

No. _____

SUPREME COURT OF THE UNITED STATES

David John Thistle

Petitioner,

vs.

Joseph Robinette Biden Jr., President of the United States,

Respondent.

On Petition for a Writ of Certiorari to
the United States Supreme Court

PETITION FOR A WRIT OF CERTIORARI

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Question Presented

When Federal Elected or Appointed Officers of Federal or State Governments within the United States are aware of the unauthorized illegal changes to Article 1 Sec 2Par 2 without the due process of Law as required by Article V of the Constitution before an Election for U.S. Representatives a clear and present imminent danger presents itself before “The People.” These Violations in question include by design and nature both Constitutional Questions and Civil Rights Violations of both individual Citizens and Cohorts of disenfranchised Citizens. The knowingly editing or altering of the Constitution in any pen by additions or truncations to alter the Spirit of the intentions of the Founding Fathers and the definition form to limit otherwise qualified Ballot Candidates from Office or proper ability to campaign for office without due process in accordance with Article V by States’ sworn Elected or Appointed Officers in their Positions of Public Trust is a clear Violation of Article V, the X and XIV Amendments as well as other Laws of the Nation to not limited to but including elements of 18 U.S.C., 20 U.S.C., 28 U.S.C., 42 U.S.C., and the Federal Judges Cannon.

This case provides concrete irrefutable evidence of Elections Tampering and lack of action to correct by sworn and/or affirmed States’ Officers and Federal Officers of the Executive Branch, the Legislative Branch, and the Judicial Branch. This “lack of action to correct” is a direct Violation of the XIV Amendment and other Federal

and States' Laws for Election Tampering and may be considered by both the Department of Justice and "The People" as Domestic Terrorism.

The unchecked unauthorized illegal editing or altering of any Article or Amendment within the Constitution of the United States by sworn Elected or Appointed States' or Federal Officers without immediate unbiased fair and equal distribution of the law and proper corrective action and Justice, allows for a continuance of the unauthorized illegal altering of any and all line items of the Constitution and may lead to the loss of all Civil Rights and Liberties granted to "The People" by the Constitution. This unauthorized editing or altering of the Constitution of the United States without due process in accordance with Article V by sworn and/or affirmed Elected or Appointed Officers of the States or Federal Government may justify a Revolutionary War or Insurrection and the dissolution of the Union of the United States.

Understanding seriousness of the aforementioned, will this Supreme Court allow the sworn and/or affirmed State's Officers or a grouping of States' Officers with the knowledge of sworn and/or affirmed Federal Officers of any Branch of Government edit or alter the Constitution of the United States in any way without the due process in accordance with Article V to continue unchecked and unpunished thereby tainting the entirety of the Constitution of the United States?

List of Parties

All parties do not appear in the caption of the cover page. A list of all parties to the proceeding in the court whose judgment is subject of this petition is as follows:

Merrick Brian Garland, United States Attorney General

State of Ohio

State of New Hampshire

State of Alabama

State of Alaska

State of Arkansas

State of Colorado

Federal Judges United States Southern District Court in San Diego

1. Hon. Janis Sammartino
2. Hon. Linda Lopez
3. Hon. Robert S. Huie

It should also be noted that several members of the US House of Representatives and the Senate have been notified of the Several Cases, therefore, their SWORN OATH OR AFFIRMATIONS should be reviewed, questioned, and the members should rightfully be held accountable by this Court for not preserving, protecting, and defending the Constitution as sworn and/or affirmed. Also, it is highly appropriate for this Court to

review the inactions of the Commanders and Sworn Officers of the respective States' National Guard including the Adjutant Generals and Officer Members and impose the proper discipline by Court Martial as the Law requires.

Related Cases

Thistle v. United States Department of Veterans Affairs 21-cv-01218

(Primary Reason: Troop Depletion to allow for unchecked illegal altering of Constitution)

Thistle v. Ohio 21-cv-1414

Thistle v. Ohio 21-cv-2071

Thistle v. New Hampshire 21-cv-2072

Thistle v. Alabama 21-cv-2073

Thistle v. Alaska 21-cv-2074

Thistle v. Arkansas 21-cv-2075

Thistle v. Colorado 21-cv-2076

Thistle v. Biden & Garland et. al. 22-cv-0065

Table of Authorities

Cases

Underwood v. Hunter

Zimmer v. McKeithen

Adams v. Terry

Osburn v. Cox

Statutes

20 USC 1221-1,2

42 USC 1981 Deprivation of RIGHTS due to race [economic classism]

42 USC 1983 Civil action for Deprivation of RIGHTS

42 USC 1985 Conspiracy to Interfere with Civil Rights

18 USC 241 Conspiracy against rights of Citizens

18 USC 242 Deprivation of RIGHTS under the COLOR of LAW

28 USC 1443 The Jurisdictional Statute of Civil RIGHTS cases (?)

42 USC 1994 Peonage Abolished (?)

Federal Judges Cannon

Constitutional Provisions

United States Constitution, Article I

United States Constitution, Article III.....

United States Constitution, Article V

United States Constitution, Article VI

United States Constitution, X Amendment.....

United States Constitution, XIV Amendment.....

Petition for Writ of Certiorari

United States Constitution, Article VI The Supreme Law

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under the Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.

