

24-5654

ORIGINAL

SUPREME COURT OF THE UNITED STATES

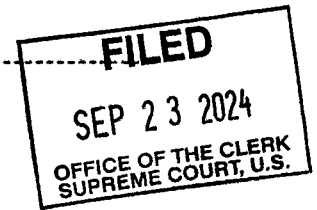
Vincent L. Hepburn,

Petitioner,

v.

The United States of America,

Respondent.



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

PETITION FOR A WRIT OF CERTIORARI

SUBMITTED BY:

Vincent L. Hepburn

5016 SE 46th St.

Oklahoma City, Oklahoma, 73135

405-541-1194

vincent_hepburn@formybelovedchildren.com

Petitioner

I. Questions Presented

1. Where federal employees acting in their official capacity violate 76 OK Stat § 1 and the First Amendment's Establishment Clause by harming Mr. Hepburn and by promoting, propagating, and establishing the religion of heliocentrism (sun worship) nationwide via wrongful and negligent acts and omissions, is it not the right of Mr. Hepburn to seek damages and relief under the Federal Tort Claims Act?

2. Should the dismissal of Mr. Hepburn's case (5:2024cv00026, Hepburn v. United States of America The) be overturned?

3. Is Lucifer not the "god" of this world? This cannot be if he and his are running from me, for without question, one cannot be a god *and a coward*.

Revelation 12:17 of the King James Bible reads: "¹⁷ And the dragon was wroth with the woman, and went to make war with the remnant of her seed, which keep the commandments of God, and have the testimony of Jesus Christ." Mr. Hepburn has the testimony of Jesus Christ, yet instead of accepting Mr. Hepburn's challenge and engaging him in a legal battle (**warfare**), the dragon has *fled* because he knows that in a court of law the testimony of the One True God Jesus Christ would utterly destroy him and his dying kingdom. If the *so-called* god of this world runs from this fight, then this will stand as more proof that the fallen one will *never* be like the Most High, and he will never live this down. So, the question is, is Lucifer a god, or *isn't* he?!

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Question 2: 1) To avoid setting a dangerous precedent that would open the door to biased judges being able to simply dismiss cases based on their bias rather than the merits of the case and the application of the law; it would also set a dangerous precedent to allow a judge to lie to get a case dismissed. 2) To further clarify what makes a case frivolous so to prevent the abuse of the federal court's inherent power, specifically the inherent power referenced in Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa, 490 U.S. 296, 307-08 (1989). 3) To uphold *Twombly*, 550 U.S. at 556, which states: "[I]n determining whether a complaint states a claim that is plausible, the court is required to proceed 'on the *assumption that all the [factual] allegations in the complaint are true*[,] [e]ven if their truth seems doubtful" (court's emphasis). 4) To uphold the Court's decision stating that "any exercise of an inherent power cannot conflict with any express grant of or limitation on the district court's power as contained in a statute or rule," so that future litigants don't fall victim to the same abuse of power. 5) To uphold the Code of Conduct for United States Judges, reaffirm the importance of law-required impartiality on the part of U.S. judges (due process), and avoid any loss of confidence in the judicial system. 11

Question 3: To save face by facing one's fears, for even the prophets of Baal were brave enough to face off against Elijah; if Mr. Hepburn's case is not reopened and his challenge accepted, then Lucifer, who has been surveilling, monitoring, and accusing Mr. Hepburn for some time now and is well aware of this case, can no longer be called a god, for one cannot be a god, and a *coward*. 18

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XII. APPENDIX Attached

1. Order of the United States District Court for the Western District of Oklahoma Dismissing Petitioner's Complaint and Case 1

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III. Table of Authorities

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Code of Conduct for United States Judges	4, 13, 17, 18
Fed. Rules Civ. Proc., Rule 60(b)(4),28 U.S.C.A., U.S.C.A. Const.	12
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IV. List of All Proceedings in Federal Trial & Appellate Courts

The District Court for the Western District of Oklahoma - 5:2024cv00026, Hepburn v. United States of America The (filed January 9, 2024). The Tenth Circuit Court of Appeals - 0:2024cv06045, Hepburn v. United States (affirmed July 3, 2024).

V. Petition for Writ Of Certiorari

Petitioner Vincent L. Hepburn, Plaintiff in 5:2024cv00026, Hepburn v. United States of America The, petitions this Court for a writ of certiorari to review the Judgment of Judge Joe Heaton (hereinafter “the district court”).

