22A311

Case No.

IN THE UNITED STATES COURT SUPREME COURT

EMPEROR OF THE AMERICAN EMPIRE, also known
as the Christian Emperor D'Orleans
Edward Moses Jr

Plaintiff – Applicant

v.

John Bel Edwards, Louisiana Governor, Donald Trump, US President et al,

Defendants - Respondents

APPLICATION FOR EXTENSION OF TIME TO FILE
PETITION FOR WRIT OF CERTIORARI

Directed to the Honorable Samuel Alito., Associate Justice of the
United States and Circuit Justice for the
United States Court of Appeals for the Fifth Circuit

SUBMITTED BY:

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proper person

QUESTION (s) PRESENTED

1. "Whether appellant is entitled to an extension of time to file petition for writ of certiorari?"

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TO THE HONORABLE SAMUEL ALITO ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE FIFTH CIRCUIT

APPLICATION FOR AN EXTENSION OF TIME

Pursuant to Rule 13.5 of the Rules of this Court, applicant hereby requests a 60-day extension of time within which to file a petition for a writ of certiorari up to and including Friday, December 18, 2022.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought is Moses v. Edwards et al, No. 21-30270 (5th Cir May 20, 2022) (order dismissing case with prejudice, sanctions) (attached as App.13). The Fifth Court of Appeal denied Applicant's motion for rehearing or modification on July 22, 2022 (attached as App.14).

JURISDICTION

- This Court will have jurisdiction over any timely filed petition for certiorari in this case pursuant to 28 U.S.C. § 1254(1). Under Rules 13.1, 13.3, and 30.1 of the Rules of this Court, a petition for a writ of certiorari is due to be filed on or before October 20, 2022. In accordance with Rule 13.5, this application is being filed 10 days in advance of the filing date for the petition for a writ of certiorari. The district court denied the applicant's request for immediate injunctive relief on May 5, 2021. Appx.11. The applicant filed a timely notice of appeal on May 24, 2021. Appx.12. applicant also filed a timely petition for rehearing en banc which was denied on July 22, 2022.Appx.14 The 90-day period to file a petition for writ of certiorari in this court expires on October 20, 2022. This Court has jurisdiction to consider this application under 28 U.S.C. § 1651 and 28 U.S.C. § 1253.

STATEMENT

Applicant moved in forma pauperis ('IFP') to appeal the District Court's dismissal of the removed petition for writ of quo warranto under Louisiana Code of Civil Procedure 3901-3902."appx.12, 13 Moses v. Edwards (5th Cir. 2022). "Edward Moses, Jr" argues that by acting in his official capacity as Emperor of the American Empire[1] [appx.6, 7, 9, 16] he possesses the right to bring an action to test former United States President Donald Trump, current United States President Joseph Biden and Louisiana Governor John Bel Edwards right to hold office." Small v. Levy, 355 So.2d 643 (La. App. 1978) Consideration of the executive power was initiated in the Constitutional Convention by the seventh resolution in the Virginia Plan introduced by Edmund Randolph.[2] Appx.5pg.21 It was referred to the committee on detail, which recommended that the executive power should be vested in a single person to be styled the President of the United States, that he should take care that the laws of the United States be duly and faithfully executed, and that he should commission all the officers of the United States and appoint officers in all cases not otherwise provided by the Constitution.[3] "The first Governor of the

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[1] In re: Atakapa Indian De Creole Nation Also Known as **TRIBE OF מֹשֶׁה†MOSES'** Express Spendthrift Trust. (La. Appx.1st. Cir., May 20, 2022)

[2] Myers v. United States, 272 U.S. 52, (1926)

[3] Myers v. United States, 272 U.S. 52, (1926)

Territory of Orleans, which afterwards became the State of Louisiana, was appointed by the United States President." Clinton Et Al v. Englebrecht, 80 U.S. 434, (1871) "Emperor Moses," the sovereign, claims the aforementioned offices. Moses v. Edwards (5th Cir. 2022); Small v. Levy, 355 So.2d 643 (La. App. 1978) Appx.5, 13 How did we get here? This application for stay and injunctive relief comes to this court after the Louisiana state court dismissed applicant's petition for writ of Quo Warranto. Appx.8 Louisiana used Dominion Voting Systems during the 2019 Gubernatorial Election.[4] These Dominion systems do not provide a paper record of votes to guard against error, fraud, or mistake. *id* On October 12, 2019, the Louisiana Secretary of State posted the official results of the Louisiana Governor's race which ended with a runoff between Governor John Bel Edwards and Mr. Eddie Rispone. Appx.4 The official results of the open primary in the Louisiana Gubernatorial race ended as follows:

A.	John Bel Edwards	- 47%
B.	Eddie Rispone	- 27%
C.	Ralph Abraham	- 24%
D.	Oscar Dantzler	- 1%
E.	Gary Landrieu	- 1%
F.	Patrick Landry	- 1%
	TOTAL	101%

Under Louisiana CC 1948 Error, Fraud, and Duress vitiates consent. The percentage of total votes between the parties is supposed to add up to 100%. Appx.4

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[4] https://www.theadvocate.com/baton_rouge/news/politics/elections/article_1c79fb70-492d-11ea-8175-9f79c1cc4d65.html

