

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Meghan M. Kelly, Petitioner

v.

Disciplinary Counsel Patricia B. Swartz, Disciplinary Counsel Kathleen M. Vavala; David A. White, Chief Disciplinary Counsel, Office of Disciplinary Counsel, Board on Professional Responsibility of the Supreme Court of the State of Delaware, Preliminary Investigatory Committee, Attorney General Delaware

Petitioner Meghan Kelly’s Application to Justice Alito for Leave to exceed the page limit in her application for an extension of time to file a petition for writ of certiorari to the United States Court of Appeals for the Third Circuit Case No 21-3198

I Plaintiff Appellant Meghan Kelly, pursuant to the Fifth Amendment right to a fair proceeding, the First Amendment right to petition, the Court’s equitable powers and Supreme Court Rules, 22 and 32, Federal Rules Appellate Procedure Rule 2, and any other applicable rule this Court deems just move this Court to permit me to exceed the word limit in my Corrected Motion to vacate the Order, dated May 19, 2023 (hereinafter “motions”).

1. I Meghan Kelly, for good cause, respectfully request to be excused from page limits and word limits. My application is 30 pages. I reviewed the rules and it looks like I did not violate any word or page limit but I am filing this as a precaution in case I am in error.

2. I filed the application for more time under duress at the irreparable injury of forever losing my liberty for freely worship Jesus in DE under the 1st Amendment without government persecution, other Constitutional liberties, my ability to buy and sell but for my exercise of belief in Jesus, licenses, and other claims in the civil rights proceeding below.

3. This case arises because of the Defendants and members of the Delaware Supreme Courts (hereinafter “the State”) attacks against me in Kelly v Trump to cause me to forgo my case but for their disdain for my religious-political beliefs contained in my petitions and poverty in violation of my private-1st Amendment rights to petition, religious belief, exercise

of religious belief, association and procedural due process applicable to the state via the 14th Amendment.

4. The Delaware Supreme Court sealed 4 documents wherein I asserted procedural due process violations, and fired 2 Chancery Court staff members to cover up evidence necessary to my defense in the disciplinary proceeding that was allegedly initiated on December 10, 2023, despite the fact no notice was sent to me that date.

5. After I filed the case the State committed additional deprivations to my Constitutional rights including but not limited to placing my license on inactive/disability but for my religious beliefs contained in my speech in the petition I brought against former-President Donald J. Trump under the Religious Freedom Restoration Act to protect my exercise of belief in Jesus Christ without government sponsored persecution in the state of Delaware.

6. The Delaware original disciplinary case and this reciprocating case represents examples of government persecution based on my exercise of religious beliefs, contained in my speech in my petitions to the Delaware Courts.

7. In the August 23, 2021 letter DE Disciplinary Counsel indicated my religious beliefs contained in my speech contained in my private-religious petitions is the source of their concern of my mental fitness to practice law. In the DE ODC's petition at 7, the Disciplinary Counsel points to my references to the bible e, as evidence of a disability.

8. I seek to overturn the Disciplinary Order based on lack of subject matter jurisdiction since the DE Supreme Court acted as witness, judge and prosecutor's assistant, and for violations of procedural due process that shock the conscience, concealing evidence, preventing me from subpoenaing them and many many more unconstitutional acts that are too voluminous to outline herein. I face irreparable injury in terms of loss of fundamental rights should an application of

time not be granted. I required pages to show the court I face irreparable injury should time not be granted since the State's persecution against me has been ongoing for about 20 years.

9. Additionally the lower court made a ruling on July 10, 2023 after its mandate on June 30, 2023. So, it is confusing. I assumed the date the time runs is from the June 30, 2023 mandate and the Order, but clarification by this court is appreciated. Albeit the latest order is important and is capable of repetition yet evading review. So, I reserve my right to appeal the July 10, 2023 order later should this Court deny my application for time.

10. This Court has inherent equitable powers over their process to prevent abuse, oppression, and injustice. *Gumbel v. Pitkin*, 124 U.S. 131 (1888). This Court must grant my request to prevent injustice by denial of words which essentially denies me the opportunity to be heard in defense of my religious speech reflecting my religious beliefs. This Court must grant my request for additional pages additional words to prevent government abuse against my person, oppression, and injustice.

11. The Constitutional issues and claims below must be addressed to protect not only me, but others beyond me from professional government backed persecution based on eliminating people's license to buy or sell based on exercise of fundamental rights.

12. A professional's private exercise of First Amendment exercise of speech, association, religious belief, religious exercise, and the right to petition to defend the exercise of Constitutional freedom in their private capacity must not be eliminated in exchange for a mere license.

