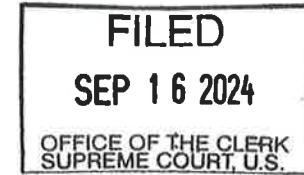


No. 24-5334



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

Russell G. Conlon,

*Petitioner*

v.

Oklahoma Department Of Human Services, Child Support Services, et al.

*Respondents*

**On Petition for Writ of Certiorari to the  
Oklahoma Court Of Civil Appeals**

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**PETITIONER'S FIRST SUPPLEMENTAL BRIEF**

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September 16, 2024

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## Petitioner's First Supplemental Brief

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Pursuant to Supreme Court Rule 15(8), Petitioner submits this first supplemental brief to update this Court as to new intervening matters and new applicable case law that have taken place in cases associated in petition for certiorari, hereafter referred to as "Petition", Petitioner filed on February 22, 2024 and was docketed on August 15, 2024. Respondent Oklahoma Department Of Human Services, Child Support Services, hereafter referred to as "The State", and Respondent Tracy D. Conlon, hereafter referred to as "Ms. Conlon", have each waived response which Petitioner will briefly address as well in this instant brief. The District Court of Oklahoma County will be referenced hereafter as "The Trial Court".

### New Cases And Legislation Supporting Petition

Petitioner brings forth new cases to this Court that support and are applicable to *Petition*.

This Court most recently in *Loper Bright Enterprises v. Raimondo* No. 22-451, 45 F. 4th 359 & No. 22-1219, 62 F. 4th 621, overruled *Chevron U. S. A. Inc. v. Natural Resources Defense Council, Inc.*, 467 U. S. 837. Petitioner has raised constitutional challenges to certain federal regulation administered by the United States Department Of Human Services in *Petition*. This Court in *Loper Bright* overruled *Chevron* and associated doctrine that had been established by *Chevron* that in this Court's words in the opening paragraph of *Loper Bright*:

Under the *Chevron* doctrine, courts have sometimes been required to defer to “permissible” agency interpretations of the statutes those agencies administer—even when a reviewing court reads the statute differently. *Id.*, at 843.

Therefore, deference does not have to be given by this Court as to how the United States Department of Human Services interprets statutes within enacted federal legislation and/or regulations that arose out of interpretation, nor indirect deference given to The State which relies on guidance outlined in federal regulations from the United States Department Of Human Services.

Pertaining to questions Petitioner raised as to the *Commerce Clause of the Constitution Of The United States*, Art. 1, §8, cl. 3, in *Petition*, at 6, 7, though it would appear that shopping and purchasing health care of the parent(s)’ children would be solely intrastate commercial activity within a state per *Gibbons v. Ogden*, 22 U.S. (9 Wheat.) 1, 194 (1824), section 1334 of the Affordable Care Act created a health insurance marketplace offering multi-state insurance plans, detailed extensively in 45 C.F.R. § 800. Given the voluminous nature of 45 C.F.R. § 800, Petitioner will move this Court to amend his appendix to *Petition* as this Supreme Court is aware of and familiar with the Affordable Care Act given there have been several legal challenges seeking to overturn said act before this Court. Because the Affordable Care Act was passed and enacted as federal law, state governments through any branch of state government and departments are effectively barred from claiming authority of reasonable cost, to dictate to parents in divorce or paternity cases what health insurance plan parents can choose from the health insurance market for their children. Therefore, if a state enacts law

prohibiting parents from being able to purchase any health insurance plan from the health insurance marketplace set up by the federal government, which may exceed what a state deems as reasonable cost, incontrovertibly demonstrates and further confirms that a state does indeed constitutionally infringe on the enumerated powers delegated by the *Commerce Clause* to the United States Congress.