However, a closer look reveals that the percentage of total votes actually add up to 101% or +1.[5] Appx.4 Software errors were observed during Dominion Voting Systems 4.14 national certification system integration testing with the US Election Assistance Commission.[6] The errors were identified as "anomaly 1" pages 50 and "anomaly 7" on pages 51 of the certification test results. In "Anomaly 7" Actual voting results from Open Primary election Prim-01 did not match expected results for the ICC tabulator. For the ballots in question, the expected outcome was that no candidate should receive a vote due to the cross-over selections.[7] Instead, all candidates presented on the ballots received a vote.id A new election was required to fix the issue.id Under Louisiana jurisprudence, the burden is on the respondent in a quo warranto proceeding to show by what authority he or she claims or holds office. Billiot v. Wiltz, 16-1047 (La.App. 3 Cir. 5/24/17), 222 So.3d 964; Schexnayder v. Yolande Schexnayder & Son, Inc., 12-885 (La.App. 5 Cir. 5/23/13), 119 So.3d 624. Applicant argues that the Governor cannot show by what authority he holds or

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[5] https://www.washingtonexaminer.com/news/feds-warn-against-untimely-release-of-georgia-voting-machine-secret-report

[6] https://www.eac.gov/sites/default/files/eac_assets/1/28/Dominion%20Democracy%20Suite%204.14%20Test%20Report%20Rev%20C%20Final%20with%20Certification%20Number.pdf

[7] https://www.eac.gov/sites/default/files/eac_assets/1/28/Dominion%20Democracy%20Suite%204.14%20Test%20Report%20Rev%20C%20Final%20with%20Certification%20Number.pdf

claims office with an apparent software error.[8] Afterwards on December 8, 2020 the Louisiana state court in Iberia Parish issued a trust judgment granting applicant full authority to act under the provisions of the Atakapa Indian **"TRIBE OF משה†MOSES** Express Spendthrift Trust. appx.6 The trust judgment and trust instrument were made a part of the state court record. appx.6 On December 21, 2020 "Emperor Moses" filed an Emergency Petition for Writ of Quo Warranto into Louisiana state court. appx.5 pg.1-12 The Quo Warranto order specifically commanded the defendants to file a written answer [sic] not more than the date and time assigned for the hearing. appx.5 Applicant requested hearing date was December 23, 2020. The target date however was passed presumably because of the Christmas holidays but on January 6, 2021 the state court reset the hearing date to February 24, 2021. appx.5 pg.12 More importantly, on January 6, 2021, in an unprecedented and unexpected turn of events, the United States Government was overthrown and dissolved by coup d'état. appx.5pg.14

Black's law dictionary defines a coup d'etat, usu. Violent, change of government through seizure of power. Black's Law Dictionary pg.355 (7th ed. 1999) An insurrection took place at the United States Capitol." Trump v. Thompson, 20 F. 4th 10 (D.C. Cir. 2021) Black's Law Dictionary defines an insurrection as a violent revolt against an oppressive authority, usu. a government. pg. 811 (7th ed. 1999) On January 6, 2021, a joint session of Congress convened in the U.S. Capitol to certify

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[8] https://www.washingtonexaminer.com/news/feds-warn-against-untimely-release-of-georgia-voting-machine-secret-report

the vote count of the Electoral College." United States v. Miller (D. D.C. 2022)" The certification of the Electoral College results by Congress is "business conducted by the . . . official body of the sovereign." United States v. Miller (D. D.C. 2022)

"Indeed, it is business required by both the Twelfth Amendment and the Electoral Count Act. See U.S. Const. Amend. XII; 3 U.S.C. § 15-18."Appx.19 United States v. Miller (D. D.C. 2022) Senate minority leader, Mr. Mitch McConnell confirmed that former President Donald Trump practically and morally incited an insurrection at the seat of the United States government, the US Capital.[9] Reviewing past events to understand the present, Former United States President Grover Cleveland's "War Manifesto" was a political determination under international law of the existence of a state of war, of which there is no treaty of peace.[10] Moreover, the President's manifesto is paramount and serves as actual notice to all States of the conduct and course of action of the United States.[11] These actions led to the overthrow of the government of an independent and Sovereign State.[12] When the United States commits acts of hostilities, the President acting as commander in chief, says Associate Justice Sutherland in his book Constitutional

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[9] https://www.politico.com/news/2021/02/13/mcconnell-condemns-trump-acquitted-469002

[10] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

[11] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

[12] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

Power and World Affairs (1919), "possesses sole authority, and is charged with sole responsibility, and Congress is excluded from any direct interference (p. 75)."[13] Consequently, the former president in this case had a specific task, a proxy war to terminate the transfer of power to Joseph Biden." Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990). Appx.5.pg.14 "Traditional international law is based upon a rigid distinction between the state of peace and the state of war (p. 45)," says Judge Greenwood in his article "Scope of Application of Humanitarian Law" in the Handbook of the International Law of Military Occupations (2nd ed., 2008), "Countries were either in a state of peace or a state of war; there was no intermediate state (Id.)." This is also reflected by the fact that the renowned jurist of international law, Professor Lassa Oppenheim, separated his treatise on International Law into two volumes, Vol. I—Peace, and Vol. II—War and Neutrality.[14] Black's Law Dictionary pg. 975 (7th ed. 1999) defines a war manifesto as a "formal declaration, promulgated...by the executive authority of a state or nation, proclaiming its reasons and motives for...war." pg. 975 (7th ed. 1999) And according to Professor Oppenheim in his seminal publication,

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[13] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

[14] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

International Law, vol. 2 (1906), a "war manifesto may...follow...the actual commencement of war through a hostile act of force (p. 104)."[15]

> Urging the crowd to "demand that Congress do the right thing and only count the electors who had been lawfully slated[;]" The Former United States President Donald Trump, commander in chief of the Army and Navy of the United States, and of the Militia of the several states, called into service on or about September 29, 2020[16] warned that: "you'll never take back our country with weakness" and declared "[w]e fight like hell and if you don't fight like hell, you're not going to have a country anymore."

