-wainwright>, accessed March 10, 2022.

<sup>34</sup> <https://www.uscourts.gov/educational-resources/educational-activities/facts-and-case-summary-gideon-v-wainwright>, accessed March 10, 2022.

warrant. They hold all the secrets. How is that fair? And, FOIA responses are not timely, or the information requested returns redacted.

And, just because I, the Pro Se Appellant was not "convicted" per se, as a criminal, adverse actions taken against me impacted my livelihood, and a cloud of suspicion follows me where ever I seek employment. The appointment of counsel would assist in reinstatement to Federal employment and thus re-secure my livelihood as before.

Another issue re fundamental fairness doctrine related to the appointment of counsel is that the USG imposes limits or strict guidelines on who is allowed to represent current and/or former USG employees, and once the USG is informed that an employee is seeking counsel, this starts the retaliation process under the guise of poor performance as occurred in my case prior to termination.

And, the term *indigent or poor* is relative. Trying to obtain paid preapproved counsel against an opponent with unlimited financial and other classified resources as previously noted, would cause me to become impoverished, indigent and poor before the fact. (A former AUSA in private practice provided a \$250,000 USD estimate in Clearwater, Florida to help with this case). That is why appointment of counsel by the courts beforehand is critical to the concept of fairness under the Sixth Amendment.

Separately, the lower courts' decision fails to consider that I am not able to practice my chosen

profession because, among other things not specified, I do not know the status of my security clearance. See *Greene v. McElroy*, 360 U.S. 474 (1959).<sup>35</sup>

The government's withholding of evidence that is material to the determination of either guilt or punishment of a criminal defendant violates the defendant's constitutional right to due process.<sup>36</sup> But, why does this only apply to suspected "criminals"? The USG could have claimed that I was an alleged "criminal" under investigation beforehand but did not have to disclose this to the court. If they realized they were wrong, or just want to eliminate an individual from Federal employment, they can use the civil court system to circumvent having to provide classified discovery and/or to provide and find out the "truth, the whole truth, and nothing but the truth."

Furthermore, the lower courts fail to consider why it is fundamentally important to understand and question why the USG has leeway, and options to scheme and move between criminal and civil directions in instances as these, without disclosing this to the courts or to either party. Do the courts recognize how these one-sided legal tactics can subvert the concepts of fairness, pursuit of the truth, and equal justice under the law?

---

<sup>35</sup> <https://supreme.justia.com/cases/federal/us/360/474/>, accessed March 10, 2022.

<sup>36</sup> <https://supreme.justia.com/cases/federal/us/360/474/>, accessed March 10, 2022.

Pertinent to this point, the panel decision fails to consider *Brady v. Maryland*, 373 U.S. 83 (1963).<sup>37</sup> The Brady Rule conflicts with the civil fairness issue in that the government's withholding of evidence that is material to the determination of either guilt or punishment of a criminal defendant violates the defendant's constitutional right to due process.<sup>38</sup> See *Lawyer Fights for Brady Evidence Rule in Civil False Claims Case*, U.S. v. Reliance Med. Sys., LLC, CD Cal. No. 14-06979.<sup>39</sup>

Again, why are entities of the USG allowed to use legal tactics that shift to civil matters, especially in cases involving current and former USG employee? Is it so the courts or a jury can never know if there was exculpatory evidence that would have an impact on this case, whether it be criminal or civil?

Furthermore, the lower courts fail to consider why civil cases involving the USG do not have to comply with the Classified Information Procedures Act regardless if the issues are related to criminal or civil matters?

Again, why is the USG allowed to change legal tactics and convert potential criminal investigations into

---

<sup>37</sup> <https://supreme.justia.com/cases/federal/us/373/83/>, accessed March 10, 2022.

<sup>38</sup> <https://supreme.justia.com/cases/federal/us/373/83/>, accessed March 10, 2022.

<sup>39</sup> *Lawyer Fights for Brady Evidence Rule in Civil False Claims Case*, September 14, 2020, <https://news.bloomberglaw.com/daily-labor-report/lawyer-fights-for-brady-evidence-rule-in-civil-false-claims-case>, accessed March 10, 2022.

a civil complaint to avoid complying with discovery matters involving classified material? Is it because they know that current or former US government employees will not be able to afford counsel and get a fair hearing or trial? Why are USG entities allowed to use legal tactics to suppress the evidence using the civil courts?

Furthermore, because there is a lack of transparency, why can the USG avoid a speedy trial? And because they know that there is no automatic established precedent for the appointment of counsel why is there an allowance for the USG's authority to go unchallenged in a court of law?

Additionally, the lower courts' decision conflicts with *Kwock Jan Fat v. White*, 253 U.S. 454 (1920) in which the US Supreme Court held that decisions made based on a record that omitted relevant evidence was not a fair hearing.<sup>40</sup>

Again, the lower courts' decision conflicts with procedural due process under the Fifth Amendment. I have noted in my court room appearance in September 2019, and throughout in documents filed with the court on the need to obtain ***unredacted*** classified evidence from the Federal government to demonstrate disparate treatment, retaliation, and retribution.

