

IN THE SUPREME COURT OF THE UNITED STATES

EXTREME EMERGENCY PETITION FOR EXTRAORDINARY WRIT OF MANDAMUS
AND PROHIBITION AGAINST THE STATE OF NEW MEXICO, NEW MEXICO
SUPREME COURT, 2ND DISTRICT COURT, 7TH DISTRICT COURT, 13TH DISTRICT
COURT, US DISTRICT COURT 10TH CIRCUIT FOR THE DISTRICT OF NEW MEXICO,
NEW MEXICO LIVESTOCK BOARD, NEW MEXICO OFFICE OF THE STATE
ENGINEER, JOHN D'ANTONIO, WAYNE CANON, MICKEY CHAPEL, JENNIFER
CHAPEL, BENJAMIN CHAPEL, JOHN CHAPEL, DARRON "SHAWN" DAVIS,
FRANCISCO "CISCO" LOVATO, JUSTIN GRAY, BELINDA GARLAND, MANUEL
MONTE, GEORGE MENDOZA; REQUEST FOR RELIEF, AND PROHIBITION AGAINST
EACH HAVING ANY FUTURE CONTACT OR INTERFERENCE WITH ANY OF THE
REAL OR PERSONAL PROPERTY OF SOVEREIGN CITIZEN DAVID BRIAN
DERRINGER

In Re: DAVID BRIAN DERRINGER,

Petitioner-Pro-Se, Box 7431, Albuquerque, New Mexico 87194: (505) 227-7229

On Petition for Extraordinary Writ of Mandamus and Prohibition is under Rule 20, Rule 14, 33,
34, authorized by 28 USC 1651 (a), 2241, and 2254(a).

MOTION FOR REHEARING UNDER USSC RULE 44; APPLICATIONS TO INDIVIDUAL
JUSTICES UNDER USSC RULE 22, CHIEF JUSTICE JOHN ROBERTS, CLARENCE
THOMAS, BRETT KAVANAUGH, NEIL GORSUCH.

COMES NOW the Petitioner with his Motions and Applications as stated above.

MOTION FOR REHEARING UNDER USSC RULE 44

The filed No. 24-5044 Petition for Extraordinary Writ of Mandamus and Prohibition is one of the
most important cases (as were also Clerk-denied No. 03-837, 18-7785) before the Supreme Court
in the last 248 years since 1776, whereas it tests the entire integrity of not only Article III and

Article VI, and all 248 years of case law and USC, but also tests the integrity of all governments state and federal. In all stated cases, this case as the two previous cases were denied by the court clerk of simple letter “denied” without any formal Order signed by any Justice of this court, indicating without any possible jurisdiction or judicial capacity, a clerk read or not the Petition, and arbitrarily and capriciously denied the Petition without any reading or knowledge of any of the 9 Justices. “[P]rocedural due process rules are meant to protect persons not from the deprivation, but from the mistaken or unjustified deprivation of life, liberty, or property.” *Carey v. Piphus*, 435 U.S. 247, 259 (1978). “[P]rocedural due process rules are shaped by the risk of error inherent in the truth-finding process as applied to the generality of cases.” *Mathews v. Eldridge*, 424 U.S. 319, 344 (1976). Thus, the required elements of due process are those that “minimize substantively unfair or mistaken deprivations” by enabling persons to contest the basis upon which a state proposes to deprive them of protected interests. *Fuentes v. Shevin*, 407 U.S. 67, 81 (1972). At times, the Court has also stressed the dignitary importance of procedural rights, the worth of being able to defend one’s interests even if one cannot change the result. *Carey v. Piphus*, 435 U.S. 247, 266–67 (1978); *Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); *Nelson v. Adams*, 529 U.S. 460 (2000). Due process mandates opportunity to be heard by a Justice confirmed by the US Congress, and mandating any denial in a formal Order signed by at least one Congress confirmed Justice, stating reasons for the denial and quoting authorities sustaining the decision for denial of the entire Petition. The language of the Fourteenth Amendment requires the provision of due process when an interest in one’s “life, liberty or property” is threatened. *Morrissey v. Brewer*, 408 U.S. 471, 481 (1982). “The requirements of procedural due process apply only to the deprivation of interests encompassed by the Fourteenth Amendment’s protection of liberty and property. The expansion of the concept of “property rights” beyond its common law roots reflected a recognition

