

Exhibit 5

MEGHAN KELLY, ESQ.

34012 Shawnee Drive

Dagsboro, DE 19939

meghan.kelly@delbar.com

(302) 493-6693

Robert Meek

Emergency Applications Attorney

Supreme Court of the United States

One First Street, N.E.

Washington, D.C. 20543

cc: The Honorable Scott Harris, Clerk of the Court

RE: Kelly v Swartz No. 22-6783, Missing Exhibits

March 10, 2023

Dear Mr. Meek and Mr. Harris:

On Friday March 3, 2023, I submitted a pleading to expedite this Court’s decision in Kelly v Swartz Case Number 22-6783, due to the Third Circuit’s bad faith scheduling of the Third Circuit’s conference prior to this Court’s conference to evade review, so as not to deprive me of my 5th Amendment opportunity to be heard and irreparable injury in terms of loss of right to exercise fundamental rights, my 5th and 14th Amend property interests in my licenses and loss to harm to health and life (hereinafter “Motion to Expedite”).

On March 9, 2023, my pleadings for the above referenced case disappeared, and I received notice no Docket number 22-6783 existed. I alerted Mr. Meek, opposing counsel and US Attorney General David Weiss.

I received an E-mail from this Honorable Court indicating “We are currently experiencing a system-wide computer glitch and it should be resolved shortly.”

Later March 9, 2023, my docket reappeared, but my pleadings were missing in part. I incorporated my exhibits into my Motion to Expedite. My exhibits are missing. I invoke my right to be heard under the Fifth Amendment applicable to this federal Court in full, not in part.

I previously submitted my Exhibits physically to this Court and opposing Counsel. I also uploaded them on the system. On the Docket it appears when you click on the last document before the proof of service it is unavailable. The electronic filings, the exhibits to the motion to expedite, were deleted.

I am uploading the previously served documents again on the electronic system to prevent a denial of my opportunity to be heard, in full, not in part. US Amend I, V. These documents were already served. It took about a week to print out the documents. Due to the prior service, and the emergency nature of my case, I cannot delay.

Respectfully Submitted,

March 10 2023

Meghan Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939,
(302) 493-6693
meghankellyesq@yahoo.com,
3/10/2023

Exhibit 6

Efiling documents removed/ No need to call back Robert Meek/Urgent/ Immediate
irreparable injury Fw: 22-6783 filings are still missing Fw: USPS Notification - First Contact

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov; caneel.radinson-blasucci@delaware.gov; zi-xiang.shen@delaware.gov; david.weiss@usdoj.gov; efilingsupport@supremecourt.gov; meghankellyesq@yahoo.com; margaret.naylor@delaware.gov

Date: Tuesday, March 14, 2023 at 01:43 PM EDT

Hi Efilings and Robert Meek,

I am at the law library now, and showed Peggy how another rejected document is still available on the efiling system and per my email receipt.

I looked at the March 6 rejected filings. The March 6, 2023 documents appeared to have been removed today. I showed Peggy this. I am copying her on this a few minutes ago.

So, there are additional efiling problems in that the court or its system selectively deleted proof and receipt that I filed certain documents by eliminating my documents on these few certain filings, and not other filings.

Thank you,
Meg

On Tuesday, March 14, 2023 at 10:14:52 AM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Hi Robert Meek,

Per my message, I wanted to confirm you would accept the different application you previously stated you would accept if I changed the first page of the motion to make it an application. That was over a week ago you made that suggestion, and we did not discuss why you changed your mind about linking the motion to an application number you would assign. I could petition in more than one way. Your suggestion I assert my additional right to reapply with another justice too. I need to act in haste and with all means necessary to prevent this case from becoming moot on this appeal so as to cause irreparable injury in terms of loss of the First Amendment rights, licensed and other harm.

You indicated rule 44 did not apply to applications yesterday. This morning I left a message indicating I would do some research before I mail out the application.

I believe I requested a return call. You do not need to return my call. I must act in haste by mailing this application now, per your initial instructions over a week ago.

I am copying efiling. There are efiling issues. The only two filings that suspiciously are "missing" are the two filings that I believe should have been accepted. So, I am copying efiling, No 22-6584 Motion relating to Rule 39 and 43, and the March 7 Corrected Motion which is missing and is shown as filed on the efiling system, but appears removed on the docket.

