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Clerk of the United States Supreme Court

1 First Street, NE

Washington, DC 20543

RE: /Kelly v Swartz, et al. **No 22-6783**/Application **No. 22A747** Please resubmit my application to the Honorable Justice Ketanji Brown Jackson, Associate Justice

March 13, 2023

Dear Honorable Clerk of Court:

On Monday March 13, 2023, I spoke with Emergency Clerk, Robert Meek, Esq. and US Supreme Court Clerk Daniel Bickle. To my horror, they indicated they were going to reject my filings regarding my *Different Corrected Emergency Motion pursuant to 28 U.S.C. § 2101 (e) and (f) to grant an interim stay of Third Circuit case Kelly v Swartz et al, No 21-3198 and 22-2079 for a different additional reasons pending this courts determination on her Writ of Certiorari.*

I adhered to Robert Meek's suggestion on filing a letter concerning why it should be submitted as a motion. I provided equitable and statutory reasons for the submission of this Motion along with my corrected motion, dated March 7, 2023.

I disagree with their analysis of Supreme Court Rules 21, 22 and 44, and their stated reasons for rejecting my motions.

They instructed me I could draft a letter requesting my Emergency Application to the Honorable Justice Samuel A. Alito, Junior pursuant to 28 U.S.C. § 2101 (f) for an interim stay pending this Court's determination on appeal No 22A747, filed February 11, 2023, and rejected

on February 22, 2023 be resubmitted to another justice. They granted me permission to outline additional information supporting why an interim stay is needed in this letter.

Without waiving my right to be heard on my motion, I adhere to their instructions. US Amend I, V. Please resubmit my motion to the Honorable Justice Ketanji Brown Jackson.

An interim stay is required to prevent foreclosing my 1st Amendment right to petition and 5<sup>th</sup> and 14<sup>th</sup> Amendment opportunity to be heard in this and other forums to prevent irreparable injury in terms of loss of fundamental rights, licenses and harm to life.

On or about February 15, 2023, I alerted my case manager Pamela Batts of the Third Circuit Court of Appeals and opposing counsel that the United States Supreme Court docketed my appeal of the Third Circuit Court's Orders denying my motion for a stay to slow down the matter to prevent irreparable injury to me in the form of loss of fundamental rights, loss of the opportunity to be heard and to petition, harm to health, life and other injuries. I incorporate herein by reference Third Circuit Docket Items (hereinafter "3DI" 3DI-131, 3DI-141, also see and incorporated herein 3DI-119, 3DI-126, 3DI-129, 3DI-130, 3DI- 138, regarding harm and 3DI-133 regarding to appeal to the US Supreme Court where the Third Circuit is a party, No. 22-6584).

On February 16, 2023, I filed Appellant Meghan Kelly's Motion for the Third Circuit Court to waive costs for preparation and transmittal of the record to the US Supreme Court, should the Court require the record and other costs, fees, expenses, taxes or charges at 3DI- 146 incorporated herein by reference. I argued therein at paragraph 38:

"I respectfully request this Court render on Order on my motion to exempt any charges, fees, taxes, and costs (1). in order not to compel me to violate my religious beliefs in exchange for access to the courts or (2). suffer an economic substantial burden so great as to deny me access to the courts in defense of my First Amendment liberties, license and related interests and (3). to prevent government compelled involuntary servitude to sin by making money savior in place of God, prior to scheduling a new hearing date. 3DI-137."

Later that day, February 16, 2023 the Third Circuit Court expedited scheduling, and filed a letter indicating this case is “tentatively listed on the merits on Tuesday, April 11, 2023 in Philadelphia, PA.” (3DI-147)

Despite my Petition before judgment requesting a stay to this United States Supreme Court No. 22-6783 to prevent irreparable injury harm to health and life, reputation, licenses and loss of fundamental rights as well as other injury, in bad faith the Third Circuit filed a notice of a hearing unusually before briefing was complete, and before rendering orders on outstanding motions with the intent to eliminate my right to petition and opportunity to be heard at the US Supreme Court in utter disregard for the irreparable injury to me.

The Third Circuit scheduled the hearing date prior to the completion of briefing. The due date for my reply brief was not yet due. The Third Circuit court knew I am seeking to slow down the case to prevent irreparable injury to me. As a response the lower Court retaliated by expediting the case, in hopes to evade review by the United States Supreme Court by rendering the issue of a stay moot. (3DI 131, 3DI 141).

