

No. _____

In The *22-964*
Supreme Court of the United States

3/23/2023

Kenneth A. Pruitt,

Petitioner,

v.

Joseph Robinette Biden Jr., acting alone, or in concert, in a purported official capacity but instead acting outside scope of authority; John Forbes Kerry, acting alone or in concert, in a purported official capacity but instead acting outside scope of authority; United States (U.S.) Department of Treasury, acting alone, or in concert; U.S. Environmental Protection Agency, acting alone, or in concert; U.S. National Institute of Environmental Health Sciences; acting alone, or in concert; and Michael Regan, head of EPA; Richard Woychik, head of NEIHS, and Janet Yellen, head of USDT, aiding and abetting; Heads of USDT, EPA, and NIEHS unnamed for 2021 and later due election transition, said heads named individually in his/her official capacity and when not acting in his/her official capacity but acting ultra vires, acting either alone or with unknown and unnamed other persons improperly causing violations of U.S. domestic law referenced within 2006 U.S. entry to 2003-31-OCT MERIDA UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) and/or violate UNCAC,

Respondents.

On Petition for a Writ of Certiorari to review
denial of colorable constitutional claims
by Court of Appeals for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTION(S) PRESENTED

For Judicial efficiency to place Questions Presented in context, see Pruitt's Complaint [01/19/2021] ROA.8-47, para 83-84.

Pruitt squarely addressed 'standing' two years ago.

Pruitt anchored his Complaint to domestic laws referenced by U.S. at 2006 U.S. entry to 2003-31-OCT MERIDA UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC):

83. At 2006 U.S. entry to UNCAC, U.S. Senate asserted that U.S. has domestic law that complies with UNCAC. Based on assertion of said compliance, U.S. Senate made a UNCAC Sec 66(b) withdrawal from hearings by International Court of Justice (ICJ).

84. **Failure of U.S. Supreme Court to hear this matter, if relief by this [District] Court is hereby denied and denial is appealed, places that Senate assertion of existence of domestic law in question and allows ICJ jurisdiction for Plaintiff's [Pruitt's] appeal to ICJ.**

Outcome determinative Questions Presented:

Are "Pruitt-type" Complaint(s) of corrupt acts by ultra vires actors (acts not within proper scope of governmental authority) a special species of

complaints that enable a lower hurdle standing for Pruitt's relief and protection by Federal Courts?

or

Does denial by Federal Courts of Pruitt's standing send Pruitt to Constitution Amendment 9 reservations for rights to relief and protection outside the Federal system?

A. Can defaulted individuals (Biden, Kerry, and other ultra vires actors) challenge Pruitt's standing to complain of corruption when they did not appear, deny or otherwise respond to Pruitt's Complaint?

Summons admonished [ROA.64.66]:

"If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint."

Order Lifting Stay" [ROA.895] ordered all:

"Defendants have until February 14, 2022 to answer or otherwise respond to the complaint."

Is there is a "Biden, Kerry or ultra vires actor special exception" to the rule of law of default?

Can any exception to default apply to Biden and Kerry's pre-inauguration corrupt acts?

Can any exception to default apply to Biden and Kerry's post-inauguration ultra vires acts, when they purport to act within scope of official governmental capacity but instead act outside?

B. Are there "specific ethics rule exceptions for Counsel for Government" that excuse Government Counsel's duty to stop corruption and allows them to aid and abet corrupt actors?

Can Government Counsel cause dismissal of Pruitt's Complaint against never-responding, defaulted individuals and ultra vires actors, without Counsel aiding and abetting continued corrupt acts?

Must Government Counsel require never-responding, defaulted individuals and ultra vires actors to have separate, independent counsel?

C. How can a mandated 'whole of government' be a Constitutional government, when a Constitutional Government has checks and balances, as well as branches and personnel, that challenge mandates of corrupt ultra vires conduct?

Can Government agencies or counsel mindlessly follow, without challenge, corrupt ultra vires mandates in 'whole of government' context to aid and abet corrupt ultra vires actors who issue putative mandates?

D. Can this Court "see corruption then know it", for illustration herein Pruitt-cited Items in 'Statement of the Case' below where:

(i) Biden and Kerry purport to act within scope of governmental authority, but instead act outside scope of governmental authority as evidenced clearly and unequivocally by their own acts and words, and

(ii) an ultra vires actor within Agencies aid and abet Biden and Kerry outside scope of proper Agency authority?

After seeing corruption and knowing it as pleaded by Pruitt, can this Court find standing for default judgment in favor of Pruitt that enables U.S. to comply with UNCAC Article 65 requirement to take necessary

"measures in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention" against corruption?

What 'measures' are in the Constitution, Statutes, Federal Rules, case law or other rule of law that:

(i) create "default judgment exception for individual Joe Biden or individual John Kerry" that except and excuse Biden or Kerry from having to respond to Summons with Complaint to avoid default judgment? or

(ii) create "ethics specific exception for Counsel for Government" that allows Government Counsel to cause dismissal of Pruitt's claims of corruption to excuse individual Biden or individual Kerry from having to deny, appear or respond instead of Government Counsel pursuing bad actors?

(a) for pre-2021 inauguration conduct by individuals Joe Biden and John Kerry [i.e. for acts at time Biden and Kerry did not have a government role]? or

(b) for post-2021 inauguration conduct evidenced by bad actors' own words and acts, thus aiding and abetting Biden, Kerry and other bad actors? or

(iii) create "exception from Pruitt's equal protection claim"

(x) to excuse discrimination in interstate commerce against Pruitt's fossil fuel rights [in face of Pruitt's Amendment 14 Complaint ROA.8.54, at para 22-26, 34]

instead of applying the interstate commerce clause to find Pruitt has standing to challenge discrimination against fossil fuel related commercial activities?

(y) to permit expropriation without compensation in name of public climate good of Pruitt's unique specific fossil fuel property and creating added climate risk to Pruitt's unique person? or

(iv) create directives to Courts to use 'standing' to deny Petitioner (Pruitt) a judicial remedy to stop corrupt acts and to instead dismiss:

- defaulted individuals who did not appear, deny or otherwise respond to Pruitt's Complaint of corrupt acts?
- individuals, who purport to act within official governmental capacity, but instead engage in ultra vires corrupt acts?
- government counsel who aid and abet corrupt defaulted individuals and ultra vires actors to cause dismissal of Pruitt's Complaint of corrupt conduct?

- government agencies who aid and abet corrupt ultra vires actors in 'whole of government' context?

E. For brevity, CA5 Panel errors are set out by review questions #1 to #8 within 'Opinions Below'. In the interest of justice, can this Court reverse said errors?

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APPENDIX

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Judicial notice of adjudicative fact

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(a) governs judicial notice of an adjudicative fact and (b) fact that can be accurately and readily determined from sources whose accuracy cannot reasonably be questioned

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PETITION FOR WRIT OF CERTIORARI

Petitioner Kenneth A. Pruitt, pro se, ("Pruitt") respectfully petitions for writ of certiorari to review and overturn final judgment of Three-Judge Panel of the United States Court of Appeals for the Fifth Circuit (CA5) in Case 22-40625.

The relevant final CA5 orders are:

Exhibit 1: CA5 Panel affirming [01/31/2023] District Court's dismissal of Pruitt's claims for lack of standing in lieu of default judgment against defaulted individual(s), and

Exhibit 2: CA5 denial [02/23/2023] of petition for rehearing.

This Court's jurisdiction rests firmly on 28 U.S.C 1254(1) review of final decisions of CA5.