13. I must not be compelled to violate my religious belief by compelled religious violations of my belief in order to regain my license. Nor should I be punished for my exercise of the right to access to the courts to exercise my private First Amendment right to petition the

courts to defend my religious beliefs because the original disciplinary Court finds my citations to the Bible and religious beliefs contained in my speech in my private petitions illogical. ¹

14. “To be sure, a state may not condition the grant of a privilege, [a license,] or benefit upon the surrender of a constitutional right.” *Citing, Western Southern Life Insurance Co. v. State Board of Equalization*, 451 U.S. 648, 657-58, 664-65 (1981)

16. “The doctrine that a government, state or federal, may not grant a benefit or privilege on conditions requiring the recipient to relinquish his constitutional rights is now well established.”²

17. “Neither the state in general, nor the state university in particular, is free to prohibit any kind of expression because it does not like what is being said.” *Jones v. Board of Education*, 397 U.S. 31, 35-36 (1970).

¹ See, *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 682. (“Courts have no business addressing whether sincerely held religious beliefs asserted in a RFRA case are reasonable.”) *Also see, Africa v. Pennsylvania*, 662 F.2d 1025, 1025 (3d Cir.), cert. denied, 456 U.S. 908 (1982); (“Judges are not oracles of theological verity, and the founders did not intend for them to be declarants of religious orthodoxy.”); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, 887, (“Repeatedly and in many different contexts, we have warned that courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim.”); *Cantwell v. State of Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L. Ed. 1213 (1940); *Remmers v. Brewer*, 361 F. Supp. 537, 540 (S.D.Iowa 1973) (court must give "religion" wide latitude to ensure that state approval never becomes prerequisite to practice of faith); *Presbyterian Church in U. S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U. S. 440, 450, (1969) (holding that “the First Amendment forbids civil courts from” interpreting “particular church doctrines” and determining “the importance of those doctrines to the religion.”); *Ben-Levi v. Brown*, 136 S. Ct. 930, 934; See, *Holt v. Hobbs*, 574 U.S. 352; *In re Eternal Word Television Network, Inc.*, 818 F.3d 1122, 1140 (11th Cir. 2016) (“The Supreme Court cautioned that "federal courts have no business addressing" such questions of religion and moral philosophy.”); *Thomas v. Review Board*, 450 U.S. 707, 714 (1981), "religious beliefs need not be acceptable, logical, consistent, or comprehensible to others in order to merit First Amendment protection.").

² *Citing, Jones v. Board of Education*, 397 U.S. 31, 34 (1970); *E.g., Cafeteria Workers v. McElroy*, 367 U.S. 886, 894; *Sherbert v. Verner*, 374 U.S. 398, 404; *Speiser v. Randall*, 357 U.S. 513, 519-520; *Garrity v. New Jersey*, 385 U.S. 493, 499-500; *Kwong Hai Chew v. Colding*, 344 U.S. 590, 597-598; *Frost Trucking Co. v. Railroad Comm'n*, 271 U.S. 583, 593-594; *see Van Alstyne, The Demise of the Right-Privilege Distinction in Constitutional Law*, 81 Harv. L. Rev. 1439, 1445-1454 (1968); Comment, *Another Look at Unconstitutional Conditions*, 117 U. Pa. L. Rev. 144 (1968). As stated in *Homer v. Richmond*, 292 F.2d 719, 722: ("One may not have a constitutional right to go to Baghdad, but the Government may not prohibit one from going there unless by means consonant with due process of law.")

18. The United States Supreme Court in *Kennedy v. Bremerton School Dist.*, No. 21-418, at *15 (June 27, 2022) held, “Where the Free Exercise Clause protects religious exercises, whether communicative or not, the Free Speech Clause provides overlapping protection for expressive religious activities.”

19. In that case, the Court granted a professional coach the right to exercise private religious belief and speech, indicating the state’s punishment violated the Coach’s first Amendment right applicable to the state pursuant to the 14th Amendment, despite his association as a government employee or agent. I must argue this case must be extended to me to prevent the state, federal government and additional governments’ including Appellee’s punishment of me, but for the exercise of my exercise of my religious belief, as outlined in my speech in my petitions, no matter how repugnant or illogical my religious beliefs appear to the state and Federal government.

The Words are needed to argue, under the unique facts of this case in defense of my ability to buy and sell as a professional lawyer but for my exercise of my fundamental rights.

Wherefore, I pray this Court grants my motion.

Dated July 26, 2023

Respectfully submitted,

/s/Meghan Kelly

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Bar No. 283696, pro se, defending my religious belief in Jesus as God, not money and mammon as God. *Matt 6:24*