Trump v. Thompson, 20 F. 4th 10 (D.C. Cir. 2021)

Shortly after the speech, a large crowd of President Trump's supporters—including some armed with weapons and wearing full tactical gear—marched to the United States Capitol, breached the seal of security and violently seized the building. Trump v. Thompson, 20 F.4th 10 (D.C. Cir. 2021) Former United States President Donald Trump sent the Oath Keepers paramilitary and Proud Boys among other white supremacist militia groups consisting of former military and current police officers "as the tip of a blade that pierced the official body of the sovereign ...."[17][18] Appx.5 pg.14 United States v. Caldwell (D. D.C. 2021) "Defendants scheduled and attended military-style insurgency combat trainings to

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15 https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

16 https://www.youtube.com/watch?v=qIHhB1ZMV_o

17 United States v. Pezzola (D. D.C. 2021)

18 https://news.yahoo.com/capitol-march-not-permitted-until-210803676.html

prepare for the "January 6" assault on the United States Capitol." United States v. Caldwell (D. D.C. 2021)" The insurgents collected "paramilitary gear and supplies- including firearms, camouflaged combat uniforms, tactical vests with plates, helmets, eye protection, and radio equipment...." United States v. Caldwell (D. D.C. 2021) "Insurgents Thomas Caldwell, Watkins, and Joshua James discussed amongst themselves and others the creation of a "quick reaction force" that would be "on standby with an arsenal." United States v. Caldwell (D. D.C. 2021)

"In the morning of January 6, various Defendants "prepared themselves for battle." United States v. Caldwell (D. D.C. 2021) That afternoon, when news of individuals breaching the Capitol spread, Defendant James instructed Defendants in his group "to get their gear and get ready to head to the Capitol." United States v. Caldwell (D. D.C. 2021) This group of defendants-who were joined by insurgent Jonathan Walden-raced to the Capitol building in two golf carts. Id. ¶ 137. Defendant Minuta said during the ride: "Patriots storming the Capitol building . . .[sic] fucking war in the streets right now . . . word is they got in the building . . . let's go. United States v. Caldwell (D. D.C. 2021) Meanwhile, eleven other insurgents entered the Capitol grounds around 2:22 p.m. They formed a "stack of individuals wearing Oath Keepers clothing, patches, insignia, and battle gear." United States v. Caldwell (D. D.C. 2021) The members of the "Stack" kept one hand on the shoulder of the member in front of them and maneuvered through the crowd and up the east Capitol steps.id They successfully entered the Capitol Rotunda. Id.

This military demonstration upon the soil of the United States in the District of Columbia was of itself an act of war.[19] UCC 10 § 9:307(h); United States Constitution Article I, Section 8, Clause 17 Appx.19 "War begins," says Professor Wright in his article "Changes in the Conception of War," American Journal of International Law, vol. 18 (1924), "when any state of the world manifests its intention to make war by some overt act, which may take the form of an act of war (p. 758)." According to Professor Hall in his book International Law (4th ed., 1895), the "date of the commencement of a war can be perfectly defined by the first act of hostility (p. 391)."[20] "Acts of hostility unless it be done in the urgency of self-preservation or by way of reprisals," according to Hall, "is in itself a full declaration of intent [to wage war] (p. 391)."[21] As the domestic terrorists violently seized the U.S. Capitol building, the certification process of the 2020 presidential election results was suspended and members of the House and Senate, as well as Vice President Pence, were hurriedly evacuated from the House and Senate chambers." Trump v. Thompson, 20 F. 4th 10 (D.C. Cir. 2021); United States v. Grider (D. D.C. 2022). Etymology of evacuation (n.) c. 1400, "discharge from the body" (originally mostly of blood), from Old French évacuation and directly from Late Latin evacuationem (nominative evacuatio), noun of action from past participle stem of

[19] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

[20] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

[21] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

evacuare "to empty" (see evacuate).[22] Military sense is by 1710. Of persons, by 1854.[23] By "an act of war, committed with the participation of the Commander in Chief of the United States and without authority of Congress, the official body of the sovereign, United States was dissolved. (p. 453)."[24] The official body of the United States surrendered its authority under a threat of war.id. United States Statute "3 U.S.C. 16" titled "Seats for officers and Members of two Houses in joint meeting" states that such joint meeting shall not be dissolved until the count of electoral votes shall be completed and the result declared, and no recess shall be taken .... Appx.19 ("The preeminent canon of statutory interpretation requires us to 'presume that the legislature says in a statute what it means and means in a statute what it says. Franco v. Mabe Trucking Co., 3 F.4th 788 (5th Cir. 2021) By rule, the two houses were forbidden from taking a recess. Unfortunately, the statute does not provide a remedy in the event that the two Houses in joint meeting are in fact dissolved prior to completion of the electoral count and declaration of electoral votes. Thus, the United States like a mortally wounded bestiarii on the Roman Coliseum floor was left for dead. According to Professor Wright in his article "When does War Exist," American Journal of International Law, vol. 26(2) (1932), "the moment legal war begins...statutes of limitation cease to operate (p. 363)." He also states that war "in the legal sense means a period of time during which the