David John Thistle hereby petitions this Court as a 52 year old 100% Combat Related Disabled Veteran, a Naturally Born Citizen of the United States and a Citizen of the United States for 52 Years, who is currently a Resident of the State of California, a Veteran who was willing to Relocate to Serve "The People" as a U.S. Representative, hereby respectfully petitions this court for a writ of certiorari to review the case complaint herein brought before this court to restore the construction of Constitution of these United States, to restore the Civil Rights of the Petitioner, Mr. David John Thistle and members of the Cohorts disenfranchised by the 6 States' Elections Officers, and for this Court to maintain the Peace and the Union of the United States of America. It should be

noted that in accordance with the aforementioned Article VI, no Local Court or Judges Rules or Dates to inhibit the bringing of these Violations and Molestations of the Constitution and the Civil Rights and Liberties of the Petitioner, Mr. David John Thistle, and the effected Cohorts of United States' Citizens who by design of the President or Executive Branch Officers or 6 States' Elections Officers Intentions whereby disenfranchising a select group or cohort of Citizen for Elections Ballot Candidacy by creating unauthorized illegal changes to Article 1 Sec 2 Par 2 of the Constitution by States' Elections Officers to control elections results. These unauthorized illegal altering of Article 1 Sec 2 Par 2 of the Constitution were brought before the Court and multiple Federal and Local Law Enforcement Agencies in a timely manner without proper action. Any Jurisdiction, Judge or Law Enforcement Agency ignoring or dismissing illegal tampering and unauthorized altering of the Constitution of the United States are in violation of the Laws of the Constitution in accordance with Article VI. Those Judges and Elected or Appointed Officers of the Federal or States' Governments should be immediately discharged, indited or inhibited to further conduct Official Business by this Court to prevent Public Harm, Revolution, or Insurrection. Any of the Courts Rules or the Personal Rules of the Judges that inhibits the preservation, protection, and defense of the Constitution should be disallowed at all levels of the Courts by this Court. Without immediate and appropriate actions taken by those Judges, Court Officers, and Officers of the Federal and States' Governments to preserve, protect, and defend the

Constitution against all enemies both foreign and domestic those individuals sworn by oath or affirmations allowed an unfair Election for U.S.

Representatives to perpetuate thereby obstructing the ability for "The People" to MAINTAIN FAIR ELECTIONS within the United States. As a result of improper actions taken by the several aforementioned Jurisdictions and Individuals in question and their respective Article VI, XIV Amendment, and other possible Violations, the Petitioner, Mr. David John Thistle, respectfully requests of the Court to revive all enclosed Case Complaints and Evidentiary Materials as Legal and Binding to aid in the entirety of a favorable and fair resolution and judgment of the outcome of this case complaint.

The Petitioner, Mr. David John Thistle, also hereby requests the Supreme Court to continually ensure the preservation, protection, defense, and the Proper Education of Constitutional Law at the State Level to maintain the Peace and Unity of these United States by Restoring the Constitution to its proper verbiage, dismissing any and all DOMESTIC OFFICERS and JUDGES who took no action to immediately upon notification restore and DEFEND the Constitution of the United States, and the Petitioner, Mr. David John Thistle, is in great hopes this Court will immediately take appropriate actions to restore the Public Trust in Fair Elections thereby preventing Revolution and or Insurrection within the United States. This case, inclusive of the multiple case complaints and attachments of evidence of Elections Tampering and possible Domestic Terrorism within, submitted before the Court, is of such imperative

public importance due to the clear and present imminent danger to the Citizens and Guests of the United States, it justifies a possible deviation from normal Court calendar practice under Rule 11 and 28 USC Sec 2101 thereby warranting an immediate determination in this Court.

Opinions Below

The decision by the United States Southern California District Court denying and dismissing the Petitioner, Mr. David John Thistle's direct original complaint in these matters is reported as Thistle v. Biden & Garland Federal Court Case Complaint 22-cv-0065. Motion for Order to Reconsider due to New Evidence Filed on October 21, 2022. Former Appeal was made to the 9th District Court of Appeals on December 08, 2022, and the case is now assigned Appellate Case Number 22-56167 was assigned on December 12, 2022.

Jurisdiction

In accordance with Article III Sec 2 of the Constitution (1.) the Petitioner, Mr. David John Thistle's original petitions against the 6 States for Article 1 and XIV Violations did not reside within the Jurisdiction of the Southern District Court. However, proper, and legal Jurisdiction of a resident of a State (Mr. David John Thistle at the time was a Resident of the State of California) not being a Citizen of the State being petitioned against resides with the Supreme Court of the United States.

The Petitioner, Mr. David John Thistle, prays that the Supreme Court will allow this Petition to satisfy an "Umbrella" of what should normally exist as multiple separate Case Complaints. These Case Complaints would be inclusive of multiple Constitutional Questions and the multiple Civil Rights Violations of

the Petitioner, Mr. David John Thistle and the respective Cohorts of the United States' Population being disenfranchised from their Constitutional Rights and Liberties by the unauthorized illegal altering of the Constitution of the United States.

The Petitioner, Mr. David John Thistle is in belief the Supreme Court is the appropriate venue for this Petition to address the breach of contract and possible criminal negligence not limited and possibly including Domestic Terrorism by Elections Tampering of and by the Office of the President and the Executive Branch, the 6 States' Executive Offices' Sworn Officers, members of Congress and their respective sworn Staff Employees, and the Judicial Branch members of the Southern District California Federal Court. The breaching of contract of the Elections Officers and Executive Offices of 6 (six) Separate States by utilizing their Offices' of Public Trust to knowingly illegally edit or alter Article 1 Sec 2 Par 2 before the U.S. Representatives' Elections without due process as defined in Article V, and their violations of the sworn oaths and affirmations of Office under the XIV Amendment to "...preserve, protect and defend the Constitution of the United States..." and the historical variants of this Oath and/or Affirmation of Office is egregious an unacceptable crime.

The Elections Officers of States do not have the authority to unilaterally or as a group, not utilizing "due process" as required by Article V, edit, or alter in any way or verbiage the construction of the Constitution of the United States. The Petitioner, Mr. David John Thistle prays the Supreme Court will take all and

every legal reasonable measure to restore the construction and integrity of the Constitutional Laws to preserve Fair Elections restore the Civil Rights and Liberties of the Petitioner, Mr. David John Thistle, and "The People," thereby restoring the Public Trust.