VI. Opinions Below

The decision by the district court dismissing Mr. Hepburn’s Complaint and case can be found under 5:2024cv00026, Hepburn v. United States of America The (January 17, 2024). The Order and Judgment of the district court is attached at Appendix (“App.”) at 1-3. The decision affirming the district court’s dismissal of Mr. Hepburn’s Complaint and case can be found under 0:2024cv06045, Hepburn v. United States (July 3, 2024), and is attached at Appendix (“App.”) at 6.

VII. Jurisdiction

Mr. Hepburn’s appeal to the Tenth Circuit Court of Appeals was denied on July 3, 2024. Mr. Hepburn invokes this Court’s appellate jurisdiction under Article III, Section 2, Clause 2. This Petition is timely filed being that it was filed within ninety days of the Tenth Circuit Court of Appeals’ decision to affirm the district court’s ruling (See 28 U.S. Code § 2101(c)).

VIII. Constitutional Provisions Involved

ArtIII.S1.4.2 Inherent Powers Over Judicial Procedure:

The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

“While the Court has not precisely delineated the outer boundaries of the federal courts’ inherent powers to manage their own internal affairs, the Court has recognized two limits on the exercise of such authority. First, a court, in exercising its inherent powers over its own processes, must act reasonably in response to a specific problem or issue confronting the court’s fair administration of justice. Second, **any exercise of an inherent power cannot conflict with any express grant of or limitation on the district court’s power as contained in a statute or rule**, such as the Federal Rules of Civil Procedure. Thus, as with rules promulgated under the Rules Enabling Act, no court-made rule can enlarge or restrict jurisdiction or abrogate or modify the substantive law. This limit applies equally to courts of law, equity, and admiralty, to rules prescribed by the Supreme Court for the guidance of lower courts, and to rules that lower courts make for their own guidance” (https://constitution.congress.gov/browse/essay/artIII-S1-4-2/ALDE_00013521/, emphasis added).

United States Constitution, Amendment I:

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

United States Constitution, Amendment V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

IX. Statement of the Case

The Federal Tort Claims Act, also known as the FTCA, is a federal statute which authorizes private tort actions against the United States where, if the United States were a private person, it would be liable to the claimant according to the law of the place where a particular act or omission occurred. Under the FTCA, the federal government acts as a self-insurer, and recognizes liability for the negligent or wrongful acts or omissions of its employees acting within the scope of their official duties.

Individuals who are harmed by the wrongful or negligent act of a federal employee acting in the scope of his or her official duties may file a claim with the government for reimbursement for that injury or damage. In order to state a valid claim, the claimant must demonstrate that (1) he was harmed by a federal government employee; (2) the employee was acting within the scope of his official duties; (3) the employee was acting negligently or wrongfully; and (4) the negligent or wrongful act proximately caused the injury or damage of which he complains. The claimant must also provide documentation establishing that his claim satisfies all the elements of the FTCA.

76 OK Stat § 1 states that every person is bound, without contract, to abstain from injuring the person or property of another, or infringing upon any of his rights.

The First Amendment states that Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the

freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

“The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference. It prohibits any laws that establish a national religion, impede the free exercise of religion, abridge the freedom of speech, infringe upon the freedom of the press, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances. It was adopted into the Bill of Rights in 1791. The Supreme Court interprets the extent of the protection afforded to these rights. The First Amendment has been interpreted by the Court as applying to the entire federal government even though it is only expressly applicable to Congress”

(https://www.law.cornell.edu/wex/first_amendment, emphasis added).

“The Code of Conduct for United States Judges includes the ethical canons that apply to federal judges and provides guidance on their performance of official duties and engagement in a variety of outside activities. ... The Canons are rules of reason. They should be applied consistently with constitutional requirements, statutes, other court rules and decisional law, and in the context of all relevant circumstances”

(<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>).

On January 9, 2024, Mr. Hepburn, who is and has been a resident of Oklahoma for most of his life, filed a claim under the FTCA with the district court for the Western District of Oklahoma. Mr. Hepburn stated a valid claim and provided documentation establishing that his claim satisfies all elements of the FTCA. Despite this, Mr. Hepburn’s Complaint and case were dismissed.

