

July 18th, 2024

To the attention of Chief Justice John Roberts of the Supreme Court of the United States, and to whom else it may concern, as relates to institutional disability discrimination at the Highest Court, Request to the Chief Justice of the Supreme Court, no. 1,

Pursuant to the ethics, rules and principles that guide the conduct of the Members of the Court, as found in the *Code of Conduct for the Justices of the Supreme Court of the United States*, I, Duncan Abraham Goldberg, pro se litigant and Petitioner, officially request that Chief Justice Roberts apply strict scrutiny to the petition of Rehearing and my Petition for Writ of Certiorari that await ruling from this Court, to this Court, given the clear disability discrimination that stands in the procedures, practice, theory and code of conduct within it. I cannot ask the entirety of the Justices of the Supreme Court to recuse themselves for judicial bias against disabled litigants and disabled people based on the clear discrimination that disabled litigants face from this and all Federal Courts, as I have so identified and I so charge, even as the assembled Justices stand to judge and rule upon my petitions that broadly challenge civil rights deprivations against the cognitively-impaired in the American Judicial System, from the Lower Courts to the Federal Courts to this Court, for procedural sake.

As the oldest standing law in English Law and which is also within our American legal heritage from direct historical descent, the *Statute of Marlborough* (1457 holds, I must take my grievances to the Courts. This has taken my grievances and legal effort across the Federal Courts to the Highest Court. This is the Court that I must bring my legal grievances to and work with now, even as I recognize and charge, it is institutionally prejudiced against disabled people and disabled litigants, particularly the cognitively-impaired whose civil rights deprivations by the Courts and my efforts to challenge those deprivations are at the core of my case. I have sent separate letters, officially requesting, however, that Associate Justice Brett Kavanaugh, and Associate Justice Clarence Thomas recuse and disqualify themselves from participating in any

further ruling and judgment of my case and petitions based on this Court's Code of Conduct's CANON 3((B)(2)(b) provisions, and their associations with the District Court Judge Pitlyk, with whom I take issue with to her judicial rulings against me in my appeals, and Missouri Solicitor-General Divine who leads for all of the Respondents, respectively. I have also sent a separate letter officially requesting that Associate Justice Neil M. Gorsuch recuses and disqualifies himself from participating in any further ruling and judgment of my case and petitions based on this Court's Code of Conduct's CANON 3(B)(2)(a) provisions and the perceived judicial bias on his part against people with disabilities, including the cognitively-impaired and legal efforts to protect and expand their civil rights, which I have endeavored to do on behalf of my family and for others like us.

Yet this Court's Code of Conduct maintains,

"CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

C. NONDISCRIMINATORY MEMBERSHIP, A Justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion or national origin. ... ”

and which leaves a discordant message, that a Justice must avoid impropriety while omitting prohibitions against disability discrimination, thereby allowing it, and given my case, immediately gives me an impression that I have faced and will continue to face judicial impropriety from this Court. How do the Justices of the Supreme Court, as they rule and judge my case with its inherent issues of challenging civil rights deprivations against the cognitively-impaired and seeking civil rights protections for them instead, while holding to a Code of Conduct that openly and clearly allows its Justices to engage in disability discrimination by not prohibiting “membership in any organization that practices invidious discrimination” on the basis of disability, not avoid impropriety and the appearance of impropriety as they do so?

Only my request for Justice Gorsuch's recusal and disqualification from ruling on my case touches upon such judicial bias specifically, as relates to his severe history and harshness towards disabled-litigants. The other two requests I have submitted to this Court, for Justice Kavanaugh and Justice Thomas's recusal and disqualification from ruling on my case relates to their association with parties I am appealing and parties that lead as counsel for the Respondents of my petitions. To the rest of the Justices, I can only trust to their discretion and integrity to do right by my petition for Rehearing despite the institutional disability discrimination of this Court and the Federal Courts they have come up from, and the particulars of my case that finds a prejudicial and potentially hostile legal environment in the Federal Judicial System itself.

For this and the sake of honoring this Court's Code of Conduct and its CANON 1,

CANON 2 and CANON 3 which states,

"CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY, IMPARTIALLY, AND DILIGENTLY, ..."

