

No. 22-6176

ORIGINAL

Supreme Court, U.S.  
FILED

NOV 01 2022

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

In re EXREL Cheryl A. Wojcik, Respondent J. Fellisa PETITIONER  
(Your Name)

VS.

United States — RESPONDENT(S)

MOTION FOR LEAVE TO PROCEED *IN FORMA PAUPERIS*

The petitioner asks leave to file the attached petition for a writ of certiorari without prepayment of costs and to proceed *in forma pauperis*.

Please check the appropriate boxes:

☒ Petitioner has previously been granted leave to proceed *in forma pauperis* in the following court(s):

Second district Court of Appeals Case 21-2927

☐ Petitioner has **not** previously been granted leave to proceed *in forma pauperis* in any other court.

☒ Petitioner's affidavit or declaration in support of this motion is attached hereto.

☐ Petitioner's affidavit or declaration is **not** attached because the court below appointed counsel in the current proceeding, and:

☐ The appointment was made under the following provision of law: \_\_\_\_\_, or

☐ a copy of the order of appointment is appended.

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NOV 28 2022

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

[Signature]  
(Signature)

**AFFIDAVIT OR DECLARATION  
IN SUPPORT OF MOTION FOR LEAVE TO PROCEED IN FORMA PAUPERIS**

I, Raymond J Felleg am the petitioner in the above-entitled case. In support of my motion to proceed *in forma pauperis*, I state that because of my poverty I am unable to pay the costs of this case or to give security therefor; and I believe I am entitled to redress.

1. For both you and your spouse estimate the average amount of money received from each of the following sources during the past 12 months. Adjust any amount that was received weekly, biweekly, quarterly, semiannually, or annually to show the monthly rate. Use gross amounts, that is, amounts before any deductions for taxes or otherwise.

Income source	Average monthly amount during the past 12 months		Amount expected next month	
	You	Spouse	You	Spouse
Employment	\$ <u>1900</u>	\$ <u>N/A</u>	\$ <u>1100</u>	\$ <u>N/A</u>
Self-employment	\$ <u>200</u>	\$ <u>N/A</u>	\$ <u>200</u>	\$ <u>N/A</u>
Income from real property (such as rental income)	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Interest and dividends	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Gifts	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Child Support	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Retirement (such as social security, pensions, annuities, insurance)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Disability (such as social security, insurance payments)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Unemployment payments	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Public-assistance (such as welfare)	\$ <u>0</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): _____	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly income:</b>	\$ <u>2100</u>	\$ <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

N/A not applicable.

2. List your employment history for the past two years, most recent first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
Knight of Columbus	New Haven Conn.	5-1-2020	\$ 1,300
			\$
			\$

3. List your spouse's employment history for the past two years, most recent employer first. (Gross monthly pay is before taxes or other deductions.)

Employer	Address	Dates of Employment	Gross monthly pay
N/A	N/A	N/A	\$ N/A
			\$
			\$

4. How much cash do you and your spouse have? \$  
Below, state any money you or your spouse have in bank accounts or in any other financial institution.

Type of account (e.g., checking or savings)	Amount you have	Amount your spouse has
Checking	\$ 600	\$ N/A
	\$	\$
	\$	\$

5. List the assets, and their values, which you own or your spouse owns. Do not list clothing and ordinary household furnishings.

☐ Home  
Value N/A

☐ Other real estate  
Value N/A

☐ Motor Vehicle #1  
Year, make & model 2003 Mercury Marquis  
Value 3,000

☐ Motor Vehicle #2  
Year, make & model N/A  
Value

☐ Other assets  
Description N/A  
Value

6. State every person, business, or organization owing you or your spouse money, and the amount owed.

Person owing you or your spouse money	Amount owed to you	Amount owed to your spouse
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>

7. State the persons who rely on you or your spouse for support. For minor children, list initials instead of names (e.g. "J.S." instead of "John Smith").

Name	Relationship	Age
<u>N/A</u>	<u>N/A</u>	<u>N/A</u>

8. Estimate the average monthly expenses of you and your family. Show separately the amounts paid by your spouse. Adjust any payments that are made weekly, biweekly, quarterly, or annually to show the monthly rate.

	You	Your spouse
Rent or home-mortgage payment (include lot rented for mobile home)	\$ <u>1800</u>	\$ <u>N/A</u>
Are real estate taxes included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Is property insurance included? <input type="checkbox"/> Yes <input type="checkbox"/> No		
Utilities (electricity, heating fuel, water, sewer, and telephone)	\$ <u>500</u>	\$ <u>N/A</u>
Home maintenance (repairs and upkeep)	\$ <u>N/A</u>	\$ <u>N/A</u>
Food	\$ <u>400</u>	\$ <u>N/A</u>
Clothing	\$ <u>0</u>	\$ <u>N/A</u>
Laundry and dry-cleaning	\$ <u>100</u>	\$ <u>N/A</u>
Medical and dental expenses	\$ <u>0</u>	\$ <u>N/A</u>

N/A - not applicable

	You	Your spouse
Transportation (not including motor vehicle payments)	\$ <u>0</u>	\$ <u>N/A</u>
Recreation, entertainment, newspapers, magazines, etc.	\$ <u>0</u>	\$ <u>N/A</u>
Insurance (not deducted from wages or included in mortgage payments)		
Homeowner's or renter's	\$ <u>0</u>	\$ <u>N/A</u>
Life	\$ <u>0</u>	\$ <u>N/A</u>
Health	\$ <u>0</u>	\$ <u>N/A</u>
Motor Vehicle	\$ <u>120</u>	\$ <u>N/A</u>
Other: _____	\$ <u>0</u>	\$ <u>N/A</u>
Taxes (not deducted from wages or included in mortgage payments)		
(specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
Installment payments		
Motor Vehicle	\$ <u>N/A</u>	\$ <u>N/A</u>
Credit card(s)	\$ <u>600</u>	\$ <u>N/A</u>
Department store(s)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other: _____	\$ <u>N/A</u>	\$ <u>N/A</u>
Alimony, maintenance, and support paid to others	\$ <u>N/A</u>	\$ <u>N/A</u>
Regular expenses for operation of business, profession, or farm (attach detailed statement)	\$ <u>N/A</u>	\$ <u>N/A</u>
Other (specify): <u>N/A</u>	\$ <u>N/A</u>	\$ <u>N/A</u>
<b>Total monthly expenses:</b>	\$ <u>2700</u>	\$ <u>N/A</u>

9. Do you expect any major changes to your monthly income or expenses or in your assets or liabilities during the next 12 months?

☒ Yes   ☐ No   If yes, describe on an attached sheet.

*Job is commission, I cannot increase income  
January looking for a new job*

10. Have you paid – or will you be paying – an attorney any money for services in connection with this case, including the completion of this form?   ☐ Yes   ☒ No

If yes, how much? \_\_\_\_\_

If yes, state the attorney's name, address, and telephone number:

11. Have you paid—or will you be paying—anyone other than an attorney (such as a paralegal or a typist) any money for services in connection with this case, including the completion of this form?

☐ Yes   ☒ No

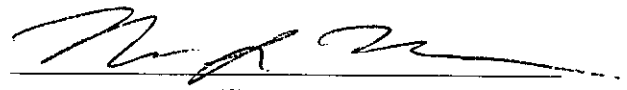
If yes, how much? \_\_\_\_\_

If yes, state the person's name, address, and telephone number:

12. Provide any other information that will help explain why you cannot pay the costs of this case.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: Oct 31, 20 27

  
(Signature)

ORIGINAL

No. 22-6176

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In The  
Supreme Court United States

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In Re Ex Rel Cheryl A Wolf

Raymond J Fallica

*Petitioners*

v.

United States

*Respondents*

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On Petition for a Writ of Certiorari  
To the United States Court of Appeals  
For The Second Circuit

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Cheryl A Wolf Pro se  
6 Ethel Court  
Wheatley Heights NY 11798  
(631)747-6124

Raymond J Fallica Pro Se  
6 Ethel Court  
Wheatley Heights NY 11798  
(631) 374-4649

## QUESTIONS PRESENTED

1.) Whether any Executive and or Judiciary officer takes away any US Citizen of good moral character their Privileges and Immunities Clause 14th Amendment natural rights, Liberty 9th Amendment inalienable rights with no due process of law is it unconstitutional ?

2.) Whether the law that protects all US Citizens of good moral character can be overridden by any Executive and or Judiciary officer by only declaratory statement with no burden of proof, with no due process, is it unlawful obstruction of justice ? is it unconstitutional ?

