

ORIGINAL  
PETITION

24-1213  
No. 24-

Supreme Court, U.S.  
FILED

APR 28 2025

OFFICE OF THE CLERK

In the Supreme Court of the United States

*In re BAHIG F. BISHAY,  
Petitioner-Plaintiff,  
in individual capacity and in the capacity of Private  
Attorney General, acting at the behest of all citizens of  
the United States under 18 U.S.C. §§1961-1968  
(1994 ed. and Supp. III)*

v.

*TREVOR N. MCFADDEN, and others,  
solely in individual capacities,  
Defendants-Respondents.*

**PETITION FOR A WRIT OF MANDAMUS**

Petition for a Writ of Mandamus to [a] U.S. Circuit [other] than the D.C. Circuit, to sit *en banc* by designation. In the alternative, to accept, as *certified* under Rule 19 \*\*\* involuntarily after the D.C. Circuit acknowledged its disqualification in the entirety \*\*\* the *Discrete Questions Presented, A through G.*

Bahig F. Bishay  
P.O. Box 396  
Norwood, MA 02062  
781.551.0400  
BFBishay@earthlink.net

*Discrete Questions Presented in the  
D.C. Circuit on December 27, 2024  
\*\*\* [un]answered after the circuit  
acknowledged its *disqualification*  
in the entirety to sit *en banc* under  
Rule 35 of the *Federal Rules of  
Appellate Procedure* \*\*\**

A. Whether government employees classified as judicial officers are absolutely immune from prosecution for declaratory relief only, if they are sued solely in individual capacity for violating the U.S. Constitution; and for foreclosing Civil / Constitutional Rights while *acting under color of law*, thus deemed to have acted *ultra vires* their assigned judicial authority and immediately became *private actors stripped of their status as representatives of the sovereign*, as the U.S. Supreme Court so held in *Ex parte Young* to wit:

*When an official acts pursuant to an unconstitutional statute, the absence of valid authority leaves the official ultra vires his authority, and thus a private actor stripped of his status as a representative of the sovereign.*

*It is simply an illegal act on the part of the official... If the act which the state Attorney General seeks to enforce is a violation of the Federal Constitution, the officer in proceeding under such enactment comes into conflict with the superior authority of that Constitution,*

*and he is in that case stripped of his official or representative character and is subjected in his individual capacity to the consequences of his conduct....'*

See *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908), *id.* 159-160, 28 S.Ct., at 454.26; *et seq....*; and under *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) (*In Bell v. Hood*, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1946), "we reserved the question whether violation of that command by a federal agent acting under color of his authority gives rise to a cause of action for damages consequent upon his unconstitutional conduct. Today we hold that it does."); *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), citing *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982) ("petitioner is immune unless his actions violated clearly established law... We conclude that the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security function.")

**B.** If the answer to the preceding question is to the negative, in that said judicial officers \*\*\* who are sued only in individual capacity for violating the U.S.

Constitution are *not* immune from prosecution for declaratory relief only \*\*\* must said judicial officers, under 42 U.S.C. §§ 1983 & 1985(3), as part of the *Civil Rights Act* of 1871, the 5th and the 14th Amendments to the U.S. Constitution, be found to have violated a clear *declaratory decree* set forth in 28 U.S.C. § 1251 when they falsely [and deliberately] proffered that the U.S. Supreme Court possessed “*original-exclusive*” jurisdiction to adjudicate the Constitutional / Civil Rights claims PAG-Bishay lawfully brought in the U.S. District Court for the District of Columbia in Civil Action No. 1:21-cv-01831-TNM, which PAG-Bishay properly brought under *declaratory decrees* set forth in Article III, §§ 1 and 2 of the U.S. Constitution; 28 U.S.C. §§ 1331, 1361, 1391(b), 1651(a), and 2201, *et seq.*; 42 U.S.C. § 1983 & §1985(3), as part of the *Civil Right Act* of 1871; 18 U.S.C. § 4; 18 U.S.C. § 63; 18 U.S. C. § 152; 18 U.S.C. § 1503; 18 U.S.C., Ch. 73, § 1509; 18 U.S.C. § 1341; 18 U.S.C. § 1843; 18 U.S.C. §§ 1961-1968 (including §§1962(d) and 1964(c)); 18 U.S.C. §§ 2314, 2315; 18 U.S.C. § 3284; 11 U.S.C. §362; and the *Mandatory Restitution Act* of 1996, 18 U.S.C. §§ 3663A and 3664 as applying to twenty eight (28) specific defendants described in said action as the “beneficiaries” of eight (8) federal crimes listed therein; knowing that said defendants were neither *States within the United States that brought actions against citizens of another State or against aliens; nor ambassadors, public ministers, consuls, or vice consuls of foreign states.*

C. If the answer to the preceding question is to the negative, in that said judicial officers are not immune from prosecution for declaratory relief only, did said judicial officers also violate their judicial oath(s) and oath(s) of office, after they pledged, *under oath* before the American people and their Representatives to discharge the following:

*Administer justice without respect to persons, and do equal right to the poor and to the rich, and faithfully and impartially discharge and perform all the duties incumbent upon him [them] under the Constitution and laws of the United States; and that he [they] will bear true faith and allegiance to the same...*

See *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331.

D. If the answer to the preceding question is to the affirmative, in that said judicial officers indeed breached their judicial & office oath(s) under the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331; and also violated civil and constitutional rights protected under 42 U.S.C. §§ 1983 & 1985(3), as part of the *Civil Rights Act of 1871*, the 5th and the 14th Amendments to the U.S. Constitution, should said judicial officers be deemed to have defrauded the American people of taxpayers' money unlawfully used to defend other judicial officers and government employees sued in individual capacity for violating the U.S. Constitution, who were named defendants in

Civil Action No. 1:21-cv-01831-TNM, based on the following federal prohibition:

*The Department of Justice will not assert any legal position or defense on behalf of any employee sued in his individual capacity which is deemed not to be in the interest of the United States...*

See *declaratory decrees* set forth in 28 CFR § 50.15 (a) (1), (2), (4), (5), (7), (8) (ii) and (v), and (b) (1) and (2), which prohibit the use of taxpayers' money to defend violators of the U.S. Constitution.

**E.** Based on the foregoing, should the U.S. District Court for the District of Columbia be ORDERED to [re-open] Civil Action Nos. 1:21-cv-01831 & 1:24-cv-02086, so as to permit PAG-Bishay to lawfully prosecute the Civil-Rights / Constitutional claims presented therein; and the monetary damages asserted against specific parties described therein as the "beneficiaries" of eight (8) federal crimes listed therein.

**Questions Presented concerning  
nationwide injunctions**

**F.** If the D.C. judges' dismissal order(s) are deemed [unconstitutional], which included a "permanent injunction" barring PAG-Bishay from bringing any constitutional claim in any federal tribunal within the United States, through "*nationwide injunction*", should such injunction be deemed **VOID**, *ab initio*, as the U.S. Supreme Court

so held more than half century ago in *Walker v. City of Birmingham*, 388 U.S. 307, 87 S.Ct. 1824, 18 L.Ed.2d 1210 (1967), *to wit*:

*This is raw tyranny under the guise of maintaining law and order. \*\*\* We cannot in all good conscience obey such an injunction which is an unjust, undemocratic and unconstitutional misuse of the legal process \*\*\*.*

G. In the event the current Supreme Court chooses *not* to endorse the 1967 *Walker* court ruling (*supra*), should the current Court at least offer judicial perspective concerning H. Bill titled "**No Rogue Rulings Act**" \*\*\* through the within matter after District Judge Trevor McFadden entered a nationwide injunction endorsed by the D.C. Circuit judicial officers named above, barring PAG-Bishay from bringing any constitutional, civil-right or statutory claim anywhere in the United States<sup>1</sup> \*\*\*

---

<sup>1</sup> When district judge McFadden maliciously entered his injunction in 2023 and the D.C. Circuit judges endorsed same forthwith, said judicial officers were presumed aware of the following: i) under 28 U.S.C. §1251, the U.S. Congress did not confer "*original-exclusive*" jurisdiction upon the U.S. Supreme Court, as they falsely averred, to adjudicate [c]onstitutional claims PAG-Bishay lawfully and properly brought in the D.C. District Court; (ii) after 135 docket entries were made by all the parties, 30 of which district judge McFadden docketed himself, said district judge falsely proffered that he lack[ed] jurisdiction and the U.S. Supreme Court possessed *original-exclusive* jurisdiction; (iii) in five decades during which PAG-Bishay appeared in federal tribunals, including administrative-law proceedings, not once was PAG-Bishay ever sanctioned under Rule 11 or similar authority, because not once was he deemed to

thus requiring Congress to amend Chapter 85 of title 28, United States Code, Section 2 through §1370, abolishing, *ab initio*, “***nationwide injunctions***”, particularly as such injunctions squarely conflict with “***due process***” rights and civil liberties guarantied under the 5<sup>th</sup> and 14<sup>th</sup> Amendments, as said H. Bill reflects as follows:

*‘Notwithstanding any other provision of law, no United States district court shall issue any order providing for injunctive relief \*\*\* except in the case of such an order that is applicable only to limit the actions of a party to the case before such district court with respect to the party seeking injunctive relief from such district court.’*

---

have presented a frivolous or a vexatious claim or defense in five (5) decades appearing therein; and iv) more than half century ago the U.S. Supreme Court abolished the type of injunction said judicial officers imposed on PAG-Bishay, as the U.S. Supreme Court so held in *Walker v. City of Birmingham*, 388 U.S. 307, 87 S.Ct. 1824, 18 L.Ed.2d 1210 (1967), to wit: “***This is raw tyranny under the guise of maintaining law and order. We cannot in all good conscience obey such an injunction which is an unjust, undemocratic and unconstitutional misuse of the legal process.***”

**Petitioner-Plaintiff's Rule 26.1  
Corporate Disclosure Statement**

The Petitioner-Plaintiff, as well as the U.S. citizens referenced throughout this document, are natural persons. As such, a corporate disclosure statement is not required. *Fed. R. APP. P.* 26.1(a).