This case presents several questions relating to the Federal Tort Claims Act, 76 OK Stat § 1, the First Amendment’s Establishment Clause, the Code of Conduct for United States Judges, and due process. This case presents, among others, the question of whether district courts have the inherent power to dismiss cases that

are not frivolous, as well as the question of whether district courts have the inherent power to dismiss cases based on their bias. This case presents an ideal opportunity for this Court to make a statement about the importance of judicial impartiality, due process, as well as properly applying case law. This case presents an ideal opportunity for this Court to reinforce what makes a judgment void and clarify or further define what makes a case frivolous. This case presents an ideal opportunity for this Court to reinforce the protection from government-established religion afforded American citizens by the First Amendment's Establishment Clause. Most of all, this case presents an ideal opportunity for this Court to right a wrong that has national significance and precedential value.

X. REASONS FOR GRANTING THE WRIT

Question 1: To avoid setting a dangerous precedent that would see the power of the Constitution's Establishment Clause, the Federal Tort Claims Act, and 76 OK Stat § 1 diminished.

Is Mr. Hepburn, a resident of Oklahoma, not protected by 76 OK Stat § 1 and afforded the opportunity to take legal action and to seek compensation and relief via the Federal Tort Claims Act if 76 OK Stat § 1 is violated by the negligent and wrongful acts and omissions of federal employees acting within the scope of their office or employment?

Is Mr. Hepburn, like every American, not protected from government-established religion by the First Amendment's Establishment Clause, and does the Establishment Clause, Federal Tort Claims Act, and 76 OK Stat § 1 not provide Mr. Hepburn with the opportunity to take legal action and to seek compensation and

relief if the right afforded him by the Establishment Clause is violated by the negligent and wrongful acts and omissions of government officials acting within the scope of their office or employment?

As pointed out in Mr. Hepburn's Complaint:

"The First Amendment of the United States Constitution protects the right to freedom of religion and freedom of expression from government interference. **It prohibits any laws that establish a national religion**, impede the free exercise of religion, abridge the freedom of speech, infringe upon the freedom of the press, interfere with the right to peaceably assemble, or prohibit citizens from petitioning for a governmental redress of grievances. It was adopted into the Bill of Rights in 1791. The Supreme Court interprets the extent of the protection afforded to these rights. **The First Amendment has been interpreted by the Court as *applying to the entire federal government* even though it is only expressly applicable to Congress**"

(https://www.law.cornell.edu/wex/first_amendment, emphasis added).

"The First Amendment guarantees freedoms concerning religion, expression, assembly, and the right to petition. **It forbids Congress from both promoting one religion over others** and also restricting an individual's religious practices"

(https://www.law.cornell.edu/constitution/first_amendment, emphasis added).

"The First Amendment's Establishment Clause *prohibits the government from making any law 'respecting an establishment of religion.'* **This clause not only forbids the government from establishing an official religion, but also prohibits government actions that unduly favor one religion over another. It also prohibits the government from unduly preferring religion over non-religion, or non-religion over religion**"

(https://www.law.cornell.edu/wex/establishment_clause, emphasis added).

"Religion and the Constitution - Because of their belief in a separation of church and state, the framers of the Constitution favored a neutral posture toward religion. The members of the Constitutional Convention, the group charged with authoring the Constitution, believed that the government should have no power to influence its citizens toward or away from a religion. The principle of separating church from state was integral to the framers'

understanding of religious freedom. They believed that any governmental intervention in the religious affairs of citizens would necessarily infringe on their religious freedom. ...

“The First Amendment contains two clauses that prescribe the government’s relationship with religion. In the first instance, the Establishment Clause states that ‘Congress shall make no law respecting an establishment of religion.’ In the strictest reading, the Establishment Clause proscribes any adoption of an official religion by the federal government. More broadly, the phrase functions as a way of assuring that **the federal government will not adopt any stance *in favor of or against any religion***”

(https://www.law.cornell.edu/wex/religion_and_the_constitution, emphasis added).

“First Amendment and Religion - The First Amendment has two provisions concerning religion: the Establishment Clause and the Free Exercise Clause. The Establishment clause prohibits the government from ‘establishing’ a religion. ... Today, what constitutes an ‘establishment of religion’ is often governed under the three-part test set forth by the U.S. Supreme Court in *Lemon v. Kurtzman*, 403 U.S. 602 (1971). Under the ‘Lemon’ test, government can assist religion only if (1) the primary purpose of the assistance is secular, (2) the assistance must neither promote nor inhibit religion, and (3) there is no excessive entanglement between church and state”

(<https://www.uscourts.gov/educational-resources/educational-activities/first-amendment-and-religion>).