3.) Whether a US Citizen of good moral character has the right to litigate with a Writ of Scire SDNY 19 CV 0696 in a US Court of law when denied due process by false declaratory statement with no burden of proof, with no due process, have the right to mandate with a Writ of Scire for the burden of proof, the evidence the declaratory statement which nullifies that US Citizen of good moral character 14th Amendment, repeals 13th Amendment ? and is the respondent mandated by the 9th, 1st, 14th Amendment to provide burden of proof evidence ? and if there is no burden of proof/evidence of the declaratory statement proving the declaratory statement is false is it an unlawful obstruction of justice and or unconstitutional conduct ?



4) Whether a U.S Citizen of good moral character have Constitutional Right by unenumerated right Self-Defense protect inalienable rights Liberty Property Contract 9th Amendment, fundamental liberties by self defense empowers 14th Amendment Privileges Immunities Clause, when the Respondent fails to protect those rights alters government, Respondent by aforethought issued false declaratory statement(s) with no proof/evidence originated by Executive Office of the President by misuse of office by FBI DOJ IRS deny US Citizen(s) the fundamental liberties, Respondent violated Privileges & Immunities Clause, 9th Amendment relator to 1st Amendment the right to be heard, is this the legal foundation of the breakdown in civilian authority ? if it is ... does the US Citizen(s) and can the US Citizen(s) Petition this Court to enforce Martial law by Respondent violated 10 USC 333 interference with statute does this establish legal foundation as an unlawful obstruction of justice ? and is the 9th Amendment a court order originated by the founders that mandates reform of government when fundamental liberties are obstructed ? and Respondent advocated to alter the Constitutional form of government would this be considered a rebellion against the US sovereign US Constitution ?

#### **PARTIES TO THE PROCEEDINGS**

Petitioners are Cheryl A Wolf DOD contractor registered with the DLA codified Cage Code 03PL0, Raymond J Fallica administrator DOD contractor CAGE code 03PL0, and registered Insurance agent state of New York from January 2016 to

October 2023; Respondent Solicitor General of the United States, Room 5616,  
Department of Justice, 950 Pennsylvania Ave., N. W., Washington, DC 20530-0001;

#### LIST OF ALL PROCEEDINGS

3747-04L - US Tax Court - IRS initiated litigation February 04, 2004 for taxes on  
1996 government contract was Stayed on May 2004 - after case No. 04-CV-226 was  
heard Stay was lifted in 2006 - IRS stated to petitioners the IRS does not  
investigate fraud - in turn initiated petitioners to litigated in the USCFC on  
February 18, 2004; 04-CV-226 - USCFC - Wolf et al v United States - Tucker Act -  
petitioners initiated litigation February 18, 2004 in USCFC - USCFC court without  
proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law  
labeled petitioners of good moral character never incarcerated to unlawfully state  
petitioners were incarcerated prisoners therefore unlawfully stripping petitioners  
fundamental rights to conceal/suppress discovery, would not follow congressional  
statute procedural due process, ordered outside congressional statute for  
findings from executive agency IRS which aid & abet violated 5 USC 706, IRS false  
declaratory statement petitioners government contract did not exist a misprision of  
felony cover up self-dealing contracts to unlawfully obstruct discovery; Respondent  
issued memorandum of law, incarcerated prisoner civil rights common law outside  
the jurisdiction Tucker Act 28-USC-1491 of the USCFC, USCFC court is authorized  
to hear primarily money claims founded upon the Constitution, federal statutes,  
executive regulations, and contracts (express or implied in fact) with the United  
States; evidence exposed self-dealing by government employees, government

contract fraud harmed petitioners and the United States, concealed this discovery with false declaratory statements; 2005 - Petitioners filed an appeal US Court of Appeals for the Federal Circuit to no avail;

3747-04L - US Tax Court - IRS initiated litigation February 04, 2004 for taxes on 1996 government contract was Stayed on May 2004 Stay was lifted in 2006 (petitioners awaiting findings from USCFC No. 04-CV-226 ) - US Tax Court - IRS demanded taxes from petitioner for same 1996 government contract, the same government contract the IRS stated in case No. 04-CV-226 in USCFC did not exist, IRS stated petitioners had no contract, IRS attorney under oath of perjury had to admit upon US Tax Court judicial findings petitioner was HIRED had 1996 contract; case closed - new discovery petitioners Hired had 1996 contract initiated litigation case No. 08-CV-5071 EDNY Court;

08-CV-5071 - EDNY Court - Fallica Wolf v United States - (*upon new discovery in case 3747-04L US Tax Court judicial findings petitioner had 1996 contract makes case 04-CV-226 in USCFC a nullity*) Complaint IRS obstructed false claim investigation stating unsuccessful bidder 1996 contract in 2004, after US Tax Court trial, US IRS attorney stated at trial under oath of perjury petitioners no longer unsuccessful bidder, petitioners had contract were Hired established Reexamination clause any order that stated otherwise was in direct conflict US Constitution, to conceal petitioners discovery executive and judiciary without proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners of good moral character never incarcerated stripping petitioners

fundamental rights to conceal/suppressed discovery to never be heard, to obstruct US Citizens, Respondent would not follow congressional statute procedural due process establish there was no due process, no judicial review 5 USC 702 IRS false declaratory statement petitioners government contract did not exist a misprision of felony cover up self-dealing contracts to unlawfully obstruct discovery initiated in litigation 04-CV-226 USCFC and after litigation in USCFC case closed September 2004, new discovery in 3747-04L - US Tax Court in 2006 petitioners Hired 1996 contract establish reexamination clause: Respondent order of liberty fundamental liberties are disparaged by Respondent suppressed equal protection the executive and judiciary must be accountable for violating Privileges & Immunities Clause of US Citizen of good moral character to be arbitrarily without due process an incarcerated prisoner with no rights without proof/evidence due process, no judicial review 5 USC 702 enable Respondent strip away US Citizen fundamental liberties, the right to be heard, obstruct right to be heard when respondent deny the right to petition the courts wherefore any US Citizen of good moral character is denied before being heard, a prisoner has no right to be heard, has no right to discovery is altering government from within by disparaged the retained rights of the people mandates reform of the US government;

10-2051 - 2nd Circuit - Wolf Fallica v United States - again Court Ordered was the same - judiciary without proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners of good moral character never incarcerated to be "prisoners" unlawfully stripping petitioners fundamental rights

to conceal/suppressed discovery to never be heard, to obstruct US Citizens,  
Respondent would not follow congressional statute procedural due process establish  
there was no due process, no judicial review 5 USC 702; Court order dismiss  
without being heard;

14-CV-5999 - EDNY - Wolf Fallica v. FBI - Writ of Mandamus - Petitioners wanted  
an answer on a complaint filed with the FBI - Petitioners FBI complaint was about  
EDNY Judge Bianco removing evidence from the docket and altering moving  
papers inclusive evidence self dealing government contracts - Motion for Judge  
Bianco recusal was granted - judiciary with executive without proof/evidence with  
no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners  
of good moral character never incarcerated stripping petitioners fundamental rights  
to conceal/suppressed discovery to never be heard, to obstruct US Citizens,  
Respondent would not follow congressional statute procedural due  
process establish there was no due process, no judicial review 5 USC 702; Court  
order dismiss without being heard;

14-260 - 2nd Circuit - Wolf Fallica v FBI - Judge Katzman on December 2014  
altered a petition/motion to Judge Bianco recusal be turned into denial of appeal on  
a pending case No.14-CV-5999 EDNY during litigation, before the litigation was  
assigned a new Judge, petitioners did not get a new Judge until March 2015 for  
case No. 14-CV5999 EDNY: Judge Katzman on December 2014 altered government

16-CV-9436 - SDNY - Wolf Fallica et al v United States - Failure to enforce the re-examination Clause - without proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners of good moral character never incarcerated stripping petitioners fundamental rights to conceal/suppressed discovery to never be heard, to obstruct US Citizens, Respondent would not follow congressional statute procedural due process establish there was no due process, no judicial review 5 USC 702 - Court order Dismiss without being heard;

18-795 - 2nd Circuit - Wolf Fallica et al United States - without proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners of good moral character never incarcerated stripping petitioners fundamental rights to conceal/suppressed discovery to never be heard, to obstruct US Citizens, Respondent would not follow congressional statute procedural due process establish there was no due process, no judicial review 5 USC 702 - Court order dismiss without being heard;

19-CV-0696 - SDNY - Wolf Fallica v United States - Writ of Mandamus for a Writ of Scire for two pieces of evidence