A. Pruitt petitions this Court to find that CA5 erred in dismissing Pruitt's case under domestic law.

In 'Opinions Below' section, Pruitt provides review questions #1-to-#8 as a checklist for this Court to efficiently review and reverse CA5 opinion for errors of law and fact.

B. In addition, Pruitt's Complaint ROA.8-47 [R1] states other foundations for Federal Courts' jurisdiction and Pruitt's standing therein:

(i) Supreme Court original jurisdiction which rests on Constitution Article III Section 2:

"all cases affecting ambassadors, other public ministers and consuls"

(ii) 28 USC 1361 ROA.14, ROA.43 [R1¶15, 19, 104] empowering Supreme Court to issue quo warranto to compel US Officer to perform duty,

(iii) 28 USC §1651 ROA.14, ROA.44 [R1¶16, 20, 108] "all writs" mandamus, and

(iv) 28 USC §1346 ROA.13, ROA.46 *Little Tucker Act* [R1¶12, 116], also with aspects of honest services claims 18 USC §1346 [R1¶12, 13].

(v) *Constitution First Amendment Pruitt's right petition for redress of grievances, alone or with Ninth Amendment reservation of rights*

(vi) *Civil Rights 28 USC §1331 ROA.13, ROA.18 [R1, ¶9, ¶14] regarding Amendments 5 and 14 taking or destroying value of Pruitt's private property without due process, equal protection, and threats to Pruitt's life,*

C. Pruitt also petitions this Court to find Pruitt has standing to complain of corruption by fail safe UNCAC requirement.

U.S. must have domestic laws and courts sufficient to protect Pruitt against corruption if U.S.'s reservation from jurisdiction of International Court of Justice (ICJ) is to be maintained. ROA.37-46 [R1¶74,75,82, 83,86].

OPINIONS BELOW

Petitioner (Pruitt) filed a first petition with this Supreme Court for emergency protection [10/10/2021 earlier case 21-562] after CA5 [CA5 earlier case 21-40310] denied Pruitt's emergency motion for protection.

This Court [*in said earlier case 21-562*]

(a) distributed [11/23/2021] for Conference [12/10/2021] said prior petition [10/10/2021] for emergency protection,

(b) denied [12/13/2021] hearing for emergency protection and

(c) then denied [01/04/22] Petition for Rehearing of said denial [12/13/2021] of emergency protection.

Pruitt's case reverted to the District Court [case 9:21CV00013, E. District Texas, Lufkin Div.].

By "Order Lifting Stay" 12/14/2021 [ROA.895] *[R55]* the District Court admonished all Defendants (individuals and Government) that
 "[the] Defendants have until February 14, 2022 to answer or otherwise respond to the complaint."

Only Counsel for Respondent Government responded and they alleged only lack of standing, without answer or denial.

No individual Defendants answered, denied or otherwise responded to the Complaint, either by counsel or pro se.

Pruitt appeals because Individual Defendants are clearly in default.

Pruitt filed motion for default judgment in District Court:

(a) No individual Defendants answered, denied or otherwise responded to the Complaint,

(b) Individual Defendants are in default in face of Petitioner's motion for default judgment,

(c) Individual Defendants Biden and Kerry were sued prior to their having any 2021 official capacity in current Government and Complaint was filed 01/19/2021 before inauguration,

(d) Individual Defendants acted ultra vires and corruptly outside scope of government authority, and Counsel for Government cannot cause dismissal for without breach of duty owed to client Government, and

(e) Government Counsel have duties, as imposed by US Laws or United Nations Convention Against Corruption, to pursue corrupt actors, not to aid or abet or defend the defaulted corrupt.

The District Court dismissed Pruitt's Complaint and Motions 09/01/2022 for lack of standing.

Pruitt appealed from District Court [09/16/2022] to CA5 [case 22-40625 below].

CA5 Panel dismissed for lack of standing by Exhibit 1 [01/31/2023] and denied Pruitt's petition for Panel rehearing by Exhibit 2 [02/23/2023].

This Supreme Court is asked to reverse CA5 Panel errors by review of the following questions #1 to #8 in this section 'Opinions Below'.

As used by Pruitt's Brief before CA5:

(a) "Respondent Ultra Vires Actor" (RUVA) means any Respondent, either individual or agency, purporting to act in official capacity but instead acting ultra vires, not within authorized scope of official capacity of governmental authority. RUVA act either alone or with unknown and unnamed other persons improperly causing violations of U.S. domestic law referenced within 2006 U.S. entry to 2003-31-OCT MERIDA UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) and/or violate UNCAC.

(b) Paris Climate Accord (PCA) means "Paris Climate Accord" and is also called "Paris Climate Agreement", "Paris Agreement", "Paris Accord", or "Accord du Paris" in references cited in Pruitt's Complaint ROA.8-47 and various Motions.

CA5 error Question #1:

Did CA5 err in finding:

(quote of CA5) "This Appeal arises from Kenneth Pruitt's suit against numerous Government entities for allegedly exceeding their constitutional authority."?

How can Individual(s) be "Government entities"?

Did CA5 err [Exhibit 1] in finding Individual(s) are "Government entities" then excusing their default?

Is it not clear Pruitt's Complaint [ROA.8.54] sued named Individuals - not just Government entities?

Because Pruitt filed suit on January 19, 2021 [ROA.8.54] before January 20, 2021 Inauguration.

was that date before any possible official roles of Respondents Biden and Kerry in current Administration?

Did Pruitt complain of conduct by Individuals Biden and Kerry before Inauguration?

Are not those Individuals in default for conduct Pruitt complained about *prior to* Inauguration at a time when it is *impossible* that the Individuals were "Government entities"?

Did Pruitt's Complaint [ROA.8.54] request restraint from threaten personal harm by conduct by Individual(s) - not just "Government entities"?

Did CA5 err by applying "lack of standing" criteria for property owners and taxpayers in governmental context because "Individual(s)" never responded, and Individuals are not "Government entities" and are in default?

Is CA5 error to allow Government Counsel to cause dismissal?

Specific persons were served with Complaint and Summons *which Summons also named them as individual persons, not "Government entities"*. See ROA.66, ROA.64, ROA.60, ROA.70 and ROA.74.

Is it not crystal clear that Summons to Biden [ROA.66] and Kerry [ROA.64] named and served each of them as individuals without Government title?

a) Quote of Summons [ROA.66]:

"To: (*Defendant's name* and address)

Joseph R. Biden Jr. [Summons at ROA.66]"

b) Quote of Summons [ROA.64]:

"To: (Defendant's name and address)

John Forbes Kerry [Summons at ROA.64]"

Are not named and served Individuals in default, having never responding to Summons with Complaint?

Can Government Counsel aid and abet defaulted Individuals dodge and evade defaults without conflict of interest?

CA5 error Question #2:

Did CA5 err in finding:

(quote of CA5) "This Appeal arises from Kenneth Pruitt's suit against numerous Government entities for allegedly exceeding their constitutional authority."?

Same sentence as error #1 but different error.

Did CA5 err [Exhibit 1] in finding Individual(s) are within meaning of "Government entities" and then excusing their default,

when the Individuals purport to act within governmental authority but instead corruptly act outside scope of proper Governmental authority?

Is not one essence of Pruitt's Complaint that *ultra vires actors acting outside scope of Governmental authority must not be considered "Government entities"* acting for the Government in Pruitt's case? [ROA.38, 46, 60 70, 74]

Is it not clear that Pruitt sued [ROA.8.54, 64, 66] named Individuals - including Biden and Kerry - as ultra vires actors, purporting to act in official capacity after Inauguration *but instead acting ultra vires outside scope of government authority*?

