

No.: 22-218

IN THE
Supreme Court
OF THE UNITED STATES OF AMERICA

Steven Christopher Knapp,

Petitioner,

v.

Metropolitan Government of Nashville &
Davidson County, TN, *et al.*,

Respondents.

On Petition For Writ Of Certiorari
To The Court of Appeals for the Sixth Circuit

**PETITION FOR REHEARING
& DECLARATION OF ILLEGITIMACY**

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RULE 44 CERTIFICATION

The undersigned certifies that this petition for rehearing (i) is restricted to the grounds specified in Supreme Court Rule 44.2, (ii) is presented in good faith, and (iii) not for delay.

I declare under penalty of perjury that the foregoing is true and correct on this 9th day of December 2022.



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PETITION FOR REHEARING

For the reasons set forth herein, rehearing and granting of the petition for writ of certiorari is warranted based upon the substantial and intervening circumstance that this Court no longer operates under the rule of law to preserve and protect fundamental Constitutional rights.

A. The Supreme Court Has Destroyed Its Legitimacy.

Chief Justice Roberts imagines that “legitimacy” flows from some 300 year old parchment that automatically and irrevocably binds the People to recognize this Court’s authority as inviolate. That is his mistake.

The rule of law has legitimacy in the eyes of the People because it provides a non-violent tool for resolving disputes *fairly, according to legitimate authority, by an impartial jurist.*

The People accept the decisions of the courts when those decisions are (i) logical, (ii) conform to prior decisions and established legal standards, (iii) the reasoning applied by the court makes sense to those bound by the decision, and (iv) when such decisions are rendered as a result of a fair, impartial, and meaningful adjudication process – blatantly absent in this litigation and uncorrected by this Court.

Even controversial decisions (*e.g., Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)) can be accepted if the reasoning is legally and factually sound, which is the expected a result of a fair and impartial proceeding aimed towards justice. Segregationists could not deny the power of the reasoning in *Brown* and it was accepted *en masse* (and sometimes enforced by Presidential military order).

This proposition of legitimacy is easily proven by a simple thought experiment: Imagine a world in which the Supreme Court did not publish its decisions or explain its reasoning, but only gave a result. Would such a court have “legitimacy” in the eyes of anyone? Of course not.

Chief Justice Roberts is completely incorrect to think the legitimacy of the judiciary is not tied to the adjudication processes of the decisions announced.

How the decision was made, and the validity of that method, is *just as important* as the textual substance of the decision itself – the same is true for the lower courts in this litigation that, unfortunately, rely upon unmeaningful, superficial adjudication processes (prejudgments), intentionally adopting objectively illegitimate conclusions of law, and outright willful ignorance of the textual record to support those illegitimate legal conclusions – these are not the valid methods of a Constitutionally sound or meaningful adjudication process or fair tribunal – fundamental rights.

Denying the persuasive power of reason, legitimate authority, and truth contained in the weight of this record to deny relief is the apex of illegitimacy.

"Legitimacy" only comes from moral or ethical outcomes. Any movement towards injustice is illegitimate, and conversely any movement towards justice is legitimate.