21-CV-2100 - EDNY - transferred from SDNY No. 19-CV-0696 - Was an unlawful obstruction when respondent defaulted case No. 19-CV-0696 SDNY same day of the default was issued unlawful transfer case to RECUSED Judge Bianco who was accountable altered government in 2010 order(s) nullified Reexamination Clause 7th Amendment was unlawfully obstructed by Judge Bianco without

proof/evidence with no due process Opinion/Ordered incarcerated prisoner case law labeled petitioners of good moral character never incarcerated stripping petitioners fundamental rights to conceal/suppressed discovery to never be heard, to obstruct US Citizens, US Citizen of good moral character is denied before being heard, a prisoner has no right to be heard, has no right to discovery is altering government from within voided privileges immunities US Citizen fundamental liberties Judge order(s) advocated alter US constitutional government be outside jurisdiction US Constitution;

On March 09, 2022 - EDNY Judge Seybert related case gave notice on docket sheet case No. 21-CV-2100 EDNY - "*Notice of Related Case: 22-cv-1297-JS-SIL The Case was directly assigned as a related Pro Se/Habeas Case. (Cox, Dwayne) (Entered: 03/09/2022)*" as current as this passed March 09, 2022, EDNY Judge Seybert a display of unconstitutional conduct and libel to make a false declaratory statement HABEAS

21-2929 - 2nd Circuit - alter title from Wolf Fallica v United States to Wolf Fallica v FBI - unlawful obstruction by respondent to suppress evidence of new discovery in 2018 misuse of FRCP 26 B(iv) denies duty to disclose evidence unlawful obstruction of Writ of Scire for two pieces of evidence that exposed respondent alter government from within: Respondent tied all the case above in EDNY, SDNY, 2nd Circuit and related all Cases on every docket sheet together, all related cases the

opinions/decision from case in 2004 in (USCFC) US Court Federal Claims Case No. 04-CV-226, Case No. 04-CV-226 ordered Motion Dismiss by Respondent based only on declarative statement without proof/evidence without due process ordered US Citizen of good moral character to be incarcerated prisoners to unlawfully strip petitioners fundamental rights to conceal discovery, declaratory statement unsuccessful bidder without due process only APA FAR 14 Notice can provide successful and or non-successful bidder without proof/evidence of congressional act APA FAR 14 Notice USCFC court violated Tucker Act, USCFC unlawfully gave illegal standing to civil rights common law to dismiss theft of Federal Funds through government contract fraud; Petitioners were never heard in any of the cases except US Tax Court discovery HIRED, in every case Petitioners were denied to be heard with a false declaratory statement without due process without proof/evidence petitioners were incarcerated prisoners, incarcerated prisoners have no rights, no right to discovery, no right to heard, go directly to dismiss, Petitioners here want their rights back that were taken away by the executive and the judiciary without due process for over 18 years; Petitioners Wolf, Fallica were never incarcerated, there must be accountability this does not happen again, any executive or judiciary declaratory Statement without due process without evidence can not convict on just a declaratory statement



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## DECISIONS BELOW

The District courts decision case SDNY case No. 19-CV-0696 - Title In Re Ex Rel Cheryl A. Wolf v United States filed Peremptory Writ of Mandamus a Writ of Scire for TWO pieces of evidence filed January 24, 2019 (two pieces of evidence/proof, 1st piece of evidence/proof petitioner(s) Wolf, Fallica where ever incarcerated, detained or otherwise, as accused of by EDNY Judge Bianco issuance incarcerated prisoner case law in prior case(s) with same petitioners, 2nd piece of evidence APA FAR 14 Notice) SDNY Judge Lorna G. Schofield ordered the Respondent to answer on or before April 04, 2019 - on April 04, 2019 the day the Respondent was to answer, RECUSED EDNY Judge Bianco had the SDNY case No. 19-CV-0696 transferred back to his court (*EDNY Judge Bianco recused himself in December 2014 EDNY case No. 14-CV-5999 and again recused himself March 24, 2022 2nd Circuit case No. 21-2929*) Respondent would not provide two pieces of proof/evidence, just 19 days in RECUSED EDNY Judge Bianco court on April 23, 2019, RECUSED EDNY Judge Bianco became a judge upon himself and dismissed the Writ of Scire for two pieces of evidence, evidence/proof would not be in recused EDNY Judge Bianco favor, judge ruling could only be with prejudice; Order "Although petitioners paid the fee to commence this action, the Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith" -

"frivolous litigation" for petitioners US Citizens of Good Moral Character labeled incarcerated prisoners, detained or otherwise without proof/evidence no due process 21 -2929 Original Litigation Cheryl Wolf et Al v United States Second Circuit

Court case manager altered case heading to 14CV5999 Second Circuit denied Mandamus by alter case heading conceal unlawful obstruction justice exposed in 2018 legal foundation new discovery basis writ Scire 19CV00696 unlawfully obstructed new evidence suppressed March 24, 2022 Case 21-2929 original proceeding denied for Court arbitrarily altered heading with intent unlawful obstruction established foundation decision exceptional circumstances when a court violates Exec order 10450 8 (a) 4 Advocacy OVERTHROW United States government by the alteration of the form of government of the United States by unconstitutional means. Dismissed motion reconsideration 21-2929 August 3, 2022 legal foundation 14CV5999, Liability accrued 19cv 00696 unlawful obstruction legal foundation 21-2929

#### STATEMENT OF JURISDICTION

Petitioners jurisdiction 28USC1334 writ certiorari by unlawful obstruction interfered due process denies fairness, court jurisdiction 28USC1343, establish Constitutional question 28USC 1331can Respondent arbitrarily alter case heading nullify Tucker Act 28 USC 1491 by judicial doctrine with no legal merits to government contract fraud alters government from within, void authority United States Congress enabled Respondent suppressed Equal Protection of laws void due process protections created Executive branch above the rule of law by a bias judiciary alters heading to a 2014 suppressed evidence exposed unlawful obstruction justice exposed by new evidence 2018 Writ Scire obstructed 2019, and unlawful obstruction Writ Scire 2022 exposed Respondent altered government.

## **PERTINENT CONSTITUTIONAL & STATUTORY PROVISIONS**

Respondent failure enforce government contracts law APA administrative  
Procedure Act 5 USC, nullified 28 USC1491 Tucker Act by false statements 18  
USC1001 facilitated unlawful obstruction justice denied Ninth Amendment relator  
First Amendment interfered with False Claims Act 31USC 3729 et seq., Civil  
Rights Act 1866, Liberty due Process Clause Fourteenth Amendment suppression  
Equal Protection Privileges Immunities Clause Fourteenth Amendment advocated  
alter government from within, alter case heading obstruct justice 18USC1503 deny  
procedural due process APA FARS regulations, when Respondent violated  
18USC1918 disloyalty strike against the government enabled Misprision of treason  
18USC2382 when IRS committed treason 18USC2381, advocated alter  
constitutional form government from within by unlawful obstruction justice legal  
foundation conceal IRS agency treason 18 USC 2381 established breakdown  
civilian authority mandates 10USC 333 Interference with Federal statute be  
applied by removal unlawful obstruction of justice.

## **INTRODUCTION**

Respondent arbitrarily altered case heading to 14CV5999 2014 case aforethought  
act suppressed evidence; evade new discovery void fundamental liberty right to be  
heard exposed by 2018 appeal 18-796 established Second Circuit altered  
government nullified Reexamination Clause exposed case 14CV5999 appeal nullity

by new evidence misapplication FRCP 26 B (iv) suppressed evidence foundation writ Scire 2019, motivated Judge Bianco Case 19Cv2100 facilitated unlawful obstruction was exposed by new evidence 2021 Judge Bianco order 19CV2100 no judicial review 5 USC 702 established order violated 5USC 706 Arbitrary conduct exposed unlawful obstruction Respondent change original case heading, SILENCE existence Case 19CV00696 illegally transferred to Case19CV2100 with intent silence, conceal Respondent altered government new discovery petitioned Ninth, First Amendment original proceeding 21-2929 In Re Ex Rel Cheryl A Wolf et al v United States exposed overthrow government from within by *presumed fact is more likely than not to flow from the proved fact on which it is made to depend new* discovery misuse judicial doctrine Petitioners never heard by Respondent facilitated unlawful obstruction justice First Amendment, Petitioners discovered new evidence December 2018 established unlawful obstruction justice originated Respondent treason liability incurred IRS offices 390 Broadway NY NY, US Tax Court 26 Federal Plaza New York NY petition SDNY Court Case Mandamus Writ Scire 19 CV 00696, two pieces evidence established existence of evidence or lack thereof, no evidence establish foundation of an unlawful obstruction of justice incurred from within government advocated alter government Petitioned Respondent mandated provide evidence, just two pieces evidence first document requested, APA FAR 14 notice mandated by statute, procedural due process APA FARs part of Administrative Procedure Act 5USC establish legal foundation define a D.O.D Contractor as an unsuccessful bidder by rule of law, second piece evidence