“Amdt1.3.3 Establishment Clause Tests Generally - First Amendment: *Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.* ...

“The Court’s predominant approach to evaluating Establishment Clause challenges during much of the modern era was a tripartite analysis known as the *Lemon* test,⁵ although the Court used that test less frequently in the early 2000s⁶ and by 2022, said it had ‘long ago abandoned’ that approach.⁷ *Lemon v. Kurtzman*’s **three-part test instructed courts that for a government action to be considered constitutional:** (1) it ‘must have a secular legislative *purpose*’; (2) ‘its principal or primary *effect* must be one that neither advances nor inhibits religion’; and (3) it ‘must not foster ‘an excessive government *entanglement* with religion.’”⁸ These factors were not exclusive to *Lemon*: the Court looked to purpose and effect prior to that

decision,⁹ and continued to do so even in subsequent opinions that did not expressly cite *Lemon*.¹⁰

“Since the adoption of *Lemon* there were questions about the degree to which each of its three factors was dispositive in particular cases. In an opinion issued the same day as *Lemon*, a plurality of the Court said standards in this area should ‘be viewed as guidelines,’ citing the difficulty of adopting one test to govern all circumstances.¹¹ The Court also employed variations on the *Lemon* test. For example, in *Lynch v. Donnelly*, issued in 1984, Justice Sandra Day O’Connor argued in a concurring opinion that in the first and second prongs of the *Lemon* test, the Court should ask whether a government action had ‘endorsed’ religion.¹² The Supreme Court as a whole sometimes used this endorsement test.¹³ Further, in a 1997 decision, the Supreme Court seemed to suggest a refinement of the last two prongs of the *Lemon* test, saying the Court uses ‘three primary criteria . . . to evaluate whether government aid has the effect of advancing religion:’ looking to whether laws ‘result in **governmental indoctrination**; define [their] recipients by reference to religion; or create an excessive entanglement.’¹⁴

“Apart from the *Lemon* factors, the Supreme Court has sometimes evaluated Establishment Clause challenges by looking to whether the law is unduly coercive—particularly in the context of government-sponsored prayer.¹⁵ ‘Coercion’ includes at least legal compulsion,¹⁶ but **the Supreme Court has also held that ‘indirect coercive pressure’ created by government support for ‘a particular religious belief’ can run afoul of the Establishment Clause.**¹⁷”

(https://constitution.congress.gov/browse/essay/amdt1-3-3/ALDE_00013073/, emphasis added).

Why the Establishment Clause is Relevant: ***Heliocentrism is a religion.***

Heliocentrism, which includes the fictitious solar system, the fictitious globe earth model, and the supposed existence of outer space and space exploration (also fictitious), is a religion that has been and is currently being unlawfully established, assisted, promoted, advanced, and favored by the United States government via the National Aeronautics and Space Act of 1958, which has resulted in the governmental indoctrination of Mr. Hepburn and every other American citizen.

Heliocentrism is a religion that has been and is currently being unlawfully established, assisted, promoted, advanced, and favored by the current NASA Administrator and former NASA Administrators acting within the course and scope of their office or employment, federal employees who have and had a duty to be loyal to the Constitution. Defendant, acting through employees of the United States in their official capacity, has been and is currently acting unlawfully: in a way that is expressly prohibited by the Establishment Clause of the Constitution of the United States of America.

The Supreme Court has held that “indirect coercive pressure” created by government support for “a particular religious belief” can run afoul of the Establishment Clause. The facts of Mr. Hepburn’s case and the facts presented in Mr. Hepburn’s Complaint can attest to that.

According to the United States Constitution, Mr. Hepburn, like every American citizen, has a right to live in the United States absent government-established religion. Reaffirm this right and the power of the Constitution, the FTCA, and 76 OK Stat § 1.

In error, the district court deprived Mr. Hepburn of his law-given right/opportunity to seek justice. In error, the district court deprived Mr. Hepburn of the opportunity to set a precedent that would allow other American citizens (every American citizen) who have fallen victim to the same violation and harm to seek justice. As of 2024, it is estimated that there are over 340 million American citizens. If Mr. Hepburn were to be allowed to proceed with his case and was

successful in proving his case in a court of law, then every American citizen would have a case (as they currently do) under the Federal Tort Claims Act against the United States of America for, among other things, their miseducation. If Mr. Hepburn were to have his case reopened and subsequently proved his case in a court of law, then it would set a precedent, and would undoubtedly lead to the largest class action lawsuit in history. If this Court were to read Mr. Hepburn's Complaint, then it would realize that Mr. Hepburn provided *more than enough* information to substantiate his claims and to prove his case. The case is legitimate. The case has national significance. The case has precedential value. The case should be reviewed and reopened.

