No. 23-719

In the Supreme Court of the United States

DONALD J. TRUMP, PETITIONER
v.
NORMA ANDERSON, ET AL., RESPONDENTS

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF COLORADO

MOTION FOR *AMICUS CURIAE* DAVID BOYLE TO PARTICIPATE IN EXTENDED, DIVIDED ORAL ARGUMENT

David Boyle
Counsel of Record and *Movant*
P.O. Box 15143
Long Beach, CA 90815
(734) 904-6132
dbo@boyleslaw.org

TABLE OF CONTENTS

TABLE OF AUTHORITIES................................iii

I. DO AMICI FOR NEITHER PARTY HAVE A ROLE IN ORAL ARGUMENT? OR ARE THEY PERMANENTLY SHUT OUT?...........3

II. PETITIONER KEPT FROM THIS COURT, THE TRUTH THAT HE ADMITTED IN COURT BEING AN "OFFICER OF THE UNITED STATES" LAST YEAR, AND DAMAGING ADMISSIONS RELATED TO THAT; AND NOW EVEN CONTRADICTS WHAT HE TOLD THE OTHER COURT......4

III. RESPONDENTS FAILED TO KEEP THE

COURT INFORMED ABOUT PETITIONER'S JUNE ADMISSIONS, AND ALSO FAILED TO REBUT PETITIONER'S ASSERTIONS RELATED TO THOSE ADMISSIONS...9

IV. MISCELLANEOUS OTHER GAPS IN RESPONDENTS' ARGUMENT—OR PETITIONER'S.....................................12

CONCLUSION..14

TABLE OF AUTHORITIES

CASES

Free Enter. Fund v. Public Co. Acct. Oversight Bd.,

561 U.S. 477 (2010)…………...6, 7, 10, 11, 12, 14

In re Griffin, 11 F. Cas. 7 (C.C.D. Va. 1869)……….14

New York v. Trump, 1:23-cv-03773-AKH (S.D.N.Y.

2023)………………………………………………5

United States v. Germaine, 99 U. S. 508 (1878)……..8

United States v. Mouat, 124 U.S. 303

(1888)…………………………6, 7, 8, 10, 11, 12, 14

United States v. Smith, 124 U.S. 525

(1888)………………………………8, 10, 11, 12, 14

Marco White, et al., v. Couy Griffin, Case No. D-101-CV-2022-00473 (Dist. N.M.), *pet. for cert. filed* May 17, 2023 (No. 23-279, S. Ct. of the U.S.) as *Couy Griffin, v. New Mexico, ex rel. Marco White, et al*……………………………………….13

CONSTITUTION

U.S. Const. (1789)………………………………….….11

STATUTES

28 U.S.C. § 1442(a)(1)………………………….........6

RULES

S. Ct. R. 21……………………………………………..1

S. Ct. R. 28……………………………………………..1

S. Ct. R. 28.4 4

S. Ct. R. 28.7 3

S. Ct. R. 37 .... 1 n.1

OTHER AUTHORITIES

(The Internet links below were last visited February 2, 2024.)

Br. of *Amicus Curiae* David Boyle in Supp. of Neither Party, *available at* https://www.supremecourt.gov/DocketPDF/23/23-719/298137/20240118233229420_23-719_tsac_DavidBoyle.pdf 5, 7, 10, 13

Br. of Amicus Curiae Jordan L. Michelson in Supp. of Resp'ts..4

Br. of *Amici Curiae* U.S. Justice Found. et al. in Supp. of Pet'r..4

Br. on the Merits for Anderson Resp'ts.......................................10, 11, 13, 14

Br. for the Pet'r in 23-719....4, 5, 6-7, 8, 10, 11, 12, 14

Asher C. Hinds, *Hinds' Precedents of the House of Representatives of the United States* (1907), *available at* https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V1/pdf/GPO-HPREC-HINDS-V1.pdf......................................12-13

Zeigler v. Rice (1870)....................................13

Mot. of Professor Seth Barrett Tillman for Leave to Participate in Oral Arg. as *Amicus Curiae* and for Divided Arg....................................1, 2, 4, 9

Pet. for Writ of Cert. in 23-719...............4, 5, 7, 8, 14

Pres. Donald J. Trump's Mem. of L. in Opp'n to Mot. for Remand, in *New York v. Trump*, 1:23-cv-03773-AKH, ECF No. 34 (S.D.N.Y. June 15, 2023), *available at* https://www.courtlistener.com/docket/67326478/34/people-of-the-state-of-new-york-v-trump.........2, 4, 5, 6, 7, 9, 10, 12, 14