petitioned if existed if not to state it does not exist is incarcerated record of the  
Petitioners for Respondent misused memorandum law incarcerated prisoner civil  
rights common law as a motion to dismiss with unsuccessful bidder upon presumed  
fact is more likely than not to flow from the proved fact on which it is made to  
depend litigation originated from taxes owed on Petitioner D.O.D contractor's  
contract exposed government self dealing contracts failure Respondent's IRS enforce  
statute 26 USC 4941 self dealing, Petitioners victims of contract fraud with People  
United States initiated Qui Tam False Claims Act Litigation US Court Federal  
Claims case 04 CV 226 Respondent defense incarcerated prisoner unsuccessful  
bidder after litigation US Tax Court Case 3747-04L exposed Petitioners were never  
a bidder, Respondent nullified Reexamination Clause it was upon discovery after  
Second Circuit Appeals Court order 18-796 December 2018 legal foundation judicial  
doctrine incarcerated prisoner civil rights common law deny Reexamination Clause  
be heard exposed Respondent fraud on court from origin, new discovery foundation  
January 2019 Writ of Scire 19CV00696 petitioned Pro se Petitioners to be heard,  
Respondent unlawfully imposed without disclosure misuse FRCP 26 B (iv) deny  
duty disclosed evidence of unrepresented incarcerated person foundation  
Respondent decisions Obstructed Petitioners due process by rational basis test  
applied US Court Federal Claims decision nullified Tucker Act 28 USC 1491  
judicial orders became Stare Decisis, certified fraud as fact, exposed by Respondent  
DOJ mandated to answer Petitioners 19 CV 00696 writ of Scire DOJ defaulted,  
after default case unlawfully transferred EDNY Court Judge Bianco 19 CV 2100,

Judge Bianco recused 2014 for being biased , new discovery 2018 exposed litigation obstructed since 2004 original case 04CV226 no discovery hearing on evidence was suppressed in every Article III Court established interference Qui Tam litigation; Judge Bianco immediately upon transfer writ Scire arbitrarily altered jurisdiction voided Tucker Act, without due process dismissed case with Prejudice; LIBEL Petitioners Habeas without due process or causation upon new Discovery Sept 2021 Petitioners issued original proceeding 21-2929 unlawful obstruction by EDNY SDNY 19 CV 00696 concealed defendant liability incurred NY City, no judicial review by the court Petition original proceeding against Respondent November 2021 new evidence no judicial review violated 5 USC 706 (A) being arbitrary capricious by failure provide evidence that was necessary to be provided to established there was due process instead Second circuit evade writ Scire altered title of proceeding an original proceeding In Re Ex Rel Wolf Fallica v United States *Respondent new obstruction altered case heading became an appeal 14CV5999 Cheryl A Wolf et al v FBI* conceal new discovery was never heard by incarcerated prisoner civil rights common law became exposed December 2018 Appeal 18-795 exposed new discovery exposed case 14CV 5999 a nullity when appeal was answered by Chief Judge Katzman December 2014 denied as unsuccessful bidder with no evidence, no due process altered government from within, appeal denied before district court could be heard, before there was hearing in district court; Case 21-2929 established right petition Ninth Amendment relator First Amendment, liberty due process clause Fourteenth Amendment, Respondent

Dissembled act evade provide two pieces evidence established Second Circuit denied Right to be heard relator Ninth Amendment provide two pieces evidence by not being in evidence in every case established no due process, Respondent executive agencies IRS DOJ FBI advocated altered US Constitutional form government created imperial presidency enabled by Judiciary unlawfully obstruct justice evade discovery hearing foundation 1400 pages government contracts arbitrarily redefined law from the bench to a bid establish destruction inalienable rights, fundamental liberties violates Executive order 10450 Sec. 8. (a) 4, Advocacy OVERTHROW United States government by the alteration of the form of government of the United States by unconstitutional means. Writ of Scire unlawfully obstructed Judge Bianco Judge Seybert 19CV2100 causation Mandamus 21-2929 unlawfully obstructed suppressed evidence altered case heading, case legal merits established 18 years Respondent advocated to void Guarantee Clause US Constitution; fundamental liberty denied to American People since 1996 by an executive not being accountable to rule of law established by unlawful obstruction justice establish breakdown civilian authority causation petition martial law 10 USC 333 Interference with Federal Statute Civil Rights Act 1866, False Claims Act 31 USC 3729 et seq.,

## STATEMENT OF CASE

Petitioner US Citizens issued original proceeding 21-2929 Second Circuit Court In Re Ex Rel Cheryl Wolf et al v United States, original proceeding unlawful obstruction of justice violated Ninth First, Amendment by Respondent 18USC1918

disloyalty strike against the United States by prosecutorial, judicial abuse of power  
alter government from within mandated reform petitioned Ninth Amendment  
Respondent provide two pieces evidence obstructed by Respondent suppressed  
evidence alters case heading void new discovery established Treason alter  
government became exposed December 2018 and petitioned new evidence case 19  
CV 00696 Respondent alter heading 21-2929 to 2014 case heading evade new  
discovery established unlawful obstruction for 21-2929 exposed unlawful  
obstruction Judge Bianco interfered with due process 19 CV 00696 exposed  
Respondent defaulted provide two pieces evidence prove Respondent Libel to  
petitioners case was then obstructed by unlawful transfer SDNY case 19 CV 0696  
mandamus Writ of Scire for two pieces of evidence, one piece of evidence  
respondent(s) to provide US Citizen(s) was ever "INCARCERATED PRISONER" or  
ever detained, burden of proof issuance of incarcerated prisoner is not an unlawful  
obstruction of justice, fabricated fraudulent false statement - without due process -  
respondent(s) executive & judiciary orders fraudulent false statement with no  
burden of proof, to deny any US Citizen the right to be heard First , Ninth  
Amendment deny discovery go straight to dismissal - when US Citizen petition  
court for burden of proof , US court issuance frivolous dismiss with threats of  
sanctions, US courts voided Privileges Immunities Clause establish impeachable  
offense to libel without due process frivolous, disparaged right retained by US  
Citizen legal right petition due process, frivolous to void US Citizen constitutional &  
civil rights repealed Privileges Immunities Clause by a false declaratory statement

obstructed petitioners fundamental rights with no due process, empowers inalienable Constitutional right US Citizen self defense protect their natural, constitutional & civil rights the right Petition US courts must answer with burden of proof incarcerated prisoner is not an unlawful obstruction of justice, that denied US Citizens fundamental liberties, rights to be heard;

*A frivolous claim, often called a bad faith claim, refers to a lawsuit, motion or appeal that is intended to harass, delay or embarrass the opposition. A claim is frivolous when the claim lacks any arguable basis either in law or in fact Neitze v. Williams, 490 U.S. 319, 325 (1989).*

Respondent(s) executive & Judiciary issuance frivolous claim alter case heading established bad faith claim created law from the bench Libel Petitioners.

Respondent judicial opinions no merit, acted upon in bad faith established bad behavior disparaged due process rights retained by the people has standing in any US court, Respondent false statement intent void due process accountability, lacks any arguable basis either in law or fact without due process, burden of proof , prisoner of any sort, mere issuance of adjective frivolous attaches itself to prisoner and prisoner case law · NO US Citizen should be denied access to US Courts with executive and or judiciary officer's false declaratory statement without burden of proof, no executive and or judiciary officer is above the law be held accountable to LIBEL with intent malice US Citizen Respondent be accountable, Equal Protection Clause Fourteenth Amendment; Any US Citizen has Constitutional right to a hearing, trial, discovery process unlawfully obstructed, executive and or judiciary

officer deny Constitutional right, false declaratory statement without burden of proof, no executive and or judiciary officer has the right to deny any US Citizen access to the courts constitutional right Petition evidence derived judiciary issuance frivolous no evidence, just declaration is tyranny mandated Petitioners right reform government by Ninth Amendment; Respondent outside the rule of law, will not provide evidence of accuse through due process, denies US Citizen access court system defines altering United States constitution of government; US Citizen constitutional right petition evidence, executive and or judiciary officer obstructs due process voids US Citizen natural rights, constitutional & civil rights without due process; establish suppression Equal Protection Clause. United States Supreme Court possession of undisputed evidentiary fact of public record cases before you a US Citizen of good moral character being denied access to US courts SDNY case 19 CV 0696 mandamus Writ of Scire two pieces of evidence validate US Citizen accused of being incarcerated with no evidence, established libel by Respondent obstruct congressional codified evidence on a congressional codified contract, these two pieces of evidence denied by US EDNY Judge Joseph Bianco issue word frivolous with prejudice, Judge Bianco transferred case 19 CV 0696 to EDNY case No. 19 CV 2100, arbitrary act claiming US Citizen Writ of Scire for two pieces of evidence denied for no US Citizen has no right to know what they are accused of nor should be given evidence against the accused, US Citizen has no right to appeal his decision "will lead to monetary sanctions and/or the entry of an injunction applicable to all federal district courts"; an order disparaged retained rights of the

