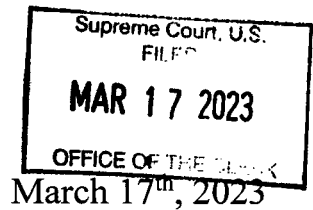


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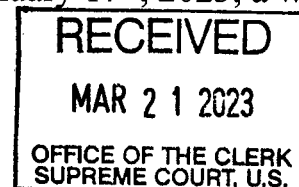
Hon. Mr. Justice Clarence Thomas  
Senior Associate Justice of the  
United States Supreme Court and  
Supervising Justice for the 11<sup>th</sup>  
Circuit United States Court of Appeals  
1 First Street, N.E.  
Washington, D.C. 20543-0001

RE: Request of Plaintiff/Petitioner, Robert L. Rehberger, under Supreme Court Rule 22 to the Honorable Mr. Justice Clarence Thomas to exercise his supervisory authority concerning an 11<sup>th</sup> Circuit action. This request is being made to ensure that courts at all levels honor their oath of office and perform their constitutionally required affirmative ministerial duties under Sections (2) and (3) of Article VI of the United States Constitution. This request is being made to ensure and to provide for adequate, effective, meaningful access to the courts not only in this case concerning Petitioner but in all cases at state and federal levels so that such proper access to the courts will be provided for all citizens and for all residents under the 14<sup>th</sup> Amendment. This would seem to provide for protection of privileges and immunities by ensuring equal protection and basic due process rights in all cases in all courts at state and federal levels.

Underlying cases: 11<sup>th</sup> Circuit Case No. 22-12873-HH and District Court Case 00030-JPB Rehberger vs. Henry County, et al.

Dear Mr. Justice Thomas:

Exhibit A is a denial of (3) three motions in Case No. 22-12873-HH, an 11<sup>th</sup> Circuit Appeal. The order would appear to be void on its face for several reasons that would cause the court to lack subject matter jurisdiction or exceed its jurisdiction. Plaintiff/Petitioner was not allowed to be present in court. The order denies (3) three motions and it contains no findings of fact or conclusions of law. The order is not signed or dated but says that it was filed on January 17<sup>th</sup>, 2023, a week



before Plaintiff/Petitioner's **Brief** was even given to the clerk of the court, indicating that due process and proper consideration was not given to those motions which will deprive Plaintiff/Petitioner his right of proper access to the court in his appeal, compounding rather than correcting the underlying problems. This would seem to deprive the court of the authority or subject matter jurisdiction to dismiss those motions. Normally when it is apparent on the face of the record that an order or judgment is void or a mere nullity it is mandatory for a reviewing court to vacate those proceedings under the court's oath of office and its constitutionally required affirmative ministerial duties. If not mandatory, it would seem at least a *per se* violation of a court's discretion.

Perhaps the court was indicating that jurisdiction was actually in another court, see Exhibit A, **Denial of Motions**, attached. This could be because of the handling of my District of Columbia reciprocal disciplinary proceedings. I believe the District of Columbia United States Circuit Court of Appeals wrongfully upheld those proceedings. If so, in order to allow me to obtain access to a court of competent jurisdiction some supervisory action may be needed. I am asking you to exercise that supervisory authority. Please note that I was wrongfully incarcerated, if my contentions are correct, at the time of the D.C. proceedings which were handled by counsel. That counsel seems to have had a hidden agenda at the time.

It would seem to me that the 11<sup>th</sup> Circuit is actually the court of competent jurisdiction at this time to handle the underlying proceeding but because of the various jurisdiction problems explained above your immediate assistance is needed under your supervisory authority. Petitioner's being a member of the United States Supreme Court Bar also seems to have complicated the underlying issues. It would seem that your authority under the **All Writs Act**, 28 U.S.C. 1651, could be of assistance to you in exercising your proper authority to ensure that the 11<sup>th</sup> Circuit United States Court of Appeals has the ability to exercise and to aid its proper jurisdiction. Exhibit B is the summary of a proposed argument to the 11<sup>th</sup> Circuit United States Court of Appeals, Exhibit C is the District Court Docket in the underlying action and Exhibit D is a copy of a letter to the 11<sup>th</sup> Circuit enclosed with the **Appendix**. Note, also see Exhibit E on simulated legal proceedings.

