UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 116th AFFIDAVIT UPDATE

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. I filed the emergency letter application for the US Supreme Court to reopen and review the supplemental brief, per the law librarian's kind suggestion to write a letter.

2. I believe the courts are in danger. The court did not even reject or accept my supplemental brief meant to warn them while asserting my fundamental rights.

3. It was really hard to print out and drive to the US Supreme Court. I called the US Supreme Court police. I called the Clerk. I called Danny Bickel. I called my case manager. No one knows where the physical documents are and why they were not rejected or accepted. If they are rejected in good faith the clerk is required to provide me a letter noting a delinquency with time to correct any flaw. *Becker v. Montgomery*, 532 U.S. 757, 767 (2001) That did not happen.

4. The fact documents were misplaced in my case is a reason why people staff are necessary to safeguard fundamental rights including the 1st Amendment right to petition fairly and fully.

5. Now that I have a working phone, I took better picture of the police receipt I received on November 6, 2023 for the 11 boxes containing the supplemental brief. I

electronically submitted, emailed and mailed out the attach emergency letter application to the court while copying Emergency Clerk Robert Meek, for a total of 4 copies.

6. I am quite distraught.

Thank you for your time and consideration.

Respectfully submitted,

Dated 11/15//23

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: Nov. 15, 2023

Meghan Kelly

(printed)

(signed)

2023 NOV -6 P 7:19

POLICE OFFICE
SUPREME COURT U.S.
RECEIVED

RECEIVED

22-7695 Kelly v PA Office of Disciplinary Counsel Fw: Your Electronic Filing record has been submitted.

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com; zi-xiang.shen@delaware.gov; david.weiss@usdoj.gov; supremectbriefs@usdoj.gov

Date: Wednesday, November 15, 2023 at 05:01 PM EST

Hi Robert Meek,

I mailed out the attached Emergency letter application to you today for the above referenced case, per the law librarians' wise suggestion.

Robert Meek for the DE Case, I told Justice Gorsuch how I believe you preserved my 1st, 6th and 5th Amendment right to be heard fully and fairly in a public forum in the above referenced case as I sought relief in the DE Civil rights case.

Thank you. That matters, win or lose the right to petition no matter the viewpoint should be preserved for all not a few. Otherwise the opportunity of justice is removed for some in violation of the 5th Amendment's Equal Protection's component which is not fair.

I am very concerned about the potential new debt default deadline. Per DI 107 attached hereto I note my willingness to fight for federal Court, FBI and US AG pay.

We are all in trouble when the rule of law meaning the courts and the US Attorney Generals and my opponents pay are in jeopardy. There is no rule of law without the courts and without lawyers. It is reign by the mark of the beast, lawless lusts unrestrained from those with power, wealth or connections from enslaving, killing, stealing and destroying human life, health or liberty unrestrained by love written on the hearts of man (when collective groups or entities commit wrong like the UN) or the just rule of law.

Thank you.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939
meghankellyesq@yahoo.com
new phone number 302-278-2975

> ----- Forwarded Message -----
> **From:** "no-reply@sc-us.gov" <no-reply@sc-us.gov>
> **To:** "meghankellyesq@yahoo.com" <meghankellyesq@yahoo.com>
> **Sent:** Wednesday, November 15, 2023 at 04:46:33 PM EST
> **Subject:** Your Electronic Filing record has been submitted.
>
> Your Emergency Application to reopen 22-7695 to consider Supplemental Brief filed 11/6/23 in order not to deprive me of 1st Amend right to petition fully & fairly in accordance w/5th Amend before eliminating 1st Amend rights to religious beliefs & license for has been submitted. It will be reviewed once the hard copy is received. If you are not expecting this email, please contact the Supreme Court Electronic Filing Support Group at eFilingSupport@supremecourt.gov.

Emergency Letter application.pdf
133kB

declaration.pdf
57.1kB

DI 251 big.pdf
3.2MB

DI 250 big 114th affidavit.pdf
13.3MB

Emails to Robert Meek.pdf
2MB

207.pdf
159.9kB

cert of service with postal receipt.pdf
365.2kB

Your Electronic Filing record has been submitted.

From: no-reply@sc-us.gov (no-reply@sc-us.gov)

To: meghankellyesq@yahoo.com

Date: Wednesday, November 15, 2023 at 04:46 PM EST

Your Emergency Application to reopen 22-7695 to consider Supplemental Brief filed 11/6/23 in order not to deprive me of 1st Amend right to petition fully & fairly in accordance w/5th Amend before eliminating 1st Amend rights to religious beliefs & license for has been submitted. It will be reviewed once the hard copy is received. If you are not expecting this email, please contact the Supreme Court Electronic Filing Support Group at eFilingSupport@supremecourt.gov.

MEGHAN KELLY, ESQ.
34012 Shawnee Drive
Dagsboro, DE 19939
Meghankellyesq@yahoo.com
(302) 278-2975

Clerk of the United States Supreme Court
1 First Street, NE
Washington, DC 20543

COPY Emergency Clerk Robert Meek

RE: Emergency Application Justice Alito regarding deprivation of 1st Amendment right to petition and to be heard fully and fairly with regards to the omission of *Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court in Meghan M. Kelly v Pennsylvania Disciplinary Counsel*, No. 22-7695 in the conference dated November 9, 2023

November 15, 2023

Dear Honorable Clerk of Court:

November 9, 2023, this Court was scheduled to conduct a conference regarding the petition for a rehearing for the above referenced case.

My supplemental brief was physically delivered to the US Supreme Court in a timely manner to be considered with the Petition for rehearing for the above references matter.

I also attach emails showing I emailed Supreme Court Emergency Clerk Robert Meek.

My supplemental brief was material to the outcome of the petition for a rehearing and I was deprived of my First Amendment right to petition to safeguard fundamental rights. US Amend I, V.

Pursuant to 28 U.S.C. § 2106

> "The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances."

I respectfully request this Court set aside the denial of the petition for rehearing dated November 13, 2023 to consider the supplemental brief. I submitted the Supplemental Brief in good faith, should it be rejected for any reason I further respectfully request the Clerk please "return it with a letter indicating the deficiency. A corrected petition received no more than 60 days after the date of the Clerk's letter will be deemed timely." Citing, Becker v. Montgomery, 532 U.S. 757, 767 (2001)

On November 6, 2023, I submitted *Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court* in Meghan M. Kelly v Pennsylvania Disciplinary Counsel, No. 22-7695. The conference is November 9, 2023. I filed it in person on November 6, 2023. I was so scared the Court would not consider it despite the fact I submitted it in person in a timely fashion before the conference date November 9, 2023 pursuant to Supreme Court Rule 25.6.

The Supplemental brief is material to the motion for a petition for a rehearing.

On November 13, 2023, after the long holiday weekend I discovered the Court denied my petition for a rehearing Kelly v Pennsylvania Office of Disciplinary Counsel without considering my supplemental brief. The Court did not file my supplemental brief or reject it.

The Court does not review documents at great length unless the documents are filed. I am devastated. It does not appear the United States Supreme Court reviewed my supplemental brief in Meghan M. Kelly v Pennsylvania Disciplinary Counsel, No. 22-7695 I called my case manager, and other US Supreme Court staff and no one knows where the paper copies I hand delivered to the US Supreme Court's special Police on November 6, 2023 are to date.

On November 15, 2023, I called the US Supreme Court police. They too could not provide clarification as to where the paper copies of the supplemental brief are.

I filed the Supplemental Brief in good faith to overturn the disability Order against me by the PA Supreme Court dated February 28, 2023 attached hereto. The PA and DE State Courts

placed my license on inactive disabled but for my religious beliefs contained in my petitions in Kelly v Trump. I risk losing my First Amendment right to religious belief, and my license to buy and sell but for my religious belief in Jesus as God not money as God. See, Matthew 6:24 (You can only serve one master, God or mammon, meaning money and material gain as master).

I have much to lose. "This Court has held that '[t]he loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury.' *Dr. A v. Hochul*, 142 S. Ct. 552, 555 (2021), *Citing, Elrod v. Burns*, 427 U.S. 347, 373, 96 S.Ct. 2673, 49 L.Ed.2d 547 (1976)." The loss of my freedom to religious belief, to exercise religious belief, and my license to buy and sell as an attorney but for the States deeming my religious belief a disability constitute loss of First Amendment Freedoms warranting relief.

This Court has inherent equitable powers over their process to prevent abuse, oppression, and injustice. *Gumbel v. Pitkin*, 124 U.S. 131 (1888); *Covell v. Heyman*, 111 U.S. 176 (1884); *Buck v. Colbath*, 70 U.S. (3 Wall.) 334 (1866).

This Court must grant my request to prevent government abuse against my person, oppression, and injustice.

The Court appears also appears to have statutory authority to waive unconforming pleading requirements for just cause so long as it does not enlarge Constitutional rights, but safeguards and upholds the Constitutional laws. See for example, 28 U.S. Code § 2072.

I attach Affidavit 115th with attachments the Supplemental Brief, US Supreme Court receipt of filings stamped "Received Supreme Court US Police Office 2023 Nov-6 P 7:19", Petition for a rehearing and the Petition for Writ of Certiorari, without the exhibits, and incorporate them herein in its entirety.

I also attach the 114th Affidavit and the attachments thereto including the Ethics Code I aver will harm the court and cause attacks against it by Congress. Justice Alito was correct. This US Supreme Court is in error in adopting an ethics code. It is the first step towards more attacks to compel a no longer free and independent court to bend to the loudest, or mightiest fickle fads of the mob instead of the impartial application of the Constitution to the Rule of Law. In the Supplemental Brief I allege and provide evidence there is a plan to overthrow the country by eliminating this Court's authority to govern and guide citizens with the rule of law as opposed to the lawless lusts of the mob. The government will be overthrown if this Court does not stop it.

I also attach email confirmations, showing this Court I emailed Robert Meek and opposing counsel the Supplemental Brief and all of the attachments thereto. This Court has the paper copies somewhere. I do not have the money or the means to redo everything. However it is quite urgent I send this as soon as possible as I have other cases. Moreover, although it appears a default will not jeopardize this US Supreme Court's pay while fully funding the other two branches this November 17, 2023. This threat to weaken this judiciary branch's capacity to place a check on the other two branches by not paying its employees is a very real threat this court continues to face in the months to come. Moreover, with fewer or no resources to pay the court's own staff it is less likely the court would grant relief to me.

I apprised the DE District Court I was willing to sue President Biden and Secretary of Treasury Janet Yellen to assure the court's pay as it prejudices me personally, per the 92nd Affidavit I attach hereto and incorporate herein without exhibits.

Wherefore, I pray this Court grants me emergency relief.

Thank you for the correction, and the court's time and consideration.

Respectfully Submitted,

November 15, 2023

/s/Meghan Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939,
(302) 278-2975
meghankellyesq@yahoo.com,
US Supreme Court Number 283696
(1,240 words)

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: 11/15/2023

Meghan Kelly
(printed)

Meghan Kelly
(signed)

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B.	)	
Swartz, et.al	)	
Defendants.	)	

PLAINTIFF MEGHAN KELLY'S 115th AFFIDAVIT UPDATE

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. My case manager does not know what happened to my supplemental brief. She said that it was submitted to the briefing clerks last week when I called November 9, 2023.

2. The issue as to what happened to the documents has not been resolved, but it appears I was denied an opportunity to be heard as filed, fully and fairly when consideration the Petition for rehearing. There was no notice of rejection either.

3. I emailed the merits clerk at dmcnerney@supremecourt.gov, and attached the documents hereto and asked her:

"Good morning,
On November 6, 2023, I drove to the US Supreme Court and hand delivered 11 boxes of the supplemental brief attached without exhibits hereto.
The Federal Police indicated the Court would process it on November 7, 2023 before the Nov 9, 2023 conference date.
It was neither accepted not rejected despite my compliance with the timing per Rule 25.6. Could you please let me know what happened to it?
The Court rejected the rehearing on November 13, 2023, without considering the supplemental brief as filed.
Thank you for your clarification.
Very truly,
Meg…"

4. It was scary driving to the US Supreme Court in the dark without a phone to drop off the documents on November 6, 2023. I got lost and asked for directions multiple times.

Strangers were so nice to me. There was a beautiful gray haired lady with the face of a 20 year old who worked in a different court. She was so nice to me and guided me with directions even before I left the US Supreme Court on November 6, 2023. I think she might be a judge.

5. It is not fair that the documents weren't accepted or rejected before the November 9, 2023 hearing given I expedited it and complied with Rule 25's time table. I think if the judges reviewed the documents carefully it would have more likely accepted my petition.

6. It is rather alarming that neither the case manager Lisa Nesbitt or any of the US Supreme Court personnel know what happened to the documents. It matters to me whether my First Amendment right to petition was denied. It was costly to print out, and travel to the US Supreme Court in terms of time and meager resources.

7. I am so sad and devastated.

8. On an aside. I have a new number phone number where I may be more easily be reached is 302-278-2975

9. Please erase 302-493-6693 from the system.

10. On a second note, the US Supreme Court Clerk Lisa Dolph has not gotten to me concerning why I was removed from the attorney public roll instead of placed inactive per the attached email.

Thank you for your time and consideration.

Respectfully submitted,

Dated 11/14//23

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious Protest, I declare that the foregoing statement is true and correct under the penalty of perjury.

Dated: Nov 14, 2023

Meghan Kelly (printed)

Meghan Kelly (signed)

No. 22-7695 Supplemental Brief hand delivered to the court Nov 6 in Meghan Marie Kelly, Petitioner v. Pennsylvania Office of Disciplinary Counsel

From: Meg Kelly (meghankellyesq@yahoo.com)

To: dmcnerney@supremecourt.gov

Cc: anthony.sodroski@pacourts.us; harriet.brumberg@pacourts.us; meghankellyesq@yahoo.com; supremectbriefs@usdoj.gov; david.weiss@usdoj.gov; zi-xiang.shen@delaware.gov

Date: Tuesday, November 14, 2023 at 09:07 AM EST

Good morning,

On November 6, 2023, I drove to the US Supreme Court and hand delivered 11 boxes of the supplemental brief attached without exhibits hereto.

The Federal Police indicated the Court would process it on November 7, 2023 before the Nov 9, 2023 conference date.

It was neither accepted not rejected despite my compliance with the timing per Rule 25.6. Could you please let me know what happened to it?

The Court rejected the rehearing on November 13, 2023, without considering the supplemental brief as filed.

Thank you for your clarification.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939
My phone broke, the new number where I may be more easily be reached is 302-278-2975
meghankellyesq@yahoo.com

- 10 FInal Supplemental Brief.pdf
  322.9kB
- Declaration to Supplemental brief.pdf
  211.8kB
- Receipt of US Supreme Court filings 11 6 23.pdf
  335.8kB
- Petition for a rehearing part 1.pdf
  285.8kB
- Signature page petition for rehearing and certification.pdf
  804.3kB
- Brief Part 1 PA Appeal 2913 dd3.pdf
  177.1kB
- PA Appeal part 2.pdf
  247.3kB

No. 22-7695

Related Application No. 22A981

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Supreme Court of Pennsylvania
Meghan M. Kelly, Petitioner
V
Office of Disciplinary counsel, aka Pennsylvania Disciplinary Counsel
On Petition for Writ of Certiorari to the Supreme Court of Pennsylvania, Western District of PA, Case Number 2913 DD3

Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court

November 6, 2023

Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
Pro Se, not represented by counsel
meghankellyesq@yahoo.com
(302)493-6693
US Supreme Court No 283696

QUESTION PRESENTED

1. If this US Supreme Court determines the DE State Court may not violate the Constitution by chilling the Constitutional check upon itself by vindictively punishing me for petitioning to correct, not destroy the court to preserve Constitutional rights and claims based on the perceived Court agents' religious-political poverty animus, while covering up its own misconduct by eliminating proof of my existence as a lawyer and falsifying the facts **per the new additional information arising or discovered after I filed the petition for rehearing**, is the basis for the PA reciprocal Order eliminated, must this Court must overturn the PA Order placing my license on inactive disabled. (emphasis intended)

2. Considering the new and additional facts arising or pieced together after the date of filing the petition for a rehearing, whether the US Supreme Court may only be disciplined or checked within the purview of the Constitutional limits of 1. a case and Controversy under Art. III, and 2. by impeachment, without waiver

   a. to preserve my right and other claimants right under the 5th Amendment Equal protections component and procedural Due Process component to an impartial forum not partial towards an ethics code or towards regulations to maintain justices' seats but partial towards upholding the Constitutional rule of law as applied to cases,

   b. Without waiver of individual justices' 5th Amendment right against self-incrimination so as not to be set up to eliminate judges schemed to fall by people who will lie to win, (especially Justice Kavanaugh who had 83 complaints against him made public in the 10th Circuit);

   c. And, relating to activity that will punish judges ex post facto since all lawyer and judge disciplinary rules have no statute of limitations in any state or federal

court in this nation that I am aware of. So, there will be Equal Protections argument to apply similar rules in an equal manner against this court to discipline the Court,

d. And other Constitutional arguments I seek to preserve the right to be heard on in the Delaware District Court more thoroughly which are too numerous to include herein, and

3. Whether this Court must not violate the Constitution by impeding and chilling the checks upon its own branch, and its own justices via punishing me in terms of Alito denying my petitions for more time thrice in this case and twice in the civil rights case by denying a stay and denying 30 additional days for time, **or** by punishing me by placing a check on the Delaware Supreme Court for its willful violations of my Constitutional rights and other rights in judge's personal capacity by

a. Petitioning the Court for its agents' violations of my 1st Amendment rights to petition, religious belief, exercise of belief, speech, and association applicable to the state via the 14th Amendment, Equal protections and Due process via the 14th and 5th Amendments and other claims, including claims outlined in part in A-5 and A-5 attached hereto and

b. placing my license on inactive disabled but for the exercise of my rights outlined in 1. See also Article 1 Section 9 and Article 1 Section 10.

4. If this Court grants this petition to supplement the Court with information I was not previously able to provide due to insufficient time to outline all issues, given I asserted my fair right to be heard fairly and fully in an application for more time needed to Justice Alito in this case and I apprised the Court that his denial of my good faith effort deprived me of the opportunity to plead additional Constitutional defects in the underlying Delaware disciplinary

order the PA is based and unconstitutional defects in the PA proceeding, albeit the time and page limitations does not allow me to assert all claims still.

5. Whether the PA Supreme Court deprived me of my 1st 5th and 13th Amendment rights by refusing to docket items and to be heard on others, by incorporating those documents herein by attachment of the affidavits that discuss the same via reference.

6. Whether the Delaware Disciplinary procedure was so lacking in notice or opportunity to be heard before the Delaware original disciplinary proceeding as to constitute a deprivation of due process in the Delaware forum that the reciprocal order by the Supreme court must be voided because it deprives me of the 1st, 5th and 6th amendment rights of criminal like punishment without affording me the asserted not waived right to cross examine my accusers and present my case. There was such an infirmity of proof in the Delaware forum as to give rise to the clear conviction that the Pennsylvania court could not, consistent with its duty, accept as final the conclusion by the Delaware state court to reciprocate by placing my license on inactive discipline as outlined herein.

7. Should this Court grant my request for a supplemental brief under Rule 18.10 and Rule 25.6 because intervening circumstances of a substantial or controlling effect have arisen relating to the arguments in the petition at Question IX, pages 6-14, wherein I argued this court must limit discipline of the US Supreme Court justices to the purview of the Constitution to 1) cases and controversies, 2) and impeachment, without waiver of the 5th Amendment right to self-incrimination in order not to violate my fundamental 1st Amendment right to petition to defend my religious beliefs as a party of one based on retaliation for correcting judicial mistakes or misconduct including:

1. additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth,
2. Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, which Congress will use to pressure the weakened court to concede to congressional control regulations that infringe upon my opportunity to be heard on the same issue in an actual case ad controversy,
3. the convening of a Congressional committee the day after I filed the petition for a rehearing on October 19, 2023 to attack Justice Thomas and the integrity of the court to subpoena witnesses to be used against Justice Thomas and the Court, nit to impeach, but to garner societal peer pressure and other threats to control a no longer free and independent branch into becoming a puppet to whoever has the power to sanction them via regulations compromising the integrity of the courts to uphold the impartial application of the rule of law to preserve their positions and mere appearance not actual justice.
4. New bad faith and fraud by the DE Supreme Court to conceal its lawless conduct uncorrected within the purview of the Constitutional limit.
5. Whether Courts violate the Constitution by chilling and retaliating against people, me as a party of one, for seeking to limit judges' authority and correct misconduct and mistakes by the Court by motions in motions I drafted to preserve my Constitutional rights not destroy the courts especially my most cherished liberty to exercise religious belief in Jesus as God not money as God without Government persecution but for believing differently than the court. And if so whether the Pennsylvania order which

is based on punishment for my religious beliefs, contained in my speech, in exercise of my right to petition, but for the professional association of a lawyer is constitutionally permissible, or whether the underlying order is void, making the reciprocal order void. US Amend I XIV.

6. Whether courts in cases and controversies per Art III are sufficient to correct the misconduct or mistakes of lawyers they judge and discipline be the only Constitutional means to correct misconduct or mistakes by lawyers [and judges, albeit judges may be impeached too] instead of by professionals [even judges] who sit on boards who by nature of their positions are biased against freedom to serve what I believe is lawlessness in the eyes of God called sin, towards marketing professions and making money and covering up wrongs in their profession allowing injustice to fester and spread instead of allowing Court correction to shed light on how standardized conduct and dumbed down training may blind professional's eyes to see clearly how they harm the public, especially with the threats by Boards, especially historically medical boards should professionals care to think outside of the box because they value patients health more than their position , profit and personal pay, and seek to improve the care patients receive. I believe people go to hell for valuing money and material gain more than other people especially and specifically at work or by engagement of organized charity. Matthew 6:1-4. Jesus teaches people not saved from loss of eternal life have evil eyes, revealing evil dirty hearts. Matthew 12:34-38, Matthew 6 entire chapter. They look at people for what they may extract, what they may contribute driving out love from the person valuing them based on material gain extracted from them. Jesus teaches you cannot serve God and

Mammon, money and material gin. Matthew 6:24. I follow Jesus not the world. That said the way money is coined is the reason why the world is tempted to go the way to hell by sin and becoming the darkness and evil by blinding their eyes from caring about others by their desire in storing up moth and rust to care for their own. They lose their souls in hell for committing human sacrifice should they not be made clean of their dumbness and blindness by court correction or otherwise. I proposed a way to coin correctly without violating the 13th Amendment or my 1st Amendment religious belief in the district Court. If the US will fall in this crash, this court may catch them and preserve and strengthen the US. It is the courts who are my hope of a hero, but if the courts blind their eyes to violations of the Constitutional limits and requirements without careful thought on how to preserve the lives, liberty and health of those they serve without slavery and profiteering compliance by those who eliminate lives, liberty and health for profit, than the judges do not judge, they bow down to professionals and their products and services making men God misleading the world to harm and hell per scripture. Citing Romans 1:25 We need judges to judge even courageously enough to make mistakes sometimes and to humbly correct not let money and convenience be the judge which allows professions and charities to kill, steal and destroy human life, health and liberty as opposed to protecting it. I believe judges have the power to save lives and eternal lives even if this Court does not believe it. It need not believe it to make the world a better place by improving it by court correction to guide those misguided by the mark of the beast convenience, productivity and material gain for their selfish own that they disobey God and do not love others, they oppress, ignore or exploit them for material gain.

7. Whether this Court will create case law granting a means to prevent nonlawyers from lawyering and nonjudges from exceeding this courts ‘power by judging by permitting Office of Disciplinary Counsel authority to bring cases in court not before boards to allow an open forum to safeguard the courts and the administration of justice or by some other means. I require the assistance of the brilliant minds of judges to think this out to prevent the very real agenda to eliminate the courts, even if this court should disagree with my positions. I require time.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

CASES DIRECTLY RELATING TO THIS CASE

Kelly v Swartz, et al, Delaware District Court No. 21-1490, and Third Circuit Court of Appeals Matter No 21-3198. US Supreme Court filings Kelly v Swartz et al 22A747, Kelly v Swartz et al. 22-6783, Kelly v Swartz et al. 23A100.

Kelly v Trump Chancery Court No. 2020-0809, Delaware Supreme Court No. 119-2021, US Supreme Court No. 22-5522

Kelly v Democrats Delaware Chancery Court No 2020-0157.

The Original disciplinary case in Delaware Supreme Court matter No. 22-58 and IMO Meghan Kelly Number 541 regarding to appointment of counsel where I was denied copies or access to the filed pleadings. US Supreme Court application 22A476 Kelly v DE Office of Disciplinary Counsel.

Reciprocal disciplinary case Eastern District of PA matter No 22-45, Third Circuit Court of Appeals No. 22-3372.

Reciprocal Disciplinary case I believe is stayed Delaware District Court No. 22-341.

Reciprocal Case in the Third Circuit Court of Appeals 22-8037. Reciprocal disciplinary case before the US Supreme Court Kelly v Third Circuit Court of Appeals No. 22-6584 and application No. 22A478.

PA Supreme Court No 2913 DD3, US Supreme Court filing Kelly v Pennsylvania Office of Disciplinary Counsel US Supreme Court Numbers 22A981, 22-7695

DC and the US Supreme Court have refrained from discipline, DC based on jurisdiction.

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APPENDIX

TABLE OF AUTHORITIES

Bible

Case Law

Constitution

Delaware Rules

US Supreme Court Rules

STATEMENT OF CASE

I, Meghan Kelly, Esq., pro se pursuant to Rule 18.10 and Rule 25.6 and any other rule respectfully moves this Court for leave to file this supplemental brief based on new information occurring or discovered after I filed the Petition for a rehearing and other information I was obstructed from including material to the issues on appeal before this court, and restricted to the new matters I order to safeguard my Constitutional liberties under the 1st, 5th, 13th and 14th Amendments.

1. Since I filed the petition for a rehearing intervening circumstances of a substantial or controlling effect have arisen relating to arguments in petition and whether the PA reciprocal Order, which is based on a defective DE Order is void or voidable due to clear violations of my Constitutional rights by the State of Delaware's Supreme Court and the Board.

.2. On 10/18/23, I filed *Petition for a rehearing on denial of writ of certiorari limited to intervening causes of substantial or controlling effect concerning my arguments which may vitiate my rights should the court not hear this rehearing.*

3. Two of the issues of this appeal and of the petition for a rehearing are

1. whether the US Supreme Court may only be disciplined or checked within the purview of the Constitutional limits of 1. a case and Controversy under Art. III, and 2. by impeachment, without waiver
    a. to preserve my right and other claimants right under the 5th Amendment Equal protections component and procedural Due Process component to an impartial forum not partial towards an ethics code or towards regulations to maintain justices' seats but partial towards upholding the Constitutional rule of law as applied to cases,
    b. Without waiver of individual justices' 5th Amendment right against self-incrimination so as not to be set up to eliminate judges schemed to fall by people who will lie to win, (especially Justice Kavanaugh who had 83 complaints against him made public in the 10th Circuit);
    c. And, relating to activity that will punish judges ex post facto since all lawyer and judge disciplinary rules have no statute of limitations in any state or federal court in this nation that I am aware of. So, there will be

Equal Protections argument to apply similar rules in an equal manner against this court to discipline the Court,

d. And other Constitutional arguments I seek to preserve the right to be heard on in the Delaware District Court more thoroughly which are too numerous to include herein, and

2. Whether this Court must not violate the Constitution by impeding and chilling the checks upon its own branch, and its own justices via punishing me in terms of Alito denying my petitions for more time thrice in this case and twice in the civil rights case by denying a stay and denying 30 additional days for time, or via punishing me by placing a check on the Delaware Supreme Court for its willful violations of my Constitutional rights and other rights in judge's personal capacity by

   a. 1. Petitioning the Court for its agents' violations of my 1st Amendment rights to petition, religious belief, exercise of belief, speech, and association applicable to the state via the 14th Amendment, Equal protections and Due process via the 14th and 5th Amendments and other claims, including claims outlined in part in A-5 and A-5 attached hereto and

   b. 2. placing my license on inactive disabled but for the exercise of my rights outlined in 1. See also Article 1 Section 9 and Article 1 Section 10.

4. This reciprocal case arises based on my petitions in Kelly v Trump to the Delaware Chancery Court and the Delaware Supreme Court to correct judicial misconduct or mistakes, and to safeguard my exercise of religious beliefs substantially burdened by President Trump by the establishment of government religion exhibited by a course of conduct including but not limited to the passage and enforcement of certain executive orders.

5. If this US Supreme Court determines the DE State Court may not violate the Constitution by chilling the Constitutional check upon itself by vindictively punishing me for petitioning to correct, not destroy the court to preserve Constitutional rights and claims based on the perceived Court agents' religious-political poverty animus than the basis for the PA reciprocal Order is eliminated. And this Court must overturn the PA Order placing my license on inactive disabled. Otherwise the Courts do not uphold the Constitution by favoring justices' personal interest in marketing their work and preserving their pay by preserving their government positions in violation of the Equal Protections Clause and the rule of law, especially in my case

where the State Court sealed the petitions to hide its misconduct on appeal to this court in Kelly v Trump, 21-5522.

6. Allowing the Constitutional check upon the Court in a case and controversy upholds justice and proves the Courts and justices are not above the law, but are bound to the Constitutional application of the rule of law without bias and favoritism to the personal interest of judges in marketing themselves and maintaining their personal pay in violation of the 5th Amendment Equal Protections component.

7. Since the Constitution applies to the Courts, Appellee and the DE State Court must not chill claimants, specifically me, for asserting my rights from infringement by the court to serve personal egos or material gain.

8. The deception that an ethics code or regulating US Supreme Court justices would uphold the Constitution by granting fair access will eliminate the Constitutional protections of claimants and allow for the elimination of the courts and permit the overthrow of the government down the line. These proposed ethic rules make the courts unfair since the rules focus is not on justice but preserving the deceptive fickle appearance of the courts and judges' positions for pay not freedoms which are not for sale, affording even judges limited Constitutional freedoms too. Judges merely may not violate the Constitution in asserting their individual liberties. Should judges violate the Constitutional restraints and checks built into the Constitution, the Court must not violate the Constitution further by removing the check created to protect me and the people in a case and controversy either by retaliation against me and creating attacks by outside court agents such as Court of Common Pleas Judge Kenneth S. Clark who threatened me in a grocery store but for not only my religious beliefs contained in my petitions but for my exercise of the First Amendment right to petition the court to correct

misconducts and mistakes or seeking an impartial forum to uphold the Constitution in the face of clear violations of the Constitution and the rule of law based on malicious intent of religious-political-and poverty animus.

9. This appeal also relates to Delaware's punishment of me disparately in contravention of the 1st Amendment for private speech outlined in my Religious Freedom Restoration Act petition petitions, where my religious belief is material to the issues therein, based on subject matter grounds of disagreeing with my religious belief. *Gentile v. State Bar of Nevada*, 501 U.S. 1030, 1054 (1991) ("At the very least, our cases recognize that disciplinary rules governing the legal profession cannot punish activity protected by the First Amendment, and that First Amendment protection survives even when the attorney violates a disciplinary rule he swore to obey when admitted to the practice of law")

10. New information arose or was discovered relating to the misconduct, fraud and bad faith of the Delaware Supreme Court justices acting in their personal capacity to abuse the color of the law to conceal and shield themselves from liability for violating the law.

11. I discovered the Court eliminated me from existence on the official publicized roll as if I am disbarred instead of placing me on inactive per the attached affidavit, and exhibits contained therein labeled 110th Affidavit. I filed the letter attached therein on 11/2/23 with minor corrections relating to the date of filing to the DE Supreme Court to correct the lawyer roll to show I am inactive not eliminated as unworthy of the bar.

12. I also newly discovered that my case was cited fraudulently and in bad faith cited in a case involving another Delaware Attorney Richard Abbott to commit a fraud upon me, the public and Attorney Abbott by creating precedent to misrepresent the fact that citation to rules the Court violated is evidence and precedent to conceal the state judges' liability for violating my

right to a fair proceeding. I incorporate by reference the 109th Affidavit, attached hereto. The state Court in bad faith fraudulently misrepresented the facts as evidence by the facts. The State Court violated my right to notice by affording insufficient notice in fewer days than the state rules required prejudicing me, ignored motions and did not docket them, than ruled I had no right to what was docketed in Matter 541 regarding appointment of counsel where I am the party. It is my religious belief that Jesus commands us to allow God through the holy spirit to be our advocate when we are brought wrongly to the courts but for our faith in Jesus. Citing, Luke 12:11. The Court did not allow me the asserted 1st and 6th Amendment to self-represent on the espoused religious grounds until late December 30, 2021, fewer than two weeks before the alleged hearing without ruling on my motions for discovery, objecting to notice and other matters at all until 2 days before the initial hearing date by email the hearing was on. I was so distraught about the appointment of counsel I got the shingles. The Court scheduled the hearing 8 days by postponement in my emergency motions and appeal to the DE State Court to deprive me of the more than 10 days required to adhere to the Del. Law. R. of Disciplinary Proc. Rule 12 (h) in subpoenaing witnesses to call my suspected accuser Arline Simmons. While the ODC violated the same rule by failing to provide material 10 days in advance pursuant to Rule 12(h) which prejudiced me of a fair proceeding in the rushed fixed proceeding against me. This Court in *Greene v. McElroy,* 360 U.S. 474, 475 (1959), held "this Court will not hold that a person may be deprived of the right to follow his chosen profession without full hearings where accusers may be confronted and cross-examined". Thus, this Court must not deprive me of my PA license as neither the DE Court nor the PA Court afforded a full hearing where I could confront accusers and cross examine them in this criminal like proceeding. Thus, this Court must void the PA order.

13. The only notice I received concerning discipline was I was being disciplined for my religious beliefs which allegedly was illogical and did not make sense to the state. My protected exercise of religious belief in Jesus by keeping myself separate from the world by not sinning which is committing lawlessness in the eyes of God is my most important aim in my life. I reasonably was upset and became quite sick during the DE Board proceeding. Without haste, in response to the Board's 8 days I filed a motion to call Arline Simmons and Court of Common Pleas Judge Clark to the hearing. The Board never responded. I also filed a motion for reconsideration by the Board, and appealed the denial of my motions to suspend the hearing while continuing it for 8 days for a reason I did not state in my motion to suspend the proceeding to the DE Supreme Court. I demanded I be afforded time to adhere to the rules to call witnesses, collect discovery and prepare my defense. The 8 days did not waive my objection to the 20 day notice required by *Del. Law. R. of Disciplinary Proc*. Rule 9 (d)(3):either, of which I was deprived. The DE Supreme Court members Reeves, Vaughn and Traynor called my interlocutory appeal frivolous to cover up its lawless acts I was not aware of at the time of the trail Board proceeding 1. firing two court staff and 2. concealing evidence in my favor. I was compelled to attend a hearing ill, without sleep, opportunity to prepare and present my case in order not to violate another rule creating default judgment. I asserted and did not waive my right to a fair proceeding. I maintained objections at the DE Disciplinary hearing, but more violations arose. The Court reporter accused me falsely of reading documents, possibly to help herself look at them to draft the transcript. The Court reporter made up outrageous things I did not say. The entire transcript of the hearing was inaccurate and prejudicial. Reporter said she could not hear me. I objected to the transcript, and maintained my objections even after I noted some cursory changes. There were too numerous and the transcript was too faulty to correct.

14. Moreover DE ODC Vavala took over the case despite not attending the hearing, predictably because the other two ODC may be called as witnesses should this case be brought to court. Judge Traynor appeared to be aiding the court in preparing a case against me as I averred in the civil rights case. So, using the 2 ODC as witnesses against me in a potential proceeding is the plan.

15. I also realized more clearly now lawyers should not self-correct because lawyers' profit when laws harm the public or violate constitutional rights because that brings them business. We are the representation of the public in cases. Yet, we have conflict of interest in that we work for money, and clients' rights are not for sale. They become for sale when lawyers are blinded by their desire for money and their training that they do not see clearly how some laws and practices violate the rights of those they represent. This blindness and dumbness Jesus the Christ speaks of dumbed down by desire, standardized training, education or experience is what I believe is the mark of the beast by those not saved by their desires and death in hell by learning to repent by unhardening their heads and hearts to lay down their desires by doing what is right, not what is profitable, convenient or productive. Sacrificing the lives, liberty, and health of others for material gain even knowledge under the pretty word, science, expert, professional, public interest, or common good is the common bad when convenience and the selfish desire for profit eliminates rights the Constitution demands we protect and do not infringe. I desire judges judge without threat to their seats outside the purview of the Constitution's clear limits. I also assert even judges by allowed to make mistakes with the right that they be corrected. They are not held to perfection as God. Allowing mistakes without reprisal affords judges the unobstructive authority to courageously do what is right instead of allowing professionals, science and experts to be above court correction by favoritism to marketing and making money

while sacrificing the Constitutional rights and claims of those we serve. We cannot prevent cancer causing products if health boards and mere regulators defer to those who use science to market drugs and products that murder people for money. I oppose professional boards and regulators, even the FDA and prefer judges judge, not bow down to those who worship the mark of the beast and mislead the people to harm and hell. Matthew 6:24.

16. Attached please find a letter I incorporate herein that I never filed with the DE State Court. I outline my concerns that lawyers never prevent problems because we profit off of them. When we cause the problems, we should allow cases and controversy to correct them and improve the administration of justice, not conceal problems in professions in secret proceedings to market the appearance of helping the public while covering up evil allowing it to fester and spread. I not only oppose regulating to control the court. I oppose regulating to control the bar to prevent the bar from upholding the rights of claimants by disparate favoritism towards those who enrich the profession in pay and possessions.

17. Nevertheless, I urge the US Supreme Court to grant PA ODC the power to correct non-lawyers from lawyering and non-judges judging, or at least grant all ODC's the authority in case law in this case and controversy to prevent the eliminations of the courts to eliminate the government. The slow overthrow of the government will use entities to practice law with regards to manipulating the chain of title in deeds to recoup property to an entity and its partners through association who asserts immunity by written agreement by the other branches of government by executive orders and congressional authorization of monies, the UN.

18. As a Delaware Attorney whose first job was drafting sneaky entities called bankruptcy remote entities which conceal assets and bad debt, I am cognizant that the law will be used to kill itself by hanging. I worked at the biggest home grown corporation in the corporate

capital of the world RLF in Delaware. We need impartial judges please to judge us and save us not boards.

19. On that related matter, as of 11/5/23 Congress has not passed a budget. 11/17/23 is the deadline. There is a high likelihood of default without pay to the courts during the holiday season. Congress previously threatened to weaken the courts and their staff by not paying the courts should a budget not pass, while violating the 5th Amendment Equal Protections Clause by paying the other two branches of government. This creates a clear and present danger by eliminating the courts check on the other two branches and allowing two branches to be above the law and the Constitution. Should this ripen or this Court consider this issue in the face of immediate threat to its own branch. I incorporate affidavits and papers attached hereto and incorporated herein regarding safeguarding the courts in the face of this threat. I face irreparable injury in terms of a weakened court who may reject my right to petition on issues to allow Congress to extort and bribe them with pay of the withheld sums to regulate a no longer impartial independent court by regulations I strongly oppose. See 93rd and 86th Affidavits where I aver payment to the judicial branch must be paid.

20. Since filing the petition for rehearing on 10/18/23, I discovered connections and information that was either not available or I was not aware of until after the filing of my last document in this open case that are material to this appeal. On 10/19/23, Congress announced its intent to take action in a committee to subpoena witnesses to attack Justice Thomas and this Court by compelling regulations that will endanger this Court and the impartiality it requires to uphold and not violate the parties it serves in discerning the rule of law in each case. Since that date, per the attached article I incorporate herein, Congress has taken concrete steps towards attacking the integrity of this US Supreme Court and its justices without a case or controversy or

impeachment to pressure the court to become partial towards those who misuse ethics code or regulations to force their will and fix their cases by eliminating judges by threats or stealth. I strongly oppose the personal attacks against judges and those who may be subpoenaed. Arguably every case this Supreme Court decides affects each of us personally and individually with benefits and detriments with each new opinion. Does that mean there is a conflict of interest depriving claimants of a fair proceeding under the 5th. Does that mean justices should live in a box and not associate with loved ones, friends, or the public it serves. Thus, must we imprison the ones who are charged with safeguarding our freedom in our Democratic Republic. I think not. It is sufficient that claimants may assert violations of their right to a case or controversy in an actual proceeding without additional threats of sanctions by a disciplinary code to preserve justice and the courts by improvement not destruction.

21. Congress's improper attacks against Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court places the rule of law in danger by reign like mobsters by Congressional and also Executive threats to justices to serve the lobbyists (not the people) to serve themselves and their seats. Congress and the President make a mockery of the profession. I chose to serve God as an exercise of my religious belief by upholding by requiring impartiality in the courts, not the lawless vanity of men in high ranking positions of power like misguided congress people. Matthew 23:23, Amos 5:15, US Amend. I

22. The Courts are in danger of having no effect in a scheme to eliminate it. Attached please find a bunch of documents I filed in the DE District Court which allude to how the overthrow of our government will occur if the Courts do not stop it. Please see the attached laws showing the UN is immune from lawsuits, and immune of losing real or personal property with allodial title, not bound by the Constitution or taxes.

23. Please see the attached agreements of private-UN partnerships where entities will act as agents of the UN and not be bound by our criminal or civil laws in the recoupment of properties including the property Trump has an ownership Black Rock and other documents I incorporate herein by reference to their attachment, or the first Document of its packet as attached uploaded and printed out for submission.

24. New and increasing threats of dangers have arisen since 10/18/23. Biden violated the Wars power act by retaliating against Iran without Congressional approval. I drafted two attached affidavits on my belief the courts may prevent a world war, I incorporate herein. The billions of additional dollars the other two branches grant to fund war threatens the payment of the federal courts with the looming November 17, 2023 budget deadline. It is likely a default will hit, and pressure the courts to regulate. See, 93rd and 86th Affidavit.

25. Relating to Justice Alito's denial of an application for time so as not to deprive me of the fair opportunity to exercise the first amendment right to petition fairly pursuant to the 5th the PA order in issue in this case I present new matters for Court consideration I was deprived of asserting previously in the petition of writ of certiorari.

26. In my writ of certiorari in this case I entitled an argument outlined in pages 6-12

> "ii. Justice Alito unreasonably denied my application for more time which prejudices me due to inability to work based on this petition (wherein I waive claims by government compelled forced time limits without accommodations and am compelled to present subpar pleadings) based on my disagreement with his decisions and the decisions of the Court which I outlined in exhibits to my petition in violation of the Equal Protections Clause based on disdain towards my genuinely held religious belief"

27. I asserted and preserved my claims of denial of rights in the petition for writ of certiorari, and seek to correct them herein not destroy Justice Alito.

28. I request the Court consider the new information I presented regarding the defects in the Delaware Disciplinary case and I argue as follows: The Delaware Disciplinary procedure

was so lacking in notice or opportunity to be heard before the Delaware original disciplinary proceeding as to constitute a deprivation of due process in the Delaware forum that the reciprocal order by the Supreme court must be voided because it deprives me of the 1st, 5th and 6th amendment rights of criminal like punishment without affording me the asserted not waived right to cross examine my accusers and present my case. There was such an infirmity of proof in the Delaware forum as to give rise to the clear conviction that the Pennsylvania court could not, consistent with its duty, accept as final the conclusion by the Delaware state court to reciprocate by placing my license on inactive discipline as outlined herein.

29. PA Supreme Court refused to even file or docket for consideration a number motions I discuss and attach hereto in two affidavits, the 5th and 7th Affidavits I and incorporate herein, and whether PA's denial of my asserted ADA claims relating to physical limitations where I require time not only for a fair proceeding but sought a religious objection where I assert my right to preserve my life and health as a religious exercise and asserted religious objections to professional examination and treatment. I believe more people go to hell and harm others by blindly adhering to the science, experts and professionals in the medical profession than many other professions. I have sincere not fake, but genuine religious objections to making man and man's work by making science guide, master and God to preserve both my life and eternal life. I encourage studying and examining issues, but I sincerely believe people are misled into ignorantly harming others on their own way to hell for even teaching people to trust the experts, the doctors and the science who may harm them to serve material gain even knowledge. This makes fallible imperfect man and his work God and reflects the image of the evil one outlined in Isaiah 14, where he sought to be his own God.

30. The devil teaches getting it wrong is okay so long as you learned and did not know. My God teaches many are damned to hell the last day for getting it wrong and for not knowing, not caring to know in order to love one, even those outside of your own another not commit human sacrifice of life, liberty and health to serve your own at the expense of violating the Constitutional rights of others. Slavery should not be permitted by non-government entities and the human sacrifice by selling products that kill, or produce them in a manner that slowly poisons people to death should be corrected not ignored. Because I believe people go to hell for blindly doing what they are trained to do, their job requires, or their narrow experience requires without thinking things out to care to love others they harm, I believe Court correction may save lives of innocent victims and the souls of dumb and blind wring doers.

31. I seek to preserve the Courts not destroy them when I petition to correct judges within them to preserve my rights and the rights of others to buy and sell which should not be eliminated but for their religious belief in Jesus as God, not money as God or for some other Constitutionally asserted right as in the Delaware attorney Richard Abbott's case.

Wherefore I pray this Court considers this supplemental brief, and grants the relief I plead herein.

Respectfully submitted,

Dated 11/6/23

/s/Meghan Kelly

Meghan Kelly, Esquire
DE Bar Number 4968
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
US Bar Number 283696

Under Religious Protest, I declare that the foregoing statement is true and correct under the penalty of perjury.

Dated: Nov. 6, 2023

Meghan Kelly (printed)

Meghan Kelly (signed)

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No. 22-7695

Related Application No. 22A981

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Supreme Court of Pennsylvania
Meghan M. Kelly, Petitioner
v
Office of Disciplinary counsel, aka Pennsylvania Disciplinary Counsel
On Petition for Writ of Certiorari to the Supreme Court of Pennsylvania, Western District of PA,
Case Number 2913 DD3

PETITION FOR A REHEARING ON DENIAL OF A WRIT OF CERTIORI LIMITED TO INTERVENING CAUSES OF SUBSTANTIAL OR CONTROLLING EFFECT CONCERNING MY ARGUMENTS WHICH MAY VITIATE MY RIGHTS SHOULD THE COURT NOT HEAR THIS REHEARING

October 10, 2023

Meghan Kelly, Esquire
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Dagsboro, DE 19939
Pro Se, not represented by counsel
meghankellyesq@yahoo.com
(302)493-6693
US Supreme Court No 283696

QUESTION PRESENTED

Should this Court grant my request for a rehearing under Rule 44.2 because intervening circumstances of a substantial or controlling effect have arisen relating to my arguments in the petition at Question IX, pages 6-14, wherein I argued this court must limit discipline of the US Supreme Court justices to the purview of the Constitution to 1) cases and controversies, 2) and impeachment, without waiver of the 5th Amendment right to self-incrimination in order not to violate my fundamental 1st Amendment right to petition to defend my religious beliefs as a party of one based on retaliation for correcting judicial mistakes or misconduct including:

1. Some of the US Supreme Court justices spoke to the press on their positions on ethics and regulation of the US Supreme Court.
2. On September 4, 2023, Senator Whitehouse petitioned Chief Justice Roberts to discipline Justice Alito but for sharing his opposition to regulating the US Supreme Court through a code of conduct or disciplinary rules.
3. Since I filed the petition the news have been marketing attacks against this US Supreme Court to entice them to bend to the partial whims of the public instead of the impartial Constitutional application of the rule of law.
4. Should the court succumb to temptations will allow for an overthrow of our government if left unstopped.
5. There is a four part attack against the courts. There is a real plan to eliminate the authority of the US Supreme Court.
6. This case or my other cases may be the only means in an actual case or controversy this Court may have to save itself to save the judiciary branch the only branch that

safeguards individual liberty from being sacrificed by mob rule through the vote. I believe you are in danger.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

CASES DIRECTLY RELATING TO THIS CASE

Kelly v Swartz, et al, Delaware District Court No. 21-1490, and Third Circuit Court of Appeals Matter No 21-3198. US Supreme Court filings Kelly v Swartz et al 22A747, Kelly v Swartz et al. 22-6783, Kelly v Swartz et al. 23A100.

Kelly v Trump Chancery Court No. 2020-0809, Delaware Supreme Court No. 119-2021, US Supreme Court No. 22-5522

Kelly v Democrats Delaware Chancery Court No 2020-0157.

The Original disciplinary case in Delaware Supreme Court matter No. 22-58 and IMO Meghan Kelly Number 541 regarding to appointment of counsel where I was denied copies or access to the filed pleadings. US Supreme Court application 22A476 Kelly v DE Office of Disciplinary Counsel.

Reciprocal disciplinary case Eastern District of PA matter No 22-45, Third Circuit Court of Appeals No. 22-3372.

Reciprocal Disciplinary case I believe is stayed Delaware District Court No. 22-341.

Reciprocal Case in the Third Circuit Court of Appeals 22-8037. Reciprocal disciplinary case before the US Supreme Court Kelly v Third Circuit Court of Appeals No. 22-6584 and application No. 22A478.

PA Supreme Court No 2913 DD3, US Supreme Court filing Kelly v Pennsylvania Office of Disciplinary Counsel US Supreme Court Numbers 22A981, 22-7695

DC and the US Supreme Court have refrained from discipline, DC based on jurisdiction.

TABLE OF CONTENTS

APPENDIX

gun should someone at the board of the development come onto his property to inspect it without authorization, pictures of substance thrown at my car, Police report concerning 2 bullets shot into the home of Greg Layton hitting the wall above the dining room table as he and his wife sat there but for his political beliefs incited by Trump-religion, some of my signs I created which caused outrage and attacks, excluding Impeach [Trump] Serve your country not your seat, excluding Impeach [Trump] No one is above the law, No one is below the law and signs I created ……..7

Exhibits on an Agenda to Eliminate people in the law to eliminate the government that restrains entities from getting as much as they can for as little unrestrained from the just rule of law from oppressing, killing, stealing or destroying human life, liberty or health for the bottom line, and exhibits therein including

- Obituary of Richard Goll, a Delaware attorney who was exploited by an out of state real estate company practicing law without a license
- Newspaper Article I drafted in the Coastal Point on a proposition on how to resolve the fact non attorneys are practicing law without a license
- Article by the Venus project *How can laws be eliminated* regarding a new system to replace governments after 2050
- Excerpts from the Book *Shaping the Fourth Industrial Revolution* By Klaus Schwabb, Founder of the World Economic Forum and Chairman with Nicolas Davis, Copywrite 2018, Published in the United States by Currency, an imprint of the Crown Publishing Group, a division of Penguin Random House LLC……
- Excerpts from the Fourth Industrial Revolution by Klaus Schwabb……
- Article by World Government Summit Could an AI ever replace a judge in court?, dated 2017
- Article Robot justice: China's use of Internet courts By Tara Vasdani This article was originally published by The Lawyer's Daily (https://www.thelawyersdaily.ca/), part of LexisNexis Canada Inc
- Excerpts from The Great Narrative for a Better Future, by Klaus Schwabb and
- and Exhibit 43 which includes

1. Coastal Point, Guest Column, Representative candidate says health is wealth, By Meghan Kelly, Esq., Candidate Delaware House of Representatives, 38th District,
2. Document, "Your Health is your Wealth You are Priceless. Not a price tag! Kelly seeks Federal Consideration of Health Care Proposal,
3. Meghan Kelly's teaching certificate, which goes to credibility. I learned psychology and behavior theories like BF Skinner's. I also am licensed to teach health so I know something about health.
4. Meghan Kelly's redacted law school transcript to show she took a course Health Care Finance and the course Law and Medicine while attending Duquesne School of Law.
5. Meghan Kelly's redacted undergraduate college transcript to show she took relevant courses related to
   a. History of Western Medicine
   b. Economics

TABLE OF AUTHORITIES

Bible

Case Law

Constitution

US Supreme Court Rules

STATEMENT OF CASE

I, Meghan Kelly, Esq., pro se pursuant to Rule 44 respectfully move this Court for a rehearing on its decision denying my Petition of writ of certiorari to vacate a PA judgement dated 2/28/2023 ("petition") placing my license on inactive retired disabled and requests a rehearing and I incorporate herein by reference the petition and the Motion for leave to file in forma pauperis filed with the Petition for writ of Certiorari (hereinafter "Petition") herein by reference in its and aver:

1. Rule 44.2 limits a rehearing to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented.

2. Since I filed the petition intervening circumstances of a substantial or controlling effect have arisen relating to arguments in petition at Question IX, pages 6-14, wherein I argued against regulating the US Supreme Court by judicial disciplinary rules or a Code of conduct by requesting this court must limit discipline of the US Supreme Court justices to the purview of the Constitution to 1) cases and controversies, 2) and impeachment. Accordingly, I argue the Court must permit me and other attorneys to petition Courts to correct mistakes and misconduct without discipline or other retaliation for petitioning to safeguard fundamental rights and claims.

3. Question IX of the petition asks this court:

> "IX. Whether this Supreme Court may limit the Constitutional check upon its own branch, the judiciary, to cases and controversies and impeachment, to preserve the rule of law, by allowing petitioning to its own Court regarding injuries claimants allege were caused by the US Supreme Court or its members including the injury I allege Justice Alito caused herein by denying my assertion of the First Amendment right to petition wherein I made an application for additional time, an accommodation, which has compelled me by government compelled force to waive claims and to draft a petition under duress without adequate time to sufficiently plead the important issues I address to protect and preserve the Court and the Constitutional law, not to destroy the members or the Court in the face of attacks to the institution meant to eliminate the rule of law I seek to preserve and defend." (Emphasis intended).

4. Should the Court hold judges may be corrected in cases and controversies which is within the purview of the Constitutional limits this, Court must permit me to petition and protect my 1st Amendment right to petition Courts to correct court mistakes and misconduct without retaliation as Justice Alito appeared to do by denying me time based on my pleadings where I disagreed with his reasoning in certain cases within a case and controversy. See, No. 22A981

5. By extension, the Court must protect and not punish my exercise of the right to petition in the original disciplinary court for which this disciplinary petition arises by overturning the PA Disciplinary Order placing my license on inactive disabled but for my private 1st amendment rights of religious beliefs contained in my speech in my Delaware petitions in Kelly v Trump, and for my petitions to correct judicial misconduct or mistakes.

6. This reciprocal case arises based on my petitions in Kelly v Trump to the Chancery Court and the Delaware Supreme Court to correct judicial misconduct or mistakes. I petitioned the Chancery Court to stop its staff from disparately treating me based on disdain for my religious-political beliefs or poverty. The staff wrote on a subpoena, dated 10/5/20 confusing the court and I, and directed me to cross off local counsel's address on a subpoena for an amended complaint dated 10/12/20 to prevent service to local counsel. Then the staff member misled me to cause me to miss an appeal date. (See, Exhibit 4/26/22 letter and attachments thereto)

7. The Chancery Court would not accept any documents from me without notarized signature. Since Trump had covid at the time, I drafted a letter requesting relief from the notary requirements under the impression it may endanger my health, the court's health and the notaries who sign off on Trump's signature. The Delaware Supreme Court sent back a letter indicating

the courts waived notary requirements for all during the pandemic. The DE Supreme Court copied the Disciplinary Board member in the letter, attached hereto, dated 10/21/20. Id.

8. During Kelly v Trump the Delaware Supreme Court incited the Delaware Disciplinary Counsel, DE-Lapp another arm of the Court and Court of Common Pleas Judge Kenneth S. Clark to attack me to cause me to forgo my case. Judge Clark threatened me in a store BJ's in an attempt to cause me to forgo my case Kelly v Trump.

9. I petitioned the Delaware Supreme Court regarding the state attacks to cause me to forgo my 1st Amendment right to petition, I attach hereto as A-4. I discovered Judge Seitz incited the petition. So, I moved for his recusal as outlined in the attached exhibit A-5.

10. After Kelly v Trump was over I discovered the entire Court incited the state attacks against me. I also discovered the Delaware Supreme Court through staff attorney Robinson fired the Court staff I complained about, and secretly sealed A-4 and A-5 during Kelly v Trump to conceal incriminating information against the Delaware supreme Court and necessary for my claims and defense in all lawsuits relating to this matter. I care about the staff. I did not want them to get punished. I merely sought to preserve my right to religious exercise of beliefs. After the case I noticed the DE Supreme Court did incite the attacks by copying the Disciplinary Board in a letter dated 10/2/20 attached to the 4/26/22 letter as an Exhibit hereto.

11. Since I filed the petition Justice Alito spoke in the news indicating the US Supreme Court may not be regulated. While I agree with Justice Alito, I think the better way to place a check on the other two branches is within the Supreme Court's power in cases and controversies. Art III.

12. To my horror on 9/4/22 Senator Whitehouse filed a petition, attached hereto and incorporated herein to discipline Justice Alito for opposing regulating the US Supreme Court

publicly. I am so scared the entire court may succumb to public fickle pressure to eliminate Constitutional rights by allowing regulation of a no longer impartial court. I believe this will expedite the scheme to eliminate the courts down the line that restrains entities from enslaving, oppressing, killing, stealing and destroying human life, liberty and health to sustain power, position, profit under the guise of sustaining the world.

13. Please grant me the opportunity to exercise the First Amendment right to petition on this issue in this case where I argue the Federal courts and federal judges may only be corrected within the purview of the Constitutional limits of 1. Cases and controversies and 2. Impeachment, without vitiating my claims and remedies by hastily responding to Whitehouse.

14. Whitehouse makes frivolous arguments concerning the Judicial Conduct and Disability Act which do not apply to the US Supreme Court.

15. I also find it quite hypocritical that Senator Whitehouse submitted his complaint to the press in many multiple forums while he seeks to punish a Justice for speaking out on a matter of public importance to the press. (*See, Bible Matthew* 7:3-5)

16. The Courts should not to be used by the Congressmen or presidents to gain partial political favor by such horse and pony shows under the guise of creating impartiality. It makes a mockery of the practice of law. As a Christian with unique standing based on justice in the courts as an exercise of my religious belief, I respectfully request you do not entertain such foolish arguments. *See,* the following Bible verses, *Amos* 5:15 (Justice in the courts is a command); *See, Matthew* 23:23 (Justice, and mercy are greater laws, preempting laws than laws relating to money or material things); *See, 2 Timothy* 2:23 (“Don’t have anything to do with foolish and stupid arguments, because you know they produce quarrels.”)

17. The Judiciary is the only branch that gives us freedom by giving us democracy in our democratic republic. The courts protect individuals and individual exercise of liberty from being sacrificed to the conformity of the perceived majority through the vote.

18. The other two branches give us a Republic in our democratic republic and by nature are partial and politically biased requiring ethical standards which are not required to tame the impartial courts.

19. I should be afforded the opportunity to make such arguments in an actual case and controversy in order that my liberties, license and life is not sacrificed for the whims of the masses or marketed majority in two cases without Congressional overreach vitiating my rights.

20. Whitehouse's argument, "the bill would update judicial ethics laws to ensure the Supreme Court complies with ethical standards at least as demanding as in other branches," overlooks the purpose of restraining inherently partial branches as opposed to maintaining the impartial branch by maintaining its independence of the fickle fads of the masses.

21. Congress does not tell us what the law is as Whitehouse appears to seek to do in violation of separation of powers. "It is emphatically the province and duty of the judicial department to say what the law is. Those who apply the rule to particular cases, must of necessity expound and interpret that rule." *Marbury v. Madison*, 5 U.S. 137, 177, 2 L. Ed. 60 (1803).

22. Further, there may be no active alleged case as Whitehouse alleges as I seek this Court to rule in two additional cases that the US Supreme Court may not be disciplined outside the purview of the Constitution. Should Whitehouse seek to pass laws regulating this Court they should be rendered void as outside the scope of his and Congress's Constitutional power or jurisdiction.

This Court in *Ex Parte McCardle*, 74 U.S. 506 (1868) held:

> "The appellate jurisdiction of this court is conferred by the Constitution, and not derived from acts of Congress; but is conferred "with such exceptions, and under such regulations, as Congress may make;" and, therefore, acts of Congress affirming such jurisdiction, have always been construed as excepting from it all cases not expressly described and provided for."

23. "By words of the Constitution, equally plain, that judicial power is vested in one Supreme Court. This court, then, has its jurisdiction directly from the Constitution, not from Congress." The jurisdiction being vested by the Constitution alone, Congress cannot abridge or take it away." Id at 507.

24. It is not fair that Congress may be above the law, and separation of powers issues, and eliminate my right to petition the court in a case or controversy about the same issue where my remedy may be lost. *Marbury v. Madison*, 5 U.S. 137, 147 (1803) ("It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress")

25. Please abstain from addressing Whitehouse's complaint with a mere advisory opinion unless it is a decision not to prosecute It may be used against you to discredit or impeach you down the line. Please give a real opinion on the issue in my case, even if you disagree with me.

26. Justice is not a matter of popularity or sustaining positions by the will of the people. There is no social contract. The Constitutional law limits both public and private behavior to prevent people and entities from enslaving, killing, destroying human life, health or liberty of others for material gain, convenience, productivity without a meeting of the minds. These limits on law protect us from slavery too.

27. Justice is a matter of truth, and often is unpopular. The Court is charged to safeguard even unpopular exercise of religious beliefs which do not conform to the acceptable beliefs of the majority, even mine. My religious beliefs contained in my speech in my petitions is the reason for the original disciplinary order and this reciprocal case, per DE ODC at Petition 7, not attached.

28. The reason why I became a lawyer is my religious faith in Jesus Christ. In *John* 7:24, Jesus commands, "Stop judging by mere appearances, but instead judge correctly."

29. See the letter I attach hereto and incorporate herein regarding CLEs wherein I confronted the courts regarding the place of origin and wealth bias and partiality by Delaware Judges and asked a Judge to correct it.

30. I note retired Delaware Judges Slights and Smalls both demeaned me because I was born in PA. Judge Slights told me to go back to PA, and Judge Smalls called me a Philadelphia lawyer in my first appearance in court ever. I was so upset I made a bumper sticker when I ran for office about it which I attach hereto and incorporate herein with a number of other documents showing my life and property was threatened based on religious-political beliefs contained in speech but for Trump's establishment of government-religion. Albeit no one made a police report when I told an officer that people talked about shooting me. The police report contained in the documents was mere threats from a neighbor who previously threatened to ram my car if I placed it in a different place on my own property. I was scared because he cursed me out before, and at a development meeting he threatened to use his gun should any of the development committees' members come on his property without permission. (See, Exhibits showing belief of danger based on partnerships between… attached hereto and incorporated herein.)

31. The Intervening circumstances also relate to my arguments in my Petition pages 6-14 wherein I named one of two sections on those pages "Meghan Kelly believes the Courts are in danger, and believes upholding the Constitution and the Constitutional limits upon the checks upon the court **without waiver may preserve the rule of law from schemed demise to prevent the dissolution of the United States**" (emphasis intended)

32. I believe the courts are in danger. Not only has Senator Whithouse attacked the courts by feigning the need to regulate the courts to make them partial puppets since I submitted the petition, the news also has been publishing and marketing more criticism against Supreme Court justices to compel the court to give into temptations to regulate the courts which I believe will be used to eliminate the Court.