by the Court that certain interests that fall short of traditional property rights are nonetheless important parts of people's economic well-being. *Fuentes v. Shevin*, 407 U.S. 67 (1972) "This Court previously has recognized—even with respect to another statute the legislative history of which indicated that courts were to have "wide discretion exercising their equitable powers," 118 Cong. Rec. 7168 (1972), quoted in *Albemarle Paper Co. v. Moody*, 422 U.S. 405, 421 (1975)—that "discretionary choices are not left to a court's 'inclination, but to its judgment; and its judgement is to be guided by sound legal principles.' " *Id.*, at 416, quoting *United States v. Burr*, 25 F. Cas. 30, 35 (No. 14,692d) (CC Va. 1807) (Marshall, C.J.). Thus, a decision calling for the exercise of judicial discretion "hardly means that it is unfettered by meaningful standards or shielded from thorough appellate review." *Albemarle Paper Co.*, 422 U.S., at 416." ¹¹⁸ *United States v. Taylor*, 487 U.S. 326, 108 S. Ct. 2413, 101 L. Ed. 2d 297, 56 U.S.L.W. 4744. (Emphasis added). "At a minimum, the district court must listen to a party's arguments and give reasons for its decision." *Schwarz v. Folloder*, 767 F.2d 125 (5th Cir. 08/01/1985). This case involved the denial and malicious deprivation of all Constitutional rights and rule of law as lower 22 NM Judges' perjury of oath and treason under 18 USC 241, 242, 1503, 1505, 2381, 2382, 2383 and facilitation of RICO racketeering with invading Sinaloa Cartel bribery of Judges and state employees embroiled in the RICO operations with all acting in protection of the RICO for personal gain. Since there are now 6 written Orders for Plaintiff Derringer never to further use the United States Courts in any manner to file any future law suits, file any Complaints, petitions, notices, responses, requests, motions, pleadings, or court papers of any kind, and Orders forever that Plaintiff David Derringer cannot represent himself pro-se in any court of law, these treasonous Orders cancel and defeat the entirety of Article III and Article VI; whereas if the United States Supreme Court Justices entirely deny this Petition, they are endorsing, countenancing, and facilitating any Judge in the United States

ability to take all Constitutional rights from any targeted citizen at any time, cancelling citizenship as total deprivation of all Life, Liberty, and Property. Under the meaning of 18 USC 2382, each Supreme Court Justice with “knowledge” by this Petition, taking no corrective action of neglect to prevent, and past cases presenting the same knowledge, illegally denied by the “clerk” of No. 03-837, 18-7785 (still open by no Justice signed Order of denial) would deem collusion and protection with knowledge of the treason to be guilty of misprision of treason, by definition of 18 U.S.C. Section 2382. Denying this case, without reasons and Mandated conformity with all rule of law and restitution, redress, replevin, and punishment for larceny of real and personal property by government against all law, entirely sustains the defeat of America as a Constitutional Republic and renders We The People as simple slaves and subjects not to only each Judge in the United States becoming one King or Dictator, but to hundreds of thousands of Judicial dictators with robes ruling in absolutism becoming a law unto themselves rendering decisions by whim, political, bias, prejudice or other in defiance of all law. This case involves a direct in writing Orders with threats of arrest, prison and assassination in TREASON, OBSTRUCTION OF JUSTICE, and perfected deprivations of the U. S. and NM Constitutions 1, 4, 5, 6, 8, 9, 10, 13, 14th Amendments, USC 1981, 1982, 1983, 1985, 1986 former case laws concerning due process, equal protection and opportunity to be heard. 6 Orders were written against Petitioner Derringer Ordering no further current use of the Courts, no future use of the courts, no Pro-Se representation in any court, prohibiting any future law suits, no filings of any kind with the courts of notices, petitions, motions, responses, answers, requests, complaints, “or any other court papers of any kind”. This entails all courts of NM, with 22 Judges either writing or sustaining such treason, and based on former treason “case-law (since not appealed or rescinded-redacted) **State ex rel Bardache v. Welsh**, 592, 698 p.2D 462 1985-NMCA-028 16, 102 NM; TREASON enacted against other parties for the same

