

U.S. COURT OF APPEALS, THIRD CIRCUIT

	)	
Meghan Kelly	)	Appellate Court
Plaintiff,	)	No.: 21-3198
v.	)	No. 22-2079
Disciplinary Counsel Patricia B.	)	
Swartz, et al.	)	District Court
	)	No.: 1:21-cv-01490-CFC
Defendants.	)	

**Appellant Plaintiff Meghan Kelly’s Opening Brief  
 moving the Third Circuit Court of Appeals to vacate the Delaware District Orders (DI. DI  
 16-17, 30-31, 59-60), and to remand the matter to the Delaware District Court for  
 consideration**

Dated October 22, 2022

Respectfully submitted,

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**IN THE THIRD CIRCUIT COURT OF APPEALS, APPEAL OF THE ORDERS  
BELOW OF THE DELAWARE DISTRICT COURT**

Pursuant to 28 U.S.C. § 2106, Appellant Meghan Kelly respectfully prays this Court vacate the decisions by the Delaware District Court below (“District-Court”), (DI 16-17, 30-31, 59-60 (collectively, “District-Order”)), dismissing my Complaint under the Younger abstention, denying by not addressing my Motion to amend the complaint (DI 43), and denying subsequent rolling motion(s), motion for PACER access, motion for an exemption of PACER fees, motion to appear remotely, exemption of court costs due to costs causing a substantial burden upon my access to the courts due to poverty, and religious beliefs against poverty, motion for a stay, and all previously denied motions, except motions that may now be moot or not yet ripe for determination. (DI. 11, 12, 20, 21, 29, 33, 34, 35, 39, 41, 43, 52, 54, 58, incorporated herein by reference in its entirety). The motions that are moot for review are the motions for temporary or preliminary restraining orders and motions for expediting relief. (DI 6, 7, 8, 9, 10, 14, 18, 36, 40, 47, 48, 49, 51, 53). The Motions not yet ripe for determination were filed after the District Court’s Order, and must first be considered by the District-Court before this Court may review the District-Court’s determination. (61, 62, 63, 64, 65, 66, 69-75, 77, 80, 81, 82, 83, 85, 86, 88, 89. 90, 91, 95, 96, incorporated herein by reference).

The District Court’s decision must be set aside as clearly erroneous as a matter of law and as a matter of fact, creating manifest injustice against me. The District Court abused its discussion as to deny me the opportunity to be heard on Constitutional claims in the only forum with jurisdiction so as to render me without relief anywhere. The District Court refrained from examining the substance of my complaint and motion(s) to amend the complaints. The issue is whether the District Court has jurisdiction to hear my case. I argue Younger does not apply.

The District-Order must be vacated and this case must be remanded back to the District-Court to review the substance of my complaint, amended complaint(s), and motions.

### **JURISDICTION**

The jurisdiction of this Court is invoked under 28 U. S. C. § 1343.

### **STANDARD OF REVIEW**

The standard of review is de novo standard *PDX N., Inc. v. Comm'r N.J. Dep't of Labor & Workforce Dev.*, 978 F.3d 871, 882 n.11 (3d Cir. 2020).

### **STATEMENT OF CASE**

This case arises from Defendants, the Delaware Courts and the arms of the Court interference in my RFRA law suit against former President Donald J. Trump in an attempt to intimidate me a to cause me to forgo my case based on the Defendants disdain for my religious-political beliefs contained in my speech, in my petitions, or poverty. (DI 2-4)

I initially brought Kelly v Swartz, et al, on or about October 25, 2021, for equitable relief, and **damages** caused by the Delaware disciplinary counsels', court members' and the State's interference in my Religious Freedom Restoration Act lawsuit ("RFRA") against former President Donald J. Trump (referred to as "Kelly v Trump"), in violation of 42 USC §§ 1983, 1985, 1988. I sought claims for emotional distress, First Amendment violations, loss of employment opportunities, or other economic harm, and harm to my reputation. (DI 2-4).

I also sought claims for Defendants' selective prosecution in bringing a disciplinary action against me to demean my reputation by placing me on inactive disabled to conceal Defendants misconduct in collusion with the Delaware Supreme Court, and to punish me for

exercising the right to access the courts and First Amendment rights, based on Defendants disdain for my religious-political beliefs contained in the speech in the Religious Freedom Restoration Act petitions and other petitions. Id.

I later amended the Complaint to include additional facts showing the Delaware Supreme Court instigated the disciplinary proceeding against me, colluded with Defendants to prejudice my case, concealed evidence and witnesses, while denying by ignoring my motions to perform discovery. I also included additional claims procedural due process violations, denial to access to the law library and other disparate treatment by the Delaware Courts made in bad faith, which occurred during the Delaware Disciplinary proceeding as distinguished from *Kelly v Trump*. I sought nominal damages, damages and additional equitable relief, including but not limited to voiding the Delaware Disciplinary proceeding and *Kelly v Trump* due to procedural due process violations which shock the conscience. I moved to add the Delaware Supreme Court as a party. (DI 43, 58-60, 69-75, 77, 80-82, 85)

I include and restate and incorporate by reference *Respondent's reply to ODC's Corrected Response to Respondent's Objections my to the Report and Recommendation of the Board on Professional Responsibility, dated June 7, 2022*, and all documents referred therein and incorporated thereto. (DI-77, ) I include, restate and incorporate by this reference my Objections to the Report, the exhibits referred therein, and the Memorandum of Law ("MOL," ), and all arguments and points made in each and every one of these documents, filed on May 21, 2022, are restated in this reply. (DI. 69-75) ("Objxn" and "-" or "-Ex-" for specific exhibits therein) (DI 69-72, 75).

Per the Court's Order dated October 18, 2022, my brief is due before October 26, 2022, should my extension be denied. (3D-94-97). This Court kindly held I may proceed on the



original record in this Court reducing the need to file a complete appendix. (3D-24) This Court also kindly held, “Appellant need not conform to structure of a formal brief and may submit one principal brief not to exceed 45 pages.” (3D-67) I thank this Court for its generosity.

On October 20, 2022, I called my Third Circuit case manager because I discovered the Brief was due in less than a week. (3DI-94) She recommended I file for an extension of time to draft the brief. I filed a motion for an extension to draft the brief that same day. (3DI-95)

Admittedly, I believed the case was stayed pending the Delaware District Court’s determination on my latest motion to amend the orders of the District Court and alter the facts under Rule 60, and a Second Motion for a stay I incorporate herein by reference. (DI 95-96)

Early morning on Friday, October 21, 2022, I called my case manager because I was concerned about typos in the Motion for an extension to file. I rushed in an attempt to file before closing time on Thursday, October 20, 2022. She indicated I need not amend the Motion.

Due to the emergency situation, and my reliance on my case manager’s suggestion to file a motion to extend for time, I called back around 3:00 PM. (3DI-96) I was concerned about relying on the extension. I sought a confirmation that I may file after October 25, 2022. She asked how much time I required. I indicated I asked for 30 days or an amount of time the Court deems just in my motion. My case manager indicated I could get back to the Court on Monday, October 24, 2022. Monday is the due date.

To my horror, I looked at the PDF of my motion. My request in the amount of 30 days is missing. So, I filed a corrected motion to eliminate typos and to ask for a specific amount of days, 30 days I mistakenly thought I included, but must have only indicated in the system. I incorporate herein by reference my Motion and corrected motion, letter and exhibits thereto,

herein. (3DI 95-96). The PACER system indicates “until/for A time this court deems just and fair. I can ask for 30 days, but I am going to start working on it now, in hopes to file it asap.”

ECF. [21-3198, 22-2079] (MMK) [Entered: 10/20/2022 05:04 PM]

I do not want to risk eliminating my right to access to the courts to prevent irreparable injury in the form of the Defendants infringement upon my free exercise of religious-political belief, exercise, speech and association. Nor do I desire to lose my property interest in my Delaware license to practice law. A lawyer’s right, my right to pursue my profession constitutes a property protected by the due process clause of the Fourteenth Amendment, and of which I cannot be deprived for any whimsical, capricious or unreasonable cause, including the state’s disagreement with my religious-political beliefs contained in speech in religious-political petitions. So, I write with haste. Rights imperfectly asserted under the duress of days to file, are better than waiving rights for failure to file.

I also preserve issues relating to the Third Circuit’s Orders and conduct, done to chill or punish my exercise of my right to petition in defense of my first amendment rights I preserve for appeal. I am concerned that my case manager may have misled me to my detriment to eliminate the case by encouraging me to file a motion for an extension of time only to deny it by failing to present it to the Clerk or the Court until the due date. On October 20, 2022, I pointed to the rule that allows 7 days to fix delinquencies in filing a brief to safeguard procedural due process by providing notice and opportunity to correct errors. See, 3d Cir. L.A.R. 107.2(b). I argue, 7 days is not enough to protect my meaningful opportunity to be heard and procedural due process rights under the 5<sup>th</sup> Amendment applicable to this Federal Court, under the facts of my case. My case manager indicated I could file a motion for additional time. I am not so sure the clerk would grant additional time in light of my last conversation. (3DI-96).

In my motion and corrected motion for an extension of time I indicate the importance of having people as opposed to automation to correct filing errors by the Court. I believe Court staff and judges will be reduced in number to be eliminated as schemed by participants in the World government summit and World economic forum by automation of standardized professions, including the practice of law. (3DI-95-96) I also pointed to other filing errors by other courts. Id. Errors are not the problem. Failure to correct them or retaliation against those who point them out or make them, is the problem. The Disciplinary case was brought in retaliation against me for asking the Court to correct government violations of my Constitutional right to freely exercise my religious-political beliefs, religious-political beliefs, speech, association, by exercising my right to petition to safeguard these rights from government infringement. On the record I point to retaliation by the courts, including yet not limited to the Delaware Supreme Court to correct its own or its agent or the government's agent as a problem. The retaliation discourages citizens, including me, from exercising their right to access to the courts to petition the courts to correct the Court's own errors or violations of law or errors by its arms or agents. This is one reason for this case. (DI. 2-4, 43, See, attached Dec 11, 2020 letter)

I also note, the Third Circuit Court chilled my meaningful access to the courts by discouraging me from contacting the Court more than once a day in an Order in retaliation for my motions to correct the Third Circuit's record to prevent irreparable prejudice against me. The Court also discouraged me from correcting motions, as other lawyers do in the common course of filing pleadings, especially in emergencies. The Third Circuit threatened me with sanctions which violate my religious beliefs in Jesus against debt. (3DI-90). During that time, my case manager was out on the civil rights case, and my case manager was out on the other case before the Third Circuit.