people violated Ninth amendment by unlawful obstruction altered government  
EDNY Judge Bianco a recused judge had no jurisdiction, conduct establish  
obstruction preside over SDNY case 19 CV 0696 nor transfer case to EDNY case No  
19 CV 2100 , Judge Bianco recused himself 2014 pursuant 28 USC 455, Writ of  
Scire case 19 CV 0696 two pieces of evidence established no burden of proof  
"incarcerated prisoner" established unlawful obstruction of justice unlawfully  
deprived US Citizen fundamental rights obstruct due process, EDNY Judge Bianco  
obstruct justice US Citizens prior cases he presided over, EDNY Judge Bianco  
transfer SDNY case 19 CV 0696 to himself established unlawful obstruction of  
justice pursuant to 28 USC 455, voids fairness, EDNY Judge issuance order dated  
April 23, 2019 became a judge upon himself; EDNY case 19 CV 2100 Judge Bianco  
preceded by Judge Joanna Seybert, Judge Seybert ordered response US Citizen  
petition reconsideration for two pieces of evidence denied by EDNY Judge Bianco  
who had recused himself 2014 pursuant to 28 USC 455, no jurisdiction to preside  
over case 19 CV 2100 establish bias, central party conceal false statements as fact  
established self serving act from the bench, denied US Citizen access to the court,  
two pieces of evidence, order certifying EDNY Judge Bianco a party of obstruction ,  
judge with conflict of interest , bias , given standing, unlawfully preside over case  
he recused himself established Judge Bianco's orders enabled Judge Bianco be a  
judge upon himself, denied Writ of Scire establish exposure unlawful obstruction  
without due process in all cases affirmed 04 CV 226 are nullities enforce altered US  
Government by Unconstitutional means.

## REASONS FOR GRANTING THE WRIT

### WRIT ESTABLISH UNLAWFUL OBSTRUCTION JUSTICE ALTERED GOVERNMENT

Ninth Amendment in penumbra relator First Amendment petitioned for burden of proof, Respondent submit two pieces evidence provide burden proof, evidence due process incurred Respondent mandated provide APA FAR 14 notice evidence never was given by Respondent instead substituted no evidence contract fraud on audit interfered by judicial doctrine issued incarcerated prisoner civil rights common law obstruct Pro Se Petitioners right to be heard disparaged retained rights mandates government reform petition enforcement Ninth Amendment; *see Griswold v Connecticut 381 US 479* Mr. Justice Douglas. developed his opinions Ninth Amendment subsequent to *Griswold* view of the ninth amendment, unenumerated rights of substance in (or through) ninth amendment; contains Justice Douglas approach, would demand that any novel, unenumerated right be keyed specifically to enumerated rights by penumbra or analogy; development similar to geometric expansion of equal protection, new equal protection for the ninth amendment in *Griswold* holds the Respondent accountable to law must bear the burden of proof. See *Palmer v Turner 403 U.S. 217 (1971)*. Supreme Court Judge Douglas Dissent foundation, asserted fundamental freedom and a group of amendments which are, together, the source of the fundamental freedom. Justice Douglas argument "ninth amendment rights" are somehow related to enumerated rights. The nature of this relation is the key to understanding Justice Douglas Ninth Amendment position:



*We deal here with analogies to rights secured by the Bill of Rights or by the Constitution itself ....*  
*[The right of races to swim together] is in the penumbra of the policies of the Thirteenth, Fourteenth,*  
*and Fifteenth Amendments and as a matter of constitutional policy should be in the category of*  
*those enumerated rights protected by the Ninth Amendment. If not included, those rights become*  
*narrow legalistic concepts which turn on the formalism of laws, not on their spirit.*

Read together Supreme Court Judge Douglas Griswold, Palmer opinions  
characterize ninth amendment enabling provision, operates via analogies between  
legally unprecedented and unenumerated rights and those rights already specified  
in the Bill of Rights. If asserted right is penumbral or analogous to a specific right  
or group of rights already recognized as constitutional in stature, then ninth  
amendment enables, or perhaps requires, Court to protect the unenumerated right  
Osborn v. United States 385 U.S. 323 (1966), Douglas cites *Griswold 385 U.S. 323*  
*(1966), dissenting from denial of certiorari in Freeman v. Flake 405 U.S. 1032*  
*(1972), Douglas suggests only one amendment is necessary to bring the ninth into*  
*operation as a penumbral relator: "I can conceive of no more compelling reason to exercise our*  
*discretionary jurisdiction than a conflict of such magnitude, on an issue of importance bearing on*  
*First Amendment and Ninth Amendment rights."*

Petitioners Writ of Scire 19 cv 00696 mandated petition Ninth First Amendment  
Fourteenth due process provide evidence be heard, provide due process law for all  
Respondent's opinions, orders legal foundation originated case 04CV226 Cheryl  
Wolf et al v United States False Claim litigation Respondent issued dismissal with  
no evidence support legal foundation memorandum law incarcerated prisoner civil  
rights common law, no legal merits government contract fraud, Respondent false

statement unsuccessful bidder established obstruction due process without evidence; no discovery hearing by Respondent Courts established denial right to be heard violation First Amendment relator Ninth Amendment exposed US Court Federal Claims mandated by Tucker Act 28 USC 1491 Supremacy clause procedural due process APA FAR 14 provide evidence unsuccessful bidder. Judicial abuse misuse incarcerated prisoner civil rights common law when legal merits, evidence legal foundation congressional statute government contracts law fraud establish Respondent arbitrary acts facilitated unlawful obstruction justice established foundation breakdown civilian authority is so corrupt with false statements issue law by ipse dixit established foundation unlawful obstruction by Respondent arbitrarily voids right be heard disparaged people's retained rights Ninth Amendment relator First Amendment civilian authority cease exist , recognized by US congress when corruption rampant voids civil rights affirmed Organized Crime Control Act 1970 statute, Congressional memorandum corruption breakdown's civilian authority (Rico does not apply to Respondent United States, can be applied to a specific court or government agency of that agency violated RICO statute by association in fact RICO enterprise) oversight agencies enforce Court's rule of law integrity congress gave oversight authority to DOJ FBI instead these agencies are politicized, failure enforce statute, established unlawful obstruction justice when Respondent arbitrarily apply due process of law establish suppression of Equal Protection Clause as FBI director stated to American People 2016 arbitrarily misapply due process of law Respondent establish legal foundation tyranny of

executive be unaccountable to the rule of law, FBI DOJ are appendages of the executive, politicized, established by 18 year history protect corrupt executive branch not be accountable to rule of law on self dealing government contracts. When there is no rule of law replaced by Anarchy, established Respondent void civil rights by arbitrary acts unlawful obstruction due process is denied freedom, voided fundamental liberties established foundation breakdown civilian authority nullifies right to be heard First Amendment denied in multiple cases violated Ninth Amendment disparaged Rights retained by the people by Respondent obstruction, misapplication judicial doctrine incarcerated prisoner civil rights common law automatically imposed FRCP 26 B (iv) deny duty disclosed evidence; denies constitutional right Pro Se right of discovery hearing voided by declaratory statements as law, Respondent interfered with Civil Rights Act 1866, Privileges Immunities Clause liberty due process clause Fourteenth Amendment,; False statement 18USC1001 enabled Judicial orders from bench created False Claim 18 USC 286 through fabrication unsuccessful bidder concealed by memorandum law Incarcerated prisoner civil rights common law nullified Tucker Act 28 USC 1491 at origin litigation Qui Tam False Claims Act Litigation US Court Federal Claims case 04CV226 decision discovered as fraud by IRS litigation US Tax Court Case 3747-04L Wolf v Commissioner judicial findings recognized contracts arbitrarily redefined as bid suppressed by misuse FRCP 26 B (iv) deny duty disclose evidence by an incarcerated litigant with no representation established unlawful obstruction justice Ninth Amendment relator First Amendment right be heard rule of law, due

process origins Magna Carta: Respondent misused incarcerated prisoner civil rights common law no legal merits contract fraud litigation, no legal standing Tucker Act, US COURT FEDERAL CLAIMS , enabled Respondent unlawfully obstruct justice by denial fundamental right due process mandated evidence FAR 14 notice be provided by statute procedural due process APA FAR, Respondent nullified Tucker Act 28 USC 1491 denied right be heard concealed by EDNY Court Judge Bianco judicial practices apply ipse dixit as law on Pro se cases facilitated Misprision of treason 18USC2382 origins US Court Federal Claims by Respondent from judicial bench declaratory statements Respondent has no burden of proof as fact just ipse dixit statements as legal foundation judicial orders established arbitrary acts as law with no due process applied mandates by Petition by individual Ninth Amendment constitutional law Respondent provide due process mandated by fundamental liberty Respondent provide two pieces evidence FAR 14 notice second evidence incarcerated prisoner docket sheet exist validate Respondent declaratory statement with no evidence of these two pieces evidence established no due process establish foundation denial fundamental right Liberty Stated by Justice Douglas ;