I also request the letter filed on March 6, 2023, mailed separately be placed on the docket so as not to prejudice me even if you rejected a pleading.

Also, per the email below, the March 3, 2023 documents necessary to safeguard my 1st and 5th right to petition and fairly be heard in full are removed. The last main document before the proof of service is empty. I filed a letter and placed the missing items on the docket from the March 3, 2023 filing, uploaded March 10, 2023 after efiling was not able to assist me in correcting it. The filing still requires efiling attention to remove the empty document.

Attached, please find the docket sheet as of March 7, 2023 which includes the Exhibits labeled as other that are now not available.

Thank you for your help. Have a great day. On an aside Daniel Bickell attempted to dissuade me from filing a new application because I would be "starting all over again with Justice Alito." It is better to assert my rights by all means possible than allow the Third Circuit's bad faith expedition to obstruct them by preventing my petition on this writ before judgment from becoming moot. I must act fast or lose my rights by bad faith conduct of the courts to deny my First Amendment right to petition in this Court to also deprive me of my rights in other courts.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19993
Meghankellyesq@yahoo.com
(302) 493-6693
Not acting as an attorney

----- Forwarded Message -----

From: Meg Kelly <meghankellyesq@yahoo.com>
To: Radinson-Blasucci, Caneel (DOJ) <caneel.radinson-blasucci@delaware.gov>; Shen Zi-Xiang (DOJ) <zi-xiang.shen@delaware.gov>; david.weiss@usdoj.gov <david.weiss@usdoj.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Thursday, March 9, 2023 at 07:12:02 PM EST
Subject: 22-6783 filings are still missing Fw: USPS Notification - First Contact

Good evening,

I was wrong. My filings are still missing, some filings including exhibits are missing. The problem has not been resolved.

My other pleading was directed out of route in the opposite direction. So, I had to make another postal claim.

Thank you and good night,
Meg

----- Forwarded Message -----

From: USPS Customer Support <uspsccustomersupport@usps.gov>
To: meghankellyesq@yahoo.com <meghankellyesq@yahoo.com>
Sent: Thursday, March 9, 2023 at 03:50:50 PM EST
Subject: USPS Notification - First Contact



Dear Meghan Kelly,

Thank you for contacting the United States Postal Service®. Your inquiry has been received and a Service Request has been created - #48881211.

Your service request has been forwarded to a USPS representative for review and investigation. Our records indicate that your package is currently in transit to its destination for delivery. We will contact you within three business days as additional information is available or the issue has been resolved.

22-6783/attached letter received/confusion as to reapplications as distinguished from different applications/confusion clarified concerning the March 7 pleading

From: Meg Kelly (meghankellyesq@yahoo.com)
To: rmeek@supremecourt.gov
Cc: zi-xiang.shen@delaware.gov; david.weiss@usdoj.gov; caneel.radinson-blasucci@delaware.gov; meghankellyesq@yahoo.com
Date: Thursday, March 16, 2023 at 03:39 PM EDT

Hi Robert Meek,

Thank you for talking with me on Monday. I was confused if you recall and a little taken aback.

I just received the attached letter relating to renewed application, where the sole remedy for reapplication for a stay is under 22.4. You indicated both the March 6 and 7 pleadings were rejected. This clarifies the electronic notification that March 7, 2023 was filed is in error.

I filed a letter in Kelly v Swartz, et al. No 22-6783/Application No. 22A747 for a re-application to the Honorable Justice Ketanji Brown Jackson with the Court it appears to have received today.

I am confused. I also filed a different application not a reapplication for a stay, starting all over again with Justice Alito. This was also picked up today. I wanted to confirm your letter only related to reapplications for a stay not the new application this Court received today.

I hope today's application is accepted.

For 22-6783, I note that the "Emergency" was removed from the motion to expedite on the docket Number 22-6783, and that my case manager Lisa Nesbitt indicated she has no information on this since the Emergency Clerks are charged with emergencies not her.

I saw that you made some electronic corrections on the docket in response to my last email. Thank you.
The missing documents on the efilings not the docket side are unusual and remain missing.

However, I am mainly concerned that my Emergency motion to expedite be considered in full, with the exhibits I filed thereto. The exhibits disappeared from the docket March 9, 2023, after the docket reappeared.

