

8/30/24

No. 24-248

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

DAVID JOHN THISTLE,

Petitioner,

v.

JOSEPH ROBINETTE BIDEN JR.,
PRESIDENT OF THE UNITED STATES, ET. AL.,

Respondents.

**On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Ninth Circuit**

PETITION FOR A WRIT OF CERTIORARI

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August 30, 2024

SUPREME COURT PRESS

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BOSTON, MASSACHUSETTS

QUESTIONS PRESENTED

1. Article II of the Constitution of the United States requires the Defendant and all Federal and State Officers sworn under Oath or Affirmation to, "... preserve, protect and defend the Constitution of the United States ...". Whereas the provisions of Article II require The President of the United States to, "preserve, protect, and defend the Constitution of the United States ..." as his primary duty to the Citizens of the United States. Will this Court allow Joseph Robinette Biden Jr., President of the United States, to continue to wrongfully utilize his Office of Public Trust to prioritize the advancement of personal and party politics' goals and objectives by allowing the illegal editing and altering of the Constitution of the United States over his Sworn (or Affirmed) Primary Duties of, "... preserving, protecting, and defending the Constitution of the United States ..."?

2. Whether the District Court and the Ninth Circuit Court Violated their respective Constitutional Oaths or Affirmations by discharging the original Case before the Court brought by the Petitioner, Mr. David John Thistle, under the Color of Law 18 U.S. Code § 242 depravation of Rights (also found and protected under the "Substantive Due Process Clause") by States' Rights Violations and 33 U.S. Code Ch. 7 due to a technicality and not the merits of the evidence of the case. Will this Court now review the Election Corruption Evidence presented and allow for this case to be reviewed under the color of law 18 U.S. Code § 242 and possibly 33 U.S. Code Ch7.?

3. Will this Court allow additional Case Laws that may apply to this Case such as 42 U.S. Code § 1983

Civil Action for Deprivation of Rights, 42 U.S. Code § 1985, and the XIV Amendment § 4 “Insurrection / Revolution Clause” to be introduced and added for appropriate context?

4. Whenever a specific cohort of Citizens is targeted by illegal editing of Article I by multiple States without immediate public corrective actions when notified, 42 U.S. Code § 241 Conspiracy Against Rights applies. Will this Court allow the States’ and Federal Officers to continue in Conspiracy Against the Constitutionally protected rights of the citizens?

5. Whereas the Attorney General of the United States Merrick Brian Garland is under sworn Oath or Affirmation to, “. . . preserve, protect, and defend the Constitution of the United States . . .” Will this Court allow Merrick Brian Garland the United States Attorney General to continue to wrongly utilize his Office of Public Trust to prioritize the advancement of Personal and Party Politics’ goals and objectives over his Sworn (or Affirmed) Primary Duties of Preserving, Protecting and Defending the Constitution?

6. Moreover, some States unabashedly chose to knowingly create and enforce States’ Elections Laws that are in direct conflict with the Constitution of the United States’ Article I and Article II. (Example New Hampshire Constitution Art. 11, California Election Law Code 2000.) These are clear States’ Rights Violation of Article I, Article II, Article V, Article VI, and Amendment X, XIV within the Constitution of the United States. Without the due process in accordance with Article V, to control Elections is considered by most Citizens Domestic Terrorism. A note: Domestic Terrorist activities by a sworn (or affirmed) Officer or Officers of the States or Federal Government by most

Citizens and nearly every Military Veteran, is considered Treason. This aforementioned criminal activity by sworn (or affirmed) Elected and Appointed Officers of the States and Federal Government may Justify a Revolutionary War or Insurrection and the dissolvment of the Union of the United States. Will the United States Supreme Court allow the blatant and disrespectful unauthorized editing or altering of any Article or Amendment within The Constitution of the United States by pen or action by any individual or grouping of individuals no matter their station thereby nullifying the entirety of the United States Constitution to continue?

7. The Petitioner, David John Thistle, prays to quell the fires of those burning the Petitioner's and the Citizens' Constitutional Rights and Liberties to avoid a Revolutionary War or another Insurrection as directed in XIV Amendment § 4 due to Election Corruption caused by States' Rights Violations. Whenever one definition, word, or line item is changed without the due process found within Article V, and no checks and balances force an accountability for these crimes with immediate restorative mandates, the entire contract of the Constitution of the United States is void as the Supreme Law of the Land and we no longer have a Nation. Knowingly posting on the Official States' Elections' Worldwide Website Inaccurate Elections Information and Constitutional Requirements to disinform or misinform the Voting Public and School children especially during a Pandemic is Elections Corruption. Will this Court Mandate a change to all States to correct the definitions, verbiages, and line items that were illegally edited and altered and immediately mandate a public restoration of the Constitu-

tion of the United States reflecting its true Legal Form to save the Constitution of the United States thereby preserving the Union of the United States of America?

PARTIES TO THE PROCEEDINGS

The primary party to these proceedings is identified in this petitions caption.

Joseph Robinette Biden Jr., President of the United States et. al

All parties do not appear in the caption of the cover page. A list of additional parties to the proceeding in the court whose judgment is subject of this petition is as follows:

Merrick Brian Garland, Attorney General of the United States

LIST OF PROCEEDINGS

Direct Proceedings

U.S. Court of Appeals for the Ninth Circuit

No. 22-56167

David John Thistle, *Plaintiff-Appellant*, v. Joe Biden, President of the United States; Merrick B. Garland, Attorney General, *Defendants-Appellees*.

Date of Final Opinion: July 23, 2024

U.S. District Court Southern District of California

No. 22-CV-65-RSH-NLS

David John Thistle, *Plaintiff*, v. Joseph Robinette Biden, Jr., President of the United States, and Merrick Brian Garland, United States Attorney General, *Defendants*.

Date of Final Order: October 4, 2022

Related Proceeding

U.S. Court of Appeals for the Ninth Circuit

No. 23-70074 (Writ of Mandamus)

David Thistle v. USDC-CASD

Closed without Judgment: November 27, 2023

OTHER RELATED CASES

These are other cases where David John Thistle is a party, which are related to the subject matter of this petition. However, they do not directly involve the Respondent, Joseph Robinette Biden.