Sec'y of State Jena Griswold's Appl. for Enlargement and Division of Time for Oral Arg............1, 2, 4

Marco White, et. al., v. Couy Griffin, Case No. D-101-CV-2022-00473 (Dist. N.M.), Findings and Conclusions (Sept. 6, 2022), *available at* https://www.citizensforethics.org/wp-content/uploads/2022/09/D101CV202200473-griffin.pdf.......13

MOTION FOR *AMICUS CURIAE* DAVID BOYLE TO PARTICIPATE IN EXTENDED, DIVIDED ORAL ARGUMENT

The present *amicus curiae*, and movant, David Boyle (hereinafter, "Amicus"), respectfully moves under Rules 21 and 28 to be part of the oral argument in 23-719, *Trump v. Anderson, et al.* ("*Anderson*"), arguing for neither party, and asking only 5-10 minutes for himself, as opposed to Colorado Secretary of State Jena Griswold ("Griswold"), and Professor Seth Barrett Tillman ("Tillman"), who each asked for 15 minutes' extension of time, *see* their respective motions. —By the way, Amicus has been trying to write this motion quickly, though working on it many hours, and was going to submit it today, and has recently noticed the Court granted Griswold 10 minutes of time, which is good. This motion is being submitted seriously, as a good-faith-filing, as Amicus was going to submit it before he read today that extended time and divided argument were granted to Griswold . (He was also going to recommend the Court consider granting both Griswold and Tillman some argument time, even 5 minutes.)

Amicus contacted the parties, including all Respondents, to ask about their support or lack of it if he filed a motion; they took no position on it. As for timing of this motion: following the last of Respondents' amicus briefs on January 31, Amicus word-searched for indications that they discussed certain cases or issues mentioned *infra*; since Amicus couldn't find any of the amici, or Respondents, even mentioning those cases—he apologizes in advance in case he missed anything, but he doubts he did—, Amicus decided he should file this motion to make up for the gross omission.

Given that the last amicus briefs weren't submitted until January 31, it would have been foolish to submit the motion before then—if some of the briefs had covered the issues below, there might've been no need for Amicus to file a motion—, and writing a motion takes time.

Too, he apologizes if it looks clumsy to file this motion after the Court has ruled today about extended time and divided argument. (Nothing may preclude the Court from granting another extension of time, hypothetically; and both Griswold's and Tillman's requests may technically have been filed late, *see infra* p. 4, so Amicus is not the only one doing things fairly late in the process. And if the Court website apparently still allows filing this kind of motion as an option, it seems legal. Amicus shall try not to file such a motion this late ever again, but there are some extraordinary circumstances present.)

Amicus would rather not have to file this: such a motion is rather rarely granted, and it takes time and money to file it. However, given Petitioner's keeping (hiding?) from the Court and public his June 15, 2023 admissions to, e.g., being an officer of the United States, and Anderson Respondents' ("Respondents", unless otherwise denoted) also failing to keep the Court and public informed about that, and moreover, failing to rebut some of Petitioner's claims specifically surrendered in 2023: the instant case risks being a sort of mere kabuki, "performance art", shadow-play, or other shallow substitute for serious consideration of the issues herein. Amicus thinks the Court and public deserve better, so files this motion, so that the issues will be seriously, thoroughly considered.

First off, though, some procedural matters:

I. DO AMICI FOR NEITHER PARTY HAVE A ROLE IN ORAL ARGUMENT? OR ARE THEY PERMANENTLY SHUT OUT?

Whether this motion is granted or not, at least it brings up the interesting question of whether amici for neither party ever get a role in oral argument. Rule 28.7 says amici, *id.*, "may argue orally on the side of a party, with the consent of that party." So, does that mean an amica/amicus must argue for either Petitioner or Respondents, instead of for neither party?

Many talented amici with much of value to say, may be for neither party. Is it right to cut them out of oral argument because of that? (Amicus prefers not to argue for any party—besides himself—, being for neither party.) —If amici are allowed to argue for neither party, could it be during the "intermission" between Petitioner's and Respondents' oral arguments, say?

Even if Amicus must argue on the side of at least one party, Amicus could hypothetically (if counterintuitively), argue for all parties at once, Petitioner and all 3 sets of Respondents—if Amicus technically *has to* argue for at least one party besides himself. Or, for the sake of argument (so to speak), Amicus could argue 5 minutes for Petitioner, and then 5 minutes also for Respondents: Amicus has a neutral-enough perspective that he could say things that might help either side. —No one may have ever broached such ideas before, but if we are in *terra incognita* over how to handle amici-for-neither-party requests for oral argument, one may have to be creative. Again, Amicus prefers to argue for neither party.