Is it not clear that Pruitt also sued Individual(s) ultra vires actors - not just Government entities - who aid and abet said named Individual(s).

Are not those Individual(s) ultra vires actors in default, *never responding to Summons with Complaint or later District Court Order Lifting Stay?*

Did CA5 err by applying wrong criteria to defaulted Individual(s) ultra vires actors who are not "Government entities" *especially with respect to improper conduct both prior to Inauguration and after as pleaded within the Complaint.* [ROA.8.54]?

Instead of CA5 applying "indistinguishable taxpayer and property owner criteria to excuse corruption-caused harm to unique person and property, should 'standing' be found for " corruption-caused harm to unique person and property"? Know it when you see it.

CA5 error Question #3:

Did CA5 err in finding:

(quote of CA5) "The Paris Agreement is an international compact by which participating countries have agreed to combat climate change."

[Footnote 1 to Panel's decision]

(a) Is that CA5 finding a major error that destroys CA5's decision?

(b) Does not Government Counsel's 2015 "175-Memo" ROA.954-966 and ROA.1001-1018 expressly refute above CA5 decision?

(c) Does Pruitt's Motion ROA.986-1021 [R64] confirm Respondent Government's own "175-Memo" ROA.954-966 [Document 62 Exhibit 1], ROA.1001-1018 [Document 64 Exhibit 1] expressly refute that above CA5 finding? When I75-Memo states:

"As a whole, the Paris Agreement is a "treaty" within the meaning of that term in international law" and...

"...some provisions are legally binding, many are not...",

"The core of the Agreement is not legally binding, i.e., there is no legal obligation on Parties to either achieve or implement their emission targets"?

(d) Is it not corrupt actionable fraud and false pretenses impacting Pruitt's unique 'life or death' by climate change to

(i) withhold said 2015 "175-Memo" during 2020 election, while

(ii) simultaneously promising to sign PCA if elected, yet

(iii) knowing PCA does not bind U.S. to reduce emissions?

(e) Is it not corrupt actionable fraud and false pretenses to hide said 2015 "175-Memo" from the District Court, CA5, and this Supreme Court and Pruitt until Fall 2021 at a time when Pruitt's prior CA5 Case 21-40310 expressly requested emergency relief determination whether PCA was enforceable to reduce emissions?

(f) If Respondents or their Counsel caused CA5 to opine with erroneous Footnote 1 clause in CA5's dismissal decision below that Paris Agreement participating parties "agreed to combat climate change" in view of "175-Memo" (or drafted without correcting error) then is such conduct sufficiently corrupt by

intentional vagueness to be within deceit, fraud, false pretenses or misuse of influence?

CA5 error Question #4:

Did CA5 err in finding:

(quote of CA5) "To temporarily evade review of his [Pruitt's] underlying complaint, he [Pruitt] filed an interlocutory appeal in this [CA5] court [at April 2021]?"

Wrong by CA5. Evasion was by Government Counsel.

What did Pruitt ask CA5 in FRAP 5(b) request for emergency relief in April 2021 for Case 21-40310

"Question 1: Is Paris Climate Agreement (Paris) a binding, enforceable treaty under U.S. Constitution?"

Did Government Counsel withhold 175-Memo which stated PCA is not binding on emissions reductions?

Is there any CA5 basis in fact for that above CA5 statement "to temporarily evade review of his [Pruitt's] underlying complaint"? No, but the opposite.

Question is whether the above should say:

"FRAP 5(b) emergency relief in April 2021 for Case 21-40310 was properly sought by Pruitt for valid reasons to ascertain whether Paris Agreement is a treaty which binds the U.S. to reduce emissions and to ascertain fault for false pretenses and fraud if PCA does not bind for reductions?."

Hidden by RUVAs from the Courts and Pruitt until Fall 2021 FOIA release was 2015 "175-Memo" by Government Counsel opining that Paris is not binding on the U.S. to reduce emissions, which is proof of false pretenses and fraud by RUVAs."

(a) Did Government Counsel improperly fail to disclose 175-Memo

- to the District Court and CA5 during April 2021 and later,
- to this Supreme Court in Fall 2021 prior case 21-562 and
- to Pruitt?

Would proper disclosure by Respondents have shown the World that Government Counsel had opined in 2015 "175 Memo" that PCA was not binding on the U.S. to reduce emissions ?

(b) Why did not Government Counsel tender in April 2021 to the Courts the 2015 "175-Memo" when "175-Memo" proves prior and subsequent fraud, deceit, misconduct and other corruption by Individuals and other Respondents?

Why did Government Counsel fail to pursue corrupt actors?

(c) Did Fall 2021 improper delay by Respondents and Government Counsel to release "175-Memo" prove corrupt fraud and false pretenses by Individuals and RUVAs, especially in view of Pruitt's prior April 2021 specific request for FRAP 5(b) emergency decision by CA5 on point and relief in Case 21-40310?

(d) Did Pruitt's Complaint and Motions place before CA5 fraudulent 2021 "commitments" for emissions reductions to the World by Biden and Kerry (supported by other RUVAs) when existing 2015 "175 Memo" proves Biden and Kerry had no authority to bind U.S. to emissions reductions without a Treaty having Constitution Article II, Section 2, Clause 2 compliance?

(e) Did Pruitt cited to CA5 various United Nations' (UN) views that PCA is considered by the UN and much of the World as a binding treaty such as:

"The Paris Agreement is a legally binding international treaty on climate change. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016.

<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>"

Did Pruitt's Complaint [ROA.8.54] first paragraph state the following?:

"1. Plaintiff's [Pruitt's] case provides this Court with jurisdiction to determine that which is hard to believe:

"It is hard to believe that the United States would enter into treaties that are sometimes enforceable and sometimes not. Such a treaty would be the equivalent of writing a blank check to the judiciary. *Senators could never be quite sure* what the treaties on which they were voting meant.

Only a judge could say for sure and only at some future date. This uncertainty could hobble the United States' efforts to negotiate and sign international agreements."

"To read a treaty so that it sometimes has the effect of domestic law and sometimes does not is tantamount to vesting with the judiciary the power not only to interpret but also to create the law."

Above quotes are of Chief Justice Roberts' in *Medellin v. Texas* 552 U.S. 491 (2008) at 510, 511."

CA5 error Question #5:

Did CA5 err in finding:

(quote) "Because he [Pruitt] has not demonstrated that the Government's reentry into the Paris Agreement has cause[d] a concrete and particularized injury to him [Pruitt], he [Pruitt] has failed to establish standing"?

Does not Pruitt allege *specific direct harm to Pruitt?* [Complaint ROA.8-47 [R1] and Motions ROA.48-59, ROA.123-150, ROA.277-310, ROA.372-736, ROA.986.1021 [R2, R19, R39, R42, R64].

Does CA5 err in limiting Pruitt's Constitutional right to his life and compensation to him for taking or destroying his unique fossil fuel property to that of general treatment as a taxpayer or property owner issue?

Did CA5 err by treating "Pruitt's right to life" [Constitution Amendment 5] and right to his unique property [also guaranteed by Constitution Amendment

5] as a generalized issue akin to those of taxpayers or property owners, versus a concrete and particularized injury?

Is Pruitt's right to life, and right to his fossil fuel interest, an unalienable right that should not be taken away by DUVA's corrupt acts? [Declaration of Independence 1776, para 2].