The Petitioner, Mr. David John Thistle prays this will prevent a Revolutionary War or Insurrection within the United States or the 6 States responsible for the altering of Article 1 Sec 2 Par 2 before the U.S. Representatives' Elections and also requests the Court to compensate the Petitioner, Mr. David John Thistle as the Court seems fit and also in accordance with the XIV Amendment Sec. 4.

Constitutional Provisions Involved

United States Constitution, Article 1 Sec 2 Par 2:

No Person shall be a Representative who shall not have obtained the Age of twenty-five Years and been seven Years a Citizen of the United States, and who shall not, when elected, be an Inhabitant of that State in which he shall be chosen.

United States Constitution, Article III Sec 2:

The judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority; --to all cases affecting ambassadors, other public ministers and consuls;--to all cases of admiralty and maritime jurisdiction;--to controversies to which the United States shall be a party;--to controversies between two or more states; --between a state and citizens of another state...

United States Constitution, Article V

The Congress, whenever two thirds of both houses shall deem it necessary, shall propose Amendments to this Constitution, or the application of the legislatures of two thirds of the several states, shall call a convention for proposing Amendments, which in either case, shall be valid to all intents and purposes, as part of this Constitution, when ratified by the legislatures of three fourths of the several states,

United States Constitution, Article VI The Supreme Law

All debts contracted and engagements entered into, before the adoption of this Constitution, shall be as valid against the United States under the Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the

Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the members of the several state legislatures, and all executive and judicial officers, both of the United States and of the several states, shall be bound by oath or affirmation, to support this Constitution; but no religious test shall ever be required as a qualification to any office of public trust under the United States.

United States Constitution, X Amendment

The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.

United States Constitution, XIV Amendment

Section 1. All persons born or naturalized in the United States, and subject to the Jurisdiction thereof, are citizens of the United States and of the state wherein they reside. No state shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any state deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Section 3. No person shall be a Senator or Representative in Congress. Or elector of the President and Vice President, or hold any office, civil or military, under the United States, or under any state, who, having taken an oath, as a member of Congress, or as an officer of the United States, or as a member of any state legislature, or as an executive or judicial officer of any state, to support the Constitution of the United States, shall have engaged in insurrection or rebellion against the same, or given aid or comfort to the enemies thereof. But Congress may by a vote of two-thirds of each House remove such a disability.

Section 4. The validity of the Public debt of the United States, authorized by law, including debts incurred for payment of pensions and bounties for suppressing insurrection or rebellion shall not be questioned....

Statement of the Case

When throughout the course of events the very Foundational law of the Land, the Constitution of the United States, ratified and signed by 39 Colonial Delegates of all 13 colonies on June 21, 1788, is in need of the defense from attack by illegal altering, (altering other than by Article V allowances,) of said document for any reason without the due process of Law by domestic members of a State or multiple States' sworn Executive, Legislative, and Elections Officers either elected or appointed, it is the duty through due process of Law of any and all Citizens and the United States' Justice Department to shore up the Constitution by way of any and all legal measures to prevent the dilution or division of the Union of the United States. It is also safe to stipulate that if the clear and present danger to the citizens, and the legal voting election process is compromised by direct illegal pen and ink changing these attacks upon the Constitution, whether physical or virtual on the World Wide Web to spread mis-information or dis-information are not properly addressed by this Court, the aforementioned may be met by the last means possible of "The People" and a resulting revolution or insurrection would become a reality due to the loss of The Public Trust in the Fair Election Process.

Elected and or Appointed Government Officers, are sworn in accordance with the XIV Amendment to support and defend the Constitution of the United States. Whenever, for any reason, they utilize their Elected and or Appointed State, States,

or Federal Offices of Public Trust to commit the egregious crimes of Constitutional Verbiage Tampering or Election Tampering, and or aid in the public cover-up of these crimes they are in fact accomplisners, cohorts, and aiding in the illegal stripping of the Rights and Liberties granted by the United States Constitution to its Citizens.

The State of New Hampshire on its “Official Website of the Secretary of State” did in fact alter Article 1 Sec 2 Par 2 the requirements of the Office of United States Representatives on their Official Secretary of State’s Worldwide Website as follows.

“UNITED STATES REPRESENTATIVE – Must be 25 years of age and a United States Citizen for 7 least years. Candidate does not have to live in the same district they are a candidate for; however, must be domiciled and a registered voter in New Hampshire.”

The Petitioner, Mr. David John Thistle, brings this case respectfully before this Court not for just the personal Federal Question and Constitutional Questions of the 14th Amendment Rights and the 18 U.S.C. Sec. 242 Violations against himself as the Secretary of State’s Office did prevent, truncate, and inhibit the fund-raising abilities and timeframe for the Official Ballot Candidacy of the Petitioner, Mr. David John Thistle.

Also, this Court is bound to preserve the Peace and tranquility of the Union of the United States within its boundaries as several States, 6 in total, have

obviously and brazenly attacked the Constitution in a very similar manner. Attacks upon the Fair Elections process by the illegal altering of Article 1 is not just an attack upon the Constitution, it is a direct attack upon every Citizen of the United States. The United States Representatives are directly appointed by a majority vote of "The People." This attack upon the Fair Elections Question after the insurrections due to the Loss of Public Trust in Fair Elections on January 6, 2021, after a contested Presidential Election is completely and utterly unacceptable in nature and poises a direct imminent threat and clear and present danger to the safety and well being of the Citizens and guests of the United States.