1. *Thistle v. U.S. Dept. of Veterans Affairs*, S.D. Calif., No. 3:21-cv-01218, case open.
2. *Thistle v. LeRose*, S.D. Calif., No. 3:21-cv-1414, case closed December 9, 2022 without judgment.
3. *Thistle v. Ohio*, S.D. Calif., No. 3:21-cv-2071 case closed May 2, 2022 without judgment.
4. *Thistle v. New Hampshire*, S.D. Calif., No. 3:21-cv-2072, case closed December 9, 2022 without judgment.
5. *Thistle v. Alaska*, S.D. Calif., No. 3:21-cv-2074, case closed March 22, 2022 without judgment.
6. *Thistle v. Alabama*, S.D. Calif., No. 3:21-cv-2073, case closed March 22, 2022 without judgment.
7. *Thistle v. Arkansas*, S.D. Calif., No. 3:21-cv-2075, case closed March 22, 2022 without judgment.
8. *Thistle v. Colorado*, S.D. Calif., No. 3:21-cv-2076, case closed March 22, 2022 without judgment.
9. *California v. Thistle*: San Diego County Violation of Probation (due to NH Sec. State)
10. *California v. Thistle*: Riverside County Criminal Case (Held to prevent refile of Writ of Mandamus 23-70074)
11. New Hampshire State Police Report No. 2024-106311 (Trespass Order from N.H. State House)

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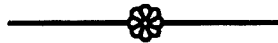
OPINIONS BELOW

The Ninth Circuit Court of Appeals' opinion (App.1a) upheld the District Court's Decision to Dismiss (App.4a) based on the technicality that although the Respondent, Merrick Brian Garland, the United States Attorney General, was Legally Served by the Court's Instructed deadline, however, the Return of Service was not filed with the District Court by the Service date deadline therefore dismissing the case based on a technicality and not the merits of the case without regard to *Erickson v. Pardus*, 551 U.S. 89 (2007) or the Judges' Oaths or Affirmations.



JURISDICTION

The Judgment of the Ninth Circuit was entered on July 23, 2024. App.1a. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).



CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

18 U.S. Code § 242 Deprivation of Rights

33 U.S. Code Ch. 7.

42 U.S. Code § 1983 Civil Action for Deprivation of Rights

42 U.S. Code § 1985, Conspiracy to Interfere with
Civil Rights

Article V Violations

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STATEMENT OF THE CASE

A. Introduction

“Don’t interfere with anything in the Constitution. That must be maintained, for it is the only safeguard of our liberties. And not to Democrats alone do I make my appeal, but to all who love these great and true principles.”
– President Abraham Lincoln

A previous petition to preserve, protect, and defend the full integrity of the Constitution of the United States and the Petitioner’s rights and liberties under the color of law to Fair Ballot Access and uninhibited Campaign Funding was presented for Certiorari to the Supreme Court by the Petitioner. Within the previously submitted Supreme Court Case 22-6482 to this Court by the Petitioner, Mr. David John Thistle, was the prayer to restore the Petitioner’s rights and liberties within an argument of a TORT Case for denial of Rights under the Color of Law 18 U.S. Code § 242 depravation of Rights and 33 U.S. Code Ch.7 also known as the James Monroe Piracy Act (1819) to protect the commerce of the United States and punish the crimes of Piracy by Breach of Contract and Violations of Article II the Presidents’

Primary Duty to, “ . . . preserve, protect and defend the Constitution . . . ” (Article II § 1)

“Before he enter on the Execution of his Office, he shall take the following Oath or Affirmation: ‘ _____, I do solemnly swear (or affirm) that I will faithfully execute the Office of the President of the United States, and to the best of my ability, preserve, protect, and defend the Constitution of the United States.’”

Article II § 1

Mr. Joseph Robinette Biden Jr. swore the aforementioned Oath or Affirmation on January 26, 2021.

Attorney General Merrick Brian Garland swore an Oath or Affirmation and served from March 19, 1997, as chief judge of the United States Court of Appeals for the District of Columbia Circuit from 2013 to 2020. He was a sitting judge on that Court from 1997 until 2021. March 11, 2021, assumed Office of United States Attorney General. He was then sworn into the Office of Attorney General under a similar Oath or Affirmation to, “ . . . preserve, protect and defend the Constitution of the United States . . . ”

The Petitioner, Mr. David John Thistle has notified and provided the evidence within this case of Election Fraud and Tampering by the Illegal Editing and altering of the Constitution of the United States without the due process as required under Article V to, the Office of the Attorney General, the Office of the President of the United States, the United States Secret Service, the FBI, the San Diego CA. Police Department, the U.S. Dept. of Veterans' Affairs Police Department, the San Diego Sheriff's Department, the El Cajon CA. Police

Department, the United States Marshalls Office San Diego, and the Riverside County CA. Sheriff's department. In addition, all 6 States in question had multiple State and local agencies notified without proper corrective actions taken to preserve, protect, and defend the Constitution of the United States and prevent Civil Unrest, Revolutionary War, or Insurrection due to the Elections Fraud and Tampering by States' Rights Violations.

The Petitioner prays that this Court clearly sees that the dilution of the Constitution in structure and form without proper accountability and corrective measures that should have immediately been taken by members of the Executive Branch or Local and States' Law Enforcement. To have the Elections corrupted to control Votes in Congress and the Executive Branch also directly affects the flow of Commerce of the Nation's tax dollars (33 U.S.C. Ch.7.)

Examples:

1. How many of these illegally elected individuals voted to fund offshore Wars? This places the United States at Ipso Facto War with other Nations without an Official Vote of Congress.

2. How many of the 4 million Veterans who died during the Obama-Biden Administration were wrongful deaths due to malpractice and the illegal overprescribing of Opioids at the Veterans' Administration Hospitals to benefit Big Pharma? It is also arguably the root of the Opioid Epidemic. (See evidence in: *Thistle v. United States Dept. of Veterans Affairs*, 3:21-cv-01218) This serious "Troop Depletion" of Veterans when the Biden-Harris administration allowed an "Open Border"

policy places the United States Citizens in a clear and present imminent Public Danger.

3. In addition, the current Major Party Candidates for President and their respected Congressional Party counterparts continue to blame a “Border Invasion” on the Executive Office. This again is the spreading of misinformation. Article I § 8 Clause 15 stipulates Congress is responsible to, “. . . suppress Insurrections and repel Invasions; . . .”. Is this Court going to continue to allow the Political Parties to misinform and purposefully wrongly educate the Citizens and their Children utilizing “Offices of Public Trust” as a Headquarters to destroy not just the Constitution of the United States but also the integrity of the Public Educational System without a Mandated Public Correction of the Constitution of the United States?