Revelation 12:9 of the Holy Bible states: “⁹ And the great dragon was cast out, **that old serpent, called the Devil, and Satan, which deceiveth *the whole world***: he was cast out into the earth, and his angels were cast out with him” (King James Version, emphasis added).

A great number of people may not believe in the One True and Living God (the God of the Bible: God the Father, God the Son (Jesus), and God the Holy Spirit) due to the deception/religion that is heliocentrism, which has been unlawfully established by the United States of America. Billions of lives would be positively impacted if this Court were to grant the writ and subsequently overturn the dismissal of Mr. Hepburn's case. Can this Court ignore the value of billions of lives, billions of souls?

The questions presented to this Court have national significance and precedential value to say the least, thus, aside from simply being the right thing to do, this petition should be considered and the writ of certiorari granted.

Question 2: 1) To avoid setting a dangerous precedent that would open the door to biased judges being able to simply dismiss cases based on their bias rather than the merits of the case and the application of the law; it would also set a dangerous precedent to allow a judge to lie to get a case dismissed.

If Mr. Hepburn, who has been injured and suffered harm due to the negligent and wrongful acts and omissions of federal employees as described in 28 U.S.C. § 1346(b), files a claim under the Federal Tort Claims Act, does he not have the right to present his case before an *impartial* tribunal and have the merits of his case *fairly* judged?

Does due process not apply to Federal Tort Claims Act cases and litigants seeking compensation and relief under the FTCA, and does it not require that district court judges be impartial?

Is a judgment not void if the district court acted in a manner inconsistent with due process by allowing its bias to influence its decision-making process, thereby dismissing Mr. Hepburn's case at the pleading stage?

Concerning void judgments, **"A void judgment is a nullity from the beginning, and is attended by none of the consequences of a valid judgment. It is entitled to no respect whatsoever because it does not affect, impair, or create legal rights."** Ex parte Seidel, 39 S.W.3d 221, 225 (Tex. Crim. App. 2001)

(https://www.supremecourt.gov/DocketPDF/18/18-7070/76529/20181218092909982_00000008.pdf).

“Judgment is a void judgment if court that rendered judgment lacked jurisdiction of the subject matter, or of the parties, or acted in a manner inconsistent with due process, Fed. Rules Civ. Proc., Rule 60(b)(4),28 U.S.C.A., U.S.C.A. Const.” (https://www.supremecourt.gov/DocketPDF/18/18-7070/76529/20181218092909982_00000008.pdf).

“The law is well-settled that a void order or judgement is void even before reversal”, VALLEY v. NORTHERN FIRE & MARINE INS. CO., 254 U.S. 348,41 S. Ct. 116 (1920) ‘Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgements and orders are regarded as nullities; they are not voidable, but simply void, and this even prior to reversal.’ WILLIAMSON v. BERRY, 8 HOW. 945, 540 12 L. Ed. 1170, 1189 (1850). It has also been held that ‘It is not necessary to take any steps to have a void judgment reversed, vacated, or set aside, It may be impeached in any action direct or, collateral.’ Holder v. Scott, 396 S.W.2d 906, (Tex.Civ.App., Texarkana, 1965, writ ref., n.r.e.). A court cannot confer jurisdiction where none existed and cannot make a void proceeding valid. It is clear and well established law that a void order can be challenged in any court’, OLD WAYNE MUT. L. ASSOC. v. McDONOUGH, 204 U. S. 8,27 S. Ct. 236 (1907)”

(https://www.supremecourt.gov/DocketPDF/18/18-7070/76529/20181218092909982_00000008.pdf).

Due process is a requirement that legal matters be resolved according to established rules and principles and that individuals be treated fairly. 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. The Court has determined that due process requires, at a minimum: (1) notice; (2) an opportunity to be heard; and (3) an impartial tribunal. *Mullane v. Central Hanover*

Bank (1950). In error, Mr. Hepburn was not treated fairly by the district court. In error, Mr. Hepburn was deprived of an impartial, unbiased decision-maker.