The Petitioner, Mr. David John Thistle, requests of the Court the proper Public Action of enforcement of the XIV Amendment and the Laws of the Constitution and the United States Code upon every individual State listed in the aforementioned additional case complaints and on each States' Offices and Officers Elected or Appointed and the Federal Officers or Justice Department Officials and or Judges involved in these cases who took no action to "defend the Constitution" in accordance to the Law to maintain the future integrity of the Constitution and to provide Precedence to Constitutional Tampering in any way without due process. The Petitioner, Mr. David John Thistle, respectfully requests this Court take into consideration proper compensation, "...authorized by law, including debts incurred for payment of pensions and bounties for services in suppressing insurrection or rebellion..." from the State and in accordance the rules and guidelines for compensation under XIV Amendment Sec 4.

Reasons for granting the Petition

The Petitioner, Mr. David John Thistle, respectfully requests the Supreme Court to consider an immediate deviation and suspension of the current Supreme Court Calendar under Rule 11 guidelines. The Petitioner, Mr. David John Thistle, also hereby respectfully requests the consideration of an immediate audience is warranted before the Supreme Court for these Petitions due to the justification of the imminent clear and present danger to the Citizens and Guests of the United States and the construction of the Constitution of the United States. The Supreme Court will clearly surmise that in no less than 6 States arguments consist of both Constitutional Questions and Civil Rights Violations directly related to Elections Tampering with zero corrective actions taken by the Office of the President or the Executive Branch. Elections Tampering is, according to the Department of Justice, a Domestic Terrorism charge. The Petitioner, Mr. David John Thistle, also respectfully requests the consideration of this Court to ‘Umbrella’ these several Separate Case Complaint and the Evidence attached within under one argument for the multiple Cases are related in both Form and Substance. If these Petitions are not properly addressed, the summation of arguments presented within these separate but equally important arguments present multiple clear

and present dangers that could fundamentally justify violent behaviors that would and could create a dissolution of the Union of these United States of America.

When, at a time in our Nation's Life that the General Public or "The People" have, for good reason, lost the trust in Fair Elections, and all three elements that fully justified the Writ of The Declaration of Independence, now exist.

1. The abuse and violations of the separation of powers.
2. The inability of "The People" to maintain Fair Elections.
3. The Abuse and Lack of Due Process of Law.

It is the privilege, responsibility, and duty of the United States' Supreme Court to look at the facts of this and all cases mentioned including attached evidentiary documentation within this Petition to determine the outcome of correct and compassionate justice in accordance with Due Process of Law and to set Precedence for the illegal altering of Article 1 Par 2 Sec 2 of the Constitution of the United States by no less than 6 States. In order to maintain the integrity of Fair Elections, the proper construction of the Constitution of the United States altered only in accordance with Article V and in order to save lives by maintaining the Peace within our Great Nation the Petitioner, Mr. David John Thistle, 1 out of Many American Citizens of the United States, brings before this Court the following request for the granting of Petition.

In light of the relevance of the related 9 listed case Complaints, and the attached evidence contained within those case complaints, placed before the United States District Court, Southern District of California, the Petitioner respectfully requests a proper review of the attachments of the impartial concrete irrefutable evidence of those cases be included in the totality of the decision to grant this Petition and any and all additional Petitions as appropriate coming before the Supreme Court in this matter and all matters of relevance. The Petitioner, Mr. David John Thistle, is fully aware that the United States Department of Justice has determined that "Election Tampering" by any States' Officer or Federal Officer and also has been confirmed as a charge of Domestic Terrorism. Moreover, in accordance with the Article VI, sometimes referred to as the Supremacy Clause, and the Federal Judicial Cannon, more specifically, Cannon 2A., the sitting Justices that disposed of these aforementioned case complaints are also responsible for the continued molestation of the United States Constitution unchecked, the unacceptable disenfranchisement of otherwise qualified Ballot Candidates from the U.S. Representatives Elections, and the spreading of dis-information or mis-information of the Laws of the Constitution of the United States without correction and/or repercussions from the Courts as appropriate by Oath and Aforementioned Laws.

Therefore, it is fully understood by the Petitioner, Mr. David John Thistle, the following case complaints that are listed as follows may also be deemed criminal in nature by this Court and this COURT has the privilege, responsibility, and duty

to properly address these potential criminal charges under Article VI and XIV

Amendment sworn oaths and or affirmations of Office:

THISTLE v. UNITED STATES DEPT. of VETERANS AFFAIRS 21-cv-01218

THISTLE v. OHIO 21-cv-1414

THISTLE v. OHIO 21-cv-2071

THISTLE v. NEW HAMPSHIRE 21-cv-2072

THISTLE v. ALABAMA 21-cv-2073

THISTLE v. ALASKA 21-cv-2074

THISTLE v. ARKANSAS 21-cv-2075

THISTLE v. COLORADO 21-cv-2076

THISTLE v. BIDEN & GARLAND 22-cv-0065

To the Petitioner's, Mr. David John Thistle's, understanding, never before in history has a Petitioner presented a case or multiple case complaints of this nature before this Court. Currently, within the United States, the three elements that fully justified the Writ of the Declaration of Independence unfortunately now exist.

With this in mind, a clear and present danger exists to "The People" or citizens of the United States and their Guests. These aforementioned case

complaints presented themselves before the Petitioner, Mr. David John Thistle, as he attempted to become an Official Ballot Candidate for U.S. Representative. To have 1 State create an administrative accident is one mistake, correctable in every sense. However, for 6 States to have illegally altered Article 1 Sec 2 Par 2 before various U.S. Representatives' Elections can, unfortunately, be no mistake or accident. The egregious altering of the United States Constitution at a time when all State's Offices are closed due to Pandemic, and all direction is given to the State's Official Worldwide Website for Official Use and Education purposes it is highly unlikely that changes to the Constitution are merely a "housekeeping issue."