Does not Amendment 5 prevent taking or destroy property interests without compensation and not all property owners are due same compensation for differing properties?

Are not CA5 words alleging "Government's reentry" a subterfuge that threatens Pruitt's life when there is no binding entry to U.S. commitment to reduce emissions?

How can there be a 'reentry' when there was no first entry binding to reduce emissions?

Does the word 'reentry' mislead grossly by omission of lack binding emission reductions in view of 2015 Government Counsel's 175-Memo that US Government did not enter binding agreement to reduce emissions?

CA5 error Question #6:

Did CA5 err in finding:

#6. (quote of CA5) "At best, his [Pruitt's] alleged injury [which allegation is injury from corrupt acts] is a "generally available grievance" about the impact of the President's decision to reenter the Paris Agreement."
and finding:

(quote) Because Pruitt has failed to establish standing, we [CA5] affirm [dismissal]."?

Does not Pruitt's Complaint set out requests for restraint of individuals and RUVAs to protect Pruitt from personal harm "as is being experienced by Plaintiff [Pruitt]" which is *specific* to Pruitt. [Para 89 within Complaint ROA.8-47 *[R1]*]

Is it not then clear Pruitt pleaded for personal protection against corruption? [see Para 89 within Complaint ROA.8-47 *[R1]*]

Does not Pruitt's claim to an unalienable right to life give standing to seek protection of this Court, whether or not multitudes of others do not realize that their life is threatened by individuals' and RUVAs' corrupt acts that defeat proper emissions reductions?

Did CA5 make many severe errors by critical omission when reciting " President's decision reenter" the Paris Agreement"?

Without Senate Article II, Section 2 advice and consent and compliance with Sen. Res. 98, can Biden 'enter' or 'reenter' PCA to bind U.S. to reduce emissions?

Does the word 'reenter' or 'reentry' mislead grossly by omission of lack binding emission reductions in view of 2015 Government Counsel's 175-Memo that US Government did not enter binding agreement to reduce emissions?

CA5 error Question #7:

Did CA5 answer "no" to the following Constitutional question placed by Pruitt before CA5, when CA5 found Pruitt has no standing?

4. Does Constitution Amendment 5 by commanding that "nor be deprived of life, liberty, or property, without due process of law" proscribe [RUVA] Defendants' activities that cause:

Complaint ROA.37-41 [R1¶ 89]

"... matter of life and death for Plaintiff [Pruitt] and lives of future generations that climate change be addressed without misuse of influence and without fraud and most important by arrangements with foreign nations that are enforceable to manage technical and economic issues, based on information and belief of certain alleged 'climate experts' and as is being experienced by Plaintiff [Pruitt]. "?"

give Pruitt *standing* to complain about DUVA[ultra vires actors] direct and repeat threats to Pruitt's life by "existential" climate change but then RUVA make key arrangements with other countries that are emitting more but are not binding or enforceable to protect Pruitt?

CA5 error Question #8:

Did CA5 finding of 'no standing' by Pruitt to seek remedy for corruption within Federal system, give the answer "yes" by CA5 to the following Constitutional questions placed before CA5 by Pruitt?

1. Does the Constitution reserve to citizen Pruitt a right to be free from corruption that protects Pruitt against DUVA [ultra vires actors] acts outside scope of

governmental authority? ROA.8-47,
 ROA.48-59, ROA.123-150, ROA.277-310,
 ROA.372-736, ROA.986.1021 [R1¶ 18, 32,
 57, 73-75, 82-89, and R2, R19, R39, R42,
 R64].

Is that reservation for the people within
 Amendment 9 great residuum of rights
 that have not been thrown into the hands
 of the US Government and which
 reservation is now protected by UNCAC
 [UN Convention Against Corruption?

Given above, did CA5 finding of 'no standing' by
 Pruitt within Federal system mean Pruitt must
 revert to Amendment 9 residuum of reserved rights to
 seek relief from corruption "as is being experienced by
Plaintiff [Pruitt]" ?

Are Amendment 9 residuum of reserved rights
 to seek relief from corruption now protected by
 UNCAC Article 66?

Must Pruitt seek relief from corruption "as is
being experienced by Plaintiff [Pruitt]" by means
 other than Federal Courts who do not recognize
 standing of Pruitt to seek relief?

JURISDICTION

Denial of any judicial forum for Pruitt's colorable constitutional claims against corruption presents a serious constitutional question, *Webster v Doe* 486 U.S. 592, 603 (1988) .

Denial by Federal courts of forum for Pruitt's colorable claims of corruption impacting international context presents a serious question UNCAC Treaty question as to whether U.S. has sufficient domestic laws and courts to provide remedies for corruption.

A. This Court's jurisdiction rests firmly on foundation of 28 U.S.C. § 1254(1) review of final decisions of CA5.

Exhibits 1 and 2 are final orders of CA5.

Exhibit 1: CA5 dismissal [01/31/2023] of Pruitt in lieu of granting default judgment in favor of Pruitt against defaulted individual(s). (App. A1)

Exhibit 2: CA5 denial of Pruitt's 02/23/2023 of petition for Panel rehearing. (App. A4)

In above 'Opinions Below' section, Pruitt provides review questions #1-to-#8 as a checklist for this Court to efficiently reverse CA5 opinion for errors of law and fact.

B. In addition, Pruitt's Complaint ROA.8-47 [R1] states other foundations for Federal Courts' jurisdiction and Pruitt's standing therein:

**(i) Supreme Court original jurisdiction
which rests on Article III Section 2:**

**"all cases affecting ambassadors, other
public ministers and consuls"**

in context where Biden designated Kerry as Special
Envoy for Climate *without* Senate confirmation. The
scope of Kerry's au

Pruitt complains of ultra vires conduct by Kerry.

Kerry purports to act in an official capacity, but acts
outside scope of proper governmental authority.
Biden directs or aids and abets.

In international arenas, Kerry and Biden make U.S.
commitments to reduce emissions without Senate
advice, consent and two thirds vote of approval. See
Items #1-to-9" of section 'Statement of the Case'.

Said commitments go beyond mere setting of policy,
making offers or negotiations; they go very far
beyond political statements or policy pledges.

Instead said putative commitments are used to
coerce or bribe other countries to commit to their
reduce emissions, while never telling them that the
U.S. is not bound by PCA to reduce U.S. emissions.

Neither Biden nor Kerry never make clear they have
no authority to bind U.S. to reduce emissions
without Senate advice, consent and two-thirds
approval.

Pruitt requests this Court to apply Article III, Section 2 jurisdiction to find that neither Biden nor Kerry have authority to bind U.S. to reduce emissions, without Senate advice, consent and two-thirds approval.

(ii) 28 USC §1651 ROA.14, ROA.44 [R1¶16, 20, 108] empowering the Supreme Court to issue "all writs" mandamus

(a) **[t]he Supreme Court** and all courts established by Act of Congress **may issue all writs necessary** or appropriate in aid of their respective jurisdictions and agreeable to the U.S. usages and principles of law, which would **include quo warranto**, and

(b) [a]n alternative writ or **rule nisi** may be issued by a justice or judge of a court which has jurisdiction. [See also Petitioner's Complaint ROA.8-47 [R1]]

Pruitt's case ROA.8-47 [R1] enables this Supreme Court jurisdiction to issue both

(a) writs of mandamus, and

(b) [a]n alternative writ or rule nisi to Biden, Kerry and other Respondents, to stop corruption.