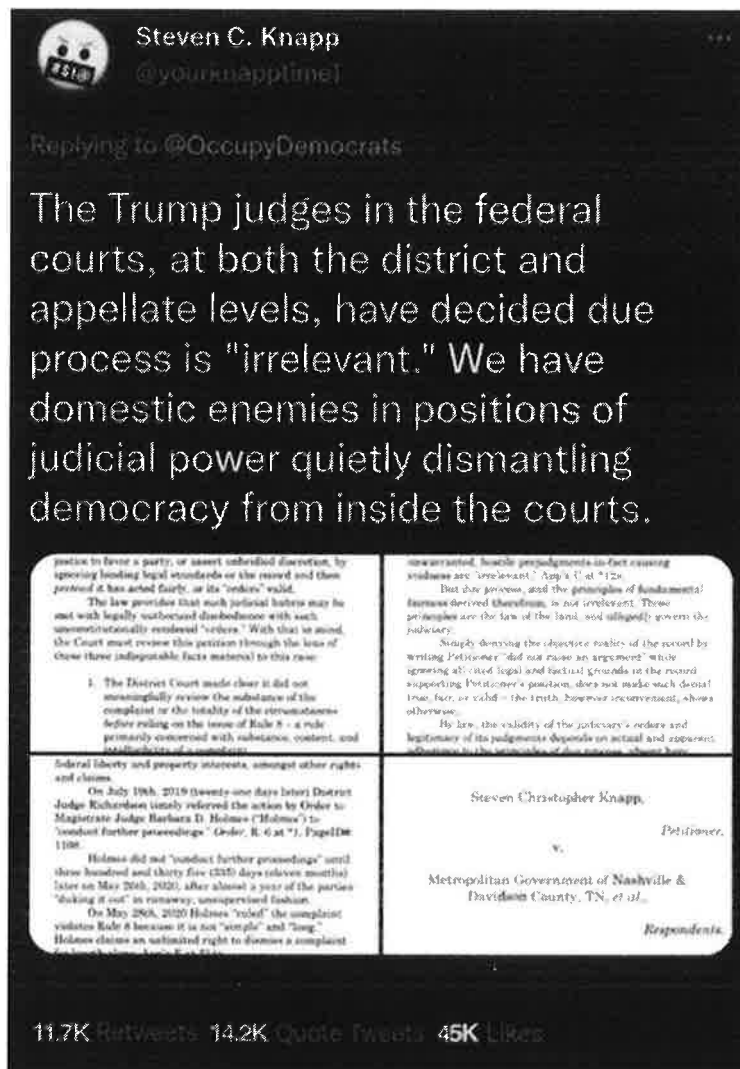
In this litigation, District Judge Eli Richardson declared the principles of due process nullifying the validity and legitimacy of his superficial, meaningless prejudgments to be "irrelevant" when civilly confronted.

That is not the act of a judge of the United States operating within the restraints demanded by the Constitution and due process of law.

Thusly, this Court can and should rehabilitate its own rapidly diminishing legitimacy and relevance by granting rehearing and summary disposition on the merits in Petitioner's favor according to the attached proposed order, attached and incorporated as **ATTACHMENT 1**.

B. Exercise Of Formal Power Is Not “Legitimacy.”

Chief Justice Roberts should know that, paradoxically, by defending this Court’s lack of legitimacy publicly, he further erodes its status and respect within the citizenry. Petitioner submits the following evidence of this Court’s illegitimacy in the form of one of Petitioner’s Tweets, and its massive positive response, a result of this litigation:



With the decision in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, 597 U.S. ____ (2022), this Court took away *ultra vires* a constitutional right that had been enjoyed by hundreds of millions of Americans over the last half century. That is not the legitimate role of this Court.

When this Court acts to take away fundamental constitutional rights by fiat, its reasoning has to be legally and factually sound and the adjudication process done in a meaningful, impartial manner.

Moreover, when taking away individual rights enjoyed by millions and involving the most intimate of patient-physician relationships and the most monumental individual decision making, the Court should refrain from acting altogether: fundamentally reshaping individual constitutional rights should be left to the People themselves via their democratically-elected government after all, the constitution provides an amendment mechanism for the People to remove a constitutional right if they don't want to have it.

But if six unelected justices step in and reshape individual rights by declarative fiat – whether silent or with pretextual and flawed partisan reasoning as in *Dobbs* and this litigation – why should the People agree that this Court is legitimate? Is it just because 300 year old parchment establishes this Court? Because John Marshall and tradition say that this Court is the arbiter of what the law is?

To support its decision on *Dobbs*, the Court appointed itself chief historian of the United States, and then proceeded to do an academic navel-gazing analysis to conclude that no person who voted for the 14th Amendment could have wished to secure the blessings of liberty for future generations that would have included a right to make personal medical decisions about pregnancy without state interference – a right the previous *Roe* Court, sitting in the same building and empowered by the same parchment and titles, found did exist in the exact same

language a half-century earlier.