“Federal concern over the integrity of the franchise has historically had two distinct areas of focus. The first, to ensure elections that are free from corruption for the general public, . . . The second, to ensure there is no discrimination against minorities . . . , and is supervised by the Justice Department’s Civil Rights Division.”

Eighth Edition, Page 19

Note: No area of focus exists to protect illegal editing of the Requirements found within the Constitution of the United States within the *Federal Prosecution of Elections*, Eighth Edition.

Evidence Proof 1. The editing of the Inhabitants’ Clause, Article I is inconsistent with the Constitution, and they were not made iaw Article V guidelines.

Evidence Proof 2. The editing of the explicit sex or gender requirement Clause Article I is inconsistent and not made iaw Article V guidelines. These small changes are unnoticeable to most Citizens of the United States.

Evidence Proof 3. The Executive Branch and all Six States were notified of the inconsistencies and failed to correct the verbiage of Article I. This failure to correct is not just a negligence of duty but may also be viewed as a conspiracy to commit Election Fraud for the Direct Elections of Congressional Representatives for “The People.”

B. New Hampshire

Although New Hampshire was the second State for the illegal editing and altering to be discovered, the changes made by the State were by far the most blatant, therefore, the most egregious of the six initial States found with discrepancies. These changes are so evident, I chose to place the State first within this Petition.

Upon discovery of the illegal editing and altering of Article I § 2 of the Constitution of the United States on the New Hampshire Secretary of States’ Official website the U.S. Representative requirements by the Petitioner, Mr. David John Thistle, prompted an immediate telephone call to the Secretary of State’s Office. Secretary William “Bill” Gardner was unavailable. However, Mr. David M. Scanlan, then the Deputy Secretary of State told the Petitioner, Mr. David John Thistle, “It’s no big deal it’s only housekeeping.” The Petitioner, Mr. David John Thistle replied, ‘HOUSE-KEEPING? THIS IS THE CONSTITUTION OF THE UNITED STATES! THIS IS NOT HOUSEKEEPING

IT IS A CRIME!' The U.S. Representative requirements Article I § 2 read as the illegal edited and altered following verbiage.

“... Must be 25 years of age and a United States Citizen for at least 7 years. Candidate does not have to live in the same district they are a candidate for; however, must be domiciled and a registered voter in New Hampshire.”

The Constitution of the United States does not mention a “registered voter in New Hampshire” at all. This requirement is completely fictitious and additional requirements added illegally by the State’s Officers. These changes are in direct Violation of Article I, Article V, and the X Amendment. Arguably also the XIV Amendment for whomever wrote and approved this line item.

These requirements as read by a layperson would give an understanding that anyone who is not domiciled or lives in a house, townhome, condominium, or an apartment is not qualified to become a Ballot Candidate. I will remind the Court that the word “DOMA” in many languages means House or Home. I will also remind the Court as to the disposition of the Colonial National Guardsmen’s and the Signers’ of The Declaration of Independence Homes. King George had most of the Homes Burned to the ground for Treason. Also, the “... when Elected ...” was historically written to allow returning Military personnel and State Department Officials the ability to travel home to Serve in Congress after their End of Obligated Service. The States purposefully inhibited the Homeless and returning Citizens and all others qualified to become uninhibited Ballot Candidates due to discrimination.

With nearly one-third of the homeless population being Veterans or Disabled Veterans the States clearly disenfranchised them singularly due to an economic status.

The X Amendment is very clearly written, “The powers not delegated to the United States by the Constitution . . .” The State of New Hampshire nor any other State or grouping of States have the authority to edit and alter Article I or any other explicitly written power or verbiage without the due process of Article V. See Case *Thistle v. New Hampshire*, S.D. Calif., 3:21-cv-2072 for more evidence.

In addition to the changes within the Inhabitants’ Clause the Secretary of State completely and purposefully omitted the “sex” or “gender” requirement that is clear in the final relative clause of the sentence. When the Constitution’s Article VII was signed it was Ratified at a time when women could not Vote or in most Commonwealth’s own Property or sign Legal Contracts. Therefore, the explicit nominative pronoun “he” within the last relative clause of the sentence structure is factually a technical sex or gender assignment qualification for Office.

The XIX Amendment gave Citizens the right to vote regardless of sex. However, it does not mention that the sex or gender requirements of Office found in Article I and arguably in Article II have no standing. Moreover, the XIX Amendment may have never passed if it also contained the Right to Serve altering Article I and Article II.

In accordance with Article VI the Supremacy Clause, and Article V instructions for Amending the Constitution within Article I and Article II, no current legal Amendment exists to edit or alter this explicit

sex or gender relative clauses. In the past a XXVIII amendment for Equal Rights was presented to Congress twice. Both times it failed. Therefore, the Inhabitants' Clause is now the second illegal editing and altering of Article I. The Article I and Article II explicit sex or gender relative clause may have a future argument under the XIV Amendment. However, the illegal editing and altering of this requirement may have a counter argument under The Declaration of Independence, "He has refused for a long Time, after such Dissolutions, to cause others to be Elected; . . ." The Respondent, Joseph Robinette Biden Jr., President of the United States has supported Party Candidates over the integrity of the Constitution of the United States. Whereby, repeating arguably the same offence as King George. This can and is viewed by the Petitioner, Mr. David John Thistle, as a Violation of the Separation of Powers.

The Petitioner, Mr. David John Thistle, was informed only after a planned Campaign announcement weekend was over to send in his paperwork. However, those who wished to support the Candidate wanted to seek "proper Patriotic Justice" in accordance with the Declaration of Independence and stack the dead bodies of the State House Employees on the porch or hang them from the street signs. The Petitioner, Mr. David John Thistle requested those individuals to allow him, 'the time to set the proper example for our children in a Court of Law to guarantee the Preservation, Protection and Defense of the integrity of the Constitution of the United States for another 100 years or more.'