33. I am aware of different ways the US Supreme Court is being attacked by design to be supplanted to be eliminated. I incorporate the exhibits attached hereto to evidence non-attorney and non-judges are practicing law or judging in place of the judiciary branch. (See *Exhibits on an Agenda to Eliminate people in the law to eliminate the government that restrains entities from getting as much as they can for as little unrestrained from the just rule of law from oppressing, killing, stealing or destroying human life, liberty or health for the bottom line* (hereinafter referred to as "Agenda Exhibits"))

34. I am so scared the entire court may succumb to public fickle pressure to eliminate Constitutional rights by allowing regulation of a no longer impartial court. I believe this will expedite the scheme to eliminate the courts down the line that restrains entities from enslaving, oppressing, killing, stealing and destroying human life, liberty and health to sustain power, position, profit under the guise of sustaining the world.

35. This Court safeguards its position by actually striving to uphold the Constitutional application of the law to protect individuals and individual liberty from being sacrificed to serve what I believe is the mark of the beast spoken of in Revelation business greed through charities, not for profits, governments or businesses. See, *Matthew* 6:24 (You can only serve one master God or money)

36. I seek to preserve my opportunity to petition this court regarding the same issues Senator Whitehouse seeks to commandeer the court about outside of the purview of a case or controversy or impeachment to stealthily set up the judges to judge where there is no jurisdiction at this time to address the issues or. What you opine in Whitehouse's alleged petition may be used against you to eliminate the impartial rule of law by eliminating the courts by foreseeable impeachments compelled by alleged violations of regulations that preempt and eliminate the impartial application of the Constitutional Rule of law. See US Amend V about self-incrimination. Please do not waive the 5th inadvertently.

37. Should this Court waive its members 5th Amendment rights against self-incrimination by regulations or a code of conduct Equal protections under the 5th Amendment component will be violated by this Court by the government compelled and required partiality towards mere regulators, regulations or codes of ethics to sustain justices' seats instead of the impartial application of the Constitutional rule of law that limits the government from bartering away citizens' Constitutional rights or lives to sustain judicial seats.

38. This Court would certainly be set up to fall by those who may lie to win at all costs should this Court give into temptation to self-regulate or otherwise agree to a code of ethics.

39. There is evidence of a plan of a slow overthrow of the rule of law to overthrow the government. I ran for office in 2018 because non-attorneys practiced law without a license, harmed the public and took advantage of esteemed colleagues including my esteemed deceased friend Dick Goll, Esq. Nonlawyers lawyering and non-judges judging is a problem. Please consider granting my opponent and other disciplinary counsel the power to restrain non-attorneys from lawyering. I believe preventing regulating this Court is part of the solution to a plan to eliminate it to eliminate the rule of law.

40. Lobbyist like Sebastain Thrun on the 2nd day of the 2018 World Government Sommet ("WGS") talked about eliminating people judges and people lawyers. The Venus Project and the World Economic Forum (WEF) lobbyists also allude to elimination of people judges to rulers who control the resources including technology with no courts to restrain you. (See exhibits)

41. Upon information and belief there is not only a plan to eliminate fiat currency to the Private Central Banks digital currency, but this is a mere transition to far more sinister plans after 2050 to eliminate all currency to allow utter control by those who control the resources including technology without the just rule of law by people judges or love written on the hearts of men (since entities and collective associations have no heart to love by compelled collaboration driving out unconditional love by conditional conforming)from restraining them from enslaving, killing, stealing or destroying human life, health or liberty for profit, pleasure, power, position, aka business greed, aka the mark of the beast.

42. Without people judges and people staff, we are not free to seek to safeguard liberties, we are for sale slave cattle. Without you there is no freedom or Constitutional law restraining the government and the government backed private and foreign partners who should

be deemed government agents not protected under the contracts clause but limited by the Constitutional restraints on government agents to prevent enslavement of a no longer free people to alleged debt owed to government partners. There was no meeting of the minds by the people to contract their souls to what I see as death in hell by making mammon savior and God. Matthew 6:24. The lie of social contracts and the new social contract the World Economic Forum preaches must not be used in the courts. Laws restrain the conduct of man whether they agree to it or not.

43. We are in great peril. Please help us by examining how you may preserve the courts under my unique arguments even if you disagree with me and destroy me. Please use my case to consider how to save yourselves to save the world please, not Senator Whitehouse's complaint please.

44. There are 4 different tactics to eliminate the courts.

1. Marketed peer pressure, which this court must not give into temptation to chill free speech even critical or at times wrong speech. Should this Court give into temptation to become defensive, such behavior will be used to attack not protect the court as indication of eliminating Constitutional freedoms, freedom of speech, and freedom to think of conscience. US Amend I.
2. Elimination of judges' authority to judge by allowing banks to judge in place of judges, above reproach by the courts.
3. Elimination of judges to judge as non-judge entities such as businesses, not for profits and charities above court correction, essentially above the law since the other two branches refuse and collude in allowing entities to be unrestrained by drafting and enforcing just decrees to prevent non-lawyers from lawyering and non-judges from judging.
4. Automation that will be used to implement a new global system where the will of those who control the resources and the technology will compel their dictates upon the people to eliminate their freedoms to exercise Constitutional liberties by the dictates of their conscience free choice by the compelled, conditional collective collaborative forced choice by those who control the resources, not the government.

45. The government backed partners are the problem, not the government. There will be more marketed attacks against the government.

46. I request you abstain from addressing the complaint submitted to you attached hereto against Justice Alito by Senator Whitehouse dated 9/4/2023.

47. It is a trap your honor to compel you to eliminate what is not yours to barter away, the 5th Amendment right against self-incrimination by compelled incrimination of federal judges and more importantly the 5th Amendment right to a fair and impartial federal judiciary, as applied to me your honor as a unique party of one with special arguments on the record in two cases I seek to appeal before this United States Supreme Court, and of all citizens from a no longer free and independent but partial judiciary to whomever regulates its seats through self-regulation or third party regulation.

Wherefore I pray this Court grants this petition.

Thank you for your time and consideration.

October 10, 2023

Respectfully Submitted,
/s/Meghan Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939,
(302) 493-6693
meghankellyesq@yahoo.com,
US Supreme Court Number 283696

Under Religious objection I declare, affirm that the foregoing statement is true and correct.

Dated: 10/10/23

Meghan Kelly
(printed)

(signed)

CERTIFICATION OF COUNSEL (RULE 44)

I certify that the Petition for Rehearing from Denial of Certiorari is presented in good faith and not for delay and is restricted to the grounds specified in Supreme Court Rule 44.2.

Dated: 10/10/2023

October 10, 2023

Respectfully Submitted,
/s/Meghan Kelly Meghan Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939,
(302) 493-6693
meghankellyesq@yahoo.com,
US Supreme Court Number 283696

Under Religious objection I declare, affirm that the foregoing statement is true and correct.

Dated: 10/10/23

Meghan Kelly
(printed)

Meghan Kelly
(signed)

No._____

Related Application No. 22A981

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Supreme Court of Pennsylvania
Meghan M. Kelly, Petitioner
V
Office of Disciplinary counsel, aka Pennsylvania Disciplinary Counsel
On Petition for Writ of Certiorari to the Supreme Court of Pennsylvania, Western District of PA,
Case Number 2913 DD3

Petitioner Respondent Meghan Kelly's petition for writ of certiorari to appeal the Pennsylvania Supreme Court dated February 28, 2023

Dated May 30, 2023

Respectfully submitted,

/s/Meghan Kelly
Meghan Kelly, Pro se
Not acting as an Attorney
34012 Shawnee Drive
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(302) 493-6693, pro se,
USSC No. 283696, Not acting as Attorney Advocate on behalf of another

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QUESTIONS PRESENTED

I. Whether there is subject matter jurisdiction under the applicable **Pennsylvania subject matter jurisdiction statute 204 Pa. Code § 85.3**, given my status has remained retired since 2018 until February 28, 2023 where my retired inactive license was placed on retired inactive disability as reciprocal discipline for my conduct of petitioning the Delaware Courts to sue former President Donald J. Trump in a Religious Freedom Restoration Act Law suit to alleviate a substantial burden upon my religious exercise occurred in 2020-2021, which is outside the scope of 204 Pa. Code § 85.3.

II. Whether there is statutory authority granting PA ODC authority to seek reciprocal discipline at this time, as not ripe since reciprocal discipline does not fall under the Pennsylvania's jurisdiction under 204 Pa. Code § 85.3 or the Pennsylvania Office of Disciplinary's authority under Pa.R.D.E, Rule 201 (1)(3) or Pa.R.D.E., Rule 218 (a).

III. Whether there is an injury in fact to meet the element of standing under the facts of this case.

IV. Whether the Order I seek to vacate remedies any harm, or whether it chills the exercise of private fundamental rights including the First Amendment right to privately petition to safeguard one's private personal religious belief in Jesus Christ

V. Whether Pennsylvania Office of Disciplinary Counsel's precedent will cause unjust injury to formerly retired lawyers, the public and needless lawsuits glutting up the courts by exceeding jurisdiction over formerly barred lawyers who do not fall under the statutory state limits of jurisdiction.

VII. Whether a justiciable case or controversy exists below given there is no injury in fact, the February 28, 2023 reciprocal disciplinary Order remedies no harm, Pennsylvania Office of Disciplinary Counsel ("PA-ODC") has no standing and there is no subject matter jurisdiction under the Pennsylania statute that grants the PA Supreme Court authority to discipline attorneys under 204 Pa. Code § 85.3.

VIII. Whether the State Courts may violate the Constitutional limits by eliminating freedoms the Constitutional limits safeguard by requiring the elimination of Constitutional freedoms in exchange for licenses to buy and sell as professionals, under the facts of this case.

IX. Whether this Supreme Court may limit the Constitutional check upon its own branch, the judiciary, to cases and controversies and impeachment, to preserve the rule of law, by allowing petitioning to its own Court regarding injuries claimants allege were caused by the US Supreme Court or its members including the injury I allege Justice Alito caused herein by denying my assertion of the First Amendment right to petition wherein I made an application for additional time, an accommodation, which has compelled me by government compelled force to waive claims and to draft a petition under duress without adequate time to sufficiently plead the important issues I address to protect and preserve the Court and the Constitutional law, not to destroy the members or the Court in the face of attacks to the institution meant to eliminate the rule of law I seek to preserve and defend.

TABLE OF APPENDICES

TABLE OF CITATIONS

CONSTITUTION

FEDERAL STATUTES

STATE STATUTES AND REGULATIONS

BIBLE and Books or publications or other

CASES

IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below the Pennsylvania Supreme Court, Western District of PA, Case Number 2913 Order dated February 28, 2023.

I OPINIONS BELOW

The order of the Pennsylvania to review the merits appears at Appendix ("App.") A, dated February 28, 2023 (hereinafter "Order"). There is no lower Court opinion. The grounds of the Order are not provided by the Court

II JURISDICTION

The jurisdiction of this Court is invoked under 28 U.S. Code § 1257(a).

III CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent statutory provisions are reprinted in the appendix to this brief, App 1-A.

IV STATEMENT OF THE CASE

V SUMMARY OF ARGUMENT

No case or controversy ever existed between Appellant, Respondent Meghan Kelly and Appellee Pennsylvania Office of Disciplinary Counsel, also known as Office of Disciplinary Counsel (hereinafter "PA ODC") and therefore the proceeding below is not justiciable and must be overturned pursuant to 28 U.S.C. § 2106. This reciprocal disciplinary proceeding was uniquely brought before only one forum the PA Supreme Court, not before the PA Board or a PA trail court, based on a flawed Delaware Disciplinary proceeding I seek to overturn in a civil rights case.

This case arises based on reciprocal discipline based on a Delaware Order placing my license to practice law on disability inactive. The Delaware Office of Disciplinary Counsel ("DE ODC") and the Delaware Supreme Court claim the reason for the Disability Order is based on conduct that occurred in 2020-2021, my religious speech contained in my pleadings filed in Kelly v Trump.

My license to practice law has been placed on inactive retired since 2018, and has maintained that status until February 28, 2023 where it has been placed on inactive retired disability.

204 Pa. Code § 85.3(a) outlines the limited jurisdiction of the Court which does not include jurisdiction over "formerly admitted… retired" attorneys" whose conduct did not accrue while admitted, and who are not now admitted. The PA Supreme Court does not have subject matter jurisdiction to adjudicate the case. I filed a Motion to dismiss for lack of subject matter jurisdiction below. (App. D, E). Nevertheless, lack of subject matter jurisdiction may "be raised at any time," even after the case. "*Citing, Henderson v. Shinseki*, 562 U.S. 428, 434 (2011)

The case is not ripe for adjudication. If and once I apply to activate my license, a live case would arise. Nevertheless, the harm towards me is immediate. Even if I overturn the original Delaware disciplinary Order, the cloud on my name would prevent my former law firm from rehiring me. It is the mere opportunity I seek to preserve, not the guarantee. I do not intend to or desire to reapply for readmission to PA. Costs are too expensive to bear given my religious objection to debt, poverty causing as substantial burden upon my exercise of the First Amendment right to petition and a violation of my invocation against involuntary servitude under the 13th Amendment in order to exercise fundamental rights including the First Amendment right to petition in defense of my exercise of Constitutional rights and licenses to

practice law. And yet PA needlessly conditions an additional obstacle conditioning a grant of privilege, a Delaware and PA government license, or benefit upon the surrender of a constitutional right in violation of US Amend I. *Citing, Minn. Ass'n, Health Care v. Minn. Dept., P.W*, 742 F.2d 442, 446 (8th Cir. 1984); *Citing, Western Southern Life Insurance Co. v. State Board of Equalization*, 451 U.S. 648, 657-58, 664-65 (1981); *Sherbert v. Verner*, 374 U.S. 398, 404-05, (1963).

The issue the Order adjudicates will likely never become a live case. I moved this Honorable Court to vacate the Order below and dismiss the case below based on lack of subject matter jurisdiction below. App. E. F. The Court ignored my arguments to dismiss based on lack of subject matter jurisdiction and rendered an Order without explanation as to why the PA Supreme Court may exceed the scope of the statutory jurisdiction.

Further, PA ODC has no standing. There is no injury in fact or harm to PA or PA ODC. To my knowledge I have never practiced law in PA. There are no clients to report discipline to. There is no harm to PA ODC or PA, or remedy for any alleged harm. My license has been transferred from inactive retired to inactive disabled retired with no injury to remedy, nor any relief since the status in effect is essentially the same. Both retirement inactive and inactive disability status place my license in essentially the same status inactive, without lawful authority to practice law in PA without permission, with the slight change of the derogatory label with no legitimate lawful purpose for the Order other than for the convenience of PA ODC should this case become ripe for adjudication. Yet, that is a speculative convenience, and the issue is not ripe for adjudication.

In the alternative, PA ODC may refer to a doctored up inaccurate, prejudicial Delaware Disciplinary transcript which does not reflect my testimony which at all times I objected to and

maintain my objections to as inaccurate, prejudicial and fixed in a sham proceeding against me before the DE Supreme Court in argument that my belief in Jesus Christ is so dangerous that I am a danger to the world and should die as unworthy of buying and selling as a lawyer to sustain my life. Albeit that argument that I should not have fundamental rights merely because my religious beliefs are different than the state or conflicts with the state's interest in business greed, and gain by marketing of mere appearance of justice should fail as even my religious beliefs in my private speech in Delaware do not grant PA ODC standing on my retired inactive license where I do not actively practice law in PA and have never practiced there to the best of my knowledge, certainly not after I retired my license.

The placement of my retired inactive license to practice law to retired inactive disabled remedied no harm and granted PA ODC and PA no relief, and instead caused needless litigation and an Order which will increase needless lawsuits if not reversed.

i. Delaware Original Disciplinary Case brought to punish me for exercising the right to petition to alleviate a substantial burden upon my religious beliefs, based on state's disdain for my private speech containing my religious beliefs in my petition and to cover up state misconduct I petitioned to correct

This case arises on the basis of reciprocal discipline relating to a Delaware Supreme Court Order that placed my license to practice law on disabled inactive due to my exercise of private fundamental rights of my private right to petition on bar dues, the private right to petition my Religious Freedom Restoration Law Suit Kelly v Trump filed in 2020-2021, and to cover up the State's misconduct, including but not limited to the State's collusion to cause me to forgo my law suit in Kelly v Trump, witness tampering, violations of procedural due process, violations of my private First Amendment right to exercise my religious, and my private First Amendment right to petition to defend my religious exercise without state persecution but for my religious

The Delaware Supreme Court mainly has issues with the my religious political private

speech contained in my petitions and the petitions I attach hereto and incorporate herein as A-5, Appellant's Motion for the Delaware Supreme Court to require the recusal of the honorable Chief Justice Collins J. Seitz, Junior in this matter, exhibits thereto, and A-4, Appellant's motion for the Delaware Supreme Court to Reign in its arms through its agents from unlawfully pressuring appellant to forgo or impede her case to protect her free exercise of religion by relief it deems just, and exhibits thereto, attached as App. 2-A. The State Court wrongly, secretly and in bad faith sealed these two pleadings I filed in Kelly v Trump during Kelly v Trump without providing me notice and an opportunity to be heard to conceal material information to appeal to this United States Supreme Court in 21-5522, the civil rights case and the disciplinary cases to affect the outcomes to conceal procedural due process violations applicable to the state pursuant to the 14th. belief in Jesus Christ. (App. F)

The Delaware Disability Order also arises from my petitions regarding Delaware judges displaying place of origin animus or selective favoritism in violation of the Equal Protections Clause of the State applicable to the state pursuant to the 14h Amendment. Judge Slights told me to go back to PA, and Judge Smalls called me a Philadelphia lawyer despite the fact I am a Delawarean and grew up in Delaware from elementary school to college at University of Delaware. People talked about shooting me based on my religious political speech contained on my signs on my vehicle. I do not want to be harmed or die, should anything happen to me.

My license to practice law does not vitiate my private First Amendment right to petition the state courts to alleviate a government incited substantial burden upon my private First Amendment right to exercise religious belief without government incited economic, social or physical harm, but for my religious exercise and belief in Jesus Christ.

I also drafted a letter regarding the disparate treatment against out of staters and those in unknown or smaller firms. It appears the State continues to disfavor and even punish other lawyers besides myself based on lack of wealth and small firm status in retaliation for exercising their First Amendment right to petition the state to correct its misconduct, as a colleague Richard Abbott. The State vitiates Constitutional rights, essentially compelling the government elimination of fundamental private rights including the First Amendment right to petition the state concerning State misconduct by license holders. The State behaves as a partial State forum, in fact and as applied when it favors convenience and marketing of its own seat and professional at the cost of sacrificing the private individual Constitutionally protected liberty and lives of license holders. In my case the State eliminates my right to buy and sell but for my religious speech contained in my petition. I believe the lawless violation of free will by Courts is the mark of the beast by those who are charged to administer the impartial rule of law based on partial lusts. It teaches the world wrong.

There are a host of issues relating to reciprocal discipline I could argue, but I write in one day in haste as I am prejudiced in that Justice Alito unreasonably denied my application for additional time, apparently because I noted my disagreement with him and this United States Supreme Court in the exhibits contained in my petition I incorporate herein by reference by application number No. 22A981.

ii Justice Alito unreasonably denied my application for more time which prejudices me due to inability to work based on this petition (wherein I waive claims by government compelled forced time limits without accommodations and am compelled to present subpar pleadings) based on my disagreement with his decisions and the decisions of the Court which I outlined in exhibits to my petition in violation of the Equal Protections Clause based on disdain towards my genuinely held religious belief.

Justice Alito unreasonably denied my application for more time, causing me to limit the scope of this appeal due to inability to argue to defend all my asserted rights below. While I

argued below the procedure was so lacking in notice or opportunity to be heard before the Delaware original disciplinary proceeding as to constitute a deprivation of due process in the Delaware form and that there was such an infirmity of proof as to give rise to the clear conviction that this court could not, consistent with its duty, accept as final the conclusion on that subject in that the Delaware Supreme Court covered up material evidence by sealing pleadings to my defense, firing two material witnesses to my defense, denying me the write to subpoena them or to perform discovery, the issue before this Court is limited to lack of subject judication, lack of a case and controversy, lack of injury to PA or standing of the ODC at this time.

Justice Alito's denial for time is based on my disagreement with his decisions and the decisions of the Court which I outlined in exhibits to my petition in violation of the Equal Protections Clause based on disdain towards my genuinely held religious beliefs.

I filed a Religious Freedom Restoration Act law suit against former President Donald J. Trump to dissolve the establishment of government religion that caused a government incited substantial burden upon my religious exercise.

In the Complaint Kelly v Trump and pleadings I drafted I, I explain one reason why the establishment of government religion reasonable foreseeably religion upsets me manifesting in emotional distress. I believe some conduct government agents perform, support, or speak misleads people to exploit others for material gain as God, misleading people to harm, and I believe damnation in hell. I am a Christian. I do not want people to die and go to hell. I do not want misguided judges like I believe Justice Alito and Justice Thomas are to mislead people to lose eternal life.

In the document labeled A-5 Attached hereto at App 2-A, I attached my denied petition to the Delaware Supreme Court to exempt attorneys who faced economic hardship from dues during the pandemic dated February 5, 2021 where I stated on page 5.

> "With the acceptance of the cloak of government authority, government servants have fewer freedoms to share their belief and may not condemn not support a religious belief under the inherent threat of persecution against people for believing differently than the government authority.
>
> This Court does not have to believe as I do to safeguard everyone's freedom [including mine] to worship or not according to the dictates of their own conscience without government sponsored persecution.
>
> The Supreme Court misbehaves too. Please see the attached. I fear Justice Alito, Justice Kavanaugh and Justice Thomas are confused into believing in sacrificing human life to keep the so-called Sabbath and to serve business greed is keeping the law. They are wrong. They love money not humanity, and will sacrifice those the Constitution protects to serve the almighty dollar under the guise of an almighty God or good. See, Matthew 6:24. I think those justices will go to hell if they are not corrected by our courts [case law] or otherwise. Confusion kills. See 2 Corinthians 4:4
>
> This Court has the power to save lives and eternal lives, even of US Supreme Court justices, via correction with mercy, to prevent condemnation by transforming wrong doers into right doers, by love for one another, not exploitation of one another to serve the love of money."

I think Justice Alito was offended I was worried that he may to go hell based on his confusion. I really do believe this. I do not want him to go to hell. One reason why I filed *Kelly v Trump* is to prevent the government from misleading people to hell by serving sin which serves death by claiming their government agendas which conflict with God's are backed by God. I think that is why he unreasonably denied my petition for more time in the PA case.

I also believe the US Supreme Court is wrong on other opinions and attached this to my petition to Justice Alito for more time, and included these attachments on your docket to refer to herein by reference.

In Exhibit 7 to my application for time, I indicate the Supreme Court is wrong in *In Jacobson v. Massachusett*s, 197 U.S. 11, 35 (1905). The Court was wrong about vaccines. I allege the Court in Jacobson also erred in its illogical analysis that the United States is republic.

The Court seemed to limit the only freedom the American people have is in a representative government. The Court sacrifices individual liberties by the vote to get out of upholding individual people's freedom in court cases by essentially violating the First Amendment for convenience and productivity. This makes mere statutes and policies weightier than the preempting Constitutional provisions that limit government. I believe this is also the mark of lawless lusts misleading people to hell should they not repent by turning away from inequity. I believe people sin when their desire for convenience, avoidance of costs, productivity, material gain, power, position, praise blinds their eyes from loving others as self.

In another exhibit to the petition I disagree with a bunch of US Supreme Court cases where I believe the Court serves the mark of lawless lusts misleading people to hell, the mark of the beast by sacrificing individuals and individual liberty under the guise of material gain.

I averred:

> "11. I disagree with the Supreme Court's decisions in *Masterpiece Cakeshop, Ltd. v. Colo. Civil Rights Comm'n*, 138 S. Ct. 1719, 1721 (2018); which is distinguished from my case in that I am punished for exercising my private individual religious belief, private religious-speech, in my private-personal religious petitions. Whereas a business receiving a government license to buy and sell in *Masterpiece Cakeshop* was permitted to choose who is worthy of buying and selling, based on relationship on religious grounds.
>
> 12. I understand there may be 13th Amendment arguments against compelled servitude. And yet, business is not freedom. A license is freely accepted and the private holder must not disparately treat customers based on the exercise of the customer's free will to believe and live differently than the merchant. Again my case, is different in that I am persecuted by the state based on my exercise of fundamental rights, my private First Amendment right to petition, my private First Amendment right to religious belief, exercise of belief, My First Amendment right to be free from the government established forced religion, my private-First Amendment right to association, even as a Jesus-lawyer, my First Amendment right to speech and other rights, Equal protection, procedural due process, right to self-represent, call witnesses and so on. I am not seeking government authority to disparately treat consumers as unworthy to serve based on my disagreement of their religious or secular belief….
>
> 13. Some religions include involuntary servitude, forced caste systems and human sacrifice. If the government grants a license to private professionals to use religion to oppress, and blackball others through licensed or government backed businesses or not for profits, we are not free people, but are bartered for under a fixed

government backed economy which protects discrimination not based on quality of goods and services but partiality.

14. Similarly, I believe the Supreme Court is misguided by money saved or gained by entities who under the guise of freedom of religion, control people, forcing their religious views, by business greed again in *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 207 L. Ed. 2d 819 (2020). Here, "The Supreme Court... held that ACA authorized Health Resources and Services Administration (HRSA) to exempt or accommodate employers' religious or moral objections to providing no-cost contraceptive coverage." This arguably saves the employer more money in insurance costs, at the exchange of losing coverage for their employees, bartering away, selling other people's free choice, their souls, or freedoms, for the bottom line by forced choice. It is my religious belief this is based on the mark of the beast, business greed, under the guise of good. I see it as enslaving others to bend to the employer's religious will, diminishing their free will, by economic force, potentially losing a job. The Supreme Court is bartering away people's freedoms to artificial entities without hearts, businesses, not for profits and charities, without the ability to reflect the image of God, by unconditional love. Entities run on cash or conditional labor with no ability to unconditional love by their nature which is collective, contingent conformity. Jesus teaches you cannot serve God and Money. I choose God.

15. Money is not speech either. It is bought not free, not freedom of speech. If buying and bartering for a voice is free speech, only those with money power and connections, have the freedom to purchase a louder voice to be heard, in violation of the Equal protections clause component of the 5th Amendment applicable to the federal government by disparate treatment based on poverty and wealth. Wealth does not make one more important or more worthy of being heard. Looking at the bottom line creates unequal treatment and mistreatment of the poor. Do you serve people or greed, which I believe is lawlessness.

16. The US Supreme Court erred in *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010). This Court erred in the finding "Use of funds to support a political candidate is speech." *Austin v. Michigan Chamber of Com.*, 494 U.S. 652, 110 S. Ct. 1391, 108 L. Ed. 2d 652 (1990), overruled by *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010)

17. The United States Supreme Court also erred in *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 207 L. Ed. 2d 870 (2020), rendering religious organizations to lawlessly do as they please, fire employees unjustly without remedy. It appears that if a religion allows an entity to discriminate, to do what is most advantageous for the bottom line regardless of the harm, so long as they use the name of God or religion, including non-religion, artificial entities without hearts will chose their own religion, including non-religion forcing people no longer free to bend their will to serve business greed, the mark of the beast, without discipline to sacrifice material gain to love humanity, in the form of the rule of law, or love written on humanity's hearts per *Jeremiah* 31.

18. I believe lawyers, even lawyers labeled disabled inactive lawyers like me have a duty to uphold the Constitution by telling judges their rulings violate the Constitution, even if the rulings are based on misguided holdings 100 plus years old.

19. With that said, I believe the Courts have been wrong for about 100 years with regards to holding government pay, pensions and social security are not protected under the contract clause. [I was wrong about the Contract clause which is applicable to the states, not about case law. I desire to protect federal workers pay, pensions and retirement. Without federal workers, there is no government]

20. I also believe the courts are wrong by protecting colluding private partners in a fixed not fair unequal economic system. Government contractors should be deemed government agents unprotected by the contracts clause.

21. The money the government uses to pay entities is made by enslaving not serving the people by requiring they work to pay back the federal reserve with interest with money that does not exist. It is a Ponzi scheme requiring the citizens become slaves in a fixed not free economy. The proclamation that all men are created free and the free exercise of liberties is violated by the manner money is coined electronically or otherwise by the private entity the Federal reserve and the banks.

22. In June 2023 a debt default may occur.

23. I desire to persuade our US Attorney General to sue President Biden to change case law and to protect the rule of law, by protecting the people who govern as government employees by protecting their pay, pensions and social security. Case law shows social security, pensions and government pay are not protected and may be wiped out.

24. Should government pay, social security and pensions stop payment this June, I want US Attorney General David Weiss or US Attorney General to sue the government under a contract clause theory to change 100s of years of bad law to prevent the schemed overthrow of our government by eliminating people judges and others. The schemed overthrow is designed by temptations. They entice the government employees to wrongly enslave the people by increasing taxes the people cannot pay. The taxes will cause foreclosures and bankruptcies decreasing tax revenue in bulk despite o and because of the tax increases. Our leaders refuse to think things out by giving into temptations to serve their immediate gratification at the cost of harming the people down the line.

25. I do not want old people to go to hell. I believe the most important time of your life that determines eternity is the day of your death. In Ecclesiastes the Bible teaches the day of your death is more important than the day of your birth.

` 26. I believe people go to hell for trusting in money as God and savior. If old people become bitter at losing retirement and pensions or [they] blame others increasing oppression by requiring others to work to care for them by force, they will go to hell, which is sad. Those who trust in money as savior get thrown into the fire as unworthy of eternal life at the last day, regardless of whether it is through charities or work. I do not want old people to be harmed, die or be doomed to hell because they are in despair and left to die in want because the case law does not protect government pay, pensions or social security under the contracts clause.

27. The case law serves lawless lusts, making the mark of the damned the law productivity, material gain, avoidance of costs and material gain at the exchange of sacrificing souls like Satan.

28. I pray US Attorney General David Weiss or Merrick Garland bravely confronts the courts to say they were wrong to correct them to save government pat, pensions and social security of even federal judges to care for the people.

29. I sent opposing counsel and US Attorney General David Weiss an email with research on this topic the law librarian kindly sent me. (Email attached hereto without the research attached). I hope David Weiss would be the hero we need to be a life saver and eternal life saver, not with money or might, but with his mind to persuade the courts to do justice, not injustice guaranteed if no one asks.

30. I am so concerned. Congress may be crying wolf to feign the hero or to get their will be done by eliminating freedom by government control through barter or exchange. One day the wolves will come. I pray the Courts act as [good] shepherds caring for their flock, not sacrificing them to serve a pack who is schemed to turn on itself at some unknown time.

31. Now may be an opportunity [for] the US Attorney General to change case law to prevent harm to the people and the dismantling of the government by elimination of control to be controlled by those who control the money which is the global money changer and the central banks. There are plans to eliminate the government to be bank owned not free people.

Thank you for your time.

iii. Meghan Kelly believes the Courts are in danger, and believes upholding the Constitution and the Constitutional limits upon the checks upon the court without waiver may preserve the rule of law from schemed demise to prevent the dissolution of the United States.

I believe there is a schemed elimination of not only our economic model, that will be transitioned into a far worse economic model, I believe there is a plan to eliminate the rule of law by eliminating our government.

The attacks against the US Supreme Court and individual justices based on inciting the fickle fads of the public, while not adhering to the only two limits checks the Constitution allows are made to cause the United States Supreme Court to give into temptation of regulations that will be used to eliminate the courts down the line.

In my appeal *Kelly v Third Circuit*, No. 22-6584 , related Application No. 22A478 included I apprised the US Supreme Court of my genuine belief there is an attack to eliminate the courts to slowly overthrow our Country.

The new economic model started July 1, 2023 under Fed Now will charge every person with a bank account 25 dollars a month, and pennies for each transaction. The banks will not pay the $25 fee, but will push it on the consumers of money as a commodity.

This artificial debt creates slavery differently. The 25 fee is discounted in 2023, but is scheduled to be convened 2024. I understand the fees for each transaction are pennies now, but will be increased to indebt the government and the people to be enslaved to the central banks. There are other schemes written about, including eliminating physical schools by automation, and by threatening reduction of funds to increase taxes to an amount the people cannot afford. So, they are pushed out of their leased cars and homes to be recouped by the banks. There is reward for the banks to make us worse off. The plan is for the banks to gain property and resources to control the government and the people, to eliminate the government to eliminate the rule of law that restrains entities from oppressing, enslaving, killing, stealing and destroying people for material gain.

The crash is by intentional design. So, the schemes may be unraveled by the courts. There are other parts of the agenda which I do not have time to get into.

Since the courts are the only thing that stands in the way of an economic overthrow and the schemed elimination of the rule of law by eliminating the government, I seek to safeguard the courts by requiring they limit the check upon its own branch by correction in 1. Cases and controversies like my cases, and 2. Impeachment, without regulations that will be used to destroy it. I tried to warn the courts.

I write in haste, and in tears. I apologies for errors or typos. I believe federal judges are in trouble. The courts are the only branch that grant us freedom and democracy. The other two

branches give us a republic. Without you, we are not free, but for sale products to the governments foreign and private partners.

iv. No case or Controversy ever existed between Appellant Meghan Kelly and PA ODC therefore the case below must be overturned as not justiciable

a. There is no injury in fact, nor is the Order a remedy to alleviate any alleged injury.

This Pennsylvania reciprocal case was brought based on the Delaware Supreme Court Order by the Pennsylvania Office of Disciplinary Counsel, aka Office of Disciplinary Counsel (hereinafter "PA-ODC"). The Pennsylvania Supreme Court's Order Placed my inactive retired license on retired inactive disability on February 28, 2023.

Per App. B attached hereto and incorporated herein on May 12, 2018 I signed an application for retirement of my Pennsylvania license to practice law. The Court signed the Order transferring my license to retirement on May 16, 2018. Id.

I have been retired at all time since the placement. The Delaware Disciplinary proceeding arose per the Delaware Office of Disciplinary Counsel and the Delaware Supreme Court's Order due to my pleadings in *Kelly v Trump* which occurred in 2020, after my retirement to the PA Bar. Please see App. F, the DE ODC Letter claiming my religious pleadings in the Religious Freedom Restoration Act petition are the source of the discipline. Also see App. F, the DE ODC petition to place me on disability at 7, showing the DE-ODC found my citations to the Bible the reason to place my license on disability, when my religious beliefs were in issue in Kelly v Trump.to confirm the conduct for which I am disciplined occurred during 2020.

I have remained retired, albeit the PA Board placed my license as Retired/Disability/Inactive.

Pursuant to Pennsylvania's Rules of Disciplinary Enforcement (herein also referred to as "Pa.R.D.E.") Rule 301 (k) "As used in this rule, the term "disabled attorney" means an attorney transferred to inactive status under this rule." 7 25. Since, I was already placed on inactive status in 2017, and then resigned my license 2018, there is no license to further restrain by placing it on inactive. My license has remained retired since 2018.

Pursuant to the United States Supreme Court in Friends of the Earth, Inc. v. Laidlaw Envtl. Servs. (TOC), Inc., 528 U.S. 167, 180-81 (2000)"

> "In *Lujan* v. *Defenders of Wildlife*, 504 U.S. 555, 560-561 (1992), we held that, to satisfy Article III's standing requirements, a plaintiff must show (1) it has suffered an "injury in fact" that is (a) concrete and particularized and (b) actual or imminent, not conjectural or hypothetical; (2) the injury is fairly traceable to the challenged action of the defendant; and (3) it is likely, as opposed to merely speculative, that the injury will be redressed by a favorable decision."

In this case PA ODC has not shown the State of PA ("PA-State") has suffered an injury in fact, concrete and particularized, actual or imminent, not speculative or hypothetical, that such injury is traceable to the challenged conduct of me the accused in my litigation against former Donald J Trump in Kelly v Trump. Nor has the PA ODC shown any alleged injury will be redressed by the favorable Order below. This PA ODC does not have standing and the Order should be vacated for lack of standing.

No case or controversy ever existed between Appellant and Appellee. Appellant never threatened PA ODC OR PA State with any injury. The case is not ripe for adjudication. Should Appellant seek to place her inactive retired license on active, the case would be ripe for adjudication. I do not intend to reinstate into the practice of law in PA. So this issue will likely never be ripe. Nevertheless, the placement of my license on disability prevents me from seeking to work at other firms in DE, and punishes me for the exercise of my private rights exercised in

Delaware. So, the harm towards me is immediate and irreparable. PA ODC fails to present a case or controversy under the U.S. Constitution, Article III because PA ODC claims are based on contingent future events. Article III, section 2 of the United States Constitution requires an actual 'controversy' for a federal court to have jurisdiction." *Pic-a-State Pa., Inc. v. Reno*. 76 F.3d 1294, 1298 (3d Cir. 1996) (citing U.S. Const. art. III, § 2). No case or controversy ever existed between PA ODC and Appellant, and therefore the lower court lacked jurisdiction. Moreover, it is likely the PA Supreme Court may never have standing or a case ripe for adjudication.

I do not intend to reinstate into the practice of law, but the placement of my license on disability prevents me from seeking to work at other firms in DE. I am not admitted to practice law in the Commonwealth of Pennsylvania. I retired from the Pennsylvania state Bar in 2018, per the attached certificate of retirement I incorporate herein as App C, I incorporate herein I averred"

> "To the best of my knowledge, I have never practiced law in PA. I have no fiduciaries or clients to notify regarding attorney represented work in PA or any other jurisdiction.
>
> There are no clients being represented in pending matters or proceeding. Nor are there persons or their agents or guardians to whom a fiduciary duty is owed.
>
> Copies of the notices required by 204 Pa. Code § 217 subdivisions (a), (b), and (c)(1) do not apply to me. There is no one to notify.
>
> I have no such appointments to resign from.
>
> I have been retired from this jurisdiction since 2018. I have not practiced law for more than 6 years. I have no IOLTA, Trust, client or fiduciary accounts to close.
>
> I have no applicable advertisements or telecommunication listings which I am aware of or authorized that expressly or implicitly convey my eligibility to practice law in the state courts of Pennsylvania, other than my documents and pleadings in the Courts where loss of license(s) and reputation are indicated as damages for the Delaware Supreme Court's malicious disciplinary proceeding brought in bad faith to punish me for the exercise of my fundamental rights. Old outdated material is not handed out or publicized. Should anyone publicize information advertising my license interest in PA as of the date of this signature, it is without my knowledge, consent, or authorization.

> I have ceased and desisted from using all forms of communication that expressly or implicitly convey eligibility to practice law in the state courts of Pennsylvania, including but not limited to professional titles, letterhead, business cards, signage, websites and
> references to admission to the Pennsylvania Bar.
>
> I have no such license card and/or certificates in my possession to surrender."

The placement of my retired inactive license to practice law to retired inactive disabled remedied no harm and granted PA ODC and PA no relief, and instead caused needless litigation and an Order which will increase needless lawsuits if not reversed.

b. PA ODC has no standing. The case is not ripe for adjudication and likely will never be ripe

Standing and ripeness are related and both derive from the "case or controversy" requirement of Article III. Id, at 411 n.13. The ripeness inquiry "is concerned with when an action may be brought, standing focuses on who may bring a ripe action." Id. (citing E. *Chemerinsky, Federal Jurisdiction §2.4*, By Erwin Chemerinsky, Published by Aspen at 99 & n.1 (1989)). The Article III "case or controversy" requirement is equated with standing. *See City of Los Angeles v. Lyons*. 461 U.S. 95 (1983). To acquire standing to sue under Article III, a plaintiff must possess "a personal stake in the outcome of the controversy" *Baker v. Carr*. 369 U.S. 186, 204 (1962). This requirement assures "that concrete adverseness which sharpens the presentation of issues upon which the court so largely depends for illumination of difficult constitutional questions." Id.

In determining whether a plaintiff, PA-ODC has a sufficient personal stake in the outcome of a controversy, a court must examine whether he "personally has suffered some actual or threatened injury." *Gladstone Realtors v. Village of Bellwood*, 441 U.S. 91, 99 (1979). The

harm must be more than merely "imaginary or speculative." *Steffel v. Thompson*. 415 U.S. 452,459 (1974).

Under the applicable standard, PA ODC failed to assert a justiciable case or controversy as required by Article III of the Constitution. PA ODC lacks standing.

No case or controversy ever existed between Appellant and Appellee. Appellant never threatened PA ODC with any injury. The case is not ripe for adjudication. Should I seek to place my inactive retired license on active, the case would be ripe for adjudication. Yet, I do not intend to do so, and it is not fair to be punished without a remedy other than a compelled violation of my religious belief against debt, and my asserted right against involuntary servitude. US Amend I, V, XIII, XIV.

c. 204 Pa. Code § 85.3 limits the subject matter jurisdiction of the PA Supreme Court. The PA Supreme Court exceeded its subject matter jurisdiction by placing my retired inactive license to practice law on retired inactive disabled. The Order must be vacated for lack of subject matter jurisdiction.

The Order must be vacated because PA ODC and the Pennsylvania Supreme Court exceeded the scope of its statutory authorized subject matter jurisdiction. The PA State is a limited forum with limited jurisdiction granted by statutes not by the partial whims and convenience or partial wants of the PA ODC and members of the PA judiciary, especially when those desires conflict with Constitutional liberties and limits.

This Court held in *Gainesville v. Brown-Crummer Co.*, 277 U.S. 54, 59 (1928), "[A] question of jurisdiction can not be waived. Jurisdiction should affirmatively appear, and the question may be raised at any time. *Grace* v. *American Central Ins. Co.*, 109 U.S. 278, 283; *M.C. L.M. Railway Co.* v. *Swan*, 111 U.S. 379, 382; *Mattingly* v. *Northwestern Virginia Railroad Co.*, 158 U.S. 53, 56, 57.

204 Pa. Code § 85.3 is the statute granting the PA Supreme Court jurisdiction over attorneys. 204 Pa. Code § 85.3 provides:

> (a)General rule. Enforcement Rule 201(a) provides that the exclusive disciplinary jurisdiction of the Supreme Court and the Board under the Enforcement Rules extends to:(1) Any attorney admitted to practice law in this Commonwealth.(2) Any attorney of another jurisdiction specially admitted by a court of this Commonwealth for a particular proceeding.(3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, administrative suspension, permanent resignation, or transfer to or assumption of retired or inactive status, or with respect to acts subsequent thereto which amount to the practice of law or constitute the violation of the Disciplinary Rules, the Enforcement Rules or these rules.(4) Any attorney who is a justice, judge or district justice, with respect to acts prior to taking office as a justice, judge or district justice, if the Judicial Inquiry and Review Board declines jurisdiction with respect to such acts.(5) Any attorney who resumes the practice of law, with respect to nonjudicial acts while in office as a justice, judge or district justice.(6) Any attorney not admitted in this Commonwealth who practices law or renders or offers to render any legal service in this Commonwealth.

I am not an admitted attorney under 204 Pa. Code § 85.3(a)(1). 204 Pa. Code § 85.3(a)(3) assumes I am not admitted attorney by my status of retired since 2018, since it calls retired attorneys "formerly admitted…, with respect to acts prior to…assumption of retired or inactive state."

The limited jurisdiction Pennsylvania Supreme Court has over attorneys under 204 Pa. Code § 85.3(a)(3) does not apply to me since the original disciplinary law suit for which I am punished are for acts which occurred after I was retired not "with respect to acts prior to… assumption of retired or inactive state." Id. I am punished for petitions relating to a 2020-2021 lawsuit Kelly v Trump that occurred while I was retired, and my license has all time remained retired even with the additional needless harmful placement of disability inactive added on my license as of February 28, 2023.

The lower Court exceeded its jurisdiction. So, the Order must be overturned.

d. Pennsylvania Office of Disciplinary Counsel exceeds his regulatory and statutory authority to discipline me under Pennsylvania's Rules of Disciplinary Enforcement (Pa.R.D.E) , and seeks to discipline me without basis to any rule granting him authority under Pa.R.D.E.

Pennsylvania's Rules of Disciplinary Enforcement mimics 204 Pa. Code § 85.3(a)(3) limits on the Pennsylvania Office of Disciplinary Counsel's power to discipline lawyers.

Pa.R.D.E, Rule 201 (1)(3), provides Pennsylvania Supreme Court has jurisdiction over,

"(1) Any attorney admitted to practice law in this Commonwealth. [I am not admitted to practice. I am retired.] and (3) Any formerly admitted attorney, with respect to acts prior to suspension, disbarment, administrative suspension, permanent resignation, or transfer to or assumption of retired or inactive status…" PA ST DISC Rule 201

In 2017, I registered as inactive with the Pennsylvania bar to reduce licensure fees. In 2018, I filed to retire my license to prevent costs. I have remained retired since 2018, even with the February 28, 2023 Order placing an additional encumbrance on my license.

If I seek to be admitted to practice law, I would be required to petition this court to restate my active license to practice law. See, Pa.R.D.E., Rule 218 (a)(2)

Pa.R.D.E., Rule 218 (a)(2) provides in relevant part "An attorney may not resume practice until reinstated by order of the Supreme Court after petition pursuant to this rule if the attorney was… (2) retired, on inactive status or on administrative suspension if the formerly admitted attorney has not been on active status at any time within the past three years" PA ST DISC Rule 218 (a)(2).

I have been retired for more than 3 years. I am not admitted to practice law at this time. Once I apply for admission, if I apply for admission to the Pennsylvania Bar, PA-ODC shall

have the opportunity to contest my application at that time, pursuant to Pa.R.D.E., Rule 218 (c)(2). The issue of my admission to the bar is not ripe for adjudication.

A cloud on my license with the label of disabled will not only pose a problem for me in regaining admission to practice in Pennsylvania, it will also create an obstacle for me in regaining employment with my former law firm, a real estate law firm, should my Delaware license be restated. They do careful background checks since they deal with escrows relating to the sale of real estate.

While there is no guarantee the law firm will take me back in light of this litigation, it is the opportunity, the free choice I seek to protect from the certain forced choice the law firm would not take me back should I fail to overturn the original disciplinary action by the civil rights case in the Delaware District Court or by the appeal of the original disciplinary matter or by reciprocal discipline by this Court in light of the circumstances.

I am prejudiced by this PA ODC's exercise of authority over this case where it has no subject matter. This Pennsylvania Supreme Court improperly denied my application for a stay causing a substantial burden upon me to my access to other Courts, causing threat of additional irreparable injury in terms of loss of First Amendment Rights, property interests in my licenses and other harm. I incorporate herein by reference in its entirety my motion for a stay, exhibits thereto, my motion for an extension of time to respond to opposing counsel's answer in response to my motion for a stay, with exhibits thereto, and my motion to exempt fees, including fees by the Office of Disciplinary Counsel under Pennsylvania Rules of Disciplinary Enforcement 208(g).

This Pennsylvania Supreme Court lacks subject matter jurisdiction because the conduct the Delaware Supreme Court disciplined me for occurred while I was retired in PA. It allegedly occurred in 2020 or 2021. See The petition at 7, and the August 23, 2021 Letter I previously submitted on the record to confirm Delaware Office of Disciplinary Counsel's admitted reasons to bringing a disciplinary law suit against me in Delaware. App. F.

I was not practicing law on behalf of another, at the time of the conduct. I acted pro se while filing private petitions with Delaware courts in defense of my religious exercise of beliefs from a government incited substantial burden upon my exercise of belief in Jesus Christ by the establishment of government religious belief. I have not practiced law on behalf of another since 2016.

Delaware Supreme Court disciplined me for petitioning the Court to defend my exercise of my right to access to the courts in defense of my exercise of First Amendment rights, including my religious-political beliefs, religious-political speech, exercise of religious beliefs, association and to cover up Delaware Court agent or arms' misconduct. US Amend I, XIV.

This conduct occurred after my retirement from this Pennsylvania Bar.

The cases Office of Disciplinary Counsel (hereinafter "PA ODC") cite in his Answer objecting to my motion to dismiss based on this Court's lack of subject matter jurisdiction are distinguished from this case.

The Pennsylvania Supreme Court is a court of limited jurisdiction, based on its Constitution and statutes. The jurisdiction of this Court over retired and inactive attorneys is specifically limited to conduct that occurred before or after the attorney was placed on inactive or retired status, or if the attorney is an active member of the bar all, conduct may be reviewed,

regardless of whether it occurred while an attorney was retired. These clearly written exceptions do not grant this court jurisdiction over me. PA ST DISC Rule 201. This Court's jurisdiction does not extend to reciprocally disciplining me for conduct which occurred during 2020 or 2021, while I was retired.

e. Requiring I bring a petition before the PA Board to vacate the Order requires I violate my fundamental rights of religious belief against debt and involuntary servitude US XIII to become a slave to sin and potential death in hell.

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 or in exchange for the removal of an encumbrance wrongly placed on her license.

I must not be compelled to violate my religious belief by compelled religious violations of my belief in order to remove the disability encumbrance from my PA license.

Nor should I be punished for my exercise of the right to access to 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. *See, Brief of the Southern Baptist Theological Seminary, the Ethics & Religious Liberty Commission, the International Mission Board, and Dr. R. Albert Mohler, Jr. as amici curiae in Support of Petitions before the US Supreme Court by the Little Sisters of the Poor Home for the aged, Denver Colorado, et.al, Petitioners v. Sylvia Matthews Burwell, Secretary of Health and Human Serviced, et. al*, No.15-105, 2015 WL 5013734 (US).(The US Supreme Court allowed references to the bible in other RFRA petitions); *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.); E*mployment 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); P*resbyterian 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." (Internal citation omitted)); 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.").

"To be sure, a state may not condition the grant of a privilege, [a license,] or benefit upon the surrender of a constitutional right." *Minn. Ass'n, Health Care v. Minn. Dept., P.W*, 742 F.2d 442, 446 (8th Cir. 1984); *Citing, Western Southern Life Insurance Co. v. State Board of Equalization,* 451 U.S. 648, 657-58, 664-65 (1981); *Sherbert v. Verner, 374 U.S. 398,* 404-05, (1963).

"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."

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); C*omment, 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."); *Jones v. Board of Education*, 397 U.S. 31, 35-36 (1970) "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.")

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."

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 private petitions, no matter how repugnant or illogical my religious beliefs appear to the state and Federal governments.

VII Conclusion

There is no case or controversy in my unique case. There is no injury or harm to the PA ODC or PA state. There is no standing. The Order remedies no alleged harm. Further there is no subject matter jurisdiction under the limited jurisdiction 204 Pa. Code § 85.3 grants to discipline attorneys as applied to me. The Order unduly prejudices me, causing irreparable injury in terms of punishment that may only be removed by government compelled violations of my asserted Constitutional rights, should this US Supreme Court not overturn the Order for lack of subject matter jurisdiction below.

The state of Pennsylvania opens up the floodgate to frivolous law suits to adjudicate and waste judicial resources to serve their lust for power and position over lawyers their particular rules do not grant them jurisdiction over. Pennsylvania Supreme Court held "Lack of subject matter jurisdiction may be raised at any time by parties or sua sponte by Supreme Court." *Daly v. Sch. Dist. of Darby Twp.*, 434 Pa. 286, 252 A.2d 638 (1969); (Also see, *Martin v. Zoning Hearing Bd. of W. Vincent Twp.*, 230 A.3d 540, 545 (Pa. Cmmw. Ct. 2020) "Questions of subject matter jurisdiction may be raised at any time, even on appeal, by the parties, or by the court on its own motion." (emphasis intended, especially with regards to questions of the case law PA-ODC cites, which are distinguished from this case)); Also see, *Hudson v. Com*, 830 A.2d 594, 598 n.7 (Pa. Cmmw. Ct. 2003), Citing, *Dep't of Transp., Bureau of Driver Licensing v. Gelormino*, 636 A.2d 224 (Pa.Cmwlth. 1994).

Exceeding, "Jurisdictional rules …. result in the waste of judicial resources and … unfairly prejudice litigants. " *Henderson v. Shinseki*, 562 U.S. 428, 434 (2011).

Wherefore I pray this Court grants my petition.

Dated May 30, 2023

Respectfully submitted,

/S/Meghan Kelly

Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
PRO SE US Supreme Court Bar No. 283696
Not acting as an attorney on behalf of another

Nov 14th follow up/Re: Meg Kelly/ Letter to the Clerk and Lisa Dolph to correct Meg's status/Police report/Phone compromised

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lisa.dolph@delaware.gov

Cc: david.weiss@usdoj.gov; supremectbriefs@usdoj.gov; anthony.sodroski@pacourts.us; harriet.brumberg@pacourts.us; zi-xiang.shen@delaware.gov

Date: Tuesday, November 14, 2023 at 09:18 AM EST

Hi Lisa,

I am following up on this. Could you please provide an update.

Thank you.

Have a good day.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939
meghankellyesq@yahoo.com

> On Thursday, November 2, 2023 at 07:26:51 PM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:
>
> Dear Lisa,
>
> Attached, please find what I filed with the DE Supreme Court in person today, November 2, 2023. I changed the date, and erased the by mail on the bottom.
>
> On an aside, my phone was compromised. I am working on turning it off or resetting it. I made a police report per the attached.
>
> Thank you. Have a good night.
>
> Very truly,
> Meg
> Meghan Kelly
> 34012 Shawnee Dr.
> Dagsboro, DE 19939
> meghankellyesq@yahoo.com

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 115th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on November 14, 2023, I had a true and correct copy of the above referenced document, served to Defendants, through their counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated Nov 14, 2023

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: Nov. 14, 2023

Meghan Kelly (printed)

Meghan Kelly (signed)

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 114th AFFIDAVIT UPDATE

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. I am devastated. Today November 13, 2023, the US Supreme Court denied my petition for a rehearing. Exhibit 1.

2. The Court neither rejected nor accepted my supplemental brief physically delivered to the Court on November 6, 2023. Exhibit 1.

3. In the news today, the US Supreme Court indicates it has accepted a code of ethics and regulation despite my arguments against it. Exhibit 2.

4. I sincerely believe the courts are in jeopardy, and the code of ethics increases the partiality towards regulations instead of the application of the Constitution to the impartial rule of law. I attach the Code of ethics dated November 13, 2023 hereto where the Court appears to give itself permission to participate in speaking engagements and to receive pay for teaching and real estate transactions. Although this appears to be more of permission within limits than a code of ethics, I am sure congress will attack the court for a means of enforcement to disciplinary proceedings outside the purview of the constitutional limits.

5. Per Exhibit 3. I am also horrified Congress censored Congress woman Tlaib's diverse viewpoint. The Congressional act by the mob stifles the nations' leader's ability to share a more complete view representative of some Americans by silencing her speech based on

viewpoint. US Amend I, V. The censorship stifles Americans' representation in congress while violating the congresswoman's free speech on important issues that may save lives, liberty and material gain from needless loss under the lie of freedom by enslaving people to forced religion in the Middle East by Biden's billions of dollars of backing of Israel's unproductive war.

6. Biden also authorized a third assault in Iran bombing others to blow up in our own faces by setting up our own people to die as he needlessly kills others. Killing others resolves no problem. It only causes more problems. President Biden refuses to use his brain to think things out in order to use his words to resolve disputes. Biden is misguided.

7. Freedom of religion will be eliminated should we continue to fund a war in Israel that eliminates freedom of religious belief by threat of violence or bribes or extortion by US backing of compelled religious belief.

8. Freedom of religion is eliminated in my own Catholic church by business. I am a Christian. I believe Jesus. Jesus teaches it is wrong for priests to beg parishioners with their evil dirty eyes for money to give to another organization under the guise of giving charity himself. Matthew 6

9. In Matthew 6:1-4 Jesus teaches people not to give out of one hand to get out of another by recognition, pay, tax breaks or other material gain, even extracting material gain from parishioners to give to another. While it is not sin for a priest to beg for money to care for the priest and the church, just like Jesus teaches it is not a sin for people to beg others for help when they are in need, it is sin to beg the church for money from others to give to another entity or organization under the guise of performing charity.

10. On October 22, 2023, I was very unhappy with my priest when he taught the lie Rockefeller was transformed into a good holy man by his charity performed in violation of Jesus

Christ's teachings in Matthew 6:1-4. Rockefeller used organized charity, donations and fundraising to buy favors and control of the world by controlling education and markets. Under the guise of good Rockefeller did evil by buying his will be done, just like Carnegie and the devil tried to do in Matthew 4. Exhibit 4.

11. The way money is coined and distributed since 1913 guarantees slavery debt not freedom by creating a system of debt slavery which is designed never to be paid back to maintain wage slaves. See Exhibit 5.

12. Organized charity, donations by Rockefeller and Carnegie and like are not true charity but bargained for exchanges that are written off in tax breaks to buy control not freedom. The system of coining created in 1913 is the same system of Babylon misleading humanity to be exploited to be enslaved to sin and death in hell not free. The way I proposed to coin correctly protects Americans freedom from slavery debt in a freer fairer not fixed slave economy which misleads the exploiters and exploited to harm and damnation in the fires of hell for eternity. DI 2.

13. We need courts to save lives, liberty and eternal lives, not sacrifice them for mammon as God. See Matthew 6:24. The Supreme Court is not hearing me. They did not even accept or reject my supplemental brief. I am heart broken. I aver I believe the courts are in danger. They ignore my warnings meant to save them.

Thank you for your time and consideration.

Respectfully submitted,

Dated 11/13//23

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious Protest, I declare that the foregoing statement is true and correct under the penalty of perjury.

Dated: Nov. 13 2024

Meghan Kelly (printed)

Meghan Kelly (signed)

Exhibit 1

Search documents in th

No. 22-7695

Title:	**Meghan Marie Kelly, Petitioner** **v.** **Pennsylvania Office of Disciplinary Counsel**
Docketed:	June 2, 2023
Lower Ct:	Supreme Court of Pennsylvania, Western District
Case Numbers:	(2913 Disciplinary Docket No. 3)
Decision Date:	February 28, 2023

DATE	PROCEEDINGS AND ORDERS
May 30 2023	Petition for a writ of certiorari and motion for leave to proceed in forma pauperis filed. (Response due July 3, 2023) **Motion for Leave to Proceed in Forma Pauperis** **Motion for Leave to Proceed in Forma Pauperis** **Appendix** **Appendix** **Appendix** **Appendix** **Appendix** **Appendix** **Appendix** **Appendix** **P** **Proof of Service**
Jun 13 2023	Waiver of right of respondent Pennsylvania Office of Disciplinary Counsel, et al. to respond filed. **Main Document**
Jun 15 2023	DISTRIBUTED for Conference of 9/26/2023.
Oct 02 2023	Petition DENIED.
Oct 02 2023	Petition of Meghan Kelly for rehearing not accepted for filing. (October 06, 2023)

Oct 18 2023	Petition for Rehearing filed. **Main Document** **Main Document** **Main Document** **Main Document** **Main Document** **Main Documen** **Document** **Main Document** **Proof of Service** **Other**
Oct 24 2023	DISTRIBUTED for Conference of 11/9/2023.
Nov 06 2023	Supplemental Brief of Meghan Kelly submitted. **Main Document** **Main Document** **Main Document** **Main Document** **Main Document** **Main Documen** **Document** **Main Document** **Main Document** **Main Document** **Main Document** **Main Document**
Nov 13 2023	Rehearing DENIED.

NAME	ADDRESS
Attorneys for Petitioner	
Meghan Marie Kelly Counsel of Record	Attorney at Law 34012 Shawnee Drive Dagsboro, DE 19939 meghankellyesq@yahoo.com
Party name: Meghan Kelly	
Attorneys for Respondents	
Harriet R. Brumberg Counsel of Record	Office of Disciplinary Counsel 1601 Market Street, Suite 3320 Philadelphia, PA 19103 Harriet.Brumberg@pacourts.us
Party name: Pennsylvania Office of Disciplinary Counsel, et al.	

Supreme Court Electronic Filing System

From: no-reply@sc-us.gov (no-reply@sc-us.gov)

To: meghankellyesq@yahoo.com

Date: Monday, November 13, 2023 at 11:13 AM EST

A new docket entry, "Rehearing DENIED." has been added for Meghan Marie Kelly, Petitioner v. Pennsylvania Office of Disciplinary Counsel.

Exhibit 2

NEWS

US Supreme Court adopts code of ethics after Clarence Thomas controversy: What it does

Published: Nov. 13, 2023, 1:40 p.m.

FILE - Members of the Supreme Court sit for a new group portrait following the addition of Associate Justice Ketanji Brown Jackson, at the Supreme Court building in Washington, Oct. 7, 2022. Bottom row, from left, Justice Sonia Sotomayor, Justice Clarence Thomas, Chief Justice John Roberts, Justice Samuel Alito, and Justice Elena Kagan. Top row, from left, Justice Amy Coney Barrett, Justice Neil Gorsuch, Justice Brett Kavanaugh, and Justice Ketanji Brown Jackson. The Supreme Court is adopting its first code of ethics, in the face of sustained criticism over undisclosed trips and gifts from wealthy benefactors to some justices. The policy was issued by the court Monday. (AP Photo/J. Scott Applewhite, File)

By The Associated Press

The Supreme Court is adopting its first code of ethics, in the face of sustained criticism over undisclosed trips and gifts from wealthy benefactors to some justices.

The policy was issued by the court Monday. The justices, who have hinted at internal deliberations over an ethics code, last met Thursday in their private conference room at the court.

The justices said in an unsigned statement that they have long adhered to ethics standards.

"The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules," the justices wrote. "To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct."

The issue has vexed the court for several months, over a series of stories questioning the ethical practices of the justices. Many of those stories focused on Justice Clarence Thomas and his failure to disclose travel and other financial ties with wealthy conservative donors including Harlan Crow and the Koch brothers. But Justices Samuel Alito and Sonia Sotomayor also have been under scrutiny.

Three justices, Amy Coney Barrett, Elena Kagan and Brett Kavanaugh, have voiced support for an ethics code in recent months. In May, Chief Justice John Roberts said there was more the court could do to "adhere to the highest ethical standards," without providing any specifics.

Public trust in and approval of the court is hovering near record lows, according to a Gallup Poll released just before the court's new term began on Oct. 2.

As recently as last week, Sen. Dick Durbin, D-Ill., chairman of the Senate Judiciary Committee, said the justices could quiet some of the criticism and a Democratic push to impose an ethics code on the court by putting in place their own policy.

Durbin's panel has been planning to subpoena Crow and conservative activist Leonard Leo about their roles in organizing and paying for justices' luxury travel.

The committee has been investigating the court's ethics and passed an ethics code, though all 10 Republicans on the panel voted against it.

Republicans complained that Democrats were mostly reacting to decisions they didn't like from the conservative-dominated court, including overturning the nationwide right to an abortion.

The proposal would require that justices provide more information about potential conflicts of interest. It would allow impartial panels of judges to review justices' decisions not to step aside from cases and require public, written explanations about their decisions not to recuse. It would also seek to improve transparency around gifts received by justices and set up a process to investigate and enforce violations around required disclosures. The Democratic bill had little prospect of becoming law in the Republican-controlled House, much less the closely divided Senate.

The push for an ethics code was jump-started by a series of stories by the investigative news site ProPublica detailing the relationship between Crow and Thomas. Crow has for more than two decades paid for nearly annual vacations, purchased from Thomas and others the Georgia home in which the justice's mother still lives and helped pay for the private schooling for a relative.

ProPublica also reported on Alito's Alaskan fishing trip with a GOP donor, travel that Leo helped arrange. The Associated Press reported that Sotomayor, aided by her staff, has advanced sales of her books through college visits over the past decade.

The court's initial step on ethics, in the spring, did not mollify critics. Roberts declined an invitation from Durbin to testify before the Judiciary panel, but the chief justice provided a "Statement on Ethics Principles and Practices" signed by all nine justices that described the ethical rules they follow about travel, gifts and outside income.