I note with prejudice that the Third Circuit's Order I sought reconsideration from is based on a false assumption, a misleading statement, that appears to be made in bad faith to cover up the Court's error that I filed an emergency motion when the record shows I mailed in the documents I sought to remove from the record. ( 3-DI 86-90). There is proof of postage. (3DI 87-10-11) I incorporate by reference my petitions to correct the filings, and related motions including but not limited to (3DI 87-88).

This is unacceptable. The courts are not above the Constitution. The Courts' goal is not to safeguard its mere appearance of justice by compromising actual justice which guarantees injustice. The Courts are not a business. Judges should not be concerned with their appearance or their self-serving desire to market their value or legitimacy, which eliminates impartiality by making the court's focus on fickle fads, and pleasing the mob, and doing what serves their seats instead of doing what is right, impartially under Constitutional law.

I desire to safeguard the integrity of the Courts by requiring they do not sacrifice people, and their individual exercise of their Constitutional rights, as the Defendants seek to sacrifice me for the exercise of my rights. I seek to preserve the integrity of the courts not destroy them. I do not seek to destroy this Court or the Delaware Chancery Court or the Delaware Supreme Court, but I do seek to hold them to the letter of the Constitutional law. If I am disparately treated in bad faith to fix the outcome or to throw out my case in various forums for the mere convenience of the court, or with malice and disdain towards me for my religious-political beliefs, speech, association or petitions, than others also may be unlawfully chilled by the Courts from exercising their right to access to the courts in defense of fundamental rights. (DI 2-4) Such precedent in my case creates a danger to the public to serve mere business greed, profit, power and position, not good by respecting all without disparate treatment based on income or belief. I object to

misleading statements noted on the Third Circuit's record made with intent to chill my exercise of the right to petition, even to petition to make corrections, in defense of my fundamental rights, or to prejudice my appeal. (3DI-77-90)

The Delaware Supreme Court placed my license on inactive, disabled on August 11, 2022, and denied my motion for rehearing on multiple issues.

The State proceeding has concluded. The District Court did not analyze any of the substance of my complaints or motions, and has abstained under Younger. So, this Court's review is limited as to whether Younger applies at this time, not the merits of my complaint and motions.

Younger does not require abstention to my case. There is no state case to abstain from. The state case has concluded. There is no bar. Even if there was a case: 1. Younger does not apply to my claims for damages. The Court erred by dismissing instead of staying the case 2. Younger does not apply to federal constitutional claims in the or ancillary claims I had no opportunity to assert on the state forum. For example, 42 U.S.C.A. §§§ 1983, 1985, 1988 3. Bad faith, harassment, or extraordinary circumstances have arisen in my case that make abstention inappropriate 4. The Court erred in denying my motion to amend the complaint to include procedural and substantive due process violations, equal protections violations, and other conduct and claims that required I add the Delaware Supreme Court and the members to my complaint on January 24, 2022. (DI 43) I should be granted leave to amend the complaint, to correct any defects or arguments relating to a Younger dismissal to prevent manifest injustice that shocks the conscience in terms of loss of fundamental rights, and government punishment for the exercise of my rights, including the right to petition. 5. The new and additional facts and arguments contained in my motions and pleadings must be considered to prevent abuse of

discretion, clear error of law, clear error of fact and to prevent manifest injustice against me by denying me the opportunity to be heard to safeguard my exercise of First Amendment rights, creating loss of First Amendment rights and my interest in my ability to work in my profession

I respectfully request this Court vacate the District-Order, and remand the case back to the Delaware District Court for review.

**I. THE COURT ERRED IN RULING THAT THE YOUNGER ABSTENTION REQUIRED DISMISSAL, BUT REGARDLESS THE CASE IN DELAWARE IS OVER, YOUNGER DOES NOT BAR MY CASE FROM PROCEEDING**

The District Court erred in ruling that the Younger abstention required dismissal. Regardless of the error, the issue is moot because the state disciplinary proceeding has concluded.

The District Court need not abstain under Younger since the Delaware Supreme Court's case is over. The District Court should stay the case, pending my intended appeal to the US Supreme Court.

The Third Circuit explained, "Younger abstention ... applies when certain types of state proceedings are ongoing at the time a federal case is commenced" *PDX N., Inc. v. Comm'r N.J. Dep't of Labor & Workforce Dev.*, 978 F.3d 871, 882 (3d Cir. 2020). The case before the Delaware Supreme Court is not ongoing. The Delaware Supreme Court made this clear by ordering "the Clerk of the Court is directed to refuse any further filings from Kelly in this matter." *In re Kelly*, No. 58, at \*3 (Del. Sep. 7, 2022)

Younger does not apply. The state proceeding is over. This case may continue and I request the Third Circuit to please remand the case to the Delaware District Court. I note, the District Court made no analysis on the facts or law beyond denying my case under Younger. I

pray the District Court grants a stay until the conclusion of my appeal to the US Supreme Court. So, I can focus on the appeal which may prevent duplication of work, narrowing of the issues, and possible elimination of claims to prevent needless waste of resources for the parties and the Court.

**II THE COURT ERRED IN APPLYING YOUNGER BECAUSE I ASKED FOR DAMAGES AND RELIEF UNAVAILABLE IN THE STATE FORUM. THE COURT SHOULD HAVE STAYED, NOT DISMISSED THE CASE**

The District Court erred as a matter of law by relying on the Younger abstention doctrine, and in dismissing my complaint and motions. The District Court based its decision on mistakes of fact. It would be an abuse of discretion, creating manifest injustice to dismiss my case.

This court's reliance on an abrogated case, *Middlesex* in its Orders is also misplaced. *Middlesex* merely related to procedural due process concerns relating to lapse of time, as distinguished from my case. *Middlesex Cnty. Ethics Comm. v. Garden State Bar Ass'n*, 457 U.S. 423, (1982); *Abrogation Recognized by Harmon v. Department of Finance*, 3rd Cir.(Del.), April 27, 2020; *Citing, Sprint Communications, Inc. v. Jacobs*, 571 U.S. 69,(2013), *Malhan v. Sec'y U.S. Dep't of State*, 938 F.3d 453, 462 (3d Cir. 2019).

In my case, I was denied a fair, impartial forum and a reasonable opportunity to be heard. The State's prosecution against me, as a party of one with individual-religious-political beliefs, for my exercise of genuinely held religious-beliefs, religious-political speech, religious-political-association, and the right to petition the courts when I believe there has been a grievance against me by a government agent, no matter my poverty, religious beliefs, or political orientation, violates my First Amendment rights and equal protections of the law.

The District-Court in its November 2, 2021 Memorandum, whether misleadingly or inadvertently, referred to Defendant's August 23, 2021 letter indicating my Chancery Court

religious-political pleadings in my active case as the reason Defendants brought the state proceeding. (DI 16, DI 3, District Court Exhibit 21) However, this court omitted the letter's reference to the Delaware Supreme Court pleadings as a reason. This omission is material to my argument the Delaware Supreme Court (hereinafter "Court" or collectively with Defendants in the case "State"), instigated the disciplinary proceeding against me. Therefore, the Court cannot present itself as impartial. (DI 9, Exhibit 5, DI 16-17). This Court also omitted my claim for damages in all of its orders, despite the fact I pointed to my claim for damages in pleadings. (DI 16-17, 30-31, 34-35, 59-60). I acknowledge the Court allegedly replaced the complaint at DI 2, as misfiled, with the page containing the claim for damages. I requested this be published to the public. The Court may have initially overlooked my claim for damages; however, I apprised the court of my claim for damages before I discovered the filing (DI 34-35, DI 61).

This Court also omitted my motions to amend the complaint to include additional counts, to include the Delaware Supreme Court justices in their personal capacity, and to include additional relief including declaratory, injunctive, damages and nominal relief. (DI 43, 58-60). Admittedly, I sought to withdraw my Motion to Amend the Complaint at DI 43, in order to motion the Court for permission to amend the complaint, after the appeal for the state proceeding is complete or the time for appeal lapsed, as new and additional evidence continuously arose, and will likely continue to arise during this time. (DI 69-75, 77, 80-82, 85).

This Court overlooked the fact I sought damages, not merely injunctive relief, in my original complaint, and other relief unavailable in the state courts. I sought relief, including but not limited, damages and equitable relief, under 42 USC §§§ 1983, 1985 and 1988, for, *inter alias*, court members' and the State's interference in my Religious Freedom Restoration Act lawsuit ("RFRA") against former President Donald J. Trump ("Kelly v Trump"). The Court



ignored my claims for infliction of emotional distress, defamation, loss of employment opportunity and lost wages. The Court also failed to consider my arguments concerning the loss of my right to exercise First Amendment Constitutionally protected liberties, including the exercise of my religious-political petitions, religious-political beliefs, religious-political association, religious-political exercise, and religious-political petitions, and loss of my property interest in my license to practice law. (DI 2-4, 34-35-2, 61-62) Nor did this Court look at the Defendants' interference with *Kelly v Trump* to entice me to forgo my case. This case relates to the harm caused by the Defendants in both the disciplinary proceeding and *Kelly v Trump*.