**Related Proceedings**

*Bishay v. Harris, et al*, solely in individual capacities, U.S. District Court for the District of Columbia No. 1:21-cv-01831.

*Bishay v. Harris, et al*, solely in individual capacities, U.S. Court of Appeals for the District of Columbia Circuit No. 22-5060.

*Bishay v. Harris, et al*, solely in individual capacities, U.S. Court of Appeals for the District of Columbia Circuit No. 23-5019.

*Bishay v. Harris, et al*, solely in individual capacities, U.S. Court of Appeals for the District of Columbia Circuit No. 24-5040.

*Bishay v. McFadden, et al*, solely in individual capacities, U.S. District Court for the District of Columbia No. 1:24-cv-02086.

*Bishay v. McFadden, et al*, solely in individual capacities, U.S. Court of Appeals for the District of Columbia Circuit No. 24-5197.

**TABLE OF CONTENTS**

Discrete Questions Presented .....	i
Petitioner-Plaintiff's Rule 26.1 Corporate Disclosure Statement .....	viii
Related Proceedings .....	viii
Table of Contents .....	ix
Table of Authorities .....	xi
Opinions Below .....	1
Jurisdiction .....	1
Constitutional and Statutory Provisions .....	1
I. Introduction - Statement of the Case .....	2
II. Factual and procedural history with constitutional and statutory disposition, requiring the Court's appellate authority. ....	4
III. Violators of the U.S. Constitution enjoy neither absolute nor qualified immunity.....	20
IV. Violators of the U.S. Constitution are prohibited from consuming taxpayers' money to defend themselves, thus said judicial officers aided and abetted fraud on all U.S. taxpayers, including PAG-Bishay, with impunity.....	27

V. Relief is not available elsewhere after Chief Justice Roberts deemed the D.C. Circuit disqualified in the entirety in December 2024 (id), therefore requiring this Court to treat this document as [involuntary] certification under Rule 19 of the Rules of the Court, or direct [another] U.S. Circuit to sit, en banc, to answer the Discrete Questions Presented in the D.C. Circuit on December 27, 2024, which remain unanswered due to the circuit's acknowledged disqualification to answer said questions under Rule 35 of the Federal Rules of Appellate Procedure.....	31
VI. U.S. citizens and taxpayers are entitled to the protection available under Article III, Section 2 of the Constitution; 28 U.S.C., §1651, and only this Court may answer the Questions Presented *** A through G *** or designate a U.S. Circuit [other] than the D.C. Circuit to so answer en banc.....	32
VII. Reason why the within petition should be granted is to forthwith end blatant obstruction of justice and contempt of judicial oath(s) and [un]ambiguous Constitutional & Statutory Decrees.....	33
Certificate of Compliance with Rule 20.3 .....	35
VIII. Conclusion & Relief Sought.....	38

## TABLE OF AUTHORITIES

## Cases

<i>Associated Industries of New York State, Inc. v. Ickes,</i> 134 F.2d 694 (2d Cir. 1943) .....	6
<i>Bankers Life &amp; Casualty Co. v. Holland,</i> 346 U.S. 379 (1953).....	34
<i>Bell v. Hood,</i> 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1946).....	27
<i>Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics,</i> 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971).....	27, 29
<i>Butz v. Economou,</i> 438 U.S. 478 (1978).....	21
<i>Cannon v. University of Chicago,</i> 441 U.S. 677 (1979).....	7
<i>Ex parte Young,</i> 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908).....	23, 24, 26, 30
<i>Harlow v. Fitzgerald,</i> 457 U.S. 800 (1982).....	21, 23, 24, 27

<i>Kerr v. United States Dist. Court for Northern Dist. of Cal.,</i> 426 U.S. 394 (1976).....	34
<i>Knick v. Twp. of Scott,</i> 139 S. Ct. 2162, 204 L.Ed.2d 558 (2019).....	23, 24
<i>Mitchell v. Forsyth,</i> 472 U.S. 511 (1985).....	21, 23, 24, 27
<i>Newman v. Piggie Park Enterprises, Inc.,</i> 390 U.S. 400, 88 S.Ct. 964, 19 L.Ed.2d 1263 (1968).....	6
<i>Pearson v. Callahan,</i> 555 U.S. 223 (2009).....	21
<i>Roche v. Evaporated Milk Assn.,</i> 319 U. S. 21 (1943).....	34
<i>Ryan v. United States,</i> 227 Ct. Cl. 711 (1981).....	13, 29, 30
<i>Saucier v. Katz,</i> 533 U.S. 194 (2001).....	22
<i>Simpkins v. District of Columbia Government,</i> 108 F.3d 366 (1997) .....	29
<i>Walker v. City of Birmingham,</i> 388 U.S. 307, 87 S.Ct. 1824, 18 L.Ed.2d 1210 (1967).....	17

*Will v. United States*,  
389 U.S. 90 (1967)..... 34

**Constitutional Provisions, Statutes, and Rules**

U.S. Const. Art. III ..... 25, 32

U.S. Const. Amend. V..... 1, 15, 18, 24

U.S. Const. Amend. VII..... 1

U.S. Const. Amend. XIV ..... 1, 15, 18

28 CFR § 50.15..... 13, 28, 29

5 U.S.C. § 3331..... 7, 11, 16, 19, 29, 32

11 U.S.C. § 362..... 2, 15, 25

18 U.S.C. § 4..... 1, 15, 25

18 U.S.C. § 63..... 1, 15, 25

18 U.S.C. § 152..... 1, 15, 25

18 U.S.C. § 242..... 24

18 U.S.C. § 1341..... 1, 15, 25

18 U.S.C. § 1343..... 1, 15, 25

18 U.S.C. § 1503..... 1, 15, 25

18 U.S.C., Ch. 73, § 1509..... 1, 15, 25

18 U.S.C. §§ 1961-1968.....	1, 3, 6, 15, 25, 28, 35, 36
18 U.S.C. § 2314.....	2, 15, 25
18 U.S.C. § 2315.....	2, 15, 25
18 U.S.C. § 3284.....	2, 15, 25
18 U.S.C. § 3663A.....	2, 16, 19, 25, 27
18 U.S.C. § 3664.....	2, 16, 19, 25, 27
28 U.S.C. § 144.....	16, 36, 39, 40, 41
28 U.S.C. § 291.....	1, 3, 31, 39
28 U.S.C. § 294.....	1, 3, 31
28 U.S.C. § 453.....	7, 11, 16, 19, 20, 32
28 U.S.C. § 1251.....	11, 12, 35, 36
28 U.S.C. § 1331.....	1, 15, 25
28 U.S.C. § 1361.....	1, 15, 25
28 U.S.C. § 1391.....	1, 15, 25
28 U.S.C. § 1651.....	1, 3, 25, 32, 33
28 U.S.C. § 2201.....	1, 15, 25
28 U.S.C. § 2679.....	20

42 U.S.C. § 1983.....	1, 15, 20, 24, 25, 27
42 U.S.C. § 1985.....	1, 15, 21, 24, 25, 27
42 U.S.C. § 1988.....	6
Civil Rights Act of 1871.....	1, 15, 24, 25
Judiciary Act of 1789.....	1, 2, 7, 11, 16, 29, 30, 32
Mandatory Restitution Act of 1996....	2, 16, 19, 25, 27
Fed. R. App. P. 35 .....	1, 4, 31, 37, 39-41
Fed. R. App. P. 40 .....	37, 40
Fed. R. Civ. P. 10(c) .....	8
Fed. R. Civ. P. 11 .....	18
Pub. L. 89–554, Sept. 6, 1966, 80 Stat. 424.....	8
Pub. L. 101–650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124 .....	8
U.S. Supreme Court Rule 17.....	11, 12, 36
U.S. Supreme Court Rule 19.....	4, 31, 36, 37, 39, 40
U.S. Supreme Court Rule 20.....	1, 3, 35, 39

### **Opinions Below**

As reflected in Appendix C, 28a, no opinion was issued by three-judge panel selected by Chief Justice Roberts on December 11, 2024, to sit by designation.

As reflected in Appendix E, 54a, no *en banc* opinion was issued by the circuit because 14 circuit-judges are named defendants in the within matter, hence the circuit's acknowledged disqualification -- in the entirety -- to act in any judicial capacity under Rule 35 of the *Federal Rules of Appellate Procedure*. *Id.*

### **Jurisdiction**

Jurisdiction is conferred upon this Court under Rule 20 of the Rules of the Court and the authority vested in its Justices under Section 13 of the *Act of 1789*; Article III, Section 2 of the Constitution; 28 U.S.C., §1651; and in its Chief Justice under 28 U.S.C. §§ 291 & 294.

