

IN THE
Supreme Court of the United States

Jenny & Jeremy Bruns,
Petitioners,

v.

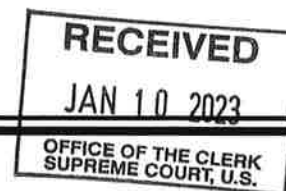
USAA, *et al.*,
Respondents.

**On Petition for Writ of Certiorari to the
United States Court of Appeals
for the District of Columbia Circuit**

**APPLICATION TO CHIEF JUSTICE JOHN G. ROBERTS, JR.
(FOR THE D.C. CIRCUIT)
FOR A 60-DAY EXTENSION TO FILE OUR PETITION
FOR A WRIT OF CERTIORARI UNDER RULE 13.5**

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January 4, 2023



Jurisdiction in this Court arises from the denial order of our timely filed petition for rehearing en banc filed on November 7, 2022 in Case No. 22-5011 by the United States Court of Appeals for the District of Columbia Circuit. Included with this original Application are two copies along with the D.C. Circuit panel's opinion filed August 11, 2022, and the en banc rehearing denial order. Further, this Court has jurisdiction under U.S. Const. art. III, § 2 because we have standing, since our case presents an ongoing, cognizable, concrete controversy that caused us harm with an injury-in-fact that is fairly traceable to the challenged conduct of the defendants that is likely to be redressed by a favorable judicial decision by this Court.

Why is USAA above the law? Because they're rich, powerful, and popular. USAA treats vulnerable victims — the direct and vested intended beneficiaries of mandatory, explicit, and unambiguous state automobile insurance liability statutes — in bad faith and unfair and deceptive trade practices with impunity because government officials and courts arbitrarily repudiate their non-discretionary duties that require them to hold USAA accountable, so our certiorari petition shall

present at least 5 questions for review. The controlling NC Supreme Court precedent in *Nationwide Mutual Insurance Co., v. Chantos*, 293 N.C. 431 (N.C. 1977), expressly states that the legislature enacted these mandatory coverage laws "solely for the protection of innocent victims," and the "victim's rights against the insurer are not derived through the insured, as in the case of voluntary insurance. Such rights become absolute upon the occurrence of injury or damage inflicted by the named insured." Victims expect and rely upon these benefits and that insurers will treat us in accordance with the laws and in good faith. But USAA has knowingly and willingly put us through Hell, and we are fighting alone as pro se because nobody will help us for reasons including that many law firms represent insurers or have other conflicts of interest, are fully booked, and because the orders below are thin and contain red herrings that wholly sidestep the gravamen of our claims and issues presented in our federal complaint. We have never made it past the motion to dismiss stage. Another one of our preserved issues is the conspiracy theory of personal jurisdiction in a federal antitrust context.

Jeremy is a triple amputee with no knees who has pain every moment of every day (including in his sleep when his nightly fits of shaking wake Jenny) that was caused by two of USAA's policyholders, whom USAA admitted in writing are both liable to both of us for the "policy limits" because Jenny was a bystander, who watched Jeremy writhe in utter agony for about an hour, from the middle of our front yard along with dozens of horrified onlookers (none of whom thought he could survive) while he was pinned between vehicles, yet USAA still hasn't paid us one cent of the compulsory contractual and statutory \$120,000 that became due at the moment of the Calamity more than 10 years ago. Importantly, on the day of the Calamity, a police officer warned Jenny that USAA wouldn't pay us fairly because we all carried USAA insurance. Jenny is Jeremy's full-time caregiver, as proven by official, documented assessments from the U.S. Department of Veterans Affairs. The VA recognizes that trusted caregivers are critical to the safety and quality of life for permanently disabled servicemembers who sacrificed and served our country; it is a significant and life-long job to help Jeremy, once strong and independent, experience life in a way with some ease rather than feeling like he needs to ask for help, and to

ensure that he can live as fully as possible because his legs will never grow back.

In addition to the sheer difficulties of daily living under these crippling circumstances, we need more time to file our certiorari petition because we bought a new home last year and moved across the country, so we're still dealing with ADA renovations, upgrades and repairs, we're still unpacking and need furniture, and we haven't even moved into our master bedroom and bathroom yet. Plus we have been busy with the demands of the holidays because immediate family visited us from out of town.

Please grant us a 60-day extension to file our petition for certiorari, since this Court is our very last resort for repose and the vindication of our vested statutory, contractual, and constitutional rights and entitlements because we've never had a fair hearing of the issues that were sufficiently averred in our complaints. We need more time to prepare a coherent petition containing adequate advocacy for your discretionary consideration and resolution of serious national issues

that impact everyone who uses the roads (literally nearly everyone uses the roads) and a circuit split that warrant your review.