The PCA is not a Treaty which binds U.S. to reduce emissions but is merely a political payoff

Petitioner's case provides this Court jurisdiction for either or both:

(i) quo warranto action based on equal protection to resolve this dispute about ultra vires actions, and/or

(ii) writ or rule nisi order to Biden for Biden to show cause how Biden's pre-election statements and actions about PCA are not materially false or deceitful.

Biden knew that signing PCA after election would be subject to ethical rules and clear challenges of fraud, yet to gain votes, Biden promised before election to sign PCA after election.

Absent corruption, Biden could not make unethical false promises before election without knowing Biden's signing PCA after election was a sham insofar as being non-binding for emission reductions.

(iii) 28 USC 1361 ROA.14, ROA.43 [R1¶15, 19, 104] quo warranto to compel US Officer to perform duty,

Jurisdiction of this Court rests alternatively on 28 U.S. Code § 1361 action to compel an officer of the United States to perform his duty.

This Court has jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to Petitioner.

Buying votes by promising to pay cash as value is prohibited, therefore buying votes by promising entry or re-entry to PCA as value must be prohibited.

Such buying must be abhorred when deceitful false offer to trade PCA signing for votes creates expectations that PCA will bind U.S. to cause emission reductions and save lives. PCA does not.

Petitioner asks this Supreme Court (consistent with request made in Complaint to Courts below based on equal protection) for quo warranto or rule nisi action to resolve a dispute over whether Biden has the legal right to remain in and hold the public office of President based on his egregious fraudulent, knowing omissions and misrepresentations of fact about putative PCA.

Biden and Kerry knew, but did not affirmatively disclose, that (i) PCA is not binding for U.S. emissions reductions (per "175-Memo" written by counsel for the government and (ii) PCA was not permitted by S. Res. 98 for which Biden and Kerry voted.

Biden, alone or with support by silence of Kerry, committed fraud, false pretenses and misuse of influence by promising a re-entry to PCA in exchange for votes.

Biden then signed PCA on day of Inauguration while knowing for many reasons, including said "175-Memo" written by counsel and Senate Res. 98 that PCA could not bind U.S. to reduce emissions.

(iv) 28 USC §1346 ROA.13, ROA.46 Little Tucker Act [R1¶12, 116], also with aspects of honest services claims 18 USC §1346 [R1¶12, 13].

Little Tucker Act provides basic concurrent jurisdiction to District Courts that includes claims by individuals

against Agencies of the Government related broadly tax revenues.

Standing is inherent or self-executing when taxpayer Pruitt makes claim (as did Pruitt) for Government causing loss of tax revenues. See Complaint ROA.13, ROA.46.

If standing is not inherent, the Little Tucker Act is meaningless at discretion of the Courts.

(v) Constitution First Amendment Pruitt's right petition for redress of grievances, alone or with Ninth Amendment reservation of rights

This Court does not need citations for First Amendment rights to petition for redress.

Standing is inherent or self-executing when Citizen Pruitt petition for redress of grievance (as did Pruitt in Complaint) against Government corruption and conduct of Agencies and Counsel of Government.

If standing is not inherent or self-executing, First Amendment right to petition for redress is meaningless at discretion of the Courts.

If standing is denied in Federal System, then Amendment 9 reserves rights for Pruitt look elsewhere to have his grievances addressed against Government corruption and conduct of Agencies and Counsel of Government.

(vi) Civil Rights 28 USC §1331 ROA.13, ROA.18 [R1, ¶9, ¶14] regarding Amendments 5 and 14 taking or destroying value of Pruitt's private property without due process, equal protection, and threats to Pruitt's life,

Pruitt pleads for relief against taking or damaging of Pruitt's fossil fuel property interest without Amendment 5 due process or compensation.

Setting policy is one bookend at 'kissing'. Acts causing devaluation or taking, without payment to the owner, are at the other end at 'killing'.

C. Pruitt also petitions this Court to find Pruitt has standing to complain of corruption by fail safe UNCAC requirement.

U.S. must have domestic laws and courts sufficient to protect Pruitt against corruption if U.S.'s reservation from jurisdiction of International Court of Justice (ICJ) is to be maintained. ROA.37-46 [R1¶74,75,82,83,86].

Pruitt anchored his Complaint to protection under domestic laws in reference to 2006 U.S. entry to 2003-31-OCT MERIDA UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC):

83. At 2006 U.S. entry to UNCAC, U.S. Senate asserted that U.S. has domestic law that complies with UNCAC. Based on assertion of said compliance, U.S. Senate made a UNCAC

Sec 66(b) withdrawal from hearings by
International Court of Justice (ICJ).

84. Failure of U.S. Supreme Court to hear this matter, if relief by this [District] Court is hereby denied and denial is appealed, places that Senate assertion of existence of domestic law in question and allows ICJ jurisdiction for Plaintiff's [Pruitt's] appeal to ICJ.

D. Jurisdiction over Subject Matter of this Petition

(i) Petitioner's case provides this Court jurisdiction to "bookend" differing types of deceitful activities and "know it when see it" corruption:

(a) 'kissing the baby':

"Kissing" is a mere political arrangement, not Constitutional activity upon which Pruitt's property, life or death depend.

versus

(b) 'killing the baby' :

"Killing" is a substantive Constitutional activity about corruption, such as an egregious lie, act or omission of material fact, which can kill Pruitt's fossil fuel property values and/or kill his climate-dependent life.

One example: commitment to reenter Paris Climate Accord but omitting that PCA is not binding on U.S. emission reductions.

Is above (a) kissing or (b) killing?

Another example: Biden and Kerry stating U.S. "commitments" to make emission reductions

knowing S. Res. 98 (for which they voted) prohibits commitments, absent Senate authorization.

Is above (a) kissing or (b) killing?

This Court can decide if Biden's acts are Is it (a) or (b), and if (b) whether Biden has the legal right to remain in and hold the public office of President in view of said false promises.

If one lies, on matters of life and death, to get votes to get elected, and then gets elected, they must show cause why they are to stay in office if people can die because of their false statements.

Biden and Kerry refuse to deny, answer or otherwise respond to Pruitt's Complaint. Instead, Biden and Kerry benefit by Government Counsel's wrongly asserted motions for lack of Pruitt's standing.

In climate matters alleged by Biden and Kerry in their press releases (and by 'climate experts') to be "existential" matters of life or death so as to cause disruption of Worlds' economies to pursue solutions, this Supreme Court is asked by Petitioner Pruitt to demand Respondent Biden to show cause why he should be President when Biden exchanged false promises about PCA for votes. Kerry should show cause why his appointment by Biden as Special Envoy should remain in effect.

(ii). With respect to PCA as a Treaty to bind U.S. to reduce emissions:

Pruitt's case further provides this Supreme Court jurisdiction to confirm that authority of the Executive Branch to act, as with the exercise of any governmental power, "must stem either from an act

of Congress or from the Constitution itself.”
Youngstown supra at 585 (1952).

In *Medellin v. Texas* 552 U.S. 491 (2008), Chief Justice Roberts writes these thoughts:

"But the responsibility for transforming an international obligation arising from a non-self-executing treaty into domestic law falls to Congress, not the Executive. *Foster*, 2 Pet., at 315.

The requirement that Congress, rather than the President, implement a non-self-executing treaty derives from the text of the Constitution, which divides the treaty-making power between the President and the Senate.

The Constitution vests the President with the authority to “make” a treaty. Art. II, §2. If the treaty is to be self-executing in this respect, the Senate must consent to the treaty by the requisite two-thirds vote, *ibid.*, consistent with all other constitutional restraints.