To this day, New Hampshire's Official Secretary of States' website has inconsistent verbiage to Article I requirements cited on the State's Website. No provision

of law exists allowing a definition, word, or line-item change to the Constitution of the United States without the due process found in Article V. These illegal changes or editing and altering of the Constitution of the United States by any State or multiple States without the proper legal authority is criminal in nature. These illegal edits of the Constitutional Requirements for Direct Elections are not only Civil Rights Violations but also States' Rights Violations. Any direct attack upon the Constitution of the United States by Elected and Appointed Officers of the State or Federal Government is a direct attack upon the Citizens of the United States and thereby an act of WAR.

To conspire to control Elections by utilizing his Office of Public Trust is not only a negligence of duty but also considered by most Veterans an act of Domestic Terrorism. The Petitioner, Mr. David John Thistle respectfully requests this Court to immediately and without haste remove Mr. David M. Scanlan from the Office of the Secretary of State and issue an Indictment for his immediate arrest for the criminal negligence of duty, Article I, Article V, X Amendment and XIV Amendment States' Rights Violations, conspiracy to commit Election Fraud, and Domestic Terrorism. Additionally, the Petitioner prays the Court will see fit to immediately and without haste remove and issue Indictments for all New Hampshire illegally Elected Federal Congressional Representatives and Senators, New Hampshire State Executive Officers, inclusive of the State's Police Commander and the Adjutant General of New Hampshire under the same charges to prevent another Insurrection or Revolutionary War.

"The Sovereign comes from The People. States are not Kings and should not be treated as

such.”

Chief Justice John Jay

Note: On August 20, 2024 New Hampshire State Police made accusations that someone at the capitol said, the Petitioner, “threatened the State’s Capitol with Violent behavior.” New Hampshire State Police Case No. 2024-106311. This accusation of a crime was to limit the Petitioner again from Ballot Candidacy and prohibit the Filing of this ongoing Election Fraud Case.

C. Ohio

Initially within the OHIO 11th District’s Special Election for U.S. Representative, the Secretary of State’s Official Elections’ Forms were corrupted. During the truncated Election, the Secretary of State Mr. Frank LeRose refused to correct the Elections’ Forms. Moreover, he refused to admit that the 2020 OHIO CANDIDATE REQUIREMENT GUIDE (page 6.) corrupted the Elections. It shortened Article I § 2 Inhabitant’s Clause to read:

“Residency Requirement: Must be an Inhabitant of the State from which elected (U.S. Const. Art. I § 2) (page 6)

Note: The 2024 OHIO CANDIDATE REQUIREMENT GUIDE has the same exact discrepancies on page 8.

Article I § 2 in full truth reads:

‘ . . . No Person shall be a Representative who shall not have attained to the Age of twenty five Years, and been seven Years a citizen of the United States, and who shall not when elected be an Inhabitant of that

State in which he shall be chosen”

It is clear that the Secretary of State Mr. LaRose illegally edited and altered the Article I § 2 requirements for U.S. Representative to misinform the Voting Public that a Residency was required at the Outset of the Election and not “when elected” or at the final certification of the votes when officially tallied. Moreover, Mr. LaRose took it upon himself to completely and purposefully omit the “sex” or “gender” requirement found in the last relative clause’s clear explicit nominative pronoun “he”.

In addition, the Secretary of State Mr. Frank LeRose corrupted the Article 1 § 3 requirements for U.S. Senate in the 2024 OHIO CANDIDATE GUIDE by once again purposefully omitting the “sex” or “gender” requirement found in the last relative clause’s clear explicit nominative pronoun “he”. In addition to the two Official OHIO CANDIDATE GUIDES, multiple States’ Elections Forms were corrupted to delay and prohibit proper Elections by qualified Ballot Candidates. Please see the listed cases for the evidence *Case-Thistle v. LeRose*, S.D. Calif., 3:21-cv-1414 *Case-Thistle v. Ohio*, S.D. Calif., 3:21-cv-2071.

These small but significant changes may only be accomplished in accordance with Article V guidelines. As a former Army Special Operator (Green Beret) Mr. Frank LaRose understands fully that the spreading of disinformation or misinformation to control the outcome of National Elections is a Direct Violation of his Oath or Affirmation of Office. Moreover, as a United States’ Special Operator, Mr. Frank LaRose understands and was trained, by the Joint Special Forces Operations Command, that to corrupt a Nation’s Direct Elections, within a conspiracy of several States

can cripple or completely control a Nation. Originally, the Petitioner, Mr. David John Thistle, was aware of only the single illegal editing or altering within the Inhabitants' Clause. However, now that more than two specific changes are seen in multiple States, the fear is, what else has been corrupted?

Once again to conspire to control Elections by utilizing his Office of Public Trust is not only a negligence of duty but also considered by most Veterans an act of Domestic Terrorism or Treason. Due to the negligence of duty of the Executive Branch, The Petitioner, Mr. David John Thistle, prays this Court will immediately and without haste remove Mr. Frank LeRose from the Office of the Secretary of State and issue an Indictment for his immediate arrest for the criminal negligence of duty, Article I, Article V, X Amendment and XIV Amendment States' Rights Violations, conspiracy to commit Election Fraud, Domestic Terrorism and any other charges the Court sees fit to assign. Additionally, the Petitioner prays the Court will see fit to immediately and without haste remove and issue Indictments for all OHIO illegally Elected Federal Congressional Representatives and Senators, State Executive Officers, inclusive of the State's Police Commander and the Adjutant General of OHIO under the same charges to prevent another Insurrection or Revolutionary War iaw XIV Amendment § 4.

The State of Ohio Office of the Inspector General was immediately notified. A correspondence dated August 10, 2021 RE: OIG 2021-00130 stated the Secretary of States Office was not in the OIG jurisdiction. However, as a State's employee, sworn or affirmed to, "... preserve, protect, and defend the Constitution . . .", a valid duty does exist for the Office of the OHIO

Inspector General to address the illegal editing of Article I § 2 or any other definition, word or line-item change to the Constitution of the United States without the due process of Article V. Therefore, the Petitioner, Mr. David John Thistle, prays this Court will immediately and without haste remove Mr. Randal J. Myer from the Office of OHIO Inspector General and issue an Indictment for his immediate arrest for negligence of duty and XIV Amendment Violations in addition to Conspiracy to commit Elections Fraud, Domestic Terrorism and any other charges this Court sees fit to assign.