In *Deakins v. Monaghan*, the Supreme Court held only that “the District Court has no discretion to dismiss rather than to stay claims for monetary relief that cannot be redressed in the state proceeding.”<sup>1</sup> I made it clear to this Court, I pled defamation, Constitutional injury and

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<sup>1</sup> Citing, *Deakins v. Monaghan*, 484 U.S. 193, 108 S. Ct. 523, 98 L. Ed. 2d 529 (1988) “Federal district court must stay rather than dismiss claims that are not cognizable in parallel state proceeding.” *Deakins v. Monaghan*, 484 U.S. 193, 202, 108 S. Ct. 523, 529–30, 98 L. Ed. 2d 529 (1988) “In reversing the District Court's dismissal of the claims for damages and attorney's fees, the Court of Appeals applied the Third Circuit rule that requires a District Court to stay rather than dismiss claims that are not cognizable in the parallel state proceeding.”); *See also*, *Brindley v. McCullen*, 61 F.3d 507 (6th Cir. 1995); *See also Quackenbush v. Allstate Ins. Co.*, 517 U.S. 706, 719 (1996) (“we have applied abstention principles to actions ‘at law’ only to permit a federal court to enter a stay order that postpones adjudication of the dispute, not to dismiss the federal suit altogether.”); *Lewis v. Beddingfield*, 20 F.3d 123, 124 (5th Cir. 1994). (It was proper to stay rather than dismiss the federal suit because the damages could not be claimed in the criminal prosecution.); *Jones v. Prescott*, 702 Fed. Appx. 205, 209 (5th Cir. 2017) (Younger abstention does not apply to federal suits seeking only money damages) (citing *Alexander v. Ieyoub*, 62 F.3d 709, 713 (5th Cir. 1993)); *See also*, *Boyd v. Farrin*, 575 Fed. Appx. 517 (5th Cir. 2014); **Third Circuit**: *Abbott v. Mette*, No. 20-CV-131-RGA, 2021 WL 1168958, at \*4 (D. Del. Mar. 26, 2021), *aff'd*, No. 21-1804, 2021 WL 5906146 (3d Cir. Dec. 14, 2021) (A court “has no discretion to dismiss rather than to stay claims for monetary relief that cannot be redressed in the state proceeding.”); *Abbott v. Mette*, No. CV 20-131-RGA, 2021 WL 327375, at \*3 (D. Del. Jan. 31, 2021), report and recommendation adopted, No. 20-CV-131-RGA, 2021 WL 1168958 (D. Del. Mar. 26, 2021), *aff'd*, No. 21-1804, 2021 WL 5906146 (3d Cir. Dec. 14, 2021) (“As a general matter, assuming that a federal court has jurisdiction over a case, the federal court's “obligation to hear and decide [the] case is virtually unflagging.” *Sprint Commc'ns, Inc. v. Jacobs*, 571 U.S. 69, 77 (2013) (internal quotation marks and citation omitted); *Crane v. Fauver*,

emotional distress, by pleading damages, albeit unartfully in my original Complaint. (DI 2, 34-35). In addition, I showed my intent to seek nominal damages, damages, and equitable relief too. (D.I. 43, 58, 69-75, 77-79). My claims for damages were unavailable in state court.

A court “has no discretion to dismiss rather than to stay claims for monetary relief that cannot be redressed in the state proceeding.” *Citing, Abbott v. Mette*, No. 20-CV-131-RGA, 2021 WL 1168958, at \*4 (D. Del. Mar. 26, 2021), *aff'd*, No. 21-1804, 2021 WL 5906146 (3d Cir. Dec.

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762 F.2d 325 (3d Cir. 1985) (“District court should have retained jurisdiction over correctional officers' civil rights action arising out of their discharge, even if it properly declined to exercise jurisdiction over federal claims, and stayed action pending outcome of related state proceeding where officers were relegated for prudential reasons to state proceeding which could only afford them dismissal of charges and back pay, with attorney fees only to extent that back pay award was reduced by interim earnings, but officers sought constitutional damages and attorney fees, and new complaint upon termination of state proceedings may have been time-barred.”); *Williams v. Hepting*, 844 F.2d 138, 145 (3d Cir. 1988) (The Third Circuit held, “Accordingly, we hold that the district court should have stayed instead of dismissed without prejudice Williams' failure-to-investigate and suggestive pretrial identification claims. Because these particular federal court claims for damages seek relief that is unavailable in Williams' ongoing state proceedings, the allegations should be stayed pending the outcome of his state court appeal on the underlying conviction.”); *Nimer v. Lichfield Twp. Bd. of Trustees*, 707 F.3d 699 (6th Cir. 2013) (*Younger* abstention applies to § 1983 damages claims, but district court must stay rather than dismiss federal suit; in other words district court has no discretion to dismiss federal suit); *Carroll v. City of Mount Clemens*, 139 F.3d 1072 (6th Cir. 1998) (when federal suit seeks damages and *Younger* is invoked, federal suit should be stayed, not dismissed; this likely will be a formality, given probable preclusive effect of state court decision); *Watkins v. Ohio Dep't of Educ.*, No. 2:21-CV-04482, 2022 WL 672565, at \*8 (S.D. Ohio Mar. 7, 2022) (“Further, when a plaintiff seeks both equitable and legal relief, many courts in the Sixth Circuit stay the entire case rather than treat each form of requested relief differently.”); *Maraan v. Off. of Ohio Disciplinary Couns. for Supreme Ct. of Ohio*, No. 1:18CV645, 2021 WL 3173311, at \*3 (S.D. Ohio July 27, 2021) (Court “stayed until the conclusion of the state disciplinary proceedings, rather than be dismissed.”), *citing, Kalniz*, 699 F. Supp. 2d at 975 (explaining that where a plaintiff is bringing constitutional civil rights claims in a federal court case in which *Younger* abstention was proper, the stay protects against the possibility that the statute of limitations could deprive the plaintiff of the opportunity to present the merits of her damages claims); see also *Meyers v. Franklin Cty. Court of Common Pleas*, 23 F. App'x 201, 206 (6th Cir. 2001) (and cases cited therein); *Yamaha Motor Corp. v. Stroud*, 179 F.3d 598 (8th Cir. 1999) (when damages are sought in § 1983 action subject to *Younger* abstention, and damages are not available in pending state proceeding, federal action should be stayed, not dismissed); *Night Clubs, Inc. v. City of Fort Smith*, 163 F.3d 475 (8th Cir. 1998) (when § 1983 complaint seeking damages is subject to *Younger* abstention, federal action should be stayed rather than dismissed).

14, 2021); *See, Watkins v. Ohio Dep't of Educ.*, No. 2:21-CV-04482, 2022 WL 672565, at \*1 (S.D. Ohio Mar. 7, 2022).

Abstention is not appropriate, staying the action was required. *See, Meyers v. Franklin Cty. Court of Common Pleas*, 23 F. App'x 201, 206 (6th Cir. 2001); *Maraan v. Off. of Ohio Disciplinary Couns. for Supreme Ct. of Ohio*, No. 1:18CV645, 2021 WL 3173311, at \*3 (S.D. Ohio July 27, 2021); *Watkins v. Ohio Dep't of Educ.*, No. 2:21-CV-04482, 2022 WL 672565, at \*8 (S.D. Ohio Mar. 7, 2022); (“Further, when a plaintiff seeks both equitable and legal relief, many courts in the Sixth Circuit stay the entire case rather than treat each form of requested relief differently.”).

The Delaware District Court abused its discretion by dismissing as opposed to staying the proceeding and denying all motions as moot with its dismissal.

The Younger abstention does not apply to additional claims I included for money damages for First Amendment violations, loss of employment opportunity, emotional distress, and loss to reputation. (DI 2, 3, 4).

### **III. YOUNGER DOES NOT APPLY TO MY FEDERAL CONSTITUTIONAL CLAIMS OR ANCILLARY CLAIMS I HAD NO OPPORTUNITY TO RAISE IN THE STATE COURT**

I had no adequate opportunity to raise my federal claims or ancillary claims for damages and nominal relief in state court. (DI 2 and DI 43). I asserted Constitutional defenses. Nevertheless, the state court precluded my meaningful opportunity to be heard on my defenses and motions, prevented discovery, denied me the opportunity to call witnesses, denied me access to the law library, sealed pleadings to conceal evidence, and fired two witnesses to prevent their testimony in my favor to prejudice the proceeding against me. (DI 55, 70-75, 77)

I moved the Court to amend the complaint to include the Delaware Supreme Court as a party, for additional relief, including but not limited to, additional equal protection violations, and additional procedural and due process claims. I also seek to void *Kelly v Trump* and the disciplinary matter. I also requested other equitable relief, and nominal damages. I also sought to amend the name of a Defendant, and other matters I include herein by reference to the docket item numbers.<sup>2</sup> (DI 43-44, 55-56, 58, 69-75, 81-82, 85).

The state court does not have subject matter jurisdiction or jurisdiction is voidable. The Younger abstention is not appropriate to enjoin a forum without subject matter jurisdiction. The Delaware Supreme Court is without jurisdiction for its violations of procedural and substantive due process. Its judgments must be deemed void. (*See, May v. Anderson*, 345 U.S. 528, 537 (1953) “It is void ... if it denies due process of law.”); (*Pease v. Rathbun-Jones Eng. Co.*, 243 U.S. 273, 276 (1917) Judgments “ are void for lack of due process of law, or should be set aside for error.”). The state-court does not have subject matter jurisdiction or jurisdiction is voidable. The Younger abstention is not appropriate to enjoin a forum without subject matter jurisdiction. The Delaware Supreme Court is without jurisdiction to rule on its own alleged violations of procedural and substantive due process, violations of First Amendment rights, conspiracy and collusion under 1985, or whether it had subject matter jurisdiction. Its judgments in *Kelly v Trump* and in the disciplinary cases may only be deemed void by the Federal District Court, not the state court.

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<sup>2</sup> *Constr. Drilling, Inc. V. Chusid*, No. 03-3786, 2005 WL 1111760, at \*3 (3d Cir. May 11, 2005) (The Third Circuit held, “A judgment may also be void if a court “acted in a manner inconsistent with due process of law.”); See Respondent’s Exhibits to the Hearing (“R-Ex”) Exhibits 35, 37 Part 2, 42, R 44

I had no adequate opportunity to raise my federal claims in state court. I asserted Constitutional defenses. Nevertheless, the state court precluded my meaningful opportunity to be heard on my defenses and motions, prevented discovery, denied me the opportunity to call witnesses, denied me access to the law library, sealed pleadings to conceal evidence, and fired two witnesses to prevent their testimony in my favor to prejudice the proceeding against me. (DI 55, 70-75, 77)

There was no opportunity to ask the Delaware Supreme Court to void its own decision in *Kelly v Trump* and the disciplinary matter or to seek equitable relief, money damages or nominal damages against itself and its agents and arms. I seek to sue the Delaware Supreme Court. They cannot decide the case against itself, because they are a defendant. The Delaware Supreme Court is partial to the state and itself. I am entitled to an impartial judge, in accordance with the 1st and 14<sup>th</sup> Amendment procedural and substantive Due Process protections.<sup>3</sup>

State procedural law barred presentation of my Constitutional claims.