I request that this Court under the auspices of the Chief Justice, apply strict scrutiny to my petition for Rehearing and my petition for Writ of Certiorari, and its own review of my case following this Court's findings from *United States v. Carolene Products Co.*, and its *Footnote Four*, that demand such attention when laws threaten Constitutional provisions, and fundamental civil rights of "discrete and insular minorities" with discrimination against them, as I so charge is happening to millions of cognitively-impaired Americans by American Courts both in the Lower State Courts to and across the Federal Courts to this Court, let alone in the Missouri Courts and against my Father and my family and I by association.

The "STATEMENT OF THE COURT -- REGARDING THE CODE OF CONDUCT" declares,

"The undersigned Justices are promulgating this Code of Conduct to set out succinctly and gather in one place the ethics rules and principles that guide the conduct of the Members of the Court. For the most part these rules and principles are not new: This Court has long had the equivalent of common law ethic rules, that is, a body of rules derived from a variety of sources, including statutory provisions, the code that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice. The absences of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules. To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct."

I was in the process of completing my petition for Writ of Certiorari in November of 2023, as the Code of Conduct and the above statement was released, and even then, the institutional discrimination uniquely against the cognitively-impaired and also to other people living with disabilities stood clear in the Supreme Court, and I have found it, as I advanced to it, pro se, demonstrating how much work the Justices of this Court have to do to demonstrate that they are not unrestricted by any ethics rules. They are clearly not restricted by ethics rules protecting disabled people and their fullest and fairest civic participation in this Court and the American Judicial Systems as I have attempted to promote and protect on behalf of my Father and my family.

I therefore request such strict scrutiny from the Chief Justice to my petitions for Rehearing and for Writ of Certiorari and the conduct of the Justices and their Offices, as

they review and attempt to rule upon my case while doing so within an openly discriminatory body towards disabled litigants including cognitively-impaired litigants, to avoid judicial impropriety and the appearance of judicial impropriety against my case as I challenge the Missouri Courts for their civil rights deprivations against the cognitively-impaired, and the Federal Courts I have come up from as a *pro se* litigant in for the defense of civil rights protections based in disability and this legal effort on behalf of my Father and my family, and potentially many millions more cognitively-impaired Americans across the breadth of the country and all of its jurisdictions.

Respectfully,

Duncan Abraham Goldberg
Duncan Abraham Goldberg
Petitioner and Pro Se Litigant

July 18th, 2024

To the attention of Chief Justice John Glover Roberts Jr., of the Supreme Court of the United States, and to whom else it may concern, as relates to Associate Justice Brett Michael Kavanaugh, Request to the Chief Justice of the Supreme Court, no. 2,

Pursuant to the ethics, rules and principles that guide the conduct of the Members of the Court, as found in the *Code of Conduct for the Justices of the Supreme Court of the United States*, I, Duncan Abraham Goldberg, pro se litigant and Petitioner, officially request that Associate Justice Brett M. Kavanaugh recuses and disqualifies himself from further judgment and rulings on proceedings relating to my Petition for Rehearing and my Petition for Writ of Certiorari to this Court, given his close professional ties and personal proximity to a principle opposing party of my case.

District Court Judge Sarah E. Pitlyk, with whom the Petitioner is directly appealing her rulings and legal rationale against his case, and finding significant fault with her decisions, as he has presented to this Court, served as a law-clerk to then U.S. Circuit Judge Brett Kavanaugh from 2010-2011 at the U.S. Court of Appeals for the District of Columbia Circuit.

According to the *Code of Conduct for the Justices of the Supreme Court of the United States*, which holds,

“CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

A.) RESPECT FOR LAW, A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary... .”

the above connection between now Justice Kavanaugh and District Court Judge Pitlyk draws my concern and raises substantial questions of confidence in the integrity and impartiality of Justice Kavanaugh to rule on my case, as to rule in my favor would be to rule against his former law-clerk and associate, District Judge Pitlyk. Furthermore, there is room for disqualification to address the above in

**"CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE
FAIRLY, IMPARTIALLY, AND DILIGENTLY,
B.) DISQUALIFICATIONS,**

(2) A Justice should disqualify himself or herself in a proceeding in which a Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:

(b) At a prior stage of the proceeding, the Justice represented a party, or a lawyer with whom the Justice previously practiced law served during such association as a lawyer for a party, or the Justice or lawyer has been a material witness in the proceeding."