Is it lawful and just for a judge to decide/dismiss a case based on his bias rather than the verifiable facts, laws, and evidence presented in a complaint to support a claim?

If, “[I]n determining whether a complaint states a claim that is plausible, the court is required to proceed ‘on the *assumption that all the [factual] allegations in the complaint are true*[,] [e]ven if their truth seems doubtful” (court’s emphasis) (quoting *Twombly*, 550 U.S. at 556), then is it fair to say that to disregard such a standard is to be influenced by one’s own bias?

Bias defined: prejudice in favor of or against one thing, person, or belief.

There are rules against U.S. judges being biased and acting on their bias. The Code of Conduct for United States Judges states (rules that apply to this case and that were ignored in this case):

“Canon 1: A Judge Should Uphold the Integrity and Independence of the Judiciary - An independent and honorable judiciary is indispensable to justice in our society. A judge should maintain and enforce high standards of conduct and should personally observe those standards, so that the integrity and independence of the judiciary may be preserved. The provisions of this Code should be construed and applied to further that objective.

COMMENTARY - Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges. The integrity and independence of judges depend in turn on their acting without fear or favor. Although judges should be independent, they must comply with the law and should comply with this Code. Adherence to this responsibility helps to maintain public confidence in the impartiality of the judiciary. Conversely, violation of this Code diminishes public confidence in the judiciary and injures our system of government under law. ...

“Canon 2: A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities - (A) *Respect for Law*. A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary. (B) *Outside Influence*. A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge. A judge should not testify voluntarily as a character witness. ...

“COMMENTARY - Canon 2A. An appearance of impropriety occurs when reasonable minds, with knowledge of all the relevant circumstances disclosed by a reasonable inquiry, would conclude that the judge’s honesty, integrity, impartiality, temperament, or fitness to serve as a judge is impaired. Public confidence in the judiciary is eroded by irresponsible or improper conduct by judges, including harassment and other inappropriate workplace behavior. A judge must avoid all impropriety and appearance of impropriety. ... Because it is not practicable to list all prohibited acts, the prohibition is necessarily cast in general terms that extend to conduct by judges that is harmful although not specifically mentioned in the Code. Actual improprieties under this standard include violations of law, court rules, or other specific provisions of this Code.

“Canon 2B. ... A judge should avoid lending the prestige of judicial office to advance the private interests of the judge or others. ... **Canon 3: A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently** - The duties of judicial office take precedence over all other activities. The judge should perform those duties with respect for others, and should not engage in behavior that is harassing, abusive, prejudiced, or biased. The judge should adhere to the following standards: (A) *Adjudicative Responsibilities*. (1) A judge should be faithful to, and maintain professional competence in, the law and should not be swayed by partisan interests, public clamor, or fear of criticism. (2) A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings. ... (4) A judge should accord to every person who has a legal interest in a proceeding, and that person’s lawyer, the full right to be heard according to law. ...

“(C) Disqualification. (1) A judge shall disqualify himself or herself in a proceeding in which the judge’s impartiality might reasonably be questioned, including but not limited to instances in which: (a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;”

(<https://www.uscourts.gov/judges-judgeships/code-conduct-united-states-judges>).

This case presents this Court with the opportunity to reiterate the vital importance of impartiality on the part of U.S. judges; it also presents this Court with the opportunity to prevent Judge Joe Heaton from setting a dangerous precedent that would open the door to district court judges being able to dismiss cases based solely on their bias rather than the validity and facts of the case.

Lastly, is it lawful for a United States judge to lie to get a case dismissed?

Judge Joe Heaton, a Luciferian, knew when he dismissed Mr. Hepburn's Complaint and case that they were not frivolous, yet he lied to get them dismissed because the case is a threat to Lucifer and his kingdom; a kingdom built on nāšā': deception. Make no bones about it, the Freemasons know that Mr. Hepburn's Complaint and case are not frivolous, and that Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa, 490 U.S. 296, 307-08 (1989) does not apply to his case.

Question 2: 2) To further clarify what makes a case frivolous so to prevent the abuse of the federal court's inherent power, specifically the inherent power referenced in Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa, 490 U.S. 296, 307-08 (1989).

Does the district court's inherent power to manage its docket by dismissing a case that is plainly frivolous (Mallard v. U.S. Dist. Ct. for the S. Dist. of Iowa, 490 U.S. 296, 307-08 (1989)) also apply to cases that are not frivolous (e.g., Mr. Hepburn's case)?