Petitioner in *Petition* at 6, also detailed how the State by limiting a parent(s)' choices to determine health insurance is best for their children would infringe on an individual's constitutional liberty to choose what health insurance coverage is best for their children. This Court in *Washington v. Glucksburg*, 521 U.S. 702 (1997) found that it is a fundamental constitutional right of every parent to direct the care, upbringing, and education of their children via *Due Process Clause of the 14<sup>th</sup> Amendment of the Constitution Of The United States*.

Finally, Petitioner stated in *Petition*, at 6, that a state engaging in limitation of a parent(s)' choices of health insurance coverage possibly violated federal anti-trust law. Federal anti-trust law came about with the passing of the Sherman Anti-Trust Act. Therefore, in the event that this Court grants certiorari review to Petitioner, the Court will also have to apply and contemplate said act to Commerce Clause questions raised in *Petition*.

### **Intervening Matters**

In *Petition* at (iii), in section "Statement Of Related Proceedings", Petitioner referenced the pending matter at the time Petitioner first constructed *Petition* in

December 2023, *Conlon v. Hafar*, MA-121705, filed with the Oklahoma Supreme Court. Petitioner also mentioned this proceeding in *Petition*, at 14, 15.

Petitioner had brought this mandamus action because the current presiding judge, *Hafar*, of the Trial Court, continued to conduct proceedings on motions initiated and plead by The State, after Petitioner had initiated recusal procedure against *Hafar* via *in camera* request on June 21, 2022. Recusal procedure was still ongoing and in force, and had yet to be exhausted by Petitioner. There were also multiple pending motions before the Trial Court, currently presided over by *Hafar*, by Petitioner and The State. One of the motions The State had brought forth by formal motion on August 22, 2023, was a motion to dismiss Petitioner's recusal action. *Hafar* sustained and dismissed Petitioner's recusal action on October 4 2023. Petitioner did not appear at this proceeding. If Petitioner had appeared at this proceeding, Petitioner would have acknowledged that *Hafar* had jurisdiction as judge to rule on the pending matter conducting a proceeding which *Hafar* clearly did not as recusal procedure was ongoing and still in force. The following claims by Petitioner are fact and are not argumentative whatsoever. They are just the latest continuation that the records of cases associated in Petition that is before this Court, show clear evidence of abuse of discretion and judicial impropriety at minimum.

*Hafar* in conducting proceeding on October 4, 2023, on pending motions brought by The State, clearly violated of recusal procedure as outlined by court

rules and established certain rule of the District Courts Of Oklahoma.<sup>1</sup> This rule was further affirmed by the Supreme Court of Oklahoma.<sup>2</sup> Second, by conducting an unlawful proceeding, *Hafar* nearly doubled Petitioner's monthly child support obligation without adducing evidence from all parties in administering a new unlawful debt upon Petitioner to be collected by Respondents. By doing so, *Hafar* apparently attempted to procure racketeering activity, racketeering occurrence being an unlawful proceeding that took place on October 4, 2023, an overt predicate act. The next racketeering occurrence, an overt predicate act, was *Hafar* executing an instrument filed on October 16, 2023, that being a memorialized court order, that imputed unlawful debt upon Petitioner. Third, *Hafar* in apparent willful defiance of court rules and the code of judicial conduct, engaged in clear judicial impropriety as impropriety is defined in *Canon 1* and § *Terminology of the Model Code Of Judicial Conduct* as defined by the American Bar Association<sup>3</sup>. The *Oklahoma Code Of Judicial Conduct* mirrors code of judicial conducted outlined by the American Bar Association. Fourth, Petitioner cannot think of a more prejudicial, biased action that what took place here.

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<sup>1</sup> *12 OS § Rule 15* – Rules For The District Court Of Oklahoma – Disqualification Of Judges In Civil And Criminal Cases.