Respectfully submitted,



Jenny Bruns, *Pro Se*



Jeremy Bruns, *Pro Se*

4 January 2023

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United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5011

September Term, 2022

1:20-cv-00501-RCL

Filed On: November 7, 2022

Jenny Bruns and Jeremy Bruns,

Appellants

v.

USAA, et al.,

Appellees

BEFORE: Srinivasan, Chief Judge, and Henderson, Millett, Pillard, Wilkins,
Katsas, Rao, Walker, Childs, and Pan, Circuit Judges

ORDER

Upon consideration of the petition for rehearing en banc, and the absence of a request by any member of the court for a vote, it is

ORDERED that the petition be denied.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/
Daniel J. Reidy
Deputy Clerk

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5011**September Term, 2021****1:20-cv-00501-RCL****Filed On: August 11, 2022**

Jenny Bruns and Jeremy Bruns,

Appellants

v.

USAA, et al.,

Appellees

BEFORE: Wilkins, Katsas, and Rao, Circuit Judges

ORDER

Upon consideration of the motions for summary affirmance, the oppositions thereto, and the replies; the motion to dispense with the joint appendix; the motion for interim relief and the oppositions thereto; the motion to disqualify and the opposition thereto; and the court's order to show cause filed on April 6, 2022, it is

ORDERED that the order to show cause be discharged. It is

FURTHER ORDERED that the motions for summary affirmance be granted. The merits of the parties' positions are so clear as to warrant summary action. See Taxpayers Watchdog, Inc. v. Stanley, 819 F.2d 294, 297 (D.C. Cir. 1987) (per curiam). Appellants have forfeited any challenge to the district court's denial of their motions to alter or amend the judgment, for sanctions, and for certain disclosures by not addressing those denials in their oppositions to the motions for summary affirmance. See United States ex rel. Totten v. Bombardier Corp., 380 F.3d 488, 497 (D.C. Cir. 2004). Appellants have addressed the district court's order dismissing their claims, but their arguments against summary affirmance of that order are without merit.

First, appellants argue that they have an interest in seeing one of the defendants criminally punished that is sufficient to establish standing. However, it is well established that "a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973).

Second, appellants argue that the district court erred in dismissing their claims against some of the defendants based on the Rooker-Feldman doctrine and claim preclusion. Appellants maintain that those doctrines do not apply because any

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 22-5011**September Term, 2021**

decisions rendered in their prior state court case are void ab initio because the trial court judge in that case was required to recuse himself pursuant to Canons 3C and 3D of the North Carolina Code of Judicial Ethics. However, the North Carolina Supreme Court has held that a judge is not required to recuse himself absent a motion from one of the parties and that failure to recuse is not a jurisdictional defect. See In re Z.V.A., 373 N.C. 207, 214 (2019). Appellants did not move for recusal of the trial court judge, and, consequently, his continuing to preside over the state case did not render the dismissal of that case void ab initio.

Third, appellants argue that the district court had jurisdiction over some of the private defendants under a conspiracy theory of personal jurisdiction. However, “to establish jurisdiction under a theory of civil conspiracy, the plaintiff must plead with particularity overt acts within the forum taken in furtherance of the conspiracy.” World Wide Minerals, Ltd. v. Republic of Kazakhstan, 296 F.3d 1154, 1168 (D.C. Cir. 2002) (internal quotation marks omitted). Appellants have not identified any such overt acts. It is

FURTHER ORDERED that the motions to dispense with the joint appendix and for interim relief be dismissed as moot. It is

FURTHER ORDERED that the motion to disqualify be denied. Appellants have not demonstrated that the district judge has a financial interest in one of the defendants requiring recusal. See 28 U.S.C. § 455(d)(4)(i), (iv). And appellants’ dissatisfaction with the district court’s resolution of their case is not a sufficient ground for recusal. See Liteky v. United States, 510 U.S. 540, 555 (1994).

Pursuant to D.C. Circuit Rule 36, this disposition will not be published. The Clerk is directed to withhold issuance of the mandate herein until seven days after resolution of any timely petition for rehearing or petition for rehearing en banc. See Fed. R. App. P. 41(b); D.C. Cir. Rule 41.

Per Curiam

CERTIFICATE OF SERVICE

We certify under penalty of perjury that a copy of Petitioner's foregoing **APPLICATION TO CHIEF JUSTICE JOHN G. ROBERTS, JR. (FOR THE D.C. CIRCUIT) FOR A 60-DAY EXTENSION TO FILE OUR PETITION FOR A WRIT OF CERTIORARI UNDER RULE 13.5, *Bruns v. USAA et al.***, has been delivered on January 4, 2023, to a depository under the exclusive care and custody of the United States Postal service in a first-class, postage prepaid envelope properly addressed as follows to all parties required to be served:

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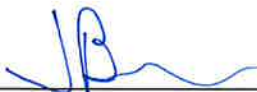
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January 4, 2023

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