Later the same day, February 16, 2023, the Third Circuit Court entered a docket entry a 3DI-138 “NOTICE from U.S. Supreme Court. Petition for Writ of Certiorari filed by Meghan M. Kelly on 02/06/2023 and placed on the docket 02/15/2023. Supreme Court Case No. 22-6783.”

I immediately filed a motion with the Third Circuit on the same day, February 16, 2023 to move the Court to postpone scheduling the hearing so I may be afforded access to other courts including but not limited to this United States Supreme Court should this Court accept my appeal on 22-6584 to prevent irreparable injury in terms of loss of fundamental rights and other irreparable harm. (3DI-149).

On March 3, 2023, I talked with my case manager and indicated it had been about 4 days or so since the time for opposing counsel had lapsed to address my motion objecting to the hearing date and other outstanding motions relating to recusals since Judge Phipps was in charge to the best of my knowledge. I did not understand why my motion to postpone the hearing so as not to deprive me of an opportunity to petition and be heard and other harm was not referred to a panel. She did not have an answer other stating it was pending or being reviewed. She noted on other motions “referred to a panel,” after the time for opposing counsel to respond had lapsed. No such notation was on the docket for the outstanding motions on the docket despite it being past time for opposing counsel to respond, unlike other motions.

It appears the hearing at 3DI-147 was scheduled in bad faith to cause me to forgo my access to other courts, to harm my health and to pressure me into forgoing my right to petition the courts in violation of the 5<sup>th</sup> Amendment’s Equal Protections component as applied to me based on my genuine religious beliefs for which Defendants appeared to discipline me for too.

On February 16, 2023, my Third Circuit Court case manager indicated the scheduler was charged with scheduling, not her.

I called the scheduler on February 16, 2023. He directed me to talk with my case manager to discern who requests the scheduler to schedule. He mentioned in passing case managers at time contact him to schedule, but could not answer my question as to who directed him to schedule the hearing in bad faith, knowing I face irreparable injury for the expedition of this matter.

I have multiple law suits against my person due to the Defendants’ bad faith disciplinary case against me. I face irreparable injury, the foreclosure to access to other courts by wrongful

expedition of the Third Circuit case, loss of fundamental rights, and harm to health. My case manager knows I seek to eliminate the threat of compelled debt, and compelled violations of religious belief against involuntary servitude before it is too late and a compelled violation occurs denying me of the opportunity to petition against it. US Amend 1, V, XIII.

And yet, I do not have an answer of how this scheduling occurred.

The scheduler indicated Third Circuit Linda Blank usually sends out a letter to pro se and attorneys on cases to pick a good week for hearing. I did not get a letter. The scheduler could not pull a letter for me, but Linda Blank may have sent opposing counsel a letter January 25, 2023.

On February 16, 2023, I requested to speak with Linda Blank. My request was denied.

I note for good cause I have moved to recuse Justice Phipps, Hardiman and Montgomery Reese I incorporate herein by reference at 3DI-128, 3DI-132, 3DI-142, 3DI-143.

No judge has been assigned my case in place of Justice Phipps. So it was likely my case manager who expedited the case.

Instead of discerning why and by whom the matter was scheduled in bad faith, I seek for good cause to stay the Third Circuit case in **the interim** in order for this Honorable Court to prevent irreparable injury, not to deny me the opportunity to be heard on appeal and in other courts, harm health, lose fundamental liberties, or to cause me to violate my religious belief in exchange for the opportunity to exercise my right to be heard in defense of my assertion of my right to property interests, liberties, damages, nominal relief and equitable relief to be compensated by harm done against me.

As previously noted, I filed a motion to exempt costs and a motion to reschedule the proceeding in the Third Circuit on February 16, 2023. My case manager did not submit these motions to the panel, despite the time for opposing counsel having lapsed. 3DI-165

I filed an emergency Motion to expedite this case before the US Supreme Court. Nevertheless, I fear if an interim stay is not granted my case may be rendered moot by the Third Circuit's bad faith expedition of my case to obstruct my First Amendment right to petition and opportunity to be heard before this court. This Court has long held that "[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury" *Elrod v Burns*, 427 U.S. 347, 373 (1976) (plurality opinion).

If an interim stay is not granted and this Court denies my motion to expedite I may be required to move this Court to withdraw my petition as moot. I face irreparable injury. I am persecuted by the state of Delaware for my faith in Jesus and exercise of First Amendment rights to private petition, private religious-political speech, private religious-political belief, private association as a Christian, Catholic, lawyer, Democrat, and private exercise of religious belief.