Additionally, the United States' Attorney General's Office and the Office of the President of the United States was notified about the aforementioned. No actions to correct, injunctions, or indictments were publicly issued. Also, the Respondent, Mr. Joseph Robinette Biden Jr., President of the United States, aggressively campaigned for his Democratic Party favorite in OHIO's 11th District. This Candidate is arguably unqualified for the position in accordance with Article I § 2. However, the focus should not be on Party Politics but on the primary duties of the President of the United States to, "... preserve, protect, and defend the Constitution ..." Article II § 1.

The President was aware of the illegal editing and altering of Article I § 2 in advance of his Campaign tour within OHIO in support of his U.S. Representative Candidates. He knowingly and completely neglected his sworn OATH or Affirmation's duties Article II § 1. This is minimally a Direct Violation of Article II § 1 and the XIV Amendment § 3.

Moreover, this lack of action by the Respondents, the Officers of the Executive Branch to correct the

State's illegal editing of Article I § 2 denied the Petitioner, Mr. David John Thistle's, timely Ballot Access and the ability to properly Campaign. The negligence of duty of the Executive Branch also denied the Petitioner, Mr. David John Thistle, the ability to properly fundraise and actively promote his Political Platform to the Citizens.

D. Alaska

“... Elections Enforcement Acts had broad jurisdictional predicates that allowed them to be applied to a wide variety of corrupt election practices as long as a federal candidate was on the ballot. In Coy, the Supreme Court held that Congress had authority under the Constitution's Necessary and Proper Clause to regulate any activity during a mixed federal/state election that exposed the federal election to potential harm, whether that harm materialized or not. Coy is still good law. *United States v. Slone*, 411 F.3d 643, 647 (6th Cir. 2005); *United States v. Mason*, 673 F.2d 737, 739 (4th Cir. 1982); *United States v. Malmay*, 671 F.2d 869, 874–75 (5th Cir. 1982).”

-Eighth Edition Page 19.

Although Alaska allowed the Petitioner, Mr. David John Thistle, to place his name on the Special Election Ballot, the Public that viewed the Official Elections' Website thought the Petitioner, Mr. David John Thistle, ineligible as a Candidate for Office due to the illegally edited and altered Article I “Inhabitation Clause” and the misleading requirement of Alaska residency. This page on the website is in direct conflict to the verbiage

of Article I § 2. This misinformation disenfranchised the Petitioner's ability to properly Campaign and fund-raise for the truncated Election. The discrepancy and misinformation were reported to the Lt. Governor and Alaska's Attorney General's Office without proper Public Correction.

This concrete irrefutable evidence was also reported to the Respondent Joseph Robinette Biden Jr., President of the United States, the United States Attorney General, the FBI, the U.S. Dept. of Veterans' Affairs Police, Secret Service, multiple County Sheriff's Departments and Local Police Agencies and the Alaska State Police. The evidence of the case may be found in *Case-Thistle v. Alaska*, S.D. Calif, 3:21-cv-2074.

Although, the Respondent, Mr. Joseph Robinette Biden Jr, President of the United States and the Respondent, Merrick Brian Garland, United States Attorney General had a duty to restore Article I § 2 to its correct verbiage iaw Article II and sworn Oaths or Affirmations, the Respondents failed to execute their primary duties. This failure caused the Petitioner, Mr. David John Thistle, the inability to properly fundraise and caused improper defamation character attacks, psychological attacks, and the wrongful hospitalization for psychiatric distress of the Petitioner, Mr. David John Thistle.

The illegal editing of the Constitutional requirements found in Article I is a direct attack not just upon the Petitioner, Mr. David John Thistle but also a direct attack upon the Rights and Liberties of the Citizens of the United States. Illegal editing of the Constitution of the United States to control the outcome of Elections by Elected and Appointed Government Officials who are under oath or affirmation to, "... preserve, pro-

tect and defend . . .” can only be viewed by the Petitioner, Mr. David John Thistle and the Public as an act of WAR.

Due to the obvious purposeful negligence of duty of the Executive Branch, The Petitioner, Mr. David John Thistle, prays this Court will immediately and without haste remove The Governor and Lt. Governor of ALASKA and issue an Indictment for their immediate arrests for the criminal negligence of duty, Article I, Article V, X Amendment and XIV Amendment States’ Rights Violations, conspiracy to commit Election Fraud, Domestic Terrorism and any other charges the Court sees fit to assign. Additionally, the Petitioner prays the Court will see fit to immediately and without haste remove and issue Indictments for all ALASKA illegally Elected Federal Congressional Representative(s) and Senators, State Executive Officers, and Elections’ Officers inclusive of the State’s Police Commander and the Adjutant General of ALASKA under the same charges to prevent another Insurrection or Revolutionary War iaw XIV Amendment § 4.

Alaska’s Official State’s Election Website stipulates:

United States Senator

30 years of age;

Citizen of the United States for 9 years; and

An inhabitant of the state from which elected.

United States Representative

25 years of age;

Citizen of the United States for 7 years; and

An inhabitant of the State from which

elected.

H05 (Rev. 10/20/2005)

The added complexity within ALASKA is the Article I requirements for Congress have been illegally edited and altered since the last Revision on 10/20/2005. Therefore, every sitting President since and including Former President George W. Bush are now subject to a minimum of a XIV Amendment Violation for negligence of duty.

Unfortunately, Former President Donald J. Trump clearly and firmly believed that Election Fraud was occurring without properly assigning Federal Investigators to Equally and Fairly check the integrity of all Federal Elections. This is blatant negligence of duty. Furthermore, former President Trump is guilty of acting like a Victim of a problem that he created by neglecting his proper primary Article II duty.

Moreover, the former Secretary of State of New Hampshire, William "Bill" Gardner, who was ultimately responsible for corrupting the State's Official Elections' Website for Congress held Office for 45 years. Were all the Elections in that State compromised for the entirety of his tenure?

Conversely, if the Congress is illegally Elected, they cannot Certify a Single Official Vote of the Electoral College. Therefore, clearly if all 50 States have illegally edited and altered Article I "Sex or Gender Clause" and now 6 States have now blatantly illegally edited and altered the "Inhabitant's Clause" (see evidence in SCOTUS Case 22-6482) how many years have the Presidential Elections been compromised?

Excerpt:

WHAT IS ELECTION FRAUD. Federal courts now regard the right to vote in a fairly conducted election as a constitutionally protected feature of United States citizenship.