*The Ninth Amendment obviously does not create federally enforceable rights, [he then quotes the ninth in full]. But a catalogue of these rights includes customary, traditional, and time honored rights, amenities, privileges, and immunities that come within the sweep of "the Blessings of Liberty" mentioned in the preamble to the Constitution. Many of them in my view come within the meaning of the term "liberty" as used in the Fourteenth Amendment*

Writ of Scire petitioned provide two pieces evidence when substantive due process clause Fourteenth Amendment obstructed by Judges issues an order equate US

*Citizen Whistleblower False Claims Act as Habeas:* criminal behind bars without due process denies access to fundamental liberty empowers US citizen constitutional right self defense when falsely accused unsuccessful bidder by arbitrary statement Respondent redefine Whistleblower as criminal by Respondent declarations memo of law incarcerated prisoner civil rights common law with no foundation due process government contract fraud violated a person innocence until proven guilty by due process mandates by Fourteenth Amendment is disparaged violated Ninth Amendment mandates Respondent accountable rule of law unlawfully obstructed due process provide evidence beyond reasonable doubt when courts issue ipse dixit as law Respondent certified fraud as fact violated fundamental liberties it is the constitutional Right every free U S Citizen petition right evidence be produce when Respondent deny U S citizen the protection bill of rights specifically First Amendment right to be heard so Respondent can conceal there was no discovery hearing disparaged rights retained by the people Ninth Amendment Respondent has burden provide specific two pieces evidence protect fundamental liberty Fourteenth Amendment see *Jacobson v. Massachusetts*, 197 U.S. 11, 29:

“There is, of course, a sphere within which the individual may assert the supremacy of his own will [410 U.S. 214] and rightfully dispute the authority of any human government, especially of any free government existing under a written constitution, to interfere with the exercise of that will.”

The Self defense inalienable right establish Petitioners victims of government self serving contracts interference False Claims Act established Respondent destroys natural rights, Petitioners are enabled by US Citizens inalienable right self defense protect fundamental liberty guaranteed by US Constitution petition this court applied martial law 10USC 333 Interference Federal Statute by Respondent causation destroy fundamental liberty enabled Respondent conceal self dealing government contracts is a breakdown civilian authority ; Respondent falsely accused Petitioners as incarcerated prisoner denies discovery establish Respondent malice intent deprived liberty clause Fourteenth Amendment, enabled libel Petitioners as unsuccessful bidder by Frivolous; Respondent libel Petitioners as habeas facilitated unlawful obstruction petition the truth, Respondent altered government when Respondent orders issued are without due process established unlawful obstruction justice to equate a free person is with no constitutional rights by declaration established federal court arbitrarily nullified Fourteenth Amendment repealed Thirteenth Amendment facilitated unlawful obstruction fundamental liberty to be heard , protections Fourteenth Amendment is voided from impetuous vortex Federalist Papers 48 executive judicial collusion altered government violated federalist papers 70 create executive not accountable to rule of a law, enabled suppressed fundamental liberty through systemic defamation and libel from the bench without due process conceal government corruption of executive enabled by judiciary advocated altered US Constitutional form government established 10 USC 333 interfered with False Claims Act, Civil Rights Act 1866

legal foundation Petitioners protection Privileges Immunities Clause Fourteenth Amendment encompasses liberty clause Due process Clause Fourteenth Amendment Second Circuit accepted NY state Court practices ipse dixit by self declaratory statement by officer of the court issues false narrative supported by common law no legal merits litigation established unlawful obstruction fundamental liberties, aforethought act deprived First Amendment Constitutional right to be heard by destruction inalienable right to fairness suppressed equal protection clause by denial discovery provide two pieces evidence Respondent voided right being innocent until proven guilty the basic fundamental rights of liberty burden of proof is upon the Respondent enforce judicial orders issued stare decisis Case 04CV226 Wolf et al v United States False Claims litigation must be with evidence when there is none established Respondent unlawfully obstructed due process when Respondent arbitrarily denied discovery Petitioners never heard by Respondent issued judicial doctrine empowers FRCP 26B (iv) denies duty disclosed evidence voids fairness, denies right be heard void due process Respondent issues no FAR 14 unsuccessful bidder as fact causation petition two pieces evidence for Petitioners were never heard in over 18 years Respondent denied due process of law by false statements denies discovery disparaged rights retained by the people Ninth Amendment relator First Amendment right to be heard

## II DENIAL DUE PROCESS AS LAW VOIDS LEGITIMACY OF GOVERNMENT

Petitioners due process unlawfully obstructed, obstruction originated by case 04cv226 Cheryl A Wolf et al v United States Qui Tam litigation cover –up by cases thereafter exposed Respondent fraud by Reexamination Claus Seventh Amendment US Constitution judicial findings US Tax Court Case 3747-04l Cheryl Wolf HIRED established Respondent unlawfully obstructed justice by fraud upon court, Petitioners confronted by dilemma judicial corruption; EDNY Courts accept practices of NY State Courts facilitated officers of the court be above rule of law enabled issue declaration as law by a false narrative by ipse dixit with common law has no legal merits contract fraud, case is not due process of law, just gesture due process established unlawful obstruction justice , substantive due process interfered by judicial abuse imposed judicial doctrine incarcerated prisoner civil rights common law Respondent misconduct voids legitimacy government established misprision treason by DOJ. Respondent violated 10USC333 interfere False Claims Act Civil Rights Act 1866 by DOJ prosecutorial abuse enabled by judges legislated from the bench imposed destruction rule of law facilitated disparaged rights retained by the people due process, fairness, right to be heard obstructed by Respondent nullified Ninth Amendment, established unconstitutional conduct rights to due process, provide fairness denied, equal protection suppressed enabled Respondent destroyed inalienable rights contract property liberty by denial due process from the bench facilitated judicial doctrines has no legal merits contract fraud as to case presented; Judicial doctrine incarcerated prisoner civil rights



common law introduce at origin False Claims Litigation Case government contract fraud US Court Federal Claims Case 04CV226 Respondent defense petitioned Judicial doctrine incarcerated prisoner civil rights common law, no legal standing Tucker Act 28USC1491 given standing US Court Federal Claims, Respondent accused Petitioners US Citizens as incarcerated prisoners obstructed due process intent, misapplication incarcerated prisoner civil rights common law invokes Respondent be enabled deny duty disclosed evidence as per FRCP 26B (iv) establish unlawful obstruction due process voids fundamental liberty see *In re Winship* 397 U.S. 358 (1970), *Due Process Clauses of the Fifth and Fourteenth Amendments [protect] the accused against conviction except upon proof beyond a reasonable doubt of every fact necessary to constitute the crime with which he is charged* Respondent misused judicial doctrine incarcerated prisoner civil rights common law denied discovery established no due process from origin was systematically repeated in every case Respondent certified reaffirmed fraud with false statement unsuccessful bidder, rationale of *Wolf v United States qui tam* litigation Case 04CV226 derived by IRS statement failure enforce IRS Law on whistleblower complaint at meeting Jan 4, 2004 *IRS does not investigate government contract fraud*, meeting taxes owed and misappropriations US Tax Credits to government employees on government contracts violates self dealing laws obstructed by IRS failure enforce statute established treason instead IRS initiated petition to litigate US Tax Court taxes owed by Petitioner Wolf government contracts exposed government employees were given government

contracts as primary contractors established misprision of felony 18USC4 by IRS denial, conceal evidence self dealing government contract fraud facilitated litigation case 3747-04L, Petitioner petition stay IRS litigation established False Claims Act Litigation causation, *IRS stated does not investigate fraud* initiated Petitioners right self defense to protect individual inalienable contract rights as Petitioners' were victims contract fraud with the people of United States petitioned Qui Tam litigation Case 04CV226 US Court Federal Claims audit government contracts exposed by contract fraud evidence , IRS certified government employees as primary contractors government contracts created self dealing contracts an illegal act certified legal, Respondent violated Executive order 10450, IRS DOJ FBI advocated with judiciary altered the Constitutional form of government from within established Respondent unlawful obstruction violated 18USC 1918 Disloyalty to strike against the government in direct conflict with US Government sovereign US Constitution. Petitioners victims Respondent contract fraud enabled self dealing contracts continued by US Court Federal Claims collusion with DOJ created ipse dixit affirmed by all courts by denial of discovery in every case issued a statement no correlation with evidence Respondent declaration unsuccessful bidder without APA FAR 14 notice as mandated by due process of law see *Leary v. United States, 395 U.S. 6 (1969)*, established due process test was stiffened to require that, for such a rational connection to exist, *it must at least be said with substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend.* Tot v United States 319 U.S. 463. Pp. 395U S