The statement provided by Roberts said that the nine justices "reaffirm and restate foundational ethics principles and practices to which they subscribe in carrying out their responsibilities as Members of the Supreme Court of the United States."

among them opts not to take part in a case. But the justices have been inconsistent in doing so since.

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SUPREME COURT OF THE UNITED STATES

STATEMENT OF THE COURT

REGARDING THE CODE OF CONDUCT

The undersigned Justices are promulgating this Code of Conduct to set out succinctly and gather in one place the ethics rules and principles that guide the conduct of the Members of the Court. For the most part these rules and principles are not new: The Court has long had the equivalent of common law ethics rules, that is, a body of rules derived from a variety of sources, including statutory provisions, the code that applies to other members of the federal judiciary, ethics advisory opinions issued by the Judicial Conference Committee on Codes of Conduct, and historic practice. The absence of a Code, however, has led in recent years to the misunderstanding that the Justices of this Court, unlike all other jurists in this country, regard themselves as unrestricted by any ethics rules. To dispel this misunderstanding, we are issuing this Code, which largely represents a codification of principles that we have long regarded as governing our conduct.

NOVEMBER 13, 2023

CODE OF CONDUCT FOR JUSTICES OF THE SUPREME COURT OF THE UNITED STATES

CANON 1: A JUSTICE SHOULD UPHOLD THE INTEGRITY AND INDEPENDENCE OF THE JUDICIARY.

A Justice of the Supreme Court of the United States should maintain and observe high standards of conduct in order to preserve the integrity and independence of the federal judiciary.

CANON 2: A JUSTICE SHOULD AVOID IMPROPRIETY AND THE APPEARANCE OF IMPROPRIETY IN ALL ACTIVITIES.

A. RESPECT FOR LAW. A Justice should respect and comply with the law and act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary.

B. OUTSIDE INFLUENCE. A Justice should not allow family, social, political, financial, or other relationships to influence official conduct or judgment. A Justice should neither knowingly lend the prestige of the judicial office to advance the private interests of the Justice or others nor knowingly convey or permit others to convey the impression that they are in a special position to influence the Justice. A Justice should not testify voluntarily as a character witness.

C. NONDISCRIMINATORY MEMBERSHIP. A Justice should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin.

CANON 3: A JUSTICE SHOULD PERFORM THE DUTIES OF OFFICE FAIRLY, IMPARTIALLY, AND DILIGENTLY.

A. RESPONSIBILITIES. A Justice should not be swayed by partisan interests, public clamor, or fear of criticism. A Justice should participate in matters assigned, unless disqualified, and should maintain order and decorum in judicial proceedings. A Justice should be patient, dignified, respectful, and courteous to all individuals with whom the Justice deals in an official capacity. A Justice should not engage in behavior that is harassing, abusive, prejudiced, or biased. A Justice should not retaliate against those who report misconduct. A Justice should require similar conduct by those subject to the Justice's control. A Justice should take appropriate action upon receipt of reliable information indicating the likelihood of misconduct by a Court employee. Except as provided by law or Court rule, a Justice should not initiate, permit, or consider *ex parte* communications or consider other communications concerning a pending or impending matter that are made outside the presence of the parties or their lawyers. If a Justice receives an unauthorized *ex parte* communication bearing on the substance of the matter, the Justice should promptly notify the parties of the subject matter of the communication and

allow the parties to respond. A Justice should not knowingly make public comment on the merits of a matter pending or impending in any court. The prohibition on public comment on the merits of a matter does not extend to public statements made in the course of the Justice's official duties. For scholarly, informational, or educational purposes, a Justice may describe the issues in a pending or impending case. A Justice should require similar restraint by Court personnel subject to the Justice's control. A Justice should not direct Court personnel to engage in conduct on the Justice's behalf or as the Justice's representative when that conduct would contravene the Canons if undertaken by the Justice.

B. DISQUALIFICATION.

(1) A Justice is presumed impartial and has an obligation to sit unless disqualified.

(2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties. Such instances include, but are not limited to, those in which:

(a) The Justice has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;

(b) At a prior stage of the proceeding, the Justice represented a party, or a lawyer with whom the Justice previously practiced law served during such association as a lawyer for a party, or the Justice or lawyer has been a material witness in the proceeding;

(c) The Justice knows that the Justice, individually or as a fiduciary, or the Justice's spouse or minor child residing in the Justice's household, has a financial interest in the subject matter in controversy or in a party to the proceeding, or any other interest that could be affected substantially by the outcome of the proceeding;

(d) The Justice or the Justice's spouse, or a person related to either within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to be a party to the proceeding, or an officer, director, or trustee of a party; (ii) to be acting as a lawyer in the proceeding; (iii) to have an interest that could be substantially affected by the outcome of the proceeding; or (iv) likely to be a material witness in the proceeding.

(e) The Justice has served in government employment and in that capacity participated as a judge (in a previous judicial position), counsel, advisor, or material witness concerning the proceeding or has expressed during prior government or judicial service an opinion concerning the merits of the particular case in controversy.

(f) The Justice's spouse or a person related to the Justice or the Justice's spouse within the third degree of relationship, or the spouse of such person, is known by the Justice: (i) to have served as lead counsel for a party below; or (ii) to be an equity partner in a law firm that appears before the Court on behalf of a party to the proceeding and the Court has not received written assurance that the income from Supreme Court litigation is permanently excluded from the person's compensation.

(3) The rule of necessity may override the rule of disqualification.

(4) Neither the filing of a brief *amicus curiae* nor the participation of counsel for *amicus curiae* requires a Justice's disqualification.

(5) A Justice should keep informed about the Justice's personal and fiduciary financial interests and make a reasonable effort to keep informed about the personal financial interests of the Justice's spouse and minor children residing in the Justice's household.

(6) For the purposes of this section:

(a) The degree of relationship is calculated according to the civil law system; the following relatives are within the third degree of relationship: parent, child, grandparent, grandchild, great grandparent, great grandchild, sister, brother, aunt, uncle, niece, and nephew; the listed relatives include whole and half blood relatives and most step relatives;

(b) "fiduciary" includes such relationships as executor, administrator, trustee, and guardian;

(c) "financial interest" means ownership of a legal or equitable interest, however small, or a relationship as director, advisor, or other active participant in the affairs of a party, except that:

(i) Ownership in a mutual or common investment fund that holds securities is not a "financial interest" in

such securities unless the judge participates in the management of the fund;

(ii) An office in an educational, religious, charitable, fraternal, or civic organization is not a "financial interest" in securities held by the organization;

(iii) The proprietary interest of a policyholder in a mutual insurance company, or a depositor in a mutual savings association, or a similar proprietary interest, is a "financial interest" in the organization only if the outcome of the proceeding could substantially affect the value of the interest;

(iv) Ownership of government securities is a "financial interest" in the issuer only if the outcome of the proceeding could substantially affect the value of the securities.

(d) "proceeding" includes pretrial, trial, appellate review, or other stages of litigation.

(7) Notwithstanding the preceding provisions of this Canon, if a Justice would be disqualified because of a financial interest in a party (other than an interest that could be substantially affected by the outcome), disqualification is not required if the Justice (or the Justice's spouse or minor child) divests the interest that provides the grounds for disqualification.

CANON 4: A JUSTICE MAY ENGAGE IN EXTRAJUDICIAL ACTIVITIES THAT ARE CONSISTENT WITH THE OBLIGATIONS OF THE JUDICIAL OFFICE.

A Justice may engage in extrajudicial activities, including law-related pursuits and civic, charitable, educational, religious, social, financial, fiduciary, and government activities, and may speak, write, lecture, and teach on both law-related and nonlegal subjects. However, a Justice should not participate in extrajudicial activities that detract from the dignity of the Justice's office, interfere with the performance of the Justice's official duties, reflect adversely on the Justice's impartiality, lead to frequent disqualification, or violate the limitations set forth below.

A. LAW-RELATED ACTIVITIES.

(1) Speaking, Writing, and Teaching. A Justice may speak, write, lecture, teach, and participate in other activities concerning the law, the legal system, or the administration of justice subject to the following limitations and considerations:

(a) A Justice should not speak at an event sponsored by or associated with a political party or a campaign for political office.

(b) A Justice should not speak at or otherwise participate in an event that promotes a commercial product or service, except that a Justice may attend and speak at an event where the Justice's books are available for purchase.

(c) A Justice should not speak to or participate in a meeting organized by a group if the Justice knows that the group has a substantial financial interest in the outcome of a case that is before the Court or is likely to come before the Court in the near future.

(d) A Justice may attend a "fundraising event" of law-related or other nonprofit organizations, but a Justice should not knowingly be a speaker, a guest of honor, or featured on the program of such event. In general, an event is a "fundraising event" if proceeds from the event exceed its costs or if donations are solicited in connection with the event.

(e) In deciding whether to speak or appear before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public. Except in unusual circumstances, no such appearance will be created when a Justice speaks to a group of students or any other group associated with an educational institution, a bar group, a religious group, or a non-partisan scholarly or cultural group.

(2) Consultation. A Justice may consult with or appear at a public hearing before an executive or legislative body or official: (a) on matters concerning the law, the legal system, or the administration of justice; (b) to the extent it would generally be perceived that a Justice's judicial experience provides special expertise in the area; or (c) when the Justice is acting *pro se* in a matter involving the Justice or the Justice's interest.

(3) Organizations. A Justice may participate in and serve as a member, officer, director, trustee, or nonlegal advisor of a nonprofit organization devoted to the law, the legal

system, or the administration of justice and may assist such an organization in the management and investment of funds. A Justice may make recommendations to public and private fund-granting agencies about projects and programs concerning the law, the legal system, and the administration of justice.

(4) Arbitration and Mediation. A Justice should not act as an arbitrator or mediator or otherwise perform judicial functions apart from the Justice's official duties unless authorized by law.

(5) Practice of Law. A Justice should not practice law and should not serve as a family member's lawyer in any forum. A Justice may, however, act *pro se* and may, without compensation, give legal advice to and draft or review documents for a member of the Justice's family.

B. CIVIC AND CHARITABLE ACTIVITIES. A Justice may participate in and serve as an officer, director, trustee, or nonlegal advisor of a nonprofit civic, charitable, educational, religious, or social organization, subject to the following limitations:

(1) A Justice should not serve if it is likely that the organization will either be engaged in proceedings that would ordinarily come before the Justice or be regularly engaged in adversary proceedings in any court.

(2) A Justice should not give investment advice to such an organization but may serve on its board of directors or trustees even though it has the responsibility for approving investment decisions.

C. FUNDRAISING. A Justice may assist nonprofit law-related, civic, charitable, educational, religious, or social organizations in planning fundraising activities and may be listed as an officer, director, or trustee. Use of a Justice's name, position in the organization, and judicial designation on an organization's letter head, including when used for fundraising or soliciting members, is permissible if comparable information and designations are listed for others. Otherwise, a Justice should not personally participate in fundraising activities, solicit funds for any organization, or use or knowingly permit the use of the prestige of judicial office for that purpose. A Justice should not personally participate in membership solicitation if the solicitation might reasonably be perceived as coercive or is essentially a fundraising mechanism.

D. FINANCIAL ACTIVITIES.

(1) A Justice may hold and manage investments, including real estate and engage in other remunerative activity, but should refrain from financial and business dealings that exploit the judicial position or involve the Justice in frequent transactions or continuing business relationships with lawyers likely to appear before the Court or other persons likely to come before the Court.

(2) A Justice may serve as an officer, director, active partner, manager, advisor, or employee of a business only if the business is closely held and controlled by members of the Justice's family. For this purpose, "members of the Justice's family" means persons related to the Justice or the Justice's spouse within the third degree of relationship as defined in Canon 3B(6)(a), any other relative with whom the Justice or the Justice's spouse maintains a close familial relationship, and the spouse of any of the foregoing.

(3) A Justice should comply with the restrictions on acceptance of gifts and the prohibition on solicitation of gifts set forth in the Judicial Conference Regulations on Gifts now in effect. A Justice should endeavor to prevent any member of the Justice's family residing in the household from soliciting or accepting a gift except to the extent that a Justice would be permitted to do so by the Judicial Conference Gift Regulations. A "member of the Justice's family" means any relative of a Justice by blood, adoption, or marriage, or any person treated by a Justice as a member of the Justice's family.

(4) A Justice should not disclose or use nonpublic information acquired in a judicial capacity for any purpose unrelated to the Justice's official duties.

E. FIDUCIARY ACTIVITIES. A Justice may serve as the executor, administrator, trustee, guardian, or other fiduciary only for the estate, trust, or person of a member of the Justice's family as defined in Canon 4D(3). As a family fiduciary a Justice is subject to the following restrictions:

(1) The Justice should not serve if it is likely that as a fiduciary the Justice would be engaged in proceedings that would ordinarily come before the Justice or if the estate, trust, or

ward becomes involved in adversary proceedings before the Court or in a court under the Court's jurisdiction.

(2) While acting as a fiduciary, a Justice is subject to the same restrictions on financial activities that apply to a Justice in a personal capacity.

F. GOVERNMENTAL APPOINTMENTS. A Justice may accept appointment to a governmental committee, commission, or other position only if it is one that concerns the law, the legal system, or the administration of justice, or if appointment of a Justice is authorized by federal law. A Justice should not, in any event, accept such an appointment if the Justice's governmental duties would tend to undermine public confidence in the integrity, impartiality, or independence of the judiciary. A Justice may participate in national, state, or local ceremonial occasions or in connection with historical, educational, and cultural activities.

G. CHAMBERS, RESOURCES, AND STAFF. A Justice should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons.

H. COMPENSATION, REIMBURSEMENT, FINANCIAL REPORTING. A Justice may accept reasonable compensation and reimbursement of expenses for permitted activities if the source of the payments does not give the appearance of influencing the Justice's official duties or otherwise appear improper. Expense reimbursement should be limited to the actual or reasonably estimated costs of travel, food, and lodging reasonably incurred by the Justice and, where appropriate to the occasion, by the Justice's spouse or relative. For some time, all Justices have agreed to comply with the statute governing financial disclosure, and the undersigned Members of the Court each individually reaffirm that commitment.

CANON 5: A JUSTICE SHOULD REFRAIN FROM POLITICAL ACTIVITY.

A Justice should not: (1) act as a leader or hold any office in a political organization; (2) make speeches for a political organization or candidate, or publicly endorse or oppose a candidate for public office; or (3) solicit funds for, pay an assessment to, or make a contribution to a political organization or candidate, or attend or purchase a ticket for a dinner or other event sponsored by a political organization or candidate. A Justice should resign the judicial office if he or she becomes a candidate in a primary or general election for any office. A Justice should not engage in other political activity. This provision does not prevent a Justice from engaging in activities described in Canon 4.

The undersigned Members of the Court subscribe to this Code and the accompanying Commentary.

JOHN G. ROBERTS, JR.

CLARENCE THOMAS

SAMUEL A. ALITO, JR.

SONIA SOTOMAYOR

ELENA KAGAN

NEIL M. GORSUCH

BRETT M. KAVANAUGH

AMY CONEY BARRETT

KETANJI BROWN JACKSON

NOVEMBER 13, 2023

Commentary

This Code of Conduct is substantially derived from the Code of Conduct for U.S. Judges, but adapted to the unique institutional setting of the Supreme Court. In certain instances, the foregoing Canons provide fairly specific guidance. A Justice, for example, "should not testify voluntarily as a character witness." Canon 2B. A Justice "may serve as the executor . . . only for the estate, trust, or person of a member of the Justice's family." Canon 4E. In many cases, however, these Canons are broadly worded general principles informing conduct, rather than specific rules requiring no exercise of judgment or discretion. It is not always clear, for example, whether particular conduct undermines, promotes, or has no effect on "public confidence in the integrity and impartiality of the judiciary," Canon 2A, or whether a Justice has acted in a "patient, dignified, respectful, and courteous" manner, Canon 3A. This concern is heightened with respect to Canons applicable to Justices of the Supreme Court, given the often sharp disagreement concerning matters of great import that come before the Supreme Court. These Canons must be understood in that light.

This Commentary does not adopt the extensive commentary from the lower court Code, much of which is inapplicable. It instead is tailored to the Supreme Court's placement at the head of a branch of our tripartite governmental structure.

Canon 3B addresses the inherently judicial function of recusal. The Justices follow the same general principles and statutory standards for recusal as other federal judges, including in the evaluation of motions to recuse made by parties. But the application of those principles can differ due to the effect on the Court's processes and the administration of justice in the event that one or more Members must withdraw from a case. Lower courts can freely substitute one district or circuit judge for another. The Supreme Court consists of nine Members who sit together. The loss of even one Justice may undermine the "fruitful interchange of minds which is indispensable" to the Court's decision-making process. See *Dick* v. *New York Life Ins. Co.*, 359 U.S. 437, 459 (1959) (Frankfurter, J., dissenting). Recusal can have a "distorting effect upon the certiorari process, requiring the petitioner to obtain (under our current practice) four votes out of eight instead of four out of nine." S. Ct. Stmt. of Recusal Policy (Nov. 1, 1993). When hearing a case on the merits, the loss of one Justice is "effectively the same as casting a vote against the petitioner. The petitioner needs five votes to overturn the judgment below, and it makes no difference whether the needed fifth vote is missing because it has been cast for the other side, or because it has not been cast at all." *Cheney* v. *United States Dist. Court for D.C.*, 541 U.S. 913, 916 (2004) (memorandum of Scalia, J.). And the absence of one Justice risks the affirmance of a lower court decision by an evenly divided Court—potentially preventing the Court from providing a uniform national rule of decision on an important issue. See

Microsoft Corp. v. *United States*, 530 U.S. 1301, 1303 (2000) (statement of Rehnquist, C.J.). In short, much can be lost when even one Justice does not participate in a particular case.

This Canon's recusal provisions thus differ from those in the lower court Code in that they: restate the Justices' 1993 Statement of Recusal Policy; recognize the duty to sit and that the time-honored rule of necessity may override the rule of disqualification, see *United States* v. *Will*, 449 U.S. 200, 217 (1980) (28 U.S.C. § 455 does not alter the rule of necessity); ABA Model Code of Judicial Conduct Rule 2.11 cmt. 3 ("The rule of necessity may override the rule of disqualification."); and omit the remittal procedure of lower court Code Canon 3D. Canon 3B(2)(d) retains language from the lower court Code relating to known interests of third-degree relatives that might be substantially affected by the outcome of a proceeding. Because of the broad scope of the cases that come before the Supreme Court and the nationwide impact of its decisions, this provision should be construed narrowly. For example, a Justice who has school-age nieces and nephews need not recuse from a case involving student loans even though the disposition of that case could substantially affect the terms on which the Justice's relatives would finance their higher education.

The Canon's recusal provisions depend on the Justice's knowledge of certain relationships or interests. The Court receives approximately 5,000 to 6,000 petitions for writs of certiorari each year. Roughly 97 percent of this number may be and are denied at a preliminary stage, without joint discussion among the Justices, as lacking any reasonable prospect of certiorari review. Recusal issues must be considered in light of this reality. In view of the Canon's knowledge requirement and the large volume of cases docketed, the Justices rely on the disclosure statements required under the Court's rules in identifying interested parties that may present grounds for recusal. Individual Justices, rather than the Court, decide recusal issues. See *Cheney* v. *United States Dist. Court for D.C.*, 540 U.S. 1217 (2004) ("In accordance with its historic practice, the Court refers the motion to recuse in this case to Justice Scalia."). Recusals are noted in the Court's decisions, both at the certiorari and merits stages.

In contrast to the lower courts, where filing of *amicus* briefs is limited, the Supreme Court receives up to a thousand *amicus* filings each Term. In some recent instances, more than 100 *amicus* briefs have been filed in a single case. The Court has adopted a permissive approach to *amicus* filings, having recently modified its rules to dispense with the prior requirement that *amici* either obtain the consent of all parties or file a motion seeking leave to submit an *amicus* brief. In light of the Court's permissive *amicus* practice, *amici* and their counsel will not be a basis for an individual Justice to recuse. The courts of appeals follow a similar approach to ameliorating any risk that an *amicus* filing could precipitate a recusal. Federal Rule of Appellate Procedure 29(a)(2)

states that "a court of appeals may prohibit the filing of or may strike an amicus brief that would result in a judge's disqualification."

Canon 4 reflects the principle that Justices, like all judges, are encouraged to engage in extrajudicial activities as long as independence and impartiality are not compromised. Justices are uniquely qualified to engage in judicial activities that concern the law, the legal system, and the administration of justice, such as by speaking, writing, teaching, or participating in scholarly research projects. Justices are also encouraged to engage in educational, religious, charitable, fraternal, or civic extracurricular activities not conducted for profit, even when those activities do not relate to the law. Participation in both law-related and other judicial activities helps integrate Justices into their communities and furthers public understanding of and respect for the judicial system.

Canon 4G clarifies that a Justice "should not to any substantial degree use judicial chambers, resources, or staff to engage in activities that do not materially support official functions or other activities permitted under these Canons." This provision recognizes the distinctive security concerns that the Justices face as high-profile public figures and allows the Justices to accept comprehensive security protection. See 40 U.S.C. § 6121(a)(2)(A) (authorizing the Supreme Court Police to protect the Justices when they are not performing official duties). It also allows Court officials and chambers staff to perform their official duties in enhancing security and providing legal, ethics, and other appropriate assistance to the Justices in light of the high public interest in the Justices' activities and the acute security concerns that are distinct from such concerns for lower court judges. And, consistent with historic practice, chambers personnel including law clerks may assist Justices with speeches, law review articles, and other activities described in Canon 4.

Canon 4D(3) and 4H articulate the practice formalized in 1991 of individual Justices following the financial disclosure requirements and limitations on gifts, outside earned income, outside employment, and honoraria. Justices file the same annual financial disclosure reports as other federal judges. Those reports disclose, among other things, the Justices' non-governmental income, investments, gifts, and reimbursements from third parties. For purposes of sound judicial administration, the Justices file those reports through the Judicial Conference Committee on Financial Disclosure.

In regard to the financial disclosure requirements relating to teaching and outside earned income, a Justice may not accept compensation for an appearance or a speech, but may be paid for "teaching a course of study at an accredited educational institution or participating in an educational program of any duration that is sponsored by such an institution and is part of its educational offering." 2C Guide to Judicial Policy § 1020.35(b) (2010). Associate Justices must receive prior approval from the Chief Justice to receive

compensation for teaching; the Chief Justice must receive prior approval from the Court. See S. Ct. Resolution ¶ 3 (Jan. 18, 1991). Justices may not have outside earned income—including income from teaching—in excess of an annual cap established by statute and regulation. Compensation for writing a book is not subject to the cap.

Like lower court judges, Justices engage in extrajudicial activities other than teaching, including speaking, writing, and lecturing on both law-related and non-legal subjects. In fact, the lower court canons encourage public engagement by judicial officers to avoid isolation from the society in which they live and to contribute to the public's understanding of the law. In deciding whether to speak before any group, a Justice should consider whether doing so would create an appearance of impropriety in the minds of reasonable members of the public.

In addition to this Code of Conduct, the Justices also comply with:

- The Constitution of the United States, see, *e.g.*, U.S. Const. Art. I, § 9, cl. 8 (foreign emoluments clause); Amdt. 5 (due process clause).
- Current laws relating to judicial ethics including, but not limited to 28 U.S.C. §§ 455, 2109; the Ethics in Government Act, 5 U.S.C. §§ 13101 – 13111, 13141 – 13145; the Foreign Gifts and Decorations Act, 5 U.S.C. § 7342; Pub. L. 110-402, § 2(b), 122 Stat. 4255; and the Stop Trading on Congressional Knowledge Act of 2012, Pub. L. 112-105, §§ 12, 17, 126 Stat. 303; and
- Current Judicial Conference Regulations on: Gifts; Foreign Gifts and Decorations; Outside Earned Income, Honoraria, and Employment; and Financial Disclosure.

See, *e.g.*, S. Ct. Statement on Ethics Principles and Practices (Apr. 25, 2023). The Justices may also take guidance from their colleagues, judicial decisions, the Supreme Court's Office of Legal Counsel, the Judicial Conference Committees on Codes of Conduct and Financial Disclosure, lower court judges, executive and legislative branch practice and guidance, state judicial ethics authorities, and from scholars, scholarly treatises, and articles. The Justices also continue to look to the Court's own past resolutions and opinions for guidance. The Court provides mandatory training on judicial ethics principles to all Court employees.

In urging the judiciary to promulgate and adopt what became the lower court Code, Justice Tom C. Clark observed shortly after his retirement from the Supreme Court that judges "must bear the primary responsibility for requiring [appropriate] judicial behavior." Hearings on Nonjudicial Activities of Supreme Court Justices and Other Federal Judges before the Subcommittee

on Separation of Powers of the Senate Committee on the Judiciary, 91st Cong., 1st Sess., 174 (1969). The same is true for Justices. To assist the Justices in complying with these Canons, the Chief Justice has directed Court officers to undertake an examination of best practices, drawing in part on the experience of other federal and state courts. For example, some district courts and courts of appeals have deployed software to run automated recusal checks on new case filings. The Court will assess whether it needs additional resources in its Clerk's Office or Office of Legal Counsel to perform initial and ongoing review of recusal and other ethics issues. The Court will also consider whether amendments to its rules on the disclosure obligations of parties and counsel may be advisable. In regard to financial disclosure, the Justices will continue to seek guidance from the Office of Legal Counsel and the staff of the relevant Judicial Conference committees, including the Committee on Financial Disclosure, which reviews each Justice's annual filing for compliance with applicable laws and regulations. The Office of Legal Counsel will maintain specific guidance tailored to recurring ethics and financial disclosure issues and will continue to provide annual training on those issues to Justices, chambers staff, and other Court personnel.

Exhibit 3

POLITICS

Rashida Tlaib censured by Congress. What does censure mean?

BY KATHRYN WATSON
UPDATED ON: NOVEMBER 8, 2023 / 3:42 PM EST / CBS NEWS

In bipartisan fashion, the House of Representatives voted to censure Michigan's Democratic Rep. Rashida Tlaib as she continued to defend comments widely considered as calling for Israel's elimination.

Watch CBS News

Twenty-two Democrats joined Republicans in a 234-188 vote late Tuesday, after Tlaib – the only Palestinian-American member of Congress – posted a video of Michigan protesters chanting "from the river to the sea," part of a chant condemned by Jewish groups and the Anti-Defamation Legue as antisemitic.

But what does it mean to be censured in the House of Representatives and what effect does it have?

What is a censure?

A censure, according to the U.S. House, is a form of rebuke that "registers the House's deep disapproval of member misconduct that, nevertheless, does not meet the threshold for expulsion."

Generally, a censure is a condemnation of a member's actions, statements or a combination of the two. It requires only a majority of members of the House to pass.

Upon approval by the majority, the censured lawmaker is supposed to stand in the well of the House chamber while the presiding officer reads the censure resolution. Tlaib was not required to stand in the well

A censure is viewed as more serious than a "reprimand," which is another resolution House members can bring to the floor to punish fellow members.

Does censure come with any punishment?

No. A censure doesn't result in the removal of a member from any committees or hamper his or her authority as a lawmaker in any way.

What is the history of censure in Congress?

Twenty-six members have been censured in the history of the House after Tlaib's censure, for everything from bribery to sexual misconduct with a House page.

In 2021, for instance, GOP Rep. Paul Gosar was censured for posting an anime video depicting himself killing Democratic Rep. Alexandria Ocasio-Cortez and President Biden.

Democrats tried to censure Rep. George Santos, who has been charged with conspiracy, false statements, wire fraud, falsification of records, aggravated identity theft and credit card fraud. The effort failed.

The first censure ever recorded was of Rep. William Stanbery in 1832 for insulting then-House Speaker Andrew Stevenson during a floor debate. The insult? Stanbery said that the speaker's eye might be "too frequently turned from the chair you occupy toward the White House."

Only five House members have ever been expelled, a move that requires two-thirds support.

– Caitlin Yilek contributed to this report

More from CBS News

House to vote on whether to kill resolution to impeach DHS secretary

Jewish students at Tufts fear for their safety after Pro-Palestinian rally

The GOP congressman who leads the House's probe of COVID-19's origins says he won't seek reelection

Former "QAnon Shaman" apparently running for Congress

Kathryn Watson

Kathryn Watson is a politics reporter for CBS News Digital based in Washington, D.C.

First published on November 8, 2023 / 3:13 PM EST

CBS NEWS

Rashida Tlaib censured by Congress. What do censure mean?

Kathryn Watson

Updated Thu, November 9, 2023 at 9:13 AM EST · 2 min read

83

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Twenty-two Democrats joined Republicans in a 234-188 vote late Tuesday, after Tlaib — the only Palestinian-American member of Congress — posted a video of Michigan protesters chanting "from the river to the sea," part of a chant condemned by Jewish groups and the Anti-Defamation Legue as antisemitic.

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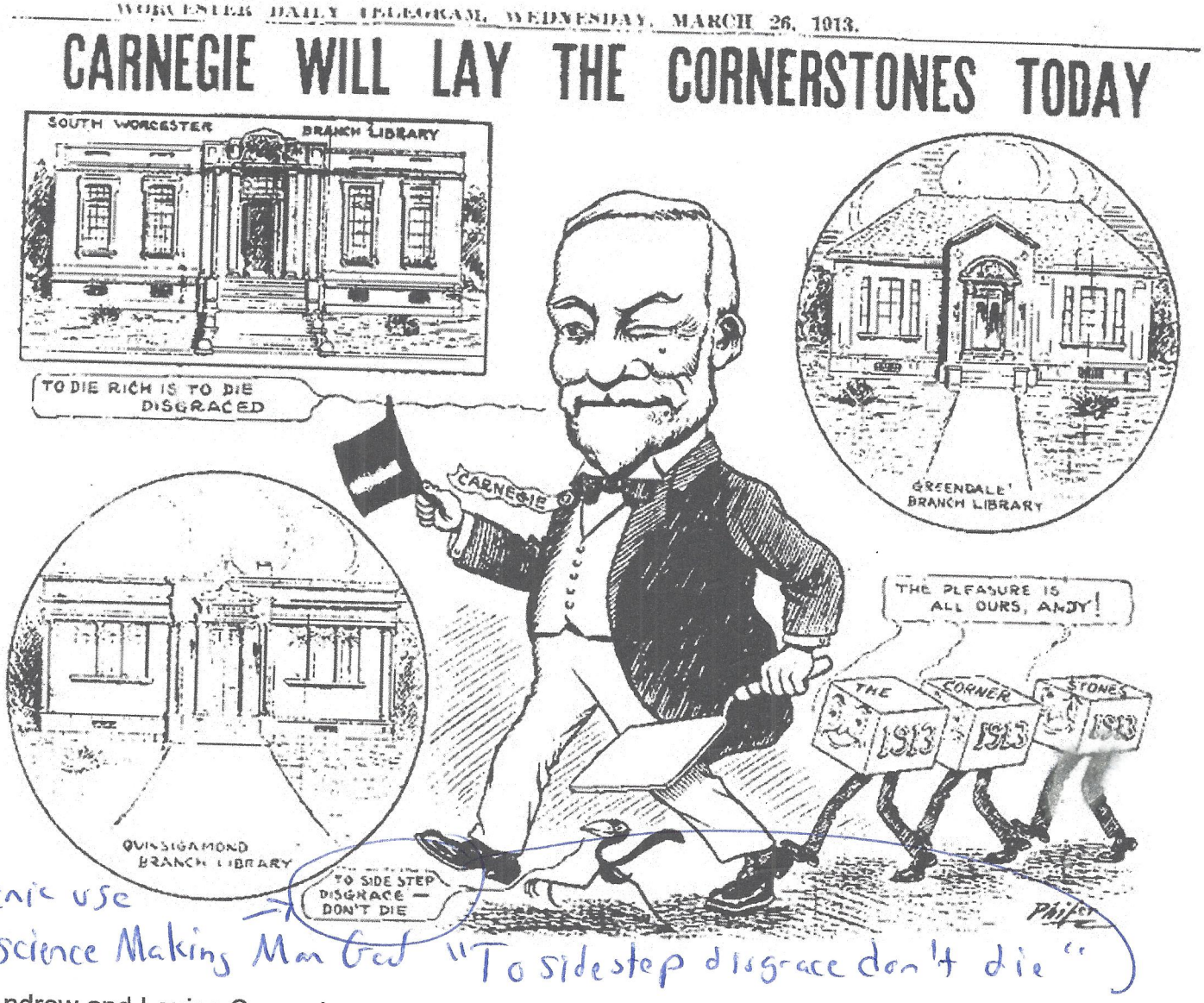
Exhibit 4



Satanic use of science Making Man feel "To sidestep disgrace don't die"

Andrew and Louise Carnegie spent three hours in Worcester on March 26, 1913. Andrew helped lay the cornerstones for the three branch libraries that he helped to fund. The local newspaper coverage of the events, both before and after, makes for interesting reading. Andrew used a specially-inscribed silver trowel to spread the cement. He had to stop in mid-route to buy a pair of rubbers because his shoes were getting wet. And of course, a certain amount of official "speechifying" carried the afternoon.

But most interesting of all is the attitude and dedication these people showed toward libraries and life-long learning. (Imagine a mayor wanting them so badly that he sailed to Scotland to hand-deliver the funding request to Carnegie's secretary!) We rejoice at hearing the library referred to as "one of the creative agencies of civilization" and "the organ of triumphant democracy." In retrospect, their efforts are now even more thought-provoking. Of those three libraries begun that day, only the Greendale site (now called the Frances Perkins branch) still operates as a branch library. The Quinsigamond building is part of an elementary school complex. The South Worcester building is now a residential duplex.

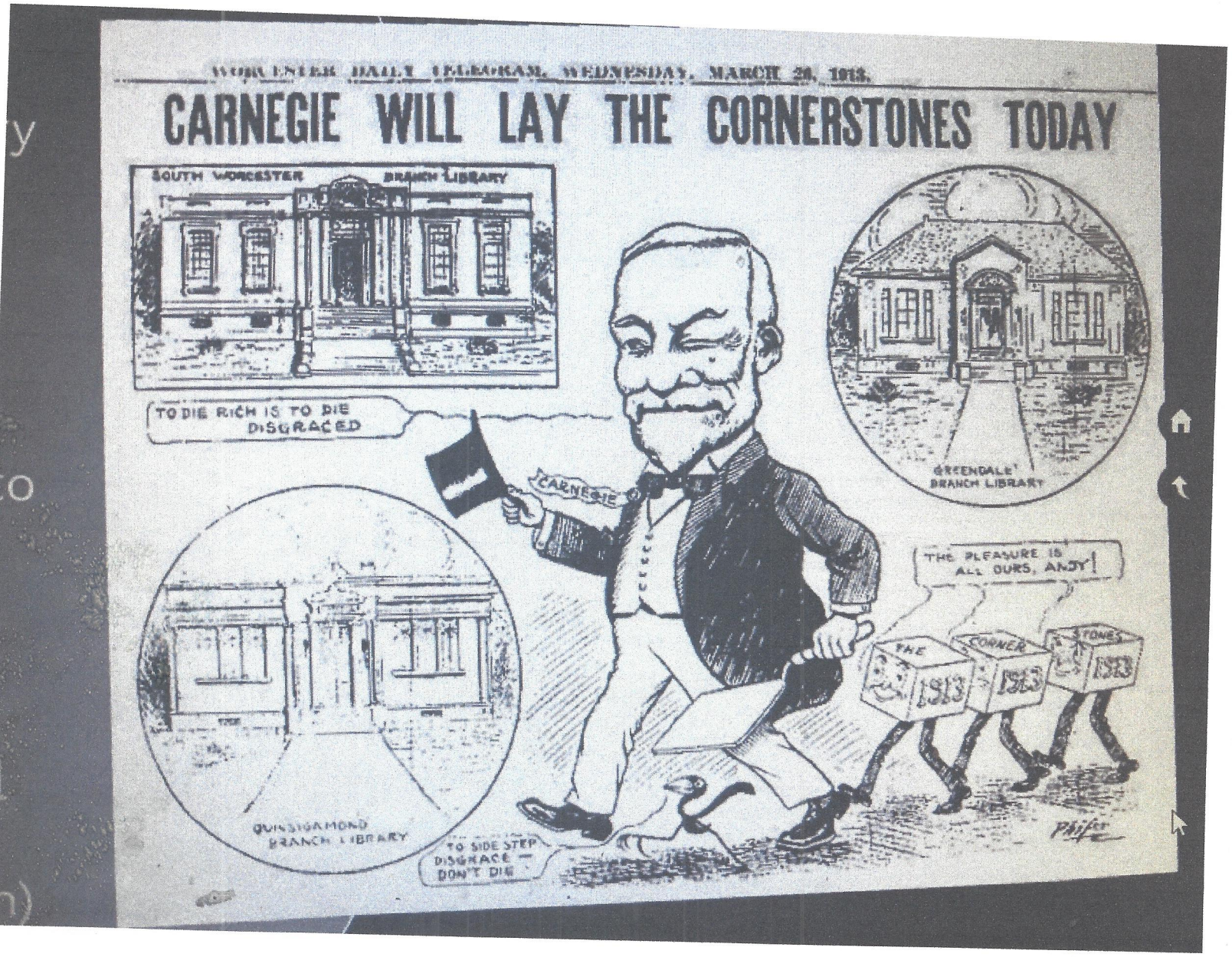

WORCESTER DAILY TELEGRAM, WEDNESDAY, MARCH 26, 1913.
CARNEGIE WILL LAY THE CORNERSTONES TODAY
SOUTH WORCESTER BRANCH LIBRARY
TO DIE RICH IS TO DIE DISGRACED
GREENDALE BRANCH LIBRARY
CARNEGIE
THE PLEASURE IS ALL OURS, ANDY!
THE 1913
CORNER 1913
STONES 1913
QUINSIGAMOND BRANCH LIBRARY
TO SIDE STEP DISGRACE — DON'T DIE
Phiffer

Exhibit 5

IRS

IRS History Timeline

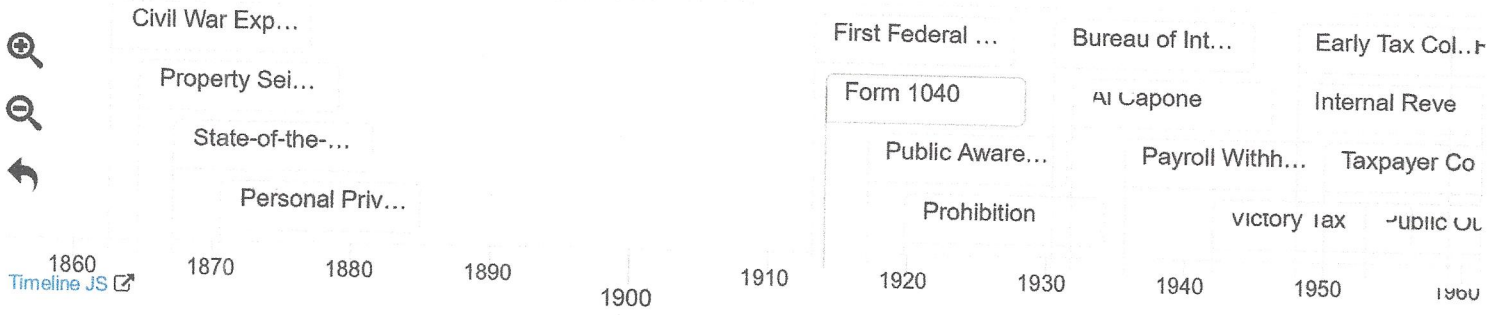
Original Form 1040 | 1913 | From OurDocuments.gov, a joint undertaking of the National Archives & Records Administration, National History Day, and the USA Freedom Corps

1914

Form 1040

On January 5, 1914, the Treasury Department unveiled the four-page form (including instructions) for the new income tax. The form was numbered 1040 in the ordinary stream of numbering forms in sequential order. In the first year, no money was to be returned with the forms. Instead, each taxpayer's calculations were verified by field agents, who sent out bills on June 1. Tax payments were due by June 30.

Income tax created 1914



Download our accessible PDF PDF to print the IRS History Timeline or view it offline.

IRS

IRS History Timeline

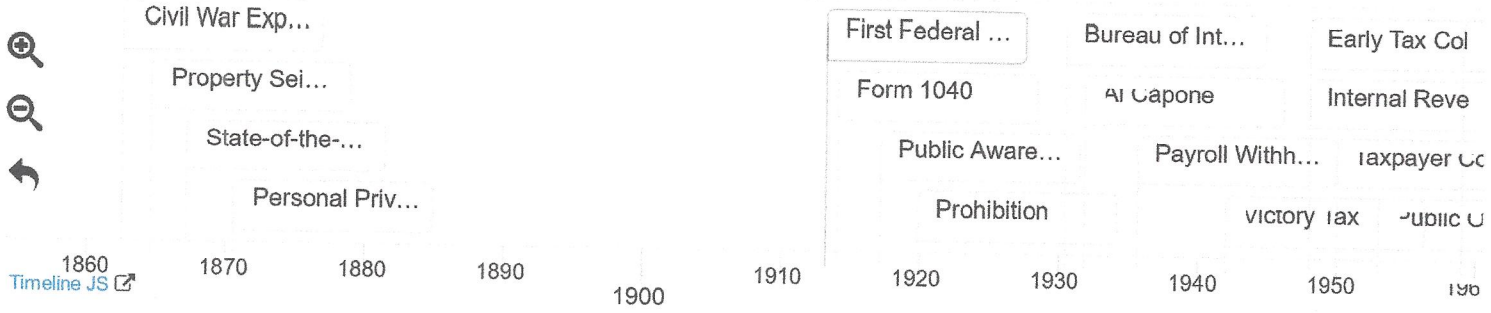
16th Amendment to the U.S. Constitution: Federal Income Tax | Congress | 1913 | National Archives at Washington, D.C.

1913

First Federal Income Tax

On February 25, 1913, the 16th Amendment officially became part of the Constitution, granting Congress constitutional authority to levy taxes on corporate and individual income. The Bureau of Internal Revenue established a Personal Income

16th Amendment
Contravenes 13th
Never been tested
or at least I
am not aware
of any case
on 13th
or Religious
grounds other
than the amish



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IRS

IRS History Timeline

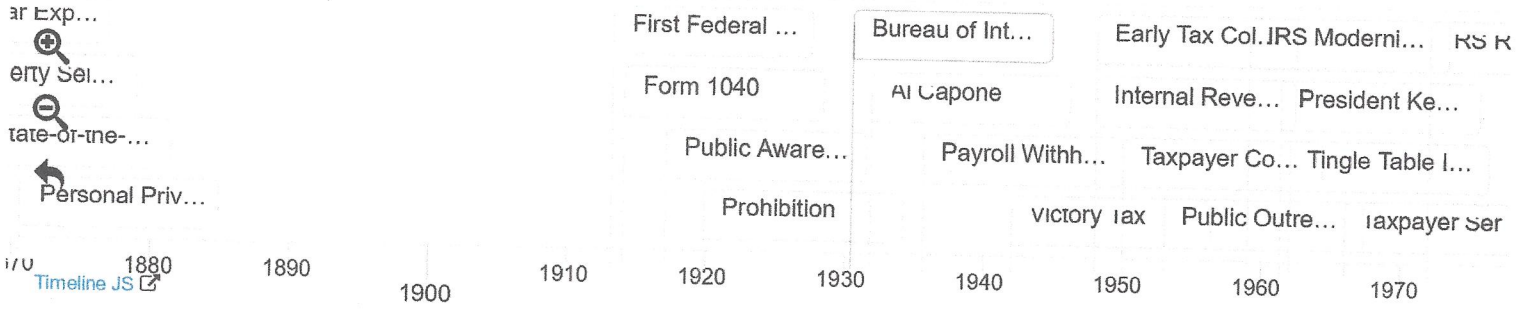
Bureau of Internal Rev. Not IRS. 1930 New Building

Internal Revenue Service Headquarters Building, 1111 Constitution Avenue Northwest, Washington, D.C. | Historic American Buildings Survey | after 1933 | Library of Congress Prints and Photographs Division Washington, D.C.

1930

Bureau of Internal Revenue Gets New Home

On June 1, 1930, the main section of the new Internal Revenue building opened, 16 months ahead of schedule and with a total construction cost of just over $6 million. In addition to a



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IRS

IRS History Timeline

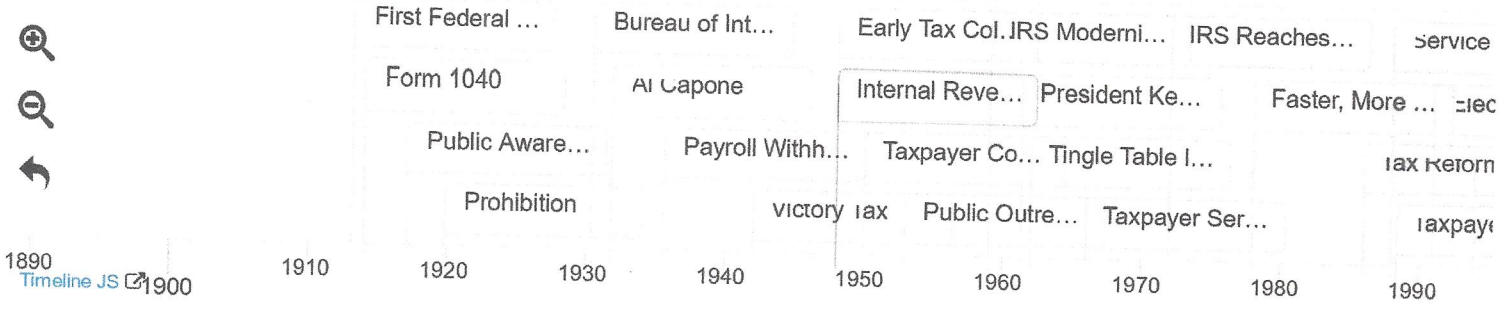
IRS created 1953

Harry S. Truman | Martha Greta Kempton | 1948 | National Portrait Gallery, Smithsonian Institution

1953

Internal Revenue Service Created

In 1952, President Harry S. Truman called for a comprehensive reorganization of the Bureau of Internal Revenue. The agency officially became the Internal Revenue Service on July 9, 1953.



Download our accessible PDF to print the IRS History Timeline or view it offline.

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 114th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on 11/13/23, I had a true and correct copy of the above referenced document, served to Defendants, through their counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Respectfully submitted,

Dated Nov. 13, 2023

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: Nov. 13, 2023

Meghan Kelly (printed)

Meghan Kelly (signed)

22- 7695/ Meghan Kelly v Pennsylvania Office of Disciplinary Counsel/Supplemental Brief/Conference convening 11/9/23/request to include this with petition

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us

Date: Monday, November 6, 2023 at 03:12 PM GMT-5

Hi Robert Meek,

I am mailed a supplemental brief 11/6/23 to opposing counsel. The conference is scheduled for 11/9/23. I am scared it will not arrive in time since documents I filed in another case on October 18, 2023 in person were not docketed until October 23, 2023.

The hearing is 3 days. I filed in person to expedite consideration and it took 6 days to present it on the docket after it was reviewed by the case manager and rejected by Justice Alito 2 days later in another matter.

I electronically uploaded it, per the message below.

Could you please present this for consideration to the justices as important. The exhibits show how the UN will take 30 percent of the Land down the line without having to adhere to the laws or taxes, with my belief their partners will argue immunity. There are plans for the UN to take even more land down the line in an attempt to control resources, to control the government to eliminate it down the line. Lobbyists write things out They are not wise when they predict harm and the alleged fix they present to profit from. They are conniving.

Our only hope of a hero are the courts.

Thank you. On an aside I am driving up shortly, and I am a bit scared since I got lost with a phone and I have no phone.

Thank you for your help.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939
meghankellyesq@yahoo.com

----- Forwarded Message -----
From: no-reply@sc-us.gov <no-reply@sc-us.gov>
To: "meghankellyesq@yahoo.com" <meghankellyesq@yahoo.com>
Sent: Monday, November 6, 2023 at 02:58:13 PM EST
Subject: Supreme Court Electronic Filing System

A new docket entry, "Supplemental Brief of Meghan Kelly submitted." has been added for Meghan Marie Kelly, Petitioner v. Pennsylvania Office of Disciplinary Counsel.

Part 1 Emergency Supplemental Brief filed/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 09:01 AM GMT-5

Hi Robert Meek,

I am mailed a supplemental brief 11/6/23 to opposing counsel. The conference is scheduled for 11/9/23. I am scared it will not arrive in time since documents I filed in another case on October 18, 2023 in person were not docketed until October 23, 2023. The hearing is 3 days. I filed in person to expedite consideration and it took 6 days to present it on the docket after it was reviewed by the case manager and rejected by Justice Alito 2 days later.

I electronically uploaded it. Yet it is not visible yet.

The special US Supreme Court federal police indicated they believed it would be filed this morning, but I am so scared about delays.

Hi Robert Meek,

Yesterday I physically submitted the filing attached hereto.

I do not believe the Supreme Court has time to consider this on Feb 9, 2023 or even time to read it. I am quite distraught it may be overlooked in consideration at the conference. Is there a way I may request they postpone their determination until they have adequate time or may they do that sua sponte? Or is there a way to expedite the presentment so they may determine they require time.

I believe the courts are in danger, and desire to apprise them even imperfectly to prevent the overthrow of the government schemed after 2050 as alluded to in books including but not limited to 2054 by Club of Rome.

I kind of think I grasp how they will do it, and if judges disagree and think I worry for nought just like the Delaware Chancery Court was not concerned when I apprised them of my belief of an attempted insurrection months before Jan 6, 2020. At least they may consider it by keeping it in the back of their minds. Since schemes are designed they may be unraveled. Our only hope of a hero are people judges and people lawyers.

Thank you for your help.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19939
meghankellyesq@yahoo.com
Not available by phone at this time

0Supplemental Brief attacks against Justice Thomas DE Supreme court new matters not previously addressed relating to appeal to overturn PA Order.pdf

14.7MB

Receipt of US Supreme Court filings 11 7 23.pdf
335.8kB

Part 2 110th Affidavit/Remove meg from existence as an attorney on public roll instead of indicating I am inactive/ 2 Emergency Supplemental Brief filed/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us

Date: Tuesday, November 7, 2023 at 09:21 AM GMT-5

Hi Robert Meek,

Please see the attached.

Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

1 Exhibit 1 Affidavit Megs name removed.pdf
11.9MB

part 3-A 109th Affidavit broken down as too big/Misrepresenting truth to cover personal liability and harming another attorney by using my case wrongly and inaccurately against him for real equal protections and disparate behavior by gov agents in DE/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 09:36 AM GMT-5

Hi Robert Meek,

Please see the attached.
Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

233 109th affidavit.pdf
132.6kB

233-1 declaration.pdf
251.7kB

233-2 Exhibit 1 order citing Abbotts case.pdf
1.3MB

233-3 Exhibit 3 page 1-18 Abbott's federal complaint.pdf
12.4MB

part 3-B 109th-B Affidavit broken down/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 12:33 PM GMT-5

Hi Robert Meek,

Please see the attached.
Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

233-3 page 19-38 Exhibit 3 Abbott's federal complaint.pdf
13.9MB

233-4 Exhibit 4 absolving Mark document DE Supreme Ct.pdf
2.6MB

233-5 Exhibit 5 Feb 9th conference PA stae case.pdf
5.4MB

part 3-C 109th-C Affidavit broken down/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: anthony.sodroski@pacourts.us; harriet.brumberg@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 12:34 PM GMT-5

Hi Robert Meek,

Please see the attached.
Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

233-6 Exhibit May 11 application to place exhibits on US Supreme Court public docket.pdf
3.1MB

233-7 Exhibit 7 Oklahoma sued to stop religious forced by gov money religious teachings.pdf
1.6MB

233-8 cert of service.pdf
446.7kB

part 4 No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/Non-lawyers are lawyering/93rd Affidavit regarding pay to courts in shut down/article subpoenaing witnesses to attack not merely Justice Thomas but the courts too

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 12:34 PM GMT-5

Hi Robert Meek,

Please see the attached.
Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

4 Exhibit 4 Nonlawyers lawyering.pdf
7.8MB

5 Exhibit 5 pay courts 93rd affidavit.pdf
947.4kB

6 Senate Judiciary Committee to vote on subpoenas for Harlan Crow Leonard Leo Robin Arkley II The Hill.pdf
668.4kB

part 5/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us

Date: Tuesday, November 7, 2023 at 12:34 PM GMT-5

Hi Robert Meek,

Please see the attached. I previously emailed you docs regarding the immunity of the UN. I believe the UN will seek to cover its private partners it signed agreements with in the cloak of immunity by gaining control of the assets so they will not be bound by criminal law or taxes or government regulation. I believe the 2030 plan aims to take 30 percent of the US and other countries land to grant to the control of the UN by 2030.

Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

7 Exhibit 7 UN immunity partners immune in UN purposes under criminal law UN not the courts control we are in peril.pdf
194.3kB

8 page 1-40 that will be used to eliminate the courts to allow tyhe UN to control a no longer free people wit.pdf
13.8MB

part 6/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counse/lMore UN docs including an article

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 12:35 PM GMT-5

Hi Robert Meek,

Please see the attached, including an article regarding the Bank of International Settlements, also known as BIS, the global money changer announcement in Dec 2022. 80 trillion dollars of government debt, predominantly government pensions were wiped out in debt swaps where people buy debt to gain favor to write off debt for tax breaks. They do not pay it. So the bubble in the stocks and pensions are designed to pop with nothing in it in a controlled crash. I proposed a way to coin correctly without slavery in the matter it is currently coined the Babylon way. The same way Presidents Jackson, Kennedy and Lincoln proposed to care for not control the people while protecting their liberty not profiting off of eliminating it.

Without government workers, there is no government or the rule of law. I saw another bank went under last week. Everyone is set up to fall. We need the courts to catch them, without falling themselves. In the Civil rights case I proposed a way to fully funding pensions and social security in a new manner while protecting the people's freedom to buy and sell by free choice not government backed forced choice.

Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

8 41-85 Documents that will be used to eliminate the courts to allow tyhe UN to control a no longer free peop.pdf
17.1MB

part 7/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel/concern for pay for courts

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us

Date: Tuesday, November 7, 2023 at 12:36 PM GMT-5

Hi Robert Meek,

Please see the attached.
Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

PAGE1-~1.PDF
21.6MB

part 8/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; anthony.sodroski@pacourts.us; harriet.brumberg@pacourts.us

Date: Tuesday, November 7, 2023 at 12:37 PM GMT-5

Hi Robert Meek,

Please see the attached. I do not believe the same as others as I aver therein. I believe we born in need of a savior from death. I believe are all born evil and must be born again to gain eternal life. See, Psalms 51:5 ("I was born a sinner — yes, from the moment my mother conceived me."). I believe we are all born children of the devil in need of adoption from God by being born again to be saved from lawlessness called sins. See, Ephesians 2:3 ("Among whom also we all had our conversation in times past in the lusts of our flesh, fulfilling the desires of the flesh and of the mind; and were by nature the children of wrath [meaning children of hell or to be damned to hell], even as others.") I get really heartbroken when babies and kids die as they have fewer opportunities to be saved from death. I believe that we have to use our brain to go to heaven. So I believe drugging up old and sick people who can not use their brain to live to love God and one another dooms them to hell, covering pain and combating mere symptoms instead of healing people's health is against my religious belief. I get soooo sad as I recall the horrors of reading about the history of medicine at UD. Because of the bad care I received as a youth I focused on healthcare by taking two courses on it in law school. I want to preserve life and eternal life not harm it for profit by praising or concealing the misconduct or mistakes of wrong doers. I believe correction in court may save lives and eternal lives.

I believe many things are sins leading to loss of eternal life without being made clean that I should not be punished for no matter how the government perceives my genuinely held religious beliefs.

Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

page 41-75 9 Exhibit additional docs bank crash and set up for US to fall.pdf
13MB

part 9/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: meghankellyesq@yahoo.com; harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us

Date: Tuesday, November 7, 2023 at 12:37 PM GMT-5

Good afternoon,

Please see the attached broken down exhibit. I could not upload it in full.

Thank you,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19939

page 76-100 9 Exhibit additional docs bank crash and set up for US to fall.pdf
18.1MB

part 10/No. 22-7695 Kelly v Pennsylvania Office of Disciplinary Counsel 86th affidavit 101-113

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: harriet.brumberg@pacourts.us; anthony.sodroski@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 12:37 PM GMT-5

Good afternoon,

Please see the attached. I am sorry it is taking so long.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr
Dagsboro, DE 19939

101-113 9 Exhibit additional docs bank crash and set up for US to fall.pdf
14.2MB

10 Exhibit Wars power act affidavit 86th aff.pdf
1.6MB

11 Exhibit Exhibit Meg disagrees with Scalia Court must prevent world war 3.pdf
7MB

No. 22-7695 /Word version Kelly v PA ODC Supplemental brief

From: Meg Kelly (meghankellyesq@yahoo.com)

To: rmeek@supremecourt.gov

Cc: anthony.sodroski@pacourts.us; harriet.brumberg@pacourts.us; meghankellyesq@yahoo.com

Date: Tuesday, November 7, 2023 at 02:29 PM GMT-5

Good afternoon,

I apologize. I forgot to include a Word version. I hope the Supreme Court considers some issues even if it does not consider all issues. I am in tears because I believe the courts are in trouble. Meaning we all are in trouble.

I had write in haste imperfectly to assert my right to petition before it was too late. Thank you for your understanding, and consideration.

Rule 25.6

6. A party wishing to present late authorities, newly enacted legislation, or other intervening matter that was not available in time to be included in a brief may file ….supplemental brief, restricted to such new matter and otherwise presented in conformity with these Rules, **up to the time the case is called for oral argument** or by leave of the Court thereafter.

It appears I filed in time, but I am so scared it may be too late for the court to actually consider the very real threats to it and our country should they waive their 5th Amendment right against self-incrimination to be set up for attacks and incrimination to be used to control a no longer impartial and fair court to transition into eliminating it down the line.

I believe it is the courts that give us freedom, not money or might. Without the courts we are not free but compelled into involuntary compelled servitude as for sale slaves, even under the new system using the new beneficial corporations and entities I hate.

Robert Meek, could you please help expedite this filing in light of the emergency circumstances of the 11/9/23 conference. Thank you.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Dr.
Dagsboro, DE 19939

10 Supplemental Brief.docx
59.9kB

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B.	)	
Swartz, et.al	)	
Defendants.	)	

PLAINTIFF MEGHAN KELLY'S 92nd AFFIDAVIT

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. A petition to file a sealed petition for writ of cert was filed in Martin v US, No. 23M19 set for conference on September 26, 2023. See, https://www.2018governmentshutdown.com/Join/SignificantFilingsAndOrders

2. This case relates to relief federal employees seek under the federal shut down in 2018.

3. I started drafting a Complaint for a TRO, because I have to argue a means to coin money to pay federal employees with Congressional authorization should the US Supreme Court or the District Court in Mass grant relief.

"UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.:
Plaintiff,	)	
v.	)	
JOSEPH BIDEN,	)	
President of the United States,	)	
in his official capacity,	)	
and,	)	
JANET YELLEN, Secretary of Treasury,	)	
in her official capacity	)	
Defendants.	)	

Plaintiff's Complaint to enjoin Defendants from failing to pay federal government and from suspending the operations of the federal government on the ground Congress has

not passed a budget by or before September 30, 2023, and for a writ of mandamus to require Biden and Yellen to coin money under 31 U.S.C. § 5112 (k) without debt or interest and without regard to the private entity the Federal Reserve

1. Plaintiff Meghan Kelly, Esq., pro se pursuant to FRCP 65 and Act and 28 U.S.C. § 1651(a), asks this court to enjoin the President Joseph Biden, in his official capacity as the President of the United States, and Janet Yellen, in her official capacity as Secretary of Treasury, (collectively "Defendants"), from not paying federal workers and from suspending the operations of the federal government on the ground Congress has not passed a budget by or before September 30, 2023 on 1st, 5th, 13th and 14th Amendment grounds and further requests this Court sign a writ of mandamus to require Defendants to coin money without interest or debt under 31 U.S.C. § 5112 (k) to pay off the national debt in full or in the alternative to pay for federal employees and the operations of the federal government for all sums exceeding the budget shortfall and states as follows:

Parties

2. Meghan Kelly is an attorney in the state of Delaware whose license is placed on inactive/disabled but for her exercise of her private 1st Amendment right to petition to sue former President Donald J. Trump in the Delaware Chancery Court to alleviate a substantial burden upon her religious exercise under the RFRA and to dissolve the establishment of government religion. I am currently seeking to appeal judgments, and I must safeguard my only hope of a savior to preserve my Constitutional freedoms, the courts.

3. Defendant Joseph Biden is the President of the United States ("Biden"). He is a resident of the state of Delaware and may be sued in his official capacity through the local US Attorney General David Weiss, Esq. located at Hercules Building, U.S. Attorney's Office, 1313 N Market Street, PO Box 2046, Wilmington, DE 19801.

4. Defendant Janet Yellen is the Secretary of Treasury (Yellen). Defendant Janet Yellen is the Secretary of the Treasury of the United States and, in that position, is responsible for financing the federal government's operations. She may be served through the US Attorney General David Weiss located at Hercules Building, U.S. Attorney's Office, 1313 N Market Street, PO Box 2046, Wilmington, DE 19801.

Venue

5. Venue is appropriate since Plaintiff Kelly is a resident of Delaware under 28 U.S.C § 1391 (e) (c).

Jurisdiction

6. This Court has jurisdiction pursuant to 28 U.S.C. § 1331.

Background

7. In 2016 I discovered non-attorney out of state title companies were practicing real estate law without a license messing up the chain of title at the Recorder of Deeds, taking advantage of attorneys like my esteemed deceased colleague Richard Goll,

Esq, and losing income tax for the state of Delaware for business performed out of state, despite my religious objections to taxes.

8. I learned attorney disciplinary rules do not restrain non-attorneys and non-judges such as out of state title companies from practicing law without a license.

9. So, I ran for office in 2018 in hopes to prevent non-attorneys from practicing law without a license to prevent harm to the public.

10. I lost the election, but I learned there is a real agenda to eliminate people judges and people lawyers required to uphold the individual exercise of private Constitutional rights from being eliminated or sacrificed by the marketed or bought, but not actual majority's represented choice, through the vote. See the Exhibits _____ attached hereto and incorporated herein.

11. There is evidence of an agenda to eliminate lawyers and people judges authority to uphold justice in the courts to be supplanted by injustice through a global agenda to implement a carbon credit debt system through the central banks and other entities who create or control money or debt through digital currency, blockchain or other means to enslave a no longer free people to bend their will to the control of those who control the resources unrestrained by the just rule of law.

12. There is evidence of a schemed slow overthrow of these United States by private and foreign government backed partners taking over the government's authority, to recoup or control resources owed to it by the government through treaties, executive orders, grants or contracts or other exercise of government authority, in order to control the government to eliminate the government's power to restrain businesses, charities, banks, not for profits, churches or other entities from enslaving, oppressing, killing, stealing or destroying human life, liberty or health by the just rule of law.

13. The Fourteenth Amendment section 4 provides in part, "But neither the United States nor any State shall assume or pay any debt or obligation incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave; but all such debts, obligations and claims shall be held illegal and void."