"As already noted, the terms of a non-self-executing treaty can become domestic law only in the same way as any other law—through passage of legislation by both Houses of Congress, combined with either the President’s signature or a congressional override of a Presidential veto. See Art. I, §7.

(iii). Pruitt's case provides this Supreme Court with jurisdiction to determine for PCA that which is hard to believe:

"It is hard to believe that the United States would enter into treaties that are sometimes enforceable and sometimes not. Such a treaty would be the equivalent of writing a blank check to the judiciary. Senators could never be quite sure what the treaties on which they were voting meant. Only a judge could say for sure and only at some future date.

"To read a treaty so that it sometimes has the effect of domestic law and sometimes does not is tantamount to vesting with the judiciary the power not only to interpret but also to create the law."

Above quotes are of Chief Justice Roberts' in *Medellin supra* at 510, 511

Pruitt's case thus provides this Court jurisdiction to find that PCA is

- (i) "sometimes enforceable" but not for U.S. emissions reductions (thus, creating unfair, disproportionate financial obligations on Petitioner)
- (ii) "sometimes not" enforceable (not binding on all signatory countries to comply with climate actions for emissions reductions),
- (iii) void of governing law provisions against which one can clearly test compliance,
- (iv) void of clauses that impose penalties for failure to comply, and
- (v) could not be effective as a Treaty.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pruitt submits that necessary

"measures in accordance with fundamental principles of its [U.S.] domestic law, to ensure the implementation of its [U.S.] obligations under this Convention" [UNCAC Article 65 requirement]

which give Pruitt standing to complain of corruption in this Pruitt's case can be found by this Court within the Constitution, Statutes, Federal Rules, case law or other rule of domestic law.

In addition, those 'measures' found by the Court will not enable dismissal of Pruitt's case based on standing to dismiss or excuse:

- defaulted individuals Biden and Kerry who did not appear, deny or otherwise respond to Pruitt's Complaint of corrupt acts,
- individuals, who purport to act within official governmental capacity, but instead engage in ultra vires corrupt acts,
- government counsel who aid and abet corrupt defaulted individuals and ultra vires actors to cause dismissal of Pruitt's Complaint of corrupt conduct, or
- government agencies who aid and abet corrupt ultra vires actors in 'whole of government' context.

Pruitt, as focus of this Appeal, cites:

(i) Supreme Court original jurisdiction which rests on Constitution Article III Section 2:

"all cases affecting ambassadors, other public ministers and consuls"

buttressed by Article 1, Section 8, Clause 3 and Article II, Section 2,

(ii) 28 USC 1361 ROA.14, ROA.43 [R1¶15, 19, 104] empowering Supreme Court to issue quo warranto to compel U.S. Officer to perform duty,

(iii) 28 USC §1651 ROA.14, ROA.44 [R1¶16, 20, 108] "all writs" mandamus, and

(iv) 28 USC §1346 ROA.13, ROA.46 Little Tucker Act [R1¶12, 116], also with aspects of honest services claims 18 USC §1346 [R1¶12, 13].

(v) Constitution First Amendment Pruitt's right petition for redress of grievances, alone or with Ninth Amendment reservation of rights

(vi) Civil Rights 28 USC §1331 ROA.13, ROA.18 [R1, ¶9, ¶14] regarding Amendments 5 and 14 taking or destroying value of Pruitt's private property without due process, equal protection, and threats to Pruitt's life by 'existential climate issues' alleged by Biden and Kerry.

Pruitt also cites;

(a) US Senate Records 1997 Senate Resolution S. Res. 98 [Exhibit 3],

(b) 2015 "175-Memo", Memorandum of Law by Counsel for Government opining PCA is not enforceable for emissions reductions [Exhibit 4], and

(c) FRCP 55 regarding basis for default judgments.

Pruitt requests this Court to apply Article III, Section 2 jurisdiction, and/or other above, to find that

- (a) neither Biden nor Kerry or others within Executive Branch have authority:
 - (i) to represent to anyone that U.S. is bound by Paris Climate Accord (PCA) to commit to reduce emissions, or
 - (i) to bind U.S. to PCA reduce emissions and without Senate approval, and
- (b) words and acts contrary to (a)(i) and (a)(ii) above are misleading, deceitful, fraudulent and misuse of influence.

Pruitt requests this Court to apply FRCP 55 to enter default judgment in favor of Pruitt based on words of Biden and Kerry, and related words of United Nations detrimental reliance, cited by Pruitt.

STATEMENT OF THE CASE

Best statement of Pruitt's case is made by admissions of Biden and Kerry, and related United Nations' words of detrimental reliance.

Below Items were cited the Courts below by Pruitt with Rule 201(c)(2) Judicial Notice of these Adjudicative Facts.

Below Items are sufficient 'best evidence' to satisfy FRCP 55 for Courts to enter default in favor of Pruitt.

Each alone are clear, sufficient evidence [FRCP 55 sufficient] which state Pruitt's case to prove Respondents' fraud, deceit and misuse of influence.

Item 1:

"I, Joseph R. **Biden** Jr., President of the United States of America, having seen and considered the **Paris Agreement**, done at Paris on December 12, 2015, do hereby **accept** the said Agreement and **every article and clause** thereof **on behalf of the United States of America.**"

Above issued by the White House.

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/01/20/paris-climate-agreement/>

Item 2:

"A new instrument of acceptance of the Paris Agreement by the **US**, expressing its **consent to be bound by the Agreement**, was deposited with the Secretary-General, later in the day"

Above issued by the United Nations.

<https://news.un.org/en/story/2021/01/1082602>

Item 3:

"The **Paris Agreement** is a **legally binding international treaty on climate change**. It was adopted by 196 Parties at COP 21 in Paris, on 12 December 2015 and entered into force on 4 November 2016."

Above issued by Secretariat of the United Nations Framework Convention on Climate Change

<https://unfccc.int/process-and-meetings/the-paris-agreement/the-paris-agreement>

Item 4:

"Q And just a follow-up on that, perhaps, for Secretary Kerry: **How do you assure international partners that the U.S. will stick to whatever you propose after having seen the Trump administration take the U.S. out of the Paris Accord?**
 SECRETARY KERRY: **That's precisely why we're going to stick by it, and I think our word is strong."**

Above issued by the White House.

<https://www.whitehouse.gov/briefing-room/press-briefings/2021/01/27/press-briefing-by-press-secretary-jen-psaki-special-presidential-envoy-for-climate-john-kerry-and-national-climate-advisor-gina-mccarthy-january-27-2021/>

Item 5:

"To enshrine this commitment, the United States submitted a new "nationally determined contribution" (NDC) under the Paris Agreement setting an economy-wide emissions target of a 50-52% reduction below 2005 levels in 2030."

Above issued by the White House

<https://www.whitehouse.gov/briefing-room/statements-releases/2021/04/23/leaders-summit-on-climate-summary-of-proceedings/>

Item 6:

President Biden *has returned the United States to the Paris Agreement and committed at the Leaders Summit to reduce U.S. emissions 50 to 52 percent below 2005 levels in 2030*, in line with limiting

warming to 1.5 degrees Celsius above pre-industrial levels.

Above issued by the White House.

