

23-6084

No. _____

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OFFICE OF THE CLERK
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ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Joe Trump AKA Not Murkowski Stephens—

PETITIONER

vs.

Alaska Division of Elections, State of Alaska—

RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

The United States Court of Appeals for the Ninth Circuit

Petition for

WRIT OF CERTIORARI

Joe Trump AKA Not Murkowski Stephens

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QUESTIONS PRESENTED

1. Whether this Court will allow the People of the State of Alaska to determine if a certified candidate is allowed the name Joe Trump AKA Not Murkowski Stephens on the ballot for election to The Senate of The United States of America.
2. Whether this Court should determine if subject matter jurisdiction in Federal Court applies to a case where there are clear and obvious violations of the First Amendment and Fourteenth amendment.
3. Whether despite Mr. Stephens alleging numerous facts sufficient to show the ballot containing his nick name was fair, simple and clear, can still have his case dismissed in federal court.
4. Whether despite Mr. Stephens alleging numerous facts sufficient to show disparate treatment and despite Mr. Stephens alleging numerous facts sufficient to show no rational legitimate governmental purpose existed with the Alaska Division of Elections' Ruling to disallow his nickname, can still have his case dismissed in federal court.
5. Whether this Court should determine whether a certified candidate by the State of Alaska for US Senate has a Constitutional right to have his full legal name shown on the ballot for election to the U.S. Senate, regardless if said name communicates a message or messages to the voters.
6. Whether the Constitutional right of the Legislature of the States to prescribe the "Manner of Holding Elections" can be usurped by the State's Executive branch by claiming a candidate is in violation of election rules without providing any proof of violations or allowing due process to the candidate.

LIST OF PARTIES

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

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**IN THE
SUPREME COURT OF THE UNITED
STATES PETITION FOR WRIT OF
CERTIORARI**

Petitioner respectfully petitions this court for a writ of certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit.

OPINIONS BELOW

The opinion of the United States court of appeals appears as a “Memorandum” at Appendix A to this petition and is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

1. The date on which the United States Court of Appeals decided my case was 11 July 2023.
2. No petition for rehearing was timely filed in my case.
3. The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1)

STATEMENT OF THE CASE

1. On 7 September 2021 a letter was sent to the Plaintiff, Joe Trump AKA Not Murkowski Stephens, stating that the Alaska Division of Elections would not allow the Plaintiff's middle name "Trump AKA Not Murkowski" to be used as a nickname on the ballot for the primary to US Senate in 2022.
2. On 1 November 2021 the Plaintiff, Joe Trump AKA Not Murkowski Stephens, filed suit against the Plaintiff, The Division of Elections, State of Alaska claiming violations of the 1st and 14th amendment of the Constitution of the United States of America.
3. On 7 September 2022, The District Court for the District of Alaska dismissed the Plaintiff's case for lack of subject matter jurisdiction.
4. The Plaintiff appealed the above judgment to the Appeals Court for the Ninth Circuit. On 17 May 2022, The court of appeals vacated and remanded the district court's ruling because the district court did not "explain why the First and Fourteenth Amendment claims failed to confer subject matter jurisdiction".
5. On 7 September 2022, The District Court for the District of Alaska again dismissed the Plaintiff's case claiming the Plaintiff made no viable federal claims, and the court lacked subject matter jurisdiction.
6. The Plaintiff appealed the above judgment to the Appeals Court for the Ninth Circuit. On 26 June 2023, The court of appeals affirmed the decision of the lower court.
7. The Plaintiff hereby files for petition for a writ of certiorari.

REASONS FOR GRANTING THE PETITION

1. The Petitioner in this case seeks review due to the fact that the errors in this case affect the very foundations of the democratic system in the United States of America.

Allowing the unequal enforcement of election law based solely on political association will create a system where one party, the controlling party, is able to dictate enforcement of all election rules. This will cause the US system to degenerate into a single party system with no real choice given to the American People. The American People must be given the right to choose for themselves or there is no democracy.
2. There is clear disagreement between the rulings in the Court of Appeals for the Ninth Circuit. Initially one three panel judge vacated and remanded this case back to the Federal District Court due to the fact the court did not explain why this case was not a violation of the First and Fourteenth amendment. On appeal for the second time in the Court of Appeals for the Ninth Circuit a second three panel judge affirmed the lower courts ruling despite the lower court never providing reason for why the First and Fourteenth did not confer subject matter jurisdiction.
3. This second ruling by the Court of Appeals for the Ninth Circuit to affirm the ruling of the lower court contains serious errors, in both the interpretation of the law as well as ignorance of the facts of the case.
4. The Court of Appeals affirmed the lower courts ruling stating the Petitioner did not allege facts sufficient to demonstrate a fourteenth amendment violation. However, this is false, facts were alleged. Facts were alleged multiple times and can be shown to be alleged throughout the record, both in the district court and the court of appeals. These alleged facts if assumed to be true most definitely would demonstrate a Fourteenth

amendment violation. These alleged facts will be pointed out in detail in the record.

5. The Court of Appeals for the Ninth Circuit seems to ignore the precedent set forth in *Bush v. Gore*. They seem to hold that despite clear disparity of treatment such disparity must rise to a level greater than that of a legitimate governmental purpose. The court seems to believe that this legitimate governmental purpose can overshadow a fourteenth amendment violation and a candidate's right to free speech. This is clearly a misinterpretation of the law and precedent set forth in *Bush v. Gore*. Democracy will not survive this erroneous interpretation of the law by the Court of Appeals for the Ninth Circuit.
6. The Court of Appeals for the Ninth Circuit erroneously applied the precedent set forth in *Rubin v. City of Santa Monica*, 308 F.3d 1008, 1017-19 (9th Cir. 2002). In this case there was a prohibition against using status designations on the ballot. However, in the State of Alaska there is no prohibition on nicknames. The law allows nicknames and defines what constitutes a nickname with specificity. Comparing a context where speech is banned to a context where speech is specifically allowed is an obvious error in interpretation of the law by the court.
7. Finally, the Petitioner alleged facts in the case that the legitimate governmental purpose cited by the court was and is a sham. If the facts alleged by the Petitioner are true no legitimate governmental purpose even exists, and the dismissal of the case was in error.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Joe Sh

Date: 6 Oct 23