I will face irreparable injury in terms of loss of First Amendment rights and my property interest in my license should this Court deny me of the opportunity to be heard.

A lawyer's right, my right to pursue my profession constitutes a property protected by the due process clause of the Fourteenth Amendment, and of which I cannot be deprived for any

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<sup>3</sup> US Const. Amend I, V. (See, *Schweiker v. McClure*, 456 U.S. 188 (1982) reversed on other grounds; *Gibson v. Berryhill*, 411 U.S. 564, 570 (1973); *Ward v Village of Monroeville*, 409 US 57 61-62 (1972) (“Petitioner is entitled to a neutral and detached judge in the first instance.”); *In Re Murchinson*, 349 US 133, 136 (1955); *Tumey v State of Ohio*, 273 US 510 (1927); *Withrow v. Larkin*, 421 U.S. 35, 46 (1975); *McCool v. Gehret*, 657 A.2d 269, 277 and 280 (Del. 1995) (“excluding evidence [in my case emails] of efforts to influence a witness' testimony [to exclude evidence] constitutes reversible error. ....“Opinion testimony by a judge creates the appearance of partiality on behalf of a litigant, is greatly prejudicial to the adverse party...”); *Inc. v. Lopez*, CIV. No. 14-1223 (PG) (D.P.R. Oct. 27, 2015); *United Church of the Medical Center v. Medical Center Comm'n*, 689 F.2d 693, 701 (7th Cir. 1982); *Utica Packing Co. v. Block*, 781 F.2d 71, 77 (6th Cir. 1986); *Hammond v. Baldwin*, 866 F.2d 172, 177 (6th Cir. 1989).

whimsical, capricious or unreasonable cause, including the state's disagreement with my religious-political beliefs, outlined in *Kelly v Trump*. The Defendants point to my religious beliefs and citations to the Bible in their petition at 7 which are relevant to my claims in *Kelly v Trump*, and my Religious Freedom Restoration Act, religious-political pleadings in their Aug. 23, 2021 letter, as the reason for the disciplinary proceeding against me. (DI 56, 56-1, 56-2)

In *Brindley v. McCullen*, 61 F.3d 507, 509, the Court held in a § 1983 action for damages, the Sixth Circuit ruled that when *Younger* abstention is invoked, stay rather than dismissal is the appropriate disposition. A stay "avoids the costs of refiling, allows the plaintiffs to retain their place on the court docket, and avoids placing plaintiffs in a sometimes-difficult position of refiling their case before the statute of limitations expires." *Id.* In my case the statute of limitations and costs given my poverty and religious beliefs against indebtedness, prejudice me by a dismissal under *Younger*. The statute of limitations also prejudices my case. I have claims relating to *Kelly v Trump*, and retaliation for my petitions for relief from bar dues, not merely claims for the Delaware Disciplinary case, which arose during that disciplinary proceeding which has concluded. I believe my claims relating to the petition for relief from bar dues were from January and February 2020, which approaches the statute of limitations in 3 or 4 months. In light of the multiple law suits and disciplinary proceedings which have arisen as a result of the disciplinary proceeding, dismissing my law suit under *Younger* would likely render me without relief for my bar dues petition which the Delaware Supreme Court appeared to address in its order, August 10, 2022, indicating the need for money over justice, making liberty for sale not free. Recall information contained in the bar dues petitions show the Delaware Supreme Court incited the disciplinary proceeding against me, though additional evidence of the court's collusion arose thereafter.

I still have claims for retaliation for my right to petition based on religious-political and poverty animus. I also have claims, including but not limited to 42 USC §§ 1983, 1985 and 1988 claims, as well as defamation, emotional distress, violations of my first amendment right of speech, belief, exercise of belief, association, speech and petition etc, relating to petitions other than the disciplinary petition. It places me in a difficult position should this case not be considered by the only court with subject matter jurisdiction to consider my claims, the Delaware District Court.

**IV. BAD FAITH, HARASSMENT OR EXTRAORDINARY CIRCUMSTANCES HAVE ARISEN IN MY CASE THAT MAKE ABSTENTION INAPROPRIATE**

Bad faith, harassment, or extraordinary circumstances have arisen in my case that make abstention inappropriate.

The Record shows evidence of collusion and fraud to fix the proceeding against me, including but not limited to the sealing of records material to my defense to prejudice my case, the Board and Court denying my motions to perform discovery and to call witnesses to conceal the fact they eliminated two key witnesses by terminating them from the court, denial of my procedural due process rights, compelling me to attend a hearing when I was ill getting over the shingles. (DI 58) The record is full of additional outrageous issues including denial of access to the law library, granting me permission to hand in physical pleadings only to refuse to upload them onto the electronic record to conceal the ignored motions. (D.I. ). The Board rendered email orders to prevent my opportunity to be heard on appeal. DI 47. The Hearing was inaccurately transcribed to prejudice me in this sham proceeding. (DI 47) Patricia Swartz lied to me about receipt of answer, which prejudiced me on costs an emotional distress. (DI 29). The record shows bad faith denials by Defendants and the State Court in response to my motions for a fair and impartial opportunity to be heard on issues other similarly situated attorneys would be

heard on. (DI 23, 34-36, 39-44, 47-58, 66, 69-75, 77-89, 95-96) There are other procedural defects that shock the conscience, but there is neither time nor space to discuss. The procedural history alone was 33 pages in my objections, I incorporate herein and do not waive due to space and time limitations. Irreparable injury exception to abstention applies, in § 1983 actions.

Circumstances give rise to irreparable injury sufficient to warrant exception to Younger abstention are extraordinary in the sense of creating an extraordinarily pressing need for immediate federal equitable relief, not merely in the sense of presenting a highly unusual factual situation. If I am being persecuted for believing differently, than other professionals who think differently than the state or its government backed private or foreign partners are in danger of being labeled the derogatory term disabled to demean their word before the public, while making it difficult to buy and sell as a professional.

The State Courts, the Chancery and Delaware Supreme Courts are without jurisdiction to grant relief beyond enjoining the state case since their members or agents incited the retaliatory behavior against me in bad faith to fix the sham proceeding against me to protect the mere appearance of the Courts while committing grave injustice that shocks the conscience. They cannot void their own decisions by the dictates of their desires instead of my appeal or by a lawsuit in federal court voiding their decision or holding they did not have subject matter due to procedural due process or equal protections violations. I am not aware of any cases which make orders voidable on equal protections grounds, but I reserve this argument for appeal too. It is prudent to protect individual liberty of minorities and others who do not think or believe the same as the majority or by the dictates of money. It makes us smarter to encourage diverse thought, and free not controlled to conformed dreaded dumbed down standardization.



The Delaware Supreme Court and Board (“Defendants”) clearly violated Equal Protections rights based on poverty-animus and political-religious animus, towards me as a party of one on disdain for my religious-political petitions, defending and safeguarding my religious-political beliefs, speech and association. beliefs, religious-political speech, religious-political association my substantive and procedural due process rights, and disparately treated me, by punishing me for my poverty, religious practice and religious speech pursuant to treatment that is not neutral or generally applicable. US Const Amend. I, IV. I argue the case is voidable not only for substantive and procedural due process violations including but not limited to denying me notice pursuant to the rules, an opportunity to be heard, meaningful opportunity to prepare and present my case before an impartial forum, an opportunity to call witnesses and to expect the Court before whom I present my case has not actively concealed evidence and witnesses to fix the proceeding against me, but also for the Court and the state’s and Defendants Equal protection violations brought with poverty animus, and political-religious animus. Nevertheless, this is not ripe for consideration until heard below. I fight now for the mere opportunity to be heard, the opportunity for justice, not the guarantee.

I do not have an adequate opportunity to raise my federal claims in state Court, including these claims. The state courts favor the Defendants, and favor their own agents. The Court cannot make a determination for relief against itself as a party.

**V. THE COURT ABUSED ITS DISCRETION BY DENYING LEAVE TO AMEND THE COMPLAINT, WHILE APPLYING THE YOUNGER ABSTENTION**

On January 24, 2022, I filed a Motion to amend the complaint showing I must join the Delaware Supreme Court and request for relief, I did not know was needed until that time, showing bad faith, fraud or collusion. The State Forum had no ability to hear my claims and additional claims fairly. (DI 43). The District-Court denied by failing to address it when it

rendered its order on April 26, 2022. The District Court sat on it for four months which is an abuse of discretion, an error by failing to consider material facts, amending the facts to include the additional facts, which causes manifest injustice against me, in terms of the loss of my fundamental rights, emotional distress, loss of property interests in my licenses to practice law and other harm. (DI 43)

The District Court appeared to fail to consider facts and legal arguments or exhibits contained in my motions to amend and alter the complaint. I incorporate herein in the entirety by reference, or other papers I filed I incorporate herein by reference, which are material to claims. (DI 2, 3, 4, 7, the exhibits therein, 20, 21, 21 29, 35, 36, 39, 40, 41, 43, 47, 48, 49, 51, 52, 53, 54, 55, 56, 57, 58)

Since April 24, 2022, the new and additional evidence has arisen showing the Court colluded in fixing the proceedings, including terminating two witnesses to conceal their testimony and preventing me from calling witnesses and performing discovery to find out the bad faith participation of the Delaware Supreme Court in concealing favorable testimony. Yet, the District-Court was aware of this when it rendered its order. (DI 58)

After April 24, 2022, new and additional information, facts and legal claims and damages have arisen which have not yet been considered. The District-Court must have opportunity to consider the facts and arguments to prevent manifest injustice. (DI 62, 64, 65, especially note the sealed docket items, that have since been unsealed, 66, 69, 70, 71, 72, 74, 75, 77, 78, 80-85, 88, 88, 89, 90, 91, 93, 95, 96).