reasons herein. Judges and public officials caught “red-handed” doing criminal acts, RICO racketeering , taking bribes, and facilitating the invading Sinaloa Cartel disclosed in public and Judicial corruption, nay public and judicial domestic terrorism and hate crimes, designate the “TRUTH” exposed by Whistleblowing in court record is deemed vexatious litigation and thus the treason Judicial answer is to restrict and bar use of the Courts as finite censorship and hate crimes for the Judges and Democrats in power to cover-up the crimes and vile and sadistic moral turpitude by actual destruction, tampering, falsifying the court and public records to save themselves from impeachment, criminal prosecution and death by hanging for TREASON against the United States in threats against national security. For the actual US Supreme Court to “deny” this case, sustains the any Judge and any Court can Order denial of all Constitutional rights “forever” in the future even before any future case is filed or assigned to a particular Judge. This enables thousands of Dictators of the Judiciary to have absolutism control over every American defeating all Constitution, Bill of Rights and any presumption of “individual freedom or sovereignty”. Effectively, dismissing this case, not ruling to restore all Constitution, reparations, redress, replevin, and prosecuting and removing all Judges that lied in Oath and the attacked America and Constitution in WAR, leaves the Petitioner the rest of his life and every American subject to any vile whim of any Judge with no justice available and “opportunity to be heard” only “by your leave”, as encrusted as a Medieval King: subject as threatened in TREASON writing against Derringer to be arrested, imprisoned and assassinated for the gall to whistleblower on public and judicial corruption enabled by the 1st Amendment and NMRA Rule 1-090 mandate to disclose the “TRUTH”. This leaves Derringer and all others similarly situated unable to have “rights to sue” (42 USC 1981) when attacked and as worse attacked in suit unable to defend with barred from even serving and answer, guaranteeing the attacked ability to ravish and destroy Derringer and

others by a Default. The disclosure exuding alleged vexatious litigation to be squelched, is wherein Judges and elite politicians, officers, administration of all 3 branches of government and agencies in NM are taking RICO racketeering protection bribes from the invading Sinaloa Carte involving the Judges participation in addiction to cocaine, methylamphetamines, fentanyl, human trafficking, illegal alien minor slave use of Judge and elite pedophiles, automatic firearms, prostitution and multiple other contraband. It is confirmed by circumstantial evidence that this Petition was only illegally read and illegally dismissed by the existing known "cert pool" wherein without any possible jurisdiction. Non justices, Simple "clerks" read Petitions and arbitrarily and capriciously dismiss the case by only letter without the mandated formal Order with proper heading and signature of one or more actual Justices. **SECTION 1.** All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. Due process requires that the procedures by which laws are applied must be evenhanded, so that individuals are not subjected to the arbitrary exercise of government power. Thus, in this (these) matters, a litigant has been totally deprived the benefit of an actual US Supreme Court Justice(s) having read the Petition, even having full "knowledge" of the total Orders of Constitutional lifetime deprivations, or full comprehension that Derringer was and currently is relentlessly deprived full and fair hearings, trial, denied jury (and judge kept the fee) illegally "recused" judges presiding and vast hundreds of Constitutional, statutory, case law and other deprivations, Ordered complete denial of all Constitutional rights currently and in the future life of the Plaintiff, in the state courts. Derringer's rights were defied being measured, not by laws

made to affect him individually, but by general provisions of law applicable to all those in like condition, and in this matter Derringer was not only deprived of \$Billions of real and personal property without due process of law, and now 819 horses worth \$81,900,000.00 have been stolen relentlessly by the most aggressive felons Justin Gray and Sinaloa Cartel Benjamin Benavidez Jr., and other NM State employees working with the RICO operations. This is where due to Order prohibiting Derringer's use of the court or to sue, Derringer has become meat-prey with no escape in imprisonment of the judicial corruption, that anyone can attack without accountability or consequences since the is no law, and Derringer can also be regarded as deprived of his property by an adverse result. Marchant v. Pennsylvania R.R., 153 U.S. 380, 386 (1894). Every one of the 9 Justices of this court know they are mandated to stop, reverse and punish Constitutional deprivations, whereas it is proof that either the Justices are also traitors by ruling of their own case laws, or likely the "cert pool" never sent this Petition for "knowledge" of these treasonous acts to any of the 9 Justices, mandated to act. Marbury v. Madison, 5 U.S. 137, 1 Cranch 137; 2 L. Ed. 60; 1803 U.S. LEXIS 352, This was a landmark decision of the U.S. Supreme Court that established the principle of judicial review, meaning that American courts have the power to strike down laws and statutes they find to violate the Constitution of the United States. Any judge who does not comply with his oath to the Constitution of the United States wars against that Constitution and engages in acts in violation of the Article VI, Supreme Law of the Land; the judge is engaged in acts of treason. Having taken at least two, if not three, oaths of office to support the Constitution of the United States, and the Constitution of the State of New Mexico, any judge who has acted in violation of the Constitution is engaged in an act or acts of treason. If a judge does not fully comply with the Constitution, then his orders are void, In re Sawyer, 124 U.S. 200 (1888), he/she is without jurisdiction, and he/she has engaged in an act or acts of treason. Whenever a