<https://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=93631>

<sup>2</sup> *Miller Dollarhide, P.C. v. Moshe Tal* -- 2007 OK 58 163 P.3d 548 Case Number: 100179 -- <https://caselaw.findlaw.com/court/ok-supreme-court/1423653.html>

<sup>3</sup>

[https://www.americanbar.org/groups/professional\\_responsibility/publications/model\\_code\\_of\\_judicial\\_conduct/](https://www.americanbar.org/groups/professional_responsibility/publications/model_code_of_judicial_conduct/)

Petitioner only makes this Court aware of these events and apparent criminal infractions. Petitioner is aware that it is not this Court's responsibility to prosecute alleged criminal violations of federal and state statutes that Petitioner has informed this Court of. Petitioner has three additional appendices F, G, and H, that have abundant evidence proving criminal violations took place, and are in the case records of certain cases associated with *Petition*, and Petitioner was going to include these materials in his compiled appendix attached with his Petition, to this Court as would normally be permitted by Rule 14(i)(vi). However, with certain questions Petitioner has presented to this Court in this *Petition*, Petitioner wants to take caution that certain constitutional rights of incriminated parties are not compromised, that being to object to evidence that has been compiled by Petitioner that could be used by the prosecution. To avoid prematurely proffering the appendices containing the inculpatory evidence in question before this Court, Petitioner states that these appendices are available for this Court's examination if this Court wishes to exercise its discretion and view said appendices.

On December 18, 2023, the Oklahoma Supreme Court denied application to assume original jurisdiction and did not contemplate nor enter judgment on the merits of petition for mandamus Petitioner had brought. This newest intervening matter is directly relevant to Questions #2 and #5 Petitioner raised in *Petition*, at (i), and certainly warrants scrutiny from this Court.

Since February 22, 2024 to current date, Petitioner has frequently communicated with Respondents as to submissions of Petition that took place to the

Clerk that the Clerk sent back to Respondent to comply with this Court's rules. Petitioner has served Respondents both through electronic mail correspondence and paper copies through third party commercial carrier.

Petitioner re-submitted *Petition* along with *Motion To Proceed In Forma Pauperis* that detailed Petitioner's difficult financial situation and recent financial hardship on August 8, 2024 and served Respondents with copies of said instruments. Very shortly after Petitioner served latest copies of *Petition* on Respondents, The State attempted to impose a levy and freeze a bank account of Petitioner in a notice dated August 12, 2024 for back child support. This latest action of The State appears to be in Petitioner's viewpoint, just the latest of very spiteful, bad faith actions of many taken by The State over the course of the dissolution of marriage case before the Trial Court, and an attempt by The State to administer retaliation for Petitioner bringing his *Petition* before this Court.

Petitioner contemplated moving this Court for a temporary injunction against The State, enjoining The State from all future enforcement and collection action in this case until further order of the Court. For now, Petitioner will not take such action now, but will certainly move this Court for injunctive relief should The State again engage in such bad faith action. What makes *Petition* unique is that Petitioner's severe financial condition and adverse circumstances that he has endured for several years was caused solely by the actions of Respondents and a complicit Oklahoma judiciary in cases associated with *Petition*, as Petitioner stated in *Petition*, at 29, 30. Petitioner's financial condition was not caused whatsoever by

Petitioner being derelict as to his duties as a parent. Petitioner has been able to resume making child support payments to Ms. Conlon again as he has been able to stabilize his financial condition, though it is still fragile.

In closing, Petitioner first makes this Court aware that Petitioner has notified the Solicitor General of the Oklahoma State Attorney General, The State's chief appellate attorney, of this case and instruments within, so the Oklahoma Attorney General can exercise discretion to file an amicus brief with this Court. Applicable local court rule of the Trial Court directs a party to notify the Oklahoma Attorney General when Oklahoma statutes have been challenged on constitutional grounds. Second, Petitioner states this Court should not presume that Respondents' waiver of response to file brief in opposition is because *Petition* brought by Petitioner is utterly meritless that a response from Respondents is not necessary. On the contrary, it should be perceived by this Court that Respondents' position is completely and hopelessly indefensible, and acknowledgement that what Petitioner outlined in *Petition*, is completely accurate and well supported and justified by substantial supporting law cited by Petitioner.

Respectfully submitted,  
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