Another procedural matter is about time limits: Rule 28.4 mentions, *id.*, “leave of the Court on motion filed in time to be considered at a scheduled Conference prior to the date of oral argument and no later than 7 days after the respondent’s or appellee’s brief on the merits is filed.” Amicus apparently made the latter deadline, but if the former (re a Conference) applies to Amicus, then maybe not the former, unless the deadline applies, say, only to the main parties’ counsel. However, if both Griswold and Tillman apparently filed their motions too late to be “considered at a scheduled Conference” themselves, then Amicus is in “good company”, and the Court can always make exceptions for good cause.

(Parenthetically, speaking of procedure: the United States Justice Foundation et al. amicus brief for Petitioner was submitted 13 days late, January 31, sans explanation. Is that proper? Too, the Jordan L. Michelson amicus brief, also of January 31, claims to be for Respondents, but attacks them, *see id.*, so could be considered another brief for Petitioner submitted 13 days late. The Court may want to know this, even if it somehow finds reason to show lenience.)

Now from procedure to substance:

II. PETITIONER KEPT FROM THIS COURT, THE TRUTH THAT HE ADMITTED IN COURT BEING AN “OFFICER OF THE UNITED STATES” LAST YEAR, AND DAMAGING ADMISSIONS RELATED TO THAT; AND NOW EVEN CONTRADICTS WHAT HE TOLD THE OTHER COURT

Petitioner’s certiorari petition and merits brief withhold material the Court should know, and/or utterly contradict his previous court admissions. While Amicus

covered some of those issues, and some of the material below, in his January 18, 2024 brief (*available at* https://www.supremecourt.gov/DocketPDF/23/23-719/298137/20240118233229420_23-719_tsac_DavidBoyle.pdf), at 2, 8-16: first, Amicus on the 18th had no time to read yet Petitioner's brief of the same day, which had the defects noted *supra*. Therefore, he offers here new material not in his brief.

Second, Petitioner moved beyond his certiorari petition's "mere" gross material omission of—and arguable contradiction with—what he said in his June 2023 admissions about being an officer of the United States, to gross material omission *plus* actual, definite self-contradiction between his June 2023 admissions and his January 2024 merits brief—which could be considered lying, if Petitioner did it deliberately. (Amicus isn't asserting it was deliberate—he can't read minds, and recklessness, negligence, confusion, or forgetfulness can occur instead of malice—; but the Court can conclude what it wants.)

The admissions in question are in *New York v. Trump*, 1:23-cv-03773-AKH, Pres. Donald J. Trump's Mem. of L. in Opp'n to Mot. for Remand ("Memorandum"), ECF No. 34 (S.D.N.Y. June 15, 2023), *available at* https://www.courtlistener.com/docket/67326478/34/people-of-the-state-of-new-york-v-trump. In particular, Petitioner's *Anderson* brief directly contradicts what he said in June about whether elected/unappointed persons can be officers of the United States.

His June Memorandum says, first off, that the "President of the United States is an 'officer . . . of the United States' under 28 U.S.C. § 1442(a)(1)", Mem. at 2. (Petitioner was attempting to remove the Stormy Daniels hush-money case to

federal court; but whether being an officer of the United States for 28 U.S.C. § 1442(a)(1) purposes means he is also an officer of the United States for any, or all, other purposes, is an open question the Court should resolve instead of ignoring.)

The Memorandum also says that *Free Enterprise Fund v. Public Company Accounting Oversight Board*, 561 U.S. 477 (2010) ("*F.E. Fund*"), and *United States v. Mouat*, 124 U.S. 303 (1888) ("*Mouat*"), don't prevent the President, as an elected/ unappointed official, from being an officer of the United States. E.g., the Memorandum says that "*Mouat* addressed not whether the President (or members of Congress) are ever 'officers of the United States,' but when a government official is, in the modern parlance, a mere employee and not someone 'holding employment or appointment under the United States.' *Id.* at 305", Mem. at 4; and that New York's district attorney

> quotes *Free Enterprise Fund*[,] "[t]he people do not vote for the 'Officers of the United States.'" … This language purportedly shows that "the Supreme Court has long interpreted 'officer' to exclude the President and Vice President because those officials are elected[, not] appointed." [H]owever, it is clear that the Supreme Court … was simply describing the meaning of "other officers of the United States" as used in U.S. Const. art. II, § 2, cl. 2 [re] the President's "power" to "appoint … other officers of the United States[.]"