judge acts where he/she does not have jurisdiction to act, the judge is engaged in an act or acts of treason. U.S. v. Will, 449 U.S. 200, 216, 101 S.Ct. 471, 66 L.Ed.2d 392, 406 (1980); Cohens v. Virginia, 19 U.S. (6 Wheat) 264, 404, 5 L.Ed 257 (1821). Any judge or attorney who does not report the above judges for treason as required by law may themselves be guilty of misprision of treason, 18 U.S.C. Section 2382. The illegal “cert pool” has now happened to the Petitioner in former cases of Derringer v. Chapel No. 03-837, Derringer v. State of New Mexico et al No. 18-7785, and now the same in No. 24-5044; whereas with no formal Order of Dismissal, signed by one or more Justices, these cases are still legal open and mandated to be reviewed by an actual Justice, not a “clerk”. In the matter or No. 18-7785, Clerk Scott Harris sent a simple letter stating the case was dismissed. Derringer Motioned the Court for his panel of Justices to review the case under USSC Rule 22 choosing Justices Thomas, Kavanaugh, and Gorsuch, wherein thus Order had to be rendered with proper heading and signatures of the 3 Justices, that never occurred. Clearly, these Justices never received the case. When Derringer mandated copies of the Justices' signed Orders, Clerk Scott Harris refused, indicating those Orders did not actually exist. Derringer formally filed under FOIA for such Orders, that were refuse and denied by Clerk Scott Harris, and by phone, when Derringer questioned why Harris had illegally refused federal law of FOIA, Scott Harris blatantly stated “I am the United States Supreme Court, and I don't have to comply with FOIA. If the Court defies federal laws enacted by Congress, the United States has no law. A quote from U.S. Supreme Court Justice Tom C. Clark in Mapp V. Ohio, 367 U.S. 643, 81 S. Ct. 1684, 6 L. Ed. 2d 1081 (June 19, 1961), as follows: “Nothing can destroy a government more quickly than its failure to observe its own laws, or worse, its disregard of the charter of its own existence. As Mr. Justice Brandeis, dissenting, said in Olmstead v. United States, 277 U.S. 438, 485 (1928): “Our Government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole

people by its example. . . . If the Government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy."'" (Emphasis added).. This Petition has been denied all due process and equal protection and was filed as an Extreme Emergency, due to ongoing and continual crimes and deprivation of rights against the Petitioner, and whereas since the filing with this court, in the 6 month procrastination of an extreme emergency Petition, well over several hundred more Derringer horses have been stolen, (the latest on Sepember 7, 2024 by felon Justin Gray and Benjamin Benavidez Jr., again illegally sold, murdered for meat, and all players of the RICO Sinaloa Cartel and NM Stat officials and employees have bathed in the illegal profits of these crimes, defying all law. Petitioner had resorted to informing Federal authorities of the FBI, DOJ, DHS, and the U.S. Pentagon and U.S. State Department as these matters involved threats to national security, and the murdering not only the Derringer horses, but murdering millions of American citizens by fentanyl and other drugs, Cartel murders and abuse and extreme violent crimes, due to the gateway entrance to the United States wide open deliberately by the governor of New Mexico to facilitate the destruction of America. The New Mexico elite administration, politicians, attorneys, law enforcement is saturated in public corruption endemic to New Mexico to secede from the Union, in favor of the DHS estimate \$32 Million dollars a week of profit the Sinaloa Cartel makes in New Mexico alone. New Mexico elite administration, politicians, attorneys, law enforcement. There was Judicial pedophiles reason that the Jeffery Epstein "Zorro Ranch" was located just outside the NM Capitol, Santa Fe, New Mexico.

