

22-547

In the
Supreme Court of the United States

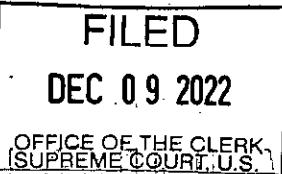
RANDALL E. ROLLINS,
Petitioner,
v.

THE PRESIDENT OF THE UNITED STATES OF
AMERICA; THE SENATE OF THE UNITED STATES
OF AMERICA; THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES OF AMERICA,
Respondents.

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Did the court below err in not considering the overriding emergency issue that the United States of America is currently being invaded by illegal aliens, many of whom pose a substantial threat to the lives, safety and welfare of all American citizens?
2. Did the court below err in not considering the emergency issue that the President, Senate and House of Representatives have intentionally refused to stop this illegal invasion in opposition to the letter and spirit of the Constitution of the United States of America?
3. Did the court below err in not stopping the treason against the United States of America by the President, Senate and House of Representatives when it was in the power of the appellate court to stop this treason; thereby making the appellate court complicit in the treason against the United States of America and its Constitution?

PARTIES TO THE PROCEEDINGS

Petitioner

- Randall E. Rollins

Respondents

- The President of the United States of America
- The Senate of the United States of America
- The House of Representatives of the United States of America

CORPORATE DISCLOSURE STATEMENT

None of the parties are corporations.

LIST OF PROCEEDINGS

United States Court of Appeals for the Fifth Circuit

No. 22-20360

Randall E. Rollins, Plaintiff-Appellant, v.

**The President of the United States of America; The
Senate of the United States of America; The House of
Representatives of the United States of America,
Defendants-Appellees.**

Date of Final Opinion: November 10, 2022

**United States District Court for the Southern District of
Texas**

Case No. 4:22-CV-1427

Randall E. Rollins, Plaintiff, v.

**The President of the United States of America; The
Senate of the United States of America; The House of
Representatives of the United States of America,
Defendants.**

Date of Final Order: July 8, 2022

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OPINIONS BELOW

The decision of the Fifth Circuit Court of Appeals dated November 10, 2022 affirming the trial court's judgment granting Defendants-Appellees' motions to dismiss is set forth in App. 1a.

The supporting memorandum of the Fifth Circuit Court of Appeals dated November 10, 2022 affirming the trial court's judgment granting Defendants-Appellees' motions to dismiss is set forth in App. 3a.

The decision of the United States District Court for the Southern District of Texas dated July 8, 2022 granting Defendants' motions to dismiss is set forth in App. 7a.

The decision of the United States District Court for the Southern District of Texas dated July 8, 2022 denying Plaintiff's motion for temporary restraining order is set forth in App. 10a.

The decision of the United States District Court for the Southern District of Texas dated July 19, 2022 denying Plaintiff's request for findings and conclusions is set forth in App. 16a.

JURISDICTION

The basis for this Court's jurisdiction is contained in Art. III, Sec. 2 of the United States Constitution.

The United States District Court for the Southern District of Texas had jurisdiction pursuant to 28 U.S.C. § 1331 regarding a Federal Question. The district court (Hughes, USDC) entered judgment on July 8, 2022.

The Fifth Circuit Court of Appeals entered judgment on November 10, 2022. (See Appendix 1a.) This petition is timely filed pursuant to Supreme Court Rule 13.1. This Court has jurisdiction under 28 U.S.C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. art III, sec. 2

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; to all Cases affecting Ambassadors, other public Ministers and Consuls; to all Cases of admiralty and maritime Jurisdiction; to Controversies to which the United States shall be a Party; to Controversies between two or more states; between a State and Citizens of another State; between Citizens of different States; between Citizens of the Same State claiming lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.

U.S. Const. art IV, sec. 4

The United States shall guarantee to every State in this Union a Republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened), against domestic violence.

Fed. R. Civ. P. 11(b)

Representations to the Court. By presenting to the court a pleading, written motion, or other paper—whether by signing, filing, submitting, or later advocating it—an attorney or unrepresented party certifies that to the best of the person's

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED--Continued

knowledge, information, and belief, formed after an inquiry reasonable under the circumstances:

- (1) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly increase the cost of litigation;
- (2) the claims, defenses, and other legal contentions are warranted by existing law or by a nonfrivolous argument for extending, modifying, or reversing existing law or for establishing new law;
- (3) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and
- (4) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information.