### **Constitutional and Statutory Provisions**

Standing is conferred upon PAG-Bishay under the *Fifth*, *Seventh* and *Fourteenth* Amendments, Article III, §§ 1 and 2 of the U.S. Constitution; 28 U.S.C. §§ 1331, 1361, 1391(b), 1651(a), and 2201, *et seq.*; 42 U.S.C. § 1983 & §1985(3), as part of the *Civil Right Act* of 1871; 18 U.S.C. § 4; 18 U.S.C. § 63; 18 U.S. C. § 152; 18 U.S.C. § 1503; 18 U.S.C., Ch. 73, § 1509; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. §§

1961-1968 (including §§1962(d) and 1964(c)); 18 U.S.C. §§ 2314, 2315; 18 U.S.C. § 3284; 11 U.S.C. §362; and the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664.

## I. Introduction - Statement of the Case.

The within petition, seeking a writ of mandamus, presents a *case of first impression*. In that, by three separate Order(s) dated December 11, 2024 (*id*), concerning *Bishay v. McFadden, et al.*<sup>2</sup>, U.S. Court of Appeals for the District of Columbia Circuit No. 24-5197, the Chief Justice of the United States *disqualified* the D.C. Circuit in its entirety, including *en banc* adjudication. Instead, the Chief Justice selected three (3) federal judges from other circuit(s) to sit by designation (in panel capacity; not in *en banc* capacity), based on the facts, procedural history and governing authority chronicled further below in this document.

Said extraordinary remedy \*\*\* disqualifying an entire federal circuit \*\*\* has not previously been carried out since the establishment of the U.S. Circuits more than two centuries ago under the *Judiciary Act of 1789*.

---

<sup>2</sup> Sri Srinivasan, Patricia Milet, Cornelia Pillard, Robert Wilkins, Gregory Katsas, Neomi Rao, Justin Walker, Michelle Childs, Florence Pan, Bradley Garcia, Harry Edwards, Douglas Ginsburg, Raymond Randolph, and Judith Rogers, *circuit judicial officers*; and Trevor McFadden, Amit Mehta, and Dabney Friedrich, *district judicial officers*.

Therefore, after the Clerk of this Court returned an Application dated March 25, 2025, presented under Rule 22 and 23 of the Court's Rules and 28 U.S.C. §§ 291 & 294, requesting that it be transmitted to Chief Justice John G. Roberts, who issued the three Order(s) referenced above on December 11, 2024; and that Chief Justice Roberts was also the Justice *allotted* to the U.S. Court of Appeals for the D.C. Circuit, on March 31, 2025, however, the Clerk reported that a petition needed to be re-submitted under Rule 20 instead.

Accordingly, pursuant to the *supervisory* authority conferred upon this Court to grant mandamus relief under the *All Writs Act*, 28 U.S.C. § 1651(a); Rule 20 of the *Rules of the U.S. Supreme Court*; Article III, Section 2 of the U.S. Constitution; and the Chief Justice's authority under 28 U.S.C. §§ 291 & 294, Petitioner Bahig F. Bishay, on his own behalf and at the behest of *all* citizens of the United States in the capacity of Private Attorney General, as so authorized by the U.S. Congress under 18 U.S.C. §§1961-1968 (1994 ed. and Supp. III) ("PAG-Bishay"), respectfully moves: Chief Justice, Hon. John G. Roberts, Jr., and Associate Justices: Hon. Clarence Thomas; Hon. Samuel A. Alito, Jr.; Hon. Sonia Sotomayor; Hon. Elena Kagan; Hon. Neil M. Gorsuch; Hon. Brett M. Kavanaugh; Hon. Amy Coney Barrett; and Hon. Ketanji Brown Jackson, to issue a writ of mandamus requiring a federal circuit [*other*] than the D.C. circuit, to answer the *Discrete Questions Presented* (*id*) by PAG-Bishay on September 27, 2024 in the U.S. Court of Appeals for the D.C. Circuit, based on the D.C. Circuit's admitted *disqualification*

in the entirety to act in any judicial capacity concerning the within matter, including its *disqualification* to answer, *en banc*, said *Discrete Questions* under Rule 35 of the *Federal Rules of Appellate Procedure*. *Id.*

In the alternative, to deem said *Discrete Questions* [involuntarily] “certified” under Rule 19 of the Rules of the Court, pursuant to the three Order(s) issued by Chief Justice Roberts on December 11, 2024 (*id.*), confirming the D.C. Circuit’s *disqualification* in its the entirety, and the D.C. Circuit’s acknowledgment of same and its inability to act in any judicial capacity concerning the within matter, as reflected in its *Clerk’s Order* (issued only by the clerk; not by its judicial officers) on March 20, 2025. *Infra.*

## **II. Factual and procedural history with constitutional and statutory disposition, requiring the Court’s appellate authority.**

On July 11, 2024, PAG-Bishay submitted a *Verified Complaint* in the U.S. District Court for the District of Columbia [24-cv-02086], naming the following defendants<sup>3</sup> solely in their [*individual*] capacities for violating the U.S. Constitution and several federal statutes: TREVOR MCFADDEN, SRI SRINIVASAN, PATRICIA MILLETT, CORNELIA

---

<sup>3</sup> Though a “Constitutional Demand” PAG-Bishay served on all judicial officers presiding in the U.S. Court of Appeals for the D.C. Circuit, Karen LeCraft Henderson is intentionally not named a defendant in the within matter because D.C. Document No. 2062507 states as follows: “*Circuit Judge Henderson did not participate in this matter.*”

PILLARD, ROBERT WILKINS, GREGORY KATSAS, NEOMI RAO, JUSTIN WALKER, MICHELLE CHILDS, FLORENCE PAN, BRADLEY GARCIA, HARRY EDWARDS, DOUGLAS GINSBURG, RAYMOND RANDOLPH, and JUDITH ROGERS.

On August 11, 2024, PAG-Bishay submitted an *Amended-Supplemented Verified Complaint*, where he added defendant AMIT MEHTA based on additional unlawful acts in which defendant Mehta allegedly engaged.

In both the *Verified Complaint* and *Amended Verified Complaint*, PAG- Bishay alleged the below re-stated federal-law violations and crimes, and demanded a trial by jury of all matters so triable:

- I) DELIBERATE BREACH OF JUDICIAL OATH(S);
- II) DELIBERATE BREACH OF OATH(S) OF OFFICE;
- III) CONTEMPT OF U.S. CONSTITUTIONAL MANDATES;
- IV) VIOLATIONS OF U.S. CIVIL RIGHTS;
- V) JUDICIAL BIASE & PREJUDICE;
- VI) OBSTRUCTION OF JUSTICE;

- VII) UNAUTHORIZED USE OF AMERICAN TAXPAYERS' MONEY, THUS DEFRAUDING U.S. TAXPAYERS, WITH IMPUNITY;
- VIII) AIDING AND ABETTING EIGHT (8) FEDERAL CRIMES;
- IX) CIVIL CONSPIRACY UNDER THE FEDERAL RICO ACT;
- X) DECLARATORY & MONETARY RELIEF; and
- XI) TRIAL BY JURY OF ALL MATTERS SO TRIABLE

In said *Complaint* and *Amended Complaint*, PAG-Bishay reminded the defendants listed therein that he was authorized by the U.S. Congress under 18 U.S.C. §§ 1961-1968 (1994 ed. and Supp. III)<sup>4</sup> to

---

<sup>4</sup> Congressional authority vested in PAG-Bishay under the *RICO* Act recognized as such in *Newman v. Piggie Park Enterprises, Inc.*, 390 U.S. 400 (1968) 88 S.Ct. 964, 19 L.Ed.2d 1263; *Associated Industries of New York State, Inc. v. Ickes*, 134 F.2d 694 (2d Cir. 1943), ensuring that such actions benefit society at large as so authorized by Congress through its codification of the Private Attorney General principle into law with the enactment of the *Civil Rights Attorney's Fees Award Act of 1976*, 42 U.S.C. § 1988, as detailed in the *Senate Report* on the statute concerning Private Attorney Generals' activities; confirmed by the *Senate Committee on the Judiciary* to level the playing field so that "private citizens", who might have little or no money, could still serve as "*Private Attorneys General*" and afford to bring *RICO* actions even against state or local bodies, to enforce civil rights under constitutional mandates, as the Committee so published as follows: "*[i]f private citizens are to be able to assert their civil rights, and if those who violate the*

bring said action in his capacity of Plaintiff and Private Attorney General acting at the behest of *all* citizens of the United States, seeking declaratory judgment naming the above listed judicial officers who pledged under oath before the American people and their U.S. Representatives to discharge the following duties:

*administer justice without respect to persons, and do equal right to the poor and to the rich, and faithfully and impartially discharge and perform all the duties incumbent upon them under the Constitution and laws of the United States; and that they will bear true faith and allegiance to the same,*

pursuant to the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331, hereinafter, collectively the “judicial officers” or identified by their last names, who freely, without mental reservation, pledged to faithfully discharge the following:

*I \_\_\_\_\_ do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and*

---

*Nation's fundamental laws are not to proceed with impunity, then citizens must have the opportunity to recover what it costs them to vindicate these rights in court", as the U.S. Supreme Court held that: Congress indeed intended several civil rights statutes to become [en]forceable by "private citizens". See, for example, Cannon v. University of Chicago, 441 U.S. 677 (1979).*

*perform all the duties incumbent upon  
me as under the Constitution and laws  
of the United States. So help me God.*

(Pub. L. 101-650, title IV, § 404, Dec. 1, 1990, 104 Stat. 5124.)