So in *Dobbs*, the Court announced that the Court itself, in previous form as the *Roe* Court, was illegitimate and wrong, despite false public representations to the contrary by numerous presently sitting “justices,” addressed further in this petition.

The rationale was a debatable historical argument made by non-historians, deeply affecting hundreds of millions of American citizens in their most intimate private relationships. And for what? So the justices could feel like they had some academic triumph of their new radical jurisprudence that (conveniently) installs them as the final word? Indeed, this Court’s illegitimate rulings are already causing calamity and chaos for Americans.¹

Legitimacy flows from expected outcomes that align with prior decisions (*stare decisis*). Legitimacy does not flow from a piece of paper, robes, a big fancy building with marble columns, titles, or conferences where other judges practice fealty and obsequiousness to curry favor.

The unforced errors by the current majority are destroying faith in the judiciary because the justices have completely conflated exercise of formal power with legitimacy – as the lower courts have done in this litigation warranting rehearing and summary disposition in Petitioner’s favor.

Consistent with the illegitimate adjudication processes and false public representations of *Roe* as “settled law” to arrive at the *Dobbs* decision, this Court has denied, by silent judicial fiat, Petitioner’s constitutional rights to be fairly and meaningfully heard according to legitimate law, and the equal protection thereto, by refusing to correct the lower courts’ objectively illegitimate judgments and judicial misconduct (as the Sixth Circuit has interpreted that

¹ <https://www.americanprogress.org/article/abortion-bans-will-result-in-more-women-dying/>

phrase ²⁾ – just as it has denied millions of Americans their constitutional rights to their bodily autonomy, inconsistent with a legitimate court.

After all, this Court apparently sees no constitutional issue with a federal “judge” declaring the principles of due process meant to ensure a meaningful and fair adjudication process to be “irrelevant” – inconsistent with a legitimate court.

C. Extrajudicial Acts Supporting Illegitimacy

Just as District Judge Eli J. Richardson (a Trump appointee) falsely declared, publicly, during his Senate confirmation hearings, that the authority of this Court is not to be questioned before roundly flouting that same authority in this litigation, some of the present justices have also misled the public.

1. Multiple justices misled the public during confirmation hearings.

Five of the nine “justices” of this Court, testified under oath that they believed in the principles of precedential opinions (or words to that effect to imply that meaning) and that *Roe v. Wade*, 410 U.S. 113 (1973) was the law of the land and would remain undisturbed (or words to that effect to imply that meaning). Then, the majority of this Court abruptly made an about face to those prior public statements in deciding *Roe* was “wrong.”

² Judicial misconduct may be established when “the Judge’s remarks clearly indicate a hostility to one of the parties, or an unwarranted prejudgment of the merits of the case, or an alignment on the part of the Court with one the parties.” *United States v. Smith*, No. 16-1602 (6th Cir. Aug. 8, 2017) (citing *United States v. Blood*, 435 F.3d 612, 629 (6th Cir. 2006)). All are objectively present in this record, as discussed in the petition for writ of certiorari.

From this citizen's fair and reasonable viewpoint, and many millions of others, it appears those justices lied under oath to Congress in order to obtain judgeships on this Court.

Lying under oath in order to obtain a position of judicial power is a valid and substantial basis to deny the legitimacy of this Court.

For avoidance of doubt, the Court's legitimacy problem lies not only in the *Roe* decision's reasoning itself (which is based moreso on history than law), but instead with the refusal to acknowledge that belief when being interviewed by the American public's representatives during confirmation, prior to appointment.

2. The premature release of opinions prior to publishing is not an act of a legitimate court.

On November 19th, 2022 the New York Times published a damning article ³ exposing Justice Alito's improper relationships with far-right, evangelical donors related to the leak of the *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682 (2014) decision, years prior to the *Roe* leak, which this Court *claims* to be investigating yet has produced no result.