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[22] https://www.etymonline.com/word/evacuation
[23] https://www.etymonline.com/word/evacuation
[24] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

extraordinary laws of war and neutrality have superseded the normal law of peace in the relations of states (Id.)."[25] Following the violent January 6, 2021 proxy battle a "Hostile Takeover," of America, Inc's "Corporate Sole" ensued. **Appx.7 pg.242-246** It is well settled law that the United States is a "political or governmental corporation." United States v. Perkins, 163 U.S. 625, (1896) On January 7, 2021 "Emperor Moses" a "Corporate Predator" acquired the "Corporate Sole of America," from the dissolved body of the sovereign, the United States. Appx.5.pg.24; Appx.7.pg.242-246 "Emperor Moses'" real objective was to takeover "the Corporate Sole of America." Appx.7.pg.242-246 There is nothing improper in this goal. "Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)" The dictionary definition of "takeover," 'the acquisition of ownership or control of a corporation typically accomplished by ... a merger.' Black's Law Dictionary pg. 1466 (7th ed. 1999) suggests that a takeover indeed occurred in this case." U.S. Fire Ins. Co. v. F.D.I.C., 981 F.2d 850 (5th Cir.1993) See Harms v. Cavenham Forest Industries, Inc., 984 F.2d 686 (5th Cir. 1993) (Analogizing plant shutdowns to the hostile takeover and spin-off of operations at issue here). On January 15, 2021, "Emperor Moses" filed an emergency petition for injunctive relief into the state court record. Appx.5.pg.14 On January 19, 2021, the United States Attorney General for the Western District of Louisiana was properly served with the Petition

[25] https://www.nea.org/advocating-for-change/new-from-nea/illegal-overthrow-hawaiian-kingdom-government

for writ of Quo Warranto. Appx.5.pg.328 On January 25, 2021, Governor John Bel Edwards was properly served with the quo warranto pleading. On January 25, 2021 United States' president Mr. Donald Trump was served with the Emergency petition for injunctive relief through the United States Attorney General's Office in Lafayette Louisiana. On January 28, 2021, Louisiana Governor John Bel Edwards was served with the Emergency petition for injunctive relief. Appx.9.pg.141 On February 19, 2021 Governor John Bel Edwards fax filed an answer together with exceptions into the state court proceedings. Appx.9.pg.142 However, Governor Edwards failed to file his original answer and exceptions into the record. Appx.9.pg.142 This is important because Louisiana R.S.13:850, filing by facsimile, in pertinent part "provides that 'within seven days exclusive of legal holidays after the Court receives a fax filing, all of the original documents and payment shall be delivered to the Clerk of Court." Jenkins v. AIU Ins. Co. People Ready Temp Serv. (La. App. 2022) Louisiana R.S. 13:850. Appx.19 "The facsimile filing shall have the same force and effect as filing the original document, if the filing party complies with Subsection B of this Section." La. Sec. 13:850 Facsimile transmission; In this case, Governor Edwards original Exception and answer was not filed with the clerk of court within the seven days permitted by La. R.S. 13:850(B).

As such, Governor Edwards fax-filing had no force or effect under La. R.S. 13:850(C)[26]." Hawthorne v. Norfolk S. Corp., 319 So.3d 882 (La. App. 4th cir., 2021) By random synchronicity, Former United States President Donald Trump and Current United States President Mr. Joseph Biden both failed to file an answer and they both failed to appear at the February 24, 2021 Quo Warranto Hearing. Appx.9.pg.138-143 "An answer is required in ... quo warranto proceedings." Securities Finance Co. v. Hawkins, 195 So.2d 695 (La. App. 1967) The Quo Warranto filed in this case was a summary proceeding. "Under Louisiana summary proceedings if the defendant fails to appear at the trial, plaintiff may introduce his evidence immediately and secure whatever relief is justified thereby, without the necessity of taking a default." Securities Finance Co. v. Hawkins, 195 So.2d 695 (La. App. 1967) At the end of the hearing the State court sustained Governor John Bel Edwards fax filed exception and dismissed the case against the governor as well as the absent federal actors on the basis that a quo warranto proceeding is the improper procedure to challenge an election. Appx.8.pg.365 Shortly after the hearing concluded and before "Emperor Moses" could file a motion for new trial or an appeal of the state court dismissal, the United States Attorney General for the Western District of Louisiana removed this case to federal court. Appx.2 On February 26, 2021 the District Court issued the removal order. Appx.3 On March 18, 2021 applicant filed a motion for writ of mandamus into the federal district

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[26] Allen v. Driver of Ford F-150, Sergeant Lasalle Driver, Lasalle Corr., LLC, 333 So.3d 540 (La. App. 2022)

court seeking remand to state court with instructions. Appx.pg.2 **Both the United States and the Louisiana Attorney's General failed to file an answer in the removal proceeding under Federal Rules of Civil Procedure 81(c).** Appx.1.pg.1-4, Appx.9.pg.138-142 On March 26, 2021, the United States Attorney responded to the removal order with a list of documents found in the state court record. Appx.9 On March 31, 2021 the magistrate sua sponte issued her report and recommendations. Appx.10 The magistrate recommended that the claim against Louisiana State Governor John Bel Edwards be dismissed as having already been definitively ruled upon by the state court prior to removal. Appx.10.pg.407 The Magistrate also recommended dismissal of the claims against the former and current United States President for lack of standing. Appx.10.pg.407 On April 14, 2021 appellant filed an objection to the magistrate's report and recommendations. Appx.1pg.3 On April 28, 2021 the United States attorney filed a response to appellant's objection to the magistrate's recommendation. On May 5, 2021, after considering Emperor Moses' objections, the district court rendered judgment adopting most of the magistrate's recommendations. Appx.11 The district court rejected the magistrate's recommendation to dismiss the case against Governor Edwards. Appx.11 The district court also rejected the magistrate's recommendation to dismiss the case against the former and current United States Presidents for lack of standing. Appx.11