Reynolds v. Sims, 377 U.S. 533 (1964)-Eighth Edition, Page 20.

1. In General

Election fraud involves a substantive irregularity relating to the voting act – such as bribery, intimidation, or forgery – which has the potential to taint the election itself. During the past century and a half, Congress and the federal courts have articulated the following constitutional principles concerning the right to vote in the United States. Any activity intended to interfere corruptly with any of the principles indicated below may be actionable as a federal crime:

- All qualified citizens are eligible to vote.
- All qualified voters have the right to have their votes counted fairly and honestly.
- Invalid ballots dilute the worth of valid ballots, and therefore will not be counted.
- Every qualified voter has the right to make a personal and independent election decision.
- Qualified voters may opt not to participate in an election.
- Voting shall not be influenced by bribery or intimidation. Simply put, then, election fraud is conduct intended to corrupt:
- The process by which ballots are obtained, marked, or tabulated,

- The process by which election results are canvassed and certified, or
 - The process by which voters are registered.
- 23 On the other hand, schemes that involve corruption of other political processes (*i.e.*, political campaigning, circulation of nominating petitions, etc.) do not normally serve as the basis for a federal election crime.

2. Conduct that Constitutes Federal Election Fraud

The following activities provide a basis for federal prosecution under the statutes referenced in each category:

- Paying voters for registering to vote, or for voting, in elections in which a federal candidate is on the ballot (52 U.S.C. § 10307(c), 18 U.S.C. § 597), or through the use of interstate facilities (such as the mails or of telephones) in those states in which vote-buying is a “bribery” offense (18 U.S.C. § 1952), as well as in federal elections⁸ in those states in which purchased registrations or votes are voidable under applicable state law (52 U.S.C. § 20511(2)).
- **Conspiring to prevent voters from participating in elections in which a federal candidate is on the ballot, or when done “under color of law” in any election, federal or non-federal (18 U.S.C. §§ 241, 242).**
- Voting in federal elections for individuals who do not personally participate in, and assent

to, the voting act 7 As used throughout this book, the terms **“federal election fraud”** and **“election fraud”** mean fraud relating to an election in which a federal criminal statute applies. As will be discussed below, these terms are not limited to frauds aimed at corrupting federal elections. 8 For purposes of this book, the term **“federal election”** means an election in which the name of a federal candidate is on the ballot, regardless of whether there is proof that the fraud caused a vote to be cast for the federal candidate.

Eighth Edition

‘ . . . whenever any Form of Government becomes destructive of these Ends, it is the Right of the People to alter or abolish it . . . when a long train of abuses and Usurpations, . . . it is their Right it is their Duty to throw off such Government, and to provide new Guards for their future security . . . To prove this, let Facts be submitted to a candid World. They too have been deaf to the Voice of Justice . . . appealing to the Supreme Judge of the world for the Rectitude of our Intentions, . . . with a firm Reliance on the Protection of divine Providence, we mutually pledge to each other our lives, our Fortunes, and our sacred Honor.’

Declaration of Independence

Citizens desiring to become Ballot Candidates for any Federal Office, that meet the requirements for

Office found within Article I and Article II should not be inhibited by the illegal actions of States' or Federal Officers. The editing or altering by action or by pen of any definition, word, or line item within the seven Articles or twenty-seven Amendments of the Constitution of the United States without the due process in accordance with Article V to control the Elections' outcomes from the onset is and should be considered Domestic Terrorism.

Whenever a qualified Candidate for Office is illegally denied Ballot Access, it does not give the Nominating Voters the ability to properly be represented in the Federal Office. To silence a Candidate or a cohort of their peers without due process is not only a Violation of the Civil Rights of the prospective Ballot Candidate but also a Violation of the Civil Rights of the cohort of Voters supporting that Ballot Candidate. Statistical Evidence provides irrefutable proof that in the last two Presidential Elections 42% or more of the registered Voters within the United States did not Vote. Within the New Hampshire 2022 Midterm Elections, after Article I was illegally edited and altered and the Elections Tampering Case-*Thistle v. New Hampshire*, S.D. Calif., 3:21-cv-2072, was filed, 82% of the registered Voters of New Hampshire did not Vote. The State was given 11 months to Publicly hold themselves accountable for their illegal activities. Yet, the Elected Leadership of the State failed to regain the Public Trust in Fair Elections. Whenever 82% of the Registered Voters are silent, it is obvious their choice or Candidate never made it on the Ballot.

Without fair and equal treatment of crimes and punishment under the Law including proper immediate indictments and public accountability of these criminal

behaviors from the Executive Branch we, as a Nation, cannot expect to maintain a Civil Society. Moreover, whenever our sitting President and his Executive Staff are placing personal and political party gains over the duties and responsibilities of their respected Offices or utilizing those Offices of Public Trust to commit crimes it is impossible to maintain that Nation's trust, faith, safety, and peace.

These Elected and Appointed Officers of the States' and Federal Government are not above the law and should be immediately indicted for their crimes against the Petitioner, the Constitution of the United States, and the Citizens of the United States.

“The quality of a nation’s civilization can be largely measured by the methods it uses in the enforcement of its criminal law. That measurement is . . . taken from day to day by the peoples of the world, and to them the criminal procedure sanctioned by any of our states is the procedure sanctioned by the United States.”

**-Justice Walter V. Schaefer Illinois
Supreme Court Chief Justice**

Pandora's Box issue: New evidence of previous changes the removal specifically of the nominative pronoun, **“HE”** from Article I requirements for U.S. Representative and Senator by all 50 States is presented to the Court by the Petitioner, Mr. David John Thistle. The removal of the “sex or gender” requirement by all States not just by pen but by action also reenforces the conspiracy charges. This change was obviously made and supported by many in Elected and

Appointed Offices of Public Trust to gain votes by knowingly acting in concert contrary to the Constitutional requirements found twice within Article I and arguably in Article II.

“Equality of Rights under the Law shall not be denied or abridged by the United States or by any State on account of sex.” (Note: The Petitioner views and defines the intended verbiage of this proposal; “sex” as “gender defined by biological gender at birth.”)

–Proposed XXVIII Amendment for Equal Rights (Failed in 1923 and again in 1982.)