On November 20th, 2022, in response to that article, Chief Justice Roberts received correspondence from both the House and Senate Judiciary Subcommittees requesting information and substantive answers regarding the factually verified information published by the New York Times.

On November 29th, 2022 this Court's counsel responded with completely inapposite talking points,

³ Jodi Kantor & Jo Becker, *Former Anti-Abortion Leader Alleges Another Supreme Court Breach*, N.Y. Times (Nov. 19, 2022), <https://www.nytimes.com/2022/11/19/us/supreme-court-leak-abortion-roe-wade.html>.

substantively avoiding the questions presented, similar to the Respondents' laughable "strategy" of making the patently absurd argument that Petitioner was attacking the wrong legal filing – a painfully and obviously false "argument" – to avoid addressing the substance of Petitioner's objective showings of illegitimacy in this litigation.

Senator Whitehouse summed up this Court's illegitimacy succinctly:

"Through legal counsel, the Supreme Court reiterated Justice Alito's denials but did not substantively answer any of our questions. The Court's letter is an embodiment of the problems at the Court around ethics issues. . . . The assertions of fact by the Court's lawyer emerge from darkness, and overlook important facts like all the contemporaneous evidence that Mr. Schenck in fact knew both the outcome and author in advance and acted at that time on that knowledge . . . These multiple failures of orderly process are peculiar, coming from the highest Court in the land. Procedure is the bone structure of justice,"

3. A Justice of this Court even being *implicated* in a coup is not an act of a legitimate court.

"At the same time Ginni was lobbying state legislators to overturn the results, Clarence was developing and promoting a constitutional theory that would lend legitimacy to just such a brazen coup. The justice has become an avid fan of the "independent state legislature doctrine," a verifiably false, pseudo-originalist theory that allows state legislatures to ignore the real results and rig elections for Republicans." ⁴

⁴ <https://slate.com/news-and-politics/2022/05/ginni-and-clarence-thomas-steal-2024-election-coup.html>

According to the evidence of the House Select Committee on the January 6th Attack, the wife of a currently sitting justice played a pivotal part in an attempted coup of the United States. That coup appears to be ongoing, with the help of this Court.

“You need only read Ginni’s emails and Clarence’s opinions to see exactly how the 2024 coup attempt will go down because it’s identical to the 2020 coup attempt: If a Democrat prevails, red state officials will question the legitimacy of the results, giving state legislatures an opportunity to throw them out and declare the Republican to be the real winner.”

With Justice Thomas being the lone dissenter in two 8-1 decisions involving the 2020 election, in which his wife played a central role, there is an intolerably high appearance of conflict and illegitimacy given Thomas’ failure to recuse.

This Court has lost its way.

DECLARATION OF ILLEGITIMACY

WHEREAS, this Court no longer pursues the Peoples' interests of securing justice, peace, or safety for the citizens of the United States of America, but instead does act AGAINST the will of the People – the inherent masters to whom the powers of government must serve; AGAINST the unalienable rights to life, liberty, and the pursuit of happiness envisioned by the Founding Fathers and secured by blood for OUR benefit;

WHEREAS, under the 9th and 10th Amendments to the Constitution of the United States, the People are inherently vested with, and retain, heretofore unenumerated, penumbral rights that will not be denied or disparaged, and which are reserved to the states respectively, or to the People therein;

WHEREAS, Article I, Section I of the Constitution of the State of Tennessee provides, at all times, an unalienable and infeasible right of the People to alter, reform, or abolish the government in such manner as they may think proper;

IT IS DECLARED, by the explicit power vested in and secured for the citizens of the State of Tennessee and the United States of America by their Constitutions, and for the true, objective, and legitimate reasons presented in this record, that this Court is presently operating with odious impunity outside of the Constitutional principles to which it is bound to obey and is, therefore, illegitimate, and no citizen should obey or respect any order or judgment of this Court

CONCLUSION

The Supreme Court is illegitimate.

Respectfully submitted,



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