Thereby, citing Canon 3(B)(2)(b), as then Circuit Judge Kavanaugh worked with then law-clerk Pitlyk, as parties of the Federal Courts, as I challenge her District Court rulings and her Court, in my appeals, and their mistreatment of cognitively-impaired litigants in its judicial system and that of the Federal Courts' rulings and practices and mistreatment of cognitively-impaired litigants in those courts, including this Court, in my petitions and in my appeals, I request Justice Kavanaugh hereby disqualify himself from my case to dispel any and all appearances of judicial impropriety.

Respectfully,

Duncan Abraham Goldberg
Duncan Abraham Goldberg
Petitioner and pro se litigant

July 18th, 2024

To the attention of Chief Justice John Glover Roberts Jr., of the Supreme Court of the United States, and to whom else it may concern, as relates to Associate Justice Clarence Thomas, Request to the Chief Justice of the Supreme Court, no. 3,

Pursuant to the ethics, rules and principles that guide the conduct of the Members of the Court, as found in the *Code of Conduct for the Justices of the Supreme Court of the United States*, I, Duncan Abraham Goldberg, pro se litigant and Petitioner, officially request that Associate Justice Clarence Thomas recuses and disqualifies himself from further judgment and rulings on proceedings relating to my Petition for Rehearing and my Petition for Writ of Certiorari to this Court, given his close professional ties and personal proximity to a principle opposing party of my case.

Missouri Solicitor-General Joshua M. Divine, with whom I as a pro se litigant Petitioner, was and still is opposite against, in my case, as Solicitor-General Divine was lead-counsel for all Respondents in their most recent response to my petition, and served as a law-clerk of Justice Clarence Thomas at the Supreme Court of the United States as recently as 2020-2021.

According to the *Code of Conduct for the Justices of the Supreme Court of the United States*, which holds,

“CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES,

A.) **RESPECT FOR LAW**, A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. . . .”

the above connection between Justice Thomas and Missouri Solicitor-General Divine draws my concern and raises substantial questions of confidence in the integrity and impartiality of Justice Thomas to rule on my case, as to rule in my favor would be to rule against his former law-clerk and associate, Solicitor-General Divine. Furthermore, there is room for disqualification to address the above in

"CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY, IMPARTIALLY, AND DILIGENTLY.

B.) DISQUALIFICATIONS,

(2) A Justice should disqualify himself or herself in a proceeding in which a Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:

(b) At a prior stage of the proceeding, the Justice represented a party, or a lawyer with whom the Justice previously practiced law served during such association as a lawyer for a party, or the Justice or lawyer has been a material witness in the proceeding."

Thereby, citing Canon 3(B)(2)(b), as Justice Thomas worked with then law-clerk Divine, as parties of the Federal Courts, as I challenge the Missouri Respondents' that he stands as lead-counsel for, and their mistreatment of cognitively-impaired litigants in its judicial system and that of the Federal Courts' rulings and practices and mistreatment of cognitively-impaired litigants in those courts, including this Court, in my petitions and in my appeals, I request Justice Thomas hereby disqualify himself from my case to dispel any and all appearances of judicial impropriety.

Respectfully,

Duncan Abraham Goldberg

Duncan Abraham Goldberg
Petitioner and pro se litigant

July 18th, 2024

To the attention of Chief Justice John Glover Roberts Jr., of the Supreme Court of the United States, and to whom else it may concern, as relates to Associate Justice Neil McGill Gorsuch, Request to the Chief Justice of the Supreme Court, no. 4,

Pursuant to the ethics, rules and principles that guide the conduct of the Members of the Court, as found in the *Code of Conduct for the Justices of the Supreme Court of the United States*, I, Duncan Abraham Goldberg, pro se litigant and Petitioner, officially request that Associate Justice Neil M. Gorsuch recuses and disqualifies himself from further judgment and rulings on proceedings relating to my Petition for Rehearing and my Petition for Writ of Certiorari to this Court, given his apparent judicial bias against disabled and cognitively-impaired litigants and civil rights protections afforded such people, co-joined with the Federal Judiciary's evident disability discrimination against such litigants based on its own procedures, practice, theory and codes of conduct, and its clear choice to so discriminate, that gives any bias towards disability and disabled people that much more impact and agency, and in detriment to such disabled peoples and their legal efforts before the Federal Courts, including this Court.