*I \_\_\_\_\_ do solemnly swear (or affirm)  
that I will support and defend the  
Constitution of the United States against  
all enemies, foreign and domestic; that I  
will bear true faith and allegiance to the  
same; that I take this obligation freely,  
without any mental reservation or  
purpose of evasion; and that I will well  
and faithfully discharge the duties of the  
office on which I am about to enter. So  
help me God.*

(Pub. L. 89-554, Sept. 6, 1966, 80 Stat. 424.)

Separate and apart, PAG-Bishay sought monetary damages assessed only against twenty eight (28) specific individuals and entities he described in the U.S. District Court for the District of Columbia Civil Action No. 1:21-cv-01831 as “beneficiaries” of eight (8) admitted federal crimes listed therein, who were later so identified in Civil Action No. 1:24-cv-02086 in Count-VI.

PAG-Bishay incorporated therein by reference, pursuant to Rule 10(c) of the *Federal Rules of Civil Procedure*, with the same force and effect as if specifically restated therein, all that was alleged in

the U.S. District Court for the District of Columbia  
Civil Action No. 1:21-cv-01831.

PAG-Bishay further incorporated therein by reference the identity of all individuals and entities named in Civil Action No. 1:21-cv-01831 as follows: Scott S. Harris, in individual capacity only; Mara Silver, in individual capacity only; Susan Frimpong, in individual capacity only; Jeffry R. Howard, in individual capacity only; Juan R. Torruela, in individual capacity only; William J. Kayatta, Jr., in individual capacity only; Sandra L. Lynch, in individual capacity only; O. Rogeriee Thompson, in individual capacity only; David J. Barron, in individual capacity only; Maura Healy, in individual capacity only; Elizabeth A. Kaplan, in individual capacity only; Ralph D. Gants, in individual capacity only; Barbara A. Lenk, in individual capacity only; Frank M. Gaziano, in individual capacity only; David A. Lowy, in individual capacity only; Kimberly S. Budd, in individual capacity only; Elspeth B. Cypher, in individual capacity only; Scott Kafker, in individual capacity only; Merrill Lynch Credit Corp n/k/a Bank of America, N.A.; Real Estate Growth Fund, LLC; Jon Freeman; Michael P. Guinta; Peter D. Kyburg; Kurt Deusche; Alvin Nathanson; Citicorp Leasing, Inc; Lee Harrington; Gibraltar Holdings Groupe, Inc; Kurt Lyn; Mechanics Co/Operative Bank; Lawrence Green; Michael Twohig; Brighton Avenue Associates LLC; James Singer; David Reier; Conn Kavanaugh Rosenthal Peisch & Ford LLP; Thomas Gallitano; GMAC a/k/a Ally Financial Inc; Kenneth Leonetti; The Estate of Harold Brown; Herbert Weinberg; Barbara Lombard d/b/a Revere

Storage, Inc; James Grumbach; Theresa Kelly Banash; Jonathan D. White; Bell Atlantic Yellow Pages Co. Inc n/k/a Verizon Communications; Robert A. Cornetta, in individual capacity only; Massachusetts Superior Court; Massachusetts Land Court; Allexander H. Sands, III, in individual capacity only; William G. Young, in individual capacity only; Allison D. Burroughs, in individual capacity only; Leo T. Sorokin, in individual capacity only; Christopher A. Wray, in individual capacity only; James A. Crowell IV, in individual capacity only; U.S. Department of Justice and the Federal Bureau of Investigation.

In the within matter, styled *Bishay, and others, v. McFadden, and others*, U.S. District Court for the District of Columbia, Civil Action No. 1:24-cv-02086, PAG-Bishay averred that, despite decades of actions brought in and adjudicated by the same U.S. District Court for the District of Columbia, many of which named the highest-ranking federal employees such as presidents of the United States, the most recent of which named U.S. President Donald J. Trump in *United States of America v. Donald J. Trump*, District of Columbia No. 1:23-cr-00257 [U.S. District Judge Tanya Chutkan presiding]; and *United States of America v. Donald J. Trump*, No. 23-3190 [D.C. Circuit Judges Karen LeCraft Henderson, Michelle Childs and Florence Pan, presiding], defendants McFadden, Mehta and Friedrich, sitting in the same district court; and Srinivasan, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, Garcia, Edwards, Ginsburg, Randolph, and Rogers, sitting in the U.S. Court of Appeals for the D.C.

Circuit, engaged in the following unlawful acts, in violation of the judicial oath(s) and the oath(s) of office they all took under the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331:

- 1) Falsey proffered that the U.S. District Court for the District of Columbia and the U.S. Court of Appeals for the D.C. Circuit both [lacked] jurisdiction to adjudicate the [constitutional] claims PAG-Bishay lawfully brought therein, and that, according to said judicial officers, the U.S. Supreme Court possessed ***original-exclusive*** jurisdiction to adjudicate said [constitutional] claims, despite the clarity of the discrete authority described in 28 U.S.C. § 1251 and Rule 17 of the Rules of the U.S. Supreme Court; and that none of the defendants named in Civil Action No. 1:21-cv-01831 were nor resembled: ***States within the United States that brought actions against citizens of another State or against aliens; nor ambassadors, public ministers, consuls, or vice consuls of foreign states.***
- 2) Despite the clarity of the foregoing, and to put to rest such fraud and contempt, PAG-Bishay had no choice but to submit to the U.S. Supreme Court a *Bill of Complaint* under Rule 17 of the Rules of the Court, whereupon, in December 2022 and again in January 2024, the Court, through its Clerk, confirmed the falsity of the above named judicial officers' proffer, as follows:

*Under Article III of the Constitution, the jurisdiction of this Court extends only to the consideration of cases or*

*controversies properly brought before it from lower courts in accordance with federal law and filed pursuant to the Rules of this Court.*

*The original jurisdiction of this Court generally extends only to cases or controversies between two or more states or between the United States and one or more states. See 28 U.S.C. 1251 and Rule 17 of the Rules of this Court.*

*Sincerely, Scott S. Harris, Clerk...*

3) PAG-Bishay timely delivered this Court's declaratory response (*supra*) to defendant McFadden and requested that Civil Action No. 1:21-cv-01831 be reopened, forthwith, but defendant McFadden adamantly refused.

4) On appeal to the U.S. Court of Appeals for the D.C. Circuit, PAG-Bishay delivered the same declaratory response of the U.S. Supreme Court (*supra*) to the D.C. Circuit, but said judicial officers named above refused to direct the District Court to re-open Civil Action No. 1:21-cv-01831, despite the clarity of this Court's declaratory response. *Supra.*

5) In addition to the foregoing, said judicial officers fraudulently permitted the prior Department of Justice ("DOJ"), in Civil Action No. 1:21-cv-01831 and in U.S. Court of Appeals for the D.C. Nos. 22-5060, 23-5019 and 24-5040, to consume tax-payers'

money to defend fourteen (14) federal employees named solely in their [individual] capacities for admittedly violating the U.S. Constitution, in stark violation of 28 CFR § 50.15, which prohibits the use of taxpayers' money to defend federal employees sued in [individual] capacity for violating the U.S. Constitution, *inter alia*, as follows:

*The Department of Justice will not assert any legal position or defense on behalf of any employee sued in his individual capacity which is deemed not to be in the interest of the United States...*

28 CFR § 50.15, Order No. 970-82, 47 FR 8172, Feb. 25, 1982, as amended at Order No. 1139- 86, 51 FR 27022, July 29, 1986; Order No. 1409-90, 55 FR 13130, Apr. 9, 1990.

6) PAG-Bishay further directed the judicial officers' attention to the clear distinction between the protection of the U.S. Constitution and the [individual] interest of federal employees, as follows:

*[f]ederal employees are . . . provided with legal counsel in order to protect the interests of the Government, not the individual interests of the employee."* *Ryan v. United States*, 227 Ct. Cl. 711, 713-14 (1981) (emphasis in original). As the Ryan court observed, "[t]he Justice Department clearly has no obligation to a particular employee.] Id." At 714.

7) Notwithstanding the clarity of the above referenced authorities, defendant McFadden and the rest of the defendants named above deliberately ignored every pleading PAG-Bishay submitted and, instead, with impunity and clear contempt, continued to defraud PAG-Bishay and the rest of the U.S. taxpayers of substantial funds, by allowing the prior DOJ to use U.S. taxpayer's money throughout said proceedings, as reflected in Civil Action No. 1:21-cv-01831 and U.S. Court of Appeals for the D.C. Circuit No. 22- 5060; No. 23-5019; and No. 24-5040.

8) In addition to the foregoing, after more than one hundred pleadings were docketed by fifty-seven parties and thirty procedural orders entered by defendant McFadden, defendant McFadden suddenly manufactured, and the rest of the judicial offices named above further endorsed, bogus facts neither presented by any of the parties named therein nor referenced in the thirty procedural orders defendant McFadden entered on the docket himself.

9) Then defendant McFadden maliciously disabled PAG-Bishay's electronic-filing credentials to bar him from timely submitting pleadings in the U.S. District Court for the District of Columbia; and further enjoined him from prosecuting [other] constitutional and civil-rights claims anywhere in the United States (through a ***nationwide-injunction***), whereupon the D.C. Circuit judicial officers refused to direct defendant McFadden to forthwith restore PAG-Bishay's electronic credentials [concerning district court filings]; and also refused to lift defendant McFadden's ***nationwide-injunction***, knowing that

such activities will not be distinguished from plain obstruction of justice and stark violation(s) of civil and constitutional rights.