[https://www.whitehouse.gov/briefing-](https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/president-biden-to-host-leader-level-meeting-of-the-major-economies-forum-on-energy-and-climate/)

[room/statements-releases/2021/09/15/president-biden-to-host-leader-level-meeting-of-the-major-economies-forum-on-energy-and-climate/](https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/15/president-biden-to-host-leader-level-meeting-of-the-major-economies-forum-on-energy-and-climate/)

Item 7: 2015 "175-Memo" Memorandum of Law by Government Counsel states:.

"As a whole, the Paris Agreement is a "treaty" within the meaning of that term in international law" and...

"...some provisions are legally binding, many are not...",

"The core of the Agreement is not legally binding, i.e., there is no legal obligation on Parties to either achieve or implement their emission targets"

Pruitt cited said "175-Memo" ROA.954-966 [Document 62 Exhibit 1], ROA.1001-1018, and in Pruitt's Motion ROA.986-1021 [R64] [Document 64 Exhibit 1] as proof of deceit, fraud and misuse of influence by Biden and Kerry and other ultra vires actors.

Absolute evidence of Respondents' bad acts of deceit, fraud and misuse of influence are

- (i) mere **existence** in 2015 of words of said "175-Memo" ROA.954-966 and ROA.1001-1018 and then
- (ii) **withholding by Respondents when Pruitt requested emergency relief of District Court**

and CA5 in April 2021 and Fall 2021 of this Supreme Court in prior case 21-562 for emergency relief.

Item 8: 1997 Senate resolution 'S. Res 98' voted for by Biden and Kerry (ROA.10-14 and ROA.845-848) expressly requires **Senate advice and consent** for **"any protocol or other agreement"**:

" (1) the United States should *not be a signatory to any protocol to, or other agreement regarding*, the United Nations Framework Convention on Climate Change of 1992, at negotiations in Kyoto in December 1997, or thereafter, which would—

(A) mandate new commitments to limit or reduce greenhouse gas emissions for the Annex I Parties, unless the protocol or other agreement also mandates new specific scheduled commitments to limit or reduce greenhouse gas emissions for Developing Country Parties within the same compliance period, or

(B) result in serious harm to the economy of the United States; and

(2) any such protocol or other agreement which would require the advice and consent of the Senate to ratification.

Thus, Biden and Kerry know Paris Climate Accord (PCA) should not be signed without Senate involvement, whether binding treaty or mere protocol.

Item 9: Biden July 7, 2022 presentation at White House evidencing intent to issue putative mandates:

"Climate change is literally an existential threat to our nation and to the world.

So my [Biden's] message today is this:

Since Congress is not acting as it should — and these guys here are, but we're not getting many Republican votes — **this is an emergency. An emergency.** And I [Biden] will — I [Biden] will look at it that way. I [Biden] said last week and I'll [Biden] say it again loud and clear:

As President, I'll [Biden] use my executive powers to combat climate — the climate crisis in the absence of congressional actions, notwithstanding their incredible action."

[https://www.whitehouse.gov/briefing-room/speeches-remarks/2022/07/20/remarks-by-president-biden-on-actions-to-tackle-the-climate-crisis/]

Above evidence of basis for putative mandates.

REASONS FOR GRANTING THIS PETITION

Reason #1: There is now external pressure on U.S.

UNCAC Article 65 requires each State Party (and U.S. is one) to take necessary

"measures in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention".

Pruitt's 'Statement of the Case' above shows UN and the World have received deceitful Biden and Kerry's "commitments" for U.S. which can create detrimental reliance unless this Court stops them.

If Federal Courts do not enable Pruitt standing in this action to prevent clearly pleaded corruption by seeking domestic judicial relief, then U.S. does not have sufficient domestic laws and Courts to prevent corruption.

The UNCAC knows a corrupt Administration when UNCAC Members see it.

UNCAC can assert jurisdiction of International Court of Justice over Biden, Kerry and those who aid and abet them as well as the U.S.

At ratification of UNCAC, U.S. represented that enforcement provisions of UNCAC for ICJ jurisdiction do not apply to U.S. because, per Article 66, para. 2 and 3, U.S. domestic laws and Courts are sufficient to prevent corruption,

U.S. reservation under UNCAC Article 66 fails if Federal Courts do not enable Pruitt standing in this action to prevent clearly pleaded corruption by seeking domestic judicial relief in U.S..

Reason #2: Pruitt's claims at issue are non-frivolous and personal to him.

Repeated Executive Orders without authority make unhinged mandates are problematic against Pruitt's basic planning, investments, and risk taking and decisions for assets retention or disposal.

There is need for this Court answer the challenge to find standing for Pruitt to complain against persons "with an outer face of Government, but inner heart of fraud and deceit."

There is a need for bad actors to know this Court will see corruption and will stop corrupt acts.

Reason #3: This Court should restrict actors to act within boundary of permitted authority, not act corruptly outside.

This Court can adapt standing with self-imposed constraint to

"not today attempt further to define the kinds of material [this Court] understand[s] to be embraced within that shorthand description [of corruption]; and perhaps [this Court] could never succeed in intelligibly doing so. But [this Court should] know it when [this Court see[s] it

[corruption]. *Jacobellis v. Ohio*, 378 U.S. 184 (1964)

This Court can define today, however, those acts pleaded by Pruitt as corrupt to be corrupt acts by Biden and Kerry, and by those who aid and abet Biden and Kerry.

Scope of need to define corruption for this Pruitt case are within Pruitt's 'Questions Presented' of Constitutional law.

A bit of a repeat to set context: Pruitt's 'Statement of the Case' Items 2 and 3 above show the UN treats " **Paris Agreement is a legally binding international treaty on climate change** and U.S. has filed "new instrument of acceptance of the Paris Agreement by the **US**, expressing its consent to be bound by the Agreement" which UN treats as a **legally binding international treaty on climate change**", without Biden and Kerry denial.

The answers by this Court to Pruitt's questions of law in this case will define corruption for acts within this case.

Said answers will have political consequences but that does not convert all questions of law in this case to political questions and nor can answers in this case apply res judicata to all questions in all situations.

In *Jacobellis v. Ohio* analogy, for this Pruitt's case, this Court can see corruption and know it for

- (i) Biden and Kerry who purport to act within scope of governmental authority, but who clearly and unequivocally based on their own acts and words, act outside scope of governmental authority, and
- (ii) those who aid and abet Biden and Kerry in said act outside scope of governmental authority

Reason #4: In this Pruitt's case, public confidence is lost in Government with "with an outer face of Government, but inner heart of fraud and deceit."

Courts cannot fail to find standing for Pruitt to complain about taking of his private property or harm to his property or life quality by persons "with an outer face of Government, but inner heart of fraud and deceit."

Pruitt asks this Court to start by reaffirming:

"[t]he President's power to see that the laws are faithfully executed refutes the idea that he is to be a lawmaker." *Youngstown Sheet & Tube Co. v. Sawyer*, 343 U. S. 579, 587 (1952)

Then stop the unhinged mandates by Biden and fraudulent climate commitments' of Kerry

When Kerry was asked:

"How do you assure international partners that the U.S. will stick to whatever you propose after having seen the Trump administration take the U.S. out of the Paris Accord?"

A deceitful, misleading answer is:

"Our word is strong..."

The answer provided by this Court should be:

**U.S. Courts restrain the Executive
Branch to have proper Congressional
authorization of climate commitments.**

Then one more accurate answer could be:

"Our word is strong..." however, from our
word, we omit the truth that:

(i) U.S. has 2015 "175-Memo" Memorandum of
Law of Government Counsel that:

"The core of the Agreement is not legally
binding, i.e., there is no legal obligation on
Parties to either achieve or implement their
emission targets", and

(ii) U.S. has 1997 S. Res. 98 for which Kerry
and Biden voted (passed 97-0) that says, in effect,
U.S. cannot be party to any protocol or agreement
regarding UNFCCC climate scope that

"require(s) the advice and consent of the
Senate to ratification".