This malicious molestation of Article 1 Sec 2 Par 2, the requirements of Office for the U.S. Representatives' and a truncation of requirements, addition of requirements to make it more stringent for qualification of candidacy, or an attempt at a change by a simplification of days of residency requirements is completely and utterly unacceptable especially after an insurrection at the Capital on Wednesday, January 6, 2021, due to the loss of the Public's Trust in Fair Elections. Therefore, it is the privilege, responsibility, and duty of this Court to intercede on the behalf of the Petitioner, Mr. David John Thistle and "The People" and take all and every appropriate corrective measure or measures to restore the Public Trust in Fair Elections and maintain the Peace by granting this current Petition.

The facts of this case complaint are as follows:

The Petitioner, Mr. David John Thistle, was approached at Mission Beach, San Diego, CA by known residents of the State of OHIO, Congressional District 11. These men who identified themselves as WWII Veterans and Admiral Ernest "Ray" Kings' Boys and also identified as "friends" of the Petitioner's, Mr. David John Thistle's, late grandfather, Mr. Hume Westcott Thistle. Those men respectfully requested "mano e mano" that the Petitioner, Mr. David John Thistle, represent them in the United States Congressional 11th District of OHIO Special Election '21.

Upon requesting the Official State Forms and after several unacceptable phone conversations with the Secretary of State's Office of OHIO, the Officers of Elections in Cuyahoga County, Ohio, and the Secretary of State, Mr. Frank La Rose with regard to the illegal Article 1 Par 2 Sec 2 changes of the Official Forms and Documents for U.S. Representative for the 11th District Office, the Secretary of State only after being verbally reprimanded by the Petitioner, Mr. David John Thistle, whilst utilizing excessive amount of time in this matter during a truncated Special Election and efforts of and by the Petitioner, Mr. David John Thistle, to make the appropriate legal changes to the Official Legal Documents for the Office of U.S. Representative 11th District of Ohio. The Petitioner, Mr. David John Thistle, then filed a complaint with the Ohio Office of Inspector General.

It should be noted by the Court that the Petitioner, Mr. David John Thistle is an Honorably Discharged 100% Combat Related Disabled United States Veteran

and was encouraged due to his justifiable anger directly caused by the illegal disenfranchisement of the State of Ohio's Elections Officers' egregious violations of his Rights and Liberties by unauthorized altering of the Constitution, to voluntarily check into the VA Hospital's psychiatric inpatient unit to avoid justifiably exacting the blood debt of the crimes of the overstepping by the Officers of the State of Ohio.

Only after the enormous loss of time during a truncated Election timeframe and due to both the illegal changes and the Hospitalization, the inability to fundraise due to the illegal changes' disinformation or misinformation spread to the Community and General Public, coupled with the letter to the Ohio Office of Inspector General did the Secretary of State's Office comply with the proper legal updates to the Official Ballot Candidates' Forms for U.S. Representative.

Unfortunately, due to the delay and truncation of time caused directly by the illegal activities of the Secretary of State's Office creating a need to fix the forms properly for the Election it limited the timeframe for the Petitioner, Mr. David John Thistle to properly fundraise and Campaign for Office. The Petitioner's, Mr. David John Thistle's, use of personal financial resources to right the Official Legal Forms was of such expense as to make it impossible to continue with his limited financial resources to pay the fees required to continue the Ballot requirements for U.S. Representative in the 11th Congressional District of OHIO. The Petitioner did file Federal Case Complaint [21-cv-1414] within which the Petitioner asked for a reasonable extension of Ballot Candidate Document Filing time. The time

reasonably requested of the Court to extend the filing date for the Elections Forms was to provide the Petitioner, Mr. David John Thistle, compensation of equal time that was utilized to fix the egregious Article 1 Violations on the State of Ohio's Official Forms and allow for another Veterans Pay cycle. This simple reasonably requested act of the Court or the State of Ohio would have allowed the Petitioner, Mr. David John Thistle to provide for his own Candidate Fees as planned.

It is clear to the Petitioner, Mr. David John Thistle, that the unauthorized and unilateral added more stringent changes to Article 1 Sec 2 Par 2 by requiring residency as a Ballot Candidate was "targeted" to be illegally disenfranchising both the Plaintiff, Mr. David John Thistle, and anyone in the Cohort of Citizens who were otherwise qualified non-residents from the Ballot by the Secretary of State's Office of OHIO.

Several previous cases closely related are UNDERWOOD v. HUNTER, within which it is mentioned, "...may not abridge to disenfranchise...". It is clearly a period at the end of the requirement of the official form of Ohio. Within which the change wrongfully stating the residency requirement is, "Must be an inhabitant of the state from which elected." However, Article 1 Sec 2 Par 2 is clear in the residency requirements,

"...and who shall not, **when elected, be an Inhabitant** of that State in which he shall be chosen." Article 1 Sec 2 Par 2

Also, in ADAMS v. TERRY "...No forms or device, through used...to prevent from voting..." thereby providing proof that the spirit of this ruling may be true for utilizing of Official Ballot Candidate Forms to limit Ballot Candidates and also upset fundraising abilities.

The Case Complaint 21-cv-1414, even with the egregious Article 1 Violations was dismissed by the Court. The Court, the Hon. Janis L. Sammartino, by her choice of "no action" failed to preserve, protect, and defend the "Spirit of Fair Elections and Article 1 Sec 2 Par 2," thereby creating an Article VI Cl 2 or the Supremacy Clause Violation, a XIV Amendment Violation, a Cannon 2A Violation, and possible Domestic Terrorism Violations due to the nature of violations of Fair Elections within the United States by sworn State's Official Elections' Officers.

"The most important thing we do is not doing." Justice Louis D. Brandeis

And although this quote by Justice Louis D. Brandeis is out of context, we can clearly see that the "not doing" of something within the boundaries of one's duties, obligations, and privileges under sworn oath or affirmation may well be the pull of the very string of the flag that allows for the undoing or dissolvent of a once great Union of States and People.