10) When defendant McFadden and the rest of the judicial officers enjoined PAG-Bishay from lawfully prosecuting civil rights and constitutional claims anywhere in the United States [through a *nationwide injunction*], they all knew, based on their legal acumen, that they squarely and blatantly engaged in egregious obstruction of justice and deliberate violation of civil and constitutional rights.

11) When defendant McFadden and the rest of the judicial officers barred PAG-Bishay from lawfully prosecuting said civil rights and constitutional claims in the District of Columbia tribunal, and refused to re-open Civil Action No. 1:21-cv-01831, particularly after the Clerk of the U.S. Supreme Court delivered said declaratory response in December 2022 and again in January 2024 (*supra*), they all knew that PAG-Bishay was unquestionably entitled to prosecute the eight (8) federal crimes he brought therein, pursuant to federal redress available to *all* citizens of the United States under the *Fifth*, *Seventh* and *Fourteenth* Amendments, Article III, §§ 1 and 2 of the U.S. Constitution; 28 U.S.C. §§ 1331, 1361, 1391(b), 1651(a), and 2201, *et seq.*; 42 U.S.C. § 1983 & §1985(3), as part of the Civil Right Act of 1871; 18 U.S.C. § 4; 18 U.S.C. § 63; 18 U.S.C. § 152; 18 U.S.C. § 1503; 18 U.S.C., Ch. 73, § 1509; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. §§ 1961-1968 (including §§1962(d) and 1964(c)); 18 U.S.C. §§ 2314, 2315; 18 U.S.C. § 3284; 11 U.S.C. §362; and the *Mandatory*

*Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664.

12) When defendant McFadden and the rest of the judicial officers abrogated PAG-Bishay's civil and constitutional rights otherwise unfetteredly endowed upon every citizen of the United States to so freely enjoy, such foreclosure squarely violated the judicial oath(s) and oath(s) of office they all took under the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331 (*supra*); and that the consequences of such egregious acts were/are abundantly clear and decisively immanent.

13) When defendant McFadden and the rest of the judicial officers permanently enjoined PAG-Bishay from prosecuting [other] constitutional and civil-rights claims in the United States [by imposing said *nationwide injunction*], defendant McFadden and the rest of the judicial officers knew, based on the numerous written demand(s) PAG-Bishay presented in D.C. Document #s 1984023, 1988505, 1993655, 1994433, 1999811, and 1999927, that such unlawful acts required defendant McFadden to forthwith *set aside* all non-procedural orders he entered, and immediately recuse himself from presiding in Civil Action No. 1:21-cv-01831, as PAG-Bishay so demanded pursuant to the discrete relief available under 28 U.S.C. § 144 (*infra*), but defendant McFadden refused and the rest of the judicial officers swiftly endorsed his refusal, knowing that such statutory remedy was not discretionary but mandatory, as set forth in 28 U.S.C. § 144, as follows:

*Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding.*

14) When defendant McFadden and the rest of the judicial officers permanently enjoined PAG-Bishay from prosecuting [other] constitutional and civil rights claims in the United States, they were all made aware that sixty years ago the U.S. Supreme Court vehemently rebuked such unlawful acts, as it admonished those who engage in such misconduct in *Walker v. City of Birmingham*, 388 U.S. 307, 87 S.Ct. 1824, 18 L.Ed.2d 1210 (1967), *to wit*:

*This is raw tyranny under the guise of maintaining law and order. \*\*\* We cannot in all good conscience obey such an injunction which is an unjust, undemocratic and unconstitutional misuse of the legal process \*\*\*.*

15) When defendant McFadden and the rest of the judicial officers permanently enjoined PAG-Bishay from prosecuting [other] constitutional and civil rights claims in the United States, they knew, after defendant McFadden so admitted in writing, that not once was PAG-Bishay ever found by an ultimate federal authority to have engaged in any sanctionable

activity, in five decades appearing in federal tribunals, including administrative-law proceedings, either under Rule 11 of the *FRCP* or under any similar standards, and further knew that PAG-Bishay never brought "frivolous" or "vexatious" actions nor asserted a defense, factually, legally, or procedurally sanctionable in any federal tribunal.

16) Defendant McFadden and the rest of the judicial officers were made aware that as a direct result of said judicial misconduct, with impunity, PAG-Bishay was not permitted to bring [unrelated] constitutional claims in the U.S. District Court for the District of Massachusetts.

17) When PAG-Bishay demanded that said [unlawful] *nationwide injunction* be lifted, defendant McFadden refused and the rest of the seventeen (17) judicial officers named above also refused to vacate such an unlawful injunction, they all knew that such acts squarely violated the U.S. Constitution on multiple levels, including the otherwise unfettered "due process" right guaranteed under the *Fifth* and the *Fourteenth* Amendments to the U.S. Constitution.

18) In June 2024, PAG-Bishay demanded that defendants Srinivasan, Millett, Pillard, Wilkins, Katsas, Rao, Walker, Childs, Pan, Garcia, Edwards, Ginsburg, Randolph, and Rogers, forthwith VACATE defendant McFadden's unlawful *nationwide injunction*, so as to permit PAG-Bishay to freely prosecute said [unrelated] civil-rights, constitutional claims, which he lawfully brought in the U.S. District Court for the District of Massachusetts, which were

refused by said federal tribunal as a direct result of defendant McFadden's 2023 unlawful injunction, on July 1, 2024, said D.C. Circuit judicial officers refused to VACATE such clear injustice, in direct breach and contempt of the judicial oath(s) and the oath(s) of office they *all* took under the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331. *Supra*.

19) When said judicial officers attempted to couch into legitimacy what was otherwise the illegitimate abuse of judicial authority, they did so: (i) deliberately, (ii) intentionally, (iii) willfully, (iv) maliciously, (v) negligently, (vi) fraudulently, as they unlawfully foreclosed declaratory decree(s), constitutional, civil-rights; and (viii) further caused forfeiture of substantial monetary damages and statutory restitutions available to *all* citizens of the United States, including PAG-Bishay, under the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664, and the *Restitution Process for Victims of Federal Crimes of money recovery programs* promulgated by the DOJ, by aiding and abetting eight (8) federal crimes perpetrated by twenty eight [other] defendants<sup>5</sup> described therein as

---

<sup>5</sup> Specifically: Merrill Lynch Credit Corp n/k/a Bank of America, N.A.; Real Estate Growth Fund, LLC; Jon Freeman; Michael P. Guinta; Peter D. Kyburg; Kurt Deusche; Alvin Nathanson; Citicorp Leasing, Inc; Lee Harrington; Gibraltar Holdings Groupe, Inc; Kurt Lyn; Mechanics Co/Operative Bank; Lawrence Green; Michael Twohig; Brighton Avenue Associates LLC; James Singer; David Reier; Conn Kavanaugh Rosenthal Peisch & Ford LLP; Thomas Gallitano; GMAC a/k/a Ally Financial Inc; Kenneth Leonetti; The Estate of Harold Brown; Herbert Weinberg; Barbara Lombard d/b/a Revere Storage, Inc; James Grumbach; Theresa Kelly Banash; Jonathan D. White;

the "beneficiaries" – all of which were carried out in stark contempt of judicial oath(s) and deliberate violation of constitutional mandates they swore to uphold and protect under the *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331. *Supra*.

**III. Violators of the U.S. Constitution enjoy neither absolute nor qualified immunity.**

*Ultra vires* acts; contempt of oath(s); aiding and abetting federal crimes; and violating declaratory decrees under 42 U.S.C. § 1983... forthwith strip a judicial officer of any immunity which may otherwise be available, because said officer immediately became a "*private citizen stripped of his/her official or representative character*" upon engaging in the acts described in this document. Thus, the judicial officers named in the above caption instantly became subjected to statutory and constitutional remedies available for *ultra vires* acts, solely in their individual capacities, after having been deemed "*private actors*".

- 1) Immunity conferred by FELRTCA does not extend nor apply to suits brought against federal employees who are (a) sued only in "individual" capacity; (b) for violating the U.S. Constitution and federal statutes.
- 2) Government officials sued for constitutional torts continue to be protected only by qualified immunity under 28 U.S.C. § 2679(b)(2).

- 3) The U.S. Sup. Ct. ratified the foregoing in *Harlow v. Fitzgerald*, 457 U.S. 800, 807 (1982); *Butz v. Economou*, 438 U.S. 478 (1978).
- 4) The U.S. Sup. Ct. further held that, where applicable, qualified immunity could protect an official from trial and the burdens of litigation, as the Court further explained in *Mitchell v. Forsyth*, 472 U.S. 511, 526 (1985).
- 5) The U.S. Sup. Ct., however, further clarified that "*qualified immunity balances two important interests \*\*\* the need to hold public officials accountable when they exercise power irresponsibly \*\*\* and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably*", as the Court explained in *Pearson v. Callahan*, 555 U.S. 223 (2009).
- 6) The U.S. Sup. Ct. further clarified that while qualified immunity protects a government official from lawsuits alleging that an official violated a plaintiff's rights, qualified immunity is not available in suits where the government official violated a "*clearly established*" [s]tatutory or [c]onstitutional right.
- 7) The U.S. Sup. Ct. further directed that when determining whether a right was "*clearly established*", courts must consider whether a hypothetical reasonable official would have known that his/her conduct violated or would violate the plaintiff's [c]onstitutional or [s]tatutory rights.

- 8) The U.S. Sup. Ct. further held that federal officials who attempt to qualify for absolute immunity bear the burden to prove "*that public policy requires an exemption of that scope*", and for government officials trying to qualify for absolute immunity, the Court established a 2-part test that the official must satisfy:

First, the official must show that his/her position's responsibilities had such a sensitive function that it requires absolute immunity,

Second, the official must demonstrate that he/she was discharging the protected function of the position when performing the actions in question.