I filed the letter March 10, 2023 to include the documents that disappeared from that entry. I did not desire to slow down the Court's consideration. I merely did not want to be deprived of full and fair consideration.

Thank you for your help.

Have a good night.

Respectfully,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagbsoro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693
Not acting as a lawyer

PS. On an aside, I had issues with three mailings getting to the US Supreme Court, which is strange. I am forwarding the email I sent to the post office to you, below

On Thursday, March 16, 2023 at 02:03:31 PM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Hi Minnie,

Thank you. I do not know what you did, but somehow you fixed it. The pleading is available for pickup. That was pretty amazing since the 1-800 people indicated it was delayed. Thank you.

Very truly,
Meg

On Thursday, March 16, 2023 at 10:14:58 AM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Hi Minnie Stokes,

This is Meg Kelly. You kindly helped me with a postal issue. Since then, a second postal issue occurred which was resolved when I put a claim number in. A different package went away from Washington, DC, per the third tracking history attached hereto.

Per the attached tracking history Tracking Number 9505515388673073075816 for the attached receipt to the US Supreme Court this package should have arrived today, but was delayed per a postal call at the 1-800-275-8777 number. It looks like it took a baby step backwards back to the Washington DC facility instead of moving towards the destination's office.

I am contacting you because I have an emergency motion therein where all of my rights may be eliminated if the Third Circuit's expedition of its case to evade review may render my pleadings moot, unheard, eliminating my rights. So timing is everything. If you do not hear from me it means there was no problem and the package was delivered, and did not go backwards like the second problem package to Southern, MD.

I am copying opposing counsel and US AG David Weiss. She already physically received my attached application. The US Supreme Court has not per the 1-800 postal staff.

Thank you. Have a great day.

Very truly,
Meg Kelly
(302) 493-6693
meghankellyesq@yahoo.com

On Tuesday, February 14, 2023 at 02:42:10 PM EST, Minnie Stokes <minnie.g.stokes@usps.gov> wrote:

Dear Meghan Kelley

I have contacted the 20543 mail room staff, trying to see if they received it on 02/13/2023. I'll contact them when they get back with me.

Re: 22-6783 Fighting Chance/Meg is panicking Rule 44/today is last day to file Yipes

From: Meg Kelly (meghankellyesq@yahoo.com)

To: meghankellyesq@yahoo.com; efilingsupport@supremecourt.gov; zi-xiang.shen@delaware.gov; caneel.radinson-blasucci@delaware.gov; david.weiss@usdoj.gov; rmeek@supremecourt.gov

Date: Monday, March 20, 2023 at 09:11 AM EDT

Hi Robert Meek,

I am worried about the docket and efilings since the exhibits are still missing on March 3, 303. Could you or efilings I am copying here, please put them back on in spite of the March 10, 2023 filing.

I ran out of time Friday to file a Rule 44 Motion, per the email below. I hope this Court docket the different application, and resubmits the old rejected application to Justice Ketanji Brown Jackson.

Danny Bickle said I needed to send only a letter and no copies as I understood as a waiver of the rules requirements, due to the emergency, but I am learning to defer to the rules and precedent. As you and Danny are not the Clerk of Court or the judges. If anything is rejected could you please let me know?

I forgot who told me, but someone told me a new application, including the one this Court received last week, would be assigned a new number. I am concerned that I left the different application with no number this court received physically on Thursday March 16, 2023. I think I should have listed it under 22-6783 instead of as empty and as unassigned application. I did what I thought the court wanted. Just because it needed a new application number does not mean it is not covered under the regular docketing number too. I apologize for my misunderstanding if I should have docketed under this case. Should I upload that again on efilings or will that be okay? I am copying efilings and you.

In Ritter v. Migliori, No. 21A772, and Number 22-3, I saw that this Court uploaded a letter with attached additional new Court document(s) to be considered for an application to Justice Alito on why a stay was needed. The letter for this emergency was addressed appropriately to the Emergency Clerk Robert Meek while copying the Clerk of Court. This letter was accepted by the Court and docketed.

I attach the Court's accepted letter in Ritter v Migliori hereto, through Robert Meek. So, a letter by me with any new or additional pleadings or orders below which materially affect the emergency motion or an emergency application should also similarly be accepted by the court with pleadings attached thereto to prevent unequal application of the law with regards to access to the courts in contravention of the 1st and 5th Amendment's Equal Protection's component. It appears this is a way new and additional documents that are material to the case have been docketed before the US Supreme Court before. There may be more than one to be heard, but this was one way that worked before you and Justice Alito in the near past.