14. All of the money owed by the Federal government to private and foreign partners including but not limited to the Federal Reserve, and global banks, including the BIS, IMF, World Bank are debt and obligations incurred in aid of a non-violent insurrection to overthrow the government, and may arguably be deemed illegal or void.

15. Yet, the schemed overthrow of the government may be prevented should the government coin without debt and interest to eliminate and discharge by payment debts owed.

16. The Federal Reserve's creation of debt owed for every dollar the Treasury prints out of debt is illegal as in violation of the 13th Amendment by involuntary compelled servitude and my First Amendment right to religious belief and exercise of religious beliefs.

17. Slavery is against my religious beliefs. The failure to pay federal workers, including but not limited to federal judges, judicial staff, US Attorney Generals, FBI, CDC and other federal agencies by compelled force where there is no meeting of the minds is slavery. See Romans 4:4.

18. According to the BBC news released 9/26/23,

> "The president of the United States has a guaranteed income.
> Congress is also not affected - its members are exempt and, in any case, its funding bill has already been approved.
> The US Department of Justice is among those affected - with many lawyers and judges not working during a shutdown. Others are working without pay." Citing, https://www.bbc.com/news/world-us-canada-46927916, BBC News, *What is the likelihood of a US government shutdown?*, By By Tom Geoghegan, 9/26/23 (Under periodical exception).

19. The shut down threatens to weaken only one of the three branches of government whereas the President and Congress are fully paid in violation of the Equal Protections Clause by disparate treatment as to which representatives in the federal government may be paid, which endangers me in particular as a party one. My religious belief requires I uphold the impartial implementation of justice in the courts.[1] I am also in particular danger of justice should the courts not hear my cases to overturn disability determination on my licenses to practice law due to fewer people reviewing US Supreme Court briefs.

20. In addition, due to my inability to work as an attorney based on a judicial determination of disability, I cannot work at my former law firm. So, I applied for food stamps. I will not receive food benefits should a shut down persists and face particularized danger. I risk losing a property interested protected under the 5th Amendment should a default arise lasting more than a month, but I care more about my liberty interests more. The shut down decreases the odds the US Supreme Court will

[1] I am a Christian. I place my faith in God the father, the son Jesus, and the Holy spirit revealed to me, born again people, including people in the Bible. "Justice in the courts" is a command" Citing, the Bible, Amos 5:15 Jesus teaches justice and mercy are greater commands than monetary and material laws . Matthew 23:23; see also, John 7:24 (Jesus commands "Do not judge based on appearance, judge correctly.")
(See the following Bible passages against partiality in the courts, Leviticus 19:15 ""You must not pervert justice; you must not show partiality to the poor or favoritism to the rich; you are to judge your neighbor fairly"); (Exodus 23:6, "You shall not deny justice to the poor in their lawsuits."); (Deuteronomy 1:17, "Show no partiality in judging; hear both small and great alike. Do not be intimidated by anyone, for judgment belongs to God. And bring to me any case too difficult for you, and I will hear it."); (Deuteronomy 16:19, "Do not deny justice or show partiality. Do not accept any bribes, for a bribe blinds the eyes of the wise and twists the words of the righteous."); (See, James 2:1, "do not show favoritism."); (James 2:9, "But if you show favoritism, you sin and are convicted by the law as transgressors."); (Proverbs 18:5, "Showing partiality to the wicked is not good, nor is depriving the innocent of justice."); (Proverbs 24:23, "These also are sayings of the wise: To show partiality in judgment is not good."); (Malachi 2:9, "So I in turn have made you despised and humiliated before all the people, because you have not kept My ways, but have shown partiality in matters of the law."); (Job 34:19, "who shows no partiality to princes and does not favor the rich over the poor, for they are all the work of his hands?"); (Job 13:10, "Surely He would rebuke you if you secretly showed partiality.").

grant petitions for writ of certiorari to safeguard my First Amendment rights to petition, religious belief, exercise of religious belief, speech and association without government incited persecution but for finding my religious beliefs repugnant……..

4. I do not believe the courts will be okay. I do not believe these United States will be preserved if the courts do not uphold the rule of law to balance the other misguided branches.

5. I apologize to this court should I fail to file anything soon enough as I must fight for my Constitutional rights so the rights of others to buy and sell but for their religious beliefs are not similarly eliminated.

6. The staff at this Court indicated this court had funds and it was okay, but I do not believe this is okay. Sebastian Thrun at the World Government Summit and other lobbyists reveal a real plan to eliminate people judges and people staff. I see the weird attacks against the rule of law and judges in other places around the globe, including Israel. Things are not okay and we need the courts help and guidance to make them okay.

7. Federal servants are not above the law, nor should they be deemed below the law's protections by the US Supreme Court either.

8. Attached is part of a brief in the lower Court the attorney for Martin v US appeals to the US Supreme Court as federal employees were getting exploited and mistreated. That is not okay.

Thank you for your time and consideration.

Dated 9/28//23

Respectfully submitted,
Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939meghankellyesq@yahoo.com
(302) 493-6693

No. 22-7695

Application No_____

Related Application No. 22A981

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Supreme Court of Pennsylvania
Meghan M. Kelly, Petitioner
V
Office of Disciplinary counsel, aka Pennsylvania Disciplinary Counsel
On Petition for Writ of Certiorari to the Supreme Court of Pennsylvania, Western District of PA,
Case Number 2913 DD3

Certificate of Service of
Emergency Letter/Application regarding denial of Petitioner's 1st Amendment right to petition fairly and fully pursuant to the 5th by the Supreme Court's misplacement of Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court

I Meghan Kelly, Esq., certify that on 11/15/2023 I sent the above referenced document to the following addressee via US Mail

Harriet R. Brumberg
Office of Disciplinary Counsel
1601 Market Street 3320
Philadelphia, PA 19103

Dated 11/15/2023

Respectfully submitted,

/s/Meghan Kelly

Meghan Kelly, Esquire
DE Bar Number 4968

Deactive license
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
US Bar Number 283696, not lawyering,
Exercising private First Amendment right to petition

Under Religious Protest, I declare that the foregoing statement is true and correct under the penalty of perjury.

Dated: 11/15/2023

Meghan Kelly (printed)

Meghan Kelly (signed)

UNITED STATES POSTAL SERVICE.

OCEAN VIEW
35764 ATLANTIC AVE
OCEAN VIEW, DE 19970-9998
(800)275-8777

11/15/2023 03:58 PM

Product	Qty	Unit Price	Price
USPS Grnd Advtg	1		$9.00
Philadelphia, PA 19103			
Weight: 1 lb 13.30 oz			
Estimated Delivery Date			
Fri 11/17/2023			
Tracking #:			
9534 6149 9863 3319 1388 69			
Insurance			$0.00
Up to $100.00 included			
Total			$9.00
Priority Mail®	1		$17.10
Med FR Box			
Washington, DC 20543			
Flat Rate			
Expected Delivery Date			
Fri 11/17/2023			
Tracking #:			
9505 5149 9863 3319 1388 84			
Insurance			$0 00
Up to $100.00 included			
Total			$17.10
Grand Total:			$26.10
Cash			$40.10
Change			-$14.00

Text your tracking number to 28777 (2USPS) to get the latest status. Standard Message and Data rates may apply. You may also visit www.usps.com USPS Tracking or call 1-800-222-1811.

Save this receipt as evidence of insurance. For information on filing an insurance claim go to https://www.usps.com/help/claims.htm or call 1-800-222-1811

Preview your Mail
Track your Packages
Sign up for FREE @
https://informeddelivery.usps.com

All sales final on stamps and postage.
Refunds for guaranteed services only.
Thank you for your business.

Tell us about your experience.
Go to: https://postalexperience.com/Pos
or scan this code with your mobile device,

or call 1-800-410-7420.

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 116th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on Nov. 15, 2023, I had a true and correct copy of the above referenced document, served to Defendants, through their counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated 11/15/2023

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: 11/15/2023

Meghan Kelly (printed)

Meghan Kelly (signed)

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 124th AFFIDAVIT UPDATE

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. I apologize for the typos in the 123rd affidavit. I was writing in haste without sleep I was so upset and remain upset.

2. On November 23, 2023 I checked the electronic filing side and saw that my application to emergency clerk Robert Meek and Justice Alito were rejected for filing as of November 23, 2023. (Exhibit A). Since I was eagerly checking every day and this is the first I saw rejection. It is possible it may have been rejected because it was in letter format, but other applications to emergency clerk's were similarly submitted and accepted.

3. I left a message with Lisa Nesbitt and Robert Meek to gain clarification on the rejection and to swiftly correct any deficiency so as not to waive my rights on November 23, 2023.

4. On November 23, 2023 I also called the efiling staff at the US Supreme Court regarding another issue why I could not access the electronic filing on the Nov 6th Supplemental brief that I dropped off at the US Supreme Court in person, which to date has not been accounted for. Per Exhibit A, you can see the documents in red are inaccessible to me on the electronic filing system. The efiling clerk sought to dissuade me from exercising my 1st Amendment right to petition regarding the application to Alito indicating the case was closed and was over. I

responded I must assert my right, and reopen it. Then she indicated that was off topic since it was not electronic filing, while I remained silent and she quickly concluded and hung up on me before I could say good bye. As an attorney, I know some argue if you do not dispute allegations they may be deemed admissions incorrectly, though they shouldn't be. I was not off topic merely rebutting her assertions.

5. I am freaked out Nicole Traini, the Clerk of Court for the PA Supreme Court in Pittsburgh, PA indicated the clerk's talk to one another. The PA Court inappropriately denied my motions relating to my assertions for accommodations for my religious beliefs and health, which I averred in the Supplemental brief while attaching proof of the deprivation of my procedural due process applicable to the state via the 14th Amendment. I even asserted an ADA accommodation because I want to die for the vanity of lawless man whose evil eyes are focused on convenience, avoidance of costs, at the exchange of sacrificing of the lives and liberties they swore an oath to protect by upholding the constitution. See Matthew 6:22-23 concerning Jesus's teachings of the evil eye revealing a dirty covetous heart not full of love but yucky lusts for comfort and material gain indifferent of harm or human sacrifice of life, liberty or health of other people God loves. This is a type of lawlessness that leads to certain damnation in the fires of hell without repentance, even thinking this way is sin to God.

6. I believe it was wrong for the US Supreme Court staff to reject motions I filed simultaneously with petitions for writ of certiorari by not docketing it, just like I believe it was wrong for the PA Supreme Court to not docket motions I filed merely because they thought my accommodations for time based on religious beliefs in part my exercise of the right to live without harm to health is a religious exercise and to prevent vitiating my access to the courts to fairly petition to defend fundamental rights but for the denial of the accommodation in the form

of time, and exemptions of costs on religious grounds against compelled violations of one fundamental right in exchange for another when freedoms are not for sale despite the lies of the devil which misguided, lawless people teach that you must buy or earn that which is free. Not everyone is a child of God. We are all born children of the devil, in need of salvation from death. *Psalm* 51:5 states that we all come into the world as sinners: "Behold, I was brought forth in iniquity, and in sin my mother conceived me." *Ephesians* 2:2 says that all people who are not in Christ are "sons of disobedience." *Ephesians* 2:3 also establishes this, saying that we are all "by nature children of wrath." Not all people are born again and made clean by repentance, but we all have a choice we must independently each make. See, *Deuteronomy* 30:19 ("I call heaven and earth to record this day against you that I have set before you life and death, blessing and cursing. Therefore choose life, that both thou and thy seed may live")

7. The PA Clerk did not docket the motions. Josh the case manager for the matter indicated the judges will not review items not docketed as filed. Similarly, the supplemental brief was not docketed or rejected. It matters not that the US Supreme Court may choose to look at undocketed submissions. Just like Josh indicated they placed my undocketed in PA Supreme Court motions in the sleeve of the file, the US Supreme Court will not review undocketed information especially in light of reviewing hundreds of filings at one conference. I was deprived of a fair opportunity to be heard in violation of procedural due process applicable to the US Supreme Court because it neither accepted or rejected the November 6th filing . It was not docketed as of the date of the conference despite the rules indicating it would be deemed considered so long as I submitted it prior to the date of finality. Rule 25.6.

8. I am eager to see whether the court explained the deficiency with regards to the application to reopen the case as not to deprive me of procedural due process in the US Supreme Court matter.

9. I am concerned the Court may be trying to insulate the lower courts from being bound by the Constitutional Rule of law to aide PA Courts and itself as a partial forum to rebut an argument contained in the unaccounted for Nov. 6, 2023 petition, *Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court, dated 11/6/23, regarding denying the 1st Amendment right to petition by not docketing pleadings.*

10. I filed a bunch of motions with the US Supreme Court which I believe were not docketed in error as a matter of law I suspect to create precedent for the PA Supreme Court clerk's error, including a petition to exempt the paper copy requirement.

11. The US Supreme Court previously docketed a petition to excuse the paper copies requirement, held it had authority to grant it, but denied it based on the facts of the case. *Snider v. All State Administrators*, 414 U.S. 685 (1974) ("While we undoubtedly have authority to waive the application of particular rules in appropriate circumstances, we have during this Term denied a considerable number of similar motions. Typically in each of these cases the moving petitioner made generalized allegations of inability to afford payment of printing costs, but made no showing sufficient") My case is distinguished from the case where the court denied the

request to eliminate paper copies in order to assert the need is to protect my 1st Amendment right to religious belief in addition to access to the courts and other claims, which this claimant did not appear to do sufficiently. *See, Snider v. All State Administrators*, 414 U.S. 685 (1974) ("Petitioner Snider has filed a motion to dispense with the printing of the petition for certiorari as required by our Rule 39. He has filed no motion and affidavit") If the Court previously docketed a petition regarding exemption from additional paper copies, indicated it had authority to consider it, it arguably has authority to consider it and docket it in my case too.

12. Nevertheless the US Supreme Court did not docket my similar filing I attach hereto as Exhibit B and incorporated herein by reference please find, *Petitioner Meghan M. Kelly's Motion for an exemption from the requirement to serve 10 paper copies of pleadings with this Court pursuant to Rule 12(2), 29(1), and 39(2), by the filing of one paper copy, and in addition to, or in the alternative of, permission to serve the United States Supreme Court electronically without a paper copy for future filings, due to costs relating to printing, mailing and transporting pleadings to the Post Office, creating a substantial burden upon my access to the Court's to defend my exercise of fundamental rights, and forced violation of religious beliefs by the threat of indebtedness* and per the US Supreme Court letter rejecting the filing for docketing also attached hereto. (Exhibit B).

13. Similarly the attached *Petitioner Meghan M Kelly's Motion for permission to use electronic filing before this Honorable Court, even if my active license to practice law is suspended, in representing myself, in appeals of State Disability Proceedings and in a potential Disability proceeding before this Court, and in all proceedings I act pro se in, including civil rights proceedings and for a waiver of the paper original requirement, to prevent unaffordable costs from becoming a substantial burden upon my access to the courts, and compelled violation*

of my religious beliefs against indebtedness in order to exercise my right to petition the Court in my defense of the exercise of fundamental rights was similarly rejected for filing per the attached letter. (Exhibit C)

14. The attached *Petitioner Meghan Kelly's Motion for Leave to file Different in Forma Pauperis Motion to waive costs due to utter poverty, and due to foreseeable costs creating a substantial burden upon Petitioner's access to the courts and forced violation of her religious beliefs by threat of indebtedness* was also rejected for filing, per the letter rejecting it.

15. The attached *Petitioner Meghan Kelly's Motion to exempt costs and waive Court fees under Supreme Court Rules 38 and 43 eliminate people lawyers and people judges by creating a foundation of immunity from debt or responsibility* incorporated herein as Exhibit E was also rejected for filing. My case manager indicated I would be required to exempt costs in my informa pauperis motion which I have complied with since learning she would not accept it despite my belief the Court should judge the motion, not the clerk. After all the Supreme Court has held every injury should have a resolution. Marbury v. Madison, 5 U.S. 137, 147 (1803) (" It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress. 3 Bl. Com. 109. "). There is no resolution when petitions are not docketed just injustice by partiality by those who value lawless lusts convenience and material gain at the cost of human sacrifice of life, health or liberty. Lawyers and parties must require the courts uphold and not violate the Constitutional rule of law as well.

16. I also attach the letter to the US Supreme Court regarding asserting the 5th Amendment. The staff kindly indicated they accepted my 5th and to please sending boxes of filings to them.

17. I discovered the bad news that my application was rejected and realized I had to tell this Delaware District court my belief it was in imminent danger by legal entities lawyers in DE create. I provided this court forms in hopes it may understand how banks and their partners may conceal and resell nothingness debt no one will pay into infinity artificially creating value in something without worth to enslave the people to pay back what those in businesses have written off in debt swaps into infinity. The entities are preserved and are bankruptcy proof, liability proof, and above the law if you will by the nature of the springing member that hops into the place of the dissolved member or manager by operation of contract, allegedly arguably shielded by the contracts clause of the Constitution at the instant of dissolution or bankruptcy. I believe these "bankruptcy remote" entities will create a foundation for an economic overthrow I believe is schemed to transition in phases, with a worse transition after 2050. These will be utilized in the Ponzi scheme fashioned off of Bank of England who fashioned it off of the Knights of Templar who fashioned it off of Babylon's slave banking system, coining money out of nothing to require debt slavery to be paid back with interest to keep people enslaved to work to pay back the interest which can never be paid back because it does not exist. Every dollar is a federal reserve note an I owe you to the federal reserve. The Government and the people are essentially debtor slaves and nota free people for every dollar the government uses by borrowing form an entity that gains more power the worse off we are in by debt money the government gives to other entities, private who accept unjust gain government contracts or grants, in a forced not fair or free economy with limits in the form of the just rule of law that tame the beast sin business greed to prevent killing, oppressing, enslaving, stealing and destroying human life, health and liberty for the bottom line with justice in the courts to correct, preserve life and liberty, not destroy humanity.

18. Understand, the time to pay debt owed for the biggest bill falling due globally for the baby boomers retirement, and healthcare is falling due, but the banks, and the empty stocks with noting but I owe yous that are not likely to be paid should a bankruptcy boom occur and we move towards these dreadful beneficial entities that violate Matthew 6:1-4 which will mislead humanity to harm one another under the lie of helping the world, die to be doomed to hell should the courts not save us.

19. So, I am embarrassed for typing like the speed of lightening with my sausage fingers making typos trying to warn the court in haste. I am sorry. I am sorry for typos in this too as I write under duress.

20. Having not received a message back from my case manager, Lisa Nesbitt or Robert Meek from 11/22/23, I called both on 11/24/23 to gain clarity as to why my *Emergency Application to reopen 22-7695 to consider Supplemental Brief filed 11/6/23 in order not to deprive me of 1st Amend right to petition fully & fairly in accordance w/5th Amend before eliminating 1st Amend rights to religious beliefs & license*. I also desired clarification on why the submission on *Petitioner Meghan M. Kelly's Supplemental Brief to provide additional information not previously available on how private partnerships with the UN is schemed to be used to eliminate judicial authority in open and by stealth, Petitioner's belief the courts are in danger especially with the debt ceiling approaching November 17, 2023 with no agreement to date, and the convening of Congress October 19, 2023 to attack Justice Thomas and the integrity of the court by subpoenaing witnesses to be used against Justice Thomas and the Court.* No one answered their phone and I did not leave a message.

21. November 6, 2023 was rejected for filing and not docked as of the date of submission. I do not know what the US Supreme Court will advise as to my undocketed rejected application dated November 15, 2023. I cannot waive my rights.

22. So, I googled the attached law review article and learned I needed to file a second Motion for a Rehearing under Rule 44.2. That is what I did in this case, I filed 3 or 4 Motions for a rehearing or reagument.

23. One Supreme Court case a petitioner filed 3 Motions for rehearing, the US Supreme Court denied it thrice, a year later the US Supreme Court vacated the denial sua sponte to address a petition. See, *United States v. Ohio Power Co*., 353 U.S. 98 (1957) ("Certiorari denied October 17, 1955. Rehearing denied December 5, 1955. Rehearing again denied May 26, 1956. Order denying rehearing vacated June 11, 1956. Rehearing and certiorari granted and case decided April 1, 1957. ")

24. I have been in tears since November 13, 2023, ever since the US Supreme Court denied my Petition for Writ of Cert in the PA case while depriving me of 5th Amendment Procedural Due Process by simply not accepting or rejecting the supplemental brief that must be considered with or before the Petition for rehearing per Supreme Court Rule 25.6. Should it be rejected the Court is required to permit me to cure any defects with notice of rejection. *Citing, Becker v. Montgomery,* 532 U.S. 757, 767 (2001)

25. I hope the court's staff and opposing counsel enjoyed their time this Thanksgiving. I do not celebrate holidays because it violates God's laws revealed to me in part through the Bible.

26. In *Mark* 7:7-9 King James version Jesus explains

> "7Howbeit in vain do they worship me, teaching for doctrines the commandments of men. 8For laying aside the commandment of God, ye hold the tradition of men, as the

washing of pots and cups: and many other such like things ye do. 9And he said unto them, Full well ye reject the commandment of God, that ye may keep your own tradition."

27. In Jeremiah Chapter 10 the Old testament provides:

"1Hear the word that the LORD speaks to you, O house of Israel. 2This is what the LORD says: 'Do not learn the ways of the nations or be terrified by the signs in the heavens, though the nations themselves are terrified by them. 3For the customs of the peoples are worthless; **they cut down a tree from the forest**; it is shaped with a chisel by the hands of a craftsman. **4They adorn it with silver and gold and fasten it with** hammer and nails, **so that it will not totter.** 5Like scarecrows in a cucumber patch, their idols cannot speak. They must be carried because they cannot walk. Do not fear them, for they can do no harm, and neither can they do any good." 6There is none like You, O LORD. You are great, and Your name is mighty in power. 7Who would not fear You, O King of nations? This is Your due. For among all the wise men of the nations, and in all their kingdoms, there is none like You. **8But they are altogether senseless and foolish, instructed by worthless idols made of wood! 9Hammered silver is brought from Tarshish, and gold from Uphaz**— the work of a craftsman from the hands of a goldsmith. Their clothes are blue and purple, all fashioned by skilled workers. 10But the LORD is the true God; He is the living God and eternal King. The earth quakes at His wrath, and the nations cannot endure His indignation"

28. In Jeremiah Chapter 6 God says:

"6For this is what the LORD of Hosts says: 'Cut down the trees and raise a siege ramp against Jerusalem. This city must be punished; there is nothing but oppression in her midst."

29. I do not know what God means by cut down the trees. I think that men distort the word of God to give the deceptive appearance man's will reflecting the image of the lawless one the devil is God's will. Did you that in Israel people cut down trees because they taxed them?

30. Back to my religious beliefs. Jesus in Mark 7:8 says not to disobey God's law to please men by their traditions. God's laws in Jeremiah 10 says do not decorate trees with silver and gold to back the pagan worship of material things which includes Christmas trees.

31. I did not know I violated the law until Trump complained about it. He is the naughtiest most lawful man I ever observed in real life. He is likened to the dreaded King

Leopald of the Congo, Hitler or even Nero. So, I had to unharden my heart and head and discern why Trump distorted God's word and traditions for his political material vanity.

32. The courts are misguided when they rely on England's laws or Plato's instead of a more ancient people's laws by thinking things out to discern what upholds Constitutional laws as applied to the facts of each case. See, Deuteronomy 30:19 ("I call heaven and earth to record this day against you that I have set before you life and death, blessing and cursing. Therefore choose life, that both thou and thy seed may live"). We must protect free choice under the law, even God does that or at least the Israelites did, or there is no freedom, certainly to escape the way to hell by laying down our desires, to think, to care to unconditionally love. Those who make everything a matter of barter or exchange are lawless people enslaved to lusts and death in hell, not free. And yet, the courts must protect their freedom to make bad choices with the limit they may not enslave others by oppression, killing, stealing or destroying other constitutionally protected people's lives, health or liberty.

33. The entire carbon credit debit system removes government power from the government to its private and foreign partners who will eliminate the government down the line should the courts not stop it.

34. In order to maintain freedom there must be independence not deferral to the other two branches, and independence from private and foreign partners.

35. On an aside, attached please find an email to confirm I sent the sealed documents to opposing counsel.

36. Thank you for your time and consideration of my beliefs and thoughts. I truly believe the courts are in trouble, meaning we all are in trouble. There is no freedom without people judges, just reign by lawless lusts by those who enslave a no longer free people to bend to

their dictates or go without the necessities of life. We face lawlessness under the veil of freedom by utter control and complete order, Satan's design. 1 John 5:19

Respectfully submitted,

Dated 11/24//23

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

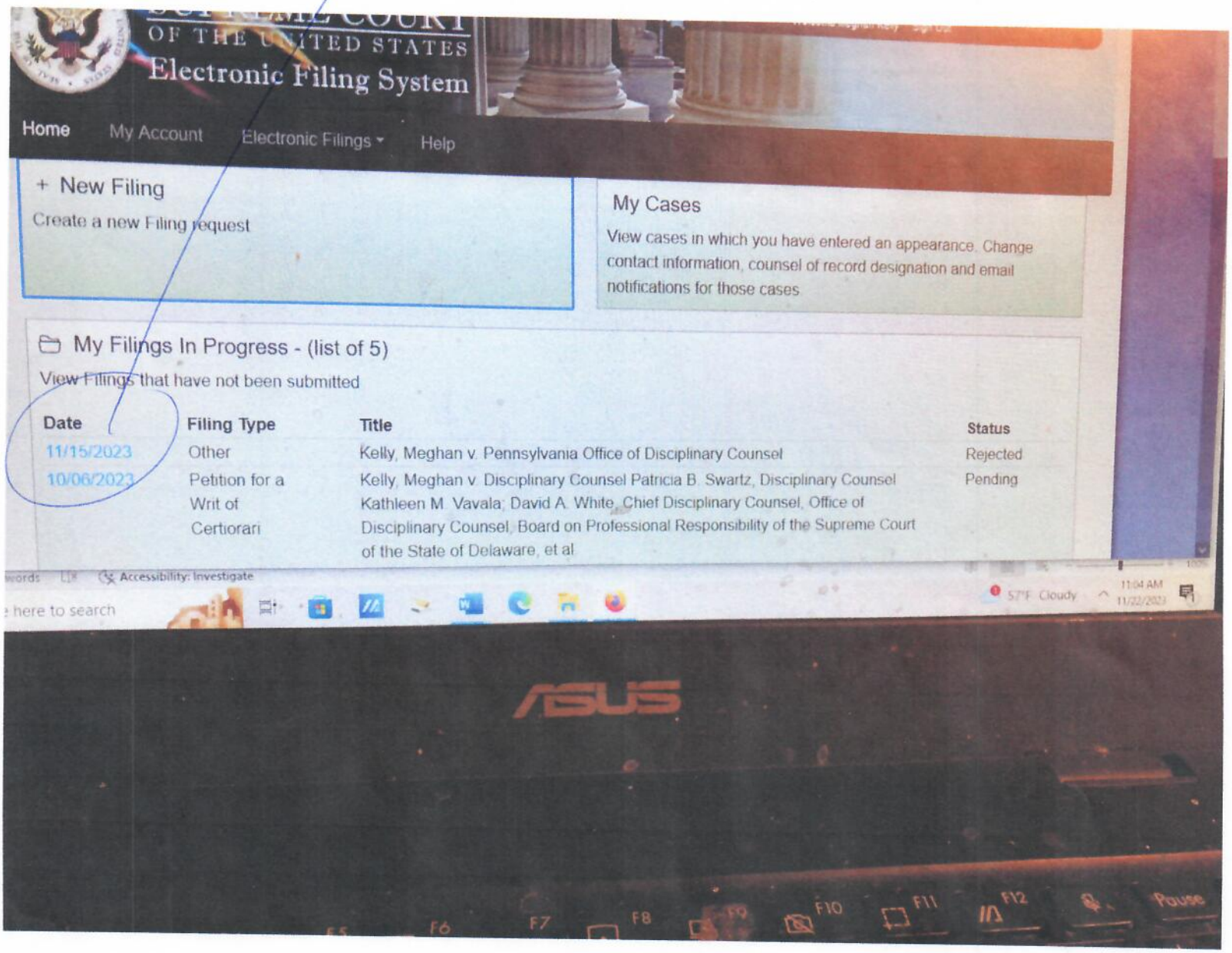
Dated: Nov. 24, 2023

Meghan Kelly
(printed)

Meghan Kelly
(signed)

Exhibit A

Date Submitted
Rejection date may be
the first day it noted
rejection 11/22/2023
Unknown.
This is the Pet for App to
J. Alito



Welcome Meghan Kelly | Sign Out

1 Filing 2 Attorney 3 Documents

4 Notifications 5 Summary

Summary

* Your Electronic Filing, submitted on 11/15/2023 4:46 PM, has been Rejected. You will receive a separate email regarding the reason for rejection.

Other - Emergency Application to reopen 22-7695 to consider Supplemental Brief filed 11/6/23 in order not to deprive me of 1st Amend right to petition fully & fairly in accordance w/5th Amend before eliminating 1st Amend rights to religious beliefs & license for
State

Petitioner:
Kelly, Meghan
Respondent:
Pennsylvania Office of Disciplinary Counsel
State/Territory:
Pennsylvania

Is this a Capital Case?
No

Attorney
Meghan Marie Kelly (Counsel of Record)
Party Name:

Meghan Kelly
Firm:
Attorney at Law
Address:
34012 Shawnee Drive, Dagsboro, DE 19939
Phone #:
302-278-2975
Email:
meghankellyesq@yahoo.com

Notifications
None

Documents

Main Document - Emergency Letter application.pdf
Virus Scan Completed

Main Document - declaration.pdf
Virus Scan Completed

Lower Court Orders/Opinions - Order Exhibit 1 Kelly Order - Disability.pdf
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Main Document - DI 251 big.pdf
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Main Document - DI 250 big 114th affidavit.pdf
Virus Scan Completed

Main Document - Emails to Robert Meek.pdf
Virus Scan Completed

Main Document - 207.pdf
Virus Scan Completed

Proof of Service - cert of service with postal receipt.pdf
Virus Scan Completed

Submit Electronic Filing Request

Delete this Electronic Filing Request

Supreme Court of the United States

This has not been docketed yet

	Certiorari		
08/01/2023	Other	Kelly, Meghan v. Swartz, Office of Dusciplinary Counsel, et al.	Rejected

See More

All My Filings (list of 20)

View Filings that have been submitted & filed

Date	Docket #	Filing Type	Title	Status
11/06/2023	22-7695	Supplemental Brief	Meghan Marie Kelly, Petitioner v. Pennsylvania Office of Disciplinary Counsel	Submitted
11/14/2023	23A361	Renewed Application	Meghan Kelly, Applicant v. Disciplinary Counsel Patricia B. Swartz, et al.	Submitted
10/18/2023		Petition for a Writ of Certiorari	Kelly, Meghan 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, et al.	Submitted
10/23/2023	22-7695	Petition for Rehearing	Meghan Marie Kelly, Petitioner v. Pennsylvania Office of Disciplinary Counsel	Filed
10/18/2023		Petition for a Writ of Certiorari	Kelly, Meghan 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, et al.	Submitted
09/07/2023	23A100	Application for Further	Meghan Kelly, Applicant v. Disciplinary Counsel Patricia B. Swartz, et al.	Filed

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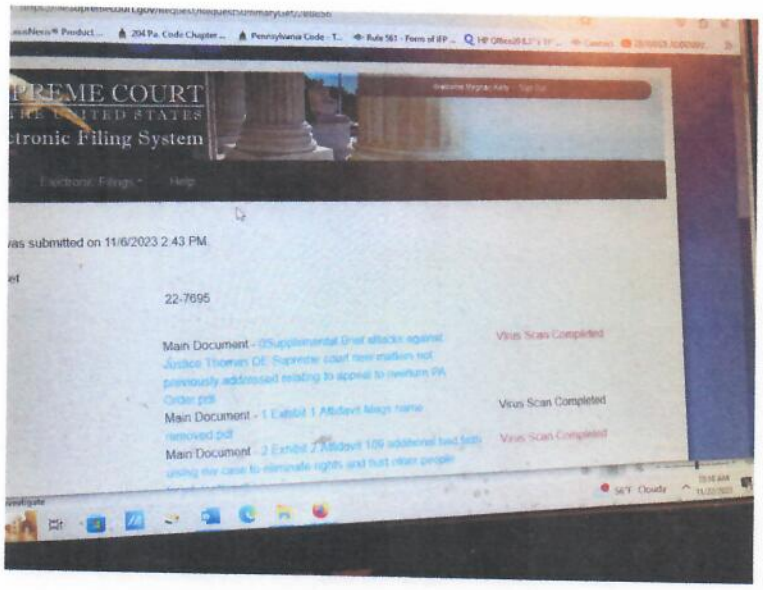
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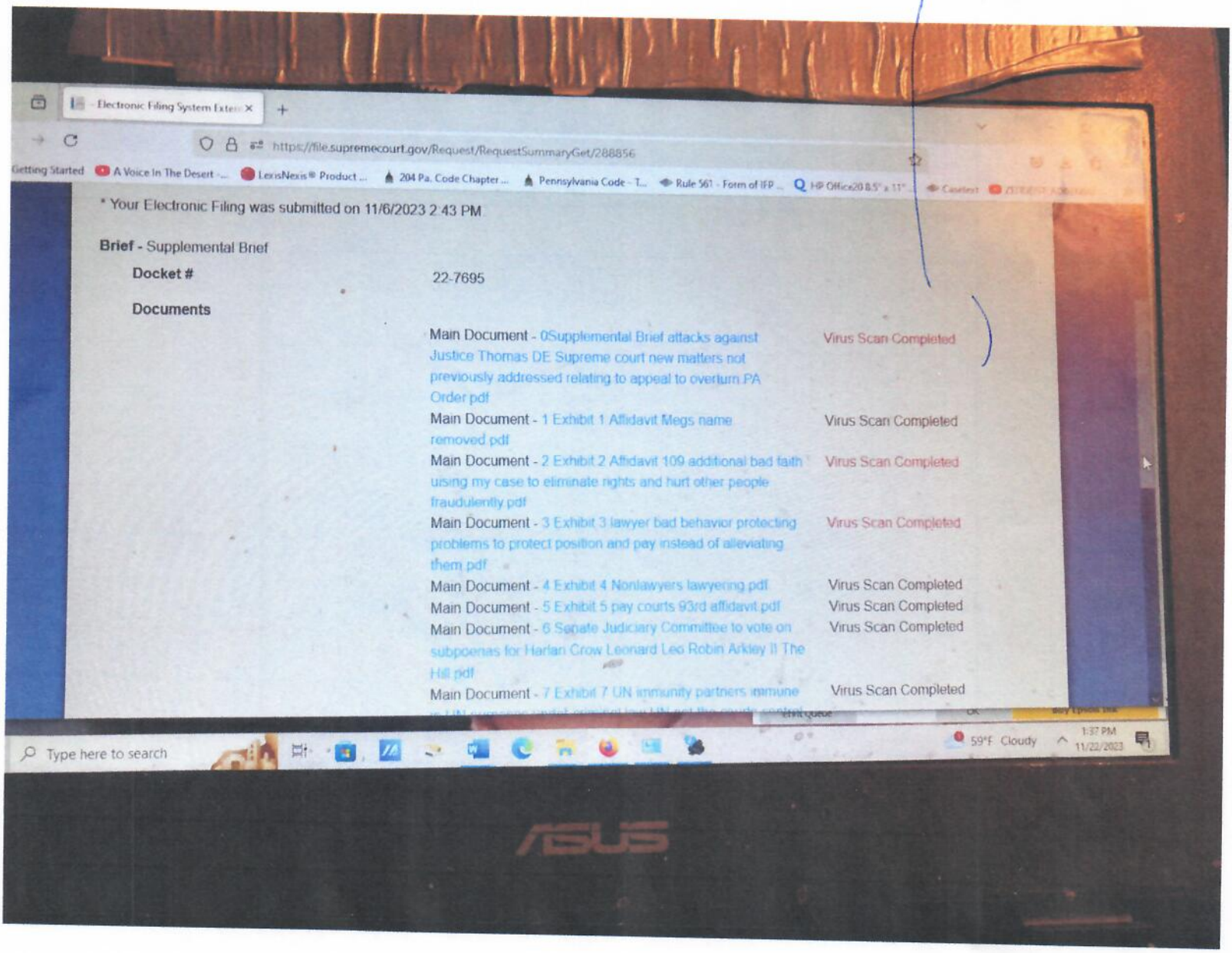

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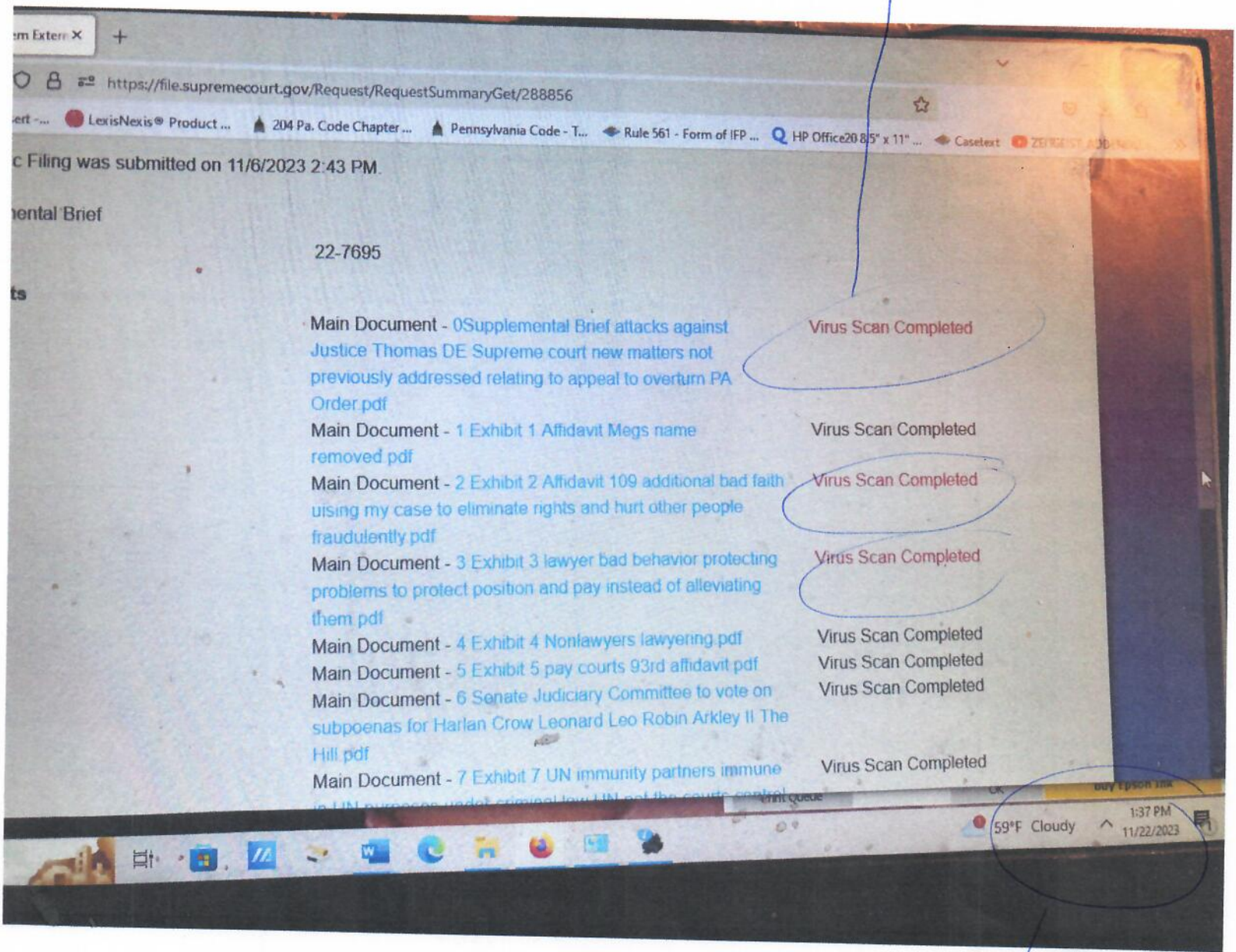

Nov 22, 2023
Continued to be unavailable to me on electronic docket

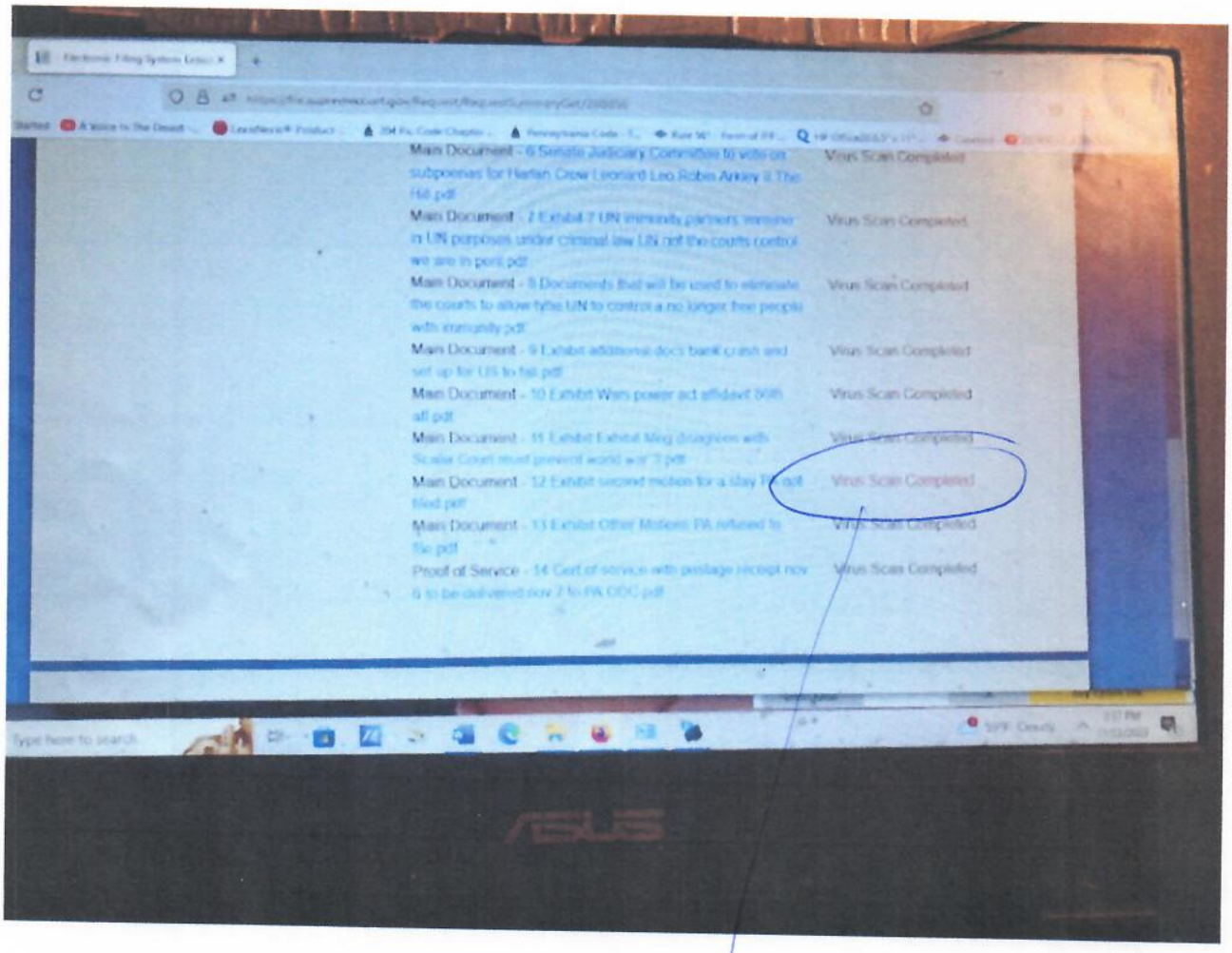

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EXHIBIT B

Some are placed on 3DI 105 not all in 21-3198, not including toc, appendices and citations which I printed out separately

No._____
_____

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Third Circuit Court of Appeals

Meghan M. Kelly, Petitioner

No Respondent

Petitioner Meghan M. Kelly's Motion for an exemption from the requirement to serve 10 paper copies of pleadings with this Court pursuant to Rule 12(2), 29(1), and 39(2), by the filing of one paper copy, and in addition to, or in the alternative of, permission to serve the United States Supreme Court electronically without a paper copy for future filings, due to costs relating to printing, mailing and transporting pleadings to the Post Office, creating a substantial burden upon my access to the Court's to defend my exercise of fundamental rights, and forced violation of religious beliefs by the threat of indebtedness

I, Meghan M. Kelly, pro se petitioner filing in forma pauperis, move this honorable Court for an exemption from the requirement to serve 10 paper copies of pleadings with this Court pursuant to US Supreme Court Rules 12 (2), 29(1), and 39(2), by the filing of one paper copy to this Court, and in addition to or in the alternative of, an exemption from serving paper pleadings to the US Supreme Court, due to costs relating to printing, mailing and transporting pleadings to the Post Office, 1. creating a substantial burden upon my access to the Court to defend my exercise of fundamental rights, 2. and forced violation of religious beliefs by the threat of indebtedness.

1. Pursuant to U.S. Sup. Ct. R. 39:

> "If leave to proceed in forma pauperis is sought for the purpose of filing a document, the motion, and an affidavit or declaration if required, shall be filed together with that document and shall comply in every respect with Rule 21. As provided in that Rule, it suffices to file an original and 10 copies, unless the party is an inmate confined in an institution and is not represented by counsel, in which case the original, alone, suffices. A copy of the motion, and affidavit or declaration if required, shall precede and be attached to each copy of the accompanying document."

2. A statutory exception is crafted for indigent, unrepresented imprisoned petitioners. Thus, a similar exception may reasonably be crafted to permit me to file the original copy electronically, or in the alternative, the same single original paper copy requirement afforded to indigent, unrepresented, imprisoned parties, which I argue still substantially burdens my access to the courts, and exercise of fundamental rights. Id.

3. There is no Respondent prejudiced by my request, nor is this Court prejudiced. Whereas, I am deeply prejudiced should my request be denied. I have allergies that mimic other sicknesses. I believe this Court is kept safer during this global pandemic, with increases in monkey pox, polio and covid-19 cases globally. Touching paper touched by sick people, even postal people, may possibly spread germs to this honorable court. I sadly recall reading about postal workers dying during the pandemic.

4. It is against my religious belief to go into debt.

5. I cannot afford to pay for printing, ink, postage and transportation costs relating to delivery of paper pleadings. Requiring I adhere to the paper requirements would compel me to go into debt, in violation of my religious beliefs against indebtedness.

6. The foreseeable costs relating to printing, transporting and mailing pleadings create a substantial burden upon my access to the Courts and forced violation of my religious beliefs by threat of indebtedness, as I seek to protect the exercise of my fundamental rights from retaliation by the government, but for the exercise of my rights, in the present case.

7. This Court has inherent equitable powers over their process to prevent abuse, oppression, and injustice. *Gumbel v. Pitkin*, 124 U.S. 131 (1888); *Covell v. Heyman*, 111 U.S. 176 (1884); *Buck v. Colbath*, 70 U.S. (3 Wall.) 334 (1866).

8. This Court must grant my request to prevent government abuse against my person, oppression, and injustice.

9. The Court appears also appears to have statutory authority to waive unconforming pleading requirements for just cause so long as it does not enlarge Constitutional rights, but safeguards and upholds the Constitutional laws. See for example, Fed. R. App. P. 2, 28 U.S. Code § 2072.

10. I am utterly poor. The costs relating to serving paper copies create a substantial burden and obstacle to my access to the Courts in contravention to my Equal Protection to the First Amendment right to access to the Courts to defend my exercise of fundamental rights, applicable to the Federal Courts via the Equal Protection component of the 5th Amendment, as applied to me, a member of class of one due to religious beliefs against incurring debt combined and due to utter poverty. See, *Abdul-Akbar v. McKelvie*, 239 F.3d 307, 317 (3d Cir. 2001) ("This requires us first to determine whether Appellant is a member of a suspect class or whether a fundamental right is implicated. Neither prisoners nor indigents are suspect classes.") *Harris v. McRae*, 448 U.S. 297, 323, (1980) (noting that poverty is not a suspect classification)." (*But see, Lewis v. Casey*, 518 U.S. 343, 370 (1996) "[A]t all stages of the proceedings the Due Process and Equal Protection Clauses protect [indigent persons] from invidious discriminations.")

11. "Because this case implicates the [Constitutionally protected rights of exercise of religion, speech, petition, belief and association and the] right of access to the courts," 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).

12. The Supreme Court noted, "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." *Lewis v. Casey*, 518 U.S. 343, 370 (1996); (internal citations omitted)

13. While, poverty is not a suspect class, my right to meaningful access to the courts, despite the inherent burden of poverty, and my religious beliefs and strongly held religious exercise relating to my religious belief against indebtedness are protected. In addition, fundamental rights are implicated. Delaware Disciplinary Counsel violated my Fundamental rights of religious beliefs, religious-political speech, religious-political petitions, religious-political-association, religious-political exercise, procedural and substantive due process opportunity to be heard, to prepare and present evidence, to subpoena witnesses, and to cross examine my accuser.

14. Delaware Disciplinary Counsel and reciprocating courts persecute me and seek to defame my character by taking away my property interest in my active license to practice law but for my exercise of Constitutionally protected conduct, in violation of my freedom to petition concerning my religious-political speech, religious-political exercise, religious-political belief, religious-political association, and association as a party, attorney, Democrat, Catholic and Christian when I believe there has been a grievance committed against me.

15. Justice Stevens, with whom Justice Brennan, Justice Marshall, and Justice Blackmun joined, in dissenting of US Supreme Court in *Murray v. Giarratano*, 492 U.S. 1, 18 (1989) recognized,

> "When an indigent is forced to run this gantlet of a preliminary showing of merit, the right to appeal does not comport with fair procedure. . . . [T]he discrimination is not between `possibly good and obviously bad cases,' but between cases where the rich man can require the court to listen to argument of counsel before deciding on the merits, but a poor man cannot. . . . The indigent, where the record is unclear or the

> errors are hidden, has only the right to a meaningless ritual, while the rich man has a meaningful appeal." *Douglas*, 372 U.S., at 357-358

16. The Court's normal service of original pleadings by paper requirements, violate my religious beliefs, religious practices and religious exercise against incurring debt, and costs, as applied.

17. I temporarily turned in my vehicle tags to prevent being sinfully compelled to pay for insurance I was not able to afford when it fell due, in violation of my religious beliefs.

18. In March, 2022, in Delaware, the price of gas increased to over $4.00 a gallon due to the planned Ukraine Russia crisis used as a contributing factor to intentionally crash the economy. This is a dramatic increase in cost for gas to fuel my vehicle to travel to your Honorable Court or to the post office to drop off original paper copies.

19. Since then, the price of gas has fallen, but remains unstable due to the limits of global gas relating to the sanctions on Russia's export of fuel, since the Ukraine-Russia war erupted in February 2022.

20. I got a flat tire on my bicycle and have been compelled to temporally restate my car insurance and vehicle tags.

21. The price of stamps also went up from 58 cents to 60 cents this summer.

22. The cost of paper went up dramatically this year, and ink is expensive.

23. The additional costs of transporting paper original copies to the post office or in person, printing paper copies and mailing create a strenuous substantial burden upon my access to the courts which may be alleviated by an accommodation in the form of a waiver of paper copies.

24. I expected to rejoin my former law firm after standing up for something more important than money in *Kelly v Trump*, my free exercise of religion, exercise of religious and

political belief, exercise of religious and political speech, and association as a party, attorney, democrat, Catholic and Christian without government incited persecution, but for my exercise of fundamental rights.

25. The Delaware Supreme Court justices in collusion with the Delaware Office of Disciplinary Counsel wrongfully brought claims against me creating a government incited economic substantial burden upon me which prejudices me by forcing me into a maintained state of poverty by preventing me from seeking to get my former position back at my old law firm as an attorney, or any work at a law firm. They harm my reputation to make me less attractive to employers.

26. Under my unique situation, the original paper copy and mailing costs cause a substantial burden upon my access to the courts to address Constitutionally protected activity relating to fundamental rights, creating an obstacle so great as to foreseeably prevent my access to the courts.

27 I do not want to sin against God by incurring debt. I believe people sin against God by incurring debt. God teaches in *Romans* 13:8 "Owe no one anything, except to love each other, for the one who loves another has fulfilled the law." I believe it compromises our loyalty to God towards the pursuit of money to free us from bondage, as savior instead of God. Jesus teaches you cannot serve both God and money as savior. *Matthew* 6:24. I choose God. Earning money is not sin. I believe, when our desire to earn money takes the place of our desire to do God's will by hardening our heads, hardening our hearts and hardening our hands from loving God foremost and subordinately loving others as ourselves, that is sin. I believe "the love of money is the root of all evil". 1 *Timothy* 6:10. I believe we are taught through temptations to worship sin, the mark of the beast spoken of in *Revelation* young, by praise and profit, glorifying

work and business, and conditional giving and conditional relationships, confusing many into believing conditionally caring is unconditional love damning most of humanity to hell the last day which is sad. (See, *Revelation* 16:2, *Revelation* 20:4. By worship of the image of the beast, I believe it means absence of love, unconcern, conditionally giving to get, caring based on conditional relationships with no unconditional love, no God in them for it is written "God is love." 1 *John* 4:16. They glorify the punishments of sin written in *Genesis* 3 as the reason to live reflecting pride, sin, instead of receiving correction through humility leading to salvation from the lake of fire, the second death.). God calls his people whores when they committed adultery with God by chasing money and material gain to care for their own, as guide, in place of God. It teaches hardness of hearts towards God and others outside of our own which is the sin against the holy spirit. In *Jeremiah* 3:3, when God said "You have a forehead of a whore," I think it means people have money, material gain, merriment, on their mind, not God's word teaching us to love by overcoming the lusts of man. See, *Ezekiel* 16:33, *Ezekiel* 16:28. Jesus scolds us when we exchange our lives to gain the world through money. *Mark* 8:36-38

28. I believe creditors, merely doing what they are blindly paid to do, will be damned to hell for not forgiving monetary debts, should they not repent. (*See, Matthew* 6:12, "And forgive us our debts, as we also have forgiven our debtors."); (*Matthew* 6:14-15, "For if you forgive other people when they sin against you, your heavenly Father will also forgive you. But if you do not forgive others their sins, your Father will not forgive your sins."); (*Deuteronomy* 15:1, "At the end of every seven years you must cancel debts."); (*See also, Matthew* 18:21-35. Debts once forgiven will be remembered if we do not forgive others.); (Jesus teaches "What good will it be for someone to gain the whole world, yet forfeit their soul? Or what can anyone give in exchange for their soul?" *Matthew* 16:26.); (Jesus teaches us do not seek after material

things, “but seek first his kingdom and his righteousness, and all these things will be given to you as well.” *Matthew* 6:30-33.); (With regards to eternal treasure we are commanded to share his word without pay as without pay we received the gift of the way to eternal life, through the word. *Citing, Matthew* 10:8).

29. If people don’t forgive monetary debts, I believe people will be damned to hell for loving money and material gain more than one another as commanded. We are commanded to love people, not money and the things it can buy. (*See, John* 13:34-35, “A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.”)

30. Since I am commanded to love people, I do not want to create a situation where I increase the odds, they will be damned to hell by accruing profit off of debt. I do not want to be damned to hell by seeking money in place of God as my savior due to indebtedness. Debt is against my religious beliefs.

31. Interest on alleged debt, and debt is against my religious beliefs as I believe it increases servitude to Satan by teaching people to be enslaved to earning money to pay artificial interest or debt, instead of being free in Christ, essentially making money the savior in place of God. (See *Leviticus* 25:36-37, "Do not take interest or any profit from them, but fear your God, so that they may continue to live among you. You must not lend them money at interest or sell them food at a profit." and *Exodus* 22:24-26).

32. Charging interest or a fee on money lent or artificial debt is a sin against God, I believe misleading many to hell by indebtedness to the pursuit of money, instead of God. (*Ezekiel* 18:13, “He lends at an interest and takes at a profit. Will such a man live [By live, I believe it means losing eternal life in the second death should he not repent]. He will not!

Because he has done all these detestable things, he is put to death; his blood will be on his own head."); (*Deuteronomy* 23:19, "Do not charge your brother interest on money, food, or any other type of loan."); (*Proverbs* 28:8, He who increases his wealth by interest and usury lays it up for one who is kind to the poor.); (Exodus 22:25, "If you lend money to one of my people among you who is needy, do not treat it like a business deal; charge no interest.); (*Deuteronomy* 15:2, "This is the manner of remission: Every creditor shall cancel what he has loaned to his neighbor. He is not to collect anything from his neighbor or brother, because the LORD's time of release has been proclaimed.)

33. I believe it is a great sin to go into debt, and an even greater sin to require a person to go into debt to exercise fundamental freedoms, that are no longer free, but for sale to those who can afford them, the wealthy, rendering the poor less equal, no longer free, but for sale bought people, as wage slaves, in violation of the 13th Amendment, and Equal Protection Clause of the Fourteenth Amendment applicable to the states, and the Equal Protections component of the 5th Amendment applicable to the Federal government.

34. The Delaware Disciplinary Counsel petition against me prevent me from returning to my former law firm, and may prevent me from getting a job as to render any fees impossible to pay back, and asking for donations is against my religious beliefs as I believe people are misled to hell by *Matthew* 6:1-4 violations of organized charity, fundraising and pro bono.

35. Going into debt, of even a few dollars, is against my religious belief, and the additional costs of even a few dollars in transportation to appear in person is a substantial burden upon my access to the courts due to my utter poverty, and my inability to pay back any fees should I fail, ever.

36. I respectfully request that, due to original paper copy costs creating an economic strain upon my exercise of religious beliefs against indebtedness and exercise of my access to the courts to defend First Amendment rights, as a substantial burden due to my poverty and religious beliefs, with little prejudice to the Court, that I be permitted to serve original copies of pleadings electronically, without copies.

37. This Court must not require I violate my religious beliefs by agreeing to personal indebtedness as unaffordable costs for transportation arise, in order to exercise my First Amendment right applicable to the Court via the Fifth Amendment, to petition this Court to safeguard my exercise of Constitutionally protected activity from government interference or retaliation including the right, to petition, exercise religious beliefs, freely speak concerning my religious beliefs for which my petitions relate to and the freedom to associate as a party, attorney, Democrat, Christian, with independent, individual, unique political-religious beliefs.

38. In order for this Court to require I accrue additionally costs, which violate my religious beliefs, compromising my faith in Jesus to servitude to Satan by making money God, and guide, by withholding an exemption to filing paper copies, the Court must have a compelling interest somehow more important than the free exercise of religion, narrowly tailored to support such interest.

39. The Court must not require forced indebtedness, through costs, in violation of my religious beliefs because its justification to compel forced violations of my religion is not narrowly tailored in this case, since the Court may grant an exemption of paper copies to prevent the government forced violation of my religious beliefs.

Wherefore, I, Meghan M. Kelly, respectfully asserts this Court must grant this motion.

Dated

Respectfully submitted,

Meghan Kelly, Esquire
DE Bar Number 4968
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693
(3,094 Words)
US Supreme Court Bar No. 283696

I declare, affirm that the foregoing statement is true and correct under the penalty of perjury.

Dated:

_____(printed)

_____(signed)

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 2, 2022

Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939

RE: Motion for an Exemption from Rule 12.2

Dear Ms. Kelly:

The motion for an exemption from the Court's Rule 12.2 was received November 29, 2022 and is returned for the following reason:

The Rules of this Court make no provision for this request. You must provide an original and 10 copies of your petition for a writ of certiorari and motion for leave to proceed in forma pauperis. Rule 12.2.

Sincerely,
Scott S. Harris, Clerk
By:
Lisa Nesbitt
(202) 479-3038

Enclosures

Exhibit C

No._____
_____

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Third Circuit Court of Appeals

Meghan M. Kelly, Petitioner

No Respondent
On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit

Petitioner Meghan M Kelly's Motion for permission to use electronic filing before this Honorable Court, even if my active license to practice law is suspended, in representing myself, in appeals of State Disability Proceedings and in a potential Disability proceeding before this Court, and in all proceedings I act pro se in, including civil rights proceedings and for a waiver of the paper original requirement, to prevent unaffordable costs from becoming a substantial burden upon my access to the courts, and compelled violation of my religious beliefs against indebtedness in order to exercise my right to petition the Court in my defense of the exercise of fundamental rights

I Respondent Meghan M. Kelly pursuant to Fed. R. App. P. 2, in the interest of justice, move this Honorable Court for permission to use electronic filing before this Honorable Court, even if my active license to practice law is placed on inactive/disability status, in representing myself, in State Disability Proceedings and in this appeal to a Disability proceeding, and in all proceedings I act pro se in, including Civil rights proceedings, and for a waiver of the paper original requirement, to prevent unaffordable costs from becoming a substantial burden upon my access to the courts, and compelled violation of my religious beliefs against indebtedness in order to exercise my right to petition the Court in my defense of the exercise of fundamental rights.

I. Meghan Kelly is in Trouble for filing a petition against former President Trump

1. I filed a RFRA law suit against former President Donald J. Trump, Supreme Court No. 21-5522, to alleviate a substantial burden upon my access to the courts.

2. The Delaware Supreme Court should have kicked out my case, *Kelly v Trump*, because I did not serve US Attorney General David Weiss. Instead, the Court held my argument against government established religion was without merit. *Kelly v. Trump*, 256 A.3d 207 (Del.), *reargument denied* (July 19, 2021), cert. denied, 142 S. Ct. 441, 211 L. Ed. 2d 260 (November 1, 2021)

II State interference President Trump Lawsuit

3. During Kelly v Trump, the Court's agents interfered with, impeded and acted in a manner as to cause me to for my law suit. The staff at the Chancery Court appeared to sabotage my case, misleading me to almost miss my deadline to appeal, wrote on my praecipe creating confusion and prevented me from serving local US Attorney General David Weiss. (Exhibits A, B, and C, please note Exhibit C, the one given back to me did not have writings on it.) Court of Common Pleas Judge Kenneth S. Clark verbally attacked me at a Sussex County grocery store, interrogating me at BJs, at the ODC's request to interfere with or cause me to forgo my lawsuit against the President of the United States. During the law suit, I received the attached three letters from the arms of the Court to interfere with the law suit by threats of investigation or discipline. (Exhibits D, E, F). The letter indicated a review of my religious-political petitions in both the Delaware Supreme Court and the Chancery Court was the reason for the discipline.

4. During the law suit, I filed religious-political petitions for a waiver of bar dues due to economic hardship. I paid the dues, but material in D proved the Delaware Supreme Court or its members to be the source of the armed attacks, by Judge Clark, DE-Lapp, and the ODC in interference with my active law suit against former President Trump.

5. I filed the attached Motions to petition the Court to reign in the Supreme Court's armed attacks, and for the recusal of Judge Seitz (attached hereto and referred herein as "A-4, and A-5"). I later discovered by confirmation of the clerk of Court that all judges consider attorney due petitions. So, it appears the entire Court participated in the armed attacks against me in interreference with my active law suit.

6. In October 2021, I filed a law suit with the Delaware District Court for damages and equitable relief, under 42 Sections 1983, 85 and 88, to inter alias enjoin the ODC from punishing me for the exercise of my religious-political petitions, religious-political beliefs, religious-political association, religious-political exercise, and religious-political petitions.