Furthermore, in OSBOREN v. COX it states, "which prohibits imposition of voting qualification resulting in denial of right to vote [in this case the rights of a Ballot Candidacy] on account of race [in this case disenfranchisement due to "domiciled" and/or "resident" cohort or "registered voter" cohort status] illegally

excluded from meaningful access to political process due to... [in this case the illegal altering of Article 1 Sec 2 Par 2 by States' Officers.]

To even utilize the aforementioned previous cases that were argued before the Federal Court is somewhat moot, however, it is necessary that the "Spirit of this Fair Elections Argument has been Violated and challenged and won in the past.

The actual attack upon the construction of the Constitution of the United States in 6 (six) States without Due Process of Law is understood by the Petitioner, Mr. David John Thistle, as not having precedence. A direct illegal altering of Article 1 Sec 2 Par 2 by sworn Officers of a State or multiple States that are either elected and/or appointed is an attack upon the "Direct Elections of U.S. Representatives." Therefore, it is a "Direct Attack upon The People's ability to maintain to Fair Elections."

The Petitioner, Mr. David John Thistle, as a former resident of the State of New Hampshire, then researched the ability to present his National Platform to protect the integrity of Fair Elections by placing his name on the Ballot in New Hampshire for the 2022 Midterm Election with the wholehearted intention of moving Home to New Hampshire to serve his friends and family in U.S. Congress. Upon reviewing the Official State of New Hampshire's Secretary of State's Worldwide Website, the Petitioner, Mr. David John Thistle, did in fact come across more egregious illegal altering of Article 1 Sec 2 Par 2 of the Constitution of the United States.

The Petitioner, Mr. David John Thistle, immediately notified the Secretary of State's Office in New Hampshire of the egregious illegal altering of Article 1 Sec 2 Par 2 of the Constitution of the United States on the Official Website of the Secretary of State's Office and the unacceptable illegal additions made to the requirements of the U.S. Representative's Requirements of Office. This once again limited and truncated the timeframe of the Petitioner's, Mr. David John Thistle's, Candidacy and also mis-informed or dis-informed some of his potential donors for his campaign to believe he was disqualified as a Candidate due to the unacceptable illegal and egregious alterations requiring Domiciliary and Registered Voter Status within the State of New Hampshire. See Enclosures to Case Complaint [22-cv-2072.]

When the Secretary of State's Office illegally altered the requirements for Article 1 Sec 2 Par2 to include the word "DOMICILED" it is understood it was a direct attempt to disenfranchise not just the cohort of Citizens who resided "out of State" that were qualified Candidates, but also anyone who is in a transient or homelessness situation. The root word and origin of the word "DOMICILED" comes from the Latin word "DOMA" meaning HOME or HOUSE. Even today, in modern vernacular the word DOMA means HOME or HOUSE in several languages including RUSSIAN. This word and vocabulary change cannot be a coincidence. The Petitioner, Mr. David John Thistle, was even confirmed in agreement with family members who are residents of New Hampshire it is clear unauthorized change that the Secretary of State's Worldwide website is attempting to require a

HOME or HOUSE to restrict the otherwise qualified Ballot Candidates and cause a serious inappropriate Educational and requirement change to the Constitution without the “DUE PROCESS” required by Article V.

Upon notification of the Special Election for U.S. Representative in Alaska due to the death of the sitting Representative, the Petitioner, Mr. David John Thistle, filed the necessary documentation to become a Ballot Candidate for the Alaska Special U.S. Representative Election at Large. The Petitioner, Mr. David John Thistle, did pay his Ballot Candidate Fees and was placed on the Official Ballot. However, once again, unauthorized illegal altering of Article 1 Sec 2 Par 2, changes were made not in compliance with the due process of LAW as required by Article V.

the Alaska Official Worldwide Website stipulated and read.

“25 years of age;

citizen of the United States for 7 years; and

an inhabitant of the state from which elected.”

This is a blatant deviation of the actual wording Article 1 Sec 2 Par 2 by truncation,

The Article which correctly states:

No Person shall be a Representative who shall not have obtained the Age of twenty-five Years and been seven Years a Citizen of the United States, and who shall not, **when elected, be an Inhabitant** of that State in which he shall be chosen.

Article 1 Sec 2 Par 2

Even after notification, by the Petitioner, Mr. David John Thistle, of this unauthorized illegal altering of Article 1 Sec 2 Par 2, to the State of Alaska's Elections Office and Office of Lt. Governor no action to correct was taken to resolve the Violation, furthermore, the Election's Office and Lt. Governor's Office refused to correct their Official Worldwide website. This limited the Petitioner's, Mr. David John Thistle's, ability to correctly raise Campaign Finances for the Election as the State's Official Election Worldwide Website required a more strict residency than the actual Constitutional Requirements. This further caused deformation of character damages for the Petitioner, Mr. David John Thistle, due to the Public's Inability to Correctly understand and surmise the Constitutional Correctness of Article 1 Sec 2 Par 2 and the Petitioner, Mr. David John Thistle's failure at the ability to correct the unauthorized illegal altering of Article 1 Sec 2 Par 2 within the Federal Court Complaint THISTLE v. ALASKA 22-cv-2074.

The obstruction of the unauthorized illegal altering of Article 1 Sec 2 Par 2 by the Alaska Election's Officers was therefore obviously done in malice by the States' Election's Officers to limit the ability of the Petitioner, Mr. David John Thistle, and any Citizen in this Cohort to properly Campaign for the Office of U.S. Representative in Alaska. Moreover, the Petitioner, Mr. David John Thistle, did not notify the Federal Elections Commission of the unauthorized illegal altering of Article 1 Sec 2 Par 2 and no Officer of the Federal or State of Alaska's Government took Corrective Actions.