Justice Gorsuch has long demonstrated a history of harsh rulings and sanctions against disabled litigants and their cases that have come before his bench, that is remarkable even among a Federal Judiciary that the Petitioner has identified as an actively discriminatory body against people with disabilities. On the Tenth Circuit Court of Appeals, then Circuit Judge Gorsuch radically shrunk the Individuals with Disabilities Act of 1990 (IDEA) and its protections for people with disabilities as evidenced in his ruling in *Thompson R2-J School District v. Luke P.*, denying an autistic child a high-quality lesson plan that was agreed to by their family, teachers, and outside impartial experts and Judges to structure the best possible accommodation for the student to be

afforded their best possible education. This Court subsequently rejected then Judge Gorsuch's bare-minimum, basement-standard of application of disabled people's civil rights protections in *Endrew v. Douglas County School District*, by 9 - 0. Then Circuit Judge Gorsuch allowed an employer to deny a Professor recovering from and still vulnerable to their own medical disability, accommodation in *Hwang v. Kansas State University*, in the face of the established practice and common regard for disabled people's civil rights protections under the laws. Judge Gorsuch repeatedly forced the diminishment of civil rights protections for people with disabilities, from his own non-disabled condition and position of power as further shown in *A.F. v. Espanola Public Schools* in his jurisdictions. According to Mark J. Murphy of the Bazelon Center for Mental Health Law, as reported by Staci Maiers in her March 9th, 2017 article "Reports reveal Gorsuch repeatedly ruled against students with disabilities"

"As our report shows, in his more than 10 years on the Court of Appeals, Judge Gorsuch has failed to demonstrate a sensitivity to and understanding of the legal rights of people with disabilities, including students entitled to protections of the IDEA. This record is deeply concerning..."

The above record is enough to lead me now to request that Justice Gorsuch recuse and disqualify himself from any and all further rulings and judgment as relates to my case as its content inherently relates to disability discrimination and to challenging civil rights deprivations against disabled people, and my petitions for Rehearing and for Writ of Certiorari according to the Code of Conduct of this Court. As the *Code of Conduct for the Justices of the Supreme Court of the United States*, holds,

"CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES,

A.) **RESPECT FOR LAW**, A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary... ... and in the case of Justice Gorsuch and his history of treatment of people with disabilities in his purview, I do not have confidence in his impartiality to the issue, and my apprehension at a lack of judicial impartiality on his part is magnified as the disability discrimination that I have identified within the Federal Courts, including this Court, indulges and amplifies any judicial bias against the disabled from a sitting Justice with a penchant and pre-disposition for being so, to detrimental effect against the fairest and fullest reading of my case. Furthermore, the Supreme Court's own Code of Conduct provides,

"CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY, IMPARTIALLY, AND DILIGENTLY,

B. DISQUALIFICATION,

(2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an

unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:

(a) The Justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding; ...”

Accordingly, I formally put to the Chief Justice of the Supreme Court that Justice Gorsuch “has a personal bias or prejudice concerning a party” in the cognitively-impaired and the protection of their fullest and fairest civil participation in the American Judicial System and its Lower Courts and across the Federal Courts, to this Court, “concerning the proceeding” of the rulings on my petitions for Rehearing and for Writ of Certiorari, and request that he recuse and disqualify himself from ruling upon my case now and in any and all further proceedings to dispel any and all appearances of judicial impropriety.

Respectfully,

Duncan Abraham Goldberg
Duncan Abraham Goldberg
Petitioner and pro se litigant