7. In November 2021, Delaware's Disciplinary counsel instigated disciplinary proceedings against me.

8. 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.

9. 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. 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.

10. There are many other factors showing a denial of my opportunity to be heard and meaningful access to the Courts, but I will reserve that for later.

11. The Delaware Supreme Court ignored my legal arguments, and found me disabled.

12. I must appeal the Delaware Supreme Court's decision to the United States Supreme Court.

13. I also will likely appeal the Delaware District Court's decision to this Honorable Court. I also asked for damages, nominal damages and other equitable relief, including but not limited to seeking to vacate Kelly v Trump and the disciplinary matter.

14. I am impoverished. The disciplinary case prevents me form rejoining my former law firm where I would be performing real estate settlements.

15. Elimination of the paper requirements and granting me permission to e-file will alleviate the substantial burden additional costs associated with paper originals and paper copy requirements.

16. Pursuant to Fed. R. App. P. 2 for good cause this Court may "suspend any provision of these rules in a particular case and order proceedings as it directs."

17. I argue alleviating a substantial economic burden that potentially causes an obstacle to my access to the courts is good cause.

18. I also have religious-objections against indebtedness. I am a Christian. I believe in Jesus Christ. Jesus teaches you can only serve one master God or money. I choose God. Artificial indebtedness compels people to worship money as God, and savior in place of God.

19. I pray this Court does not require I violate my religious beliefs for the mere opportunity, not guarantee on being heard on appeal from the Delaware Supreme Court or in my civil rights case, 21-3198, in the Third Circuit Court of Appeals, and appeals of reciprocal cases, including but not limited to Third Circuit Case Number 22-8037.

Wherefore, I pray this Court grants this Motion, should it simultaneously institute reciprocal proceedings in response to my appeal(s).

Respectfully submitted,

Meghan Kelly, Esquire
DE Bar Number 4968
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693
(1,103 Words) No 4968
US Supreme Court Bar No. 283696

Under religious protest, I declare, affirm that the foregoing statement is true and correct under the penalty of perjury.

Dated:

_____
(printed)

_____
(signed)

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 2, 2022

Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939

RE: Motion for Permission to Use Electronic Filing

Dear Ms. Kelly:

The motion for permission to use electronic filing was received November 29, 2022 and is returned for the following reason:

The Rules of this Court make no provision for this filing. Pursuant to this Court's guidelines for electronic filing (enclosed), only members of the Supreme Court Bar are permitted to file documents through the Court's electronic filing system.

Sincerely,
Scott S. Harris, Clerk
By:

Lisa Nesbitt
(202) 479-3038

Enclosures

Exhibit D

No. 22-6584

IN THE SUPREME COURT OF THE UNITED STATES

Meghan M. Kelly, Petitioner

v.

Third Circuit Court of Appeals

On Petition for Writ of Certiorari to the United States Court of Appeals for the

Third Circuit, Case Number Case Number 22-8037

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Meghan Kelly, Esquire
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US Supreme Court No 283696

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No. 22-6584

IN THE SUPREME COURT OF THE UNITED STATES

Meghan M. Kelly, Petitioner

v.

Third Circuit Court of Appeals

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit, Case Number Case Number 22-8037

Petitioner Meghan Kelly's Motion to exempt costs and waive Court fees under Supreme Court Rules 38 and 43

I, Petitioner Meghan M. Kelly, having been granted in forma pauperis relief in other Matters, move this honorable to waive costs, potential costs and Court fees under Supreme Court Rules 38 and 43, or that may be authorized but not required under 28 U.S.C. § 111 through 28 U.S.C. § 1932, 1. to prevent unaffordable costs from becoming a substantial burden upon my access to the courts, 2. to prevent a government compelled violation of my religious beliefs against indebtedness in order to exercise my right to petition the Court in defense of the exercise of fundamental rights and license(s), and 3.to prevent government compelled involuntary servitude in exchange with access to the courts to defend my licenses

and liberties from being taken away for my religious beliefs in Jesus. (Citing, US Amendments I, V, XIII). I aver as follows.

1. US Supreme Court Rule 43 outlines costs, "unless the Court otherwise orders." This Court has discretion to exempt costs. I ask this Court to exercise its discretion to exempt costs and fees as applied to me in this case.

2. I also argue this Honorable Court must exempt costs and fees in my case in order not to compel me to forgo my First Amendment fundamental rights of religious belief and religious exercise of beliefs by compelled violation of exercise of my religious beliefs in exchange with the exercise of the right to petition the courts, based on disdain for my belief in God as God not money as savior and guide. US Amend I, V

3. This Court has inherent equitable powers over their process to prevent abuse, oppression, and injustice. *Gumbel v. Pitkin*, 124 U.S. 131 (1888); *Covell v. Heyman*, 111 U.S. 176 (1884); *Buck v. Colbath*, 70 U.S. 334 (1865); *Krippendorf v. Hyde*, 110 U.S. 276, 283 (1884).

4. This Court must grant my request for an exemption of costs and fees to prevent government abuse against my person, oppression, and injustice.

5. I was previously granted in forma pauperis status under Delaware District Court Case No 21-1490, Third Circuit Court of Appeals Case No. 21-3198,

Delaware Supreme Court matter No. 21-119, Chancery Court matters No. 2020-0809 and No. 2020-0157.

6 Even a few dollars in fees would cause a substantial burden upon my access to the courts to address Constitutionally protected activity relating to fundamental rights, creating an obstacle so great as to prevent my access to the courts.

7. I am a Christian, a child of God. I attend a Catholic church, but place my faith in God, not man, or money. I do not want to sin against God by incurring debt. I believe people sin against God by incurring debt. God teaches in *Romans* 13:8, "Owe no one anything, except to love each other, for the one who loves another has fulfilled the law." Since it compromises our loyalty to God towards the pursuit of money to free us from bondage of sin, as savior instead of God. Jesus teaches you cannot serve both God and money as savior. *Matthew* 6:24. I choose God. Earning money is not sin. When our desire to earn money takes the place of our desire to do God's will, by hardening our heads, hardening our hearts and hardening our hands preventing us loving God foremost and subordinately loving others as ourselves, I believe we sin.

8. I believe "the love of money is the root of all evil. 1 *Timothy* 6:10.

9. I believe people go to hell for blindly doing their job, doing what they are trained to do to gain money to care for their family, not seeing clearly when

they ignorantly harm others, even through delegation of duties. I believe not knowing is guilt. *Hosea* 4:6 I believe that Court correction can help them know and save their souls from being thrown unworthy into the fires of hell on the last day. I do believe courts have the power to save lives and eternal lives. I believe every time the court prevents individuals, entities, charities and even religious organizations from oppressing, killing, stealing and destroying human life, health or liberty, judges save souls. *Amos* 5:15, *Matthew* 23:23.

10. I believe creditors will be damned to hell for not forgiving monetary debts. (*See, Matthew* 6:12, "And forgive us our debts, as we also have forgiven our debtors."); (*Matthew* 6:14-15, "For if you forgive other people when they sin against you, your heavenly Father will also forgive you. But if you do not forgive others their sins, your Father will not forgive your sins."); (*Deuteronomy,* 15:1 "At the end of every seven years you must cancel debts."); (*See also, Matthew*, 18:21-35. Debts once forgiven will be remembered if we do not forgive others.); (Jesus teaches "What good will it be for someone to gain the whole world, yet forfeit their soul? Or what can anyone give in exchange for their soul?" *Matthew* 16:26.); (Jesus teaches us do not seek after material things, "but seek first his kingdom and his righteousness, and all these things will be given to you as well." *Matthew* 6:30-33.); (With regards to eternal treasure we are commanded to share his word

without pay as without pay we received the gift of the way to eternal life, through the word. *Citing, Matthew* 10:8).

11. If people don't forgive monetary debts by those who have no means to pay, other than selling their souls for labor, I believe people will be damned to hell for loving money and material gain more than one another as commanded. We are commanded to love people, not money and the things it can buy. (*See, John* 13:34-35, "A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.")

12. Since I am commanded to love people, I do not want to create a situation where I increase the odds, they will be damned to hell by accruing profit off of debt. I do not want to be damned to hell by seeking money in place of God as my savior due to indebtedness. Debt is against my religious beliefs because it makes money guide and savior instead of Jesus as guide and savior.

13. Interest on alleged debt, and debt is against my religious beliefs as I believe it increases servitude to Satan by teaching people to be enslaved to earning money to pay artificial interest or debt, instead of being free in Christ, essentially making money the savior in place of God. (See, *Leviticus* 25:36-37, "Do not take interest or any profit from them, but fear your God, so that they may continue to

live among you. You must not lend them money at interest or sell them food at a profit." and *Exodus* 22:24-26).

14. It is my genuine religious belief charging interest or a fee on money lent or artificial debt is a sin against God, I believe misleading many to hell by indebtedness to the pursuit of money, instead of God. (*Ezekiel* 18:13, "He lends at an interest and takes at a profit. Will such a man live [By live, I believe it means losing eternal life in the second death should he not repent]. He will not! Because he has done all these detestable things, he is put to death; his blood will be on his own head."); (*Deuteronomy* 23:19, "Do not charge your brother interest on money, food, or any other type of loan."); (*Proverbs* 28:8, He who increases his wealth by interest and usury lays it up for one who is kind to the poor.); (Exodus 22:25, "If you lend money to one of my people among you who is needy, do not treat it like a business deal; charge no interest.); (*Deuteronomy* 15:2 "This is the manner of remission: Every creditor shall cancel what he has loaned to his neighbor. He is not to collect anything from his neighbor or brother, because the LORD's time of release has been proclaimed.")

15. I believe it is a great sin to go into debt, and an even greater sin to require a person to go into debt to exercise fundamental freedoms, that are no longer free, but for sale to those who can afford to buy the ability to exercise Constitutional 1st Amendment liberties, the wealthy, rendering the poor less equal,

no longer free, but for sale bought people, as wage slaves, in violation of the 13th Amendment, and Equal Protection Clause of the 14th Amendment applicable to the states, and the Equal Protections component of the 5th Amendment applicable to the Federal government, with government support.

16. The Delaware Disciplinary Order and reciprocal orders prevent me from returning to my former law firm, and may prevent me from getting a job as a lawyer to render any fees impossible to pay back. In addition, asking for donations is against my religious beliefs as I believe people are misled to hell by *Matthew* 6:1-4 violations of organized charity, fundraising and pro bono.

17. Going into debt, of even a few dollars, is against my religious belief, and the additional costs of even a few dollars is a substantial burden upon my access to the courts due to my utter poverty, and my inability to pay back any fees should my appeal fail.

18. I respectfully request that no fees or costs relating to this case be required of me due to such costs creating an economic strain upon my exercise of the access to the courts to defend 1st Amendment rights, as a substantial burden due to my poverty, with little prejudice to respondent, the public or this Honorable Court, and due to violations, such cost requirements create upon my exercise of my religious beliefs.

19. I mailed the Third Circuit Court of Appeals the waiver form, upon receipt of the waiver form from this Court. I called the Third Circuit Court of Appeals and spoke with Desiree, and confirmed the Third Circuit Court of Appeals will not contest my motions or petitions in this matter, even if they do not sign a waiver. The respondent is not prejudiced by my requests. Whereas, I am greatly prejudiced should this Court deny this motion.

20. This Court must not require I violate my religious beliefs by agreeing to personal indebtedness should costs arise in order to exercise my 1st and 5th Amendment rights to petition this Court to safeguard my exercise of Constitutionally protected activity from government interference or retaliation including the right, to petition, exercise religious beliefs, freely speak concerning my religious beliefs for which my petitions relate to and the freedom to associate.

21. In order for this Court to require I consent to costs which violates my religious beliefs, compromising my faith in Jesus to servitude to Satan by making money God by costs, and potential costs relating to this matter, the Court must have a compelling interest somehow more important than the free exercise of religion, narrowly tailored to support such interest.

22. The Court may not require forced indebtedness through costs and fees in violation of my religious beliefs and the 13th Amendment protections against forced labor to pay debt because its justification to compel forced violations of my

religion is not narrowly tailored in this case, since the Court may grant an exemption to prevent the government forced violation of my religious beliefs.

23. The rule of law is not a business where only those with money may purchase justice. Justice is not for sale by barter or exchange, but must be determined by truth under the Constitutional principles that protect individual freedom of conscience from the forced, collective conditional will of mobs or entities by the vote or otherwise.

24. As a child of God, I believe we each must use our individual conscience mind to choose to do God's will or not in order to have any hope of eternal life.

25. The freedom to think and believe by the dictates of our own conscience instead of the government's compelled, conditional, controlled, conformed thoughts based on the ever-evolving fickle thoughts or fads of experts or entities or associations, or foreign and private backed partners is the source of all freedom in this country.

26. It is insulting the state of Delaware, and reciprocating courts seek to declare me mentally disabled and unfit to practice law, but for my faith in Jesus Christ.

27. Any costs create a substantial burden and obstacle to my access to the Courts in contravention to my Equal Protection to the 1st Amendment right to

access to the Courts to defend my exercise of fundamental rights applicable to the Federal Courts via the Equal Protection component of the 5th Amendment, for me, a member of class of one due to religious beliefs against incurring debt combined and due to utter poverty. *See, Abdul-Akbar v. McKelvie*, 239 F.3d 307, 317 (3d Cir. 2001) ("This requires us first to determine whether Appellant is a member of a suspect class or whether a fundamental right is implicated. Neither prisoners nor indigents are suspect classes*; See, Harris v. McRae,* 448 U.S. 297, 323, (1980) (noting that poverty is not a suspect classification)." (*But see, Lewis v. Casey*, 518 U.S. 343, 370 (1996) "[A]t all stages of the proceedings the Due Process and Equal Protection Clauses protect [indigent persons] from invidious discriminations.")

28. "Because this case implicates the [Constitutionally protected rights of exercise of religion, speech, petition, belief and association and the] right of access to the courts," 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).

29. The Supreme Court noted, "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." *Lewis v. Casey*, 518 U.S. 343, 370 (1996); (internal citations omitted)

30. While, poverty is not a suspect class, my right to meaningful access to the courts, despite the inherent burden of poverty, and my religious beliefs and

strongly held religious exercise relating to my religious belief against indebtedness is protected. In addition, fundamental rights are implicated. Delaware Disciplinary Counsel and Delaware agents violated my Fundamental rights of religious beliefs, religious-political speech, religious-political petitions, religious-political-association, religious-political exercise, procedural and substantive due process opportunity to be heard, to prepare and present evidence, to subpoena witnesses, and to cross examine my accuser.

31. Delaware Disciplinary Counsel and reciprocating courts persecute me and seek to defame my character by taking away my property interest in my active license to practice law but for my exercise of Constitutionally protected conduct, in violation of my freedom to petition concerning my religious-political speech, religious-political exercise, religious-political belief, religious-political association, and association as a party, attorney, Democrat, Catholic and Christian when I believe there has been a grievance committed against me.

32. Justice Stevens, with whom Justice Brennan, Justice Marshall, and Justice Blackmun joined, in dissenting of US Supreme Court in *Murray v. Giarratano*, 492 U.S. 1, 18 (1989) recognized,

> "When an indigent is forced to run this gantlet of a preliminary showing of merit, the right to appeal does not comport with fair procedure. . . . [T]he discrimination is not between `possibly good and obviously bad cases,' but between cases where the rich man can require the court to listen to argument of counsel before deciding on the merits, but a poor man cannot. . . . The indigent, where the record is unclear or the errors are hidden, has

only the right to a meaningless ritual, while the rich man has a meaningful appeal." Douglas, 372 U.S., at 357-358

33. Court costs, as applied, violate my religious beliefs, religious practices and religious exercise against incurring debt, and costs, as applied. I seek protections under the 5th Amendment's Equal Protection component, as a party of one, with unique religious beliefs to gain access to the courts to defend my exercise of 1st, 5th and 14th Amendment liberties.

Wherefore, I, Meghan M. Kelly, Plaintiff, Plaintiff respectfully pray the Court grant me an exemption from costs.

Dated: 1/29/2023 Respectfully submitted,

__/s/ Meghan Kelly_
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693
(2,701 Words)
United States Supreme Court No.283696

SUPREME COURT OF THE UNITED STATES
OFFICE OF THE CLERK
WASHINGTON, DC 20543-0001

December 2, 2022

Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939

RE: Motion for Leave to File Different In Forma Pauperis Motion

Dear Ms. Kelly:

The motion for leave to file a different in forma pauperis motion was received November 29, 2022 and is returned for the following reason:

The Rules of this Court make no provision for this filing. If you wish to proceed without payment of the fee, you must submit a motion for leave to proceed in forma pauperis and notarized affidavit or declaration in compliance with Rules 33.2 and 39. You may use the enclosed forms.

Sincerely,
Scott S. Harris, Clerk
By:

Lisa Nesbitt
(202) 479-3038

Enclosures

Exhibit E

No._____

_____

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Third Circuit Court of Appeals

Meghan M. Kelly, Petitioner

No Respondent

On Petition for a Writ of Certiorari

to the United States Court of Appeals for the Third Circuit

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EXHIBIT 3

SUBMITTED US SUPREME COURT DOCUMENT

APPEAL FOR 22-8037

No._____

IN THE SUPREME COURT OF THE UNITED STATES

In the Matter of Meghan Kelly in the Third Circuit Court of Appeals

Meghan M. Kelly, Petitioner

No Respondent

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit

Petitioner Meghan Kelly's Motion for Leave to file Different in Forma Pauperis Motion to waive costs due to utter poverty, and due to foreseeable costs creating a substantial burden upon Petitioner's access to the courts and forced violation of her religious beliefs by threat of indebtedness

1. I, Petitioner Meghan M. Kelly, having been granted in forma pauperis relief in other Matters, move this honorable for additional in forma pauperis relief, to waive costs, and potential costs due to utter poverty and due to such foreseeable costs creating a substantial burden upon my access to the courts and forced violation of my religious beliefs by threat of indebtedness.

2. I was previously granted in forma pauperis status under Delaware District Court Case No 21-1490, Third Circuit Court of Appeals Case No. 21-3198, Delaware Supreme Court matter No. 21-119, Chancery Court matters No. 2020-0809 and No. 2020-0157.

3. Even a few dollars in fees would cause a substantial burden upon my access to the courts to address Constitutionally protected activity relating to

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fundamental rights, creating an obstacle so great as to prevent my access to the courts.

4. I do not want to sin against God by incurring debt. I believe people sin against God by incurring debt. God teaches in *Romans* 13:8, "Owe no one anything, except to love each other, for the one who loves another has fulfilled the law." Since it compromises our loyalty to God towards the pursuit of money to free us from bondage, as savior instead of God. Jesus teaches you cannot serve both God and money as savior. *Matthew* 6:24. I choose God. Earning money is not sin. When our desire to earn money takes the place of our desire to do God's will by hardening our heads, hardening our hearts and hardening our hands from loving God foremost and subordinately loving others as ourselves, that is sin. I believe "the love of money is the root of all evil. 1 *Timothy* 6:10. I believe we are taught through temptations to worship sin, the mark of the beast spoken of in *Revelation* young, by praise and profit, glorifying work and business, and conditional giving and conditional relationships, confusing many into believing conditionally caring is unconditional love damning most of humanity to hell the last day, which is sad. (See, *Revelation* 16:2, *Revelation* 20:4. By worship of the image of the beast, I believe God means absence of love, conditionally giving to get, conditional relationships, worship of business greed by barter or exchange, with no unconditional love. No God in them, for it is written "God is love." 1 *John* 4:16.

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I believe we sin when we glorify the punishments of sin written in *Genesis* 3 as the reason to live reflecting pride, sin, instead of receiving correction through humility leading to salvation from the lake of fire, the second death.)

5. I believe creditors will be damned to hell for not forgiving monetary debts. (*See, Matthew* 6:12, "And forgive us our debts, as we also have forgiven our debtors."); (*Matthew* 6:14-15, "For if you forgive other people when they sin against you, your heavenly Father will also forgive you. But if you do not forgive others their sins, your Father will not forgive your sins."); (*Deuteronomy,* 15:1 "At the end of every seven years you must cancel debts."); (*See also, Matthew,* 18:21-35. Debts once forgiven will be remembered if we do not forgive others.); (Jesus teaches "What good will it be for someone to gain the whole world, yet forfeit their soul? Or what can anyone give in exchange for their soul?" *Matthew* 16:26.); (Jesus teaches us do not seek after material things, "but seek first his kingdom and his righteousness, and all these things will be given to you as well." *Matthew* 6:30-33.); (With regards to eternal treasure we are commanded to share his word without pay as without pay we received the gift of the way to eternal life, through the word. *Citing, Matthew* 10:8).

6. If people don't forgive monetary debts, I believe people will be damned to hell for loving money and material gain more than one another as commanded. We are commanded to love people, not money and the things it can

buy. (*See, John* 13:34-35, "A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another.")

7. Since I am commanded to love people, I do not want to create a situation where I increase the odds, they will be damned to hell by accruing profit off of debt. I do not want to be damned to hell by seeking money in place of God as my savior due to indebtedness. Debt is against my religious beliefs because it makes money guide and savior instead of Jesus as guide and savior.

8. Interest on alleged debt, and debt is against my religious beliefs as I believe it increases servitude to Satan by teaching people to be enslaved to earning money to pay artificial interest or debt, instead of being free in Christ, essentially making money the savior in place of God. (See, *Leviticus* 25:36-37, "Do not take interest or any profit from them, but fear your God, so that they may continue to live among you. You must not lend them money at interest or sell them food at a profit." and *Exodus* 22:24-26).

9. It is my genuine religious belief charging interest or a fee on money lent or artificial debt is a sin against God, I believe misleading many to hell by indebtedness to the pursuit of money, instead of God. (*Ezekiel* 18:13, "He lends at an interest and takes at a profit. Will such a man live [By live, I believe it means losing eternal life in the second death should he not repent]. He will not! Because

he has done all these detestable things, he is put to death; his blood will be on his own head."); (*Deuteronomy* 23:19, "Do not charge your brother interest on money, food, or any other type of loan."); (*Proverbs* 28:8, He who increases his wealth by interest and usury lays it up for one who is kind to the poor.); (Exodus 22:25, "If you lend money to one of my people among you who is needy, do not treat it like a business deal; charge no interest.); (*Deuteronomy* 15:2 "This is the manner of remission: Every creditor shall cancel what he has loaned to his neighbor. He is not to collect anything from his neighbor or brother, because the LORD's time of release has been proclaimed.")

10. I believe it is a great sin to go into debt, and an even greater sin to require a person to go into debt to exercise fundamental freedoms, that are no longer free, but for sale to those who can afford to buy the ability to exercise Constitutional 1st Amendment liberties, the wealthy, rendering the poor less equal, no longer free, but for sale bought people, as wage slaves, in violation of the 13th Amendment, and Equal Protection Clause of the 14th Amendment applicable to the states, and the Equal Protections component of the 5th Amendment applicable to the Federal government, with government support.

11. The Delaware Disciplinary Order and reciprocal orders prevent me from returning to my former law firm, and may prevent me from getting a job as a lawyer to render any fees impossible to pay back. In addition, asking for donations

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is against my religious beliefs as I believe people are misled to hell by *Matthew* 6:1-4 violations of organized charity, fundraising and pro bono.

12. Going into debt, of even a few dollars, is against my religious belief, and the additional costs of even a few dollars is a substantial burden upon my access to the courts due to my utter poverty, and my inability to pay back any fees should my appeal fail.

13. I respectfully request that no costs relating to this case be required to my person, including transcript fees, due to such costs creating an economic strain upon my exercise of the access to the courts to defend 1st Amendment rights, as a substantial burden due to my poverty, with little prejudice to any disciplinary counsel, the public or this Honorable Court, and due to violations, such cost requirements create upon my exercise of my religious beliefs.

14. This Court must not require I violate my religious beliefs by agreeing to personal indebtedness should costs arise in order to exercise my 1st and 5th Amendment rights to petition this Court to safeguard my exercise of Constitutionally protected activity from government interference or retaliation including the right, to petition, exercise religious beliefs, freely speak concerning my religious beliefs for which my petitions relate to and the freedom to associate.

15. In order for this Court to require I consent to costs which violates my religious beliefs, compromising my faith in Jesus to servitude to Satan by making

money God by costs, and potential costs relating to this matter, the Court must have a compelling interest somehow more important than the free exercise of religion, narrowly tailored to support such interest.

16. The Court may not require forced indebtedness, through costs, in violation of my religious beliefs because its justification to compel forced violations of my religion is not narrowly tailored in this case, since the Court may grant an exemption to prevent the government forced violation of my religious beliefs.

17. The rule of law is not a business where only those with money may purchase justice. Justice is not for sale by barter or exchange, but must be determined by truth under the Constitutional principles that protect individual freedom of conscience from the forced, collective conditional will of mobs or entities by the vote or otherwise.

18. As a child of God, I believe we each must use our individual conscience mind to choose to do God's will or not in order to have any hope of eternal life.

19. The freedom to think and believe by the dictates of our own conscience instead of the government's compelled, conditional, controlled, conformed thoughts based on the ever-evolving fickle thoughts or fads of experts

or entities or associations, or foreign and private backed partners is the source of all freedom in this country.

20. It is insulting the state of Delaware, and reciprocating courts seek to declare me mentally disabled because I do not think their forced-fed thoughts, but use my freedom to seek to have the "mind of Christ" through his Word, not the mind of the world. (*Citing*, 1 *Corinthians* 2:16).

21. It is heartbreaking that the state through the Delaware Disciplinary Counsel sought to declare me a danger to the public, but for my faith in Jesus Christ, when I desire to love God and others as myself.

22. I am in great danger. I read the global plans from the World Economic Forum. They seek their will be done, like Satan, seeking to mold the world by their dictates, eliminating individual freedoms to live by the dictates of their own conscience. (See, *Isaiah* 14, to see how the fallen angel wanted to do what he wanted to do, not God's desires. The evil one desired to be as high as God, making himself like God, not by love, not like God, but by evil lusts. Scripture teaches the devil is in control of the world and every person in it, who does not take control of their desires to choose to be guided by God by love to overcome lusts of this world to be saved from the second death.); (See, 1 *John* 5:19, "We know that we are children of God, and that the whole world is under the control of the evil one."); (2 *Corinthians* 4:4, "The god of this age [the devil] has blinded the

minds of unbelievers, so that they cannot see the light of the gospel that displays the glory of Christ, who is the image of God.").

23. The world economic forum devises temptations to entice humanity to succumb to their entities' will. They plan to have 47 percent of Americans unemployed by design. (*The Fourth Industrial Revolution*, page 39, attached hereto as an exhibit, Also see *Covid 19 The Great Reset*, and the *Great Narrative* also attached hereto as exhibits and incorporated herein by reference).

24. I believe they plan to seek to declare and treat the unemployed as mentally disabled to use people, precious people God loves, in wicked experiments to create the illusion, the lie, they can control free will, the freedom of each individual to reflect the image of God by unconditional love or to choose to live based on human desires instead of laying down desires, to think, to know in order to love. I believe unconditional love is reflecting the image of God. I believe only individual people may separately choose to unconditionally love. Love is not unconditional if it is controlled, compelled or based on conditions. Groups, entities, associations, religious organizations, charities or business aid in a collective, conditional will of the entity as opposed to the individual, and may only conditionally care instead of unconditionally love. (Id, page 26, 154, 156, Covid 19, the Covid 19, The Great Reset). The books discuss joblessness leading to mental health issues, leading to civil unrest, leading to possible crime, leading to

mental institutionalization of people who I believe will be used as lab rats in experiments to teach the lie thoughts could be forced into human minds, fixing them. I believe God teaches, we have free will no matter the physical, economic or social temptations to bend our will to the dictates of experts who seek to control under the lie of caring for people. Discussions conducted by the World Economic Forum and or the World Government Summit also allude to surveillance state controlled by private entities with the reduction and possible elimination of government's ability to govern. This includes the possible elimination of police, who have the power to love, to protect even those they correct, which is more powerful than a machine, without a heart. Entities, conditional act in accordance of collective, collaborative interests which are easily controlled by third parties that entice the common interests by reward or threat of harm, making entities controlled-slaves, not free but controlled by those who tempt the common interests.

25. Entities have no power to do good by unconditional love. I believe only individuals have the power to reflect the image of God.

26. With the death and resurrection of Jesus the Christ, per *Jeremiah* 31, I believe, God, in the form of love, was written on all humanity's hearts to accept or harden our hearts to. God does not say it was written on artificial entities without hearts, which do not have the law of love. Humans are special in that they may lay down their desires and the desires of men, to use their brains, their free will to care

to know, in order to love, by doing what is right. Algorithms and entities have no power to do good, but are wicked, untamed by the just rule of law or love written on the hearts to refrain them from oppressive, killing, stealing and destroying to maintain profit, power and positions. Judges and just laws must protect us from entities and automation from sacrificing individuals and individual liberties.

27. The government must govern and guide entities to protect individual liberties and individuals. The government must not turn a blind eye at human sacrifice, including sacrificing individual liberties, by entities without hearts.

28. Business is not God. Business is not the law. I believe business greed is the mark of the beast spoken of in Revelation.

29. My hope of a hero is the courts who may use the rule of law to tame these powers and principalities, the entities who behave above the law.

30. The government must control, govern and guide businesses and entities to prevent them from killing, stealing and destroying individuals for the bottom line. The government must not be controlled, governed and misguided by business and entities without hearts.

31. It is individual liberties that are protected under our Constitution, not money and material gain of artificial entities without hearts who run on conditional labor or cold hard or electronic cash, with no power to do good by love. They run on lawless lusts.

32. Money is not what establishes and preserves our government. The government wrongly gave away its power to coin money through delegation to the private entity, the federal reserve, a central bank, in 1913 and has been controlled by artificial debt in violation of the bible, not free to care for and serve the people ever since. Both Presidents Lincoln and Kennedy proposed solutions. Coin money to care for, not control humanity, while preserving individual liberties.

33. The individuals within the government must coin money at no charge without interest. Pay back all debt, allowing banks to have reserves. The government must end the Ponzi scheme of allowing the banks to lend out what is not theirs at a potential loss to the depositors and the government, essentially creating money out of nothingness. The banks must risk losing their own money, not the depositors or the government's. This will prevent inflation because bankers will face personal loss for bad business.

34. I hope the Attorney General may use a bribery statute, such as 8 U.S.C. § 201, or somehow seek a writ of mandamus against Secretary Janet Yellen pursuant 31 U.S.C. § 5112 (k) to coin money without debt or interest to pay off all debts to prevent the elimination of fiat currency and the dollar, replaced by an electronic currency that will eliminate freedoms with use down the line.

35. The entire world is in danger. Other people are not the enemy. We deal with entities that behave above the law. My hope of a hero to save me, and

the individual liberty the freedom to believe by the dictates of our own conscience not the force-fed government backed thoughts of private partners, the United States and the world is with the individual judges in our courts who have the power to reflect the image of God by unconditional love for humanity as they render justice that may preserve our union and rule of law from collapse.

36. I have a civil rights law suit to void not only the original Delaware Disciplinary Order, but also to void the decision in Kelly v Trump, which may be found on this Court's web site by entering in docket number 21-5522.

37. I have more than one idea to use a mistrial or another suit to allow the Courts options to reverse a crash should one occur.

38. I believe the government must end private and foreign partnerships, which allow private and foreign entities to be above the government's guidance and the law by the government's own collusion by backing.

39. I desire the courts to exercise more of its authority to protect the United States by balancing the powers in the other two branches to prevent private and foreign take over of the government down the line making us no longer a free people, but a for sale slave people.

40. This Court has inherent equitable powers over their process to prevent abuse, oppression, and injustice. *Gumbel v. Pitkin*, 124 U.S. 131 (1888); *Covell v. Heyman*, 111 U.S. 176 (1884); *Buck v. Colbath*, 70 U.S. (3 Wall.) 334 (1866).

41. This Court must grant my request to prevent government abuse against my person, oppression, and injustice.

42. Any costs create a substantial burden and obstacle to my access to the Courts in contravention to my Equal Protection to the 1st Amendment right to access to the Courts to defend my exercise of fundamental rights applicable to the Federal Courts via the Equal Protection component of the 5th Amendment, for me, a member of class of one due to religious beliefs against incurring debt combined and due to utter poverty. *See, Abdul-Akbar v. McKelvie*, 239 F.3d 307, 317 (3d Cir. 2001) ("This requires us first to determine whether Appellant is a member of a suspect class or whether a fundamental right is implicated. Neither prisoners nor indigents are suspect classes; *See, Harris v. McRae,* 448 U.S. 297, 323, (1980) (noting that poverty is not a suspect classification)." (*But see, Lewis v. Casey*, 518 U.S. 343, 370 (1996) "[A]t all stages of the proceedings the Due Process and Equal Protection Clauses protect [indigent persons] from invidious discriminations.")

43. "Because this case implicates the [Constitutionally protected rights of exercise of religion, speech, petition, belief and association and the] right of access to the courts," 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).

44. The Supreme Court noted, "There can be no equal justice where the kind of trial a man gets depends on the amount of money he has." *Lewis v. Casey*, 518 U.S. 343, 370 (1996); (internal citations omitted)

45. While, poverty is not a suspect class, my right to meaningful access to the courts, despite the inherent burden of poverty, and my religious beliefs and strongly held religious exercise relating to my religious belief against indebtedness is protected. In addition, fundamental rights are implicated. Delaware Disciplinary Counsel and Delaware agents violated my Fundamental rights of religious beliefs, religious-political speech, religious-political petitions, religious-political-association, religious-political exercise, procedural and substantive due process opportunity to be heard, to prepare and present evidence, to subpoena witnesses, and to cross examine my accuser.

46. Delaware Disciplinary Counsel and reciprocating courts persecute me and seek to defame my character by taking away my property interest in my active license to practice law but for my exercise of Constitutionally protected conduct, in violation of my freedom to petition concerning my religious-political speech, religious-political exercise, religious-political belief, religious-political association, and association as a party, attorney, Democrat, Catholic and Christian when I believe there has been a grievance committed against me.

47. Justice Stevens, with whom Justice Brennan, Justice Marshall, and Justice Blackmun joined, in dissenting of US Supreme Court in *Murray v. Giarratano*, 492 U.S. 1, 18 (1989) recognized,

> "When an indigent is forced to run this gantlet of a preliminary showing of merit, the right to appeal does not comport with fair procedure. . . . [T]he discrimination is not between `possibly good and obviously bad cases,' but between cases where the rich man can require the court to listen to argument of counsel before deciding on the merits, but a poor man cannot. . . . The indigent, where the record is unclear or the errors are hidden, has only the right to a meaningless ritual, while the rich man has a meaningful appeal." Douglas, 372 U.S., at 357-358

48. Court costs, as applied, violate my religious beliefs, religious practices and religious exercise against incurring debt, and costs, as applied. I seek protections under the 5th Amendment's Equal Protection component, as a party of one, with unique religious beliefs to gain access to the courts to defend my exercise of 1st, 5th and 14th Amendment liberties.

Wherefore, I, Meghan M. Kelly, Plaintiff, Plaintiff respectfully pray the Court grant me an exemption from costs.

Dated: Nov 21, 2022

Respectfully submitted,

Meghan Kelly, Esquire
DE Bar Number 4968
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693
(3,863 Words) US Supreme Court Bar No 283696

Under Religious Protest, I declare, affirm that the foregoing statement is true and correct under the penalty of perjury.

Dated: Nov. 21, 2022

Meghan Kelly
(printed)

Meghan Kelly
(signed)

Exhibit 1

MEGHAN MARIE KELLY, ESQUIRE
34012 Shawnee Drive
Dagsboro, DE 19939

Clerk of the Court
US Supreme Court
1 First St. NE,
Washington, DC 20543

RE: **DC Bar License No. 981781/Retired**/Leave waiver requirement/Invoke US Amend. V/ Meghan Kelly

August 16, 2022

Dear Honorable Clerk of Court :

While seeking leave to respond and assert my rights against government accusation, I invoke my 5th Amendment right against self-incrimination.

I am licensed to practice law before this Court. I seek excusal, for good cause, from reporting to this Court, disciplinary orders from other jurisdictions. Requiring I report to this Court by written rule, requires I provide evidence to the state in order that they may prosecute me relating to my license to practice law in violation of my 5th Amendment right against self-incrimination.

In *In re Gi Yeong Nam*, 245 B.R. 216 (Bankr. E.D. Pa. 2000), the Court held:

> "Once a witness voluntarily reveals an incriminating fact, Fifth Amendment privilege against self-incrimination cannot be invoked to avoid disclosing the details of that fact unless the witness' answer to the particular question posed would subject him or her to a "real danger" of further incrimination." U.S.C.A. Const. Amend. 5.

In my case, volunteering information by reporting orders against my license subjects me to automatic government prosecution. The fact I appeal orders on public record before appellate courts, does not remove the "real danger of further [government prosecution] in proceedings likened to be both criminal and civil in nature." *Id.*

Should I notify state courts of an order incriminating me, the Clerk customarily gives the self-incriminating notice to the Office of Disciplinary Counsel who automatically prosecutes.

In federal courts, the procedures are different. It appears the self-incriminating reporting letter is given to a federal judge or a panel of federal judges who prosecute the attorney by reciprocal deactivation of license, while allowing attorneys to show for good cause why such automatic taking of property interest must not occur.

The Court is the prosecutor, the judge and witness too, without a case or controversy requirement. In federal reciprocity cases, I would not serve an opposing counsel in the US Supreme Court or any other federal court, should reciprocal discipline be conducted. I would be defending myself against required Court prosecution should I not bear the burden of clear and convincing evidence as to why the Court must not prosecute me.

The Government must not compel me to provide testimony against my person at the threat of certain prosecution for the exercise of my religious-political beliefs, religious-political speech, religious exercise, religious-political association, poverty, or religious-political petitions.

Should a waiver of the requirement I report disciplinary action to this Court be denied, for good cause, I seek leave for additional time in the amount of 30 days I receive notice from this Court of denial of my asserted right to invoke the 5th Amendment to file notice of disciplinary orders against me in this Court. By receipt of notice, for good cause, I request the Court allow 30 days the order is received by me, not the date the order is issued. Since mail has been lost, it is important to reserve my rights to **assert** them, rather than to **defend** my rights against prosecution.

Asserting rights offers more protections than defending them against certain prosecution.

I invoke my rights under the 5th Amendment, and argue self-regulation violates case and controversy requirements, making the profession, business, the appearance and marketing of professionals, not justice, the goal of the courts.

This Court's rule requiring licensed attorneys to report disciplinary actions against their person in other jurisdictions, is the rule in all federal and state courts. I argue this rule is unconstitutional. Under the compelled government threat of

punishment for failing to report, licensed attorneys must self-incriminate, in violation of US Amend. V. I argue this is unconstitutional for all attorneys, and seek a waiver for myself.

No good can come to my person by reporting incriminating evidence against my license, and the threat of being declared mentally disabled, but for my belief in Jesus Christ, exercise of fundamental rights, or poverty. Due to lack of resources, working computers, printers, paper and other luxuries, I had typos and run on sentences in some of my pleadings. I did not have the luxury of time or resources to proof read or correct documents. I typed desperately wherever I could use computers or print documents, including at libraries, with limited time at the computer. I was required to file timely or waive my rights. I do not regret imperfectly standing up for my religious belief from government persecution solely for the exercise of my religious belief and fundamental rights. I would regret doing nothing at a time such as now.

Practicing law is my religious exercise. I believe justice in the Courts is a command by God, saving people in this life and eternity. [1]

I fear the government may put me away for my faith in Jesus, deeming it a mental disability. Please do not compel me under the threat of punishment for

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[1] Citing Bible, *Amos* 5:15 ("maintain justice in the courts."); (*Matthew* 23:23, "Woe to you, teachers of the law and Pharisees, you hypocrites! You give a tenth of your spices—mint, dill and cumin. But you have neglected the more important matters of the law—justice, mercy and faithfulness. You should have practiced the latter, without neglecting the former.")

failing to report to possible imprisonment or economic, social and physical persecution of the government for the exercise of my fundamental rights.

Thank you for your kind consideration.

Respectfully Submitted,

Aug 16th, 2022

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Rehearing SUA Sponte in the U.S. Supreme Court: A Procedure for Judicial Policymaking

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REHEARING *SUA SPONTE* IN THE U.S. SUPREME COURT: A PROCEDURE FOR JUDICIAL POLICYMAKING

ROSEMARY KRIMBEL*

I. INTRODUCTION

The Supreme Court has the discretion to select the cases that it will hear each term by granting writs of certiorari.[1] This writ orders the various courts of appeals to certify the record in a case and send that case to the Supreme Court for review. In addition, after granting a writ of certiorari and hearing oral argument, the Court may upon its own motion (or *sua sponte*)[2] request the litigants to reargue[3] a case, commonly called rehearing.[4] There are good reasons why the Court should and does request rehearing. This Note, however, addresses the one wrong reason—policymaking.[5]

* The author wishes to express her gratitude to Professor J. Gordon Hylton, Jr., IIT Chicago-Kent College of Law, for his support, encouragement, and helpful consultations during the various stages of this article.

1. Supreme Court Case Selections Act, Pub. L. No. 100-352, 102 Stat. 662 (1988); *see infra* notes 54-58 and accompanying text; *see also* G. CASPER & R. POSNER, THE WORKLOAD OF THE SUPREME COURT (1976) (elucidating the process of granting certiorari); SUP. CT. R. 17.1 ("A review on writ of certiorari is not a matter of right, but of judicial discretion, and will be granted only when there are special and important reasons therefor.").

2. A Latin phrase meaning voluntarily without prompting or suggestion. BLACK'S LAW DICTIONARY 1277 (5th ed. 1979).

3. The use of the word "reargument" is often used interchangeably with the word "rehearing." "Reargument," however, generally refers to oral argument before the Court; "rehearing" encompasses not only "reargument," but also requests for written briefs and written submissions to questions from the bench.

4. The Supreme Court Rules guide the granting of petitions for rehearing. *See infra* notes 81-85 and accompanying text; *see also* SUP. CT. R. 51.1; Degnan & Louisell, *Rehearing in American Appellate Courts*, 34 CAN. B. REV. 898, 901-02 (1956).

5. The Court can decide only "Cases" and "Controversies." U.S. CONST. art. III, § 2, cl. 1. As Justice Roberts, writing for a majority, so eloquently said:

> There should be no misunderstanding as to the function of this court . . . . It is sometimes said that the Court assumes a power to overrule or control the action of the people's representatives. This is a misconception. The Constitution is the supreme law of the land ordained and established by the people. All legislation must conform to the principles it lays down. When an act of Congress is appropriately challenged in the courts as not conforming to the constitutional mandate the judicial branch of the Government has only one duty, — to lay the article of the Constitution which is invoked beside the statute which is challenged and to decide whether the latter squares with the former. All the court does, or can do, is to announce its considered judgment upon the question. The only power it has, if such it may be called, is the power of judgment. This court neither approves nor condemns any legislative policy. Its delicate and difficult office is to ascertain and declare whether the legislation is in accordance with, or in contravention of, the provisions of the Constitution; and, having done that, its duty ends.

Through the interplay of the Court's discretion to grant writs of certiorari and request rehearing *sua sponte*, the Court may reach out and pick specific issues[6] as well as cases. This interplay raises the specter of what has been called the "countermajoritarian difficulty," which arises when the politically unaccountable Court intervenes in the political process.[7] The memorandum opinion that requested reargument in *Patterson v. McLean Credit Union*[8] brought to the forefront the question of whether the Court's inherent power to administer its docket[9]—the foundation for its ability to rehear cases *sua sponte*—may be abused by an activist Court.[10]

With the enactment of the Supreme Court Case Selections Act[11] in 1988, the United States Supreme Court now has more discretion than ever to choose the cases that it reviews with the exception of direct ap-

United States v. Butler, 297 U.S. 1, 62-63 (1936); *see* Hanus, *Denial of Certiorari and Supreme Court Policy-Making*, 17 AM. U.L. REV. 41, 41-56 (1967) (analyzing criminal procedure cases and arguing that case selection is sometimes used to avoid difficult issues or to make policy indirectly); *see generally* D. CURRIE, THE CONSTITUTION IN THE SUPREME COURT (1985).

6. Appellate courts often reformulate fuzzy issues that litigants fail to sharpen, and while issue clarification is sometimes necessary, wholesale restatement of the issues is relatively rare. By constitutional design, cases arrive in the Supreme Court after the issues have percolated through the political process and have been framed by the litigants. Once a case or controversy has reached the Supreme Court, the Court has the power to reframe or clarify the issues within the context of the case. Consequently, no matter how broad a brush the Court uses upon the canvass of the case, the Court still must wait for the litigants to present them with a canvass before the Court can begin to paint. It is "going off the canvass" that causes many lawyers to believe that appellate decisions are mere acts of will, and this in turn causes a lack of confidence in the decisionmaking power of appellate courts. *See* K. LLEWELLYN, THE COMMON-LAW TRADITION: DECIDING APPEALS 3-7, 29-33 (1960).

7. When the Supreme Court declares legislation unconstitutional, the Court imposes constitutional restraints upon the political process. A. BICKEL, THE LEAST DANGEROUS BRANCH: THE SUPREME COURT AT THE BAR OF POLITICS 16-23 (1986); *see also* Address by Justice William J. Brennan, Jr., delivered to the Text and Teaching Symposium, Georgetown University (Oct. 12, 1985) (available in Chicago-Kent Law Review Office) ("Our commitment to self-governance in a representative democracy must be reconciled with vesting in electorally unaccountable Justices the power to invalidate the expressed desires of representative bodies on the ground of inconsistency with higher law.").

8. 485 U.S. 617 (1988).

9. F. FRANKFURTER & J. LANDIS, THE BUSINESS OF THE SUPREME COURT v-viii (1928) (noting that the administration of the Court's docket is as important to efficient adjudication as the process of judicial decisionmaking itself).

10. The Supreme Court's memorandum decision in *Patterson* was front page news across the country. *See, e.g.*, Greenberg, *Distressing Signals From the Court*, N.Y. Times, May 18, 1988, at A31, col. 2 (Court's action suggests an agenda of civil rights retrenchment); TRB, *The Fifth Man*, NEW REPUBLIC, May 16, 1988, at 4 (referring to Justice Kennedy as the "fifth" vote in the *Patterson* memorandum decision); Jacoby & McDaniel, *Why Open a Closed Case? Upheaval on the Court*, NEWSWEEK, May 9, 1988, at 69 (Court's action came as a shock); Lacayo, *Play It Again, Says the Court*, TIME, May 9, 1988, at 73 (Reconsideration of major civil rights ruling signals the start of a conservative judicial majority); *Suddenly, the Conservatives Start Stirring*, U.S. NEWS & WORLD REP., May 9, 1988, at 11 (Kennedy swinging court to the right).

11. Pub. L. No. 100-352, 102 Stat. 662 (1988).

peals from three-judge panels.[12] Although this case selection discretion gives the Court the opportunity to seek out specific issues, the Court still must wait for an issue to be presented to it within the context of a case or controversy. As a result, the Court can address the policy decisions made by the politically accountable branches—Congress and the Executive—only when presented with legal challenges to those decisions. But the Court has the inherent ability to add an issue to a case already on its docket simply by requesting rehearing *sua sponte*, as the Court did in the *Patterson* case over vigorous dissents by four Justices.[13] This Note will examine how the Supreme Court's broad discretion to select cases and issues[14] has changed the Court from a passive institution "with neither force nor will but merely judgment"[15] to the influential arbiter of "whether the political solutions to major national problems devised by the legislative and executive branches [will] be allowed to proceed."[16]

After a brief history of the major congressional statutes enacted under Article III's exceptions and regulations clause[17] and a review of the historic justifications for the Court's inherent *sua sponte* powers,[18] this Note will scrutinize the necessity for the Court's power to request rehearing *sua sponte*.[19] It will then look at two cases in which the Court caused concern when it requested rehearing *sua sponte*.[20] Last, it will critically examine the need to request rehearing *sua sponte* and the appropriateness of the Court's use of this power.[21] This Note concludes with the recommendation that Congress amend Supreme Court Rule 51, the rehearing rule, and specify only two instances when the Court may request rehearing *sua sponte*: (1) when the Court is equally divided; or (2) when it is reconstituted.

12. The Court still must hear direct appeals from three-judge panels, which mostly concern legislative apportionment cases. *See* 28 U.S.C. § 1253 (1988); Boskey & Gressman, *The Supreme Court Bids Farewell to Mandatory Appeals*, 109 S. Ct. 412, 428-30 (1988).

13. *See* Patterson v. McLean Credit Union, 485 U.S. 617 (1988) (per curiam); 485 U.S. at 619 (Blackmun, J., with whom Brennan, J., Marshall, J., and Stevens, J., join, dissenting); 485 U.S. at 621 (Stevens, J., with whom Brennan, J., Marshall, J., and Blackmun, J., join, dissenting). *See also infra* notes 132-62 and accompanying text.

14. This Note will not address the opposite dimension of the problem with docket control where the Court chooses inaction and defers to the political process when judicial action is indicated. *See, e.g.*, Gunther, *The Subtle Vices of the Passive Virtues*, 64 COLUM. L. REV. 1 (1964).

15. THE FEDERALIST NO. 78, at 465 (A. Hamilton) (New American Library ed. 1961).

16. W. REHNQUIST, THE SUPREME COURT 305 (1987).

17. *See* text accompanying notes 36-55.

18. *See* text accompanying notes 56-78.

19. *See* text accompanying notes 79-97.

20. *See* text accompanying notes 98-161.

21. *See* text accompanying notes 162-189.

II. THE UNITED STATES SUPREME COURT'S APPELLATE JURISDICTION

The jurisdiction of the Supreme Court is both original and appellate, as defined in Article III of the Constitution.[22] The Court's original jurisdiction extends to all cases "affecting Ambassadors, other public Ministers, and Consuls," and cases "in which a State shall be a party."[23] The Court's appellate jurisdiction extends the federal judicial power to all other cases.[24] It is the more important jurisdiction because it enables the Court to disregard the barrier of federalism[25] and reach not only federal, but also state, cases and controversies.[26] It is the appellate jurisdiction that the Constitution subjects to congressional regulation. Article III explicitly states that the appellate jurisdiction of the Supreme Court is conferred "with such exceptions and under such regulations as Congress shall make."[27] Although the literal language of the Exceptions Clause

22. U.S. CONST. art. III. Article III created the judicial branch of the United States tripartite structure of government and vested all of the judicial power, both original and appellate, in one "supreme Court" and "in such inferior Courts as the Congress may from time to time ordain and establish." *Id.*

23. 28 U.S.C. § 1251 (1988) governs the Court's original jurisdiction and provides that the Supreme Court has exclusive jurisdiction of controversies between two or more states. *See also* Illinois v. Milwaukee, 406 U.S. 91, 98 (1972) (political subdivisions within states, such as cities, are not states for purposes of § 1251). Although § 1251 speaks of the Court's original jurisdiction, the Court itself has said that "[t]he original jurisdiction of the Supreme Court is conferred not by Congress but by the Constitution itself. This jurisdiction is self-executing and needs no legislative implementation." California v. Arizona, 440 U.S. 59, 65 (1979) (Court avoided the question of congressional power to limit Court's original jurisdiction).

24. Article III extends this power to

> all Cases, in Law and Equity arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority; . . . —to all Cases of admiralty and maritime Jurisdiction; —to Controversies to which the United States shall be a Party; . . . [between a State and Citizens of another State;] —between Citizens of different States —between Citizens of the same State claiming Lands under Grants of different States, [and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects.]

U.S. CONST. art. III, § 2, cl. 1. (Bracketed material refers to changes made by the Eleventh Amendment to the Constitution).

25. "Federalism" describes the interrelationships among the several states and the relationship between the states and the federal government. H. SPAETH, SUPREME COURT POLICY MAKING: EXPLANATION AND PREDICTION 11-13 (1979).

26. 28 U.S.C. § 1257 (1988) governs the routing of cases from the state courts to the Supreme Court. Prior to the Supreme Court Case Selections Act, a state case had a mandatory right of appeal to the Supreme Court if a state court found a federal law invalid or if a state court found valid a state law that was contested under a federal provision. In both of these cases, state law was pitted against federal law, and state verdicts in favor of the state law were presumed suspect. Congress, however, rejected this premise as unduly suspicious of the state courts, and rewrote § 1257 so that the Supreme Court has the discretion whether to review state court decisions no matter which way the state ruled in the case. *See* H.R. REP. NO. 660, 100th Cong., 2d Sess. 7, *reprinted in* 1988 U.S. CODE CONG. & ADMIN. NEWS 772.

27. The Constitution mandates the existence and contours of the Court's original jurisdiction, with which Congress may not tamper. The Constitution, however, vests in Congress the power to make "exceptions and regulations" regarding the Court's appellate jurisdiction. U.S. CONST. art.

gives plenary power to Congress to regulate the Supreme Court's jurisdiction, other clauses of the Constitution may implicitly limit Congress' ability to do so.[28] Moreover, Congress may not be able to regulate the Court's appellate jurisdiction in a manner that is inconsistent with the Court's essential role in the constitutional plan.[29]

Despite these broad constitutional and systemic limits, Congress has never granted to the Supreme Court all the power provided by Article III.[30] The Court has acknowledged that it understands the affirmative descriptions of its appellate jurisdiction to negate all other

III, § 2. While the Supreme Court has never definitively answered the question of how complete the scope of congressional authority is under the Exceptions Clause, it is generally considered to be broad. *See* Anderson, *The Power of Congress to Limit the Appellate Jurisdiction of the Supreme Court*, 1981 DET. C.L. REV. 753; *see also* C. HUGHES, THE SUPREME COURT OF THE UNITED STATES 24-25 (1928); *see generally* D. CURRIE, *supra* note 5.

The Supreme Court did address the scope of congressional control of the Court's appellate jurisdiction in *Ex parte* McCardle, 74 U.S. (7 Wall.) 506 (1868), which arose when Congress removed the Court's appellate jurisdiction in habeas corpus cases. McCardle had appealed a denial of a writ of habeas corpus in a case that arose under the Reconstruction statutes, and Congress, fearing that the Court would invalidate much of the Reconstruction legislation, did not want the Court to hear the case. The Court held that Congress had the power to make such an exception. In dicta, however, the Court said that it still had the power to issue *original* writs of habeas corpus, and therefore, Congress' action did not totally remove the Court's jurisdiction to reach the Reconstruction statutes. *Id.* at 515 (referring to *Ex parte* McCardle, 73 (6 Wall.) 318, 324 (1867)). Although this case is often cited for the proposition that Congress has full control of the Court's appellate jurisdiction, more recent literature suggests that Congress cannot destroy as in *McCardle* the essential role of the Court by limiting access to constitutional cases that involve the supremacy of federal law. *See* Sager, *Constitutional Limitations on Congress' Authority to Regulate the Jurisdiction of the Federal Courts*, 95 HARV. L. REV. 17, 42-68 (1981); *see also* Merry, *Scope of the Supreme Court's Appellate Jurisdiction: Historical Basis*, 47 MINN. L. REV. 53 (1962) (proposing that exceptions clause applies to questions of fact and not to questions of law).

28. *See, e.g.*, U.S. CONST. amend. V (under the Due Process Clause, Congress could not exclude specific classes of litigants from access to the Supreme Court); U.S. CONST. art. I, § 9 (under the prohibition of Bills of Attainder, for instance, it would be unconstitutional for Congress to exclude jurisdiction as pertains to a specific litigant). Gunther, *Congressional Power to Curtail Federal Court Jurisdiction: An Opinionated Guide to the Ongoing Debate*, 36 STAN. L. REV. 895, 916-21 (1984); *see* Gressman & Gressman, *Necessary and Proper Roots of Exceptions to Federal Jurisdiction*, 51 GEO. WASH. L. REV. 495 (1983).

29. This "Essential Functions" doctrine, proposed by Leonard Ratner in two major articles, states that Congress may not interfere with the Court's function of providing a uniform interpretation of federal law and policing state courts' enforcement of federal law. *See* Ratner, *Majoritarian Constraints on Judicial Review: Congressional Control of Supreme Court Jurisdiction*, 27 VILL. L. REV. 929 (1982); Ratner, *Congressional Power Over the Appellate Jurisdiction of the Supreme Court*, 109 U. PA. L. REV. 157 (1960); *see also* Sager, *Constitutional Limitations on Congress's Authority to Regulate the Jurisdiction of the Federal Courts*, 95 HARV. L. REV. 17 (1981).

Another implicit constraint on Congress' power to restrict the Court's appellate jurisdiction is the doctrine of separation of powers. It is often argued that the implicit doctrine of Separation of Powers also limits Congress' ability to regulate the Court's jurisdiction. For instance, Congress could not use its Exception Clause power to demand that the Court act in an unconstitutional way. *See* United States v. Klein, 80 U.S. (13 Wall.) 128, 146-48 (1871) (holding unconstitutional a congressional attempt to prescribe a rule of decision regarding effect of a pardon).

30. See Chapter 81 of Title 28 Judiciary and Judicial Procedures which limits access to the Supreme Court's appellate jurisdiction at 28 U.S.C. §§ 1251-1258 (1988).

jurisdiction that Congress does not affirmatively grant.[31]

A. *Congressional Regulation of the Supreme Court's Appellate Jurisdiction*

Congress first regulated the Supreme Court's appellate jurisdiction in the Judiciary Act of 1789.[32] The Act gave appellate jurisdiction to the Supreme Court by writ of error, which mandated that the Court review cases for supposed errors of law, and Congress limited review of state court decisions to those cases in which the decision was against a federal claimant.[33] Because the Act was contemporary to the Constitution itself,[34] many scholars view it as an authoritative source of the original understanding of the Supreme Court's role in our government. Furthermore, the Act was a successful compromise between the Federalists, who wanted a broad, sweeping judiciary, and the Anti-Federalists, who

31. In *Ex parte* McCardle, 74 U.S. (7 Wall.) 506 (1868), the Court said:

> [T]he judicial act was an exercise of the power given by the Constitution to Congress "of making exceptions to the appellate jurisdiction of the Supreme Court." "They have described affirmatively," said the court, "its jurisdiction, and this affirmative description has been understood to imply a negation of the exercise of such appellate power as is not comprehended within it."
>
> The principle that the affirmation of appellate jurisdiction implies the negation of all such jurisdiction not affirmed having been thus established, it was an almost necessary consequence that acts of Congress, providing for the exercise of jurisdiction, should come to be spoken of as acts granting jurisdiction, and not as acts making exceptions to the constitutional grant of it.

Id. at 513 (quoting Durousseau v. United States, 10 U.S. (6 Cranch) 307, 314 (1810) (Marshall, C.J.)).

32. The first order of business in the First Session of the First Congress was Senate Bill No. I, which became the Judiciary Act of 1789. The Act infused Article III with substance and detailed those ingredients necessary for the "due process of law" that the Bill of Rights guaranteed. Act of Sept. 24, 1789, 1 Stat. 73 (1789). For an excellent history of the debates which led to the Judiciary Act, see Warren, *New Light on the History of the Federal Judiciary Act of 1789*, 37 HARV. L. REV. 49 (1923).

33. Section 25 of the Judiciary Act of 1789 reads:

> *And be it further enacted*, that a final judgment or decree in any suit, in the highest court of law or equity of a State in which a decision in the suit could be had, where is drawn in question the validity of a treaty or statute of, or an authority exercised under the United States, and the decision is against their validity; or where is drawn in question the validity of a statute of, or an authority exercised under any State, on the ground of their being repugnant to the constitution, treaties or laws of the United States, and the decision is in favour of such their validity, or where is drawn in question the construction of any clause of the constitution, or of a treaty, or statute of, or commission held under the United States, and the decision is against the title, right, privilege or exemption specially set up or claimed by either party, under such clause of the said constitution, treaty, statute or commission, may be re-examined and reversed or affirmed in the Supreme Court of the United States upon a writ of error . . . .

Judiciary Act, ch. 20, § 25, 1 Stat. 73, 85-86 (1789).

34. The Constitution was signed September 17, 1787. Nine states were needed for ratification, and the necessary ninth state, New Hampshire, approved the Constitution in June 1788. In 1790, Rhode Island became the last of the original thirteen states to ratify the new Constitution. The Bill of Rights, the first ten amendments, was added to the Constitution in 1791. Congress enacted the Judiciary Act in 1789, soon after ratification gave it the power to so do.

wanted a federal judiciary of limited, minimal power.[35] The Court's appellate jurisdiction remained confined under this Act for eighty-six years.

Nearly one hundred years later, Congress expanded the Court's appellate jurisdiction in the Act of March 3, 1875, which for the first time conferred on the federal courts general federal question jurisdiction.[36] This grant of jurisdiction allowed the Supreme Court to review all cases "arising under" the Constitution, laws or treaties of the United States.[37] Prior to the Act, the majority of cases came before the Court on the basis of diversity of citizenship,[38] which offered a federal forum to litigants who feared local prejudice if their cases were heard before a state court.[39]

As the country grew, so did the Supreme Court's docket, and the Court found it increasingly difficult to keep up with its workload. To alleviate the crush of cases, Congress introduced a discretionary element into the Supreme Court's appellate jurisdiction in the Circuit Court of Appeals Act of 1891, which instituted the use of the writ of certiorari and created the circuit courts of appeals.[40] The writ of certiorari allowed the Court, for the first time, the discretion to choose which cases it would hear and, consequently, which cases it would not hear. Prior to this Act, every litigant in a federal forum had a right to appeal her case all the way to the Supreme Court, and many did so. Although after the Act of 1891 a litigant retained the ability to appeal as a matter of right, that appeal was now to the circuit court, and not normally to the Supreme Court. The circuit courts of appeals eased the Supreme Court's docket, and the

35. Warren, *supra* note 32, at 53-54.

36. Act of Mar. 3, 1875, ch. 137, 18 Stat. 470. This Act, among other things, extended the Supreme Court's appellate jurisdiction to all cases which arose under the Constitution, laws, or treaties of the United States. G. CASPER & R. POSNER, *supra* note 1, at 17. The Act added tremendously to the business of the Supreme Court when the Court vastly expanded the definition of "arising under" in its construction of the Act in *Pacific Railroad Removal Cases*, 115 U.S. 1 (1885). The Court's construction of the Act allowed *any* suit against the federally chartered Pacific Railroad to "arise under" the laws of the United States. *Id.* at 11. Negligence suits against the Pacific Railroad deluged the Court and put pressure on the Court's docket. This pressure led to the Judiciary Act of 1891. *See* F. FRANKFURTER & J. LANDIS, *supra* note 9, at 69-78.

37. A unanimous Supreme Court recently defined "arising under" as "only those cases in which a well-pleaded complaint establishes either that federal law creates the cause of action or that the plaintiff's right to relief necessarily depends on resolution of a substantial question of federal law." Franchise Tax Bd. v. Construction Laborers Vacation Trust, 463 U.S. 1, 27-28 (1983).

38. *See* G. CASPER & R. POSNER, *supra* note 1, at 17.

39. 28 U.S.C. § 1332(a) (1988) parrots the language of the Constitution and grants federal jurisdiction in "controversies . . . between — (1) citizens of different states; (2) citizens of a State and citizens or subjects of a foreign state."