Mem. at 5. But, in direct contrast to what Petitioner admitted above, i.e., that *F.E. Fund* and *Mouat*, *supra*, don't prevent the President from being an officer of the U.S., his *Anderson* merits brief claims,

> The precedent of this Court confirms that the president is not an "officer of the United States." In *Free Enterprise Fund*[,] the Court correctly observed that the "officers of the United States" include only appointed and not elected officials. … And in *United States v. Mouat*[,] this Court interpreted the phrase "officers of the United States" in a

> statute and held that it extends only to those appointed by the president [or others.]

Pet'r's Br. at 22. Thus, Petitioner has been caught directly contradicting himself in a brief to this Court, since he admitted exactly-opposite assertions in June. Whether or not a matter for sanctions for refusing to tell the Court about material directly contravening what Petitioner tells the Court, this is an obscenity.

People died on January 6, 2021, and, facing possible ballot-removal for his role in that, Petitioner is blatantly misleading the Court about his wildly-varying, June/January, mutually-negating pronouncements on whether he is an "officer of the United States". "Bedlam", one might call it. Or "bad faith", if done deliberately.

Indeed, Amicus' brief, at 14, 15, *see id.*, cites some of the material quoted above, in order to say that Petitioner should be foreclosed in the future from using *F.E. Fund* and *Mouat* to say the President can't be an officer of the United States. This turned out to be prophetic, looking now at Petitioner's brief. *See also* Mem. at 1, 3, and Amicus' Br. at 12-13, quoting Mem. at 1, 3 (Petitioner further attacks the idea that being elected prevents the President from being an officer of the U.S.).

On those notes, the entire section in Petitioner's brief from pp. 20-33, "I. THE PRESIDENT IS NOT AN 'OFFICER OF THE UNITED STATES'", should arguably be disregarded, nullified, since he didn't tell the Court, in either certiorari petition or merits brief, that in June 2023 he demanded to be considered exactly that, an officer of the U.S. Unless estoppel has no meaning any more, not even mentioning things like honor or candor. (Petitioner could've mentioned his June admissions in his January petition and brief and tried to distinguish them; but didn't.)

Too, Petitioner's brief also references, to attack the idea that the President is an officer of the United States,

> *United States v. Smith*, 124 U.S. 525, 532 (1888) ("An officer of the United States can only be appointed by the president, by and with the advice and consent of the senate, or by a court of law, or the head of a department. A person in the service of the government who does not derive his position from one of these sources is not an officer of the United States in the sense of the constitution.").

Br. at 22-23. What Petitioner doesn't tell the Court is that *Smith*, *supra*, says immediately after the last word ("constitution") quoted above, "This subject was considered and determined in *United States v. Germaine*, 99 U. S. 508 [(1878)], and in the recent case of *United States v. Mouat*, *ante*, 124 U. S. 303. What we have here said is but a repetition of what was there authoritatively declared." *Smith* at 532. (*Germaine*, *supra*, said that civil surgeons appointed by the Commissioner of Pensions aren't officers of the United States, *see id.* at 512.)

In other words, if Petitioner's June 2023 admissions foreclose his use of *Mouat* for his purposes in *Anderson*, they also foreclose similar use of *Smith*.

After all the above, Amicus shall leave it up to the Court what it wants to do; presumably, rewarding Petitioner for his repeated misleading behavior (certiorari petition, then merits brief), or just ignoring it, would not be a good idea, especially if the Court itself has made a recent push to look as if it follows ethical codes, after severe public criticism of the Court on ethics grounds. If the Court lets Petitioner get away with his egregious inaccuracies, the Court may look weak or hypocritical.

…If the Court deems that Amicus' telling it now about all these issues, in this

motion, is informative enough, without actually having Amicus deliver oral argument on those topics, that is up to the Court. However, reiteration of issues in person can be helpful, to emphasize or enhance the lessons learned in writing.

—In literary terms, Petitioner's gross non-disclosure or self-contradiction re material issues, as proven above, could be called a "twist". However, some of Respondents' assertions, or omissions, may add an extra twist to this story.