The very reason the Founding Fathers did pen “INHABITANT WHEN ELECTED” was historically to allow for the returning of a Family member or Military Member the ability to SERVE as a U.S. Representative upon request of a family member or friend. Case in point, on the eve of Battle of the Revolutionary War the National Guard Officers’ Homes or Domiciles were in Fact torched or burned to the ground by the King’s Red Coats if those National Guardsmen refused to be loyal to the Crown. See the movie The Patriot Staring Mel Gibson for a visual historically correct reenactment.

In today’s situation, when we find 1 out of every 3 homeless in the United States and 100% Combat Related Disabled Veterans receiving an allocation of \$3,500.00 per month whereas Illegal Immigrants are receiving an allocation of \$290 per day or \$8,990 per month, we can clearly see the priorities in Washington D.C. Leadership prioritizing the wrong Patriotic Loyalties. This is very telling. The situation “The King of England” perpetuated in turning the National Guard Homeless is a juxtaposition of today’s Homeless Veterans.

And, as a Veteran, the Petitioner, Mr. David John Thistle, would like to highlight the dangerousness of the current situation of loss of Public Trust in Fair Elections. Inclusive of the over 2 million views of the Defendant in 22-cv-00065 the current President Mr. Joseph Robinette Biden while in Wilkes-Barre, Pennsylvania, he confirmed the undertones of desired raising of arms by the Citizens or The People when stating, “For those brave right-wing Americans...if you want to fight

against the country, you need an F-15. You need something little more than a gun.” This President made no priority of maintaining Fair Elections when his own Election was questioned by the general Public or “The People.”

When a President places his own comfort or safety or his Political Party Advancement over the Rights and Liberties of The People to maintain the PUBLIC TRUST IN FAIR ELECTIONS, America and the Union is in direct threat of not just division but dissolution.

The Petitioner, Mr. David Thistle, not being a trained or licensed Attorney but having the training and experience as a former Constable and State Police Officer, then immediately went through the list of States alphabetically of the United States and stopped at Colorado now finding no less than 6 States, Ohio, New Hampshire, Alabama, Alaska, Arkansas and Colorado, unacceptably and illegally altered Article 1 Sec 2 Par 2 by adding to the requirements erroneous domiciliary or registered voter status or truncating the verbiage of Article 1 Sec 2 Par2 requirements to impose a “residency” requirement to Article 1 Sec 2 Par 2 of the United States Constitution to disenfranchise, limit or truncate time frames and fundraising abilities for potential Qualified Ballot Candidates for the Office of U.S. Representatives.

The Petitioner, Mr. David John Thistle, on December 13, 2021, the Birthday of the National Guard, did file 6 Case Complaints to immediately address the illegal altering of Article 1 Sec 2 Par 2 of the Constitution and the discrepancies found on

all 6 Secretary of States Worldwide Website not consistent with the Laws of the Constitution of the United States in order to save the upcoming Elections of U.S. Representatives. Please See Enclosures [21-cv-2071, 21-cv-2072, 21-cv-2073, 21-cv-2074, 22-cv-2075, 21-cv-2076.]

The dismissal of these aforementioned 6 (six) case Complaints without proper “...preservation, protection, and defense of the Constitution of the United States...” by the Hon. Linda Lopez is evidence of another Judge not providing proper Due Process of Law and clearly violating Article VI the Supremacy Clause, the XIV Amendment oath of Office requirements and Cannon 2A.

The Petitioner, Mr. David John Thistle, also filed THISTLE v. BIDEN & GARLAND Federal Court Case Complaint [22-cv-0065] in order to maintain Fair Elections by maintaining the Constitutional Requirements of both individuals and their Official Duties as sworn by OATH and Affirmation to, “...preserve, protect, and defend the Constitution of the United States...”. After making several attempts to properly serve Merrick Brian Garland for the third time within the Court’s Required timeframe, the Court, the Hon. Robert S. Huie, dismissed the Case Complaint in direct violation of the XIV Amendment and the Supremacy Clause within Article VI. Please see Federal Case Complaint File with Enclosures [22-cv-0065.]

The Petitioner, Mr. David John Thistle, also notified the Federal Bureau of Investigation and provided copies of ALL Case Complaints and Irrefutable Evidence

in Person at the San Diego California Field Office. To date, no Public Arrests or Inditements have taken place. This creates an immediate RED FLAG to those persons who have knowledge of the Case Complaints Filed in Federal Court in these matters. It also provides evidence that the FBI may also be compromised as a Political Tool and NOT an Agency that can be TRUSTED by THE PEOPLE to affect the arrest of the violations of the Laws of the United States fairly and impartially.

The Petitioner, Mr. David John Thistle, also notified both the Senate and Congressional Ethics Committees and several Senators and U.S. Representatives directly providing all of the Case Complaints and Evidence of illegal altering of Article 1 Sec 2 Par 2 without proper action being taken by those Sworn Elected Officers of The People and the Nation.

The Petitioner, Mr. David John Thistle, also hand delivered the THISTLE v. BIDEN & GARLAND 22-cv-0065 Case Complaint with all other Cases' Evidence to Officers of the United States Secret Service on Thursday November 3, 2022 at Mira Costa College, Oceanside, California and asked that they be given to a Staff Member of the Executive Office of the President for immediate action to prevent Revolution and or Insurrection within the United States due to Election Tampering of the upcoming U.S. Representatives' Elections on November 8. 2022.

Still, no Public Actions have taken place to restore the Construction of the Constitution of the United States or restore the Public Trust in Fair Elections by the Office of the President. This is a clear breach of contract and sworn oath of

affirmation, "...to preserve, protect and defend the Constitution of the United States..." by President Biden, his Staff, and the sworn Officers of the United States Secret Service.