I have since moved the court through rolling motions to amend the Complaint altogether once, at the conclusion of the appeal to the United States Supreme Court proceeding. Nevertheless, this is not yet ripe for review. The mere opportunity to be heard must be protected.

The Court has not issued an opinion on the facts of my case, or the additional facts after the order. I must be heard to prevent precedent that the Government is above the law, and there is no forum to be heard, and others will be punished like me for asking for relief from government incited substantial burdens upon my Constitutionally protected religious belief, religious exercise, religious speech, religious association and religious petitions concerning government incited grievances, and property interest in professional licenses. US Amends I, XIV

Leave to amend the complaint must be granted in the interest of justice since the District Court allowed the additional injuries to be had against my person in bad faith. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009). If my motion to amend the complaint to include the Court had been permitted, the Court would not be permitted to find Younger abstained my case.

Because this District Court prevented service of the Complaint, I must be permitted fair opportunity to amend the Complaint after my appeal to the US Supreme Court to prevent manifest injustice against me, pursuant to Fed. R. Civ. P. 15 (a), and under other provisions of Fed. R. Civ. P. 15. I have a right to “amend without leave where no answer has been filed.” *Citing, De La Cruz-Saddul v. Wayne State University*, E.D.Mich.1980, 482 F.Supp. 1388.

The District Court allowed the additional injuries to be had against my person in bad faith. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

Because this District Court prevented service of the Complaint, I must be permitted fair opportunity to amend it after my appeal to the US Supreme Court to prevent manifest injustice against me, pursuant to Fed. R. Civ. P. 15 (a), and under other provisions of Fed. R. Civ. P. 15. I have a right to “amend without leave where no answer has been filed.” *Citing, De La Cruz-Saddul v. Wayne State University*, E.D.Mich.1980, 482 F.Supp. 1388 (*Also see, Adams v.*

*Quattlebaum*, D.D.C.2004, 219 F.R.D. 195 “Plaintiff enjoys absolute right to amend complaint once at any time prior to responsive pleading or granting of motion to dismiss.”)

“Leave to file an amended complaint is not required, since defendant had not yet answered,” and has not even been served yet. *Cunard Line Ltd. v. Abney*, S.D.N.Y.1982, 540 F.Supp. 657.

I think it prudent to serve an amended complaint as opposed to an original, and provide my intent to file an amended complaint at a later time, all at once at the conclusion of my appeal of the Delaware disciplinary matter to the US Supreme Court. (*See, Datastorm Technologies, Inc. v. Excalibur Communications, Inc., N.D.Cal.1995*, 888 F.Supp. 112, “Complaint that has been amended pursuant to rule governing motions to amend suspends pleading it modifies, rendering original pleading void.”)

Defendants should reasonably expect, I would seek relief from this court for such irreparable injuries I suffer as a result of the Court failing to enjoin the disciplinary proceeding, and additional prospective relief to prevent new irreparable harm by amending my complaint to include the same. (DI 2-4, 7-10). I have no adequate opportunity to raise my federal claims in the state proceeding.

Defendants have notice, I will seek relief from this court for the irreparable harm I sought to prevent, including but not limited to, irreparable injury, as a loss to protections of my fundamental rights, harm towards my person, economic harm, by preventing me from seeking to rejoin my former law firm, my active license to practice law, my reputation, my health, the shingles, punishment for the exercise of my right to petition, in interference with my right to a fair trial in *Kelly v Trump*, interference with my right to a fair trial in the disciplinary matter which was unlawfully brought to punish me for the exercise of fundamental rights, my loss of and punishment

for the exercise of the right to a fair trial, to religious-political belief, religious-political association, religious-political speech, and the right to make religious-political petitions when I believe the government has committed a grievance against me, and procedural and substantive due process rights applicable to the Defendants pursuant to the 1st and 14th Amendments, Vindictive prosecution, selective prosecution and, or other claims.

On April 26, 2022, I filed a letter indicating my desire to amend the complaint again by stating. “With new and additional information commonly arising in my case, I have a running request to amend the complaint to conform with additional and new evidence, as they arise at the end of proceeding, to include additional or new claims or evidence.” (D.I. 58 at page 14)

On May 7, 2022, I filed *Plaintiff’s Addendum May 7, 2022, Critical documents unavailable to conceal court misconduct attached hereto to be included in DI-4; State Court sealing of documents in Kelly v Trump, correct and supplement the record at D.I. 4, (“May 7<sup>th</sup> Motion”), wherein, I provided evidence the Delaware Supreme Court sealed my petitions, material to my defense in the disciplinary proceeding, without providing me notice or an opportunity to be heard to prejudice the case against me in the sham disciplinary proceeding. (D.I. 65, D.I. 65-2, D.I. 65-4).*

I also alerted the court to my religious objection to swearing or affirming in the May 7<sup>th</sup> Motion. (D.I. 65, paragraphs 17-22.); (Also see, D.I. 77-2).

Since, it became clear my complaint, as filed, did not appear accurate to the public, I filed *Appellant Plaintiff Meghan Kelly’s Motion Directing the Delaware District Court to correct the Complaint to include the signature and listed damages for relief so as not to mislead the public, attorneys and appellate Courts, to confirm my filing includes the claim for damages in the original complaint. (DI 61).*

On May 24, 2022, I filed a more formal motion, *Plaintiff's Rolling Motion to conform complaint to the additional facts and legal arguments as they arise, as if already included in the Complaint.* (DI 69-75).

On June 7, 2022, I filed *Plaintiff's Motion to include pleadings filed on June 7, 2022, for the Court's consideration pursuant to her rolling motion to conform the complaint to additional facts alleged and arguments as they arise, as if already included in the complaint.* (D.I. 77)

There is a continuous need to amend the complaint, and I prefer to make a request leave be granted at the conclusion of my appeal to the US Supreme Court on the state disciplinary proceeding, as a matter of right, including appeals, or the time of appeal has lapsed. It appears additional facts, harm, and claims of relief will arise until the conclusion of the State proceeding, causing additional amendments to the complaint.

The Chancery Court revealed I cannot file for a mistrial, since the Court intentionally drafted a rule requiring, I violate my religious beliefs against swearing in order to prevent me from seeking a mistrial in *Kelly v Trump*, showing an unfair proceeding is guaranteed. (D.I. 77-2), See paragraph 36 above. This same rule prevents me from contesting the adjudication of disability by the Delaware Supreme Court before the Chancery Court. *Id.*

In the interest of justice, I must not be denied permission to file a motion to amend the complaint to include the Delaware Supreme Court in addition to each of the members as outlined in DI 43, as Defendants. I must petition this court to declare *Kelly v Trump* void, and seek to enjoin the justices and the courts from enforcing their decision, because of the Delaware Supreme court's participation in denying my procedural and substantive due process rights in violation of

the First Amendment to fix the outcome, not only in the disciplinary proceeding, but also in *Kelly v Trump*.<sup>4</sup>

A judgment may be void if a court "acted in a manner inconsistent with due process of law." *Constr. Drilling, Inc. v. Chusid*, 131 F. App'x 366, 372 (3d Cir. 2005); citing, 1 *Charles Alan Wright, Arthur R. Miller & Mary Kay Kane, Federal Practice and Procedure* § 2862.<sup>5</sup> "While 60(b)(4) motions are ordinarily raised in the court that rendered the decision, they can be raised elsewhere." *Id.* Accordingly, I must be permitted the opportunity to plead to void *Kelly v Trump* based on absence of subject matter jurisdiction or voidable subject matter jurisdiction for the court's incitement and participation in prosecuting me for my religious beliefs and speech, contained in my petitions. In addition, I should not be denied the opportunity to request relief for the state's interference and attacks against me during my live religious-political RFRA case, *Kelly v Trump*, to cause me to forgo constitutional rights and to affect the outcome. *See, Kennedy v. Bremerton Sch. Dist.*, 142 S. Ct. 2407 (2022) ("The Free Exercise and Free Speech Clauses of the First Amendment work in tandem: where the Free Exercise Clause protects religious exercises, whether communicative or not, the Free Speech Clause provides overlapping protection for expressive religious activities.")

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<sup>4</sup> *Velasquez v. Litz*, No. CV 3:21-1659, 2021 WL 5298912, at \*3 (M.D. Pa. Nov. 15, 2021); *See Fletcher-Harlee Corp. v. Pote Concrete Contractors, Inc.*, 482 F.3d 247, 253 (3d Cir. 2007); *Abbott v. Mette*, No. 20-CV-131-RGA, 2021 WL 1168958, at \*4 (D. Del. Mar. 26, 2021), *aff'd*, No. 21-1804, 2021 WL 5906146 (3d Cir. Dec. 14, 2021); *Harris v. Raymond*, No. 3:20-CV-01119, 2020 WL 5267920, at \*4 (M.D. Pa. Aug. 17, 2020), report and recommendation adopted, No. 3:20-CV-1119, 2020 WL 5260769 (M.D. Pa. Sept. 3, 2020)

<sup>5</sup> *Bush v. Rauch*, 38 F.3d 842, 847 (6th Cir. 1994)(I argue the state's decisions are void, without jurisdiction exercised, outside of the scope of judicial function, in clear absence of all jurisdiction since the Delaware Supreme Court incited the state arms to attack me to fix the outcome in both *Kelly v Trump*, and the disciplinary matter.)

In *Lucero v. Ramirez*, No. 20-CV-2411-CAB-JLB, 2021 WL 1529932, at \*1 (S.D. Cal. Apr. 16, 2021), the Court held, “An attorney charged with misconduct is entitled to receive reasonable notice, to conduct discovery, to have a reasonable opportunity to defend against the charge by the introduction of evidence, to be represented by counsel, and to examine and cross-examine witnesses.” I was denied these rights in the disciplinary proceeding too. The Delaware Supreme Court concealed the elimination of the witnesses, material pleadings, and colluded with the Defendants to obstruct my access to material witnesses in the disciplinary proceeding.

I have a “right to be tried by an unbiased and impartial judge without a direct personal interest in the outcome of the hearing [as prosecutor or witness].” *Ungar v. Sarafite*, 376 U.S. 575, 584, *Citing, Tumey v. Ohio*, 273 U.S. 510.

