

No. \_\_\_\_\_

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**In the Supreme Court of the United States**

—◆—  
JACK JORDAN,

v.

U.S. DEPARTMENT OF JUSTICE,  
—◆—

**UNOPPOSED APPLICATION FOR EXTENSION OF TIME TO FILE  
PETITION FOR WRIT OF CERTIORARI**  
—◆—

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To the Honorable John G. Roberts, Jr., Chief Justice, as Circuit Justice for the United States Court of Appeals for the District of Columbia Circuit:

Pursuant to this Court's Rules 13.5, 22, 30.2 and 30.3, Petitioner, Jack Jordan, respectfully requests that the time to file his Petition for Writ of Certiorari be extended 30 days, up to and including November 17, 2023 or such time as this Court decides is appropriate. The Court of Appeals for the District of Columbia Circuit issued its judgment and opinion on April 11, 2023. A timely-filed petition for rehearing *en banc* was denied on July 20, 2023. Absent an extension of time, the Petition for Writ of Certiorari will be due on October 18, 2023. This Court will have jurisdiction over the judgment under 28 U.S.C. § 1254(1).

This Application is unopposed. Petitioner repeatedly requested a statement from the Office of the Solicitor General regarding whether this Application would be opposed. No opposition was indicated and no objection was asserted.

Petitioner is and has been working alone to prepare his Petition. Petitioner also is and has been working alone regarding a disciplinary matter before this Court that is closely related to his Petition.

As addressed below, not until October 2 did this Court issue a decision in the disciplinary matter. Such decision will affect Petitioner's statement of the reason for granting his Petition. But Petitioner is overseas at this time and he will remain

overseas until October 11. So until October 11 Petitioner will not receive from this Court any statement or analysis potentially supporting the October 2 decision.

Petitioner needs and requests additional time to consider how to address (in his Petition) this Court's October 2 decision. Petitioner believes that with their October 2 decision (and a June 5 decision), Justices of this Court knowingly violated Petitioner's rights secured by federal law and the Constitution (and flouted many strong decisions of this Court construing and applying the Constitution) to retaliate against Petitioner for his petitions exposing and opposing the criminal misconduct of judges who knowingly illegally concealed and helped conceal evidence that is the subject of the impending Petition. Petitioner also believes that Justices of this Court are engaging in such conduct to help conceal (in knowing violation of Petitioner's rights secured by federal law and the Constitution) the evidence that is the subject of the impending Petition.

Both matters (the impending Petition and the disciplinary matter) pertain to decisions by Judge Contreras (D.D.C.) and D.C. Circuit judges to illegally and unconstitutionally conceal or help conceal particular evidence dispositive of many federal court and agency proceedings.

Judge Contreras (D.D.C.) and attorneys of the U.S. Department of Justice ("**DOJ**") knowingly violated Petitioner's rights secured by federal law and the

Constitution to conceal evidence that judges and agency attorneys lied and deceived about the content of evidence that DOJ attorneys sent to Judge Contreras for *in camera* review. Judge Contreras and agency attorneys also used their own inadmissible hearsay to pretend to substantiate their own lies about (and to knowingly abuse so-called summary judgment to conceal evidence of) words that many agency attorneys represented that Darin Powers included in an email dated July 30, 2013 (“**Powers’ email**”).

D.C. Circuit judges knowingly violated Petitioner’s rights secured by federal law and the Constitution to help conceal particular parts of Powers’ email. *See* Section I, below. So did this Court’s Justices in the disciplinary proceedings. *See* Section II, below.

### **I. Subject of Impending Petition.**

Judge Contreras personally represented (and repeatedly granted summary judgment for the government based on his own unsupported hearsay) that “Powers email *contains an express request for legal advice*” and the privilege notation “subject to attorney-client privilege.” *Jordan v. U.S. Dept. of Labor*, 273 F. Supp. 3d 214, 232 (D.D.C. 8/4/2017). *Accord* 308 F. Supp. 3d 24, 30 (D.D.C. 3/30/2018); 331 F.R.D. 444, 448 (D.D.C. 7/1/2019) (emphasis added). DOJ attorneys subsequently repeated Judge Contreras’ representations about the content

of Powers' email and the propriety of Judge Contreras' so-called summary judgments allowing multiple agencies to conceal all evidence of whether or where Powers included in Powers' email any privilege notation or any non-commercial words in any request for advice or information.

It is irrefutable and undisputed that any express or explicit request for an attorney's advice, input or review must include words that cannot be commercial, *e.g.*, "please advise regarding" or "please review and provide input" about something. No legitimate interest can be served by concealing evidence of whether or where Powers included in Powers' email any such non-commercial, non-confidential information. No legitimate interest can be served by concealing evidence of whether or where Powers included in Powers' email any privilege notation. If they told the truth, federal employees would not hide the proof.