- 9) In *Saucier v. Katz*, 533 U.S. 194 (2001), the Court held that when there is a summary judgment motion for qualified immunity, the trial court [including the D.C. District Court] should apply a 2-part test to determine whether a government official is entitled to qualified immunity:

First, a court [including the D.C. District Court] must look at whether the facts indicate that a [c]onstitutional right has been violated,

If so, a court must then look at whether that right was clearly established at the time of the alleged conduct.

- 10) In the within matter, the named federal employees \*\*\* sued only in their [individual]

capacity after they deliberately violated the U.S. Constitution \*\*\* are required to explain how such activity was carried out “in the interest of the United States”; and “within the scope of their employment”, under *Ex parte Young*; and *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), where the Court rejected a similar immunity defense, as it quoted its ruling in *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396, to wit:

*Petitioner is immune unless his actions violated clearly established law... We conclude that the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security function.*

- 11) Said federal employees are further required to show they were performing a “*national security function*” to claim immunity.
- 12) Said federal employees are also presumed to know the [c]onstitutional mandates and civil rights remedies available to all citizens of the United States, as written by the founders and framers, with no fear nor favor, as the Court so held in *Knick v. Twp. of Scott*, 139 S. Ct. 2162, 204 L.Ed.2d 558 (2019), to wit:

*Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the*

*District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law.*

- 13) Said federal employees are also presumed to know that the founders and framers unquestionably provided clear and unambiguous remedies made available to *all* citizens of the United States under 42 U.S.C. § 1983, as part of the *Civil Rights Act of 1871*, the *Fifth* and the *Fourteenth* Amendments to the U.S. Constitution; and 42 U.S.C. § 1985(3), of which the Court recognized and adopted in *Ex parte Young*; *Harlow v. Fitzgerald*; *Mitchell v. Forsyth*; and *Knick v. Twp. of Scott* \*\*\* with no exceptions nor exemptions \*\*\* describing said individuals as those *acting under color of law* within the meaning set forth in 18 U.S.C., § 242, 42 U.S.C. § 1983, as part of the *Civil Right Act of 1871*, and the *Fifth* and *Fourteenth* Amendments to the U.S. Constitution.
- 14) Further, when said federal employees deliberately abrogated PAG-Bishay's constitutional rights, they were presumed to know they were going to be sued in [individual] capacity for violating the U.S. Constitution \*\*\* after their acts were deemed *ultra vires*; thus stripping them of their official status as representatives of the sovereign \*\*\* as the Court so held in *Ex parte Young*, supra, to wit:

*When an official acts pursuant to an unconstitutional statute, the absence of valid authority leaves the official ultra vires his authority, and thus a private actor stripped of his status as a representative of the sovereign.*

- 15)Here, but for the obstruction of justice in which said federal employees engaged, PAG-Bishay was clearly entitled to prosecute the constitutional claims he listed in Civil Action No. 1:21-cv-01831, pursuant to the indelible constitutional and statutory remedies endowed upon him and every citizen of the United States, by their Creator and forefathers, as set forth in Article III, §§ 1 and 2 of the United States Constitution; 28 U.S.C. §§ 1331, 1361, 1391(b), 1651(a), and 2201, *et seq.*; 42 U.S.C. § 1983 & §1985(3), as part of the *Civil Right Act of 1871*; 18 U.S.C. § 4; 18 U.S.C. § 63; 18 U.S. C. § 152; 18 U.S.C. § 1503; 18 U.S.C., Ch. 73, § 1509; 18 U.S.C. § 1341; 18 U.S.C. § 1343; 18 U.S.C. §§ 1961-1968 (including §§1962(d) and 1964(c)); 18 U.S.C. §§ 2314, 2315; 18 U.S.C. § 3284; 11 U.S.C. §362; and the *Mandatory Restitution Act of 1996*, 18 U.S.C. §§ 3663A and 3664 as applying to twenty eight (28) specific defendants PAG-Bishay described as “beneficiaries” of eight (8) federal crimes. [See FN-4]
- 16)Therefore, there can be no legitimate debate that U.S. District Courts are indeed empowered by the U.S. Congress to grant the [d]eclaratory relief PAG-Bishay sought naming federal employees solely and explicitly in [i]ndividual capacity; and

[m]onetary damages assessed against those described as “beneficiaries” of the eight (8) federal crimes listed in Civil Action No. 1:21-cv-01831.

17) Thus, it is beyond dispute that U.S. District Courts possess jurisdiction over suits to enjoin state officials from interfering with federal rights by use of the traditional rule that an action against an agent of the sovereign who acted unlawfully was not considered to be against the sovereign; the absence of valid authority leaves the official *ultra vires* his/her authority, and thus a “private actor” stripped of his/her status as a representative of the sovereign, as the Court reasoned in *Ex parte Young* (supra), *to wit*:

*It is simply an illegal act on the part of the official... ‘If the act which the state Attorney General seeks to enforce is a violation of the Federal Constitution, the officer in proceeding under such enactment comes into conflict with the superior authority of that Constitution, and he is in that case stripped of his official or representative character and is subjected in his individual capacity to the consequences of his conduct....’*

18) Accordingly, defendants McFadden and Mehta, and the rest of the judicial officers named above, are presumed to know that Congress unambiguously authorized *all* U.S. District Courts to order restitutions, in the within action, against the twenty eight (28) “beneficiaries” of the eight

(8) federal crimes listed in the Complaint PAG-Bishay submitted in Civil Action No. 1:21-cv-01831 [FN-4], under the *Mandatory Restitution Act* of 1996, 18 U.S.C. §§ 3663A and 3664 (id), 42 U.S.C. §§ 1983 and 1985(3), as the U.S. Sup. Ct. so held in *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388, 91 S.Ct. 1999, 29 L.Ed.2d 619 (1971) ("*In Bell v. Hood, 327 U.S. 678, 66 S.Ct. 773, 90 L.Ed. 939 (1946), we reserved the question whether violation of that command by a federal agent acting under color of his authority gives rise to a cause of action for damages consequent upon his unconstitutional conduct. Today we hold that it does.*"); *Mitchell v. Forsyth*, 472 U.S. 511, 105 S.Ct. 2806, 86 L.Ed.2d 411 (1985), citing *Harlow v. Fitzgerald*, 457 U.S. 800, 102 S.Ct. 2727, 73 L.Ed.2d 396 (1982) (*petitioner is immune unless his actions violated clearly established law... We conclude that the Attorney General is not absolutely immune from suit for damages arising out of his allegedly unconstitutional conduct in performing his national security function.*)

**IV. Violators of the U.S. Constitution are prohibited from consuming taxpayers' money to defend themselves, thus said judicial officers aided and abetted fraud on all U.S. taxpayers, including PAG-Bishay, with impunity.**

In his July 9, 2024 Civil Action No. 24-02086; D.C. Cir. No. 24-5197, PAG-Bishay also reminded said judicial officers that, in his capacity as a U.S.

tax-payer and at the behest of all U.S. taxpayers pursuant to the authority vested in him by the U.S. Congress under 18 U.S.C. §§ 1961-1968 (1994 ed. and Supp. III), he is unquestionably entitled to hold them violators of 28 CFR § 50.15, because, as the district court and the circuit dockets reflect, said judicial officers deliberately permitted the prior DOJ to use [unauthorized] taxpayers' money under 28 CFR § 50.15 (*infra*), to defend federal employees named therein in their [individual] capacities for violating the U.S. Constitution, thus defrauding *all* U.S. taxpayers, including PAG-Bishay, through: Civil Action No. 1:21-01831; and U.S. Court of Appeals for the D.C. Cir. Nos. 22-5060; 23-5019; and 24-5040.

There, PAG-Bishay directed the judicial officer' attention to the clarity of the warnings he published in Civil Action No. 1:21-cv-01831 and the subsequent appeals thereafter, as reflected in ECF No. 1; FNs 4, 7, 8, 24, 25, 26 and 28; D.C. Document #s 1983668, 1987313, where he further reminded said judicial officers and other federal employees named in Civil Action No. 1:21-cv-01831 that none of them were entitled to consume taxpayers' money to defend themselves for violating the U.S. Constitution, by publishing the following statement:

Government employees named in their [individual] capacities may be self-represented or represented by their insurers, but may not cause taxpayers' money to be consumed through U.S. attorneys' representations unless certain

requisites set forth in 28 CFR § 50.15 are met.

See 28 CFR § 50.15 (a) (1), (2), (4), (5), (7), (8) (ii) and (v), and (b) (1) and (2); Order No. 970-82, 47 FR 8172, Feb. 25, 1982, as amended at Order No. 1139-86, 51 FR 27022, July 29, 1986; Order No. 1409-90, 55 FR 13130, Apr. 9, 1990.

PAG-Bishay further reminded said judicial officers of *Simpkins v. District of Columbia Government*, 108 F. 3d 366 (1997), *to wit*:

*Under current Department of Justice procedures, Bivens defendants still have to shoulder the burden of requesting, in writing, that the government provide representation or, in case of a conflict of interest, pay for private counsel. 28 C.F.R. § 50.15(a). The final consideration is that given the large body of law on this issue in other circuits, and the settled practice resulting from the district court decisions in this circuit, we ought to avoid creating a different requirement for serving Bivens defendants sued in the District of Columbia.*

PAG-Bishay further reminded said judicial officers of the U.S. Supreme Court's holding in *Ryan*, where the Court made the clear distinction between the protection of the U.S. Constitution and the individual interest of federal employees, as follows:

*[f]ederal employees are . . . provided with legal counsel in order to protect the interests of the Government, not the individual interests of the employee.”* *Ryan v. United States*, 227 Ct. Cl. 711, 713-14 (1981) (emphasis in original). As the *Ryan* court observed, “[t]he Justice Department clearly has no obligation to a particular employee.] Id.” At 714.