Whenever a change is made for personal or Political Party financial support, popularity, or reasons of any kind without the Due Process found in Article V a serious Violation of the Law exists. Because these changes pertain to Direct Federal Elections of Congressional Representatives it is not only an Article V, X and XIV Amendment Violations, also Domestic Terrorism Charges should be considered iaw the United States Department of Justice. (2017) Once again, any direct attack upon the integrity of the Constitution of the United States is a direct attack upon its Citizens thereby an act of WAR.

An attempt to edit and alter the Constitution of the United States’ definition of the word “HE” or the “sex or gender” requirements of Article I and Article II that were Ratified in Article VII on September 17, 1787, are preposterous. No gender confusion or gender affirming environment was occurring or existed in the Social Political environment at that time. In accordance with the Supremacy Clause, Article VI, 1 U.S.

Code is therefore in direct conflict to the Constitution and should be struck. A U.S. Code or Statute is not an Amendment. No changes to the Constitution, especially the definitions of the meanings of the original contract definitions, verbiages, or line-items should see changes by any authority outside of Article V guidelines.

“There can be no doubt that our Nation has had a long and unfortunate history of sex discrimination. Traditionally, such discrimination was rationalized by an attitude of ‘romantic paternalism’ which, in practical effect, put women, not on a pedestal but in a cage. . . . women still face pervasive, although at times more subtle, discrimination . . . perhaps most conspicuously, in the political arena. . . .” -Justice Ruth Bader Ginsburg-*Frontiero v. Richardson* (1973)

Arguably the current Article I and Article II situations are now in somewhat of a direct conflict with the XIV Amendment as we are currently using it in leu of a legal Equal Rights Amendment. However, at the time of the passages of the XIV Amendment no definition, language or verbiage changes were made to Article I or Article II. This is primarily because the language and original intent of the XIV Amendment’s definitions were broadened later. This is proof of pure laziness of the Congress and the Court. To change a line item or definition or even a punctuation mark may only be legally accomplished under Article V guidelines. Technically, this will take a legally Elected Congress and President.

“ . . . But democratic institutions are weakened, and confidence in the

restraint of the Court is impaired, when we appear unnecessarily to decide sensitive issues of broad social and political importance at the very time that they are under consideration within the prescribed constitutional processes.”- Justices Powell, *Burger & Blackmun*, *Frontiero v. Richardson* (1973)

Clearly, the above Justices believed in the due process found within Article V. Moreover, they supported the Constitutional guidelines of Congress as the proper venue with Jurisdiction to make legal changes to the Constitution iaw Article V. Yet, we as a Nation, still have Leadership that chooses to ignore the explicit written Article I requirements. To respect the democratic process and uphold a vote of Congress in dissent of an Amendment is proper. And now, States’ Rights’ Violations are occurring without proper policing or accountability to uphold the beliefs of an Amendment that was clearly not passed. This is an imminent threat to proper due process and a clear and present danger to all the Rights and Liberties of the United States’ Citizens.

The Petitioner, Mr. David John Thistle, is in support of an Equal Rights Amendment. However, to achieve this properly an Equal Rights Amendment Proposal should once again be submitted within a legally Elected Congress. Proposed Amendments should be pursued in accordance with Article V requirements.

“On International Woman’s Day we celebrate the achievements of women around the World, but we must also raise awareness to the inequalities that women and girls face one of the most important things being education. Over one hun-

dred and thirty million girls are out of school . . . When we invest in girls' education, we give them well-informed choices and skills so they can contribute to a more stable and resilient society. Where all individuals including boys and men have the opportunity to fulfill their true potential. When we invest in girls' education we transform Communities, Countries and the entire World. Most girls don't grow up in a World full of opportunities, they build one. . . . so we can help girls and the World build a better future!" -Zara Larsson (Ikea Concert, International Woman's Day March 8th, 2021)

Education vs. Disinformation

"Distrust naturally creates distrust, and by nothing is good will and kind conduct more speedily changed." -Chief Justice John Jay, *The Federalist Papers*

The loss of Public Trust in Fair Elections creates a dilution of Society. The loss of the Public Trust in Government Officers creates problems with the Leadership's ability to maintain a Civil society. Citizens who lose trust because of the known and blatant criminal actions of the Elected and Appointed Representatives, placing fundraising and disinformation over the safety and wellbeing of the Constitution and the People will destroy the Spirit and Union of this Nation.

The Citizens of the United States have seen the corruption of the Elections and the Constitution of the United States firsthand. Moreover, the spreading of

disinformation as a distraction technique no longer works with the ability of the Public to view nearly all information on the World Wide Web. Moreover, the citizens are aware that the Respondents and some members of Congress are allowing an "Open Border" policy while providing medical services, housing, food, clothing, and even electronic devices i.e.: cell phones with unlimited service to the illegal immigrants. The monies utilized for all the illegal immigrants are taxpayers' monies. The illegal editing and Altering of the Constitution to control Elections provided the necessary Votes in Congress to allow this.

Historically, 129,400 Allied Troops landed in Normandy. At the time, this was considered an Invasion of Normandy. In California alone a population of 2 million Illegal Immigrants exists and are documented as residents. Nationwide in the last 4 years alone more than 13 million illegal immigrants have illegally entered the nation. The total of the United States Active-Duty forces of all 6 Military branches is only 1.4 Million troops.

Currently, homelessness amongst Citizens is at one of the highest in decades. Meanwhile, illegal immigrants are provided all needed items with free medical services by taxpayers' monies and being housed (quartered) in four-star hotels. This situation is very similar in nature to the "quartering of Troops grievance" found within the Declaration of Independence. The movement of illegal immigrants in the millions while providing for their every financial need into a Nation already with a climbing National Debt is clearly a tactical military movement of bodies to be utilized as Troops.

At what point is the Respondent, Joseph Robinette Biden Jr., President of the United States going to

place the integrity of the Constitution of the United States and the safety and wellbeing of the Citizens as his first priority? Will this Court continue to allow the Petitioner's and the Citizens' Constitutional Rights and Liberties to be stripped away while the Respondents are clearly prioritizing Personal and Political Party agendas?