The district court alternatively dismissed this case in accord with an unrelated case, "Atakapa I[27]," which was a petition for writ of habeas corpus and an Anti-trust class action. Appx.11 On May 19, 2021, appellant filed a motion to waive filing fees and a notice of appeal. Appx.1pg.3 On May 24, 2021 the district court denied the motion to proceed IFP and certified that the appeal was not taken in good faith, citing Fed.R.App.P. 24(a). Appx.12 No reasons beyond those contained in the dismissal ruling were given. Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997) Applicant filed a motion for leave to proceed on appeal IFP in the fifth circuit court of appeal. Appx.13. "Applicant argues that the Fifth Circuit apparently found error in the trial court's certification that the appeal was not taken in good faith, because the fifth circuit ordered applicant to brief the merits of the appeal." Baugh v. Taylor, 117 F.3d 197 (5th Cir. 1997) On July 21, 2021 the Baton Rouge City Court issued applicant a consent judgment maintaining a permanent injunction of historic Louisiana immovable property. Appx.16pg.1 On December 8, 2021 the East Baton Rouge 19th Judicial District Court issued a final judgment making the Iberia Parish trust judgment and the Baton Rouge City Court judgments executory.[28] The judgments made executory were executed or enforced immediately. On April 26, 2022 applicant filed a motion to disqualify Assistant United States Attorney and the United States Attorney General's Office from these proceedings.

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[27] Atakapa Indian De Creole Nation v. Louisiana, 943 F.3d 1004 (5th Cir. 2019)

[28] " In re: Atakapa Indian De Creole Nation Also Known as **TRIBE OF** מֹשֶׁה†**MOSES'** Express Spendthrift Trust. (La. Appx.1st. Cir., May 20, 2022)

Through email conversation, the Assistant United States Attorney informed applicant that the Government represented President Trump, when the petition for writ of quo warranto was removed to federal court from Louisiana state court. Appx.15.Email.Bates.Moses.002 Once removed, the Government switched sides and now currently represent sitting President Joseph Biden, an apparent conflict of interest. Appx.15.Email.Bates.Moses.002 The burden for Trump was to show by what authority he claims the office. President Donald Trump still claims that the 2020 Presidential election was stolen thus he is the rightful United States President.[29] Whereas the burden for United States President Joseph Biden was to show by what authority he holds office. A clear conflict of interest but the Fifth Circuit panel denied the motion to disqualify counsel. Appx.15. Applicant filed a motion to reconsider the denial of the motion to disqualify. On May 20, 2022, the Louisiana First Circuit Court of Appeal granted writ making the Atakapa Indian "**TRIBE OF מֹשֶׁה†MOSES** Trust executory.[30] Later that day, a panel of the fifth circuit court of appeal denied the motion to reconsider disqualification. Appx.15 Ironically, the panel found that applicant's complaint met the Louisiana statutory standard to bring a petition for writ of quo warranto.

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[29] https://www.detroitnews.com/restricted/?return=https%3A%2F%2Fwww.detroitnews.com%2Fstory%2Fnews%2Fpolitics%2F2022%2F04%2F03%2Ftrump-repeats-michigan-election-fraud-claims-heres-what-records-show%2F7257181001%2F

[30] In re: Atakapa Indian De Creole Nation Also Known as **TRIBE OF מֹשֶׁה†MOSES'** Express Spendthrift Trust. (La. Appx.1st. Cir., May 20, 2022)

For instance, the fifth Circuit found that (1) Edward Moses, Jr., acting in his official capacity as the "Emperor of the American Empire," majestically referred to as the "Christian Emperor D'Orleans," ... claimed office and challenged the right of the President and the Governor to hold their respective offices. Appx.13 Moses v. Edwards (5th Cir. 2022) Instead of remanding this matter back to the state court with instructions to execute judgment under Louisiana Code of Civil Procedure 3902, the panel sanctioned applicant without a hearing and dismissed the petition for writ of quo warranto and the petition for injunctive relief as frivolous. Appx.18 This unexplained order deprives applicant of a "careful review of the facts and a meaningful decision" to which he is "entitled. "Nken v. Holder, 556 U.S. 418, 427 (2009). On June 29, 2022 the 19th Judicial District Court in Louisiana issued an order granting applicant among other things an injunction from state and federal laws operating within the government of the Atakapa Indian **"TRIBE OF מֹשֶׁה†MOSES."** Appx.16 On July 5th, 2022, applicant filed a timely petition for rehearing en banc. On July 22, 2022 the Fifth Circuit Court of Appeal denied applicant's petition for rehearing en banc. Appx.14 On July 29, 2022 applicant moved for a stay of the Fifth Circuit mandate. Appx.17 On August 1, 2022 the Fifth Circuit denied the motion for stay. Appx.17 On August 12, 2022 Associate Justice Samuel Alito in this court denied applicant's application for stay. On September 23, applicant refiled and submitted Application (22A124) to Justice Thomas.

On October 5, 2022 Application (22A124) was referred to the Court. On that same day the application was DISTRIBUTED for Conference of 10/28/2022.

LAW AND ARGUMENT

A. "Whether appellant is entitled to an extension of time to file petition for writ of certiorari

On September 14, 2022 This court issued a ruling remanding a state case back to state court directing the defendants to "seek expedited review or interim relief from the non-final order from the state courts..." Yeshiva University v. Yu Pride All. (2022) Ex.1 Under Yeshiva University v. Yu Pride All. (2022)

1. REASONS JUSTIFYING AN EXTENSION OF TIME

The Petition for writ of certiorari is due in this case on October 20, 2022. On September 23, applicant refiled and submitted Application (22A124) to Justice Thomas. On October 5, 2022 Application (22A124) was referred to the Court. The court then distributed Application (22A124) for conference on October 28, 2022. Computation and extension of time under Supreme Court Rules 30 states that an application to extend the time to file a petition for a writ of certiorari and a jurisdictional statement ... shall be made ... as provided by Rule 22.