40. Circuit Court of Appeals Act, ch. 517, 26 Stat. 826 (1891); *see also* Durham v. United States, 401 U.S. 481, 483 (1971) (appeals are a matter of right, while Supreme Court's certiorari decisions are wholly discretionary); F. FRANKFURTER & J. LANDIS, *supra* note 9, at 69; 2 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 727-28 (1947). *See generally* Hanus, *Certiorari and Policy-Making in English History*, 12 AM. J. LEGAL HIST. 63 (1968) (discussing the writ of certiorari as an English docket control device).

number of appeals to the circuit courts grew.[41] Appeals as a matter of right still remained for many classes of cases. Because many litigants continued to exercise this right of appeal to the Supreme Court, the Court again fell behind in its workload.

By the beginning of the twentieth century, the steady expansion of litigation on social and economic legislation[42] caused burgeoning demands on the Supreme Court's appellate jurisdiction. It was clear that a new judiciary act was necessary and, at the time, the Court was led by Chief Justice William Howard Taft, who was not only an adept leader, but an astute politician as well.[43] Taft led the movement for the Court's institutional independence, and he was responsible for the passage of the Judiciary Act of 1925,[44] which gave the Supreme Court effective control over its own docket.[45] Chief Justice Taft, an expert administrator,[46] pushed for judicial reform and drafted the Act of 1925.[47] The 1925 Act reduced the number of appeals as a matter of right and replaced automatic access to the Supreme Court with discretionary review by writ of certiorari, allowing the Supreme Court to refuse to hear many of the requests for appellate review. This Act, with little modification over the years, governed access to the Supreme Court until the Supreme Court

41. Taft, *The Jurisdiction of the Supreme Court under the Act of February 13, 1925*, 35 YALE L.J. 1, 2 (1925) ("Speaking generally, [the circuit courts] were always abreast of their docket, and their activity soon removed the 'hump' in the docket of the Supreme Court.").

42. Some commentators believe that the crushing demand upon the Court's docket was a result of the Court's "propensity to declare social and economic legislation unconstitutional." G. CASPER & R. POSNER, *supra* note 1, at 18; *see* R. STERN & E. GRESSMAN, SUPREME COURT PRACTICE 41 (5th ed. 1978); Rice, *How the Supreme Court Mill is Working*, 56 AM. U.L. REV. 763 (1922) (including docket statistics from 1916 to 1921).

43. William H. Taft has been the only person to serve both as President of the United States and as Chief Justice of the Supreme Court.

44. Act of February 13, 1925, ch. 229, 43 Stat. 936.

45. The Judiciary Act of 1925 permitted the Court to dispose of less important and less worthy cases by simply denying certiorari. *See* Report of the Study Group on the Caseload of the Supreme Court, 57 F.R.D. 573, 575 (1972); G. CASPER & R. POSNER, *supra* note 1, at 20, Table 2.6; *see also* F. FRANKFURTER & J. LANDIS, *supra* note 9, at 258 ("In marking the boundaries of the Court's jurisdiction its broad categories must be supplemented by ample discretion, permitting review by the Supreme Court in the individual case which reveals a claim fit for decision by the tribunal of last resort.").

46. According to Taft's biographer, Chief Justice Taft said of the Court's appellate jurisdiction:

> It was vital, he said in opening his drive for the Judges' bill, that cases before the Court be reduced without limiting the function of pronouncing "the last word on every important issue under the Constitution and the statutes of the United States." A supreme court, on the other hand, should not be a tribunal obligated to weigh justice among contesting parties.
>
> "They have had all they have a right to claim," Taft said, "when they have had two courts in which to have adjudicated their controversy."

2 H. PRINGLE, THE LIFE AND TIMES OF WILLIAM HOWARD TAFT 997-98 (1939) (footnote omitted).

47. In his book, Chief Justice Rehnquist refers to the Judiciary Act of 1925 as the Certiorari Act of 1925. W. REHNQUIST, *supra* note 16, at 268.

Case Selection Act of 1988.[48]

On June 27, 1988, Congress passed the Supreme Court Case Selections Act,[49] which eliminated, with the exception of direct appeals from three-judge panels,[50] all of the Supreme Court's mandatory appellate jurisdiction. The Act governs the routing of cases from the lower federal courts to the Supreme Court,[51] allowing the Supreme Court total discretion to choose which cases come before it. Accordingly, the only way for a litigant to have his case heard in the Supreme Court is for the Supreme Court itself to grant the litigant's request for certiorari. The case-selection process, therefore, is immensely important on a practical level because the first issue which the Court now addresses is whether it should decide a case on the merits and involve itself in a confrontation with Congress or the Executive Branch. Moreover, case selection permits the Court to determine its level of involvement in state and local governmental issues by deciding whether to hear appeals from the various state courts. This case-selection discretion enhances the Court's inherent power as a judiciary.

B. The Supreme Court's Inherent Power

The Supreme Court's power to administer justice is not simply the power to apply the law to the facts of a case, but also the power to achieve equitable results under the law due to the Constitution's merger of law and equity[52] in the federal judicial power.[53] Under English law, upon which the Framers drew in establishing the federal judicial power,

48. Pub. L. No. 100-352, 102 Stat. 662 (1988).

49. *Id.*

50. Direct appeal from a three-judge court is still available under the 1988 Act. 28 U.S.C. § 1253 (1988). In 1976, however, Congress severely limited this form of tribunal to legislative apportionment cases. 28 U.S.C. § 2284 (1988).

51. The Supreme Court Case Selections Act allows a litigant to petition the Supreme Court for certiorari once the district court has entered a final judgment. Therefore, a litigant may file an appeal in the court of appeals and petition the Supreme Court for certiorari on the same day. The Act allows the Supreme Court to grant or deny certiorari "before or after" the court of appeals renders judgment. 28 U.S.C. § 1254(1) (1988). For legislative history and purpose of the Act, see H.R. REP. NO. 660, 100th Cong., 2d Sess. at 7, *reprinted in* 1988 U.S. CODE CONG. & ADMIN. NEWS 772. *See* Boskey & Gressman, *supra* note 12; *see also* Amar, *A Neo-federalist view of Article III: Separating the Two Tiers of Federal Jurisdiction*, 65 B.U.L. REV. 205 (1985) (Article III creates two tiers of federal jurisdiction—one for mandatory federal questions and a second for discretionary jurisdiction. Amar argues that Congress regulates only the discretionary tier.).

52. There is no satisfactory way of defining "equity." The gist of equity, however, is that a liberal interpretation of legislative words will be used, if necessary in a particular case, to achieve a just result. *See* A. ROSS, ON LAW AND JUSTICE 283-84 (1958).

53. Emmerglick, *A Century of the New Equity*, 23 TEX. L. REV. 244, 245 (1945); Glenn & Redden, *Equity: A Visit to the Founding Fathers*, 31 VA. L. REV. 753 (1945); Von Moschzisker, *Equity Jurisdiction in the Federal Courts*, 75 U. PA. L. REV. 287 (1927); *see also* Adams, *The Origin of English Equity*, 16 COLUM. L. REV. 87 (1916).

the equity courts were completely independent of the law courts.[54] The Lord Chancellor of England headed the equity courts, which dispensed justice in cases that did not fit within the rigid formulas of the common-law system.[55] While equity courts dispensed "justice" on an individual basis depending upon the facts in each case, the common-law courts were constrained by the doctrine of precedent, which prescribed that a particular decision can be "justified" only if it is deducible from a prior decision.[56] As Blackstone noted, equity exists for circumstances "wherein the law, by reason of its universality, is deficient."[57] The Framers merged the English Courts of Chancery's equity with the written common-law system of precedent, allowing all cases to travel through the same system whether they request equitable relief or application of common-law precedent.[58] The distinction between the two systems is preserved, however, because a case must fall "within the traditional scope of equity as historically evolved in the English Court of Chancery" before equitable relief will be granted.[59] Equity, unlike written common law,[60] is a pliable concept, and consequently, the judicial branch under our Constitution plays a discretionary role when applying equitable concepts to achieve just results.[61]

This equitable power, or discretion, could be abused if not for an organizational structure that constrains its use,[62] and the Supreme Court's rules provide this structure. Section 17 of the Judiciary Act of 1789 conferred inherent power to make necessary rules "for the orderly conducting [of] business"[63] upon all federal courts, including the

54. Various theories abound regarding the beginnings of the two court systems in England, but records clearly establish both an equity court and a common-law court system as early as the fourteenth century in England. *See* Adams, *supra* note 53, at 87-89.

55. Glenn & Redden, *supra* note 53, at 760-61.

56. R. WASSERSTROM, THE JUDICIAL DECISION: TOWARD A THEORY OF LEGAL JUSTIFICATION 56-83 (1961).

57. 1 W. BLACKSTONE, COMMENTARIES *62.

58. *See* Mississippi Mills v. Cohn, 150 U.S. 202, 205 (1893) ("The equity jurisdiction conferred on the Federal courts is the same that the High Court of Chancery in England possesses . . . ."); H. MAINE, POPULAR GOVERNMENT 218 (1886) (the "Federal Judicature established by the American Constitution as a whole . . . had its roots in the Past, and most of their beginnings must be sought in England."); Note, 2 HARV. L. REV. 382, 383 (1889) ("[P]olitical institutions, like living organisms, are as a rule developed from earlier institutions by a process of selecting and adopting those features which experience has proven to be best adapted to the needs of the political environment . . . ."); *see generally* Adams, *supra* note 53; Glenn & Redden, *supra* note 53.

59. Guaranty Trust Co. v. York, 326 U.S. 99, 105 (1945) (Frankfurter, J.).

60. Law here is used in the positivist sense—a written code that determines the attachment of rights to individuals during their interaction in a governed society without regard for the law's moral content. *See* H.L.A. HART, THE CONCEPT OF LAW 181-89 (1961).

61. J. ELY, DEMOCRACY AND DISTRUST 1-9 (1980).

62. J.K. GALBRAITH, THE ANATOMY OF POWER 54 (1983) (*citing* A. BERLE, JR., POWER (1969)).

63. Section 17 of the Judiciary Act of 1789 reads:

Supreme Court; and the Process Act Amendment of 1793[64] made clear that this power was limited so as not to be contrary to the laws of the United States.[65] Before the Supreme Court could decide its first case, it had to inform the litigants of its procedures. One of the first rules that the Supreme Court wrote, regarding the administration of its docket, described the management of its business as analogous to the English equity courts:

> The Chief Justice, in answer to the motion of the Attorney General, made yesterday, informs him and the bar, that this court consider the practice of the courts of king's bench, and of chancery, in England, as affording outlines for the practice of this court; and that they will, from time to time, make such alterations therein as circumstances may render necessary.[66]

Since our country has a common-law system, following English procedure made practical sense and, as the need arose, the Court developed other rules using English equity court procedures as guidelines, one of which was the equity procedure of "rehearing."

The English equity courts developed the doctrine of rehearing in response to a need for review of their decisions.[67] Unlike the law courts from which a litigant could appeal to a higher court, the equity courts of the Chancellor used the device of "rehearing" because there was no higher body to hear appeals when the Chancellor erred.[68] Rehearing allowed the Chancellor to reconsider a decision and correct and revise a previously expressed opinion before finality occurred.[69] When the highest law court ruled in a case, a litigant could request a writ of error,

> *And be it further enacted,* That all the said courts of the United States shall have power to grant new trials, in cases where there has been a trial by jury for reasons for which new trials have usually been granted in the courts of law; and shall have power to impose and administer all necessary oaths or affirmations, and to punish by fine or imprisonments, at the discretion of said courts, all contempts of authority in any cause or hearing before the same; and *to make and establish all necessary rules for the orderly conducting [sic] business in the said courts, provided such rules are not repugnant to the laws of the United States.*

Judiciary Act, ch. 20, § 17, 1 Stat. 73, 83 (1789) (footnotes omitted and emphasis added).

64. 1 Stat. 333 (1793).

65. *Id.* at 335. This amendment read:

> [I]t shall be lawful for the several courts of the United States, from time to time, as occasion may require, to make rules and orders for their respective courts . . . as shall be fit and necessary for the advancement of justice, and especially to that end to prevent delays in proceedings.

66. 5 U.S. (1 Cranch) xvi (Aug. 8, 1791). This rule, in one form or another, governed the Court until 1954. The last codification of this rule was in 1931: "This court considers the former practice of the courts of king's bench and of chancery, in England, as affording outlines for the practice of this court in matters not covered by its rules or decisions, or the laws of Congress." SUP. CT. R. 5, 286 U.S. 596 (1932).

67. Degnan & Louisell, *supra* note 4, at 904.

68. *Id.* at 903. It has been said that one of the procedures of equity which was superior to law was the rehearing process. *See* 9 W.S. HOLDSWORTH, A HISTORY OF ENGLISH LAW 372-73 (1926).

69. Degnan & Louisell, *supra* note 4, at 904.

which allowed another decision in the case only upon a showing of clear error in the former decision. By contrast, in the equity courts there was no need to show error of any kind before a rehearing would be granted. Rather, a litigant simply had to show need, and the Chancellor could grant a rehearing in order to dispense the most "just" justice possible.[70] For basically the same reason—that there was nowhere to appeal its decisions—the Supreme Court allowed litigants to request rehearing.

The Supreme Court rehears cases because it is the highest court in the federal system—and for the particular litigants involved, a Supreme Court error can be corrected only by rehearing.[71] As Justice Jackson described the Court: "We are not final because we are infallible, but we are infallible only because we are final."[72] The theory underlying the Supreme Court's power to rehear cases is that as a court of last resort it must have a means by which it can admit and correct its misjudgment, and a court which is final must also be deliberate and thorough.[73] The decision to rehear a case is an equitable decision with the goal of attaining justice for the particular litigants involved, which is precisely what a legal system is supposed to do.[74] The problem with an equitable decision is that it does not necessarily follow from common law and may proceed from concepts as varied as "fairness," "moral good," and "justice." Although concepts of justice cannot be formed into rigid rules for a court to apply, rules can be written that will enable litigants to request an equitable decision, such as a rehearing. The procedures of the Supreme Court regarding a litigant's application for rehearing are found in the Supreme Court Rules.

III. REHEARING IN THE UNITED STATES SUPREME COURT

Supreme Court Rule 51 governs litigants' requests for rehearings of any judgment or decision of the Court.[75] Rule 51.1 governs requests for

70. *Id.*

71. Of course, there is always legislative veto of a Supreme Court decision, but such process takes much time and, usually, does not aid the particular litigants in the original lawsuit.

72. Brown v. Allen, 344 U.S. 443, 540 (1953).

73. Degnan & Louisell, *supra* note 4, at 907.

74. Wasserstrom, *Equity: The Case of an Equitable Decision Procedure* in READINGS IN PHILOSOPHY OF LAW 118 (1984).

75.

> A petition for rehearing of any judgment or decision other than one on a petition for writ of certiorari, shall be filed within 25 days after the judgment or decision, unless the time is shortened or enlarged by the Court or a Justice. Forty copies, produced in conformity with Rule 33, must be filed (except where the party is proceeding *in forma pauperis* under Rule 46), accompanied by proof of service as prescribed by Rule 28. Such petition must briefly and distinctly state its grounds. Counsel must certify that the petition is presented in good faith and not for delay; one copy of the certificate shall bear the manuscript signature of counsel. A petition for rehearing is not subject to oral argument, and

rehearing of a decision on the merits, and Rule 51.2[76] governs requests for rehearing of a denial of petition for certiorari. Under both Rule 51.1 and 51.2 at least one of the Justices who agree to the rehearing must have previously joined in the majority decision sought to be reheard. Both sections also require that counsel certify that her request for rehearing is made in "good faith and not for delay."[77] Under Rule 51.2 the grounds for rehearing are limited, and a litigant must show either intervening circumstances or "other substantial grounds" before rehearing of a writ for certiorari will be considered.[78] On the other hand, Rule 51.1 does not require specific or substantial grounds for a rehearing of the Court's decision on the merits. Rather, as in rehearing in equity courts, if a litigant persuades the Court that the Court has possibly erred, the Court will grant rehearing.[79]

While decisions to grant rehearing upon denials of certiorari do occur, they are of little interest because Rule 51.2 spells out exactly what the grounds are for rehearing, and a litigant may not apply for a rehearing of a denial of certiorari unless those specific grounds are present.[80] Rule 51.1 decisions, however, which grant rehearing after the Court has rendered a decision, are of great interest because they often elucidate the Court's decisionmaking process and admit error or substantial change in the circumstances of the law.

Of even more interest are cases where the Court itself has requested rehearing *sua sponte after* hearing oral arguments in a case, but *before* rendering its decision. It is this aspect of rehearing that is not governed by Supreme Court Rule 51 or any other rule. On the contrary, the

> will not be granted except at the instance of a Justice who concurred in the judgment or decision and with the concurrence of a majority of the Court.

SUP. CT. R. 51.1.

76. SUP. CT. R. 51.2.

77. SUP. CT. R. 51.1 & 51.2.

78. Rule 51.2 reads:

> A petition for rehearing of an order denying a petition for writ of certiorari shall comply with all the form and filing requirements of paragraph .1, but its grounds must be limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented. Counsel must certify that the petition is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay; one copy of the certificate shall bear the manuscript signature of counsel or of the party when not represented by counsel. A petition for rehearing without such certificate shall be rejected by the Clerk. Such petition is not subject to oral argument.

SUP. CT. R. 51.2.

79. Degnan & Louisell, *supra* note 4, at 909. The authors list numerous reasons why courts will *not* grant a rehearing. These include the addition of a new legal theory or new legal argument that the litigant did not earlier argue; consideration of issues not raised at trial; and the unsupported claim that "more argument" would be useful. *Id.* at 910; *see generally* Cook, *The Rehearing Evil*, 14 IOWA L. REV. 36 (1928).

80. The Court's decision to rehear a denial of a request for certiorari is not the subject of this paper.

Supreme Court can request rehearing *sua sponte* for the same reasons that it asserts the power of judicial review—because according to the Court it is the judiciary's "province and duty" to do so.[81]

The most famous assertion of the Court's inherent power as "necessary" to the judicial department occurred in 1803 in *Marbury v. Madison*,[82] where the Court enunciated the power of judicial review as "emphatically the province and duty of the judicial department."[83] Neither Congress, nor any Supreme Court Rule, regulates the power of judicial review. It is grounded in the Court's inherent power as a judiciary and supported by the systemic argument that the Court's role in the constitutional plan is to maintain the supremacy of the Constitution.

The first time that the Court requested rehearing *sua sponte* was in the 1819 case of *Bullard v. Bell*.[84] In *Bullard*, the attorneys had argued the case in the absence of one of the Justices, Mr. Justice Todd.[85] The Court continued the case and directed reargument because the Justices who were present at the original argument were equally divided in opinion, and counsel had consented to the Court's request for reargument.[86]

The Court elucidated its power to request rehearing *sua sponte* in the 1852 case of *Brown v. Aspden*,[87] in which a lower court decision had been affirmed by an equally divided Supreme Court with eight members presiding. Because of the even split, the plaintiff filed a petition for a rehearing. The Court held that affirmance by an equally divided Court was not grounds for granting reargument.[88] In response to the plaintiff's reference to rehearing in the English Courts of Chancery, the Court took the opportunity to expound upon the differences between rehearing in the English Chancery courts of original jurisdiction and in the Supreme Court sitting as an appellate tribunal. The Court held that a litigant's request for rehearing would be limited to the time "after judgment is entered, provided the order for reargument is entered at the same term."[89] The Court reasoned that this rule would avoid the rehearing

81. The essence of Chief Justice Marshall's argument for the creation of judicial review in *Marbury v. Madison* is found in the oft-quoted sentence: "It is emphatically the province and duty of the judicial department to say what the law is." 5 U.S. (1 Cranch) 137, 177 (1803).

82. *Id.* at 137.

83. *Id.* at 177.

84. 18 U.S. (5 Wheat) vii (1819).

85. *Id.*

86. *Id.*

87. 55 U.S. (14 How.) 25 (1852).

88. *Id.* at 28.

89. *Id.* at 26; *see also* Public Schools v. Walker, 76 U.S. (9 Wall.) 603, 604 (1870) (citing *Brown v. Aspden*, the Court denied litigants' request for rehearing because no member of the Court who concurred in the judgment desired a reargument).

problem in England where cases dragged on for several years.

Chief Justice Taney then announced the Court's own power to request rehearing when necessary:

> [T]his court may and would call for a re-argument, where doubts are entertained which it is supposed may be removed by further discussion at the bar . . . . But the rule of the court is this: that no re-argument will be heard in any case after judgement is entered, unless some member of the court who concurred in the judgment afterwards doubts the correctness of his opinion, and desires a further argument on the subject. And when that happens, the court will, of its own accord, apprise the counsel of its wishes, and designate the points on which it desires to hear them.[90]

Taney clearly stated that the Court could and would request rehearing *without the consent of counsel* whenever the Court deemed rehearing necessary. Thus, the Court asserted that the right to request rehearing *sua sponte* was inherent in the Court's duty to see that justice is done, and this duty expired at the end of each term.

The Court expounded on this "term rule" in 1881 in *Bronson v. Schulten*,[91] where it noted that at common law a court had no power to vacate or modify a judgment after the expiration of the term in which the judgment had been rendered. There were two exceptions to the "term rule" that allowed the Court to correct errors after the term's expiration—where errors were in form or were purely clerical.[92] The Supreme Court recognized that it had the power during a term to modify any judgment rendered during that term[93] and, thus, proceeded to incorporate the term rule as part of its judicial power over its judgments.

The extent to which one agrees with the Court's right to request rehearing *sua sponte* determines the faith one has in the Court's ability to constrain itself to use its equitable powers to serve the ends of justice. The debate, however, may be moot since the Court has asserted this power for well over one hundred years.

IV. TWO CASES OF ACTIVIST REHEARING *SUA SPONTE*: THE WARREN COURT AND THE REHNQUIST COURT[94]

Congress can regulate the Court's *sua sponte* power due to Congress'

90. 55 U.S. (14 How.) at 26-27.
91. 104 U.S. 410 (1881).
92. *Id.* at 416.
93. R. STERN & E. GRESSMAN, *supra* note 42, at 781.
94. Although Chief Justice Earl Warren and Chief Justice William Rehnquist are ideological opposites, both have effectively used their positions arguably to achieve "policy" goals. *See* Glennon, *Will the Real Conservatives Please Stand Up?*, 76 A.B.A. J. 48 (Aug. 1990); Howard, *Living With the Warren Legacy*, 75 A.B.A. J. 68 (Oct. 1989).

control of Supreme Court procedures, which includes the Supreme Court Rules.[95] But Congress has never addressed the matter of rehearing *sua sponte*. Perhaps Congress may never have to address this issue.[96] In the Warren Court decision, *United States v. Ohio Power Co.*,[97] and the recent Rehnquist Court memorandum decision, *Patterson v. McLean Credit Union*,[98] vigorous dissents were filed and the legal community focused attention on the Court's actions. The two cases have precedential value, however, and lay a foundation on which a future activist Supreme Court could take advantage.

A. United States v. Ohio Power Co.[99]

In *United States v. Ohio Power Co.*, the Supreme Court requested rehearing *sua sponte* more than a year after final judgment was entered. The *Ohio Power* case concerned Ohio Power Company's early escape from tax liability, an advantage that companies which brought their tax appeals later did not escape.[100] Ohio Power Company sued to recover an alleged overpayment of taxes—a tax refund—under section 124(f) of the Internal Revenue Code of 1939. Section 124(f) allowed accelerated amortization of the cost of constructing wartime facilities. The War Production Board (WPB) had to certify that the construction cost was necessary in the interest of national defense. The WPB certified only part of Ohio Power's costs as "necessary," and Ohio Power sued for certification of all of its costs. The United States Court of Claims entered judgment in favor of Ohio Power Company, and the government appealed. The Supreme Court denied certiorari on October 17, 1955,[101] and on December 5, 1955 the Court denied the government's petition for a rehearing on the government's request for certiorari.[102] On May 28, 1956, the Court denied the government's motion for leave to file a second petition for rehearing.[103] Nevertheless, on June 11, 1956, the Court vacated *sua sponte* its order of December 5, 1955 and requested rehearing so that the case would be disposed of in a manner consistent with two other cases in

95. *See* Rules Enabling Act, ch. 651, 48 Stat. 1064 (1934) (current version at 28 U.S.C. § 2072) (establishing a unified set of rules to govern procedure in all federal courts).

96. Because of the fuss caused by its request in *Patterson v. McLean Credit Union*, it may be a long time before the Court requests rehearing *sua sponte*. *See infra* note 10 and accompanying text.

97. 353 U.S. 98 (1957).

98. 485 U.S. 617 (1988) (*rehearing ordered sua sponte*), *decided* 109 S. Ct. 2363 (1989).

99. 353 U.S. 98 (1957).

100. *Id.* at 99 (Harlan, J., dissenting).

101. 350 U.S. 862 (1955).

102. 350 U.S. 919 (1955).

103. 351 U.S. 958 (1956).

which the Court had granted certiorari.[104] In those two cases, the Court denied full-cost amortization to National Lead Company and Allen-Bradley Company.[105] The Court gave two reasons for its resurrection *sua sponte* of the *Ohio Power* case: that the rehearing would ensure the "interests of justice" and "uniformity in the application of the principles announced in the two companion cases."[106]

In granting the rehearing *sua sponte* in *Ohio Power*, the Court ignored Supreme Court Rule 58, the 1955 counterpart to today's Rule 51, which governed petitions for rehearing. Rule 58 permitted the filing of petitions for rehearing by unsuccessful litigants within twenty-five days of the denial of a petition for certiorari or after the entry of an adverse judgment or order.[107] The literal language of paragraph 4 of Rule 58 precluded petitions for rehearing after the twenty-five day limit: "Consecutive petitions for rehearing, and petitions for rehearing that are out of time under this rule, will not be received."[108] Instead of basing its decision to rehear the *Ohio Power* case on any interpretation of Rule 58, the Court based its decision upon the Court's inherent power over its own judgment,[109] known as the "term rule."[110]

Congress, in an attempt to abolish the Supreme Court's judicially created "term rule," added provision 28 U.S.C. section 452 to the 1948 recodification of the Judicial Code. The wording of section 452 was adopted verbatim from Federal Rule of Civil Procedure 6(c), which had abolished the "term rule" in the federal district courts.[111] It seemed,

104. 351 U.S. 980 (1956). The two other cases were United States v. Allen-Bradley Co., *cert. granted*, 351 U.S. 981 (1956) and National Lead Co. v. Commissioner, 230 F.2d 161 (2d Cir.), *cert. granted*, 351 U.S. 981 (1956).

105. National Lead Co. v. Commissioner, 352 U.S. 313 (1957); United States v. Allen-Bradley Co., 352 U.S. 306 (1957).

106. 353 U.S. 98, 98-99 (1957).

107. *Id.* at 101 n.7 (Harlan, J., dissenting, with whom Frankfurter, J., and Burton, J., join). Out-of-time petitions are those petitions which are filed past the deadline for filing. The deadline for requesting rehearing is 25 days after final judgment, and the Court requested rehearing *sua sponte* in the case over a year after final judgment. *See* SUP. CT. R. 51.4: "Consecutive petitions for rehearings, and petitions for rehearing that are out of time under this Rule, will not be received." *But cf.* SUP. CT. R. 51.1 (allowing 25 days after final judgment unless the time is shortened or enlarged by the Court or a Justice).

108. Sup. Ct. R. 58(4) (1955). In another case of rehearing, Justice Clark stated that he believed that Rule 58(4) meant exactly what it said: He "thought that successive petitions for rehearing would not be received by the Court under its Rule 58(4)." Gondeck v. Pan American World Airways, 382 U.S. 25, 28 (1965) (Clark, J., concurring); *see also* Wiener, *The Supreme Court's New Rules*, 68 HARV. L. REV. 20, 83-87 (1954); R. STERN & E. GRESSMAN, *supra* note 42, at 775-98.

109. "This policy finds expression in the manner in which we have exercised our power over our own judgments, both in civil and criminal cases." United States v. Ohio Power Co., 353 U.S. 98, 99 (1957).

110. *See supra* notes 88, 90-91 and accompanying text; *see also* R. STERN & E. GRESSMAN, *supra* note 42, at 781.

111. "The purpose of this amendment is to prevent reliance upon the continued existence of a

therefore, that section 452 countermanded the Supreme Court's "term rule." The Court, however, continued to grant out-of-time rehearings.[112]

In the period between the passage of section 452 in 1948 and the *Ohio Power* decision in 1956, the Court granted out-of-time petitions for rehearing nine times in violation of the legislative intent of section 452. In five of the out-of-time cases, the Court continued the use of the "term rule,"[113] while in the following four cases, as in *Ohio Power*, the Court invoked its inherent power to contravene Congress' regulatory scheme.[114]

In *Remmer v. United States*,[115] a criminal case, the Court granted an out-of-time petition for rehearing because the Court had decided an intervening case.[116] Originally, the Court had remanded *Remmer* for further proceedings,[117] but because the intervening decision would allow *Remmer* to return eventually to the Court on certiorari, the Court allowed rehearing to avoid the delay and expense of further proceedings. Likewise, in *Achilli v. United States*,[118] another criminal case, the Court vacated a November 19, 1956 denial of certiorari, granted an out-of-time petition for rehearing, and granted certiorari.[119] The Court limited the grant of certiorari, however, to the question of whether the petitioner could be prosecuted and sentenced under a section of the Internal Revenue Code of 1939. *Achilli* was identical to *Remmer* in that the petitioner raised the same question before the district court on remand from the

term as a source of power to disturb the finality of a judgment upon grounds other than those stated in these rules." *Advisory Comm. on Rules for Civil Procedure, Report of Proposed Amendments to Rules 6* (1946). Justice Clark opined that the term rule had "some historical justification but no present justification." *Proceedings of the Institute on Federal Rules, Cleveland* 211 (1938); *see also* Wiener, *supra* note 107, at 85.

112. On June 27, 1949, one year after Congress enacted § 452, the Court granted an out-of-time petition for rehearing in Clark v. Manufacturers Trust Co., 337 U.S. 953 (1949), *cert. denied*, 335 U.S. 910 (1949). On June 7, 1954, the Court vacated *sua sponte* three previous orders denying certiorari and restored the cases to the Court's calendar. Goldbaum v. United States, 347 U.S. 1007 (1954), *cert. denied*, 346 U.S. 831 (1953); Banks v. United States, 347 U.S. 1007 (1954), *cert. denied*, 346 U.S. 857 (1953); McFee v. United States, 347 U.S. 1007 (1954), *cert. denied*, 347 U.S. 929 (1954). On May 14, 1956, the Court granted a motion to recall and amend its judgment after the rehearing period had expired, saying that Rule 58(4) "does not prohibit motions to correct this kind of error." Cahill v. New York, N.H. & H.R.R., 351 U.S. 183, 184 (1956), *recalling and amending*, 350 U.S. 898 (1955), *reh'g denied*, 350 U.S. 943 (1956) (recalling case that was previously remanded to the district court and remanding it instead to the court of appeals).

113. *See* cases cited *supra* note 111.

114. Achilli v. United States, 352 U.S. 1023 (1957); Remmer v. United States, 348 U.S. 904 (1955); Florida *ex rel.* Hawkins v. Board of Control, 350 U.S. 413 (1956); and Boudoin v. Lykes Bros. S.S., 350 U.S. 811 (1954).

115. 348 U.S. 904 (1955).

116. In the rehearing, the Court remanded *Remmer* for reconsideration in light of the Court's decision in Holland v. United States, 348 U.S. 121 (1954).

117. Remmer v. United States, 347 U.S. 227 (1954).

118. 353 U.S. 373 (1957).

119. *Achilli*, 352 U.S. at 1023.

court of appeals after the Supreme Court denied his writ of certiorari. Achilli then successfully petitioned for certiorari from the district court's new decision.[120]

In *Florida ex rel. Hawkins v. Board of Control*,[121] a race discrimination case, the Court vacated a May 24, 1954 denial of certiorari, granted an out-of-time petition for rehearing, and granted certiorari.[122] The Court had originally denied certiorari and remanded the case to the Florida Supreme Court to be reconsidered in light of the Supreme Court's decision in the *Segregation Cases*,[123] which were decided one week earlier on May 17, 1954. The Court vacated and granted certiorari ten months later because the Florida Supreme Court was delaying in implementing the admission of a black to a state law school despite the Supreme Court's mandate to do so.[124]

And finally, to correct a simple clerical error, which is an allowable ground for rehearing even in a common-law court, the Court in *Boudoin v. Lykes Bros. S.S.*,[125] recalled a judgment that had been returned to the district court for further proceedings and remanded the case to the court of appeals instead.[126]

The *Ohio Power* case, on the other hand, was not a criminal case, did not involve racial discrimination, did not expedite continuing litigation, nor was any clerical error made in the Court's previous disposition of the case. Moreover, the issue involved in *Ohio Power* was not a continuing issue because the statute, Internal Revenue Code section 124(f), under which the case was brought, had expired in 1945.[127] Nonetheless, the Supreme Court vacated its previous orders in *Ohio Power* and requested rehearing *sua sponte* in the "interests of justice." The Court, however, never explained exactly what interests of justice demanded the ignoring of Congress' clear intent in section 452 to abolish the term rule.

120. 353 U.S. 373 (1957). *See also* United States v. Ohio Power Co., 353 U.S. 98, 107 (1957) (Harlan, J., dissenting).

121. 350 U.S. 413 (1956).

122. *Id.* The litigant's request for certiorari was denied at 342 U.S. 877 (1951), and that decision was recalled and vacated at 347 U.S. 971 (1954).

123. The "Segregation Cases" refers to the two cases decided on May 17, 1954, by the U.S. Supreme Court: Brown v. Board of Education, 347 U.S. 483 (1954) and Bolling v. Sharpe, 347 U.S. 497 (1954).

124. Florida *ex rel.* Hawkins v. Board of Control, 350 U.S. 413 (1956).

125. 350 U.S. 811 (1955).

126. *Id. See also* United States v. Ohio Power Co., 353 U.S. 98, 107 (1957) (Harlan, J., dissenting, with whom Frankfurter, J., and Burton, J., join) (*Boudoin* concerned correction of error in Court's own mandate).

127. I.R.C. § 124(f)(1) (1939), added by 54 Stat. 998-1003 (1940), as amended, 26 U.S.C. §§ 23(t), 124 (1946).

B. Patterson v. McLean Credit Union[128]

The Rehnquist Court's memorandum decision in *Patterson v. McLean Credit Union* involved the important issue of whether private racial discrimination is remediable under 42 U.S.C. section 1981.[129] In *Patterson*, the Court requested *sua sponte* the parties to brief and argue the question of whether the Court's previous interpretation of section 1981 in *Runyon v. McCrary*[130] should be reconsidered.[131] Yet, neither party had previously raised the issue of *Runyon*'s reconsideration.[132] In *Runyon*, the Court had outlawed racial discrimination in private school admissions, following the precedent of *Jones v. Mayer*,[133] which outlawed private racial discrimination in the sale and rental of housing.

In *Jones*, a real estate developer had refused to sell property to blacks. Jones, a black, sued. The issue was whether private racial discrimination was remedial under 42 U.S.C. section 1982, a companion statute to section 1981.[134] The Court held that the legislative history of section 1982 clearly showed that the act was intended to apply to *private* as well as *public* racial discrimination.[135] Prior to the Court's interpretation of section 1982 in *Jones*, the statute had been an unenforced promise of racial freedom.[136] After *Jones*, section 1982 became a formidable weapon for protection of civil rights whether the alleged discrimination was private in nature or involved "state action."[137] Thus, the "state ac-

128. 109 S. Ct. 2363 (1989), *reh'g ordered sua sponte*, 485 U.S. 617 (1988).

129. 42 U.S.C. § 1981 (1981) reads:

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.

130. 427 U.S. 160 (1976).

131. 485 U.S. at 617 (per curiam).

132. "Neither the parties nor the Solicitor General have argued that *Runyon* should be reconsidered." *Id.* at 622 (Stevens, J., dissenting with whom Brennan, J., Marshall, J., and Blackmun, J., join).

133. 392 U.S. 409 (1968).

134. 42 U.S.C. § 1982 (1981) reads: "All citizens of the United States shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof to inherit, purchase, lease, sell, hold and convey real and personal property."

135. 392 U.S. at 422-36 (setting forth legislative history of § 1982 from its inception in § 1 of the Civil Rights Act of 1866). Justice Stewart delivering the opinion of the Court said:

> Hence the structure of the 1866 Act, as well as its language, points to the conclusion urged by the petitioners in this case—that § 1 was meant to prohibit *all* racially motivated deprivations of the rights enumerated in the statute, although only those deprivations perpetrated "under color of law" were to be criminally punishable under § 2.

392 U.S. at 426.

136. *See generally* Note, *The "New" Thirteenth Amendment: A Preliminary Analysis*, 82 HARV. L. REV. 1294 (1969).

137. *Id.* Previously, the Court required "state action" before finding a violation of a black's civil

tion" limitation was no longer a precedent to civil rights actions.

In *Runyon v. McCrary*, two black children, through their parents, brought suit against a private school under 42 U.S.C. section 1981 because they had been denied admission on the basis of their race.[138] In deciding whether section 1981 prohibited private racial discrimination, the Court considered whether it had properly construed section 1981's companion statute, section 1982, in *Jones* when it extended liability for racial discrimination to the making and enforcing of private contracts.[139] The Court held that both section 1981 and section 1982 reached purely private acts of racial discrimination.[140] In a concurring opinion in *Runyon*, Justice Stevens stated that the stability that would result from following the *Jones* precedent outweighed the argument that *Jones* was wrongly decided.[141]

In *Patterson v. McLean Credit Union*, a black employee of the credit union sued under section 1981 alleging racial discrimination in a private employment setting.[142] The Supreme Court granted certiorari to consider whether racial "harassment" was remediable under section 1981.[143] After oral argument, the Court requested *sua sponte* that the parties brief and argue an additional question: "Whether or not the interpretation of 42 U.S.C. section 1981 adopted by this Court in *Runyon v. McCrary* should be reconsidered?"[144]

Although four Justices dissented in two separate dissents from the Court's *sua sponte* request for reargument, neither dissent focused on the procedure of requesting reargument, but rather on the lack of grounds for requesting reargument.[145] The original issue in the *Patterson* case was whether to extend the Court's interpretation of section 1981, which already prohibited discrimination in private employment contracts, to cases of racial harassment in the workplace.[146] The Court, however, chose a different issue for rehearing, stating in its *per curiam* opinion that it had "decided, in light of the difficulties posed by petitioner's argument

rights. The Court had reasoned that the thirteenth amendment did not give Congress the power to tamper with private, social rights. *See also* The Civil Rights Cases, 109 U.S. 3, 22 (1883).

138. The school stated upon inquiry that it was not integrated, and it accepted only members of the Caucasian race. Runyon v. McCrary, 427 U.S. 160, 165 (1976).

139. *Id.* at 170-72.

140. *Id.*

141. *Id.* at 190-91 (Stevens, J., concurring).

142. 805 F.2d 1143 (4th Cir. 1986).

143. 484 U.S. 814 (1987).

144. 485 U.S. 617 (1988) (citation omitted).

145. *Id.* at 619 (Blackmun, J., dissenting with whom Brennan, J., Marshall, J., and Stevens, J., join); *Id.* at 621 (Stevens, J., dissenting with whom Brennan, J., Marshall, J., and Blackmun, J., join).

146. 805 F.2d 1143 (4th Cir. 1986).

for a fundamental extension of liability under 42 U.S.C. section 1981, to consider *whether* Runyon should be overruled."[147] Though the Court went on to support the proposition that former precedent can be overruled or modified,[148] nowhere in the majority opinion did the Court explain what "difficulties" the petitioner's argument posed that demanded a reconsideration of *Runyon*.

The Court's action was particularly puzzling because *Runyon* had been decided in accord with congressional action taken after the Court decided the *Jones* case. The Senate responded to the *Jones* decision in 1972, and debated amending section 1981 to expressly preclude recovery in cases of employment discrimination. Such action would have made Title VII of the 1964 Civil Rights Act the exclusive remedy for employment discrimination. The Senate declined to amend section 1981 because "every protection that the law has in its purview"[149] should be used to protect victims of employment discrimination. The House of Representatives, which previously had criticized the *Jones* decision, accepted the Senate's decision.[150] Therefore, both Houses of Congress agreed with the Supreme Court's interpretation in *Jones* that section 1981 applied to employment discrimination even before the Court decided *Runyon* in 1976. Moreover, in *Runyon*, following Congress' lead, the Court went a step further and extended section 1981 to all private contracts.[151] Nevertheless, in the face of congressional intent to end racial discrimination, the Supreme Court requested *sua sponte* the litigants in *Patterson* to address whether *Runyon* should be overruled.[152]

On June 15, 1989, the Court rendered its final decision in *Patterson*.[153] Although the Court expressly stated that "[s]ome Members of this Court believe that *Runyon* was decided incorrectly," the Court concluded that *Runyon* should not be overruled.[154] Justice Kennedy, writing for the majority, based the Court's refusal to overrule *Runyon* on considerations of *stare decisis*.[155] The Court further said that *stare decisis* precluded overruling prior precedent, and "the burden borne by the

147. *Patterson*, 485 U.S. at 617 (emphasis in the original).

148. *Id.* at 618.

149. *See* 118 CONG. REC. 3371, 3372 (1972).

150. H.R. REP. NO. 899, 92nd Cong., 2d Sess. at 118 CONG. REC. 6643 (1972).

151. 427 U.S. at 168.

152. 485 U.S. 617, 617 (1988).

153. 109 S. Ct. 2363 (1989).

154. *Id.* at 2370. The Court also declined to extend section 1981 to racial harassment reasoning that "conduct which occurs after the formation of a contract and which does not interfere with the right to enforce established contract obligations" was not remediable under 42 U.S.C. § 1981. *Id.* at 2369.

155. *Id.* at 2370.

party advocating the abandonment of an established precedent is greater where the Court is asked to overrule a point of statutory construction."[156] The Court, however, never addressed the fact that *it* had requested reargument *sua sponte* on whether to overrule *Runyon*, and that the parties had *not* presented that issue. In fact, the Court never discussed its reasons, or the "difficulties" that led it to request rehearing *sua sponte*.

V. ANALYSIS OF THE COURT'S USE OF REHEARING *SUA SPONTE*

The most fundamental social, economic, philosophical, and political questions reach the Supreme Court in the form of lawsuits.[157] As Alexis de Tocqueville astutely observed over one hundred years ago:

> [F]ew laws can escape the searching analysis of the judicial power for any length of time, for there are few that are not prejudicial to some private interest or other, and none that may not be brought before a court of justice by the choice of parties or by the necessity of the case.[158]

Indeed, the Court hears only a small proportion of the thousands of cases that request Supreme Court review.[159] Which cases the Court chooses to decide indicates its policies and priorities as well as the extent of its influence upon the political discourse both in our government and among citizens. Despite this considerable discretion, the Court is still limited to the cases and issues which the litigants choose to present. This limitation assures that an activist Court may not reach out and decide just *any* issue of its choice. In other words, even an activist Court must bide its time waiting for the "perfect" case.

This control of the issues by the litigants is central to our adversarial system of law. The Constitution embodies the adversarial system in section two of Article III which extends the judicial power to all "Cases" or "Controversies."[160] It does not extend the power to all "issues of interest to the Justices." In addition to this constitutional constraint on the Court's jurisdiction, the Court has created rules of self-restraint, including the doctrine of advisory opinions, ripeness, standing, and mootness.[161] Both the constitutional limitation of case or controversy and the

156. *Id.*

157. Justice William J. Brennan, Jr., *supra* note 7.

158. A. DE TOQUEVILLE, DEMOCRACY IN AMERICA 106 (P. Bradley ed. 1945) (H. Reeve Text as revised by F. Bowen 1862) (discussing the "immense political influence" of the United States judiciary).

159. *See* G. CASPER & R. POSNER, *supra* note 1.

160. U.S. CONST. art. III, § 2, cl. 1; *see* text *supra* note 24.

161. *See ex parte* Baez, 177 U.S. 378, 390 (1900) ("Federal courts lack jurisdiction to decide moot cases because their constitutional authority extends only to actual cases or controversies.");

judicially created doctrines comport with the Court's duty to avoid constitutional questions unless necessary.[162]

Since the presentation of issues and arguments to the Court are the litigants' responsibility, rehearing requests should also be their responsibility. The Court should be limited to very specific grounds before it can request rehearing upon its own motion. It is the litigants' responsibility to point to the Court's error and request rehearing in cases where the Court has misunderstood specific facts or where the Court has overlooked binding authority. In either of these situations, it will be obvious to the litigants that the Court has erred, and likewise, the litigants will know to request rehearing.

Had the *litigants* requested reargument in *Patterson* to consider the *Runyon* issue, the Court could have granted the request with little fanfare. The litigants, however, did not raise the *Runyon* issue.[163] This lack of litigant initiative troubled the dissenting Justices, one of whom stated: "the adversary process functions most effectively when we rely on the initiative of lawyers, rather than the activism of judges, to fashion the questions for review."[164]

By rehearing *sua sponte*, the Court can accelerate the "sooner or later" timing of an issue's arrival and, thereby, evade the Constitution's jurisdictional constraints. Thus, the Court can address either issues that have not been decided by a politically accountable body or, worse, issues that have been decided by political representatives. The latter set of issues gives the Court the opportunity to invalidate legislative enactments *without anyone requesting that they do so*. Both actions raise the countermajoritarian difficulty and possibly violate the Constitution's case or controversy limitation.

The greater problem with unrestricted *sua sponte* rehearing is the possibility that the procedure will be used by an activist Court or Justice to further a personal agenda.[165] Justice Kennedy's statement in *Patter-*

Association of Data Processing Serv. Orgs., Inc. v. Camp, 397 U.S. 150 (1970) (discussion by Justice Douglas of the standing doctrine); United Pub. Workers v. Mitchell, 330 U.S. 75 (1947) (ripeness); 1 C. WARREN, THE SUPREME COURT IN UNITED STATES HISTORY 108-11 (1926) (advisory opinions).

162. One rationale of Chief Justice Marshall in *Marbury v. Madison* was that the power of judicial review was a reluctant power necessary only because the Court must decide cases brought before it in conformity with the Constitution. 5 U.S. (1 Cranch) 137 (1803).

163. Patterson v. McLean Credit Union, 485 U.S. 621, 622 (1988) (Stevens, J., dissenting).

164. *Id.* at 623 (quoting New Jersey v. T.L.O., 468 U.S. 1214, 1216 (1984)).

165. Such a scenario has been used to argue against unconstrained judicial review and the same argument applies to rehearing *sua sponte*. *See, e.g.*, Tushnet, *Following the Rules Laid Down: A Critique of Interpretivism and Neutral Principles*, 96 HARV. L. REV. 781 (1983); Wechsler, *Toward Neutral Principles of Constitutional Law*, 73 HARV. L. REV. 1, 9 (1959).

son that "some Members of this Court believe that *Runyon* was decided incorrectly"[166] could support the argument that the Rehnquist Court has such an agenda regarding civil rights. Such argument, however, is mere speculation. The real problem with unregulated *sua sponte* rehearing is that the Court is *perceived* as having a personal agenda whether it does in fact have one or not.

When the parties choose the issues, there is little opportunity for judges to pursue their own agendas and, as a consequence, the proceedings are not only fairer, but are *perceived* as fairer.[167] As Justice Blackmun said in his dissent to the *Patterson* memorandum decision that requested rehearing *sua sponte*:

> I am at a loss to understand the motivation of five Members of this Court to reconsider an interpretation of a civil rights statute that so clearly reflects our society's earnest commitment to ending racial discrimination, and in which Congress so evidently has acquiesced. I can find no justification for the bare majority's apparent eagerness to consider rewriting well-established law.[168]

Such commentary, especially from a member of the Court, raises questions as to the impartiality of the Court's actions, and such speculation tarnishes the Court's legitimacy. Litigant control of the issues is important to satisfy not only the parties, but society as well. As stated by the Supreme Court: "[J]ustice must satisfy the appearance of justice."[169] When the Court solicits issues that the litigants have not presented, the Court erodes its credibility and trespasses on the soul of the adversarial system.

Because the Court decides constitutional issues, which affect us all, society's confidence in the Court's ability to render impartial and reasoned decisions is as important as the decisions themselves. As a result of the tremendous power with which Congress has imbued the Court, it is vital that decisions of the Court be perceived as legitimate. Damage to the legal system may be caused by "frequent or sudden reversals of direction that may appear to have been occasioned by nothing more significant than a change in the identity of this Court's personnel."[170]

The *sua sponte* requests for rehearing in *Ohio Power* and *Patterson* tarnished the image of the Court as a neutral arbiter of our country's

166. — U.S. —, 109 S. Ct. 2363, 2370 (1989).

167. S. LANDSMAN, READINGS ON ADVERSARIAL JUSTICE: THE AMERICAN APPROACH TO ADJUDICATION 34 (1988).

168. 485 U.S. at 621 (Blackmun, J., dissenting).

169. Offutt v. United States, 348 U.S. 11, 14 (1954).

170. Florida Dep't of Health v. Florida Nursing Home Ass'n, 450 U.S. 147, 153 (1981) (In a concurrence, Justice Stevens reiterated the preference for stability.).

problems. Both requests were trivial. As Justice Harlan noted in his *Ohio Power* dissent:

> There is nothing to distinguish [this case] from any other suit for a money judgment in which a conflict turns up long after certiorari and rehearing have been denied. The most that can be said in justification of the Court's action is that otherwise Ohio Power would not have to pay taxes which Allen-Bradley and National Lead must pay as a result of the much later decisions in their cases.[171]

And after all the uproar that the *Patterson* memorandum decision caused,[172] the Court in its final decision stated: "Whether *Runyon's* interpretation of § 1981 . . . is right or wrong as an original matter, it is certain that it is not inconsistent with the prevailing sense of justice in this country."[173]

A potentially more serious problem with the *Ohio Power* and the *Patterson* memorandum decisions is that they remain "on the books." The Court may use both decisions as support for a future attempt to reach out and pick a specific issue. The precedential value of the opinions will outlast the fuss surrounding them. A future decision may overrule or extend the final decisions in both cases, but it is improbable that the Court can change the decisions requesting rehearing *sua sponte*. Arguments against the constitutional use of *sua sponte* rehearing may appear in law review articles and in congressional committees, but there is no way a litigant could raise the issue to the Court. Thus, only Congress can remedy the situation before it changes from a potential problem into an actual problem.

Constitutional cases before the Supreme Court are important to people other than the parties to the dispute,[174] and the Court's decision to deliberate further and rehear oral arguments is justifiable when the litigants request rehearing on grounds that the Court has made an error in fact or law. Rehearing, however, may *not* be justifiable when the Court itself requests rehearing *sua sponte*.

Occasionally, the Court has requested reargument before it has reached a decision because of an equally divided Court[175] or a reconsti-

171. United States v. Ohio Power Co., 353 U.S. 99, 109 (1957) (Harlan, J., dissenting).

172. Amicus briefs were filed by the 47 states; the District of Columbia; Guam; the Virgin Islands; 66 Senators; 118 Congressmen; the American Bar Association; the New York City Bar Association; New York County Lawyers Association; the Lawyers' Committee for Civil Rights under Law; and over 100 other organizations. Briefs in opposition included the Washington Legal Foundation; 8 Congressmen; 3 Senators; the Center for Civil Rights; and the Equal Employment Advisory Council. *See* Reidinger, Runyon *Under the Gun,* 74 A.B.A. J. 78, 80 (Nov. 1988); Eskridge, *Interpreting Legislative Inaction*, 87 MICH. L. REV. 67, 68 n.8 (1988).

173. Patterson v. McLean Credit Union, 109 S. Ct. 2363, 2371 (1989).

174. Degnan & Louisell, *supra* note 4, at 911.

175. C. HUGHES, *supra* note 27, at 70-71.

tuted Court.[176] An equally divided Court is one in which one or more Justices were not present for oral argument and the remaining even number of Justices are equally divided on an issue.[177] A reconstituted Court, on the other hand, is one in which the composition of the Court membership has changed during the time a case is pending in the Court. This happens if a new Justice replaces a retiring or deceased Justice between oral argument and final decision in a case.[178] The Court may request reargument if the Court believes that the new Justice will be able to break a deadlock or change the outcome of the decision.[179]

The *Patterson* case involved a reconstituted Court and possibly an equally divided Court. *Patterson* was originally argued February 29, 1988.[180] The Court's request for reargument was made in a memorandum decision dated April 25, 1988,[181] with the Court hearing reargument on October 12, 1988.[182] Between the original argument and the reargument, Justice Anthony Kennedy was appointed to the Court to replace retiring Justice Lewis Powell.[183] Therefore, the Court that heard reargument was a reconstituted Court. In addition, it may have been an equally divided Court in that between Justice Powell's retirement and Justice Kennedy's appointment, an eight member Court existed. In the *Patterson* memorandum opinion that requested reargument, four Justices dissented.[184] The *per curiam* majority, therefore, included Justice Kennedy.[185] Consequently, the Court may also have been equally divided after the original oral argument in *Patterson*.

However, the *Patterson* litigants and the legal community do not know if the Court relied upon either of these legitimate reasons when it requested reargument, and this leaves the Court open to the criticism that it sought out the *Runyon* issue for activist reasons. Thus, it is important not only that the Court be confined to specific grounds when requesting rehearing *sua sponte*, but also that the Court state the grounds

176. Degnan & Louisell, *supra* note 4, at 899, 913.

177. C. HUGHES, *supra* note 27, at 70-71; Degnan & Louisell, *supra* note 4, at 912 n.37.

178. Degnan & Louisell, *supra* note 4, at 913.

179. *Id.*

180. Patterson v. McLean Credit Union, 109 S. Ct. 2363, 2363 (1989).

181. 485 U.S. 617 (1988).

182. 109 S. Ct. 2363 (1989).

183. President Ronald Reagan appointed Judge Anthony M. Kennedy of the United States Court of Appeals for the Ninth Circuit on November 23, 1987, and the Senate unanimously confirmed him on February 3, 1988. *See also* TRB, *The Fifth Man*, *supra* note 10.

184. One dissent by Justice Stevens in which Justices Blackmun, Brennan, and Marshall joined, and one dissent by Justice Blackmun in which Justices Stevens, Brennan, and Marshall joined.

185. The majority also included Chief Justice Rehnquist and Justices White, O'Connor, and Scalia.

upon which it is requesting the rehearing. Only in this way will the public's confidence in the Court remain untarnished.

VI. CONCLUSION

The Court's image as a fair and impartial arbiter of contemporary issues calls for limited use of the Court's ability to request rehearing *sua sponte*. Consequently, Congress should limit the Court's use of *sua sponte* rehearing to two circumstances: (1) where the Court is equally divided upon an issue, and (2) where the Court's membership has been reconstituted after oral argument and before published decision. In both of these circumstances, the litigants would have no way of knowing the numeric division in the Court or whether their case had been decided before the Court's membership changed. In the case of an even split during the decisionmaking process, the Court itself may need a rehearing to clarify the disputed issues, and this need of the Court would be unknown to the litigants before a decision is rendered.[186] The same reasoning applies to a reconstituted Court as the timing of the actual decision is unknown to the litigants and may occur weeks or months before the opinion is written and published. *Sua sponte* requests for rehearing by the Court should be used sparingly and regulated by written rules to preserve the Court's image. Moreover, the Court, as a matter of policy, should state upon which of the two grounds it is requesting rehearing *sua sponte*.

Because of the countermajoritarian difficulty of allowing the Court to request rehearing upon its own motion, Supreme Court Rule 51 should be amended to expressly allow the Court to request rehearing *sua sponte* for only two reasons: (1) where the Court is equally divided upon an issue, and (2) where the Court's membership has been reconstituted after oral argument and before published decision.

186. The 5-4 decisions that the Court has rendered in the last few years raise doubt among the legal community as to the length of tenure of these decisions. *See* Glennon, *supra* note 93; Howard, *supra* note 93.

21-1490 Sealed exihibits Meg believes will be used in perpetration of a crime to overthrow the government

From: Meg Kelly (meghankellyesq@yahoo.com)

To: zi-xiang.shen@delaware.gov

Cc: meghankellyesq@yahoo.com

Date: Wednesday, November 22, 2023 at 12:19 PM EST

Good morning,

Please note, I requested the atatched documents to be sealed. I believe these entities will be used for an unlawful purpose to aide in a crash that will eliminate a schemed foundation to eliminate the government sometime after 2050.

Please note, I only drafted bankruptcy remote opinions. These entities allow entities to exist by replacing the managing member with a springing member should the managing member dissolve or enter into bankruptcy.

I was not familiar and did not draft opinions allowing bankruptcy,

I believe these entities hide securitized debt that is worthless when the securities have no value in them to be sold into infinity, especially real estate and securitized debt by the Federal Reserve, other central banks, banks, and global banks who make money out of nothing in exchange for dollars or currency of value aka federal reserve notes. Federal Reserve notes are I owe yous to by paid to the central bank with interest. The interest does not exist because every dollar is an I owe you. Every dollar is a debt owed to be paid to the Federal Reserve. Understand the Ponzi scheme. They lend out what they do not have, while requesting interest that does not exist. The debt can never be paid back by design to allow for debt slavery to the private and foreign partners to the government who rule by their partnerships, while training the exploited people to praise the ones who enslave them to jobs they create to serve their sustained debt control, power, position and profit. See Romans 4:4. I argue government must remain separate from to govern and guide and not allow the private and foreign partners to be above the law by being the letter of the law.

I included word copies. Should you suspect that these entities may be used in a crime you may consider analyzing the exception allowing it to be unsealed in the future or at any time. I truly believe these will be used to commit a crime for an unlawful purpose.

It is not possible to supply redacted copies. It is the documents themselves that I request to be sealed which the court may use its discretion to unseal should you or the Department of Justice seek to prevent crimes and the foundation to overthrow the US.

Thank you. Have a Happy Thanksgiving, though I do not celebrate.

Very truly,
Meg
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(302) 278-2975

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UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 124th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on 11/24/23, I had a true and correct copy of the above referenced document, served to Defendants, through their counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated Nov 24, 2023

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: 11/24/23

Meghan Kelly (printed)

Meghan Kelly (signed)

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 127th AFFIDAVIT UPDATE

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. Today November 20, 2023 I called Lisa Nesbett the US Supreme Court case manager concerning the whereabouts of the Supplemental Brief.

2. She asked whether I want the documents back. I said I required a letter indicating why they were rejected with time to cure for a reason should they be returned in accordance with case law and Supreme Court Rule 25.6.

3. I also indicated no one knew where the documents were when I called previously. She provided me with one person's name, Donald Baker at the US whose number is 202-479-3035 in the briefing department to check on the whereabouts of the documents.

4. When I called there was a voice machine indicated I may leave a message for Donald Baker. I am not reachable by phone easily. I did not leave a message. When I did a google search, I discovered this gentleman appeared to deprive another lawyer of the 1st Amendment right to petition per the attached brief and denial of rehearing. Pleas see the attached Exhibits.

5. No good may come by contacting him when I plead the Court itself deprived me of the 1st Amendment right to petition by neither accepting or rejecting the Supplemental Brief for a legal reason, and my right to be fully and fairly heard before deprivation of my fundamental

rights and my interests in the PA license in accordance with the 5th Amendment when the US Supreme Court has created the beginning of a course of conduct that not all applicants have Equal access to the US Supreme Court in violation of the 1st Amendment right to petition.

6. In my beginning of a draft I request :
7. In Marbury v. Madison, 5 U.S. 137, 147 (1803) this Court held, " It is a settled and invariable principle, that every right, when withheld, must have a remedy, and every injury its proper redress. 3 Bl. Com. 109. "
8. I respectfully request this court consider the Supplemental Brief to cure my invoked 1st and 5th Amendment rights from deprivations. . I attach it hereto in part (116th Amendment). But this Court retains the physical copies and has not sent them back to me.
9. Since I filed the petition for a rehearing additional intervening circumstances of a substantial or controlling effect have arisen relating to arguments in the petition and arguments as to whether the PA reciprocal Order, which is based on a defective DE Order is void or voidable due to clear violations of my Constitutional rights by the State of Delaware's Supreme Court and the Board the reciprocal PA Order of disability retired is based.
10. Two issues in this appeal are
Thank you for your time and consideration.

6. Injustice is guaranteed and there is no Equal protection of rights in accordance with the 5th applicable to the Federal government or the 14th Applicable to the states when petitions are not accepted or rejected for lawful reasons providing constitutionally sufficient notice for defects to allow for cure in good faith cases to prevent injustice.

7. With regards to the attached case Supreme Court Number 17-256 it appears the lawyer was concerned with conflict of interests with the Court regarding associations being used by justices to eliminate individual rights by account of their partiality towards associations at the cost of human sacrifice of life, liberty, or health of the individual people US Supreme Court justices serve.

8. I think the better course of the lawyer's allegation that neither Clerk Baker or Clerk Bickell's agreement not to docket a Motion was to docket it and allow it to be considered by the US Supreme Court as not to deprive the petitioner of the right to petition under the 1st

Amendment even if it forced the US Supreme Court to analyze its own behavior as upholding or violating the Constitution.

9. I cite the attached Motion for rehearing:

> On 10/23/2017, Petitioner telephoned Mr. Baker to ask why the Amicus Curiae motion was not filed. Mr. Baker transferred the call to Mr. Bickell (telephone number of 202-479-3263). He stated that it was the joint decision between Mr. Baker and him not to file the Amicus Curiae motion. He asserted that pursuant to Rule 37.2, the time to file an Amicus Curiae Brief could not be extended. When corrected, he later acknowledged that Rule 37.2 applies only to Amicus Curiae Briefs, not Amicus Curiae Motions. He stated that he decided not to file the corrected Amicus Curiae Motion since it had "too much deficiency" but he was unable to identify what such deficiencies were. Mr. Brickell argued that the same exact motion had been filed in 17-256 so the court had had a chance to consider its contents there. He was unable to explain why if the Amicus motion was too deficient to file in this matter, it had been deemed acceptable to be filed in 17-256

10. This is not fair or just, especially because it appears to be on viewpoint grounds in violation of the 1st Amendment right to speech Regardless, I told my case manager I requested a letter outlining the deficiency and opportunity to cure in accordance with Rule 25.6.

11. I also indicated I may want to file documents under seal, but I could not file redacted versions since the documents themselves I seek to seal in full.

12. I believe the bankruptcy remote entities will be used by Non-government entities (“NGOs”) down the line to overthrow the government by controlling the resources including the channels and the debt credit through block chain tokens and bids on data and other resources, to control the government to overtake the government sometime after 2050.

13. Bankruptcy remote entities by their creation are not dissolved should its managing member be dissolved in bankruptcy because a springing member hops into their place upon the occurrence of bankruptcy protected by the Contract Clause of the US applicable to the states to allow the criminal activity of reselling securitized debt at a profit into infinity that is nothing but discharged debts that no one will ever pay. It is a Ponzi scheme similar to the 80 trillion dollar US debt owed predominantly to government workers pensions that was written off in debt swaps, meaning tax breaks not to be paid off by design in a controlled crash that will harm the baby boomers and the world if the courts do not save us. I outlined how I would coin correctly without violating the 1st and 13th Amendment as applied to my concerning my religious beliefs against enslaving other free people.

14. I believe the courts are in trouble. I seek to preserve the courts by requiring they adhere to the Constitution and the rule of law with mercy, not violate it to serve marketing their selfish positions to sustain profit which is the mark of lawlessness leading to hell per Jesus Christ. Human sacrifice of life, liberty and health by compelled government backed force for material gain under the lie of the common good or public good does not protect freedom or the public but is the type of controlled order children of the devil implement.