Daniel Bickle said I was not allowed to resubmit the new information exacerbating harm, the unaddressed motions, the bad faith expedition or the new reciprocal disciplinary order against me in another state, PA, which exacerbates and worsens and increases injury to me, should I resubmit the same previously filed application for an interim stay with the new information worsening irreparable injury. (3DI-161, 3DI 162, 3DI 163, 3DI-164). So, I submitted a different motion on or about March 6, 2023 and March 7, 2023 containing the new reasons an interim stay is required. The bad faith expedition of the Third Circuit's case will render this appeal moot if relief herein is not granted. Daniel Bickle indicated that motion may be rejected, but granted me permission to include this new information in this letter.

The Third Circuit Court does not have a compelling reason but may have a malicious reason to intentionally deny me the opportunity to be heard by the US Supreme Court, loss of my fundamental rights and other irreparable harm towards me. For evidence please note in my motion to postpone the scheduled date at 3DI at 13 149, I averred:

I assert my right to be heard, in other courts. US Amend I, V. I assert my right to life, health, and the exercise of fundamental rights without a government compelled exchange for the mere opportunity to be heard.

14. At 3DI-146 I complained about the Third Circuit's threat of compelled violations of my religious belief, threat of involuntary servitude in violation of US Amend XIII, and government compelled violation of religious beliefs in exchange with the fundamental right to the right to petition based on disdain, indifference or animus in my religious belief in God as God, not money as God, and against debt, and stated at paragraphs 9-13:"

9. There appears to be a risk of government compelled violation of my religious belief against debt, involuntary servitude in violation of US Amend XIII, and a government compelled obstacle due to the threat of debt creating an obstacle so great as to deny me access to the Courts. I do not want to go to hell by servitude to Satan by making money God to pay off the threat of debt in exchange with my exercise of the right to access to the Courts applicable to this Federal Court pursuant to US Amend I, V."

10. I have religious belief against debt as leading those who create it and many enslaved to it to damnation in hell. A Court compelling a party not to assert her rights to access to the Courts, or the right to petition, which is similarly afforded to other parties and attorneys is different than threatening a lawyer since the Court acts as an advocate against a party.

11. My petitions are different than others because I am different by my exercise of individual private petitions, based on my First Amendment private religious belief, Private First Amendment exercise of belief, private First Amendment speech reflecting my private beliefs, and my private exercise of association.

12. It is rather peculiar being in a position as a party and have Court agents attempt to threaten me a witness and a party to cause me to forgo my case for example in *Kelly v Trump*.

13. I am concerned about setting precedent that pro se claimants may be treated as unworthy of Equal Protections under the law because the Court may eliminate all freedom by requiring only those who [have the means to ] buy it are free. It appears the common people without money, materials or power have nothing to barter but their own souls, making them slaves as they seek to assert their freedom.'" US Amend XIII.

Nor is any justification narrowly tailored to meet any compelling reason.

However I face an undue burden should this court deny my request for an interim stay including loss of my First Amendment rights, property interest in my license, loss to my reputation, other damages, loss of employment opportunities and a substantial burden to my access to the courts.

This Court will not likely decide the merits of my petition by or before April 11, 2023. With horror, I realized even if this court expedites my case, it may be too late and irreparable injury may result if an interim stay is not granted.

I move this Court to prevent additional irreparable harm, by granting an interim stay. Irreparable injury can never be fully healed. Opposing counsel has not provided her stance.

There is a reasonable probability that four Justices will grant certiorari, or agree to review the merits of the case since this case relates to affording me an opportunity to buy and sell but for my religious beliefs that will affect other professionals. I admit there is a risk that this Court may find my religious beliefs so repugnant that it may not deem me worthy of fundamental rights. I am not in government and lost an election in 2018. I do not force my religious beliefs by threat of government authority. If I was in government, I would protect people's freedom to say my ideas suck. Why? Because I would be charged with caring for them, not controlling them by alleviating burdens upon their backs. Plus, I believe people must use their own brain to go to heaven, not the force-fed thoughts of leaders or professionals. I love people and do not want them to be harmed or go to hell. So, I encourage people to use their own brains.

There is a fair prospect that a majority of the Court will conclude upon review that the decision below on the merits was erroneous, under the facts of this case

Thank you for your time and consideration. Daniel Bickle kindly indicated it was okay if I filed one copy of this letter, and that I was not required to mail in copies of the application.

Respectfully Submitted,

March 13 2023

/s/Meghan Kelly

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