32-36; Petitioners established there was always contract, origin litigation Case 04CV226 derived from IRS treason failure enforce statute created illegal contract to be certified legal; origin Case 04CV226 created from causation stay litigation IRS initiated U S Tax Case 3747-04L Wolf V Commissioner taxes owed on government contract income U S Tax Case 3747-04l, taxes owed on government contract stayed on same contract evidence initiated False Claims Litigation CASE 04 CV 226 US Court Federal Claims exposed fraud self dealing government contracts Respondent arbitrarily redefined contract liability taxes petitioned by IRS Respondent evade contract liability facilitated misapplication English law ipse dixit Respondent redefined contract as unsuccessful bid defined by DOJ, US Court Federal Claims enabled Respondent denied Petitioners' discovery by memorandum law incarcerated prisoner civil rights common law enabled Respondent misapplied FRCP 26 B (iv) deny duty disclose evidence of incarcerated person in all litigation Respondent legal defense foundation established unlawful obstruction justice interfered with False Claims Act audit government contract fraud denied discovery by Respondent misuse incarcerated prisoner civil rights common law imposed FRCP 26 B (iv) deny Due process equated US citizen to an incarcerated prisoner denies fundamental liberties established interference Civil Rights Act 1866 by Respondent brought fiction into proceedings with incarcerated prisoner civil rights common law have with no legal merits to contract fraud audit except establish foundation unlawful obstruction deny discovery under a false claim alter litigation by False Claim 18 USC 286 Petitioners free US Citizens whistleblowers are arbitrarily redefined

without due process as incarcerated prisoners facilitated no discovery established arbitrary conduct as foundation for Respondent false statement 18USC1001 *Petitioners' unsuccessful bidder government contracts* Respondent has the burden of the presumed fact is more likely than not to flow from the proved fact on which it is made to depend , this case Writ Scire request evidence originated from Case 04CV226 contract fraud foundation whistleblower complaint 1996 , established Respondent Misprision of treason Respondent advocated alter constitutional form government Respondent facilitator misappropriation tax credits on government contracts US Tax Court Case 3747-04L judicial findings Reexamination Clause Seventh Amendment established illegal contract certified legal by IRS, origins litigation was existence of government contract fraud , mandated discovery be provided by due process, Respondent Judicial orders unlawfully obstructed US Constitution fundamental liberties Respondent is mandated provide evidence established due process on judicial orders origin 04CV226 all orders thereof confirm Case 04CV226 as valid is mandated by Ninth Amendment relator First Amendment without FAR 14 Notice, secondly provide incarcerated docket sheet in evidence without evidence in Respondent possession established from origin unlawful obstruction conceal IRS Treason 18 USC 2381, no evidence incarceration on courts' dockets established Respondent arbitrarily redefines free U.S citizens Whistleblowers as HABEAS, alters government by unlawful obstruction justice has incurred multiple times unless Respondent provide two pieces evidence First documented evidence APA FARS Statute APA FAR 14 contracting officer's Notice

establish bidding process, second incarcerated prisoner docket sheet established evidence Petitioners were incarcerated, if these facts do not exist past 18 year history by Respondent established systemic misapplication memo law of incarcerated prisoner civil rights common law on contract fraud False Claims Act litigation as part of due process of law, incarcerated prisoner common law has no legal merits to litigation to audit government contracts, incarcerated prisoner civil rights common law is not part of U S Congress APA FAR system as codified law by US Congress Statute government contracts, mandated procedural due process provide FAR 14 notice foundation *substantial assurance that the presumed fact is more likely than not to flow from the proved fact on which it is made to depend* contract as affirmed by IRS litigation was causation litigation obstructed by Respondent imposed incarcerated prisoner common law be applied to Administrative Procedure Act APA 5 USC, established Respondent facilitated impetuous vortex Federalist papers 48 created imperial presidency be above rule of law violated Federalist papers 70 Executive Department causation unlawful obstruction justice by bringing fiction into the proceeding legal merits contract fraud case, audit government contracts except Respondent void due process obstruct right be heard disparaged rights retained by the people Ninth Amendment denied fundamental liberties fairness, right to be heard obstructed by Respondent dissemble conduct, established denial duty disclosed evidence obstructed due process unlawfully imposed FRCP 26B (iv) established Respondent advocated alters constitutional form government; Petitioners legal rights, protect fundamental

liberties has the right petitioned two pieces evidence, writ of Scire prove Petitioners innocence are not incarcerated exposed the libel perpetuated by a corrupt judiciary in collusion with executive facilitate executive branch above the rule of law enabled self dealing government contracts continue an illegal contract enabled by Respondent's judicial orders affirmed from origin Case 04 CV 226 mandates due process never happen unless Respondent provide evidence requested by writ of Scire from Respondent provide evidence if there is no evidence would establish judicial advocated alter republican constitutional form of Government, validate past history exposed the many bad actors violated 18USC1918 disloyalty strike against the government originated from IRS DOJ FBI failure enforce statute ; evidence or lack thereof established history cases affirmed Case 04 CV 226, Petitioners were never heard, denied fundamental liberties Respondent decisions issued with no due process established foundation unlawful obstruction justice deny fundamental right due process, voided Privileges Immunities Clause Fourteenth Amendment by Respondent arbitrary acts established tyranny empowers Petitioners constitutional right self defense protect individual fundamental liberties fall to the people when the oppressor is the Respondent United States violated inalienable rights, the right of the people protect fundamental liberty as stated in preamble US Constitution, Petitioners inalienable legal right contract, U S Constitution, protect Petitioners fundamental liberty rights be heard First Amendment, Fourteenth Amendment liberty due process clause, relator Ninth Amendment for Respondent equated whistleblowers as incarcerated prisoner without due process of law established

unlawful obstruction justice conceal government self dealing contracts; Respondent is required with burden of proof by evidence must be present in all documentation if no evidence exist as stated by Respondent establish no due process, gives foundation cover-up IRS treason, Respondent facilitated unlawful obstruction of justice by Respondent failure answer provide two pieces evidence established act of concealment to silence Petitioners established Respondent unconstitutional conduct suppressed evidence establish in common law by Supreme Court United States ex rel Bilokumsky v Tod, 263 U S 149, 153, 154 *"Silence is often evidence of the most persuasive character."* This follows the long ago established common law rule that suppression of evidence is an "admission by conduct" that the evidence would be unfavorable to the person responsible for its unavailability.

2004 IRS stated does not investigate fraud establish a government agency failure enforce Congressional Statute established TREASON by IRS, Respondent obstruct Petitioner right to be heard is an act to silence Petitioners enabled Respondent advocate alter U S Constitutional form of government by failure provide two pieces evidence altered government. Violated Executive order 10450 8. (a) 4

### **.III ALTER LAW FROM JUDICIAL BENCH ESTABLISH TYRANNY**

May the court review case 21-2929 original case heading original proceeding In Re Cheryl A Wolf et al v UNITED STATES unlawful obstruction justice of Writ Scire SDNY 00696 provide evidence of origin, if there is no evidence APA FAR 14 notice, incarcerated prisoner docket sheet established unlawful obstruction justice with no judicial review discovery Sept 2021 ; 5USC 702, established Respondent

arbitrary acts by withholding 2 pieces evidence violated 5 USC 706 1)  
compel Respondent agencies failure act on statute establish treason Respondent  
unlawfully withheld or unreasonably delayed; and (2)hold unlawful and set  
aside Respondent agency, findings, and conclusions unsuccessful bidder found to  
be—(A) arbitrary, capricious, an abuse of discretion, or otherwise not in accordance  
with law; (B) contrary to constitutional right, power, privilege, or immunity;(C) in  
excess of statutory jurisdiction, authority, or limitations, or short of statutory right;  
(D) without observance of procedure required by law; no APA FAR 14 notice in  
evidence requirement by statute APA FAR replaced by false statement 18USC1001  
unsuccessful bidder established English law the misuse ipse dixit applied as law  
established burden of proof falls onto Respondent establish due process Ninth  
Amendment relator First Amendment denied right be heard through discovery  
obstructed Fourteenth Amendment due process right petition for Writ Scire  
causation Respondent disparaged rights retained by the people Ninth Amendment,  
failure Respondent provide evidence APA FAR 14 notice established from origin  
Case 04CV226, Respondent obstructed due process with false statement  
unsuccessful bidder when *legal merits litigation derived from IRS meeting Jan 4  
2004 established upon presumed fact is more likely than not to flow from the  
proved fact on which it is made to depend originated from taxes owed on Petitioner  
D.O.D contractor's contract exposed failure Respondent's IRS enforce self dealing  
manipulations of Respondent's IRS 501 foundation violated 26USC4941 self  
dealing*, exposed government self-dealing contracts 21-2929 Exhibit One exposed