2. APPLICANT IS LIKELY TO PREVAIL ON THE MERITS.

In this case, it is undisputed that Donald Trump, Joseph Biden, and John Bel Edwards et al all failed to file an answer or its equivalent within the required period after removal under Federal Rule of Civil Procedure 81(c)." L.A. Pub. Ins. Adjusters, Inc. v. Nelson, 17 F.4th 521 (5th Cir. 2021) Appx.1.pg.1-4, Appx.9.pg.138-

142 Rule 81(c)(2) specifically provides the timeline for a party's filing an answer or similar document asserting its defenses if it did not already do so in state court prior to removal. L.A. Pub. Ins. Adjusters, Inc. v. Nelson, 17 F.4th 521 (5th Cir. 2021) It states that an answer or its equivalent must be filed within either 21 days of the party's receiving a copy of a pleading by any method, 21 days of the party's being served, or 7 days after the notice of removal was filed, whichever is latest. FED. R. CIV. P. 81(c)(2)(A)-(C). L.A. Pub. Ins. Adjusters, Inc. v. Nelson, 17 F.4th 521 (5th Cir. 2021) A quick review of the docket sheet will reveal that neither answer nor its equivalent was filed before or after removal by any defendant. Appx.1.pg.1-4, Appx.9.pg.138-142" Applicant is entitled to move for a default judgment based on the respondents' failure to timely answer." L.A. Pub. Ins. Adjusters, Inc. v. Nelson, 17 F.4th 521 (5th Cir. 2021) Under Louisiana jurisprudence "an answer is required in ... quo warranto proceedings." Securities Finance Co. v. Hawkins, 195 So.2d 695 (La. App. 1967) In the absence of an answer denying the allegations in the petition for writ of quo warranto Donald Trump, Joseph Biden and John Bel Edwards all failed to satisfy their burden and must be deemed to admit that they hold or claim office without authority." L.A. Pub. Ins. Adjusters, Inc. v. Nelson, 17 F.4th 521 (5th Cir. 2021)

3. APPLICANT WILL SUFFER IRREPARABLE HARM ABSENT IMMEDIATE INJUNCTIVE RELIEF;

An injunction is appropriate because it is "necessary or appropriate in aid of this court jurisdiction," 28 U. S. C. § 1651(a), and (2) the legal rights at issue are indisputably clear," Turner Broadcasting System, Inc. v. FCC, 507 U.S. 1301 (1993)"

Emperor Moses is entitled to "Judgment" under LSA-C.C.P. Art. 3902:

> When the court finds that a person is holding or claiming office without authority, the judgment shall forbid him to do so. It may declare who is entitled to the office and may direct an election when necessary. When the court finds that a corporation or limited liability company is exceeding its powers, the judgment shall prohibit it from doing so. **LA CCP Art. 3902 Judgment Appx. 19**

It is well settled law that the United States is a "political or governmental corporation." United States v. Perkins, 163 U.S. 625, (1896) On January 7, 2021 "Emperor Moses" acquired the Corporate Sole of America, Inc. "America", after the hostile takeover of the United States." Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) Appx.7.pg.242-246 In addition to materiality, "Emperor Moses" also must show irreparable injury and the absence of an adequate remedy at law.id As an initial matter, "Emperor Moses" is aware of his right to call an election on his own.id Appx.6.pg.279¶2 This is not the equivalent of the remedy of the new election granted under Louisiana Code of Civil Procedure 3902. Appx.7.pg.242-246 The difference, which could change the result in a close election, makes the remedy under Louisiana Code of Civil Procedure article 3902 that "Emperor Moses" seeks superior to the remedy that is available to "America" without judicial relief. Appx.7.pg.242-246 In general, where a self-help remedy is not "as complete, practical and efficient as that which equity could afford," Terrace v. Thompson, 263 U.S. 197, (1923), courts will grant a preliminary injunction. "[A] court of equity will exercise jurisdiction even when a plaintiff has another remedy, if that remedy is not as practicable and efficacious to the ends of justice and its proper administration as the remedy in equity." Vicksburg, Shreveport & Pac. Ry. v. Schaff, 5 F.2d 610, 611 (5th Cir.1925). Regardless of the presence of Emperor Moses' self-help remedy, applicant has suffered an injury that is incapable of repair without judicial intervention. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) Under Louisiana Code of Civil Procedure Article 3902, this court is required to set aside the 2020 United States Presidential election and, by preliminary injunction in lieu of trial on the merits, order "America" to hold a new election in which "Emperor Moses" can run his own candidates."[31] Appx.6.pg.279¶4 Here's why, Rule 14a-9, promulgated under § 14(a) of the Securities Exchange Act of 1934, provides that no proxy solicitation shall be made "which . . . is false or misleading with respect to any material fact, or which omits to state any material fact necessary in order to make the statements therein not false or misleading." Tsc Industries, Inc v. Northway, Inc, 426 U.S. 438, (1976) "Emperor Moses" argues that this court has jurisdiction because a federal court will order a new election for the failure to disclose. Mills v. Electric Auto-Lite Co., 396 U.S. 375, 386, (1970) This court has authority "to provide such remedies as are necessary to make effective the congressional purpose" of ensuring full and fair disclosure to shareholders. Mills v. Electric Auto-Lite Co., 396 U.S. 375, 386, (1970).