Subsequently, to conceal evidence of whether or where Powers actually used any such words in Powers' email, the D.C. Circuit and even Judge Contreras (and even DOJ attorneys) contended that all the words in any of the foregoing phrases were merely "disjointed words" having "*minimal or no information content.*" *Jordan v. U.S. Dept. of Justice*, 2019 WL 2028399 at \*4 (D.D.C. 5/8/2019) (emphasis by Judge Contreras). *Accord id.* at \*5 and n.4 (repeatedly stating same, including by quoting *Jordan v. U.S. Dept. of Labor*, 2018 WL 5819393 at \*1 (D.C.

Cir. 10/19/2018) (Rogers, Srinivasan, Wilkins, JJ.)). Judge Contreras (and DOJ attorneys) even emphasized that any “words” actually in any such phrase were “meaningless,” and Judge Contreras even threatened (and DOJ attorneys repeatedly sought) “sanctions” against Petitioner for seeking evidence of such “meaningless words.” *Id.* at \*5, n.5.

It is impossible that the foregoing judges and agency attorneys did not lie about the words and phrases, above. Judges and DOJ attorneys repeatedly explicitly or implicitly lied about the government actually “show[ing]” (with Rule 56 materials) “that there is no genuine dispute as to” the existence and significance of the words and phrases at issue, *and* they were so profoundly meaningful (*as a matter of law*) that they “entitled” the government to “judgment as a matter of law.” FED.R.CIV.P. 56(a). At the same time, they deceitfully pretended that the same words and phrases were so utterly meaningless that evidence of such words and phrases could be concealed.

In *Jordan v. U.S. Dept. of Justice*, Judge Contreras again granted summary judgment for the government based on statements by DOJ attorneys that Judge Contreras *knew* were *knowingly* false to conceal the two phrases, above, that Powers purportedly included in Powers’ email. So Jordan petitioned for relief under FED.R.CIV.P. Rule 60. A D.C. Circuit Panel summarily affirmed Judge

Contreras' denial of the Rule 60 motion based on the Panel's own mere conclusory contention (knowing falsehood) that summary affirmance was permitted based on (and supported by) the Panel's mere vague allusion to "[t]he merits of the parties' positions." Order 4/11/2023 (D.C. Cir. Dkt.#1994082).

## **II. Disciplinary Decisions on October 2 (and June 5) Are Closely Related to the Impending Petition.**

It is irrefutable (and, to Petitioner's knowledge, undisputed) that Judge Contreras, other U.S. District Court judges, Eighth Circuit and D.C. Circuit judges and DOJ attorneys committed federal offenses by concealing or helping conceal evidence of whether or where Powers' email contained any privilege notation or any non-commercial words requesting an attorney's advice, input or review. *Cf.*, *e.g.*, 18 U.S.C. §§ 241, 242, 371, 1001, 1512(b)(3), 1519.

It is irrefutable (and, to Petitioner's knowledge, undisputed) that Petitioner's disbarment by judges of this and other courts was designed to harm the public by repressing speech and petitions exposing and opposing judges' and agency attorneys' knowing violations of federal law and the Constitution (and committing federal offenses) with respect to Powers' email. *Cf., esp.*, Jordan's Motion for Hearing (and Supplemental Briefing) dated May 5, 2023. *See also* Jordan's Response to Rule to Show Cause dated May 3, 2023; Motion to Reconsider dated June 21, 2023; Supplemental Brief dated July 10, 2023.



On June 5, 2023, Petitioner was disbarred by this Court. *See* Order in No. 22D03109. Petitioner's disbarment was inexplicable, and this Court offered no justification whatsoever. On June 21, Petitioner promptly submitted a motion to reconsider his disbarment. Petitioner stated and showed that his disbarment (by some unidentified person associated with this Court) was designed to violate the Constitution and federal law and to criminally injure Petitioner.

On June 30, this Court issued its decision in *303 Creative LLC v. Elenis*, 143 S. Ct. 2298 (2023). In *Elenis*, statements asserted or joined in by every current Justice of this Court (often reiterating prior decisions), strongly supported Petitioner's motion and statements therein. So on July 10, Petitioner submitted a Supplemental Brief supporting his motion. Despite all the foregoing, on October 2, someone associated with this Court decided Petitioner should remain disbarred in open retaliation for Petitioner's highly protected speech and petitions.

For all the foregoing reasons, Petition respectfully requests that the time to file his Petition for Writ of Certiorari be extended 30 days, up to and including November 17, 2023 or such time as this Court decides is appropriate.

DATED: October 4, 2023

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jack Jordan". The signature is written in a cursive, flowing style.

Jack Jordan

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*Petitioner*