Per the US Supreme Court in *Peters v. Kiff*, 407 U.S. 493, 502 (1972), *Overruled in Gregg v. Georgia*, 428 U.S. 153, 169 (1976), on other grounds,

“[E]ven if there is no showing of actual bias in the tribunal, [the US Supreme Court] has held that due process is denied by circumstances that create the likelihood or the appearance of bias. This rule, too, was well established long before the right to jury trial was made applicable in state trials, and does not depend on it. Thus, it has been invoked in trials to a judge, e. g., *Tumey v. Ohio*, 273 U.S. 510 (1927); *In re Murchison*, 349 U.S. 133 (1955); *Mayberry v. Pennsylvania*, 400 U.S. 455 (1971)

The Delaware Supreme Court, would have correctly kicked the case out, in *Kelly v Trump*, for my failure to serve US Attorney General. They expressly did not. (DI 4, 79-3) Instead, the court stated my legal arguments against executive orders that permitted money be given to churches, under the deception of charity, to perform government business was lawful. In addition, the members of the Delaware Supreme Court incited the Supreme Court’s arms to attack me during proceeding, *Kelly v Trump*, to interfere with, and affect the outcome of my case.

I believe people go to hell for thinking business or money, convenience, avoidance of costs, or productivity is the law, making the law for sale, not protecting free people by elimination of



Constitutional freedoms of speech, belief, exercise of belief, association, and petition. It teaches that lawlessness, spoken of by Jesus, is the law, making money and material gain guide and God. Jesus teaches those who serve money as guide and God will not have eternal life, but will be cast in the fire. I believe courts have the ability to save eternal lives by taming the sin against the holy spirit, with just decrees, to prevent businesses from killing stealing and destroying for the bottom line.

The government ignores Constitutional liberties by enslaving its own people by making money the law. No government money should be granted to any private entity, regardless as to whether it is a not for profit, charity, another government, organization like CERN, business, or a religious institution. If the government funds it, it should run it, at no cost to the people, by coining money correctly, not through the federal reserve, and without debt and interest to care for the people. Otherwise, equal protections are violated and partiality is granted to entities who may perform government business at the least amount of cost, making those with more resources in a better position of gaining more government funding. This creates wealth, favoring those who are rich, while keeping the poor impoverished, not equal protections, but favoritism towards those with connections, power or material wealth.

**VI. SOME NOT ALL OF NEW FACTS AND CLAIMS, WHICH MUST IN THE INTEREST OF JUSTICE BE REMANDED TO BE CONSIDERED BY THE DISTRICT COURT, ALONG WITH MY OTHER CLAIMS**

The new and additional facts and arguments contained in my motions and pleadings must be considered to prevent abuse of discretion, clear error of law, clear error of fact and to prevent manifest injustice against me by denying me the opportunity to be heard to safeguard my exercise of First Amendment rights, creating loss of First Amendment rights and my interest in my ability to work in my profession.

The hearings and actions taken by Defendants against my professional license in retaliation for my exercise of Constitutional rights are in violation of the First Amendment, the Procedural and Substantive Due Process Clause and Equal Protection Clauses of the Fourteenth Amendment. They must be rejected as by “rule of law” rather than personal vendetta for my personal-religious-political speech contained in the petitions. (US Amend I, XIV)

The State denied me of substantive and procedural due process rights in this disciplinary proceeding. The record shows clear and convincing evidence that the proceedings were brought, with religious-political animus, in retaliation against me for filing Kelly v Trump and for petitioning the court regarding bar dues to safeguard my liberties.

The state abused its discretion by 1. Vindictive prosecution, which constitutes a violation of due process, and by Selective prosecution, which constitutes a denial of equal protection.

The state courts are also without subject matter jurisdiction due to their conduct and interference with Kelly v Trump, to fix the outcome of that case and their participation in fixing the sham trial against me in the disciplinary action by violating my procedural and substantive due process rights rendering both the action voidable.

I have a right to petition the courts when I believe a transgression has been committed against me by the establishment of government religion by President Trump.

I uphold my oath by requesting government agents, judges, presidents and members of congress to adhere to rule of law by allowing me to exercise my Constitutional rights. The steps taken to orchestrate this proceeding circumvent due process protections and thereby manifest selective targeted unjust persecution.

The State Courts, the Chancery and Delaware Supreme Courts are without jurisdiction to grant relief since their members or agents incited the retaliatory behavior against me.

I did not have an adequate opportunity to raise my federal claims in state Court. The state courts favor the Defendants, and favor their own agents. The Court cannot make a determination for relief against itself as a party.

The Delaware Supreme Court and Board (also referred herein as “Defendants”) clearly violated Equal Protections rights based on poverty-animus and political-religious animus, towards me as a party of one on disdain for my religious-political petitions, defending and safeguarding my religious-political beliefs, speech and association. beliefs, religious-political speech, religious-political association my substantive and procedural due process rights, and disparately treated me, by punishing me for my poverty, religious practice and religious speech pursuant to treatment that is not neutral or generally applicable. US Const Amend. I, IV.

Nothing was normal during *Kelly v Trump*. Court staff appeared to seek to sabotage my case, based on my political-religious beliefs and/or indigency, by 1. misleading me to almost miss my deadline to appeal, 2. Appearing to disparage me based on religious-political beliefs or/and poverty, 3. instructing me to write off the Attorney General’s address, which impeded service, and 4. By writing on a praecipe, causing confusion, and needless pleadings.<sup>6</sup>

To worsen matters, the Delaware Supreme Court appeared to cause its arms to attack me to get me to forgo my lawsuit.<sup>7</sup> DE-Lapp’s letter indicated the relief requested from the DE Supreme Court, relating to bar dues, as the source of its interference with my law suit. Id. (DI 77

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<sup>6</sup> (Objxn-B-D, K-internal-exhibits-2-7, 27-29, DI 62-72.

<sup>7</sup> DI 62-72, Objxn-E-G, K-internal Ex-20-26-29.

**Exhibit A, B, C)** The Clerk of Court confirmed the entire court reviewed my petitions relating to attorney dues, evidencing the entire Court incited the interference in *Kelly v Trump*.

Further, Sussex Court of Common Pleas Judge Kenneth S. Clark, interrogated me at the arms of the court's request in public at BJ's, located in Millsboro. He demanded I come to his chambers for filing *Kelly v Trump* to obstruct, impede or cause me to forgo my lawsuit. *Id.*

Other parties are not threatened by Court agents wearing the cloak of government authority to obstruct, impede or cause claimants to forgo cases whose religious-political beliefs they disagree with. Minorities like myself, whose religious-political beliefs do not conform to the mainstream are still afforded Constitutional protections for exercise of fundamental rights relating to their diverse, tightly held religious-political beliefs, including speech defending such rights in petitions.<sup>8</sup>

I petitioned the Delaware Supreme Court concerning the disparate treatment. The Delaware supreme Court ruled my case was frivolous, and indicated my petitions relating to disparate treatment need not be addressed. The Court sealed these same petitions it indicated were not necessary to address to prejudice my case.

The Court's disagreement with my religious beliefs is an impermissible reason to deem me disabled. "Courts have no business addressing whether sincerely held religious beliefs asserted in a RFRA case, [including mine] are reasonable." *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 682. The government may not determine what is and what is not an acceptable

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<sup>8</sup> *Obergefell v. Hodges*, 576 U.S. 644

religious belief.<sup>9</sup> My God is the arbiter of my life, regarding religious beliefs, not the government, even when the government deems my religious beliefs wrong or a disability.

The Court's misguided conclusion that my case is frivolous is not a permissible reason to deem me disabled. Other lawyers have their cases and their clients' cases kicked out as frivolous and they are not disciplined or deemed a danger to society. My religious-political beliefs are the ODC's admitted reason for their claim for disability and for disciplining me. **(Exhibits E, F)**

On August 23, 2021, the ODC sent me a threatening letter by email, interfering with my active case, but for my petitions, before I appealed the Delaware Supreme Court's decision to the United States Supreme Court, admitting my Delaware Supreme Court and Chancery Court religious-political pleadings, as the reason for their attack.<sup>10</sup> **(Exhibit E)**. The ODC's attack was "unconstitutional on its face and as applied." *Hill v. City of Scranton*, 411 F.3d 118, 122 (3d Cir. 2005). Should they have any legitimate concerns, which the record shows none, the ODC should not have interfered with my First Amendment exercise of petitioning the courts, to affect the outcome or pressure me to forgo the case, in violation of US Amend I and XIV. *Id.* at 125-126.

On October 25, 2021, I filed a lawsuit to enjoin the ODC for retaliating against me for exercising fundamental rights, and for damages for emotional relief.<sup>11</sup> On November 1, 2021 the US Supreme Court denied my writ of certiorari.<sup>12</sup>

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<sup>9</sup> *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, 887, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990). ("the First Amendment forbids civil courts from" interpreting "particular church doctrines" and determining "the importance of those doctrines to the religion.")

<sup>10</sup> Objxn-K-Internal-Ex-5-7.

<sup>11</sup> Objxn-H

<sup>12</sup> Objn-K-Ex-1.

On or about November 4, 2021, the date the preliminary review committee conducted a hearing, the Delaware Supreme Court sealed my Delaware Supreme Court petitions in *Kelly v Trump* relating to disparate treatment, without notice and an opportunity for me, a party to be heard, and without valid cause.

I did not have access to the sealed documents, through public record, nor did the ODC, the public, or the federal courts, which prejudiced me to the benefit of the State.<sup>13</sup> Third Circuit Judge Bright's, concurring in part and dissenting in part in *U.S. v. Wecht*, 484 F.3d 194, 221, 226 (3d Cir. 2007) indicated sealing documents without notice or opportunity for a party to be heard without valid reason was enough to remove a judge from a case.

In my case the Delaware Supreme Court, sua sponte, sealed documents to assist the ODC's prosecution of me by concealing relevant material to my defense, evidencing the entire court's apparent bias against me and the Court's partiality to the state.