You may want to note that Plaintiff/Petitioner, a military veteran, a former University School of Business professor, a former multi-state licensed attorney and a former member of the United States Supreme Court Bar, alleges that he was the victim of a political bench disbarment based upon underlying proceedings that were allegedly void on the face of the record. Plaintiff further contends that he was denied statutory rights under the Georgia Code, O.C.G.A. 9-11-60(a), basic constitutional due process rights, fundamental substantive constitutional provisions as well as equal protection of the law. This was due to various procedural bars in-

cluding an illegal law of the case rule due to a failure to perform ministerial duties or negligent performance of ministerial duties, an abuse of discretion *per se* fraud upon the courts, heightened pleading requirements and decisional sequence violations. Petitioner contends that he was tried on allegations not properly made and convicted on allegations not legally tried and now suffers harmful ongoing illegal effects from those things. Furthermore, he alleges that issue preclusion and claim preclusion does not apply to his issues and contentions nor bar his access to the courts.

At this point I am not asking that you or the United States Supreme Court make a decision on the merits or claims of my underlying issues and contentions. I am simply requesting that you and if necessary, the court use the supervisory authority bestowed upon you and/or the court to ensure that I receive a decision on the merits of my issues and contentions from a court of competent jurisdiction.

If the above mentioned supervisory authority is exercised, I will be allowed adequate, effective, meaningful access to a court of competent jurisdiction to ensure and to enforce my basic due process rights and fundamental substantive constitutional provisions. This would allow me as well as set precedent for others to be allowed the same basic due process rights and equal protection before a deprivation or abridgment of privileges and immunities is allowed. This would also allow me as well as others to stop any ongoing harm from mere null and void pro-

ceedings, illegal and unconstitutional simulated legal proceedings and/or proceedings that are subject to anti-SLAPP statutes. Note that fees have been paid to the District Court and the Court of Appeals on several cases all dismissed without a ruling on the issues raised. The heightened pleading requirements seem to have compounded problems and denied proper access to the courts, it seems supervisory action is needed.

As Petitioner has stated and explained in my 11<sup>th</sup> Circuit **Appellant Brief**, especially in the summary conclusion and **Request For Relief of That Brief**.

Appellant has never been allowed to appear in person before the District Court or this court to present evidence to obtain a ruling on the merits of his contentions and issues. The evidence would show that the District Court's dismissals were void *ultra vires* arbitrary and capricious acts, mere nullities which exceeded the court's jurisdiction, and that the underlying proceedings he seeks to attack are void on the face of the record, (indictment and its amendments; verdicts and the amendments to the verdict; the judgment and its amendments; the sentence, the probation and the later illegal revocation of the alleged illegal probation from the illegal sentence.) The proceedings are a mere nullity, void *ab initio*, as are their effects. Issue preclusion and claim preclusion do not apply and in Georgia the legislature has a duty to protect the privileges and immunities of citizens.

A law of the case rule has denied Appellant his basic fundamental right of adequate, effective, meaningful access to the courts. A law of the case rule cannot legally be allowed to excuse or prevent the lower courts from honoring their oath of office and from performing their constitutionally required affirmative ministerial duties. In actuality the failure to act and to exercise their proper jurisdiction divested such courts of their jurisdiction to solve the underlying problems and merely compounded them. Those courts are no longer courts of competent jurisdiction without this court's approval to declare the underlying proceedings a nullity, void *ab initio*, and vacate them and stop their void illegal harmful effects.

The above problems allowed the null and void *ab initio* proceedings to remain in place and to continue to harm Appellant. This court, the 11<sup>th</sup> Circuit United States Court of Appeals, is now the court of competent jurisdiction to solve the problems that are apparent on the face of the record in the underlying proceedings. This includes vacating the void dismissals of Appellant's 42 U.S.C. 1983 action as well as stopping the illegal harmful effects from those proceedings. This can be done on an emergency expedited basis by the use of extraordinary remedies under this court's proper prerogatives under its previously well-defined role and function in reference to the other branches of government.