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[31] Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)

Thus, where duplicity or material nondisclosures result in the election of directors by deceived stockholders the election may be set aside. If such an election were allowed to stand, the innocent stockholders would suffer the consequences of the violations and this is the very group that the Securities Act of 1934 is designed to protect. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) The law is the same in the fifth circuit. See Gladwin v. Medfield Corp., 540 F.2d 1266, 1271 (5th Cir.1976) (upholding district court's determination mandating new solicitation materials and new elections). Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) Accordingly, what is important is not just how shareholders would have chosen to vote, but also whether the disclosure might have influenced someone else to run. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) "Materiality does not depend on which way the information is likely to influence the shareholders to vote; rather it depends on whether the information is likely to influence the decision to vote." Gladwin, 540 F.2d at 1270 (emphasis in original). “Emperor Moses” argues that the court cannot declare who is entitled to the office under La. C.C.P article 3902. In hindsight, Joseph Biden might not have been elected President of the United States had (1) the Former U.S. Attorney General Bill Barr discussed the United States Justice Department’s investigation of the Hunter Biden Laptop when requested by then United States President Donald Trump.[32]

[32] https://www.cnn.com/2022/07/20/politics/hunter-biden-investigation-critical-

U.S. Attorney General Bill Barr said he was "shocked" to hear then-candidate Joe Biden lie[33] about his son Hunter's laptop during the 2020 presidential debate against then-President Donald Trump.[34] Applicant argues that this crucial information was likely to have influenced voters and shareholders decision to vote." (2) *Facebook* suppressed The Post's blockbuster revelation of *Hunter Biden's* infamous *laptop* in response to a vague *FBI* warning.[35] A top FBI agent at the Washington field office reportedly resigned from his post after facing intense scrutiny over allegations he helped shield Hunter Biden from criminal investigations into his laptop and business dealings, particularly in Ukraine and China that may have implicated his father, United States President Joseph Biden.[36][37] Timothy Thibault, an FBI assistant special agent in charge, was allegedly forced out after he was accused of political bias in his handling of probes involving President Biden's son, sources told the Washington Times.[38]

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juncture/index.html

[33] https://www.youtube.com/watch?v=XpAgjrUTB8A

[34] https://www.foxnews.com/media/bill-barr-joe-biden-lied-hunter-biden-laptop

[35] https://nypost.com/2022/08/26/zuckerberg-blames-fbi-for-censoring-the-posts-hunter-biden-scoop/

[36] https://nypost.com/2022/07/16/hunter-biden-laptop-shows-meetings-with-joe-business-partners/

[37] https://nypost.com/2022/08/29/fbi-agent-resigns-amid-hunter-biden-probe-scrutiny/

[38] https://www.politico.com/news/2022/08/04/fbi-thibault-cover-up-hunter-biden-information-00049922

Additionally, in a public letter, Fifty-one former "intelligence" officials cast doubt on the Post's Hunter Biden laptop stories as Russian disinformation.[39] Television hosts, guests and journalists quickly took to the airwaves in October 2020, reassuring viewers that the laptop was "unverifiable," likely tied to the Kremlin, and the product of a smear campaign orchestrated by former President Trump and his allies.[40] In March 2022, the New York Times confirmed the authenticity of Hunter Biden's missing laptop, a story which was originally dismissed as Russian disinformation by many media outlets leading up to the 2020 presidential election.[41][42] These disclosures might have influenced someone else to run. When considering materiality, a court must evaluate the "total mix" of information available. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) "The materiality of an omission in a proxy statement is determined by taking into account all information in the public domain and facts reasonably available to the public to be used by shareholders in interpreting the information in the proxy sent to them."... Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990)

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39 https://nypost.com/2022/03/18/intelligence-experts-refuse-to-apologize-for-smearing-hunter-biden-story/

40 https://www.foxnews.com/media/msnbc-cnn-cbs-hunter-biden-laptop-russian-disinformation-media

41 https://nypost.com/2022/03/30/washington-post-admits-hunter-biden-laptop-is-real/

42 https://www.foxnews.com/media/msnbc-cnn-cbs-hunter-biden-laptop-russian-disinformation-media

"Emperor Moses" urges that if the court ordered the requested new elections and the tainted election was overturned, the clock would not merely turn back to the day of the election. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) Rather, the appropriate point is the date upon which the disclosure should have been made. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) Under the facts of this case, the disclosures should have been on or about October 9, 2019[43], during the period of time when the FBI and Department of Justice had possession of Hunter Biden's Laptop and nominations still could have been made. Justin Industries, Inc. v. Choctaw Securities, L.P., 920 F.2d 262 (5th Cir. 1990) See Harms v. Cavenham Forest Industries, Inc., 984 F.2d 686 (5th Cir. 1993) (Analogizing plant shutdowns to the hostile takeover and spin-off of operations at issue here) An injunction is appropriate because it is "necessary or appropriate in aid of this court jurisdiction," 28 U. S. C. § 1651(a), and (2) the legal rights at issue are indisputably clear," in execution of judgment under Louisiana Code of Civil Procedure 3902, this court is required to set aside the United States' 2020 Elections and, by preliminary injunction in lieu of trial on the merits, order "America" to hold a new election in which Emperor Moses can run his own candidates."

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[43] https://nypost.com/2022/08/28/fbi-put-the-hunter-biden-story-right-in-facebooks-lap/

4. THE BALANCE OF EQUITIES FAVOR AN INJUNCTION

STANDING. Under Louisiana Law, the Intrusion into Office Act LSA-R.S. 42:77 does not give an individual the right to file suit except when he is claiming the office.**Appx.19** Small v. Levy, 355 So.2d 643 (La. App. 1978) The Fifth Circuit found that "Emperor Moses" claimed the offices as required by the Louisiana Intrusion into office act LSA-R.S. 42:77. Moses v. Edwards (5th Cir. 2022) A law grants "Emperor Moses" standing to challenge the defendants. As a result, the balance of equities favor injunction.