PAG-Bishay also reminded said judicial officers that because such individuals were not doing the business of the sovereign when, in the actions referenced above, took matters into their own hands and abrogated, negligently, willfully or fraudulently, [constitutional] mandates and specific protections available to *all* citizens of the United States under state and federal law, as the U.S. Sup. Ct. held: “*when an official acts pursuant to an unconstitutional statute, the absence of valid authority leaves the official ultra vires his authority, and thus a private actor stripped of his status as a representative of the sovereign.*” *Ex parte Young*, 209 U.S. 123, 28 S.Ct. 441, 52 L.Ed. 714 (1908)...., said individuals were not entitled to use taxpayers’ money to defend themselves.

Notwithstanding the clarity of the foregoing, defendant McFadden and the rest of the judicial officers named above deliberately ignored every pleading PAG-Bishay submitted and, instead, *with impunity*, continued to defraud PAG-Bishay and the rest of the U.S. taxpayers of substantial public funds, by allowing the prior DOJ to use U.S. taxpayer’s

money throughout all said proceedings, as reflected in the District of Columbia Civil Action No. 1:21-cv-01831; U.S. Court of Appeals for the District of Columbia Circuit No. 22-5060; No. 23-5019; and No. 24-5040.

V. Relief is *not* available elsewhere after Chief Justice Roberts deemed the D.C. Circuit *disqualified* in the entirety in December 2024 (*id*), therefore requiring this Court to treat this document as [involuntary] *certification* under Rule 19 of the Rules of the Court, or direct [another] U.S. Circuit to sit, *en banc*, to answer the *Discrete Questions Presented* in the D.C. Circuit on December 27, 2024, which remain unanswered due to the circuit's acknowledged disqualification to answer said questions under Rule 35 of the *Federal Rules of Appellate Procedure*.

Petitioner PAG-Bishay incorporates herein by reference the *Discrete Questions Presented* in the D.C. Circuit on September 27, 2024 (*supra*, p. i), which the D.C. Circuit was not permitted to answer under Rule 35 of the *Federal Rules of Appellate Procedure* after the circuit acknowledged its disqualification \*\*\* in the entirety to sit *en banc* in this matter \*\*\* thus requiring this Court to designate [another] federal circuit to sit *en banc* by designation under 28 U.S.C. §§ 291 & 294 or other relevant authority. In the alternative, to accept, as certified under Rule 19 of the Court's Rules \*\*\* involuntarily on behalf of the

D.C. Circuit \*\*\* the *Questions Presented* in this document (*supra*, p. i), identified as A through G.

VI. U.S. citizens and taxpayers are entitled to the protection available under Article III, Section 2 of the Constitution; 28 U.S.C., §1651, and only this Court may answer the *Questions Presented* \*\*\* A through G \*\*\* or designate a U.S. Circuit [other] than the D.C. Circuit to so answer *en banc*.

While it is distasteful indeed for one judiciary to indict another who went rogue, the American people, on the other hand, however, are entitled to lawful accountability based on judicial oath(s) and oath(s) of office taken "*without any mental reservation or purpose of evasion*", to ensure that the sanctity of the protections enshrined within the U.S. Constitution by the forefathers; so endowed by their Creator, do not become historic epics allowing to endure the *rex non potest peccare* era decisively abolished through the American jurisprudence, but equality and fundamental rights are unfetteredly vetted where the proverbial *rubber meets the road*, during the respective earthly journeys and for the generations to come.

In response to concerns recently published by the executive and legislative branches of the U.S. Government, as to whether judicial officers who exhibit rogue behavior and misconduct in contempt of judicial oath(s) taken under *Judiciary Act of 1789*; 28 U.S.C. § 453 & 5 U.S.C. § 3331 may be [impeached], Chief Justice Roberts published his opinion as to

other available remedies, as follows: "*For more than two centuries, it has been established that impeachment is not an appropriate response to disagreement concerning a judicial decision. The normal appellate review process exists for that purpose.*" Hence, the within petition, seeking the precise [judicial] relief the U.S. Chief Justice so recently published; as the profound commitment enshrined between the pillars of this Court glaringly reflect: "*Equal Justice Under The Law*".

**VII. Reason why the within petition should be granted is to forthwith end blatant obstruction of justice and contempt of judicial oath(s) and [un]ambiguous Constitutional & Statutory Decrees.**

PAG-Bishay avers that all prerequisites are met for mandamus relief in this matter, as this Court recognized in *Cheney v. United States Dist. Court for DC*, 542 US 367, concerning lower courts and the codification at 28 U.S.C. § 1651(a), *to wit: "The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law."*

This Court also held that "*The traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal courts has been to confine [the court against which mandamus is sought] to a lawful exercise of its prescribed jurisdiction.*"

*Roche v. Evaporated Milk Assn.*, 319 U. S. 21, 26 (1943).

This Court further held that, in *Will v. United States*, 389 U.S. 90, 95 (1967), "judicial usurpation of power" or a "clear abuse of discretion", under *Bankers Life & Casualty Co. v. Holland*, 346 U.S. 379, 383 (1953), "will justify the invocation of this extraordinary remedy". See *Will*, 389 U.S., at 95.

Here, as detailed above, all conditions are met, as this Court described in *Kerr v. United States Dist. Court for Northern Dist. of Cal.*, 426 U.S. 394, 403 (1976):

First, "the party seeking issuance of the writ [must] have no other adequate means to attain the relief he desires", a condition designed to ensure that the writ will not be used as a substitute for the regular appeals process under *Fahey*. In the within matter, PAG-Bishay has no other appellate remedies after the D.C. Circuit conceded its *disqualification* in the entirety; and the U.S. Chief Justice so concurred, as evidenced in his three 12/11/2024 Order(s). *Id.*

Second, the right to the issuance of the writ is "clear and indisputable" under *Kerr*, at 403 (quoting *Bankers Life & Casualty Co.*, at 384), because in the within matter the entire D.C. Circuit conceded its *disqualification* to act in any judicial capacity in this matter; and the U.S. Chief Justice so concurred, as evidenced in his three 12/11/2024 Order(s). *Id.*

Third, under the standard of "discretion", there is *no* discretion available to the D.C. Circuit in the within matter after the circuit conceded its *disqualification* in the entirety.

### **Certificate of Compliance with Rule 20.3**

I, Bahig F. Bishay, Plaintiff & Private Attorney General pursuant to the authority vested in me by the United States Congress under 18 U.S.C. §§1961-1968 (1994 ed. and Supp. III), certify that, to the best of my knowledge and believe, the above and the below facts and procedure are true and accurate:

1) The above captioned matter involved a U.S. district judge named Trevor McFadden who proffered that, under 28 U.S.C. §1251, the U.S. Congress somehow conferred upon the U.S. Supreme Court "*original-exclusive*" authority to adjudicate [constitutional] claims I brought in the U.S. District Court for the District of Columbia in Civil Action No. 1:21-cv-01831, whereupon, after 135 docket entries were made by all the parties, 30 of which district judge McFadden docketed himself, judge McFadden falsely proffered that he [lacked] jurisdiction to adjudicate the constitutional and statutory claims I brought in said district court, and that (according to judge McFadden) the U.S. Supreme Court possessed *original-exclusive* jurisdiction to adjudicate said claims, as summarized in **Appendix A**.

2) As a direct result of the foregoing, and after the D.C. circuit judicial officers endorsed district judge McFadden's proffer \*\*\* conferring upon the

U.S. Supreme Court “*original-exclusive*” jurisdiction all said judicial officers were presumed aware was not available under 28 U.S.C. § 1251 or under Rule 17 of the Rules of the U.S. Supreme Court \*\*\* I had no choice \*\*\* based on what I determined was intentional prejudice exhibited toward me as an ordinary citizen and others whom I represented under 18 U.S.C. §§1961-1968 (1994 ed. and Supp. III) \*\*\* but to demand the immediate recusal of all fourteen (14) D.C. circuit judicial officers named above pursuant to the statutory remedies available to me under 28 U.S.C. §§ 144 and 455(a) and (b)(1), as reflected in **Appendix A**.

3) On December 11, 2024, based on the foregoing, Chief Justice Roberts selected judicial officers from [other] federal circuits to sit by designation in the above captioned matter in a three-judge panel forum, as reflected in **Appendix B**.

4) While the three [other] judicial officers were required to review the *Discrete Questions* I presented on September 27, 2024 in the U.S. Court of Appeals for the D.C. Circuit; answer them or certify them to this Court under Rule 19 of the Court’s Rules, as reflected in **Appendix-A**, which I reasonably concluded Chief Justice Roberts reviewed with the required attention when he selected said [other] judicial officers to sit by designation to review and answer said *Discrete Questions*, no response was published by said [other] judicial officers based on their published docket entry as follows: “*JUDGMENT filed (without memorandum) that the district court’s dismissal of this case with prejudice be*

*affirmed*", concerning Civil Action No. 24-02086; D.C. Circuit No. 24.5197, as reflected in **Appendix C**.