In the Order from the United States Court of Appeals filed on February 15, 2022, contrary to their

---

<sup>40</sup> [https://ballotpedia.org/List\\_of\\_court\\_cases\\_relevant\\_to\\_procedural\\_rights](https://ballotpedia.org/List_of_court_cases_relevant_to_procedural_rights), accessed March 12, 2022.

statements, the documents I seek are *not part of the record* on appeal because *they do not have the unre-dacted documents* I seek from the USG. The unre-dacted copies of the classified documents that I prepared are relevant. They provide atmospherics and contexts and can dispute the performance argument claims by the Appellees.

Furthermore, on January 11, 2022, Appellant filed a request for denial of summary motion for summary affirmance because I, the Pro Se Appellant disputes the performance argument in Appellees' motion because the facts as listed and their argument of the facts, again fails to provide the truth, the whole truth, and nothing but the truth.

Again, they (USG) are not providing relevant evidence for a fair hearing. Also see *Giglio v. United States*, 405 U.S. 150, 92 S. Ct. 763 (1972) in which suppression of material evidence justifies a new trial irrespective of the good or bad faith of. . . .<sup>41</sup>

I asked the lower courts for classified material to be part of the discovery process. Will the USG allow this evidence in court for a jury to review to help prove my case and in the interest of due process allow for a fair hearing?

Additionally, in *Lawyer Fights for Brady Evidence Rule in Civil False Claims Case*, U.S. v. *Reliance Med. Sys., LLC*, CD Cal. No. 14-06979, the Department of

---

<sup>41</sup> <https://www.lexisnexis.com/community/casebrief/p/case-brief-giglio-v-united-states>, accessed March 13, 2022.

Justice (DOJ) claims, unlike in criminal prosecutions, the defendants' liberty is not at stake . . . and civil litigants, as compared with criminal defendants, have broad discovery rights.<sup>42</sup>

However, this is not true. The term *liberty* is relative. I have lost the liberty to pursue my livelihood and chosen profession.

Secondly, I do not have broad discovery rights. The DOJ comments in *U.S. v. Reliance Med. Sys., LLC*, are misleading. I can ask for classified information during discovery but that does not mean the USG will produce it.

Relatedly, when I did ask for an extension for discovery because I missed a procedural deadline due to a lack of legal counsel and guidance, Judge Kelly denied my request.

So, if I had broad discovery rights as the DOJ claims, why did the Assistant US Attorney remain silent and not intervene and allow a discovery extension?

Instead, why was the accusation made that I, the Appellant, was slow rolling the process? Or asked to go away or give up, or something to that effect?

---

<sup>42</sup> Lawyer Fights for Brady Evidence Rule in Civil False Claims Case, September 14, 2020, <https://news.bloomberglaw.com/daily-labor-report/lawyer-fights-for-brady-evidence-rule-in-civil-false-claims-case>, accessed March 10, 2022.



Yet, in the interest of fairness, nobody questions why it took entities of the USG close to 10 years to bring this matter to this point? Just because this is a civil matter involving the USG, why can I not enjoy the right to a speedy and public trial, by an impartial jury. . . . To be informed of the nature and cause of the accusation; to be confronted with the witnesses against me, to have a compulsory process for obtaining witnesses in my favor, and to have the assistance of counsel for my defense against the USG as noted in the Sixth Amendment?

And, the panel decision conflicts with the Seventh Amendment. Without the assistance of counsel, how can I ensure that I do not forfeit my Seventh Amendment right and preserve my ability to the right of trial by jury, and that no fact tried by jury shall be otherwise re-examined in any Court of the United States, than according to the rules of the common law?<sup>43, 44</sup>

---

<sup>43</sup> <https://www.archives.gov/founding-docs/bill-of-rights-transcript>, Seventh Amendment, US Constitution, accessed March 12, 2022.

<sup>44</sup> The Seventh Amendment requires civil jury trials only in federal courts. This Amendment is unusual. The US Supreme Court has required states to protect almost every other right in the Bill of Rights, such as the right to criminal jury trial, but the Court has not required states to hold civil jury trials. *Minneapolis & St. Louis Railroad Co. v. Bombolis* (1916). Nearly all of the states, however, have rights to civil jury trial in certain cases in their state constitutions. <https://constitutioncenter.org/interactive-constitution/interpretation/amendment-vii/interps/125>, accessed March 12, 2022.

All these are especially important questions the lower courts fail to consider re the appointment of counsel especially when the opponent involves *any entity of the US Federal government*, in the interest of due process and fairness, regardless if it is before a criminal or civil court.

---

### REASONS FOR GRANTING THE PETITION

To settle these three important questions of Federal law pertinent to the equal application of relevant fairness principles in both criminal and civil matters, and their violation on an individuals' rights found under the First, Fourth, Fifth, Sixth, Seventh, Ninth, and Fourteenth Amendments to the US Constitution.

---

### CONCLUSION

Pro Se Appellant respectfully requests this Court's intervention to settle these three important questions of Federal law and their conflict with the Bill of Rights and previous cases presented before the US Supreme Court.

Respectfully submitted,

YVETTE B. BEAULIEU

Pro Se

1967 Sky Dr.

Clearwater, Florida 33755

(727) 210-7176

Date: August 10, 2022