Reason #5: Allowing Pruitt standing is of natural
Constitutional origin:

"However proper or safe it may be in
governments where the executive magistrate is an
hereditary monarch, to commit to him the entire
power of making treaties, it would be **utterly
unsafe and improper to intrust that power to
an elective magistrate of four years'
duration.**"

"But a man raised from the station of a private citizen to the rank of chief magistrate, possessed of a moderate or slender fortune, and looking forward to a period not very remote when he may probably be obliged to return to the station from which he was taken, might sometimes be under temptations to sacrifice his duty to his interest, which it would require superlative virtue to withstand."

"An avaricious man might be tempted to betray the interests of the state to the acquisition of wealth."

"An ambitious man might make his own aggrandizement, by the aid of a foreign power, the price of his treachery to his constituents."

"The history of human conduct does not warrant that exalted opinion of human virtue which would make it wise in a nation to commit interests of so delicate and momentous a kind, as those which concern its intercourse with the rest of the world, to the sole disposal of a magistrate created and circumstanced as would be a President of the United States."

"It must indeed be clear to a demonstration that the joint possession of the power in question, by the President and Senate, would afford a greater prospect of security, than the separate possession of it by either of them."

Above excerpt of Hamilton's 1788 Federalist No. 75
 "Treaty Making Power of the Executive" spoke more
 than 230 years ago address concerns of Pruitt's
 Complaint, Appeal and this Certiorari Petition,
 [Library of Congress,
[https://guides.loc.gov/federalist-papers/text-71-80#s-
 lg-box-wrapper-25493467](https://guides.loc.gov/federalist-papers/text-71-80#s-lg-box-wrapper-25493467)]

Consider and adapt above wisdom of Hamilton to:

(i) stop Biden "yielding to temptations to
 sacrifice his duty to his interest" by finding Biden in
 legal default,

(ii) stop Kerry from "his own aggrandizement,
 by the aid of a foreign power, the price of his
 treachery to his constituents" by finding Kerry in
 legal default, and

(iii) grant Pruitt judgment "for the relief
demandd in the Complaint" as set forth in
 Summons,

(iv) which will deter other corrupt actors.

CONCLUSION

A. Defaulted individuals (Biden, Kerry, and other
 ultra vires actors) cannot challenge Pruitt's standing
 because they did not appear; deny or otherwise
 respond to Pruitt's Complaint.

Summons admonished [ROA.64.66]:

"If you fail to respond, judgment by default
 will be entered against you for the relief
 demanded in the complaint."

Order Lifting Stay" ROA.895 [R55] ordered all:
 "Defendants have until February 14, 2022 to
 answer or otherwise respond to the
 complaint."

For individual or ultra vires default, there is no
 "Biden, Kerry special exception" to the rule of law of
 default.

No exception to default can apply to Biden and
 Kerry's pre-inauguration bad acts before having any
 possible official governmental capacity or thereafter
 when acting corruptly ultra vires.

B. Government Counsel cannot cause dismissal of
 Pruitt's Complaint to aid and abet corrupt defaulted
 individuals and ultra vires actors to continue corrupt
 acts.

Instead, Government Counsel owe a duty to
 stop corruption.

C. This Court can see corruption and know it in this
 case based on 'Statement of the Case' alone:

- (i) Biden and Kerry purport to act within
 scope of governmental authority, but clearly and
 unequivocally, based on their own acts and words,
 act outside scope of governmental authority, and
- (ii) ultra vires actors aid and abet Biden and
 Kerry outside scope of governmental authority

D. Government agencies that follow corrupt
 mandates for 'whole of government' will aid and

abet corrupt ultra vires actors who issue putative mandates.

A Constitutional Government is not a 'whole of government', instead has 'synergistic checks and balances apart from whole', as well as separate Branches that challenge ultra vires conduct and prevent corruption in manner greater than any single whole.

E. For sake of justice not political view, this Court must grant default judgment, and then **fashion other relief via mandamus or rule nisi as determined by this Court to be just and equitable**, in favor of Pruitt to take necessary U.S.

"measures in accordance with fundamental principles of its domestic law, to ensure the implementation of its obligations under this Convention" against corruption"
in compliance with UNCAC Article 65 requirement.

In fashioning relief, please consider January 19, 2021 paragraph 85 of Complaint ROA.8.47

85. Plaintiff asks this Court **recognize** Plaintiff's [Pruitt] action against **corrupt Defendants [Respondents]** who **did that which cannot be understood in a climate 'life or death' situation:**

purporting to enter an international arrangement to address climate change on which Plaintiff's [Pruitt's] life and lives of

all humankind are alleged to
depend to address climate change

but did not make the arrangement
enforceable.

Relief Sought by Pruitt

Pruitt requests this Court to

(a) enter default judgment in favor of Pruitt
"for the relief *demanded in the Complaint*" as set
forth in Summons

(i) against named defaulted
individual(s) Biden and Kerry and

(ii) against ultra vires actors Yellen,
Regan, and Woychik who are within District Court's
"Order Lifting Stay" ROA.895 [R55].

(b) restrain all Respondent(s) by order to not
purport to commit U.S. to reduce emissions by
reason of Paris Climate Agreement

(i) when U.S. is not bound by thereby to
reduce emissions, and

(ii) until said Paris Climate
Agreement(Accord) is confirmed as a Treaty
binding on U.S. with proper Article II, Section 2,
Clause 2 Senate advice, consent, and two thirds
concurrence, and

(c) fashion other relief via mandamus or rule
nisi as determined by this Court to be just and
equitable and sufficient to confirm Senate
assertion [UNCAC Sec 66(b) withdrawal] of
existence of domestic law to prevent corruption as
pleaded by Pruitt.

In closing, by signing below Petitioner Pruitt assures this Court that his Petition contains his concerns of harm to his property and his person which raise serious Constitutional questions that are not frivolous.

This is Petitioner's serious prayer for protection by this Court.

Respectfully submitted,

/s/ Kenneth A. Pruitt, pro se

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March 15, 2023

In The
Supreme Court of the United States

Kenneth A. Pruitt,
Petitioner,

v.

Joseph Robinette Biden Jr., acting alone, or in concert, in a purported official capacity but instead acting outside scope of authority; John Forbes Kerry, acting alone or in concert, in a purported official capacity but instead acting outside scope of authority; United States (U.S.) Department of Treasury, acting alone, or in concert; U.S. Environmental Protection Agency, acting alone, or in concert; U.S. National Institute of Environmental Health Sciences; acting alone, or in concert; and Michael Regan, head of EPA; Richard Woychik, head of NEIHS, and Janet Yellen, head of USDT, aiding and abetting; Heads of USDT, EPA, and NIEHS unnamed for 2021 and later due election transition, said heads named individually in his/her official capacity and when not acting in his/her official capacity but acting ultra vires, acting either alone or with unknown and unnamed other persons improperly causing violations of U.S. domestic law referenced within 2006 U.S. entry to 2003-31-OCT MERIDA UNITED NATIONS CONVENTION AGAINST CORRUPTION (UNCAC) and/or violate UNCAC,

Respondents.

On Petition for a Writ of Certiorari to review
denial of colorable constitutional claims
by Court of Appeals for the Fifth Circuit

APPENDIX

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