5) Based on the foregoing, on January 25, 2025, I once again submitted the same *Discrete Questions* under Rules 35 & 40 of the *Federal Rules of Appellate Procedure*, again requesting that said *Discrete Questions* be "certified" to this Court under Rule 19 of the Rules of this Court, as reflected in **Appendix D**.

6) In response, on March 20, 2025, all fourteen (14) D.C. circuit judicial officers conceded their [*disqualification*] to sit *en banc* under Rule 35 of the *Federal Rules of Appellate Procedure* because they were all named defendants in Civil Action No. 24-02086; D.C. Circuit No. 24.5197. Said defendants, however, failed to certify to this Court said *Discrete Questions* under Rule 19 of the Rules of this Court, and, instead, directed their Clerk to publish the following: "... *there being no judges of this court available to constitute an en banc court, it is ORDERED that the petition for rehearing en banc be dismissed*", as reflected in **Appendix E**.

[This section is intentionally left blank]

### VIII. Conclusion & Relief Sought.

WHEREFORE, based on the foregoing and Chief Justice Roberts' three Order(s) reflected in **Appendix B**, confirming the D.C. Circuit's *disqualification* in the entirety to answer the *Questions Presented* in **Appendix A**; his public statement: "*The normal appellate review process exists for that purpose*"; and the profound mission-statement enshrined in this Court's building: "*Equal Justice Under The Law*", the inescapable conclusion must only be that this Supreme Court is the exclusive authority within the American Jurisprudence, competent and qualified to answer the *Questions Presented*, A through G, as set forth above.

PAG-Bishay, on his behalf and at the behest of *all* U.S. citizens and tax-payers, as described in **Appendix A & D**, respectfully moves this Supreme Court to either answer the *Questions Presented*, or, in the alternative, designate an *en banc* forum from [other] circuits to answer the *Questions Presented*, as set forth above.

Dated April 28, 2025

Respectfully submitted by:

/s/ Bahig F. Bishay  
Bahig F. Bishay,

*in individual capacity and in the capacity of Private Attorney General, acting at the behest of all citizens of the United States under 18 U.S.C. §§1961-1968  
(1994 ed. and Supp. III)*

**Documents Referenced in Rule 20.3**  
**Certificate of Compliance**

**Appendix A:** *Appellant's Motion Requesting the Fourteen (14) Judicial Officers Named Defendants-Appellees to Recuse Themselves and Proceed No Further Pursuant to 28 U.S.C. § 144 & § 455(a), (b)(1) and (5)(i). Instead, to Certify to the U.S. Supreme Court Pursuant to Rule 19 of the Rules of the U.S. Supreme Court Based on Clear Personal and Judicial Conflict(s), dated 9/27/2024.*

**Appendix B:** Chief Justice of the United States *three (3) written designations and assignments pursuant to Title 28, United States Code, section 291(a), concerning Bishay v. McFadden, et al, District of Columbia Circuit No. 24-5197, issued on 12/11/2024; and Administrative Office of the United States Courts transmission letters.*

**Appendix C:** Docket Text dated 1/24/2025.

**Appendix D:** *PLAINTIFF & PRIVATE ATTORNEY GENERAL BAHIG BISHAY'S CONSTITUTIONAL DEMAND \*\*\* MADE AT THE BEHEST OF ALL CITIZENS OF THE UNITED STATES UNDER 18 U.S.C. §§ 1961-1968 ("PAG-BISHAY") \*\*\* MADE HEREIN UNDER RULE 35 ON THE FOLLOWING JUDICIAL OFFICERS: SRI SRINIVASAN; KAREN LECRAFT- HENDERSON; PATRICIA MILLETT; CORNELIA PILLARD; ROBERT WILKINS; GREGORY KATSAS; NEOMI RAO; JUSTIN WALKER; MICHELLE CHILDS; FLORENCE PAN; BRADLEY GARCIA; HARRY EDWARDS; DOUGLAS*

*GINSBURG; RAYMOND RANDOLPH; and JUDITH ROGERS \*\*\* TO FORTHWITH SET ASIDE THE JANUARY 24, 2025 ORDER(S) ENTERED BY THREE (3) JUDICIAL OFFICERS SITTING BY DESIGNATION AND, INSTEAD, CERTIFY THE DISCRETE QUESTION(S) PRESENTED ON SEPTEMBER 27, 2024 TO THE U.S. SUPREME COURT, PURSUANT TO RULE 19 OF THE RULES OF THE COURT, BECAUSE THE FIFTEEN (15) OFFICERS NAMED ABOVE ARE DISQUALIFIED TO ACT IN EN BANC CAPACITY PURSUANT TO RULE 35 OF THE FEDERAL RULES OF APPELLATE PROCEDURE; LOCAL RULE 35 \*\*\* DUE TO CLEAR CONFLICT(S) ALREADY RECOGNIZED AND ACKNOWLEDGED BY SAID OFFICERS UNDER 28 U.S.C. § 144; and 28 U.S.C. § 455(a), (b)(1) and (5)(i); and*

*PLAINTIFF & PRIVATE ATTORNEY GENERAL BAHIG BISHAY'S CONSTITUTIONAL DEMAND \*\*\* MADE AT THE BEHEST OF ALL CITIZENS OF THE UNITED STATES UNDER 18 U.S.C. §§ 1961-1968 ("PAG-BISHAY") \*\*\* MADE HEREIN UNDER CIRCUIT RULE 40 ON THE FOLLOWING JUDICIAL OFFICERS: STEPHANIE DAWN THACKER; RALPH ERICKSON; and ROBERT SACK, ALL THREE (3) SITTING BY DESIGNATION \*\*\* TO FORTHWITH SET ASIDE THE JANUARY 24, 2025 ORDER(S) ENTERED BY SAID THREE (3) JUDICIAL OFFICERS AND, INSTEAD, CERTIFY THE DISCRETE QUESTION(S) PRESENTED ON SEPTEMBER 27, 2024 TO THE U.S. SUPREME COURT, PURSUANT TO RULE 19 OF THE RULES OF THE COURT,*

*BECAUSE THE FIFTEEN (15) JUDICIAL OFFICERS OF THIS U.S. CIRCUIT ARE DISQUALIFIED TO ACT IN EN BANC CAPACITY PURSUANT TO RULE 35 OF THE FEDERAL RULES OF APPELLATE PROCEDURE; LOCAL RULE 35, DUE TO CLEAR CONFLICT(S) ALREADY RECOGNIZED AND ACKNOWLEDGED BY SAID JUDICIAL OFFICERS UNDER 28 U.S.C. § 144; and 28 U.S.C. § 455(a), (b)(1) and (5)(i).*

**Appendix E:** Clerk's Order dated 3/20/2025, and Per Curiam Order dated 3/20/2025.

\*\*\*\*\*

**Administrators, regulators and overseers  
receiving this document:**

Hon. Donald J. Trump, President of the United States, Office of the President, 1600 Pennsylvania Avenue NW, Washington, DC 20500

Hon. Pamela Bondi, U.S. Attorney General, U.S. Department of Justice, 950 Pennsylvania Avenue, NW Washington, DC 20530-0001

Hon. Kash Patel, Director of the FBI, 935 Pennsylvania Ave., NW, Washington, DC 20535-0001

Hon. Mike Johnson, Speaker of the United States House of Representatives,

H-232, The Capitol, Washington, DC  
20515

Hon. Chuck Grassley, 135 Hart Senate  
Office Building, Washington, DC 20510

Hon. Dick Durbin, 711 Hart Senate  
Building, Washington, DC 20510

Hon. Lindsey Graham, 211 Russell  
Senate Office Building, Washington, DC  
20510

Hon. Sheldon Whitehouse, 530 Hart  
Senate Office Building, Washington, DC  
20510-3904

Hon. John Cornyn, Hart Senate Office  
Building, 517, Washington, DC 20510

Hon. Amy Klobuchar, 425 Dirksen  
Senate Building, Washington, DC 20510

Hon. Michael Lee, 363 Russell Senate  
Office Building Washington, DC 20510

Hon. Christopher Coons, 218 Russell  
Senate Office Building Washington, DC  
20510

Hon. Ted Cruz, 167 Russell Senate  
Office Building Washington DC 20510

Hon. Richard Blumenthal, 503 Hart  
Senate Office Building Washington, DC  
20510

Hon. Jash Hawley, 115 Russell Senate  
Office Building Washington, DC 20510

Hon. Thomas Tillis, 113 Dirksen Senate  
Building, Washington, DC 20510

Hon. Mazie Hirono, Hart Senate Office  
Building, #109, Washington, DC 20510

Hon. John Kennedy, 437 Russell Senate  
Building Washington, DC 20510

Hon. Cory Booker, Hart Senate Office  
Building, 717, Washington, DC 20510

Hon. Marsha Blackburn, 357 Dirksen  
Senate Office Building. Washington, DC  
20510

Hon. Eric Schmitt, 387 Russell Senate  
Office Building Washington, DC 20510

Hon. Alex Padilla, 331 Hart Senate  
Office Building Washington, DC 20510

Hon. Katie Britt, 416 Russell Senate  
Office Building Washington, DC 20510

Hon. Peter Welch, 124 Russell Senate  
Office Building Washington, DC 20510

Hon. Ashley Moody, SD-B40B Dirksen  
Senate Office Building Washington, DC  
20510

Hon. Adam Schiff, SD-B40B, Dirksen  
Senate Office Building, Washington, DC  
20510