The clear and present dangers created by the omission of these Case Complaints within the Senate and Congressional investigation of the January 6th Commission alone poise a credible threat of violent response to a Nation's Population that already has a justifiable loss of Public Trust.

It is the belief of the Petitioner, Mr. David John Thistle, that the clinical criminal overprescribing of opioids and the misdiagnosis or limiting of access to MRI Scans for Veterans resulting in high divorce rates, homelessness and death rates of Veterans during the Obama-Biden Administration may in fact have been an attempt to create a depletion of troop numbers of Veterans to avail the attacks upon the Constitution and Fair Elections without repercussions.

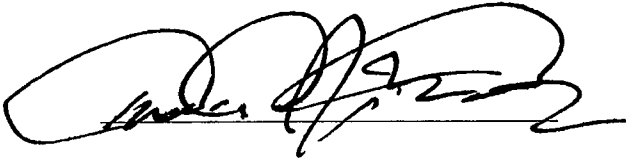
The Petitioner, Mr. David John Thistle, prays and respectfully requests of this Court an assignment of "Trusted Counsel or a Friend of the Court" to properly address all of the Constitutional Questions, the Civil Rights Questions and the potential Domestic Terrorism found within all of the Case Complaints presented inclusive of this Case to properly bring compassionate, fair, and impartial Justice to the offenders for both the Petitioner, Mr. David John Thistle, and The People of the Nation and correct the molestation and restore the proper Public understanding and construction Constitution of the United States.

The Petitioner, Mr. David John Thistle, prays the Court will grant this
Petition in order to restore individual Civil Rights, restore the Integrity of the
Season. Constitution of the United States of our Great Nation, and maintain the
Peace. May GOD through HIS GRACE help us all to maintain the PEACE this
Holiday *! DZ.*

Conclusion

For the foregoing reasons, the Petitioner respectfully requests that this court grant a writ of certiorari.

Deus et Libertas,

A handwritten signature in black ink, appearing to read "David John Thistle", written over a horizontal line.

David John Thistle, Pro Se

Date: 13 DECEMBER 2022

Supreme Court of the United States

WORD COUNT

Thistle v. Biden

Writ of Certiorari

Words 8,188

Characters without spaces 43,134

Characters with spaces 52,171

Paragraphs 181

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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

DAVID JOHN THISTLE,
Plaintiff,
v.
JOSEPH ROBINETTE BIDEN, JR.,
President of the United States, and
MERRICK BRIAN GARLAND, United
States Attorney General,
Defendants.

Case No.: 22-CV-65-RSH-NLS

**ORDER DISMISSING CASE
WITHOUT PREJUDICE**

Over eight months after Plaintiff filed the Complaint, he has not properly served Defendants, despite the Court’s repeated reminders. The Court must therefore dismiss this action without prejudice, pursuant to Federal Rule of Civil Procedure 4(m).

Plaintiff, proceeding *pro se*, filed the Complaint on January 18, 2022. ECF No. 1. On March 10, 2022, Plaintiff sent copies of the summons and Complaint, by first-class mail, to the U.S. Attorney’s Office in Washington, DC and President Biden at the White House, ECF Nos. 6 at 3; 7 at 3.

On July 25, 2022, in denying Plaintiff’s request for a court date and for disqualification of the assigned district judge, the Court advised Plaintiff that he “has not at this time properly served Defendants.” ECF No. 11 at 1.

1 On August 1, 2022, instead of dismissing the Complaint for failure to effect service,
2 the Court on its own extended Plaintiff's deadline to serve Defendants until September 30,
3 2022. ECF No. 12. In its Order, the Court informed Plaintiff that he had failed to make
4 service in the manner prescribed by Federal Rule of Civil Procedure 4(i). *Id.* at 1-2. The
5 Court also told Plaintiff that if he failed to properly serve Defendants by September 30,
6 2022, "the Court may dismiss this action for failure to prosecute." *Id.* at 2.

7 On August 12, 2022, Plaintiff filed two motions to amend the Complaint. ECF Nos.
8 13, 14. On August 24, 2022, the Court granted both motions and directed Plaintiff to file
9 an amended Complaint by September 14, 2022. ECF No. 16. The Court again told Plaintiff
10 about the impending deadline to serve Defendants. *Id.* at 1-2 ("Plaintiff must properly serve
11 the operative complaint – the original Complaint, or if he file an amended complaint, the
12 amended complaint – by September 30, 2022."). Plaintiff did not file an amended
13 complaint.

14 On August 15, 2022, Plaintiff sent to Defendant Garland, by certified mail, the
15 summons and the Court's August 1, 2022 Order extending Plaintiff's deadline to effectuate
16 service.

17 On August 26, 2022, Plaintiff filed a "Motion To Expedite," seeking an immediate
18 court date to address the merits of his case. ECF No. 18. In denying the motion, the Court
19 explained that Plaintiff's case could not proceed until he properly served Defendants. ECF
20 No. 19 at 3-4. The Court's Order set forth the complete, relevant text of Rule 4(i). *Id.* at 2-
21 3. The Court also reminded Plaintiff of the September 30, 2022 deadline. *Id.* at 3.

22 Under Federal Rule of Civil Procedure 4(m), the Court "must dismiss the action
23 without prejudice" if a defendant has not been timely served. The Court has extended
24 Plaintiff's deadline to effectuate service by more than five months. Plaintiff has not
25 properly served Defendants or shown good cause for his failure to do so.

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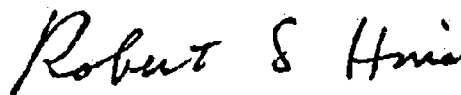
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1 The Court therefore **DISMISSES** this action without prejudice. The Clerk of Court
2 is directed to terminate the case.

3 **IT IS SO ORDERED.**

4 Dated: October 4, 2022



Hon. Robert S. Huie
United States District Judge

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