15. Children of the devil are controlled by human desires not yet saved from hell. They are blinded by the desires of man. So they do not impartially do what is right. I believe God who is even if the Bible ceases to be. Yet, God teaches us that we are to shed light on unjust laws to prevent the wrong doers from being destroyed in hell just like God does See, Isaiah 10:1-2: ("Woe to those who make unjust laws, to those who issue oppressive decrees, to deprive the poor of their rights and withhold justice from the oppressed of my people, making widows their prey and robbing the fatherless.") I sit up straight when God says Woe to you and hear

Damned to hell are you should you not turn away from lawless lusts leading us to become too dirty and disgusting to have eternal life by compromising what is right for what is convenient, profitable etc.… *Isaiah* 28:13 provides: "But the word of the LORD was unto them precept upon precept, precept upon precept; rule upon rule, line upon line; here a little, and there a little; that they might go, and fall backward, and be broken, and snared, and taken." I understand this to mean that judges and law makers make compelled rigid sameness the law without understanding protecting preempting laws against slavery to the mob's lawless lusts, safeguarding lives and freedom from compelled conformity of belief. My God teaches me not to be separate by not sinning even if the majority praises lawless lusts business greed, organized charity in violation of Matthew 6:1-4 and other things that I believe damn people to hell as good.

15. The Constitutional law that protects freedom must not be sacrificed for national interests, the lie of the public good, or the lie of the common good as Justice Jackson indicated in *Board of Education v. Barnette*, 319 U.S. 624 (1943) rather brilliantly explained:

> At Page 640 "National unity as an end which officials may foster by persuasion and example is not in question. The problem is whether under our Constitution compulsion as here employed is a permissible means for its achievement"
>
> At Page 641 "As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be."
>
> At page 641 "As governmental pressure toward unity becomes greater, so strife becomes more bitter as to whose unity it shall be. Probably no deeper division of our people could proceed from any provocation than from finding it necessary to choose what doctrine and whose program public educational officials shall compel youth to unite in embracing. Ultimate futility of such attempts to compel coherence is the lesson of every such effort from the Roman drive to stamp out Christianity as a disturber of its pagan unity, the Inquisition, as a means to religious and dynastic unity, the Siberian exiles as a means to Russian unity, down to the fast failing efforts of our present totalitarian enemies. Those who begin coercive elimination of dissent soon find themselves exterminating dissenters. Compulsory unification of opinion achieves only the unanimity of the graveyard."

16. I especially liked how Justice Jackson rebutted arguments relating to competency and elimination of individual 1st Amendment rights to be sacrificed for national unity which eliminates every freedom for the collective compelled not freely chosen goal in his spicy opinion.

17. I do not believe governments exist by consent of the governed. Government exists by the rule of law. Our freer fairer government is sustained by people judges. They are not dissolved by the argument consent may be revoked, when there is no consent in the lie of a social contract constructed by Lucifer the devil. By upholding individual liberty from being sacrificed by the representative vote in the other two branches of government, the courts give us actual freedom that our freedoms will also be protected. The actual upholding of justice and the rule of law is what unifies this country.

18. It is the court which grants us liberty and freedom and a democracy in our democratic republic. Without courts, the law of Satan Darwin and even Economists Keynes and Adam Smith taught money and might makes right, and reign by mobsters who use money, connections or power to rule a no longer free people would occur. I was reading about how churches used the fallacy of consent of the governed with regards to the Scots through a friar's opposition of the papal rule by Edward I or II of England in support of King or Lord Roberts of Scotland in the 1300s. I believe it is based on a fallacy. The Bible teaches owe nothing to anyone but to love them. When you make man or money to care for your own your master as opposed to greater laws, including the superseding Constitutional law, you became a slave to the world's will. It makes fallible replaceable lawless lustful men demi-gods who mislead people to harm for material gain if unrestrained by the just rule of law. The courts make our government more just by restraining the conduct of officials within all three branches to obey the

Constitutional law without immunity to restrict government authority to protect Constitutional freedoms form being sacrificed under the lie of the common good, public or material gain even knowledge. Human sacrifice of life, liberty or health to serve government seats, government popularity or government profit or positions is lawlessness and must not be condoned and rewarded by the courts.

19. Plus Locke was wrong. There is no consent of the governed when the government and government backed private or foreign partners oppress, enslave, kill, steal or destroy. There is no meeting of the minds of the common people to form a government or to allow government condoned human sacrifice for material gain in exchange for government's protections of freedom. Freedom is not for sale or it is not free by barter or exchange in contract law, even the lie of social contracts the devil teaches. The lie of Satan and his children is that people must barter for freedom by making mammon God is not true. Jesus teaches this is the way to hell in Matthew 6:24. Other people's souls are not for sale making them for sale by involuntary government backed physical, social or economic force according to arguments by Plato for a Republic as opposed to our greater institution a democratic republic.

20. The falsehood Locke rests on of a social compelled contract where people are enslaved as human capital to give the fat of their labor of sheep to wolves who devour them is likened to men saying she dressed pretty. So, she contracted agreed to be raped as the people did not consent to be exploited or oppressed to serve the material gain of those Plato likened to Philosopher kings backed by force and social pressure not the just rule of law.

21. Our democratic-republic is fashioned to protect certain freedoms, including the right to petition, speech, religious belief, against involuntary servitude even by government backed partners like the UN makes our union more indestructible in the face of a planned

overthrow. We are protected by the just rule of law that prevents human sacrifice for material gain. People judges not money or might are our only hope of a hero to sustain the freedoms that make this country already great.

22. Our United States is held together by the rule of law. It is degraded when Courts violate the rule of law, but is strengthened when the courts humbly correct even the courts in cases and controversies.

23. Justice is not a matter of popularity. Injustice is guanteed under the Roman traditions of majority vote that killed my savior Lord Jesus Christ. Justice is a matter of truth which protects freedoms of speech, association, petition of religious beliefs and other beliefs the courts may even disagree with. This disagreement humbles us and innovates by helping us learn from one another. Our nation is strengthened when the courts protect people who believe differently by showing even minorities under the threat of government backed physical, social and economic force including physical threats or harm because of my religious-political belief are still safeguarded not enslaved to the compelled beliefs of the most popular fickle fads of the majority. It helps us to care about people we may have overlooked instead of sacrificing people by valuing moth and rust more than humanity and liberty which I the mark of the beast spoken of in Revelation. Courts can tame that beast sin that enslaves many to lawless lusts leading to harming others to lose their own lives in the second death the last day.

24. I uphold the courts as a religious exercise, and a Constitutional duty to uphold law. These are my religious beliefs the court need not adopt. I do not protect the government's compelled forced servitude to beliefs I believe are lawlessness in the eyes of my God leading to damnation on judgment day. US Amend I, XIII. I oppose the partnership of government with state by compelled worship of the type lawlessness that leads to hell certain. I oppose

associations and entities eliminating every Constitutional individual liberty by government backing of making association to the collective fickle fads of small and large groups' lawless lusts under the façade of the common good the law when it is the mark of the beast. It is the elimination of Constitutionally protected individual liberty by government compelled enslavement of the mob through representation's force.

Thank you for your time and consideration.

Dated 11/27//23

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: Nov. 30, 2023

Meghan Kelly

(printed)

(signed)

No. 17-256

IN THE

SUPREME COURT OF THE UNITED STATES

—o0o—

Linda Shao,

Petitioner,

vs.

McManis Faulkner, LLP., James McManis, Michael Reedy, Catherine Bechtel

Respondents.

—o0o—

On Petition For A Writ Of Certiorari
To The United States Court of Appeals
for the Ninth Circuit Appellate District
(14-17063: denied rehearing on 5/16/2017)
(Related Case with this Court: 17-82)

PETITION FOR REHEARING FROM DENIAL OF PETITION FOR WRIT OF CERTIORARI ON OCTOBER 30, 2017

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APPENDIX

	Webpage of American Inns of Court for "English and Irish Inn Visits" of the American Inns of Court.	App. 37	
	Respondent is an honored member of the Inns of Court and a sponsor of two local Chapters of the Inn of Court	App. 38	
9	Relevant pages of Supplemental Appendix, Clerk's Office's alteration of docket of 17-613 that was filed with this Court in No. 17-82 on October 30, 2017		App. 39

TABLE OF AUTHORITIES

Cases

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PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petitions this Court for rehearing of this Court's order of October 30, 2017 denying the Petition for Writ of Certiorari. This Petition for Rehearing is based on the extraordinary circumstances of a substantial or controlling effect that Justice Anthony M. Kennedy and Justice Ruth Bader Ginsburg should not have participated in the consideration of the Petition for Writ of Certiorari due to conflicts of interest and that there is reasonable doubt that the denial was biased and prejudiced due to recent incidents of deterrence of filing and alteration of docket in related Petitions.

Both Justice Kennedy and Justice Ginsburg have American Inns of Court established in their names. The Petition for Certiorai is based on, among other things, that membership in or association with the American Inns of Court by the lower court judges created a conflict of interest as to these judges' participation in Petitioner's cases. Justice Kennedy and Justice Ginsburg have similar conflicts and thus should not have participated in voting for denial of the Petition. Justice Kennedy further received gifts indirectly from Respondents as he was a key speaker of the 2004's Symposium of William A. Ingram American Inn of Court that has been financially supported by Respondents. (App.11)

http://www.kennedyinn.org/ is the website of "The Anthony M. Kennedy AMERICAN INN OF COURT. Its homepage states: "Our Inn is affiliated with the American Inns of Court, a national organization based in Washington, D.C. For more information

about the American Inns of Court, please visit the national Web site at http://home.innsofcourt.org/."

The Ruth Bader Ginsburg AMERICAN INN OF COURT's website is http://inns.innsofcourt.org/for-members/inns/the-ruth-bader-ginsburg-american-inn-of-court.aspx. Its home page states: "American Inn of Court Number 30249 is named for the Honorable Justice Ruth Bader Ginsburg."

Recently, the administration of this Court prevented filing of the Amicus Curiae motion in Case No. 17-82 and altered the docket of Case No. 17-613. This action may cast doubt whether the conferences to review the petitions for writ of certiorari would have considered the amicus motion. This action creates an appearance of bias in this proceeding.

I. THE RECUSAL OF JUSTICES KENNEDY AND GINSBURG IS NECESSARY BECAUSE JUDICIAL CONFLICTS OF INTEREST AT THE FEDERAL TRIAL COURT AND COURT OF APPEAL ARISED FROM PARTICIPATION IN THE AMEICAN INNS OF COURT.

Justice Kennedy and Justice Ginsburg have conflicts of interest and should not participate in voting against the writ of Certiorari. The first two issues that Petitioner asked this Court to consider for Certiorari concern conflicts of interest arising from participation in the American Inns of Court:

> Issue 1: Should judges who are members of William A. Ingram American Inns of Court and San Francisco Intellectual Property American Inn of Court be required as a matter of due process to disclose their social

relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?

Issue 2: Where the Appellate Court has potential conflicts of interests because of regular social relationship with a party by way of American Inn of Court, must the Appellate Court disclose potential conflicts of interest and apply neutral standards to their resolution?

Justice Kennedy and Justice Ginsburg have a conflict on these issues because they are also associated with American Inns of Court.

II. THE AMERICAN INNS OF COURT ARE UNLIKE TRADITIONAL BAR ASSOCIATIONS BUT ARE SOCIAL CLUBS THAT PROVIDE FOR SECRET EX PARTE COMMUNICATIONS BETWEEN FINANCIALLY STRONG ATTORNEYS AND JUDGES

A. As A Social Club, Common Membership Of Judges And Attorneys Representing Parties Create The Appearance Of Bias.

The American Inns of Court have changed their character as bar associations as they made the membership directory confidential from disclosure for all Inns of Court after 2009. The last publication of a directory is provided to the court in App.186-87 in the Petition.

The Handbook for the William A. Ingram American Inn of Court states:

> "The schedule for the monthly meetings (not the dinner meetings) is to gather at 5:30 for **socializing** and hors d'oeuvres. After administrative announcements, the formal program by a Pupillage Group commences at 6:00 p.m. and ends at 7:00 p.m. After the program ends, there is further **socializing**." [emphasis added]

Its current meeting schedule states clearly the social function of its Inn meetings:

"Inn meeting, except as noted below, are scheduled on the second Wednesday of each month, with **socializing** at 5:30 p.m., and the program beginning at 6:00 p.m." (Petition, App.171; emphasis added)

These confidential social functions are the characteristic of a social private club. While the American Inns of Court might once have been equivalent to a bar association, they are now more like an exclusive private club. Membership or association in such a private social club creates an appearance of bias where attorneys who are members of the Inns appear before judges who are also members or associated with the Inns.

B. THE NINTH CIRCUIT AND THIS COURT BOTH SPONSORED THE PRIVATE CLUBS WITHOUT RESERVATION

Ninth Circuit's published in its News Release of September 19, 2016 that:

"Justice Wallace will receive the prestigious A. Sherman Christensen Award... The award will be presented at the 2016 American Inns of Court

Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016. .....

Justice Wallance was influential in developing the idea of the American Inns of Court and advocated enthusiastically for its establishment. He had accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the organizational dinner of the first Inn of Court in Provo, Utah. Judge Wallance served as a regular adviser to Judge A. Sherman Christensen, for whom the award is name. Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic that was published March 1982 in the ABA Journal.....

The American Inns of Court, a national organization with 360 chapters and more than 130,000 active and alumni members.... An inn is an amalgam of judges, lawyers.... More information is available at http.//home.innsofcourt.org." It used this Court to hold meetings.

III. THE ADMINISTRATION OF THE CLERK'S OFFICE OF THIS COURT DETERRED FILING OF THE AMICUS CURIAE MOTION IN 17-82 AND ALTERED THE DOCKET OF 17-613 WHICH MAY CAST DOUBT WHETHER THE CONFERENCE TO REVIEW THE PETITION FOR WRIT OF CERTIORARI WOULD HAVE CONSIDERED THE PETITION AND CREATED AN

APPEARANCE OF BIAS IN THIS PROCEEDING.

A. In Petition No. 17-82 — Deterrence From Filing of the Amicus Curiae Motion

The State court' judicial corruptions led by Respondents have the common characteristic of deterring Petitioner from filing pleadings and interfering with Petitioner's fundamental rights to access to the court. See Petition, App.132 & App.164¶41; see also, Petition No. 17-82, Petition for Rehearing (App.21).

B. In Petition No. 17-613—Alteration Of Docket

The Court's Supervisor Jeff Atkin, directed the deputy clerk to return the Petition shortly after docketing (later remedied by a Supplemental Appendix) and directed the deputy clerk to alter the docket in changing the lower court's order from April 28, 2017 to June 8, 2017. (App.39-41). The acts are similar to the judicial corruptions complained in the Petition. Petition, App.162, App.165.

IV. THIS IS A CASE ABOUT JUDICIAL CONFLICTS OF INTEREST AT BOTH LOWER COURTS WHICH PREJUDICED PETITIONER'S RIGHT TO ACCESS TO THE COURTS, TO APPEAL, AND TO HAVE THE MERITS OF THE CASE BE CONSIDERED BY A COURT AT ALL.

This case concerns the issue of conflicts of interests in the judiciary. There are direct conflicts of interest arising from a special relationship existing between

Respondents, the McManis Faulkner Law Firm and its partners, and the judges of the lower courts.

These relationships are extensively discussed in the Petition for Writ of Certiorari from Pages 9 through 15. In particular:

(1) Respondents have regular social relationship with the lower court judges through William A. Ingram American Inn of Court of the American Inns of and the Bay Area Intellectual Property American Inn of Court of the American Inns of Court

(2) Respondents have represented judges at the Santa Clara County Court. Respondents have had an attorney-client relationship with these judges., Most of the U.S. District Court judges for the Northern District of California in San Jose were previously judges on the Santa Clara County Court and potentially also clients of Respondents.

(3) A collegial relationship and close working relationship between Respondent James McManis and Judge Lucy Koh when Respondent McManis served as a Special Master for both the state and federal courts.

(4) The appearance that Respondents conspired with the State's Santa Clara County Court and Sixth Appellate Court of Appeal in connection with Petitioner's appeals.

In the Petition, Petitioner has argued actual prejudice as well as the appearance of bias in that

(1) Judge Lucy Koh should have known that she had a conflict of interest but still decided Respondents' Rule 12(b) motion while

Petitioner's motion to disqualify her was pending. Judge Koh's decision was irregular --- putting the order without a statement of decision in a footnote of the Order Granting the Rule 12(b) motion.

(2) The Ninth Circuit's proceeding created an appearance of bias in that the Ninth Circuit appeared to have actively assisted Respondents by suppressing evidence of Judge Koh's conflicts of interests.

On November 7, 2016, the Ninth Circuit issued a Memorandum decision of less than two pages that was devoid of *any* analysis of law, but mere conclusion.

Notably, the Memorandum stated that "We do not consider arguments of facts that were not presented to the district court. See Smith v. Marsh, 194 F .3d 1045, 1052 (9th Cir. 1999)". The *only* new facts were presented by a Motion for Judicial Notice filed on October 8, 2015, regarding Judge Koh's conflicts of interest where she did not disclose her social relationship with Respondent Michael Reedy through the William A. Ingram American Inn of Court, her close working relationship with Respondent James McManis at the U.S. District Court and at the Santa Clara County Court, and the facts that Judge Koh's former employer, the Santa Clara County Superior Court, is Respondent James McManis's client and that about 25 judges of the Santa Clara Superior Court, whether this included her or not, were Mr. McManis's clients.

Disregarding these facts is in conflicts with the Ninth Circuit's policy to consider new facts, even if raised the first time in the Reply Brief, where the appeal involves a ruling on a motion under Rule

12(b) and the new facts demonstrate a basis for filing a viable amended complaint. See, e.g., Orion Tire Corp. v. Goodyear Tire & Rubber Co. (2001, 9th Cir.) 268 F.3d 1133, 1137. Similarly, in NRDC v. EPA 464 F.3d 1 (D.C. Cir. 2006), the District of Columbia Circuit allowed new facts to be raised the first time at the rehearing stage for purposes of determining standing.

Issues of bias should not be rejected simply because not presented to a lower court initially. Bias goes to the heart of the impartial administration of justice and is a matter that should not be foreclosed by a mechanical application of procedural rules. The failure to address bias contributes to the impression of bias and unfairness. In devoting less than two pages in its Memorandum (Petition, App.8&9), the Ninth Circuit appeared to help Respondent McManis Faulkner law firm by affirming the dismissal even in the face of evidence of Judge Koh's conflicts of interest in granting the Rule12(b) motion.

In denying consideration of the evidence of Judge Koh's conflicts of interest Petitioner presented in the Motion for Judicial Notice filed on October 8, 2015, the Ninth Circuit's denial of rehearing one day after Petitioner filed the "Third Supplement to Motion for Judicial Notice in Support of Petition for Rehearing and Suggestion for Hearing En Banc", where Petitioner provided evidence of the public view that Respondents conspired with the Presiding Justice Conrad Rushing of the Sixth District and Santa Clara County Court, perpetuated this appearance of bias.

Ninth Circuit also had undisclosed conflicts of interest. These conflicts include:

i. The Ninth Circuit published a News Release on September 19, 2016 supportting the American Inns of Court (Petition, 188-189)

ii. Its ex-Chief Justice Alex Kozinski was invited by the Inns as a speaker at its 2011's annual Symposium. (Petition, P.15)

iii. Respondent McManis Faulkner Law Firm's partner, Elizabeth Pipkin, who chairs the civil litigation team of the firm, was and still is serving on the Ninth Circuit's Judicial Council as a Lawyer Representative. (Petition, P.15)

In addition, Petitioner recently discovered that:

(1) The Ninth Circuit recently established a Kennedy Learning Center. Associate Justice Anthony M. Kennedy has an American Inn of Court in his name in Sacramento. He was invited to the Symposium of William A. Ingram American Inn of Court. (App.3)

(2) The Ninth Circuit published numerous official "News Releases" to promote the American Inns of Court which may be found by typing in "American Inns of Court" in the court's website searching engine.

(3) Many judges at the Ninth Circuit are members of an American Inn of Court.

(4) American Inns of Court is closely connected with the Ninth Circuit over the last 30 years and there are numerous news releases promoting the American Inns of Court that are still on the Ninth Circuit's website.

V. LAW AND ARGUMENTS

There are extraordinary circumstances that justify rehearing in this case.

A. APPEARANCE OF RULE 60(B) VIOLATION SINCE: THE DOCKET DOES NOT SHOW RECUSAL BY TWO JUSTICES FROM VOTING ON WHETHER TO ISSUE CERTIORARI, WHEN SUCH JUSTICES SHOULD HAVE RECUSED THEMSELVES DUE TO HAVING DIRECT CONFLICTS OF INTEREST AND THE NINTH CIRCUIT HAS SUPPORTED THE AMERICAN INNS OF COURT AND JUST ESTABLISHED KENNEDY EDUCATION CENTER

This Court held in Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847 that vacatur is a proper remedy to an order made in violation of Rule 60(b)(6). This Court held that when a federal judge has conflicts of interest, the judge should have recused himself pursuant to 28 USCS §455 if a reasonable person knowing the relevant facts would have expected that judge to have been aware of the conflict of interests, even if the judge was not conscious of the circumstances creating the appearance of impropriety.

Here, the issues of the improper special relationship between the judges and attorneys participating together in the social activities of the American Inns of Court were listed as Question 1 and Question 2 of the Petition and were conspicuously discussed in the Petition for Writ of Certiorari, pages 2, 9, 11, 12, 14, 15 and 16.. On Page 25, the first sentence discussing

this judiciary relationship established in the American Inns of Court, Petitioner stated:

"The social association through the Inn presents potential conflicts of interest."

Such issue was listed as No. 1 and 2 of "QUESTIONS PRESENTED" of the Petition for Writ of Certiorari.

Associate Justice Anthony M. Kennedy and Associate Justice Ruth Bader Ginsburg both have American Inns of Court established in their names. This creates direct conflicts of interest for them to rule on whether "The social association through the Inn presents potential conflicts of interest," whether such relationship violates Rule 5-300 of California Rules of Professional Conduct, and to decide whether to issue certiorari when Question No. 2 asked "Should judges who are members of William A. Ingram American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?"

A reasonable person aware of the facts herein would be likely to believe that the two Justices with Inns of Court in their names would be unable to vote impartially due to this direct conflict of interest.

Therefore Rule 60(b)(6) is satisfied here. A reasonable person reading the Petition for Writ of Certiorari would expect that these two Justices would know they had conflicts of interest and should have refrained from voting on the petition. The precedent of the Liljeberg decision mandates that the court's October 2, 2017 Order herein be vacated.

B. THE SUPERVISING CLERK'S IRREGULARITIES CAST DOUBT ON THE

INTEGRITY OF THE CLOSED CONFERENCE PROCEEDING OF THIS COURT IN REVIEWING PETITIONS FOR CERTIORARI

The Court's docket has been considered as the court's records. E.g., *Mullis v. United States Bank Ct.*, 828 F.2d 1385 n.9 (9th Cir. 1987). The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han,* 550 F.Supp. at 123.

Structural error includes deterrence of right to appeal. See, *Locada v. Deeds* (1991) 498 US 430, overruled on other grounds by *Roe v. Flores-Ortega* (2000) 528 US 470.

The irregularities took place in the past two months at this Court's Clerk's Office are the same scheme as the conspiracy led by Respondents.

A reasonable person knowing all the facts would believe that Respondents and their judicial conspirators may have manipulated the Clerk's Office of this Court, through their relationship with the American Inns of Court, the Ninth Circuit, and their attorney client relationship with many unknown judges/justices (Petition, pp.7-12). As the conferences determining certiorari are closed to the public, whether this Court had actually considered the Petition was questioned when the public trust of integrity of administration of the court is shattered by the two events.

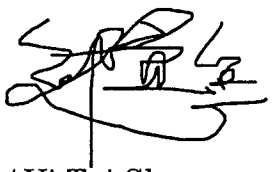
VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully request that rehearing be granted and Certiorari be issued.

The undersigned declares under the penalty of perjury under the laws of the U.S. that the foregoing is true and accurate to the best of her knowledge.

Dated: November 17, 2017

Respectfully submitted,



/a/ Yi Tai Shao
Yi Tai Shao, Esq.
SHAO LAW FIRM, P.C.
1999 S. Bascom Avenue, Suite 700
Campbell, CA 95008
Tel. No.: (408) 873-3888; Fax No.: (408) 418-4070
Petitioner In Pro Per

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

Yi Tai Shao, Esq., in pro per
SHAO LAW FIRM, P.C.
1999 S. Bascom Avenue
Suite 700
Campbell, CA 95008
Tel. No.: (408) 873-3888
Fax No.: (408) 418-4070
attorneylindashao@gmail.com

App. 1

STATUTES INVOLVED:

28 USCS §455: (a) Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

RULE 5-300 OF CALIFORNIA RULES OF PROFESSIONAL CONDUCT

(A) A member shall not directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal unless the personal or family relationship between the member and the judge, official, or employee is such that gifts are customarily given and exchanged. ...

(B) A member shall not directly or indirectly communicate with or argue to a judge or judicial officer upon the merits of a contested matter pending before such judge or judicial officer, except:

(1) In open court; or

(2) With the consent of all other counsel in such matter; or

(3) In the presence of all other counsel in such matter; or

(4) In writing with a copy thereof furnished to such other counsel; or

(5) In ex parte matters.

(C) As used in this rule, "judge" and "judicial officer" shall include law clerks, research attorneys, or other court personnel who participate in the decision-making process. (Amended by order of Supreme Court, operative September 14, 1992.)

App. 2

Federal Rules of Civil Procedure, Rule 60(b)(6)

Rule 60 (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

.... **(6)**any other reason that justifies relief.

Rule 79
(a) Civil Docket.
(1) *In General.* The clerk must keep a record known as the "civil docket" in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States. The clerk must enter each civil action in the docket. Actions must be assigned consecutive file numbers, which must be noted in the docket where the first entry of the action is made.
(2) *Items to be Entered.* The following items must be marked with the file number and entered chronologically in the docket:

- **(A)** papers filed with the clerk;
- **(B)** process issued, and proofs of service or other returns showing execution; and
- **(C)** appearances, orders, verdicts, and judgments.

(3) *Contents of Entries; Jury Trial Demanded.* Each entry must briefly show the nature of the paper filed or writ issued, the substance of each proof of service or other return, and the substance and date of entry of each order and judgment. When a jury trial has been properly demanded or ordered, the clerk must enter the word "jury" in the docket.
(b) Civil Judgments and Orders. The clerk must keep a copy of every final judgment and appealable order; of every order affecting title to or a lien on real or personal property; and of any other order that the

court directs to be kept. The clerk must keep these in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

(c) Indexes; Calendars. Under the court's direction, the clerk must:

(1) keep indexes of the docket and of the judgments and orders described in Rule 79(b); and

(2) prepare calendars of all actions ready for trial, distinguishing jury trials from nonjury trials.

(d) Other Records. The clerk must keep any other records required by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

App. 4

[NOTICE OF ENTRY OF ORDER-DENIAL OF PETITION FOR WRIT OF CERTIORARI]

October 30, 2017

Ms. Linda Shao
1999 S. Bascom Avenue
Suite 700
Campbell, CA 95008

Re: Linda Shao v. McManis Faulkner, LLP
No. 17-256
Dear Ms. Shao:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied. Motion for leave to file amicus brief filed by Mothers of Lost Child is granted.

Sincerely,

/s/ Scott S. Harris

Scott S. Harris, Clerk

[THE INN OF COURT DEDICATED IN THE NAME OF JUSTICE ANTHONY M. KENNEDY: This shows existence of an American Inn of Court in the name of Justice Anthony M. Kennedy and that this Inn is an affiliate to the William A. Ingram American Inn of Court and that the Membership is "confidential", not available to the public.]

http://www.kennedyinn.org/

THE ANTHONY M. KENNEDY

AMERICAN INN OF COURT

Welcome to the Web site for the Anthony M. Kennedy American Inn of Court. Membership in the Inn of Court includes, judges, justices, law professors, attorneys and law students.

I am honored to be your Inn President. I have been with the Inn for six years and look forward to many more years. There are many great things about our Inn, including meeting members from different practice areas, enjoying interesting and entertaining programs, and engaging in thought-provoking discussions during moderations.

.....[omitted]...

Our Inn is affiliated with the American Inns of Court, a national organization based in Washington, D.C. For more information about the American Inns of Court, you can visit the national Web site at **http://home.innsofcourt.org/**.

App. 6

[MEMBERSHIP FOR THE ANTHONY M. KENNEDY AMERICAN INN OF COURT IS RESTRICTED & NOT DISCLOSED TO THE PUBLIC]

http://www.kennedyinn.org/join/

The Kennedy Inn seeks diversity in membership--including the nature and size of legal practice, years of experience, and community involvement--so that our members have the benefit of varying experiences and perspectives in the practice of law. Membership requires a commitment of time and enthusiasm

---

Application Process

Applications for membership are solicited beginning in March, with a deadline of May 1. An applicant must send a letter and resume to membership committee chair, Arthur G. Scotland via email (**ascotland@sbcglobal.net**) or to

Arthur G.Scotland

Nielsen Merksamer Parrinello Gross & Leoni LLP.

1415 L Street Suite 1200
Sacramento, CA 95814

The letter should include the applicant's reason for wanting to join the Kennedy Inn. References are not necessary but are encouraged (especially from current or former members of the Inn).

New members are selected by the end of June. We generally receive more applications than there are vacancies, but a portion of the membership rotates out each year. ..[OMITTED]...

App. 7

[12 MEETINGS A YEAR AT THE KENNEDY INN]

http://www.kennedyinn.org/calendar/

CALENDAR

11/21	NOVEMBER CHAPTER MEETING (HAMMY AWARDS) • Tuesday, November 21, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
1/16	JANUARY CHAPTER MEETING • Tuesday, January 16, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
2/20	FEBRUARY CHAPTER MEETING • Tuesday, February 20, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
3/20	MARCH CHAPTER MEETING • Tuesday, March 20, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
4/17	APRIL CHAPTER MEETING • Tuesday, April 17, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
5/15	MAY CHAPTER MEETING • Tuesday, May 15, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
10/17	OCTOBER CHAPTER MEETING • Tuesday, October 17, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
9/26	SEPTEMBER CHAPTER MEETING • Tuesday, September 26, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)

	Note: Fourth Tuesday rather than normal third Tuesday due to Gala event.
9/14	ANTHONY M. KENNEDY INN OF COURT: 30TH ANNIVERSARY • Thursday, September 14, 2017 • 6:30 PM 8:30 PM **THE MASTERS AND BENCHERS OF THE ANTHONY M KENNEDY AMERICAN INN OF COURT RESPECTFULLY REQUEST THAT YOU RESERVE THE EVENING OF THE 14TH OF SEPTEMBER, 2017 FOR A GALA CELEBRATION OF THE THIRTIETH ANNIVERSARY OF THE FOUNDING OF THE INN AND THE 230TH ANNIVERSARY OF THE ESTABLISHMENT OF THE US CONSTITUTION**
8/16	TEAM LEADER LUNCHEON • Wednesday, August 16, 2017 • 12:00 PM 1:00 PM • Sacramento Superior Court (map)
8/7	RETURNING BARRISTER AND ASSOCIATE LUNCH • Monday, August 7, 2017 • 12:00 PM 1:00 PM • Third District Court of Appeal (map)
7/31	NEW MEMBERS LUNCH • Monday, July 31, 2017 • 12:00 PM 1:00 PM • Chambers of Judge Consuelo Callahan(map)

App. 9

[THE ANTHONY M. KENNEDY AMERICAN INN OF COURT HAS A SPECIAL LINK WITH THE NINTH CIRCUIT]

http://www.kennedyinn.org/related-links/

THE ANTHONY M. KENNEDY

AMERICAN INN OF COURT

RELATED LINKS

NINTH CIRCUIT COURT OF APPEAL	STATE BAR OF CALIFORNIA
MCGEORGE SCHOOL OF LAW	AMERICAN INNS OF COURT
US DISTRICT COURT	CALIFORNIA COURTS
	LEXIS NEXIS

App. 10

[THE NINTH CIRCUIT JUST ESTABLISHED KENNEDY LEARNING CENTER IN OR ABOUT NOVEMBER 2017.]

https://www.ca9.uscourts.gov/#

UNITED STATE COURTS

For the NINTH CIRCUIT

[photo of Justice Kennedy]

NEW WEBSITE FOR KENNEDY LEARNING CENTER

...[OMITTED]...

[JUSTICE KENNEDY WAS A MAJOR SPEAKER AT WILLIAM A. INGRAM AMERICAN INN OF COURT WHICH HAS BEEN FINANCIALLY SUPPORTED BY RESPONDENTS]

http://law.scu.edu/event/thirteenth-annual-judge-william-a-ingram-memorial-symposium/

SANTA CLARA UNIVERSITY SCHOOL OF LAW

THIRTEENTH ANNUALJUDGE WILLIAM A. INGRAM MEMORIAL SYMPOSIUM

January 10 @ 5:45 pm-8:00 pm

Presented by
William A. Ingram Inn
American Inns of Court

Santa Clara University, 500 El Camino Real, Santa Clara, CA

Free of Charge

One hour of CLE credit available

RSVP HERE – NO LATER THAN JANUARY 5, 2017

...[OMITTED]...

INGRAM MEMORIAL SYMPOSIUM HISTORY

...[OMITTED]...

2004– "Judges, Lawyers and Law Reform"
Justice Anthony Kennedy, U.S. Supreme Court; Justice Patricia Bamattre-Manoukian, California Court of Appeal, Sixth District; Thomas Hogan; James Towery

[THE INN OF COURT DEDICATED IN THE NAME OF JUSTICE RUTH BADER GINSBURG; This shows existence of an American Inn of Court in the name of Justice Ruth Bader Ginsburg and that this Inn is an affiliate to the William A. Ingram American Inn of Court and that the Membership, Meeting Schedule and Committees are all "confidential", not available to the public.]

The Ruth Bader Ginsburg American Inn of Court

[SIGNAGE] ACHIEVING EXCELLENCE 2017 PLATINUM LEVEL

History of the Ruth Bader Ginsburg Inn

In mid-1995, Gloria Bates attended the annual National Conference of the American Inns of Court in San Francisco. Immediately afterward, she received permission from Justice Ruth Bader Ginsburg to found an Inn in her name. Gloria formed a steering committee of judges and lawyers who shared her enthusiasm, and once membership and programs were in place, meetings began in September 1995.

Gloria devoted a lot of time to the development and growth of the Ginsburg Inn: from attracting members who embrace Inn ideals to forming committees, helping plan the first programs and overseeing a multitude of organizational details. Her experiences as a federal law clerk, attorney, judge and adjunct law school professor greatly complemented her service and contributions as Founder and President during our Inn's first two years.

...[OMITTED]

The Ginsburg American Inn of Court is divided into six pupillage teams, each proportionately composed of judges, experienced lawyers, young attorneys, law professors and third year law students. Each team prepares and presents one program during the term (September through May)..[OMITTED]...

About Justice Ginsburg

American Inn of Court Number 30249 is named for the Honorable Justice Ruth Bader Ginsburg, the 107th Justice and only the second woman to serve on the United States Supreme Court.

App. 14

OFFICERS OF THE GINSBURG INN INCLUDE MANY ATTORNEYS

http://inns.innsofcourt.org/inns/officers.aspx?innid=30249

Officers

The Ruth Bader Ginsburg American Inn of Court

1. President

Robert Don Evans, Jr., Esq.
US Attorney's Office
p: (405) 553-8831
e: Send Mail

2. Treasurer

D. Benham Kirk, Jr., Esq.
Doerner Saunders Daniel & Anderson LLP
p: (405) 319-3506
e: Send Mail

3. President Elect

Christine Batson Deason, Esq.
Hester Schem Hester & Batson
p: (405) 705-5900
e: Send Mail

4. Program Chair

Ryan J. Reaves, Esq.
Mullins Hirsch Edwards Heath White & Martinez PC
p: (405) 235-2335
e: Send Mail

5. Immediate Past President

Doneen Douglas Jones, Esq.
Fellers Snider Blankenship Bailey & Tippens
p: (405) 232-0621
e: Send Mail

6. Member

Robert Bell
Oklahoma Court of Criminal Appeals
p: (405) 521-3751
e: Send Mail

Glenn M. White, Esq.
Hirsch, Heath & White
p: (405) 235-1768
e: Send Mail

7. Administrator

Sarah J. Glick, Esq.
Love's Travel Stops & Country Stores
p: (405) 463-8335
e: Send Mail

Cheryl Husmann, Esq.
Husmann Law Offices
p: (405) 285-1548
e: Send Mail

Rhonda McLean, Esq.
McLean **Law, PLLC**
p: (405) 896-0185
e: Send Mail

8. Community Liaison

Rachel Stoddard Morris, Esq.
Stoddard Morris **PLLC**
p: (405) 509-6455
e: Send Mail

9. Inn Founder

Gloria C. Bates, Esq.

p: (405) 692-2828
e: Send Mail

10. Web Administrator

Cheryl Husmann, Esq.
Husmann Law **Offices**
p: (405) 285-1548
e: Send Mail

***RELEVANT PORTION* OF THE PETITION FOR REHEARING IN NO. 17-82 ABOUT THE IRREGULARITIES OF THE CLERK'S OFFICE'S DETERRING FILING OF THE AMICUS CURIAE MOTION**

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petitions this Court for rehearing of its October 2, 2017 order denying the Petition for Writ of Certiorari, based on the extraordinary circumstances of a substantial or controlling effect that the Amicus Curiae motion was not filed and apparently not provided to the Court for consideration. In addition, Justice Anthony M. Kennedy and Justice Ruth Bader Gingsburg should not have participated in the consideration of the Petition for Writ of Certiorari. These Justices have direct conflicts of interest because of their membership in the Inns of Court and thus should not have participated in voting for denial of the Petition.

I. THIS IS A CASE ABOUT JUDICIAL CONFLICTS OF INTEREST WHICH PREJUDICED PETITIONER'S RIGHT TO ACCESS TO THE COURTS, TO APPEAL, AND TO A JURY TRIAL

This case is centered on the issue of conflicts of interests in the judiciary. There are direct conflicts of interest derived from a special relationship existing between Respondents' McManis Faulkner Law Firm and the courts. This relationship includes:

...[OMITTED]...

Actual prejudice caused by these conflicts of interest is obvious: the appeal was stalled for two years (Petitioner was unable to file her Opening Brief) and the trial was further stayed indefinitely. For this and the underlying case, both Santa Clara County Superior Court and the California Sixth Appellate Court had used the same patterns of interfering in Petitioner's appeal by deterring the court reporters from filing hearing transcripts, refusing to prepare records on appeal, and denying Petitioner's requests to either require the trial court to prepare records on appeal or to change designation of records to allow Petitioner to prepare the records on appeal herself. Thus, Petitioner has been denied her fundamental right of access to the courts and has been denied her fundamental right to appeal. In addition, the State Courts jointly committed multiple felonious alterations of dockets and of the court's records. (Petition, App.190, Declaration of Meera Fox,¶33)

Petitioner asserts that the vexatious litigant orders that Respondent McManis Faulkner Law Firm improperly obtained from its client court as a party appearing in front of its client court without disclosure of the conflict, should be reversed for violation of due process. A neutral and impartial tribunal is the paramount requirement for justice and that Petitioner needs and deserves a neutral tribunal to hear her appeal and trial case.

VII. PROCEDURAL FACTS

Respondents' counsel was timely notified of Amicus Curiae's intent to file an Amicus Curiae Brief and refused to give consent. On 8/30/2017, the Petition was assigned for conference on 9/25/2017. Amicus Curiae's attorney Christopher W. Katzenbach

finished the motion on September 1, 2017. On September 6, 2017, after printing, the Amicus Curiae motion of Mothers of Lost Children was mailed from California and received by this Court on September 12, 2017 (App. 6)

Up until September 20, 2017, this Court has assigned all Amicus Curiae motions and briefs to be handled by two specific clerks exclusively: Cathy Taiz and Denise McMerny. Yet, the Amicus Curiae motions for this Petition and its related Petition (17-256) were not handled by either of the two regular Amicus Curiae clerks, but instead were specifically assigned to Mr. Donald Baker. At the time Mr. Baker sent the rejection letter of September 14, 2017 (App.6), the clerks who handled all other amicus curiae matters were still Cathy Taiz and Denise McMerny.

Mr. Baker waited two additional weekdays after receipt, and then returned the 40 motions of Amicus Curiae to Attorney Katzenbach, who received them on September 18, 2017. Mr. Baker required a Table of Contents be added to the 10 page brief (1677 words) and required a change of the wording on the cover of the motion to add "for leave" and "out of time". Amicus Curiae Attorney Katzenbach did not expect this return as there were full discussions with Ms. Taiz before filing this motion on September 6, 2017 and Ms. Taiz had not asked for these changes to be made as required by Mr. Baker.

According to Ms. Taiz, a Amicus Curiae must file a motion, instead of a Brief, when the Respondent does not consent or when it passes the time needed in order to seek the court's approval. She did not say there is a requirement to change to wording of the motion to add "for leave" and "out of time."

Amicus Curiae's attorney used the fastest way to reprint and resubmit the motions on September 19, 2017, via Overnight Express mail. (App. 7-11) The Court received the corrected re-submission on September 21, 2017.

In Mr. Katzenbach's cover letter dated September 19, 2017, he wrote:

> "Based on conversations with the Clerk's office, we had the understanding that **our initial filing was in an appropriate format.**
>
> It is our understanding that the Petition in Case No. 17-82 is set for conference on September 25, 2017. It is our hope that the motion could be submitted prior to the conference."

Two Amicus Curiae motions were filed simultaneously with this Court in two different petitions: Petition No. 17-82 and Petition 17-256, where the parties are the same, but from different courts. Petition No. 17-256 was filed later and not set for conference at the time of re-submission, while this Petition was set for conference on September 25, 2017.

Petitioner was informed that the Supervising Clerk Jeff Atkin had the authority to take the matter off from the calendar on 9/25/2017 and to reset it to another date.

Therefore, Petitioner emailed to Mr. Atkin on September 22, 2017 in the morning and left him several phone messages asking to reschedule the conference. (App.12-14) Mr. Atkin never responded.

On 9/22/2017, Amicus Curiae's attorney contacted Mr. Donald Baker, who said he would respond later, but then failed to do so. Petitioner contacted Mr. Baker and he responded that the court was reviewing the motions and there appeared to still be a problem with their compliance. Mr. Baker appeared to be intent upon deterring the filing of the Amicus Curiae Motions. When asked who "the Court" was that was reviewing such motions, Mr. Baker named a Bailiff and himself. (App.15) Mr. Katzenbach has affirmed in his letter of September 19, 2017 that the Amicus Curiae motions were in an appropriate format. (App.7, ¶2) Mr. Baker eventually stated that he would see that the motions were filed.

On 9/26/2017, Petitioner telephoned Mr. Baker to ask why the Amicus Curiae Motion was not shown as having been filed on the docket of 17-82. Mr. Baker put Petitioner on hold for 16 minutes, then silently hung up. (App.17)

Petitioner contacted Mr. Atkin about this irregularity but Mr. Atkin did not respond. (App.17)

The docket did not show the recusal of the two Justices who have an American Inn of Court dedicated in their names. (App.24, 25) Respondent McManis Faulkner law firm is a financial sponsor of The American Inns of Court and two of its affiliates: The William A. Ingram American Inn of Court and the San Francisco Bay Area Intellectual Property American Inn of Court.

The participating judges/justices in these Inns of Court receive direct or indirect gifts from the sponsoring attorneys and from Respondent's law firm as one of their main financial sponsors.(Petition,P.5)

The American Inns of Court used the site of the US Supreme Court to conduct its business on 11/5/2016. See 9th Circuit's New Release in App.18.

"American Inns of Court" was referenced in the Petition for Writ of Certiorari with conspicuous discussions on Pages 1, 5 through 7 and 20. On Page 20, in the first sentence discussing this judiciary relationship established within the American Inns of Court, the Petitioner stated

> "The social association through the Inn presents potential conflicts of interest."

In No. 2 of the "QUESTIONS PRESENTED" in the Petition for Writ of Certiorari, Petitioner wrote:

> "2. Should judges who are members of William A. Ingram American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?"

The court promoted and sponsored American Inns of Court by allowing American Inns of Court to use this Court's site to hold their annual conference on 11/5/2016. (App.18) Chief Justice Warren Burger even entered into an understanding with the British Inn of Court on behalf of American Inns of Court. (App.27) When this Court has represented and sponsored American Inns of Court, there is a public appearance of conflicts of interest in its justices deciding a matter complaining of the impropriety of those Inns of Court.

On 10/2/2017, the Petition for Writ of Certiorari was denied. The docket does not show filing of the Amicus Curiae motion of Mothers of Lost Children.

On 10/23/2017, Petitioner telephoned Mr. Baker to ask why the Amicus Curiae motion was not filed. Mr. Baker transferred the call to Mr. Bickell (telephone number of 202-479-3263). He stated that it was the joint decision between Mr. Baker and him not to file the Amicus Curiae motion. He asserted that pursuant to Rule 37.2, the time to file an Amicus Curiae Brief could not be extended. When corrected, he later acknowledged that Rule 37.2 applies only to Amicus Curiae Briefs, not Amicus Curiae Motions. He stated that he decided not to file the corrected Amicus Curiae Motion since it had "too much deficiency" but he was unable to identify what such deficiencies were. Mr. Brickell argued that the same exact motion had been filed in 17-256 so the court had had a chance to consider its contents there. He was unable to explain why if the Amicus motion was too deficient to file in this matter, it had been deemed acceptable to be filed in 17-256.

VIII. III.LAW AND ARGUMENTS

A. EXTRAORDINARY CIRCUMSTANCES OF THE US SUPREME COURT'S IRREGULAR DETERRENCE OF FILING OF AN AMICUS CURIAE MOTION JUSTIFIES A REHEARING

In Critchley v. Thaler (5th Cir. 2009) 586 F.3d 318 and in Wickware v. Thaler (5th Cir. 2010) 404 Fed. Appx. 856, 862, the 5th Circuit Court of Appeal held that the clerk has a ministerial duty to file and that a delay in filing constitutes a violation of Due Process.

In Voit v. Superior Court (6th Dist., 2011) 201 Cal.App.4th 1285, the California Sixth Appellate Court held that whether a motion had legal merit was a determination to be made by a judge, not the

clerk's office. The court clerk's office did not have the authority to set a condition of filing a motion.

The Amicus Curiae Motions were submitted in compliance with Amicus Curiae clerk Cathy Taiz's specific instructions. The original Amicus Curiae motions were mostly compliant with the Rule. Yet, Mr. Baker and Mr. Bickell who were irregularly assigned specifically to deal with this specific set of Petitions, exerted all means to find fault with the motions and eventually did not file the Amicus Curiae motion. Mr. Bickell unilaterally decided not to allow the court to consider the identical Amicus Curiae Brief for this Petition. The court was thus precluded from making a ruling on the Amicus Curiae motion. After Petitioner sent the emails to Mr. Atkin, there was big move of personnel and Mr. Baker became officially replaced Denise as a clerk handling Amicus Curiae.

Mr. Atkin, the supervisor of Mr. Baker and Mr. Bickell, further ignored Petitioner's written requests to continue 9/25/2017's Conference in order to permit this court to consider the Amicus Curiae motion.(App.12-14)

A postage-prepaid returned envelope was provided with the Amicus Curiae motion, but the motion was neither filed nor returned. Mr. Baker did not return the endorsed copy of the identical motion eventually filed in Petition 17-256 in early October 2017 either.

This interference with filing is one of the techniques that has been used by the State Courts in conspiracy with Respondents to delay Petitioner's appeals and deny her access to the courts. (See Petition 17-82, App.189, Decl. Meera Fox, ¶31) Such issue was listed in the Petition for Writ of

Certiorari as Item No. 8 in "Questions Presented", which stated:

> "8. Does a Presiding Judge have the power to prevent a party from filing with the Clerk's Office by instructing the Clerk's Office not to accept for filing?"

When this Court has sponsored American Inns of Court, there is a public appearance that such irregularity repeating what was done by the State Courts is a result of conflicts of interest.

Such denial of access to this Court violates Constitutional Due Process and constitutes the extraordinary circumstances required by Rule 44. Therefore, rehearing should be granted.

....[OMITTED]....

CONCLUSION

For the foregoing reasons, Petitioner respectfully request that rehearing be granted, that the brief of Amicus Curiae Mothers of Lost Children (Clerical errata of "Child" on the cover) be filed and considered, and that the original underlying order be vacated.

Dated: October 24, 2017
Respectfully submitted,
Yi Tai Shao, Esq.
SHAO LAW FIRM, P.C.
[OMITTED]

App. 26

[MR. KATZENBACH REFILED THE AMICUS CURIAE MOTION IN COMPLIANCE WITH ALL MR. BAKER'S REQUESTS]

KATZENBACH LAW OFFICES
912 Lootens Place, 2nd Floor
San Rafael, CA 94901
Telephone: (415) 834-1778
Facsimile: (415) 834-1842

September 19, 2017

Donald Baker
Office of the Clerk
Supreme Court of the United States
Washington, DC 20543,-0001

Re: Linda Shao v. MacManis Faulkner, LLP
Case Nos. 17-82, 17-256

Dear Mr. Baker:

Enclosed please find corrected copies of the motions for leave to file amicus curiae brief of Mothers of Lost Children in the above-referenced cases. Enclosed also are copies of the letters you sent on this filing.

I apologize for any errors in the initial filing. Based on conversations with the Clerk's office, we had the understanding that **our initial filing was in an appropriate format.**

Enclosed please also find the postage prepaid return envelope for you to return endorsed filed copies of the motions to us.

It is our understanding that the Petition in Case No. 17-82, is set for conference on September

25, 2017. It is our hope that the motion could be submitted prior to the conference.

The word count includes both the motion itself and the brief since they are one document.

Very truly yours,

KATZENBACH LAW OFFICES

By: /s/ Christopher W. Katzenbach

Christopher W. Katzenbach

App. 28

[E-MAIL 9/22/2017 FROM PETITIONER TO SUPERVISING CLERK ATKIN; This email shows that the Clerk's Supervisor was aware of but unresponsive to Petitioner's written request to continue 9/25/2017's hearing to allow the court to consider the motion Brief of Amicus Curiae]

Gmail

Subj: Emergent request to change Conference Date for Petition 17-82

From: attorneylindashao@gmail.com

To: jatkin@supremecourt.gov

CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com

Date: Fri, **Sep. 22, 2017** at 11:05 AM

Dear Mr. Atkin

As a Petitioner, I respectfully request you to exercise your discretion to take off from Conference on 9/25/2017 the Petition 17-82 and reset for another Conference for good causes that:

1. With due diligence, Amicus Curiae motion was kept away from the Court thus far

There are two Petitions pending with this Court with identical parties derived from two different proceeding.

There is a Motion for Leave to file Amicus Curiae Brief of Mothers of Lost Child, represented by Christopher W. Katzenbach, Esq., which was attempted filing for both Petitions since 9/6/2017. Yet, a clerk called Donald Baker returned the motion. I was informed that there were only two

female clerks in charge of Amicus Curiae and he is not one of them.

The Court received the package mail on 9/11/2017 which reached the clerk's office on 9/12/2017. He returned the entire package on or after 9/14/2017 with the reason that there was no Table of Contents/Authorities. It was immediately fixed, reprinted within a day and resent to this Court via express mail. The mail was received on 9/21/2017 at 11:17, as the postal office also delayed mailing by one day.

Thus far, we were unable to contact Mr. Baker and the court's website did not show the filing of the Amicus Curiae Brief.

As with due diligence, the Amicus Curiae Motion could not reach the Justices to allow due consideration, would you please kindly exercise your authority and power to reschedule the conference of 17-82 away from 9/25/2017. I was informed by Mr. Mike Duggans that you have the authority to move the date

2. It will serve judicial economy for the Justices to consider both related Petitions and Amicus Curiae Motions the same time.

The amicus curiae motions are identical for both Petition 17-82 and 17-256 except 17-82 was procedurally out of time.

The parties are the same for both Petitions.

For the exigent circumstances stated above, would you please grant extension of the Conference date of Petition 17-82 and set both Petitions to be on the same date.

Respondents' counsel for the US Court of Appeal 9th Circuit proceeding (17-256) and for the California Court of Appeal 6th Appellate proceeding (17-82) is Janet Everson, Esq. She is copied with this email. Amicus Curiae's attorney Christopher W. Katzenbach, Esq. is also copied with this email.

Thank you very much for your time and consideration.

Very truly yours,

Yi Tai Shao, Esq.

Attorney at Law

App. 31

[EMAIL #2 ON 9/22/2017 FROM PETITIONER TO SUPERVIING CLERK ATKIN: This email shows that the clerk violated his ministerial duty to file the Motion Brief of Amicus Curiae, acting beyond the scope of his authority, and ensuring that the court did not consider this important Amicus Curiae information when deciding the Petition for Writ of Certiorari.]

GMAIL

From: attorneylindashao@gmail.com

To: jatkin@supremecourt.gov

CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com

Date: Fri, Sep. 22, 2017 at 4:18PM

Dear Mr. Atkin:

The clerk has a ministerial duty to file and Mr. Baker, who, I have no idea how he was assigned, blocked filing. Please help taking care of this issue of deterrence from access to the court, appearing to be a pattern of Respondents who had influenced the lower courts and state courts. Only Cathy Taiz and Denise McMerney are in charge of Amicus Curiae but now he was assigned and refused to file.

I called him and he said "The Clerk's Office is reviewing it." I asked who in the Clerk's Office and he said Mr. Beco and me. I asked who is Mr. Beco and he said it is the Bailiff.

I am concerned if Mr. Baker is influenced by James McManis, Esq. via the American Inns of Court. I am concerned that at least 2 Justices have

direct conflicts of interest in reviewing Petition 17-82. They are Justice Kennedy and Justice Ginsberg who have direct conflicts of interest due to their having American Inns of Court in their own name and the issue of these Petitions include the illegal relationship of Respondents by use of the American Inns of Court and the affiliates.

Mr. McManis undoubtedly has relationship with this Court as he is a financial supporter of the American Inns of Court and this Court supported the American Inns of Court by allowing the private confidential club to use the site of US Supreme Court.

I called several times but not heard from you. Please do take off from calendar the Petition 17-82 and reset the Conference with the same date as Petition 17-256. Thank you very much for your time and consideration.

Very truly yours,

Yi Tai Shao, Esq.

Attorney at Law

App. 33

[EMAIL OF 9/26/2017 FROM PETITIONER TO SUPERVISING CLERK ATKIN; This email might explain why the Clerk's Office recently had a "whirlwind" change of assignments, including replacing Amicus Curiae clerk Denise McNermy with Mr. Donald Baker.]

GMAIL

From: attorneylindashao@gmail.com
To: jatkin@supremecourt.gov
CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com
Date: Tue, Sep 26, 2017 at 12:31 PM

Dear Mr. Atkin
Your office's reaction is becoming more and more fishy that may require investigation.

I telephoned Mr. Donald Baker at 12:17. I told him that it appeared that the two properly made two Amicus Curiae motions were not filed and would like him to explain. **He put me on hold for 16 minutes and then silently disconnected my call.**

Did you specifically assign to Mr. Donald Baker to handle Amicus Curiae motions of Mothers of Lost Child pursuant to the instruction of McManis Faulkner, LLP or the American Inns of Court?

Please advise. You have not responded to any of my emails nor phone calls.

Very truly yours,

Yi Tai Shao, Esq.

App. 34

[9th Circuit's NEWS RELEASE REGARDING THE AMERICAN INNS OF COURT HOLDING THEIR 2016 CONFERENCE AT THE US SUPREME COURT]

N E W S R E L E A S E September 19, 2016

Public Information Office United States Courts for the Ninth Circuit Office of the Circuit Executive 95 7th Street, San Francisco, CA 94103

(415) 355-8800 (415) 355-8901 fax

Contact: David Madden,

Judge J. Clifford Wallace to Receive the 2016 American Inns of Court A. Sherman Christensen Award

Senior Circuit Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, an esteemed jurist, judicial administrator and an advocate for the rule of law, will be honored in November by the American Inns of Court. Judge Wallace will receive the prestigious A. Sherman Christensen Award, which is "bestowed upon a member of an American Inn of Court who, at the local, state or national level has provided distinguished, exceptional, and significant leadership to the American Inns of Court movement." **The award will be presented at the 2016 American Inns of Court Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016**. Associate Justice Samuel A. Alito, Jr., will be the host of the event. [emphasis added] Judge Wallace was influential in **developing the idea of the American Inns of Court** and **advocated enthusiastically for its establishment**. He had accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the **organizational dinner of the first Inn of Court** in Provo, Utah. Judge

Wallace served as a regular adviser to Judge A. Sherman Christensen, for whom the award is named. **Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic** that was published March 1982 in the ABA Journal. [emphasis added] Judge Wallace was nominated by President Nixon to the Ninth Circuit Court of Appeals on May 22, 1972. He was confirmed by the Senate and received his judicial commission on June 28,1972. He served as chief judge from 1991 to 1996 and assumed senior status in 1996. Judge Wallace served in the U.S. Navy from 1946 to 1949. He received his B.A., with honors, from San Diego State College in 1952 and his LL.B. in 1955 from the University of California, Berkeley, Boalt Hall School of Law, where he was an editor of the California Law Review. **The American Inns of Court, a national organization with 360 chapters** and more than 130,000 active and alumni members, is dedicated to excellence, civility, professionalism, and ethics in the practice of law. **An inn is an amalgam of judges, lawyers**, and in some cases, law professors and law students. More information is available at http://home.innsofcourt.org. [emphasis added]

App. 36

[REJECTED FILING BY MR. BAKER ON 9/14/2017 WITH INSTRUCTION TO REFILE]

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

September 14, 2017

Christopher W. Katzenbach
912 Lootens Place, 2nd Floor
San Rafael, CA 94901

Re: Linda Shao v. McManis Faulkner, LLP
No. 17-82

Dear Mr. Katzenbach:

The amicus brief in the above-entitled case was received September 12, 2017, and is herewith returned for the following reason(s):

The cover of your brief should read Motion for Leave to file amicus curiae brief of Lost Child out-of-time.

Rule 14.1(c) If you brief exceeds 1,500 words or exceeds five pages, your brief needs to include a table of contents and a table of cited authorities.

Rule 37.5 your will need to point out the interest of the amicus curiae, the summary of the argument, the argument and the conclusions.

If you have any further questions you can contact me at the number below.
A copy of the Supreme Court Rules are enclosed.
Sincerely,
Scott S. Harris, Clerk
By: Donald Baker
(202) 479-3035

App. 37

[WEBPAGE OF AMERICAN INNS OF COURT FOR "English and Irish Inn Vists" of the American Inns of Court"]

http://home.innsofcourt.org/AIC/For_Members/English_and_Irish_Inns/AIC/AIC_For_Members/English_and_Irish_Inns.aspx?hkey=a4eeeeab-3722-4668-8e16-33cf80e294fd

American Inns of Court

English and Irish Inn Visits

The American Inns of Court has reciprocal visitation agreements with the four Inns of Court in London, England, and King's Inns in Dublin, Ireland. Members of the American Inns of Court, with a letter of introduction from the national office, can visit, tour, and dine at any of the London Inns.King's Inns in Dublin is a working law school with visits arranged around the school schedule. Our visitation agreements are reciprocal and English or Irish barristers visiting the United States may attend American Inns of Court meetings.

The relationship between the American and English Inns of Court was established in 1988 with a Declaration of Friendship, signed by **Chief Justice of the United States Warren E. Burger** and **The Right Honourable The Lord Bridge of Harwich**.....[omitted]...

[RESPONDENT IS AN HONORED MEMBER OF THE INNS OF COURT AND A SPONSOR OF TWO LOCAL CHAPTERS OF THE INN OF COURT.]

https://www.mcmanislaw.com/people/lawyers/james-mcmanis

James McManis

B. HONORS

- Honorary Bencher of the Honorable Society of King's Inns, the oldest institution of legal education in Ireland

PROFESSIONAL & COMMUNITY CONTRIBUTIONS

...[omitted]...

In addition, Jim has taught at the California Center for Judicial Education and Research (CJER). He has also served on the Board of Trustees for the University of California Berkeley Foundation.

Jim served as Special Master for the Santa Clara County Superior Court, the U.S. Bankruptcy Court, and the U.S. District Court for the Northern District of California in the Technical Equities cases, described as involving the largest securities fraud in California history. He also has served as a Judge Pro Tem for the Santa Clara County Superior Court and a Special Examiner for the State Bar of California. Jim also was a member of the California State Bar's Task Force on Admissions Regulation Reform.

...[omitted]...

[SUPPLEMENTAL APPENDIX FOR NO. 17-613 FILED ON OCTOBER 30, 2017 SHOWS THE IRREGULARITIES OF THIS CLERK'S OFFICE'S ALTERATION OF DOCKET BASED ON SUPERVISOR JEFF ATKIN'S CLOSE WATCHING.]

TO THE COURT AND ALL PARTIES SERVED:

This Petition was filed on October 24, 2017. On October 25, 2017, Petitioner was informed by the Deputy Clerk of errors that the Supervising Clerk Jeff Atkin had confused this case with Shao v. McManis Faulkner, LLP and also directed the Deputy Clerk to change the docket entry of the disposition date by the California Sixth Appellate Court from April 28, 2017 to be June 8, 2017.

I. THE COVER IS CORRECTLY LABELED WITH SHAO V. WANG

Besides this Petition, there are two Petitions for Writ of Certiorari pending with this Court: No. 17-82 and 17-256. Both are entitled Linda Shao v. McManis Faulkner LLP, James McManis, Michael Reedy, Catherine Bechtel. One seeks certiorari to the California Supreme Court and the other seeks certiorari to the Ninth Circuit. Both cases are related to this Petition. As shown in App.289, the jury trial has been stayed by McManis Faulkner, LLP's client, Santa Clara County Superior Court, for about 2 years pending resolution of the child custody appeal underlying this Petition. On March 11, 2016, Judge Woodhouse in the Superior Court issued an order staying trial pending resolution of this appeal. (App.289)

The connection of the case with McManis Faulkner law firm, James McManis, Michael Reedy and the family law case of Linda Yi Tai Shao v. Tsan-Kuen

Wang was summarized by an expert witness regarding child abuse in Shao v. McManis Faulkner LLP, et al., Attorney Meera Fox. Please see Meera Fox's Declaration at App.124-152.

App.13, App.14 and App.203 contained typos in that the caption of the case contained therein was inadvertently copied from Petition No. 17-82 and 17-256 without change, when the cases should be Shao v. Wang. App.15 also had a typo on the first line. Corrected App.13, App.14, App.15 and App.203 are attached hereto.

II. THE DISPOSITION DATE IS NOT JUNE 8, 2017

On October 25, 2017, Supervising Clerk Jeff Atkin directed a change to the docket of Petition No. 17-613 by replacing the disposition date of April 28, 2017 with June 8, 2017. This change is incorrect.