"When a court considers the imposition of a seal, it must make particularized findings on the record, giving notice on the docket of such consideration and rejecting alternatives to closure." *U.S. v. Wecht*, 484 F.3d 194, 224 (3d Cir. 2007); See *United States v. Criden*, 675 F.2d 550, 560 (3d Cir.1982).

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<sup>13</sup> (*N. Jersey Media Grp. Inc. v. United States*, 836 F.3d 421, 434 (3d Cir. 2016), "We have previously recognized a right of access to judicial proceedings and judicial records, and this right of access is beyond dispute." *Pansy v. Borough of Stroudsburg*, 23 F.3d 772, 780-81 (3d Cir. 1994) (internal quotation marks omitted); see also *Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 98 S.Ct. 1306, 55 L.Ed.2d 570 (1978) (recognizing that, in the context of criminal proceedings, the press has a historically-based, common law right of access to judicial records and documents). That right is rooted in common law and predates the Constitution. *Bank of Am. Nat'l Tr. & Sav. Ass'n v. Hotel Rittenhouse Assocs.*, 800 F.2d 339, 343 (3d Cir. 1986).

In my case, the Delaware Supreme Court did not make any such findings, and clearly sealed the four docket items in *Kelly v Trump*, Delaware Supreme Court No 119, 2021, DI 16, 21, 40, 41, to benefit the government to my detriment, showing clear prejudice against me, in violation of the procedural and substantive due process clause applicable to the state pursuant to the First and Fourteenth Amendments.

Nothing was normal in *Kelly v Trump*. The State and ODC attacked and retaliated against me for my religious-political speech contained in my petitions, reflecting my religious-political beliefs.<sup>14</sup> The State has a history of ignoring my religious-political petitions, disparately treating me based on religious view point. <sup>15</sup>

This is not the first time, the State through its arm has retaliated against me for its own lawless lusts, convenience, at the exchange of sacrificing Constitutional liberties, including the right to petition. Objxn-D, H, at paragraphs 277-299. I lost more than two million dollars in expected income, but for, the retaliation by the arms of the Court, for petitioning the State through its arms or the Court regarding concerns while taking the Delaware Bar. Id.

Nothing was normal in my disciplinary case either. I was not treated like other lawyers or other plaintiffs. I was disparately treated based on my poverty, and personal-religious-political beliefs, as a party of one, and was selectively punished for exercise of Constitutional liberties. <sup>16</sup>

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<sup>14</sup> . Objxn-Ex B-H2, K

<sup>15</sup> MOL Objxn-Ex-H, Objxn-Ex-N-internal-exhibits 1, 2to Exhibit 6, 3 to exhibit 6, 4 to exhibit 6, 5 to exhibit 6, 6 to exhibit 6, 8 to exhibit 6, Exhibit 7-9.

<sup>16</sup> Objxn-K- 8-9, FF, GG, D.I. 55-56.

The State in bad faith prevented and obstructed discovery, to conceal witnesses were removed from the Chancery Court to impede their testimony from aiding in my defense, and to conceal relevant records were sealed by the Court to favor the ODC.<sup>17</sup> The United States Supreme Court held, "the suppression by the prosecution of evidence favorable to an accused upon request violates due process where the evidence is material either to guilt or to punishment." *Moran v. Burbine*, 475 U.S. 412, 466 (1986). Concealing the fact two witnesses were removed from the Chancery Court to prevent their favorable testimony in my defense, and government concealing of petitions favorable to my defense, violates my Due Process rights to a fair proceeding, by bias towards the State.

The Board's findings of fact are not supported by substantial evidence and should not be adopted. The record shows substantial evidence the Board was objectively biased towards the ODC, not fair, and prejudiced against me. The Board denied me of basic Equal protection, procedural and substantive due process rights afforded to similarly situated respondents based on disdain for my religious-political-exercise of fundamental rights and poverty. US Amend I and XIV. I was denied an opportunity to be heard, to prepare and present my case, denied adequate time to perform discovery, denied adequate notice which I at no time waived.<sup>18</sup> The Board gave me 18 days, when the DLRDP Rule 9(d)(3) required, they provide me with notice "at least 20 days in advance of the hearing date," which prejudiced me. *Id.* The Board denied me of an opportunity to subpoena and cross examine witnesses with first-hand knowledge, to conceal the fact the State eliminated two potential witnesses from the court. *Id.*

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<sup>17</sup> *Brady v. Maryland*, 373 U.S. 83, 87 (1963); *United States v. Bagley*, 473 U.S. 667 (1985); *United States v. Agurs*, 427 U.S. 97 (1976); *Moore v. Illinois*, 408 U.S. 786 (1972)." *Moran v. Burbine*, 475 U.S. 412, 467 n.59 (1986)

<sup>18</sup> Objxn, Ex-M-P-Q-R-R-1-S-T-U-U2-V-W-X-AA-BB-CC-DD-EE-FF-GG-HH, DI 55-56



The state rushed the proceeding and intentionally caused foreseeable emotional distress, in hopes to make me physically ill to use it against me, like heartless monsters. *Id.*

I at no time sat on my rights, but fought for my life and liberty to worship God through the practice of law, and as a citizen without government persecution but for my exercise of fundamental rights. *Id.*

The state denied my 1st and 6th Amendment rights, applicable to the state via the 14th Amendment, to represent myself at the inception, causing me to file pleadings.<sup>19</sup> The Board ignored, and did not address my motions objecting to insufficient notice, by its failure to provide at least 20 days-notice of the hearing, as required by the rules of Disciplinary procedure, Rule 9, which prejudiced my case, motivated by their animosity towards my religious-political beliefs and exercise. Objxn-Ex-M,N, W. I filed objections to the appointment of Counsel, moved for opportunity to perform discovery and postpone the hearing until fair reasonable due process was granted in a motion dated, December 18, 2022. That was ignored. Objxn-Ex-N-M-N-O-P. On December 29, 2021, I filed a letter with the Court requesting relief since the hearing was two weeks away, and I had not even been granted 6th Amendment permission to represent myself to perform discovery or prepare, at the time. Objxn-Ex-P.

It was not until December 30, 2022, the Court granted me the right to self-represent, less than 13 full days before the hearing, with no opportunity to prepare my defense of religious-political petitions, speech, association, beliefs against state persecution, but for my belief in Jesus. Ex-P-2.

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<sup>19</sup> Objxn-Ex-N. Mark 13:11 “Whenever you are arrested and brought to trial, do not prepare beforehand about what to say. Just say whatever is given you at the time, for it is not you speaking, but the Holy Spirit.”

I was so physically and emotionally exhausted that I fell ill with the shingles. After the reprieve, the small battle of self-representation won, I noticed my rash, pain, lethargy and weakness. Yet, I filed a motion the next day, that was ignored by the Board dated December 31, 2021, to prevent medical and mental examinations, dated December 31, 2021, Ex-Q, and another one dated on or about January 31, 2022, incorporated herein, Ex-X. Physical and mental examinations are against my religious beliefs, and the Court must not maliciously violate my religious beliefs in bad faith.

I followed up with the Board numerous times on the status of my motion to perform discovery, objection to insufficient notice, and postpone the hearing so as not to prejudice me, and at no time sat on my rights. Ex-K-L-M-N-O-P-Q-R-R-1,R-2-S-T-U-U2-V-W-X. I filed additional motions to postpone the hearing so as not to deny me a fair reasonable opportunity to prepare and present my case, perform discovery, cross examine witnesses. Id. I was denied basic due process rights, and substantive due process rights, based on my religious-political exercise of fundamental rights, in violation of the First and Fourteenth Amendment, motivated by the state's disdain towards my personal religious-political beliefs, exercise, speech and petitions demonstrating my faith in Jesus. Id.

I appealed to the Delaware Supreme Court and was denied procedural and substantive due process rights, based on the fact the Court appeared to render a verdict before granting me an opportunity to be heard, motivated by disdain to discriminate me based on my religious beliefs by disparate treatment, unusual to those of other claimants before the court. Ex-R, Ex-R-1, Ex-S, Ex-T, Ex-U, Ex-U-2, Ex-V.

The State ignored and denied me an opportunity to be heard on various motions and appeals, including but not limited to pleadings dated December 18, 2021, December 31, 2022,

January 13, 2022, January 15, 2022, objecting to due process violations, moving to postpone the hearing, to call witnesses, and objecting to the insufficient notice sent out notice 18 days prior to the scheduled hearing. Ex-P-Q-R-R-2-S-T-U-U-2-V-W. I had no time to subpoena witnesses, or even to discover the fact the state eliminated witnesses through terminating their employment in the Chancery Court, and I moved the Board and the Court to grant me time, specifically mentioning Arline Simmons as witness. I at no time waived my insufficient notice argument.

Defendant Kathleen Vavala (“Kathleen”), did not participate in the proceeding until after the hearing took place. Her recital of the DRPC rules to mislead the court is in vain. I was not afforded the protections of the rules, and at no times waived my Constitutional rights to a fair proceeding. The voluminous exhibits the Board ignored, deeming them as irrelevant, are relevant to show in fact the Board denied me an opportunity to be heard on the assertions and pleas contained therein, in defense of my exercise of fundamental rights. The exhibits show I did not sit on my rights or waive them.

Contrary to Kathleen’s assertion, having only been granted the right to represent myself 13 days before the hearing date, I was not afforded with ample time to provide a list of witnesses to call 10 days in advance of the hearing, as required under DLRDC (12)(h) as I faced other complications including but not limited to the lack of a phone, computer malfunctioning, the shingles, and vulture destruction of property. See D.I. 55-56. I did not even discover Arline Simmons, a witness I motioned to call, could not be served at the Chancery Court until after the hearing. Objxn-Ex-U. I had insufficient time to effectuate discovery, as I fought to represent myself so as not to violate my religious beliefs. The Board ignored and indirectly denied my requests for time for an opportunity, while rendering an informal, unappealable order in email form. Obxn-M-U2.

The hearing was postponed for 8 days, for a reason I did not assert, my illness, which did not afford me enough time to prepare, research, perform discovery, fully recover, or to subpoena witnesses to notice opposing counsel 10 days in advance. DLRDP (12)(h). Objxn-Ex-R-1. The Board ignored and rendered no orders on other motions, and rendered an E-mail determination, to obstruct formal appeal on January 18, 2022, in the fixed proceeding against me. Objxn-Ex-U-2.