Petitioner has gone to the Court of Last Resort in the United States, due to exhausting all other possible remedies of all administration of the three branches of government of New Mexico and all agencies bound under oath to help, with finding all bribed, corrupt and reaping \$ Millions from bribed protection monies of the invading Mexican National Sinaloa Cartel for its RICO

racketeering operations in New Mexico through deliberate wide-open Southern New Mexico border, with intent of the Democratic controlling power and the aiding, abetting and protection afforded by NM Governor. **Petitioner has constantly notified** Michelle Lujan Grisham, the Governor, the Legislative Branch, and filed over 18 legal law suits regarding the matters presented to find all law enforcement delegated to stand down without making arrests, finding the NM Attorney General bribed by foreign Communist George Soros, and therefore protecting the RICO operations, as is the Bernalillo County District Attorney, and the past Bernalillo County Sheriff Manuel Gonzales III was indicted for direct purchasing fully automatic firearms from the Sinaloa Cartel, and wherein the BCSO directly refused to arrest, recover or stop the RICO horse rustling operations stealing now 819 Derringer horses and murdering them. Upon multiple suits against these agencies and individuals, NM Judges obviously, ex-parte, told each not necessary to Answer Derringer's Complaints, and with Default thus, NM Judges refused Derringer all Default Judgments and Ordered Derringer never to use the Courts against and never to file another law suit in response. These Constitutional deprivations are now saturated with total "knowledge" by all New Mexico Judges in all NM Courts, including Chief Judge Thompson and all other Justices of the New Mexico Supreme Court; solidifying knowledge that the treason is completely infiltrated in New Mexico in WAR against America.

CONCLUSION: The United States Supreme Court is mandated not to dismiss this Petition, which will immediately serve to finalize the treason deprivations against the Petitioner, do further irreparable crimes against Derringer under 18 USC 241, 242, 1503, 1505, 1512, RICO 1966-1970, TREASON under 18 USC 2381, 2382, 2383, in "knowledge" of this treason under past still open and current Petitions of No. 03-837, No. 18-7785, and No. 24-5044 in 42 USC 1982 decimation of private property rights, 42 USC 1985 conspiracy against civil rights, 42 USC 1986 neglect to

prevent, knowing there is continual ongoing damages that will vastly increase and accelerate as it be known the Supreme Court condones the treason with dismissal of the Derringer Petitions, wherein forever Derringer will be “prey” to any and all government, invading Sinaloa Cartel and other foreign and domestic terrorists, and a life completely ruined in egregious acts against the rights to life, liberty and the pursuit of happiness, as Derringer will be no longer a US Citizen with any Constitutional rights forever.

Petitioner David Derringer hereby certifies that this Motion under Rule 44 that the grounds are limited to intervening circumstances of continued NM Judicial terrorism and treason against the Petitioner since the Petition was filed, with retaliation, retribution and revenge for such Supreme Court filing by larceny and murder of hundreds more Derringer horses and blocking any further in progress legal litigation with the written Judge threats to arrest, imprison and assassinate the Petitioner if Derringer files any further action in the courts; wherein it is clear no Judge ever has any jurisdiction or judicial capacity of “future” filings until court action is filed with a clerk and then assigned to a particular Judge; hence making any Judge Ordering deprivations in the future liable both criminally and civilly. Dennis v. Sparks, 101 S. Ct. 183, 449 US 24, 66 L.Ed.2d 185 “US Tex. 1980. Stump v. Sparkman, 435 U.S. 349 (1978). These criminal acts of now larceny of Derringer’s 819 horses of value \$81,900,000.00 in retaliation after the filing of this Petition in domestic and judicial terrorism, are of intervening circumstances of substantial and controlling effect and are substantial grounds not previously presented. Petitioner also certifies that this Petition for Rehearing under Rule 44 is presented in good faith and not for delay and accurate as to the direct knowledge of the Petitioner. This Petition for Rehearing and Certification is filed timely within the 15 days of correction by the letter of the Court Clerk of November 6, 2024 under Rule 44.6.

Respectfully submitted by David Derringer David Derringer P.O.
Box 7431 Albuquerque, New Mexico 87194

CERTIFICATE OF SERVICE 11-21-2024

I hereby certify that I caused 1 true and correct original of the foregoing Motions to be sent for filing to: The Supreme Court of the United States, 1 First Street N E Washington, DC 20543.

David Derringer