Moreover, an Incursion or Invasion are a primary duty of Congress. Again, if the Congress is an illegally Elected body, our taxpayers' monies are not the only National asset currently in danger. Within Article I § 8 clause 15 the Law stipulates that Congress, not the Executive Branch, is responsible to, "... suppress Insurrections and repel Invasions; ..." Currently, the "Border Invasion" is being utilized as a Presidential Political Party distraction to veil the real issue of the illegal editing and altering of Article I to control Elections. This is more misinformation being spread to confuse the Public's understanding of the Separation of Powers within Constitutional Law. Further confusing the proper accountability for each Equal but Separate Branch of Government's responsibilities.

The publicly emphasized inconsistencies of authorities granted to the Separate but Equal Branches of Government need to be readdressed. The duties and responsibilities start with the Primary Duty of the Oath or Affirmation of Office of all Federal and States Officers. Without the proper respect and accountability for this Oath or Affirmation, the Constitution and the Citizens are doomed to another Insurrection or Revolutionary War.

Whenever any of the States within the United States are creating Code Laws to falsely change the Requirements of Federal Offices within the Elections

Requirements found in Article I and Article II without the due process found within Article V this is also inconsistent with the authority granted to the States under the X Amendment. Therefore, these laws have no standing in accordance with Article VI also known as the "Supremacy Clause." These laws are in direct conflict to the Constitution of the United States and therefore should be immediately stricken by their respective State Legislatures or the Executive Branch of the United States.

Further creating or changing definitions of the originally intended verbiage of the Ratified Constitution for example: 1 U.S. Code-Amendments to Constitution. A United States Code Law is not an Amendment iaw Article V. Will this Court allow such illegal disinformation and attacks upon the Constitution of the United States by pen and action?

Whereas The Civil Rights Act and The Patriot Act both mislead the Citizens of the United States into believing an Act has the weight of an Amendment. Acts are not Amendments. Therefore, to remove or strip the Constitutionally Protected Rights and Liberties of the Citizens with Acts of Congress clearly Violates Article V and Article VI provisions. Will this Court allow the spreading of misinformation by the Legislative Branch and the Executive Branch to the Citizens and People of the United States to believe they no longer have all of their Constitutionally protected Rights and Liberties whenever a Law from a State or Act of Congress in conflict with the Constitution of the United States is created?



REASONS FOR GRANTING THE PETITION

The Petitioner prays the Court will grant the petition to restore the full integrity of the Constitution of the United States, the Petitioner's and the Citizens' Constitutionally protected rights and liberties, thereby maintaining the Union of the United States.

The Petitioner, Mr. David John Thistle, was taken into custody and detained by the F.B.I. and the San Diego County Sherriff under a California 5150 charge at the VA Hospital, San Diego under the command and control authority of the Respondent due to a telephone call complaint from Senator Maggie Hassan D-NH to inhibit his ability to provide the return of Court Service of Merrick Brian Garland to the United States District Court, San Diego.

Senator Hassan was the former Governor of New Hampshire and was seeking re-election as a Senator during the 2022 Midterm Elections. Her complaint was to physically stop the Petitioner, Mr. David John Thistle's ability to properly file the return of Service for Merrick Brian Garland to the Court for Case-*Thistle v. Biden* D.C. No. 3:22-cv-00065 RSH-NLS. This detainment, against the Petitioner's will, allowed for the technical cancelation of the District Court Case. Maggie Hassan is a Democratic Party member and supporter of the Respondents. She has placed her personal and Party interests over the integrity of the Constitution of the United States and the public safety. If the aforementioned did not transpire, the District Court would not have had the ability to Dismiss Case No. 3:22-cv-00065.

The United States Court of Appeals Ninth Circuit should not have dismissed this case based on technicalities alone, *Erickson v. Pardus* (2007). The merits of this case and the narrow question presented to preserve, protect and defend the integrity of the Constitution of the United States should have been immediately addressed iaw the Court's sworn oath or affirmation and XIV Amendment requirement to the Constitution of the United States. Under the color of the Law to provide protection to the Petitioner's and the Citizens' of the United States Constitutionally protected Rights and Liberties by immediately addressing the crimes of editing and altering Article I without the due process found within Article V should have been the first priority of the Court.

If this case is not heard by this Court and the illegal editing and altering of the Constitution of the United States is allowed to stand without correction and accountability, the entirety of the Contract of the Constitution of the United States is now corrupted and therefore Void.

Whereas the Judicial Branch is the third-separate but equal Branch of Government, the Petitioner, Mr. David John Thistle, prays the Court will read and clearly view the concrete irrefutable evidence of the case completely understanding the illegal editing and altering of Article I § 2 of the Constitution of the United States to deny Constitutionally protected Civil Rights and Liberties of the Petitioner is the narrow argument. The denial of Constitutional Rights within several separate States by the illegal editing and altering of the Constitution by action and pen is a States' Rights Violation of those States.

These Civil Rights Violations and States' Rights Violations have been reported to the Respondents, as the Executive Branch the proper initial Constitutional authority leading to no corrective measures or indictments creating a Breach of Contract. This Court is the Third equal but separate Branch of government and the last bastion of hope for the restoration of the Petitioner's Civil Rights and Liberties protected by the Constitution of the United States. This Court now holds the future integrity of the entirety of the Constitution of the United States within its Jurisdiction.

It is the belief of the Petitioner, Mr. David John Thistle and many other Citizens of the United States that this case holds within it the ability to restore the Constitution of the United States thereby restoring Fair Elections to avoid another Insurrection or Revolutionary War.



CONCLUSION

To preserve, protect and defend the Constitution of the United States is legally the first priority of all Federal and States' Representatives and Employees. Moreover, it should also be the first priority of all Citizens of the United States. The Government was formed to represent the Sovereign Citizens. The Constitution was written to limit the powers of the Government and protect the inalienable Rights and Liberties of the Citizens.

Whenever corruption of the Constitution exists due to the misuse of an Elected or Appointed Office of Public Trust without correction or accountability of

those actions, a clear and present imminent danger exists for the Citizens of the United States. This may cause a justifiable Insurrection or Revolutionary War and an immediate breakdown of the Union of the United States.

The Petitioner, Mr. David John Thistle, prays the Supreme Court of the United States will grant this Petition for a Writ of Certiorari to restore the integrity of the verbiage, definitions, and line items of the Constitution of the United States to restore the Petitioner's and the Citizens' Rights and Liberties protected by the Legal Binding Contract of the Constitution of the United States thereby preserving the Union of the United States of America iaw XIV Amendment § 4.

Respectfully submitted,

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August 30, 2024