III. RESPONDENTS FAILED TO KEEP THE COURT INFORMED ABOUT PETITIONER'S JUNE ADMISSIONS, AND ALSO FAILED TO REBUT PETITIONER'S ASSERTIONS RELATED TO THOSE ADMISSIONS

Though Petitioner has a greater responsibility than Respondents to tell the Court about his June 2023 admissions—since they hurt or totally contradict his later claims—, Respondents, too, may have some responsibility, to the Court, the public, and themselves (to do a credible job), to tell the Court about those June admissions. Also, although Amicus, obviously, is not running Respondents' case: when Respondents are making potentially-fatal errors that also relate to those June admissions, Amicus feels he should let the Court and public know.

(If Tillman can ask to be in oral argument because he thinks Petitioner should do a better job, Amicus, who is for neither party, can do the same, *vis-à-vis* both Petitioner and Respondents. And he doesn't need to be a professor or a secretary of state to offer worthwhile argument, but needs merely to have observed important case elements, and he has mentioned some of these elements *supra*.)

First off: Amicus has not seen in Respondents' merits brief any reference to Petitioner's June admissions. He found this strange and self-defeating for Respondents, since one of the best ways to win a case is to point out falsehoods by the other side. …Amicus has wondered if Respondents thought his amicus brief, which presented much information about Petitioner's June admissions, was "enough", i.e., that after Amicus' brief, Respondents didn't have to mention the issue again. However, 1. Amicus doesn't know that, and 2. the issue is important enough that they should have mentioned it anyway. After all, the whole case may hinge on whether Petitioner is an "officer of the United States" or not.

Second, and surprisingly, Respondents let a large swath of Petitioner's assertions go unchallenged. Specifically, following Petitioner's mention of *F.E. Fund*, *Mouat*, and *Smith* (*supra* at 6-8), Pet'r's Merits Br. at 22-23, Respondents challenged none of those cases by name in their own merits brief. Nor did any of their amici, as noted in part, *supra* at 1-2. This is an astounding omission, leaving a gigantic loophole.

Because Respondents and friends don't challenge any of those three cases, the Court could, in a worst-case scenario, rule something like this: "Respondents don't challenge Petitioner on multiple Court precedents, *F.E. Fund*, *Mouat*, *Smith*, claiming the President isn't an officer of the United States. Let's just rule for Petitioner on that issue, since Respondents have ceded the battle, and we needn't consider anything else." Amicus doesn't think the Court should do that, not at all;

he is just mentioning the horrible possibility. (If the Court does rule for Petitioner: hopefully, it should be more complex and nuanced.)

Respondents have gathered a large stable of legal celebrities, whether well-known professors, prominent ex-judges/prosecutors/politicians, large liberal groups, what-have-you, as amici. This makes it all the more disturbing that none of them even mentioned, much less rebutted, Petitioner's use of *F.E. Fund*, *Mouat*, *Smith*.

Instead, many of Respondents' amici shared their readings of Baude or Magliocca, their hashing out of 1868-era debates, their musings about the structure or purpose of the Constitution, their disapproval of Donald Trump's behavior. Amicus may even agree with many of their observations, but they and Respondents ignored meat-and-potatoes issues like *refuting what Petitioner's brief actually says*, e.g., about *F.E. Fund*, *Mouat*, *Smith*, or *noting that Petitioner contradicts his own June 2023 admissions*. Maybe these meat-and-potatoes issues are more important than having everyone cite the same law-review articles (some which haven't been published yet). If Respondents lose the case because of this alarming lack of focus and concrete relevancy, it won't be Amicus' fault.

…Respondents may have thought that their presentation re "officer of the United States" was so good that it would automatically refute everything Petitioner said about the topic, even without mentioning *F.E. Fund*, *Mouat*, *Smith*. But, perhaps not. Sometimes you have to name your enemy to defeat him, so to speak.

If Respondents lose the case, that is "fine", if the Court has a good reason for that. However, for Amicus to watch the potential debacle, of Respondents failing

even to name, much less refute, *F.E. Fund*, *Mouat*, *Smith*—especially when Petitioner *already refuted those cases* back in June 2023 due to his admissions of that time, and Respondents refuse to mention this, as do their amici—, is not pleasant for Amicus. Thus, he offers to deliver oral argument, because he may deliver what Respondents and their amici have not delivered, and may never deliver. (Alternatively, if Respondents aren't interested in winning on those points, Amicus could hypothetically argue for Petitioner, and point out how Respondents haven't delivered on various bread-and-butter questions in the case.)

Once again, if the Court thinks Amicus' bringing up these issues is enlightening enough, without actually having Amicus appear in oral argument, then, whatever the Court wants to do, it may do. Sometimes having someone appear in person may provide surprising new insights on the spur of the moment, though. And Amicus would try hard not to mention any unpublished law-review articles during oral argument. Which may be a relief.