No doubt that various ratified governmental policies and procedures contributed to and promoted the failure of various governmental agents and even judicial

officers to properly perform their constitutionally required affirmative ministerial duties and to properly exercise their discretion in a manner that would not be an abuse of that discretion. At this point it would seem mandatory or at least an abuse of discretion *per se* for this court to not immediately on an expedited emergency basis exercise and aid its proper jurisdiction to solve the problems in the underlying proceedings rather compound them if it is going to uphold and reaffirm its proper role and function in reference to the other branches of government. This would also minimize separation of powers problems, civil unrest and the eroding of the principles and economic system the Republic was founded upon.

However, the court uses its proper prerogatives, Appellant would pray that the court immediately order prospective relief to stop and/or reduce the ongoing harmful effects such as disbarments. It is further requested that the court provide for a review of the issues raised and a declaratory judgment on them by a court of competent jurisdiction as well as allow that court to allow Appellant any other relief deemed proper, just and necessary including serving defendants to allow them proper access to the courts. Also, there are other individuals who have requested Appellant's help and he wishes to help them and requests this court directs that same court of competent jurisdiction to allow such and to review their underlying proceedings.

Again, Appellant points out that if the Fourteenth (14<sup>th</sup>) Amendment is to be properly construed so as to prevent special interest groups from advancing hidden agendas that abridge equal protection and due process rights in a fashion that allows the abridgment of the privileges and immunities of non-group members, the underlying miscarriage of justice needs to be corrected on an expedited emergency basis. O.C.G.A. 9-11-60 must be construed and applied as a whole. If this is not done, courts and legislatures will be excused or prevented from performing their constitutionally required affirmative ministerial duties under their oaths of office. The Executive Branch will be allowed to or forced to abridge the United States Constitution as well as the various state constitutions. The constitutions will be illegally amended, suspended, or voided, government will become dysfunctional at all levels and separation of powers problems will become the norm. The legal system will lack integrity, fundamental fairness and its reputation will be destroyed. Ultimately, the Republic will be destroyed by entropy.

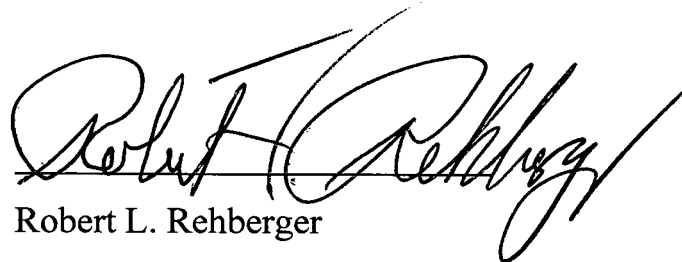
Petitioner points out that protecting this most basic fundamental right of adequate, effective, meaningful access to the courts under the supervisory powers bestowed upon you and upon the court would lessen the polarization and unrest of citizens. Such action would curtail the illegal use of abridgments to the court by the illegal use of heightened pleading requirements that abridge access to the courts by ratified governmental policies and procedures. Such action would stop a



miscarriage of justice in Plaintiff's case as well as in similar cases for all citizens and even for various residents. It would also help to ensure basic due process rights and equal protection in order to protect the privileges and immunities of all citizens and of all residents. This action would also allow the selfish acts of special interest groups seeking to advance hidden agendas at the expense of violating the rights of non-group members to be severely limited or curtailed.

It is often said "that without proper access to the courts there are no rights of any kind for anybody at any time." Your prompt attention to this urgent matter is greatly appreciated not only by Petitioner but I am sure by all citizens and by all residents.

Very truly yours

A handwritten signature in black ink, appearing to read "Robert L. Rehberger", written over a horizontal line.

Robert L. Rehberger

P. O. Box 101

Stockbridge, GA. 30281-0101

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