Petitioner's Motion to Strike the default notice of March 14, 2017 and her renewed motion to change place of appeal and trial and remand, was electronically filed with the California Sixth Appellate Court on March 29, 2017. Formal filing of this motion was delayed and it was "withheld from filing" by Presiding Justice Conrad Rushing until April, 28, 2017, (App.217:Snapshot of Truefiling.com), the same date when Justice Rushing denied the motion. (App.13, App.203; see also the docket in App.211-216)

The Petition for Review filed with California Supreme Court was signed by Petitioner on June 7, 2017. (App.202)

The California Supreme Court posted the filing date as June 12, 2017 on its docket. It denied Review on July 19, 2017. It granted the Motion for Judicial Notice (App.219-350), including, but not limited to, relevant pages of deposition transcript of James

McManis (App.290-292), McManis Faulkner LLP's website showing Santa Clara County Superior Court being one of its clients (App.285-287) and Presiding Judge Patricia Lucas's letter of 3/8/2017 (App.272).

This Petition involves multiple efforts of the state courts to conspire to dismiss this appeal that has been stalled for 3 years, with repeated false notices of default. The first such notice was on March 12, 2016, irregularly issued on Saturday, in which Justice Rushing dismissed the appeal by order of March 14, 2016. This occurred within 25 minutes of the Appellate Court's opening and without a notice of his intended action. This dismissal was later vacated and the appeal reactivated.

About one year later, on February 27, 2017, a false docket entry of default was made without any paper. Another false Default Notice of March 14, 2017 was also put on the docket. This latter notice is the subject of this Petition. After March 14, 2017 entry, there is another false notice of April 25, 2017. This notice was incorporated in the Order of June 8, 2017, but that Order of June 8, 2017 is still pending a motion to reconsider (the entry in the docket erroneously mentioned the March 14, 2017 Notice, when the pending motion to reconsider concerned the April 25, 2015 Notice of Non-compliance.)

Therefore, the disposition date for this Petition is not June 8, 2017 but April 28, 2017.

Attached please find the 4 pages of corrected appendix. ...[OMITTED]...

No. 17-256

IN THE

SUPREME COURT OF THE UNITED STATES

—o0o—

Linda Shao,

Petitioner,

vs.

McManis Faulkner, LLP., James McManis, Michael Reedy, Catherine Bechtel

Respondents.

—o0o—

On Petition For A Writ Of Certiorari
To The United States Court of Appeals
for the Ninth Circuit Appellate District
(14-17063: denied rehearing on 5/16/2017)
(Related Case with this Court: 17-82)

PETITION FOR REHEARING FROM DENIAL OF PETITION FOR WRIT OF CERTIORARI ON OCTOBER 30, 2017

YI TAI SHAO, Petitioner in pro per
SHAO LAW FIRM, P.C.
1999 S. Bascom Avenue, Ste. 700
Campbell, CA 95008
Telephone: (408) 873-3888
FAX: (408) 418-4070
Email: attorneylindashao@gmail.com
Petitioner In Pro Per

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APPENDIX

	Webpage of American Inns of Court for "English and Irish Inn Visits" of the American Inns of Court.	App. 37	
	Respondent is an honored member of the Inns of Court and a sponsor of two local Chapters of the Inn of Court	App. 38	
9	Relevant pages of Supplemental Appendix, Clerk's Office's alteration of docket of 17-613 that was filed with this Court in No. 17-82 on October 30, 2017		App. 39

TABLE OF AUTHORITIES

Cases

Statutes

Rules

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petitions this Court for rehearing of this Court's order of October 30, 2017 denying the Petition for Writ of Certiorari. This Petition for Rehearing is based on the extraordinary circumstances of a substantial or controlling effect that Justice Anthony M. Kennedy and Justice Ruth Bader Ginsburg should not have participated in the consideration of the Petition for Writ of Certiorari due to conflicts of interest and that there is reasonable doubt that the denial was biased and prejudiced due to recent incidents of deterrence of filing and alteration of docket in related Petitions.

Both Justice Kennedy and Justice Ginsburg have American Inns of Court established in their names. The Petition for Certiorai is based on, among other things, that membership in or association with the American Inns of Court by the lower court judges created a conflict of interest as to these judges' participation in Petitioner's cases. Justice Kennedy and Justice Ginsburg have similar conflicts and thus should not have participated in voting for denial of the Petition. Justice Kennedy further received gifts indirectly from Respondents as he was a key speaker of the 2004's Symposium of William A. Ingram American Inn of Court that has been financially supported by Respondents. (App.11)

http://www.kennedyinn.org/ is the website of "The Anthony M. Kennedy AMERICAN INN OF COURT. Its homepage states: "Our Inn is affiliated with the American Inns of Court, a national organization based in Washington, D.C. For more information

about the American Inns of Court, please visit the national Web site at http://home.innsofcourt.org/."

The Ruth Bader Ginsburg AMERICAN INN OF COURT's website is http://inns.innsofcourt.org/for-members/inns/the-ruth-bader-ginsburg-american-inn-of-court.aspx. Its home page states: "American Inn of Court Number 30249 is named for the Honorable Justice Ruth Bader Ginsburg."

Recently, the administration of this Court prevented filing of the Amicus Curiae motion in Case No. 17-82 and altered the docket of Case No. 17-613. This action may cast doubt whether the conferences to review the petitions for writ of certiorari would have considered the amicus motion. This action creates an appearance of bias in this proceeding.

I. THE RECUSAL OF JUSTICES KENNEDY AND GINSBURG IS NECESSARY BECAUSE JUDICIAL CONFLICTS OF INTEREST AT THE FEDERAL TRIAL COURT AND COURT OF APPEAL ARISED FROM PARTICIPATION IN THE AMEICAN INNS OF COURT.

Justice Kennedy and Justice Ginsburg have conflicts of interest and should not participate in voting against the writ of Certiorari. The first two issues that Petitioner asked this Court to consider for Certiorari concern conflicts of interest arising from participation in the American Inns of Court:

> Issue 1: Should judges who are members of William A. Ingram American Inns of Court and San Francisco Intellectual Property American Inn of Court be required as a matter of due process to disclose their social

relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?

Issue 2: Where the Appellate Court has potential conflicts of interests because of regular social relationship with a party by way of American Inn of Court, must the Appellate Court disclose potential conflicts of interest and apply neutral standards to their resolution?

Justice Kennedy and Justice Ginsburg have a conflict on these issues because they are also associated with American Inns of Court.

II. THE AMERICAN INNS OF COURT ARE UNLIKE TRADITIONAL BAR ASSOCIATIONS BUT ARE SOCIAL CLUBS THAT PROVIDE FOR SECRET EX PARTE COMMUNICATIONS BETWEEN FINANCIALLY STRONG ATTORNEYS AND JUDGES

A. As A Social Club, Common Membership Of Judges And Attorneys Representing Parties Create The Appearance Of Bias.

The American Inns of Court have changed their character as bar associations as they made the membership directory confidential from disclosure for all Inns of Court after 2009. The last publication of a directory is provided to the court in App.186-87 in the Petition.

The Handbook for the William A. Ingram American Inn of Court states:

> "The schedule for the monthly meetings (not the dinner meetings) is to gather at 5:30 for **socializing** and hors d'oeuvres. After administrative announcements, the formal program by a Pupillage Group commences at 6:00 p.m. and ends at 7:00 p.m. After the program ends, there is further **socializing**." [emphasis added]

Its current meeting schedule states clearly the social function of its Inn meetings:

"Inn meeting, except as noted below, are scheduled on the second Wednesday of each month, with **socializing** at 5:30 p.m., and the program beginning at 6:00 p.m." (Petition, App.171; emphasis added)

These confidential social functions are the characteristic of a social private club. While the American Inns of Court might once have been equivalent to a bar association, they are now more like an exclusive private club. Membership or association in such a private social club creates an appearance of bias where attorneys who are members of the Inns appear before judges who are also members or associated with the Inns.

B. THE NINTH CIRCUIT AND THIS COURT BOTH SPONSORED THE PRIVATE CLUBS WITHOUT RESERVATION

Ninth Circuit's published in its News Release of September 19, 2016 that:

"Justice Wallace will receive the prestigious A. Sherman Christensen Award... The award will be presented at the 2016 American Inns of Court

Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016. .....

Justice Wallance was influential in developing the idea of the American Inns of Court and advocated enthusiastically for its establishment. He had accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the organizational dinner of the first Inn of Court in Provo, Utah. Judge Wallance served as a regular adviser to Judge A. Sherman Christensen, for whom the award is name. Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic that was published March 1982 in the ABA Journal.....

The American Inns of Court, a national organization with 360 chapters and more than 130,000 active and alumni members.... An inn is an amalgam of judges, lawyers.... More information is available at http.//home.innsofcourt.org." It used this Court to hold meetings.

III. THE ADMINISTRATION OF THE CLERK'S OFFICE OF THIS COURT DETERRED FILING OF THE AMICUS CURIAE MOTION IN 17-82 AND ALTERED THE DOCKET OF 17-613 WHICH MAY CAST DOUBT WHETHER THE CONFERENCE TO REVIEW THE PETITION FOR WRIT OF CERTIORARI WOULD HAVE CONSIDERED THE PETITION AND CREATED AN

APPEARANCE OF BIAS IN THIS PROCEEDING.

A. In Petition No. 17-82 — Deterrence From Filing of the Amicus Curiae Motion

The State court' judicial corruptions led by Respondents have the common characteristic of deterring Petitioner from filing pleadings and interfering with Petitioner's fundamental rights to access to the court. See Petition, App.132 & App.164¶41; see also, Petition No. 17-82, Petition for Rehearing (App.21).

B. In Petition No. 17-613—Alteration Of Docket

The Court's Supervisor Jeff Atkin, directed the deputy clerk to return the Petition shortly after docketing (later remedied by a Supplemental Appendix) and directed the deputy clerk to alter the docket in changing the lower court's order from April 28, 2017 to June 8, 2017. (App.39-41). The acts are similar to the judicial corruptions complained in the Petition. Petition, App.162, App.165.

IV. THIS IS A CASE ABOUT JUDICIAL CONFLICTS OF INTEREST AT BOTH LOWER COURTS WHICH PREJUDICED PETITIONER'S RIGHT TO ACCESS TO THE COURTS, TO APPEAL, AND TO HAVE THE MERITS OF THE CASE BE CONSIDERED BY A COURT AT ALL.

This case concerns the issue of conflicts of interests in the judiciary. There are direct conflicts of interest arising from a special relationship existing between

Respondents, the McManis Faulkner Law Firm and its partners, and the judges of the lower courts.

These relationships are extensively discussed in the Petition for Writ of Certiorari from Pages 9 through 15. In particular:

(1) Respondents have regular social relationship with the lower court judges through William A. Ingram American Inn of Court of the American Inns of and the Bay Area Intellectual Property American Inn of Court of the American Inns of Court

(2) Respondents have represented judges at the Santa Clara County Court. Respondents have had an attorney-client relationship with these judges., Most of the U.S. District Court judges for the Northern District of California in San Jose were previously judges on the Santa Clara County Court and potentially also clients of Respondents.

(3) A collegial relationship and close working relationship between Respondent James McManis and Judge Lucy Koh when Respondent McManis served as a Special Master for both the state and federal courts.

(4) The appearance that Respondents conspired with the State's Santa Clara County Court and Sixth Appellate Court of Appeal in connection with Petitioner's appeals.

In the Petition, Petitioner has argued actual prejudice as well as the appearance of bias in that

(1) Judge Lucy Koh should have known that she had a conflict of interest but still decided Respondents' Rule 12(b) motion while

Petitioner's motion to disqualify her was pending. Judge Koh's decision was irregular --- putting the order without a statement of decision in a footnote of the Order Granting the Rule 12(b) motion.

(2) The Ninth Circuit's proceeding created an appearance of bias in that the Ninth Circuit appeared to have actively assisted Respondents by suppressing evidence of Judge Koh's conflicts of interests.

On November 7, 2016, the Ninth Circuit issued a Memorandum decision of less than two pages that was devoid of *any* analysis of law, but mere conclusion.

Notably, the Memorandum stated that "We do not consider arguments of facts that were not presented to the district court. See Smith v. Marsh, 194 F .3d 1045, 1052 (9th Cir. 1999)". The *only* new facts were presented by a Motion for Judicial Notice filed on October 8, 2015, regarding Judge Koh's conflicts of interest where she did not disclose her social relationship with Respondent Michael Reedy through the William A. Ingram American Inn of Court, her close working relationship with Respondent James McManis at the U.S. District Court and at the Santa Clara County Court, and the facts that Judge Koh's former employer, the Santa Clara County Superior Court, is Respondent James McManis's client and that about 25 judges of the Santa Clara Superior Court, whether this included her or not, were Mr. McManis's clients.

Disregarding these facts is in conflicts with the Ninth Circuit's policy to consider new facts, even if raised the first time in the Reply Brief, where the appeal involves a ruling on a motion under Rule

12(b) and the new facts demonstrate a basis for filing a viable amended complaint. See, e.g., Orion Tire Corp. v. Goodyear Tire & Rubber Co. (2001, 9th Cir.) 268 F.3d 1133, 1137. Similarly, in NRDC v. EPA 464 F.3d 1 (D.C. Cir. 2006), the District of Columbia Circuit allowed new facts to be raised the first time at the rehearing stage for purposes of determining standing.

Issues of bias should not be rejected simply because not presented to a lower court initially. Bias goes to the heart of the impartial administration of justice and is a matter that should not be foreclosed by a mechanical application of procedural rules. The failure to address bias contributes to the impression of bias and unfairness. In devoting less than two pages in its Memorandum (Petition, App.8&9), the Ninth Circuit appeared to help Respondent McManis Faulkner law firm by affirming the dismissal even in the face of evidence of Judge Koh's conflicts of interest in granting the Rule12(b) motion.

In denying consideration of the evidence of Judge Koh's conflicts of interest Petitioner presented in the Motion for Judicial Notice filed on October 8, 2015, the Ninth Circuit's denial of rehearing one day after Petitioner filed the "Third Supplement to Motion for Judicial Notice in Support of Petition for Rehearing and Suggestion for Hearing En Banc", where Petitioner provided evidence of the public view that Respondents conspired with the Presiding Justice Conrad Rushing of the Sixth District and Santa Clara County Court, perpetuated this appearance of bias.

Ninth Circuit also had undisclosed conflicts of interest. These conflicts include:

i. The Ninth Circuit published a News Release on September 19, 2016 supportting the American Inns of Court (Petition, 188-189)

ii. Its ex-Chief Justice Alex Kozinski was invited by the Inns as a speaker at its 2011's annual Symposium. (Petition, P.15)

iii. Respondent McManis Faulkner Law Firm's partner, Elizabeth Pipkin, who chairs the civil litigation team of the firm, was and still is serving on the Ninth Circuit's Judicial Council as a Lawyer Representative. (Petition, P.15)

In addition, Petitioner recently discovered that:

(1) The Ninth Circuit recently established a Kennedy Learning Center. Associate Justice Anthony M. Kennedy has an American Inn of Court in his name in Sacramento. He was invited to the Symposium of William A. Ingram American Inn of Court. (App.3)

(2) The Ninth Circuit published numerous official "News Releases" to promote the American Inns of Court which may be found by typing in "American Inns of Court" in the court's website searching engine.

(3) Many judges at the Ninth Circuit are members of an American Inn of Court.

(4) American Inns of Court is closely connected with the Ninth Circuit over the last 30 years and there are numerous news releases promoting the American Inns of Court that are still on the Ninth Circuit's website.

V. LAW AND ARGUMENTS

There are extraordinary circumstances that justify rehearing in this case.

A. APPEARANCE OF RULE 60(B) VIOLATION SINCE: THE DOCKET DOES NOT SHOW RECUSAL BY TWO JUSTICES FROM VOTING ON WHETHER TO ISSUE CERTIORARI, WHEN SUCH JUSTICES SHOULD HAVE RECUSED THEMSELVES DUE TO HAVING DIRECT CONFLICTS OF INTEREST AND THE NINTH CIRCUIT HAS SUPPORTED THE AMERICAN INNS OF COURT AND JUST ESTABLISHED KENNEDY EDUCATION CENTER

This Court held in Liljeberg v. Health Services Acquisition Corp. (US 1988) 486 US 847 that vacatur is a proper remedy to an order made in violation of Rule 60(b)(6). This Court held that when a federal judge has conflicts of interest, the judge should have recused himself pursuant to 28 USCS §455 if a reasonable person knowing the relevant facts would have expected that judge to have been aware of the conflict of interests, even if the judge was not conscious of the circumstances creating the appearance of impropriety.

Here, the issues of the improper special relationship between the judges and attorneys participating together in the social activities of the American Inns of Court were listed as Question 1 and Question 2 of the Petition and were conspicuously discussed in the Petition for Writ of Certiorari, pages 2, 9, 11, 12, 14, 15 and 16.. On Page 25, the first sentence discussing

this judiciary relationship established in the American Inns of Court, Petitioner stated:

"The social association through the Inn presents potential conflicts of interest."

Such issue was listed as No. 1 and 2 of "QUESTIONS PRESENTED" of the Petition for Writ of Certiorari.

Associate Justice Anthony M. Kennedy and Associate Justice Ruth Bader Ginsburg both have American Inns of Court established in their names. This creates direct conflicts of interest for them to rule on whether "The social association through the Inn presents potential conflicts of interest," whether such relationship violates Rule 5-300 of California Rules of Professional Conduct, and to decide whether to issue certiorari when Question No. 2 asked "Should judges who are members of William A. Ingram American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?"

A reasonable person aware of the facts herein would be likely to believe that the two Justices with Inns of Court in their names would be unable to vote impartially due to this direct conflict of interest.

Therefore Rule 60(b)(6) is satisfied here. A reasonable person reading the Petition for Writ of Certiorari would expect that these two Justices would know they had conflicts of interest and should have refrained from voting on the petition. The precedent of the Liljeberg decision mandates that the court's October 2, 2017 Order herein be vacated.

B. THE SUPERVISING CLERK'S IRREGULARITIES CAST DOUBT ON THE

INTEGRITY OF THE CLOSED CONFERENCE PROCEEDING OF THIS COURT IN REVIEWING PETITIONS FOR CERTIORARI

The Court's docket has been considered as the court's records. E.g., *Mullis v. United States Bank Ct.*, 828 F.2d 1385 n.9 (9th Cir. 1987). The clerk is not allowed to tamper with the court's records and refuse to record filing. See, e.g., *Kane v. Yung Won Han,* 550 F.Supp. at 123.

Structural error includes deterrence of right to appeal. See, *Locada v. Deeds* (1991) 498 US 430, overruled on other grounds by *Roe v. Flores-Ortega* (2000) 528 US 470.

The irregularities took place in the past two months at this Court's Clerk's Office are the same scheme as the conspiracy led by Respondents.

A reasonable person knowing all the facts would believe that Respondents and their judicial conspirators may have manipulated the Clerk's Office of this Court, through their relationship with the American Inns of Court, the Ninth Circuit, and their attorney client relationship with many unknown judges/justices (Petition, pp.7-12). As the conferences determining certiorari are closed to the public, whether this Court had actually considered the Petition was questioned when the public trust of integrity of administration of the court is shattered by the two events.

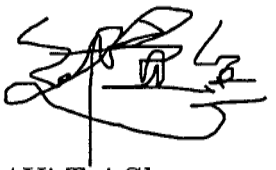
VI. CONCLUSION

For the foregoing reasons, Petitioner respectfully request that rehearing be granted and Certiorari be issued.

The undersigned declares under the penalty of perjury under the laws of the U.S. that the foregoing is true and accurate to the best of her knowledge.

Dated: November 17, 2017

Respectfully submitted,



/a/ Yi Tai Shao
Yi Tai Shao, Esq.
SHAO LAW FIRM, P.C.
1999 S. Bascom Avenue, Suite 700
Campbell, CA 95008
Tel. No.: (408) 873-3888; Fax No.: (408) 418-4070
Petitioner In Pro Per

CERTIFICATE OF COUNSEL

I hereby certify that this petition for rehearing is presented in good faith and not for delay.

Yi Tai Shao, Esq., in pro per
SHAO LAW FIRM, P.C.
1999 S. Bascom Avenue
Suite 700
Campbell, CA 95008
Tel. No.: (408) 873-3888
Fax No.: (408) 418-4070
attorneylindashao@gmail.com

App. 1

STATUTES INVOLVED:

28 USCS §455: (a) Any justice, judge, or magistrate [magistrate judge] of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.

RULE 5-300 OF CALIFORNIA RULES OF PROFESSIONAL CONDUCT

(A) A member shall not directly or indirectly give or lend anything of value to a judge, official, or employee of a tribunal unless the personal or family relationship between the member and the judge, official, or employee is such that gifts are customarily given and exchanged. …

(B) A member shall not directly or indirectly communicate with or argue to a judge or judicial officer upon the merits of a contested matter pending before such judge or judicial officer, except:

(1) In open court; or

(2) With the consent of all other counsel in such matter; or

(3) In the presence of all other counsel in such matter; or

(4) In writing with a copy thereof furnished to such other counsel; or

(5) In ex parte matters.

(C) As used in this rule, "judge" and "judicial officer" shall include law clerks, research attorneys, or other court personnel who participate in the decision-making process. (Amended by order of Supreme Court, operative September 14, 1992.)

App. 2

Federal Rules of Civil Procedure, Rule 60(b)(6)

Rule 60 (b) Grounds for Relief from a Final Judgment, Order, or Proceeding. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

.... **(6)**any other reason that justifies relief.

Rule 79
(a) Civil Docket.
(1) *In General.* The clerk must keep a record known as the "civil docket" in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States. The clerk must enter each civil action in the docket. Actions must be assigned consecutive file numbers, which must be noted in the docket where the first entry of the action is made.
(2) *Items to be Entered.* The following items must be marked with the file number and entered chronologically in the docket:

- **(A)** papers filed with the clerk;
- **(B)** process issued, and proofs of service or other returns showing execution; and
- **(C)** appearances, orders, verdicts, and judgments.

(3) *Contents of Entries; Jury Trial Demanded.* Each entry must briefly show the nature of the paper filed or writ issued, the substance of each proof of service or other return, and the substance and date of entry of each order and judgment. When a jury trial has been properly demanded or ordered, the clerk must enter the word "jury" in the docket.
(b) Civil Judgments and Orders. The clerk must keep a copy of every final judgment and appealable order; of every order affecting title to or a lien on real or personal property; and of any other order that the

court directs to be kept. The clerk must keep these in the form and manner prescribed by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

(c) Indexes; Calendars. Under the court's direction, the clerk must:

(1) keep indexes of the docket and of the judgments and orders described in Rule 79(b); and

(2) prepare calendars of all actions ready for trial, distinguishing jury trials from nonjury trials.

(d) Other Records. The clerk must keep any other records required by the Director of the Administrative Office of the United States Courts with the approval of the Judicial Conference of the United States.

App. 4

[NOTICE OF ENTRY OF ORDER-DENIAL OF PETITION FOR WRIT OF CERTIORARI]

October 30, 2017

Ms. Linda Shao
1999 S. Bascom Avenue
Suite 700
Campbell, CA 95008

Re: Linda Shao v. McManis Faulkner, LLP
No. 17-256
Dear Ms. Shao:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is denied. Motion for leave to file amicus brief filed by Mothers of Lost Child is granted.

Sincerely,

/s/ Scott S. Harris

Scott S. Harris, Clerk

[THE INN OF COURT DEDICATED IN THE NAME OF JUSTICE ANTHONY M. KENNEDY: This shows existence of an American Inn of Court in the name of Justice Anthony M. Kennedy and that this Inn is an affiliate to the William A. Ingram American Inn of Court and that the Membership is "confidential", not available to the public.]

http://www.kennedyinn.org/

THE ANTHONY M. KENNEDY

AMERICAN INN OF COURT

Welcome to the Web site for the Anthony M. Kennedy American Inn of Court. Membership in the Inn of Court includes, judges, justices, law professors, attorneys and law students.

I am honored to be your Inn President. I have been with the Inn for six years and look forward to many more years. There are many great things about our Inn, including meeting members from different practice areas, enjoying interesting and entertaining programs, and engaging in thought-provoking discussions during moderations.

.....[omitted]...

Our Inn is affiliated with the American Inns of Court, a national organization based in Washington, D.C. For more information about the American Inns of Court, you can visit the national Web site at **http://home.innsofcourt.org/**.

App. 6

[MEMBERSHIP FOR THE ANTHONY M. KENNEDY AMERICAN INN OF COURT IS RESTRICTED & NOT DISCLOSED TO THE PUBLIC]

http://www.kennedyinn.org/join/

The Kennedy Inn seeks diversity in membership--including the nature and size of legal practice, years of experience, and community involvement--so that our members have the benefit of varying experiences and perspectives in the practice of law. Membership requires a commitment of time and enthusiasm

---

Application Process

Applications for membership are solicited beginning in March, with a deadline of May 1. An applicant must send a letter and resume to membership committee chair, Arthur G. Scotland via email (**ascotland@sbcglobal.net**) or to

Arthur G.Scotland

Nielsen Merksamer Parrinello Gross & Leoni LLP.

1415 L Street Suite 1200
Sacramento, CA 95814

The letter should include the applicant's reason for wanting to join the Kennedy Inn. References are not necessary but are encouraged (especially from current or former members of the Inn).

New members are selected by the end of June. We generally receive more applications than there are vacancies, but a portion of the membership rotates out each year. ..[OMITTED]...

App. 7

[12 MEETINGS A YEAR AT THE KENNEDY INN]

http://www.kennedyinn.org/calendar/

CALENDAR

11/21	NOVEMBER CHAPTER MEETING (HAMMY AWARDS) • Tuesday, November 21, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
1/16	JANUARY CHAPTER MEETING • Tuesday, January 16, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
2/20	FEBRUARY CHAPTER MEETING • Tuesday, February 20, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
3/20	MARCH CHAPTER MEETING • Tuesday, March 20, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
4/17	APRIL CHAPTER MEETING • Tuesday, April 17, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
5/15	MAY CHAPTER MEETING • Tuesday, May 15, 2018 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
10/17	OCTOBER CHAPTER MEETING • Tuesday, October 17, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)
9/26	SEPTEMBER CHAPTER MEETING • Tuesday, September 26, 2017 • 5:30 PM 7:00 PM • McGeorge School of Law (map)

	Note: Fourth Tuesday rather than normal third Tuesday due to Gala event.
9/14	ANTHONY M. KENNEDY INN OF COURT: 30TH ANNIVERSARY • Thursday, September 14, 2017 • 6:30 PM 8:30 PM **THE MASTERS AND BENCHERS OF THE ANTHONY M KENNEDY AMERICAN INN OF COURT RESPECTFULLY REQUEST THAT YOU RESERVE THE EVENING OF THE 14TH OF SEPTEMBER, 2017 FOR A GALA CELEBRATION OF THE THIRTIETH ANNIVERSARY OF THE FOUNDING OF THE INN AND THE 230TH ANNIVERSARY OF THE ESTABLISHMENT OF THE US CONSTITUTION**
8/16	TEAM LEADER LUNCHEON • Wednesday, August 16, 2017 • 12:00 PM 1:00 PM • Sacramento Superior Court (map)
8/7	RETURNING BARRISTER AND ASSOCIATE LUNCH • Monday, August 7, 2017 • 12:00 PM 1:00 PM • Third District Court of Appeal (map)
7/31	NEW MEMBERS LUNCH • Monday, July 31, 2017 • 12:00 PM 1:00 PM • Chambers of Judge Consuelo Callahan(map)

[THE ANTHONY M. KENNEDY AMERICAN INN OF COURT HAS A SPECIAL LINK WITH THE NINTH CIRCUIT]

http://www.kennedyinn.org/related-links/

THE ANTHONY M. KENNEDY

AMERICAN INN OF COURT

RELATED LINKS

NINTH CIRCUIT COURT OF APPEAL	STATE BAR OF CALIFORNIA
MCGEORGE SCHOOL OF LAW	AMERICAN INNS OF COURT
US DISTRICT COURT	CALIFORNIA COURTS
	LEXIS NEXIS

App. 10

[THE NINTH CIRCUIT JUST ESTABLISHED KENNEDY LEARNING CENTER IN OR ABOUT NOVEMBER 2017.]

https://www.ca9.uscourts.gov/#

UNITED STATE COURTS

For the NINTH CIRCUIT

[photo of Justice Kennedy]

NEW WEBSITE FOR KENNEDY LEARNING CENTER

...[OMITTED]...

[JUSTICE KENNEDY WAS A MAJOR SPEAKER AT WILLIAM A. INGRAM AMERICAN INN OF COURT WHICH HAS BEEN FINANCIALLY SUPPORTED BY RESPONDENTS]

http://law.scu.edu/event/thirteenth-annual-judge-william-a-ingram-memorial-symposium/

SANTA CLARA UNIVERSITY SCHOOL OF LAW

THIRTEENTH ANNUALJUDGE WILLIAM A. INGRAM MEMORIAL SYMPOSIUM

January 10 @ 5:45 pm-8:00 pm

Presented by
William A. Ingram Inn
American Inns of Court

Santa Clara University, 500 El Camino Real, Santa Clara, CA

Free of Charge

One hour of CLE credit available

RSVP HERE – NO LATER THAN JANUARY 5, 2017

...[OMITTED]...

INGRAM MEMORIAL SYMPOSIUM HISTORY

...[OMITTED]...

2004– "Judges, Lawyers and Law Reform"
Justice Anthony Kennedy, U.S. Supreme Court; Justice Patricia Bamattre-Manoukian, California Court of Appeal, Sixth District; Thomas Hogan; James Towery

[THE INN OF COURT DEDICATED IN THE NAME OF JUSTICE RUTH BADER GINSBURG; This shows existence of an American Inn of Court in the name of Justice Ruth Bader Ginsburg and that this Inn is an affiliate to the William A. Ingram American Inn of Court and that the Membership, Meeting Schedule and Committees are all "confidential", not available to the public.]

The Ruth Bader Ginsburg American Inn of Court

[SIGNAGE] ACHIEVING EXCELLENCE 2017 PLATINUM LEVEL

History of the Ruth Bader Ginsburg Inn

In mid-1995, Gloria Bates attended the annual National Conference of the American Inns of Court in San Francisco. Immediately afterward, she received permission from Justice Ruth Bader Ginsburg to found an Inn in her name. Gloria formed a steering committee of judges and lawyers who shared her enthusiasm, and once membership and programs were in place, meetings began in September 1995.

Gloria devoted a lot of time to the development and growth of the Ginsburg Inn: from attracting members who embrace Inn ideals to forming committees, helping plan the first programs and overseeing a multitude of organizational details. Her experiences as a federal law clerk, attorney, judge and adjunct law school professor greatly complemented her service and contributions as Founder and President during our Inn's first two years.

...[OMITTED]

The Ginsburg American Inn of Court is divided into six pupillage teams, each proportionately composed of judges, experienced lawyers, young attorneys, law professors and third year law students. Each team prepares and presents one program during the term (September through May)..[OMITTED]...

About Justice Ginsburg

American Inn of Court Number 30249 is named for the Honorable Justice Ruth Bader Ginsburg, the 107th Justice and only the second woman to serve on the United States Supreme Court.

App. 14

OFFICERS OF THE GINSBURG INN INCLUDE MANY ATTORNEYS

http://inns.innsofcourt.org/inns/officers.aspx?innid=30249

Officers

The Ruth Bader Ginsburg American Inn of Court

1. President

Robert Don Evans, Jr., Esq.
US Attorney's Office
p: (405) 553-8831
e: Send Mail

2. Treasurer

D. Benham Kirk, Jr., Esq.
Doerner Saunders Daniel & Anderson LLP
p: (405) 319-3506
e: Send Mail

3. President Elect

Christine Batson Deason, Esq.
Hester Schem Hester & Batson
p: (405) 705-5900
e: Send Mail

4. Program Chair

Ryan J. Reaves, Esq.
Mullins Hirsch Edwards Heath White & Martinez PC
p: (405) 235-2335
e: Send Mail

5. Immediate Past President

Doneen Douglas Jones, Esq.
Fellers Snider Blankenship Bailey & Tippens
p: (405) 232-0621
e: Send Mail

6. Member

Robert Bell
Oklahoma Court of Criminal Appeals
p: (405) 521-3751
e: Send Mail

Glenn M. White, Esq.
Hirsch, Heath & White
p: (405) 235-1768
e: Send Mail

7. Administrator

Sarah J. Glick, Esq.
Love's Travel Stops & Country Stores
p: (405) 463-8335
e: Send Mail

Cheryl Husmann, Esq.
Husmann Law Offices
p: (405) 285-1548
e: Send Mail

Rhonda McLean, Esq.
McLean **Law, PLLC**
p: (405) 896-0185
e: Send Mail

8. Community Liaison

Rachel Stoddard Morris, Esq.
Stoddard Morris **PLLC**
p: (405) 509-6455
e: Send Mail

9. Inn Founder

Gloria C. Bates, **Esq.**

p: (405) 692-2828
e: Send Mail

10. Web Administrator

Cheryl Husmann, Esq.
Husmann Law **Offices**
p: (405) 285-1548
e: Send Mail

***RELEVANT PORTION* OF THE PETITION FOR REHEARING IN NO. 17-82 ABOUT THE IRREGULARITIES OF THE CLERK'S OFFICE'S DETERRING FILING OF THE AMICUS CURIAE MOTION**

PETITION FOR REHEARING

Pursuant to Supreme Court Rule 44, Petitioner respectfully petitions this Court for rehearing of its October 2, 2017 order denying the Petition for Writ of Certiorari, based on the extraordinary circumstances of a substantial or controlling effect that the Amicus Curiae motion was not filed and apparently not provided to the Court for consideration. In addition, Justice Anthony M. Kennedy and Justice Ruth Bader Gingsburg should not have participated in the consideration of the Petition for Writ of Certiorari. These Justices have direct conflicts of interest because of their membership in the Inns of Court and thus should not have participated in voting for denial of the Petition.

I. THIS IS A CASE ABOUT JUDICIAL CONFLICTS OF INTEREST WHICH PREJUDICED PETITIONER'S RIGHT TO ACCESS TO THE COURTS, TO APPEAL, AND TO A JURY TRIAL

This case is centered on the issue of conflicts of interests in the judiciary. There are direct conflicts of interest derived from a special relationship existing between Respondents' McManis Faulkner Law Firm and the courts. This relationship includes:

...[OMITTED]...

Actual prejudice caused by these conflicts of interest is obvious: the appeal was stalled for two years (Petitioner was unable to file her Opening Brief) and the trial was further stayed indefinitely. For this and the underlying case, both Santa Clara County Superior Court and the California Sixth Appellate Court had used the same patterns of interfering in Petitioner's appeal by deterring the court reporters from filing hearing transcripts, refusing to prepare records on appeal, and denying Petitioner's requests to either require the trial court to prepare records on appeal or to change designation of records to allow Petitioner to prepare the records on appeal herself. Thus, Petitioner has been denied her fundamental right of access to the courts and has been denied her fundamental right to appeal. In addition, the State Courts jointly committed multiple felonious alterations of dockets and of the court's records. (Petition, App.190, Declaration of Meera Fox,¶33)

Petitioner asserts that the vexatious litigant orders that Respondent McManis Faulkner Law Firm improperly obtained from its client court as a party appearing in front of its client court without disclosure of the conflict, should be reversed for violation of due process. A neutral and impartial tribunal is the paramount requirement for justice and that Petitioner needs and deserves a neutral tribunal to hear her appeal and trial case.

VII. PROCEDURAL FACTS

Respondents' counsel was timely notified of Amicus Curiae's intent to file an Amicus Curiae Brief and refused to give consent. On 8/30/2017, the Petition was assigned for conference on 9/25/2017. Amicus Curiae's attorney Christopher W. Katzenbach

finished the motion on September 1, 2017. On September 6, 2017, after printing, the Amicus Curiae motion of Mothers of Lost Children was mailed from California and received by this Court on September 12, 2017 (App. 6)

Up until September 20, 2017, this Court has assigned all Amicus Curiae motions and briefs to be handled by two specific clerks exclusively: Cathy Taiz and Denise McMerny. Yet, the Amicus Curiae motions for this Petition and its related Petition (17-256) were not handled by either of the two regular Amicus Curiae clerks, but instead were specifically assigned to Mr. Donald Baker. At the time Mr. Baker sent the rejection letter of September 14, 2017 (App.6), the clerks who handled all other amicus curiae matters were still Cathy Taiz and Denise McMerny.

Mr. Baker waited two additional weekdays after receipt, and then returned the 40 motions of Amicus Curiae to Attorney Katzenbach, who received them on September 18, 2017. Mr. Baker required a Table of Contents be added to the 10 page brief (1677 words) and required a change of the wording on the cover of the motion to add "for leave" and "out of time". Amicus Curiae Attorney Katzenbach did not expect this return as there were full discussions with Ms. Taiz before filing this motion on September 6, 2017 and Ms. Taiz had not asked for these changes to be made as required by Mr. Baker.

According to Ms. Taiz, a Amicus Curiae must file a motion, instead of a Brief, when the Respondent does not consent or when it passes the time needed in order to seek the court's approval. She did not say there is a requirement to change to wording of the motion to add "for leave" and "out of time."

Amicus Curiae's attorney used the fastest way to reprint and resubmit the motions on September 19, 2017, via Overnight Express mail. (App. 7-11) The Court received the corrected re-submission on September 21, 2017.

In Mr. Katzenbach's cover letter dated September 19, 2017, he wrote:

> "Based on conversations with the Clerk's office, we had the understanding that **our initial filing was in an appropriate format**.
>
> It is our understanding that the Petition in Case No. 17-82 is set for conference on September 25, 2017. It is our hope that the motion could be submitted prior to the conference."

Two Amicus Curiae motions were filed simultaneously with this Court in two different petitions: Petition No. 17-82 and Petition 17-256, where the parties are the same, but from different courts. Petition No. 17-256 was filed later and not set for conference at the time of re-submission, while this Petition was set for conference on September 25, 2017.

Petitioner was informed that the Supervising Clerk Jeff Atkin had the authority to take the matter off from the calendar on 9/25/2017 and to reset it to another date.

Therefore, Petitioner emailed to Mr. Atkin on September 22, 2017 in the morning and left him several phone messages asking to reschedule the conference. (App.12-14) Mr. Atkin never responded.

On 9/22/2017, Amicus Curiae's attorney contacted Mr. Donald Baker, who said he would respond later, but then failed to do so. Petitioner contacted Mr. Baker and he responded that the court was reviewing the motions and there appeared to still be a problem with their compliance. Mr. Baker appeared to be intent upon deterring the filing of the Amicus Curiae Motions. When asked who "the Court" was that was reviewing such motions, Mr. Baker named a Bailiff and himself. (App.15) Mr. Katzenbach has affirmed in his letter of September 19, 2017 that the Amicus Curiae motions were in an appropriate format. (App.7, ¶2) Mr. Baker eventually stated that he would see that the motions were filed.

On 9/26/2017, Petitioner telephoned Mr. Baker to ask why the Amicus Curiae Motion was not shown as having been filed on the docket of 17-82. Mr. Baker put Petitioner on hold for 16 minutes, then silently hung up. (App.17)

Petitioner contacted Mr. Atkin about this irregularity but Mr. Atkin did not respond. (App.17)

The docket did not show the recusal of the two Justices who have an American Inn of Court dedicated in their names. (App.24, 25) Respondent McManis Faulkner law firm is a financial sponsor of The American Inns of Court and two of its affiliates: The William A. Ingram American Inn of Court and the San Francisco Bay Area Intellectual Property American Inn of Court.

The participating judges/justices in these Inns of Court receive direct or indirect gifts from the sponsoring attorneys and from Respondent's law firm as one of their main financial sponsors.(Petition,P.5)

The American Inns of Court used the site of the US Supreme Court to conduct its business on 11/5/2016. See 9th Circuit's New Release in App.18.

"American Inns of Court" was referenced in the Petition for Writ of Certiorari with conspicuous discussions on Pages 1, 5 through 7 and 20. On Page 20, in the first sentence discussing this judiciary relationship established within the American Inns of Court, the Petitioner stated

> "The social association through the Inn presents potential conflicts of interest."

In No. 2 of the "QUESTIONS PRESENTED" in the Petition for Writ of Certiorari, Petitioner wrote:

> "2. Should judges who are members of William A. Ingram American Inns of Court be required as a matter of due process to disclose their social relationship with lawyers who are members of the Inns of Court and who are appearing before the judges?"

The court promoted and sponsored American Inns of Court by allowing American Inns of Court to use this Court's site to hold their annual conference on 11/5/2016. (App.18) Chief Justice Warren Burger even entered into an understanding with the British Inn of Court on behalf of American Inns of Court. (App.27) When this Court has represented and sponsored American Inns of Court, there is a public appearance of conflicts of interest in its justices deciding a matter complaining of the impropriety of those Inns of Court.

On 10/2/2017, the Petition for Writ of Certiorari was denied. The docket does not show filing of the Amicus Curiae motion of Mothers of Lost Children.

On 10/23/2017, Petitioner telephoned Mr. Baker to ask why the Amicus Curiae motion was not filed. Mr. Baker transferred the call to Mr. Bickell (telephone number of 202-479-3263). He stated that it was the joint decision between Mr. Baker and him not to file the Amicus Curiae motion. He asserted that pursuant to Rule 37.2, the time to file an Amicus Curiae Brief could not be extended. When corrected, he later acknowledged that Rule 37.2 applies only to Amicus Curiae Briefs, not Amicus Curiae Motions. He stated that he decided not to file the corrected Amicus Curiae Motion since it had "too much deficiency" but he was unable to identify what such deficiencies were. Mr. Brickell argued that the same exact motion had been filed in 17-256 so the court had had a chance to consider its contents there. He was unable to explain why if the Amicus motion was too deficient to file in this matter, it had been deemed acceptable to be filed in 17-256.

VIII. III.LAW AND ARGUMENTS

A. EXTRAORDINARY CIRCUMSTANCES OF THE US SUPREME COURT'S IRREGULAR DETERRENCE OF FILING OF AN AMICUS CURIAE MOTION JUSTIFIES A REHEARING

In Critchley v. Thaler (5th Cir. 2009) 586 F.3d 318 and in Wickware v. Thaler (5th Cir. 2010) 404 Fed. Appx. 856, 862, the 5th Circuit Court of Appeal held that the clerk has a ministerial duty to file and that a delay in filing constitutes a violation of Due Process.

In Voit v. Superior Court (6th Dist., 2011) 201 Cal.App.4th 1285, the California Sixth Appellate Court held that whether a motion had legal merit was a determination to be made by a judge, not the

clerk's office. The court clerk's office did not have the authority to set a condition of filing a motion.

The Amicus Curiae Motions were submitted in compliance with Amicus Curiae clerk Cathy Taiz's specific instructions. The original Amicus Curiae motions were mostly compliant with the Rule. Yet, Mr. Baker and Mr. Bickell who were irregularly assigned specifically to deal with this specific set of Petitions, exerted all means to find fault with the motions and eventually did not file the Amicus Curiae motion. Mr. Bickell unilaterally decided not to allow the court to consider the identical Amicus Curiae Brief for this Petition. The court was thus precluded from making a ruling on the Amicus Curiae motion. After Petitioner sent the emails to Mr. Atkin, there was big move of personnel and Mr. Baker became officially replaced Denise as a clerk handling Amicus Curiae.

Mr. Atkin, the supervisor of Mr. Baker and Mr. Bickell, further ignored Petitioner's written requests to continue 9/25/2017's Conference in order to permit this court to consider the Amicus Curiae motion.(App.12-14)

A postage-prepaid returned envelope was provided with the Amicus Curiae motion, but the motion was neither filed nor returned. Mr. Baker did not return the endorsed copy of the identical motion eventually filed in Petition 17-256 in early October 2017 either.

This interference with filing is one of the techniques that has been used by the State Courts in conspiracy with Respondents to delay Petitioner's appeals and deny her access to the courts. (See Petition 17-82, App.189, Decl. Meera Fox, ¶31) Such issue was listed in the Petition for Writ of

Certiorari as Item No. 8 in "Questions Presented", which stated:

> "8. Does a Presiding Judge have the power to prevent a party from filing with the Clerk's Office by instructing the Clerk's Office not to accept for filing?"

When this Court has sponsored American Inns of Court, there is a public appearance that such irregularity repeating what was done by the State Courts is a result of conflicts of interest.

Such denial of access to this Court violates Constitutional Due Process and constitutes the extraordinary circumstances required by Rule 44. Therefore, rehearing should be granted.

....[OMITTED]....

CONCLUSION

For the foregoing reasons, Petitioner respectfully request that rehearing be granted, that the brief of Amicus Curiae Mothers of Lost Children (Clerical errata of "Child" on the cover) be filed and considered, and that the original underlying order be vacated.

Dated: October 24, 2017
Respectfully submitted,
Yi Tai Shao, Esq.
SHAO LAW FIRM, P.C.
[OMITTED]

App. 26

[MR. KATZENBACH REFILED THE AMICUS CURIAE MOTION IN COMPLIANCE WITH ALL MR. BAKER'S REQUESTS]

KATZENBACH LAW OFFICES
912 Lootens Place, 2nd Floor
San Rafael, CA 94901
Telephone: (415) 834-1778
Facsimile: (415) 834-1842

September 19, 2017

Donald Baker
Office of the Clerk
Supreme Court of the United States
Washington, DC 20543,-0001

Re: Linda Shao v. MacManis Faulkner, LLP
Case Nos. 17-82, 17-256

Dear Mr. Baker:

Enclosed please find corrected copies of the motions for leave to file amicus curiae brief of Mothers of Lost Children in the above-referenced cases. Enclosed also are copies of the letters you sent on this filing.

I apologize for any errors in the initial filing. Based on conversations with the Clerk's office, we had the understanding that **our initial filing was in an appropriate format.**

Enclosed please also find the postage prepaid return envelope for you to return endorsed filed copies of the motions to us.

It is our understanding that the Petition in Case No. 17-82, is set for conference on September

25, 2017. It is our hope that the motion could be submitted prior to the conference.

The word count includes both the motion itself and the brief since they are one document.

Very truly yours,

KATZENBACH LAW OFFICES

By: /s/ Christopher W. Katzenbach

Christopher W. Katzenbach

App. 28

[E-MAIL 9/22/2017 FROM PETITIONER TO SUPERVISING CLERK ATKIN; This email shows that the Clerk's Supervisor was aware of but unresponsive to Petitioner's written request to continue 9/25/2017's hearing to allow the court to consider the motion Brief of Amicus Curiae]

Gmail

Subj: Emergent request to change Conference Date for Petition 17-82

From: attorneylindashao@gmail.com

To: jatkin@supremecourt.gov

CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com

Date: Fri, **Sep. 22, 2017** at 11:05 AM

Dear Mr. Atkin

As a Petitioner, I respectfully request you to exercise your discretion to take off from Conference on 9/25/2017 the Petition 17-82 and reset for another Conference for good causes that:

1. With due diligence, Amicus Curiae motion was kept away from the Court thus far

There are two Petitions pending with this Court with identical parties derived from two different proceeding.

There is a Motion for Leave to file Amicus Curiae Brief of Mothers of Lost Child, represented by Christopher W. Katzenbach, Esq., which was attempted filing for both Petitions since 9/6/2017. Yet, a clerk called Donald Baker returned the motion. I was informed that there were only two

female clerks in charge of Amicus Curiae and he is not one of them.

The Court received the package mail on 9/11/2017 which reached the clerk's office on 9/12/2017. He returned the entire package on or after 9/14/2017 with the reason that there was no Table of Contents/Authorities. It was immediately fixed, reprinted within a day and resent to this Court via express mail. The mail was received on 9/21/2017 at 11:17, as the postal office also delayed mailing by one day.

Thus far, we were unable to contact Mr. Baker and the court's website did not show the filing of the Amicus Curiae Brief.

As with due diligence, the Amicus Curiae Motion could not reach the Justices to allow due consideration, would you please kindly exercise your authority and power to reschedule the conference of 17-82 away from 9/25/2017. I was informed by Mr. Mike Duggans that you have the authority to move the date

2. It will serve judicial economy for the Justices to consider both related Petitions and Amicus Curiae Motions the same time.

The amicus curiae motions are identical for both Petition 17-82 and 17-256 except 17-82 was procedurally out of time.

The parties are the same for both Petitions.

For the exigent circumstances stated above, would you please grant extension of the Conference date of Petition 17-82 and set both Petitions to be on the same date.

Respondents' counsel for the US Court of Appeal 9th Circuit proceeding (17-256) and for the California Court of Appeal 6th Appellate proceeding (17-82) is Janet Everson, Esq. She is copied with this email. Amicus Curiae's attorney Christopher W. Katzenbach, Esq. is also copied with this email.

Thank you very much for your time and consideration.

Very truly yours,

Yi Tai Shao, Esq.

Attorney at Law

[EMAIL #2 ON 9/22/2017 FROM PETITIONER TO SUPERVIING CLERK ATKIN: This email shows that the clerk violated his ministerial duty to file the Motion Brief of Amicus Curiae, acting beyond the scope of his authority, and ensuring that the court did not consider this important Amicus Curiae information when deciding the Petition for Writ of Certiorari.]

GMAIL

From: attorneylindashao@gmail.com

To: jatkin@supremecourt.gov

CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com

Date: Fri, Sep. 22, 2017 at 4:18PM

Dear Mr. Atkin:

The clerk has a ministerial duty to file and Mr. Baker, who, I have no idea how he was assigned, blocked filing. Please help taking care of this issue of deterrence from access to the court, appearing to be a pattern of Respondents who had influenced the lower courts and state courts. Only Cathy Taiz and Denise McMerney are in charge of Amicus Curiae but now he was assigned and refused to file.

I called him and he said "The Clerk's Office is reviewing it." I asked who in the Clerk's Office and he said Mr. Beco and me. I asked who is Mr. Beco and he said it is the Bailiff.

I am concerned if Mr. Baker is influenced by James McManis, Esq. via the American Inns of Court. I am concerned that at least 2 Justices have

direct conflicts of interest in reviewing Petition 17-82. They are Justice Kennedy and Justice Ginsberg who have direct conflicts of interest due to their having American Inns of Court in their own name and the issue of these Petitions include the illegal relationship of Respondents by use of the American Inns of Court and the affiliates.

Mr. McManis undoubtedly has relationship with this Court as he is a financial supporter of the American Inns of Court and this Court supported the American Inns of Court by allowing the private confidential club to use the site of US Supreme Court.

I called several times but not heard from you. Please do take off from calendar the Petition 17-82 and reset the Conference with the same date as Petition 17-256. Thank you very much for your time and consideration.

Very truly yours,

Yi Tai Shao, Esq.

Attorney at Law

App. 33

[EMAIL OF 9/26/2017 FROM PETITIONER TO SUPERVISING CLERK ATKIN; This email might explain why the Clerk's Office recently had a "whirlwind" change of assignments, including replacing Amicus Curiae clerk Denise McNermy with Mr. Donald Baker.]

GMAIL

From: attorneylindashao@gmail.com
To: jatkin@supremecourt.gov
CC: Chris Katzenbach <ckatzenbach@kkcounsel.com>, Janet Everson JEverson@mpbf.com
Date: Tue, Sep 26, 2017 at 12:31 PM

Dear Mr. Atkin
Your office's reaction is becoming more and more fishy that may require investigation.

I telephoned Mr. Donald Baker at 12:17. I told him that it appeared that the two properly made two Amicus Curiae motions were not filed and would like him to explain. **He put me on hold for 16 minutes and then silently disconnected my call.**

Did you specifically assign to Mr. Donald Baker to handle Amicus Curiae motions of Mothers of Lost Child pursuant to the instruction of McManis Faulkner, LLP or the American Inns of Court?

Please advise. You have not responded to any of my emails nor phone calls.

Very truly yours,

Yi Tai Shao, Esq.

App. 34

[9th Circuit's NEWS RELEASE REGARDING THE AMERICAN INNS OF COURT HOLDING THEIR 2016 CONFERENCE AT THE US SUPREME COURT]

N E W S R E L E A S E September 19, 2016

Public Information Office United States Courts for the Ninth Circuit Office of the Circuit Executive 95 7th Street, San Francisco, CA 94103

(415) 355-8800 (415) 355-8901 fax

Contact: David Madden,

Judge J. Clifford Wallace to Receive the 2016 American Inns of Court A. Sherman Christensen Award

Senior Circuit Judge J. Clifford Wallace of the United States Court of Appeals for the Ninth Circuit, an esteemed jurist, judicial administrator and an advocate for the rule of law, will be honored in November by the American Inns of Court. Judge Wallace will receive the prestigious A. Sherman Christensen Award, which is "bestowed upon a member of an American Inn of Court who, at the local, state or national level has provided distinguished, exceptional, and significant leadership to the American Inns of Court movement." **The award will be presented at the 2016 American Inns of Court Celebration of Excellence to be held at the U.S. Supreme Court on November 5, 2016**. Associate Justice Samuel A. Alito, Jr., will be the host of the event. [emphasis added] Judge Wallace was influential in **developing the idea of the American Inns of Court** and **advocated enthusiastically for its establishment.** He had accompanied Chief Justice Warren Burger on the 1977 Anglo-American Legal Exchange and served as keynote speaker at the **organizational dinner of the first Inn of Court** in Provo, Utah. Judge

Wallace served as a regular adviser to Judge A. Sherman Christensen, for whom the award is named. **Judge Wallace urged attendees to form the Inn to help address trial inadequacy by attorneys. He wrote an article on the topic** that was published March 1982 in the ABA Journal. [emphasis added] Judge Wallace was nominated by President Nixon to the Ninth Circuit Court of Appeals on May 22, 1972. He was confirmed by the Senate and received his judicial commission on June 28,1972. He served as chief judge from 1991 to 1996 and assumed senior status in 1996. Judge Wallace served in the U.S. Navy from 1946 to 1949. He received his B.A., with honors, from San Diego State College in 1952 and his LL.B. in 1955 from the University of California, Berkeley, Boalt Hall School of Law, where he was an editor of the California Law Review. **The American Inns of Court, a national organization with 360 chapters** and more than 130,000 active and alumni members, is dedicated to excellence, civility, professionalism, and ethics in the practice of law. **An inn is an amalgam of judges, lawyers**, and in some cases, law professors and law students. More information is available at http://home.innsofcourt.org. [emphasis added]

App. 36

[REJECTED FILING BY MR. BAKER ON 9/14/2017 WITH INSTRUCTION TO REFILE]

Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001

September 14, 2017

Christopher W. Katzenbach
912 Lootens Place, 2nd Floor
San Rafael, CA 94901

Re: Linda Shao v. McManis Faulkner, LLP
No. 17-82

Dear Mr. Katzenbach:

The amicus brief in the above-entitled case was received September 12, 2017, and is herewith returned for the following reason(s):

The cover of your brief should read Motion for Leave to file amicus curiae brief of Lost Child out-of-time.

Rule 14.1(c) If you brief exceeds 1,500 words or exceeds five pages, your brief needs to include a table of contents and a table of cited authorities.

Rule 37.5 your will need to point out the interest of the amicus curiae, the summary of the argument, the argument and the conclusions.

If you have any further questions you can contact me at the number below.
A copy of the Supreme Court Rules are enclosed.
Sincerely,
Scott S. Harris, Clerk
By: Donald Baker
(202) 479-3035

App. 37

[WEBPAGE OF AMERICAN INNS OF COURT FOR "English and Irish Inn Vists" of the American Inns of Court"]

http://home.innsofcourt.org/AIC/For_Members/English_and_Irish_Inns/AIC/AIC_For_Members/English_and_Irish_Inns.aspx?hkey=a4eeeeab-3722-4668-8e16-33cf80e294fd

American Inns of Court

English and Irish Inn Visits

The American Inns of Court has reciprocal visitation agreements with the four Inns of Court in London, England, and King's Inns in Dublin, Ireland. Members of the American Inns of Court, with a letter of introduction from the national office, can visit, tour, and dine at any of the London Inns.King's Inns in Dublin is a working law school with visits arranged around the school schedule. Our visitation agreements are reciprocal and English or Irish barristers visiting the United States may attend American Inns of Court meetings.

The relationship between the American and English Inns of Court was established in 1988 with a Declaration of Friendship, signed by **Chief Justice of the United States Warren E. Burger** and **The Right Honourable The Lord Bridge of Harwich**.....[omitted]...

[RESPONDENT IS AN HONORED MEMBER OF THE INNS OF COURT AND A SPONSOR OF TWO LOCAL CHAPTERS OF THE INN OF COURT.]

https://www.mcmanislaw.com/people/lawyers/james-mcmanis

James McManis

B. HONORS

- Honorary Bencher of the Honorable Society of King's Inns, the oldest institution of legal education in Ireland

PROFESSIONAL & COMMUNITY CONTRIBUTIONS

...[omitted]...

In addition, Jim has taught at the California Center for Judicial Education and Research (CJER). He has also served on the Board of Trustees for the University of California Berkeley Foundation.

Jim served as Special Master for the Santa Clara County Superior Court, the U.S. Bankruptcy Court, and the U.S. District Court for the Northern District of California in the Technical Equities cases, described as involving the largest securities fraud in California history. He also has served as a Judge Pro Tem for the Santa Clara County Superior Court and a Special Examiner for the State Bar of California. Jim also was a member of the California State Bar's Task Force on Admissions Regulation Reform.

...[omitted]...

[SUPPLEMENTAL APPENDIX FOR NO. 17-613 FILED ON OCTOBER 30, 2017 SHOWS THE IRREGULARITIES OF THIS CLERK'S OFFICE'S ALTERATION OF DOCKET BASED ON SUPERVISOR JEFF ATKIN'S CLOSE WATCHING.]

TO THE COURT AND ALL PARTIES SERVED:

This Petition was filed on October 24, 2017. On October 25, 2017, Petitioner was informed by the Deputy Clerk of errors that the Supervising Clerk Jeff Atkin had confused this case with Shao v. McManis Faulkner, LLP and also directed the Deputy Clerk to change the docket entry of the disposition date by the California Sixth Appellate Court from April 28, 2017 to be June 8, 2017.

I. THE COVER IS CORRECTLY LABELED WITH SHAO V. WANG

Besides this Petition, there are two Petitions for Writ of Certiorari pending with this Court: No. 17-82 and 17-256. Both are entitled Linda Shao v. McManis Faulkner LLP, James McManis, Michael Reedy, Catherine Bechtel. One seeks certiorari to the California Supreme Court and the other seeks certiorari to the Ninth Circuit. Both cases are related to this Petition. As shown in App.289, the jury trial has been stayed by McManis Faulkner, LLP's client, Santa Clara County Superior Court, for about 2 years pending resolution of the child custody appeal underlying this Petition. On March 11, 2016, Judge Woodhouse in the Superior Court issued an order staying trial pending resolution of this appeal. (App.289)

The connection of the case with McManis Faulkner law firm, James McManis, Michael Reedy and the family law case of Linda Yi Tai Shao v. Tsan-Kuen

Wang was summarized by an expert witness regarding child abuse in Shao v. McManis Faulkner LLP, et al., Attorney Meera Fox. Please see Meera Fox's Declaration at App.124-152.

App.13, App.14 and App.203 contained typos in that the caption of the case contained therein was inadvertently copied from Petition No. 17-82 and 17-256 without change, when the cases should be Shao v. Wang. App.15 also had a typo on the first line. Corrected App.13, App.14, App.15 and App.203 are attached hereto.

II. THE DISPOSITION DATE IS NOT JUNE 8, 2017

On October 25, 2017, Supervising Clerk Jeff Atkin directed a change to the docket of Petition No. 17-613 by replacing the disposition date of April 28, 2017 with June 8, 2017. This change is incorrect.

Petitioner's Motion to Strike the default notice of March 14, 2017 and her renewed motion to change place of appeal and trial and remand, was electronically filed with the California Sixth Appellate Court on March 29, 2017. Formal filing of this motion was delayed and it was "withheld from filing" by Presiding Justice Conrad Rushing until April, 28, 2017, (App.217:Snapshot of Truefiling.com), the same date when Justice Rushing denied the motion. (App.13, App.203; see also the docket in App.211-216)

The Petition for Review filed with California Supreme Court was signed by Petitioner on June 7, 2017. (App.202)

The California Supreme Court posted the filing date as June 12, 2017 on its docket. It denied Review on July 19, 2017. It granted the Motion for Judicial Notice (App.219-350), including, but not limited to, relevant pages of deposition transcript of James

McManis (App.290-292), McManis Faulkner LLP's website showing Santa Clara County Superior Court being one of its clients (App.285-287) and Presiding Judge Patricia Lucas's letter of 3/8/2017 (App.272).

This Petition involves multiple efforts of the state courts to conspire to dismiss this appeal that has been stalled for 3 years, with repeated false notices of default. The first such notice was on March 12, 2016, irregularly issued on Saturday, in which Justice Rushing dismissed the appeal by order of March 14, 2016. This occurred within 25 minutes of the Appellate Court's opening and without a notice of his intended action. This dismissal was later vacated and the appeal reactivated.

About one year later, on February 27, 2017, a false docket entry of default was made without any paper. Another false Default Notice of March 14, 2017 was also put on the docket. This latter notice is the subject of this Petition. After March 14, 2017 entry, there is another false notice of April 25, 2017. This notice was incorporated in the Order of June 8, 2017, but that Order of June 8, 2017 is still pending a motion to reconsider (the entry in the docket erroneously mentioned the March 14, 2017 Notice, when the pending motion to reconsider concerned the April 25, 2015 Notice of Non-compliance.)

Therefore, the disposition date for this Petition is not June 8, 2017 but April 28, 2017.

Attached please find the 4 pages of corrected appendix. ...[OMITTED]...

Search documents in this case: Search

No. 17-256

Title:	**Linda Shao, Petitioner** **v.** **McManis Faulkner, LLP, et al.**
Docketed:	August 17, 2017
Lower Ct:	United States Court of Appeals for the Ninth Circuit
Case Numbers:	(14-17063)
Decision Date:	November 7, 2016
Rehearing Denied:	May 16, 2017

DATE	PROCEEDINGS AND ORDERS
Aug 14 2017	Petition for a writ of certiorari filed. (Response due September 18, 2017)
Sep 08 2017	Motion for leave to file amicus brief filed by Mothers of Lost Child.
Oct 04 2017	DISTRIBUTED for Conference of 10/27/2017.
Oct 30 2017	Motion for leave to file amicus brief filed by Mothers of Lost Child GRANTED.
Oct 30 2017	Petition DENIED.
Nov 18 2017	Petition for Rehearing filed. **Main Document** **Certificate of Word Count** **Proof of Service**
Nov 29 2017	DISTRIBUTED for Conference of 1/5/2018.
Dec 08 2017	Request for recusal received from petitioner. **Main Document** **Proof of Service**
Jan 08 2018	Rehearing DENIED.

NAME	ADDRESS	PHONE
Attorneys for Petitioner		
Linda Shao Party name: Linda Shao	Shao Law Firm, PC 4900 Hopyard Road, Suite 100 Pleasanton, CA 94588-7101	(408) 873-3888
Other		
Christopher Wolcott Katzenbach Counsel of Record Party name: Mothers of Lost Child	Katzenbach 912 Lootens Place, 2nd Floor San Rafael, CA 94901 ckatzenbach@kkcounsel.com	415-834-1778

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF
PLAINTIFF MEGHAN KELLY'S 127th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on 11/30/23, I had a true and correct copy of the above referenced document, served to Defendants, through their counsel through email electronically:

Zi-Xiang Shen
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

Dated 11/30/23

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: 11/30/23

Meghan Kelly (printed)

Meghan Kelly (signed)