STATEMENT OF THE CASE

This lawsuit arises from the willful failure and refusal of Respondents to protect the borders of the United States from a mass invasion of illegal and undocumented people which is a violation of Respondents' duty under Article IV, Section 4 of the United States Constitution. Respondents have even aided and abetted this invasion by not stopping it when it is Respondents' Constitutional obligation and power to do so.

Prima facie evidence of this invasion appears daily in the news and cannot be denied by anyone of normal mentality. American lives are being jeopardized as many of these invaders later commit crimes against American citizens. Drug and weapon smugglers, sex offenders, terrorists, murderers, rapists, and other criminals are among these invaders.

People who try to come to the United States legally are wrongfully being denied their rights to legal process by these illegal invaders. It is not fair nor just for the illegal invaders to "cut in line" ahead of those people who obey American law. In fact, this spectacle undermines and weakens our entire legal system and encourages more invasion.

Petitioner filed the original complaint and an emergency motion for a temporary restraining order in the district court on May 4, 2022. The district court subsequently denied the request for TRO and granted Defendants' motions to dismiss on July 8, 2022 allegedly on the grounds that Petitioner and 300,000,000 other Americans lack standing.

STATEMENT OF THE CASE--Continued

The district court's "Final Dismissal" (July 8, 2022) concluded with an outrageous strawman tactic implying that Petitioner was trying to compare Adolph Hitler's treatment of the Jews to the present border crisis. Petitioner was simply showing what happened when the German courts were subservient to the executive--namely, Adolph Hitler. The German courts were afraid to stop Hitler's atrocities. That was the point that Petitioner was making. The district court misinterpreted the point that Petitioner was trying to make.

The district court continued its strawman tactic in its "Order Denying Temporary Restraint," (July 8, 2022) by concluding:

"His complaint is full of racist and nationalistic undertones. The public interest would not be best served by succumbing to fascist ideals."

Petitioner is not a racist, fascist nor any other

"....ist." It does not matter to Petitioner what race, ethnic groups or nationalities are invading the United States. Petitioner and DOES 1-300,000,000 just want Respondents to protect and defend America from the present illegal invasion which Respondents are deliberately refusing to do.

On July 12, 2022, a notice of appeal to the Fifth Circuit Court of Appeals was timely filed on appeal No. 22-20360. The Fifth Circuit Court of Appeals affirmed the judgment of the district court in a judgment and a separate memorandum on November 10, 2022.

REASONS FOR GRANTING THE PETITION

I. THE COURT BELOW ERRED BY NOT ADDRESSING THE THRESHOLD ISSUE OF THE CONSTITUTIONALITY OF RESPONDENTS' REFUSAL TO DEFEND AND PROTECT AMERICA'S BORDERS

Article IV, Section 4 of the United States Constitution demands that Respondents protect every State in the United States against invasion. Not only have Respondents failed in this regard--especially in the border states--but contrariwise have encouraged such invasion by not stopping it. Respondents' dereliction of duty under the Constitution is tantamount to treason. The trial court and the appellate court do not seem to grasp the gravity of Respondents' treason.

II. THE COURT BELOW ERRED BY NOT ADDRESSING THE EMERGENCY THAT WARRANTS THE REVERSAL OF EXISTING LAW OR THE ESTABLISHING OF NEW LAW TO STOP THIS INVASION

Petitioner filed the original action in the district court on behalf of himself and 300,000,000 unknown but named Americans. The lower courts have ruled that we do not have standing to bring a lawsuit against Respondents. Federal Rules of Civil Procedure, Rule 11(b) gives us standing in that whatever law upon which Respondents rely, there is a compelling reason to reverse this law or establish new law protecting Americans against this invasion. Indeed, there can be no

REASONS FOR GRANTING THE
PETITION--Conclusion

justification in Respondents allowing illegal invaders to cross American borders. If left unchecked, this invasion could eventually destroy the United States of America either directly, or prompting other nations to do so. This invasion is the most serious national crisis since December 7, 1941 and should be stopped immediately.

CONCLUSION

For the foregoing reasons, Petitioner respectfully requests this Honorable Court to grant Certiorari in the above-captioned case because of the present national emergency.

Respectfully submitted,



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