IV. MISCELLANEOUS OTHER GAPS IN RESPONDENTS' ARGUMENT—OR PETITIONER'S

Amicus might also briefly mention issues not relating to Petitioner's June 2023 admissions, which seem to need attention or elucidation. E.g., though Petitioner asserts that some unpardoned ex-Confederates did run for office c. 1868, *see* Br. 41 n.53 (Respondents don't seem to challenge Petitioner's observations directly): does that mean their States were obliged to let them? As noted in Asher C. Hinds' work *Hinds' Precedents of the House of Representatives of the United States* (1907)

(*available at* https://www.govinfo.gov/content/pkg/GPO-HPREC-HINDS-V1/pdf/GPO-HPREC-HINDS-V1.pdf), the 1869-1870 Congressional election case of *Zeigler v. Rice* found that if John Rice had been an insurrectionist, votes for him could've been found "illegal and void", following the pre-election public notice of his disqualification as an insurrectionist. Thus, a pardon wouldn't've helped, if Rice weren't elected in the first place. *See* Hinds, *supra*, at 472-73.

And if States are allowed to exclude candidates for other reasons, e.g., age or naturalized-citizen status, then if the *Zeigler* example *supra* allows voiding of votes, which may be a functional equivalent of exclusion from a ballot: therefore, the Colorado Supreme Court removing Petitioner's name from the ballot, may be functionally the same as votes for a Rebel candidate being found void during the election, instead of waiting for post-election pardon just before inauguration. Amicus could say more—the above is an introduction—, but that can wait for oral argument.

Too, Amicus wondered why Respondents' brief didn't mention that a state court barred Otero County, New Mexico commissioner Couy Griffin from public office for life in 2022, after Griffin's insurrectionary activities on January 6, *see, e.g.*, *Marco White, et al., v. Couy Griffin*, Case No. D-101-CV-2022-00473 (Dist. N.M.), Findings and Conclusions ("Opinion") (Sept. 6, 2022), *available at* https://www.citizensforethics.org/wp-content/uploads/2022/09/D101CV202200473-griffin.pdf (Amicus mentioned this in his brief at 33-34). This example is fresher than any 19th-century debates or cases Respondents mention; in

particular, it is fresher than "*Griffin's Case*" (*In re Griffin*, 11 F. Cas. 7 (C.C.D. Va. 1869)), not to mention the nice pun it provides, that Couy Griffin has more to teach us than *Griffin's Case* does, these days. If Respondents—and/or Petitioner—have some "blind spots", about "Griffin" or aught else, oral argument from various people, not just Amicus, might be useful in eliminating that.

(The items *supra* in this section may seem to benefit Respondents more than they benefit Petitioner. However, Amicus cannot think of anything offhand that benefits Petitioner, that others have not already mentioned, besides what was mentioned *supra* re Respondents', and their amici's, failure to attack Petitioner's mention and use of ***F.E. Fund***, ***Mouat***, and ***Smith***. If Amicus does think of anything benefiting Petitioner, he can bring it up at oral argument.)

CONCLUSION

Petitioner has behaved deceptively, intentionally or not, in his January 2024 certiorari petition and brief, by keeping from the Court, knowledge of his June 2023 court admissions. Respondents' January 2024 brief has also failed to let the Court know of those admissions, and did not even use those admissions to refute some important cases Petitioner uses, cases which Respondents have also refused to refute by name at all. Given these significant problems, the Court can, hypothetically, appoint Amicus to argue orally for several minutes, e.g., 5-10 minutes of time, and giving other speakers the same amount of extra time, as appropriate, extending the total length of all oral argument time that day by what

amount needed, and dividing and scheduling oral argument as is fitting, to address the aforementioned issues, and some others if needed, in the interest of public service.

If the Court would rather handle things otherwise—and Amicus is aware of the statistically extremely-high unlikeliness of being offered oral argument, especially after someone else received oral argument time today; and he once again apologizes for any relative lateness of this motion, though circumstances may justify the lateness—, for good reasons that provide for the full addressing of the issues Amicus was going to address, the Court can do so. The issues are much more important than Amicus is, so to speak, and they demand to be addressed by somebody, or multiple people, even in Amicus' absence. Amicus humbly thanks the Court for its time and consideration.

February 2, 2024 Respectfully submitted,

David Boyle
Counsel of Record and *Movant*
P.O. Box 15143
Long Beach, CA 90815
dbo@boyleslaw.org
(734) 904-6132