I am trying to act fast, so my rights are not waived. I am acting in good faith. I do not want to be compelled to withdraw my complaint due to lapse of time deeming it moot.

I am panicking because I do not have the resources of time and costs to spare, but must exercise my own judgment.

Last week, My US Supreme Court case manager said the Emergency Clerk(s) was working on the Emergency motion to expedite, filed March 10, 2023, received physically with tracking confirmed, including exhibits, that were placed on the docket. The exhibits were subsequently removed on March 9, 2023. I filed a March 10, 2023 letter requiring the removed exhibits be placed back on the docket. Again, I respectfully request that these items please be placed back on the March 3, 2023 docketing item. So, I may be heard in full, not in part which would prejudice me.

Danny Bickle did not know the status of this motion to expedite when I last spoke with him. He confused the March 17th response date with the conference date, when I last spoke with him. He never returned the second call to him where I left a message with him last week. Last week, the USSC case manager Lisa did say she is not working on the emergency pleadings. Could you please let me know if this Motion will be considered before April 11, 2023 and

it is too late?

It appears I could draft a letter to you on the emergency motion to expedite or the emergency different application or the emergency re-application of the application with attached pleadings and order(s) you transformed to a motion. But you removed the term emergency from the application you accepted as a motion to expedite. This removal would prejudice me if you materially transformed my pleading to a non-emergency, when I would lose access to the courts by such material conversion. It would likely be too late to grant relief.

Otherwise, I must pursue the interim stay. I believe this Court physically received the re-submission of the rejected application under Case Number 22A747 to the Honorable Justice Ketanji Brown Jackson March 16, 2024. I am waiting for it to be docketed because it should be docketed before I send a letter concerning this pleading. Yet, I must act fast in order to prevent irreparable injury in term of loss of First Amendment rights.

I might file a letter concerning with the new order(s) and pleadings with the Emergency Motion to Expedite as opposed to the interim stay to prevent any delay on docketing status may cause. Yet, again, I am alarmed about the word "emergency" missing from my pleading as to deny me 5th Amendment access to the courts. The rules do not confine applications to mere interim stays. I am concerned the conversion to a motion to expedite may have the affect of delaying its review until it is too late.

Opposing counsel Caneel did not indicate whether she filed a timely reply on March 17, 2023 as due. I do not know whether she did. On an aside, I was confused when I spoke with you guys last.

Thank you for your help on this emergency. I appreciate you guidance, but ultimately I must use my own judgment.
Have a good day.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693

On Friday, March 17, 2023 at 04:54:33 PM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Good evening,

I am in tears. I did not make it. I cannot file a Supreme Court Rule 44 motion. I hope my application (not a motion) and the re-submission to the Honorable Justice Ketanji Brown Jackson received physically will be accepted.

I do not know if you will reply Caneel. If you do, could you please email me a copy.

Thank you. Have a good weekend.

Very truly,
Meg

On Friday, March 17, 2023 at 02:22:49 PM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Caneel ,

I am panicking.

The Clerks told me not to file a rule 44 motion motion for a reargument for an interim stay. I think that was the correct way to go to get the new and additional information that shows the need for an interim stay to prevent the case from becoming moot should my emergency motion for reargument with another justice, motion to expedite at the US Supreme Court and the Third Circuit motion to reschedule be denied. I did not want to waste time and resources if they were going to reject it.

I just called the Delaware District Court. The staff indicated they received a motion for reargument on a motion for a stay just yesterday. Today is the last day to file within the 25 days of rule. I am panicking. I am copying Robert Meek.

Robert Meek, could you please let me know whether the application the Court picked up yesterday will be accepted. If not, the Rule 44 motion for reargument or a ~~rehearing~~ is my only course.

Today is the last day to file that within the 25 day time frame of Supreme Court Rule 44. I am kicking myself, because I thought that may be the way to go, but I do not know if my super slow printer can get it done. I am not sure what to do.

Thank you,
Meg

Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19939
Meghankellyesq@yahoo.com
(302) 493-6693
Not acting as a lawyer

meek letter Ritter Response Ltr.pdf
234.2kB

Exhibit 7