5. Public Interest. DISQUALIFICATION OF ASSISTANT UNITED STATES ATTORNEY and THE GOVERNMENT a matter of public interest involving the integrity of the Bar.

In the original brief, applicant urged "the court to disqualify the Assistant United States Attorney and the Government from these proceedings on its own motion as a matter of public policy."

a. Inferences Arising from the Appearance of Evil

Interpretations of the Canons of Ethics have held that it is the duty of an attorney to avoid not only the actuality but the appearance of evil. In discussing Canon 36, H. S. Drinker in his Legal Ethics, p. 130, points out that one of the reasons for the rule forbidding the former public attorney to act in relation to any matter he passed upon while in government service is to prevent the appearance of evil—i.e. to prevent even the appearance that the government servant may take a certain stand in the hope of later being employed to uphold or upset what he had done. United States v. Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955) This rule finds application here in the applicant's argument that Mrs. King should be disqualified since she passed upon or should have passed upon the Louisiana State Court Quo Warranto proceeding challenging the United States President Donald Trump's authority to hold or claim office. Of course, Mrs. King actually passed on the quo warranto on behalf of Donald Trump, therefore, she is barred from participating in this matter on behalf of Joseph Biden by the language of Canon 36. If she was so ordered, she cannot now be heard to urge that she shirked her duty in the past and is, therefore, free to raise the question presently. This exception to the necessity of proving actual investigation of the matter in question will be applied, however, only when the attorney's duty to pass upon that particular matter, was very clear. United States v. Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955)

b. Applying Doctrine of Imputed Knowledge to Government Attorney

Applying the doctrine of imputed knowledge within a partnership to the present case, the doctrine's basic premise is that there is a free flow of information within a partnership office so that the knowledge of one member is the knowledge of all. United States v. Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955) When dealing with a government attorney, the question remains, within what office is that free flow of information assumed to exist. In this case, for example, is the office the overall United States Department of Justice itself? United States v.

Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955) This question arises in analogous form with relation to the inference set forth in the T. C. Theatre case that if an attorney had access to materials of the former client which are substantially related to the present controversy, it will be presumed that he came into contact with confidential information relating to the controversy, and he will be disqualified. United States v. Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955) Who is the client which the government attorney represented and to whose files will access be presumed? Id. Through what divisions and sub-divisions of a large government office will an attorney, who actually can go to any file, be presumed to have gone to such files regardless of his personal job assignments? At this point, when dealing with the government attorney, the client he represented and the partnership of which he was a member become merged. This is so because the basic problem is not merely to identify the former client here, which is in a larger sense the United States Government in toto, but rather to identify the interests with respect to which the attorney represented the client, for it is only as to these interests that he is disqualified. United States v. Standard Oil Company, 136 F.Supp. 345 (S.D. N.Y. 1955) In identifying these interests, one is confronted by the question of whether this attorney is to be considered as having represented the government in matters pending within his immediate office, or within a broader agency to which that office is attached, or solely in matters which he himself handled. In other words, the full circle has been swung and a decision must be made as to whether the theory of imputed knowledge as applied to members of a law partnership applies to attorneys working for the government; if it does in this case, what office marks the boundary of imputation, the entire United States Department of Justice itself? Yes.

B. THE COURT MAY CONSTRUE THIS APPLICATION AS A JURISDICTIONAL STATEMENT

In United States v. Texas, No. 21A85, the Court construed the Solicitor General's emergency-relief filing as a petition for certiorari before judgment, and it granted that petition and scheduled expedited briefing and oral argument. See United States v. Texas, 142 S. Ct. 14 (2021). The applicant invites the Court to take a similar approach to this application if it decides that the issues are worthy of merits briefing and oral argument. We have filed a notice of appeal from the district court's order of February 25, 2022, denying our request for immediate injunctive relief. App. 816. So, the Court may (if it wishes) construe this filing as a jurisdictional statement, note probable jurisdiction, and schedule briefing and oral argument. See 28 U.S.C. § 1253 (allowing "any party" to appeal to this Court from an order "denying, after notice and hearing, an interlocutory or permanent injunction"). Alternatively, the Court may decide to schedule briefing and argument on the writ-of injunction question, without noting probable jurisdiction to formally review the district court's ruling below. See, e.g., Biden v. Missouri, 142 S. Ct. 735 (Mem); NFIB v. OSHA, 142 S. Ct. 736 (Mem).

CONCLUSION

For these reasons, the court may remand this matter for hearings. Applicant respectfully requests that this court grant an extension of 60 days, up to and including December 18, 2022 to file a petition for Certiorari in this case.

/s/Edward Moses, Jr

CERTIFICATE OF SERVICE

I certify that on October 10, 2022 the foregoing document was served, via electronic mail to the following defendants.

CERTIFICATION OF FACTS

The facts supporting this emergency motion are true and complete.

/s/Edward Moses, Jr

CERTIFICATE OF COMPLIANCE

1. This document complies with the [type-volume limit] of FED. R. APP. P. *32(a)(7)(B)* because, excluding the parts of the document exempted by FED. R. APP. P. 32(f): this document contains [3000] words.

2. This document complies with the typeface requirements of FED. R. APP. P. 32(a)(5) and the type-style requirements of FED. R. APP. P. 32(a)(6) because:

this document has been prepared in a proportionally spaced typeface using [*Microsoft Word-16*] in [*14 pt Times New Roman*].

/s/Edward Moses, Jr