Respondent foundation operated as a for profit enterprise under guise of a non-profit concealed by Respondent false statement 18USC1001 unsuccessful bidder without FAR 14 notice obstruct discovery established legal foundation false claim 18USC286 by false statement 18USC1001 facilitated unlawful obstruction of justice enabled by misuse judicial doctrine incarcerated prisoner civil rights common law, unsuccessful bidder without evidence is an act without due process mandates evidence incarceration and evidence of bid by statute must be provided as fact necessitates provide evidence if there is no incarceration no bid ever happen establish Respondent certified fraud as fact facilitated nullified Constitutional rights be to be heard Respondent enabled unlawful obstruction. Orders foundation with no due process law provide evidence foundation Respondent deprived people of their retained rights Ninth Amendment establish legal foundation holds Respondent be accountable to the US Constitution, Equal Protection be held accountable to rule of law by Respondent unlawful obstruction justice advocated alter constitutional form of government violated separation of powers by impetuous vortex violated federalist papers 48 through created imperial presidency not accountable to rule of law established Respondent violated Federalist papers 70 established foundation Respondent advocated facilitated created law from declaration by prosecutorial judicial abuse without due process enabled executive branch not accountable to rule of law is an intrinsic threat from within US Government sole intent void constitutional freedom, fundamental liberties establish by Respondent 18 year history unlawful obstruction of justice, origin case 04CV 226

US Court Federal Claims litigation IRS prosecutorial misconduct causation does not investigate fraud IRS whistleblower complaint exposed by Exhibit One Second Circuit Appeals case original proceeding against Respondent unlawful obstruction writ Scire, Case 21-2929 Respondent gave standing civil rights law nullified Congressional Tucker Act 28USC1491 by misuse judicial doctrine incarcerated prisoner civil rights common law at origin audit government contracts, contract fraud False Claims Act, US Court Federal Claims orders enabled misuse Respondent Defense incarcerated prisoner civil rights common law has no legal standing disparaged rights retained by the people Respondent enabled only defense by false statement deny duty disclosed evidence Respondent dissembled acts established unlawful obstruction of justice audit government contract fraud, exposed Respondent prosecutorial , judicial prejudicial error voided natural rights Ninth Amendment violated by Respondent repealed bill of rights First Amendment right be heard an unlawful obstruction without due process, empowers individual right protect constitutional freedom the inalienable rights US citizen Constitutional right self preservation constitutional freedom unlawfully obstructed by Respondent arbitrary destruction contract rights by fraud charge and petition this court Respondent violated 10USC333 interference with federal statute, False Claims Act, Civil Rights Act 1866, Second Circuit Court EDNY Courts arbitrarily redefined Petitioners free citizens whistleblowers as habeas EDNY Case 19CV2100 is an unlawful obstruction altered freedom without due process, void legal rights of Petitioners registered DOD Contractor CAGE Code 03PL0 , exposed Respondent

court system accepted New York State Court legal concepts deviated due process as interpreted by Justice Story Second Circuit Court Recognized U. S. Constitution *does not empower courts overrule legislation of elected bodies*, Second Circuit Court EDNY Courts has altered that due process and adopted NY States Courts methods; enables this maxim: *"do not tell what the law is just tell who is the judge"* original litigation 21-2929 established unlawful obstruction 19CV00696 Writ Scire SDNY Respondent defaulted case not to answer by false statement illegally transferred Writ Scire EDNY to court where judge recused in the past by established bias prejudice enabled fiction into the court through false statements US Merchant Marine Academy defendant when origination litigation liability, unlawful obstruction justice by IRS declaration IRS does not investigate fraud was the answer to Respondent's IRS failure enforce IRS law 1996 Whistleblower complaint liability incurred IRS offices 390 Broadway NY NY, November 1996 foundation *origin causation Case 04CV226 False Claim litigation was in 2004 IRS statement at meeting IRS does not investigate fraud established legal foundation protected fundament liberty self defense inalienable right individual contract rights from a corrupt government established False Claim litigation Case 04CV226* US Court Federal Claims where Respondent arbitrarily voided Tucker Act gave standing civil rights law altered constitutional form government issued orders on case law with no legal merits contract fraud established conduct established breakdown civilian authority Respondent violated 10USC333 interfered False Claims Act Civil Rights Act 1866, liability accrued again, IRS certified illegal contract legal April 2007 US

Tax Court 26 Federal Plaza NY NY established venue SDNY Court, liability failure enforce statute by Respondent incurred NY City, Respondent evade default altered constitutional form government acted not on evidence but declaration is not due process of law but unlawful obstruction due process promote false statement as fact by EDNY venue enabled obstruction by fraud on court certified false statement 18USC1001 by false claim 18USC286 as fact, Respondent alter government imposed martial law 10USC333, interfered with Federal Statute established breakdown civilian authority by unlawful obstruction justice defined by Presidential proclamation President Kennedy Executive Order 11118—Providing Assistance for Removal of Unlawful Obstructions of Justice, Executive Order 11053—Providing Assistance for the Removal of Unlawful Obstructions of Justice ; President Eisenhower Executive Order 10730—Providing Assistance for the Removal of an Obstruction of Justice, Proclamation 3204—Obstruction of Justice : orders issued proper use of the powers of Executive Branch to enforce orders of a Federal Court is limited to extraordinary and compelling circumstances. Petitioner has documented history from origin extraordinary compelling circumstances obstructed fundamental liberties Right US Citizen Petition orders protect fundamental liberty be protected, U S Constitution Ninth Amendment disparaged rights retained by the people fundamental liberties, *Ninth Amendment is the court order originated by the founders in U S Constitution reform government tyranny* enabled by substantive due process reverse incorporation Fourteenth Amendment liberty due process clause to protect Civil Rights Act 1866 by the right free citizen unenumerated right


self defense protect fundamental liberties against executive collusion judiciary altered government from within, Respondent conduct history 18 years of obstruction justice established Respondent's contempt for the rule of law, founders issuance of Ninth Amendment is a court order from U S Constitution People Rights disparaged by Respondent destruction protection of fundamental liberties, court mandated by judicial order from sovereign U S Constitution is petitioned when Respondent disparaged retain rights of the people Ninth Amendment, due process establish fairness in court mandates discovery is necessary provide evidence petition writ of Scire, all Respondent judicial order opinions of US Court Federal Claims decision established altered government voided Tucker Act Libel whistleblower Habeas, established tyranny in the courts protect IRS tyranny against the people by IRS failure enforce statute self dealing contracts ignore statute established IRS treason which the origin and causation litigation stated to Petitioners IRS DOES NOT INVESTIGATE FRAUD, TRUTH, IRS COVER-UP GOVERNMENT CONTRACT FRAUD to the detriment to the American People established Treason 18 USC 2381.

## CONCLUSION

Petitioners pray this court enforce Ninth Amendment relator First Amendment right to be heard, Court recognized to be heard Respondent is mandated by Petition writ Scire for two pieces evidence be provided, Petitioners represent we the people Sovereign United States in litigation Respondent United States government

unlawfully obstructed justice for Respondent by conduct advocated alter US Constitutional form of government enabled Respondent nullify U S Constitution fundamental liberties by 18 year history of past decisions voided fairness by unlawful obstruction the right to be heard mandates burden proof falls upon Respondent provide evidence of incarceration and APA FAR 14 Contracting Officer's Notice, if these two pieces evidence does not exist Respondent advocated, altered US Constitutional form government, exposed an exigent matter protect US Constitution from unlawful obstruction justice exposed rebellion from within United States Government by unlawful obstruction due process mandates enforcement 10 USC 333 interference with federal statute , False Claims Act Civil Rights Act 1866 be enforce, removal all obstructions created law from prosecutorial, judicial abuse from the bench be removed or reformed for the full protection of the Ninth Amendment disparaged retained rights of the people be heard if courts denied due process to the people there is NO FREEDOM as stated preamble US Constitution will this court defend US Constitution preamble or keep status quo create laws from the bench that void fundamental liberties of the people United States Constitution, meus dux sit veritas leadership through truth

Date October 31, 2022



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