I attempted to require the Board cancel the hearing, in advance, to prevent incurring costs as I was still not feeling well. I was so sick and exhausted and emailed the Board to cancel the hearing. I had no time to prepare, could not sleep, and truly felt sick, but was concerned the State may think I had the plague, Covid-19. Objxn-Ex-EE. I attended the hearing without being afforded an opportunity to prepare, and present my case, call witnesses, perform discovery or even to be human to care for my recovery because I did not want to be held in contempt. I made a special appearance preserving my objections to improper notice, lack of subject matter jurisdiction due to the Delaware Supreme Court's apparent participation in inciting the case, and to object on substantive and procedural Due process and Equal Protections grounds for the disparate treatment against me during the proceeding, and in inciting the proceeding. Objxn.-MOL.

The State knew I was exhausted, recovering from the shingles, lacking of sleep, without being afforded a fair opportunity to prepare and present my case. They did not care about me, or my personal health or my lack of a fair opportunity to present my case for my sake. They appeared to hope I would get sick to use it against me.

I attended the hearing by phone since I had no working computer. Objxn-Ex-GG, D.I. 55-56. Upon receipt of the transcript, I objected, and I object again as the transcript does not

accurately reflect my testimony. The reporter placed words that I did not say in my mouth. Objxn-Ex-AA, BB, CC. It appeared the state set me up. I filed corrections, which in no way make the transcript completely accurate. Id.

Kathleen, did not participate in this action until after the hearing. She relies on the inaccurate transcript I object to, and demeans me for my lack of a working computer and poverty, as evidence of disability. I am so poor I did not have a phone until sometime in January 2022. My computer did not work at the time of the hearing, and my backup computer also malfunctioned. My confusion as to why the computer was not working was absolutely genuine, and not evidence of a disability.

Kathleen's bad faith, or at best ignorant, attacks display her cold heartless indifference towards the substantial burden poverty has placed upon my defense of exercise of fundamental rights in this case.<sup>20</sup> "[A]t all stages of the proceedings the Due Process and Equal Protection Clauses protect [indigent persons] from invidious discriminations" *Lewis v. Casey*, 518 U.S. 343, 370 (1996) "Because this case implicates the [Constitutionally protected] right of access to the courts," and other fundamental rights, the government's disparate treatment towards me, based on poverty, is still unconstitutional under a strict scrutiny basis test. Citing, *Tennessee v. Lane*, 541 U.S. 509, 533 n.20 (2004).<sup>21</sup>

The Record shows the Court denied me an opportunity to be heard, until it was too late, until violations of my First Amendment rights already occurred. Objxn-Ex-R2, V. The Delaware Supreme Court also indicated it made a determination on my defenses before affording me an opportunity to be heard by deeming my claims for an opportunity to prepare and present a

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<sup>20</sup> *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 317 (3d Cir. 2001)

<sup>21</sup> *Lewis v. Casey*, 518 U.S. 343, 370 (1996); *Murray v. Giarratano*, 492 U.S. 1, 18 (1989)

case, perform discovery and call witnesses, as frivolous before their assertion, preventing a fair and impartial opportunity to be heard at the hearing, preventing discovery, colluding with the state in the fixed proceeding against me. Objxn-Ex-V It is notable that both the Board and the court waited until two or three days prior to the hearing to address any matter while ignoring motions, leaving them unanswered.

I must be permitted to argue the Disciplinary proceeding be voided by the District Court. The Board and the Court both violated my substantive and procedural due process rights in the Board proceeding in bad faith, with objective partiality towards the government, and prejudice against me.

The Third Circuit held, "A judgment may also be void if a court "acted in a manner inconsistent with due process of law."<sup>22</sup>

I must be permitted to argue the Delaware Supreme Court lacks subject matter jurisdiction or subject matter is voidable for apparently inciting the prosecution, and concealing beneficial evidence in bad faith to prejudice me with partiality to the government to fix the proceeding against me in violation of the Procedural and Substantive Due Process Clause pursuant to the State under the First and Fourteenth Amendments.

The record shows the Delaware Supreme Court through its agents participated in inciting the proceedings against me, acting as witness, prosecutor and judge, and by concealing evidence by 1. inciting the Court's arms to attack me in *Kelly v Trump*, and the present disciplinary proceeding, 2. collaborating with the Chancery Court and directing Delaware Supreme Court

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<sup>22</sup> *Constr. Drilling, Inc. V. Chusid*, No. 03-3786, 2005 WL 1111760, at \*3 (3d Cir. May 11, 2005). See Respondent's Exhibits to the Hearing ("R-Ex") Exhibits 35, 37 Part 2, 42, R 44

employee Mrs. Robinson to sign off on the departure information of one or two of the former Chancery Court staff workers with information material to my state case, who appeared to lose their jobs, while preventing my opportunity to perform discovery or subpoena the two concealed witnesses, and 3, by eliminating some of the petitions for which the Defendants allege to bring the State action against me, placing them under seal, without notice to me a party, and without lawful reason, such as sensitive information relating to social security or bank accounts, to cover up the Court's and State's lawless acts, with knowledge these petitions are relevant to my defense and the federal proceeding.

Eliminating truth or evidence guarantees injustice. It is my religious belief courts exists to correct and guide those misguided by business greed, profit, position, and power, who sacrifice the lives, health and liberty of others for material gain, essentially selling souls to gain the world, only to lose their own eternal soul by the sin against the holy spirit, hardness of hearts from caring to think, to know, to love others unless it affects them.

Eliminating evidence hides the truth, or diverse views, allowing only the government-backed private partners' and public views to be protected under the Constitution.

The State seek to eliminate me, just as they cover up wrong doing by eliminating witnesses, forcing them to lose their jobs, under the deception of looking after them, only to look after the mere appearance of justice, not actual justice, and by concealing and sealing my pleadings. The Delaware Supreme Court justices do not care to uphold the fundamental rights of those in my class of one, of a person with unique religious-political beliefs which do not conform to the majority's, the individuals within the ODC and/or the judges on the Delaware Supreme Court.

Eliminating people who petition the Court, as “mentally disabled” for thinking the Court would care to help someone who is poor, or who believes in Jesus Christ or diverse political-religious views in that I seek to care for humanity not control them through money, is disparate treatment based on protected view point, in violation of the Equal Protections Clause applicable to the State pursuant to the First and Fourteenth Amendment. US Amend I, and XIV.

The Delaware Supreme Court incited the State’s petition, and concealed my religious-political petitions in bad faith with partiality towards the ODC. Joann and the Clerk of Court at the Delaware Supreme Court admitted that the Court sealed two motions, and Exhibits A-4, and A-5, in *Kelly v Trump*, relating to the Court and its agents’ disparate treatment towards me. None of the sealed documents contained sensitive information.<sup>23</sup> **(Exhibits F, G)** This was not for my protection or the protection of the parties, but was to cover up Court misconduct, just as the state seeks to eliminate me to conceal government misconduct by labeling me disabled, disparaging my reputation, to deem me not credible.<sup>24</sup>

The Delaware Supreme Court participated in eliminating potential material witnesses by having an agent sign off on the departure forms for two Chancery Court employees, Arline Simmons and Katrina Kruger. The Court colluded to conceal two people with first hand-knowledge of the facts of this case, despite my motion to subpoena one.<sup>25</sup>

I want the court to stop eliminating documents and witnesses, and do not want the court to eliminate the clerk who raised her voice at me on June 2, 2022, while confirming there was no

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<sup>23</sup> DI 62-72

<sup>24</sup> . Objxn-K-Ex-31 See letters of recommendation on my behalf concerning my reputation.

<sup>25</sup> Objxn-Ex-T-U-U-2-V.



motion to seal petitions. The court staff who yelled at me in the Chancery Court are gone, no longer employed with the Court, and that breaks my heart.

Covering up mistakes by eliminating those who make them is not correction but concealment, allowing it to be ignored not lovingly corrected. The State seeks to eliminate me to conceal its own wrongs instead of learning from them. <sup>26</sup>

The State's elimination of four sealed and concealed docket items and the elimination of two material witnesses from availability through process by service to the Chancery Court is relevant to my defense of retaliation, discriminatory motive, discriminatory purpose, with a discriminatory outcome made to chill my religious-political speech by demeaning my character as disabled, and threatening my bar licensure's status for exercising political-religious speech, contained in petitions, or outside the petitions, which the government disagrees with, based on religious-political viewpoint.

The Delaware Supreme Court lacks subject matter jurisdiction by its 1st and 14th Amendment substantive and procedural Due Process violations based on its prejudicial treatment in inciting the petition, and disparate treatment during the proceeding.

The Court disregarded my religious beliefs against appointment of counsel, requiring I file multiple pleadings to fight against government compelled violations against my religious beliefs. The Court disregarded my motion concerning the ODC's fraud, committed in bad faith by lying, seeking to commit fraud, concerning receipt of my answers. The Record shows the Court denied me an opportunity to be heard, until it was too late, until violations of my First Amendment rights already occurred. The Delaware Supreme Court also indicated it made a

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<sup>26</sup> Objxn-MOL

determination on my defenses before affording me an opportunity to be heard by deeming my claims for an opportunity to prepare and present a case, perform discovery and call witnesses, as frivolous before their assertion, preventing a fair and impartial opportunity to be heard at the hearing, preventing discovery, colluding with the state in the fixed proceeding against me. It is notable that both the Board and the court waited until two days prior to the hearing to address any matter while ignoring motions, leaving them unanswered. I must be permitted these claims as well as other claims before the Delaware District Court to prevent manifest injustice that shocks the conscience by the elimination of any forum to hear my claims, not defenses, for violations of my exercise of fundamental rights and other claims.

## VII. CONCLUSION

This appeal to vacate the orders below and remand to the District Court must be granted. I must be afforded an opportunity to be heard upon the substance of my complaint, and motions to safeguard my fundamental rights and other injuries relating upon my exercise of Constitutional liberties, without disparate treatment based on religious-political animus, or poverty animus. US Amend I, V, XIV.

Dated: October 22, 2022

Respectfully submitted,  
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