Is it lawful and just for the district court to dismiss a complaint and case for the sake of its docket, citing *Mallard v. U.S. Dist. Ct. for the S. Dist. Of Iowa*, 490

U.S. 296, 307-308 (1989), even though the complaint presents verifiable facts and indisputable evidence to support the claim made under the FTCA and neither the complaint or case are by definition frivolous (e.g., Mr. Hepburn's Complaint and case)?

Frivolous claim defined: A frivolous claim, often called a bad faith claim, refers to a lawsuit, motion or appeal that is intended to harass, delay or embarrass the opposition. A claim is frivolous when the claim lacks any arguable basis either in law or in fact *Neitze v. Williams*, 490 U.S. 319, 325 (1989). That means, in a frivolous claim, either: "(1) 'the 'factual contentions are clearly baseless,' such as when allegations are the product of delusion or fantasy;" or (2) "the claim is 'based on an indisputably meritless legal theory.'" *Livingston v. Adirondack Beverage Co.*, 141 F.3d 434, 437 (2d Cir. 1998).

Frivolous does not accurately describe Mr. Hepburn's case, Complaint, or the allegations therein. Mr. Hepburn's Complaint and case do not meet the legal definition of frivolous and that fact is reflected in the record. The misuse of case law by a U.S. judge to get a case dismissed should not be allowed and is an issue that has national significance.

Question 2: 3) To uphold *Twombly*, 550 U.S. at 556, which states: "[I]n determining whether a complaint states a claim that is plausible, the court is required to proceed 'on the assumption that all the [factual] allegations in the complaint are true[,] [e]ven if their truth seems doubtful" (court's emphasis).

Is a district court judge not required to consider a plaintiff's allegations to be factual (*Twombly*, 550 U.S. at 556)?

In error, the district court failed to proceed (officially at least) “on the *assumption that all the [factual] allegations in the complaint are true[,] [e]ven if their truth seems doubtful.*” Courts should not be allowed to simply ignore what is required of them, which is undoubtedly an issue of national importance.

Question 2: 4) To uphold the Court’s decision stating that “any exercise of an inherent power cannot conflict with any express grant of or limitation on the district court’s power as contained in a statute or rule,” so that future litigants don’t fall victim to the same abuse of power.

The district court’s exercise of its inherent power when it dismissed Mr. Hepburn’s Complaint and case at the pleading stage goes against how the Supreme Court has interpreted ArtIII.S1.4.2 Inherent Powers Over Judicial Procedure, and conflicts with limitations on the district court’s power as contained in the Constitution’s Due Process Clause and the Code of Conduct for U.S. Judges (Canon rules 1-3).

This case presents this Court with the opportunity to uphold the Supreme Court’s decision stating that “any exercise of an inherent power cannot conflict with any express grant of or limitation on the district court’s power as contained in a statute or rule.”

Question 2: 5) To uphold the Code of Conduct for United States Judges, reaffirm the importance of law-required impartiality on the part of U.S. judges (due process), and avoid any loss of confidence in the judicial system.

Are United States judges not held to following standards:

“A Judge Should Avoid Impropriety and the Appearance of Impropriety in all Activities,” “A judge should respect and comply with the law and should act at all times in a manner that promotes public confidence in the integrity and

impartiality of the judiciary,” and “A judge should not allow family, social, political, financial, or other relationships to influence judicial conduct or judgment. A judge should neither lend the prestige of the judicial office to advance the private interests of the judge or others nor convey or permit others to convey the impression that they are in a special position to influence the judge”?

Is it not of national significance that the Code of Conduct for U.S. Judges has been and is being totally ignored by both the district court and the Tenth Circuit Court of Appeals in the case of 5:2024cv00026, Hepburn v. United States of America The?

This case presents this Court with the opportunity to uphold the Code of Conduct for United States Judges, reaffirm the importance of law-required impartiality on the part of U.S. judges (due process), and avoid any loss of confidence in the judicial system.

Question 3. To save face by facing one's fears, for even the prophets of Baal were brave enough to face off against Elijah; if Mr. Hepburn's case is not reopened and his challenge accepted, then Lucifer, who has been surveilling, monitoring, and accusing Mr. Hepburn for some time now and is well aware of this case, can no longer be called a god, for one cannot be a god, and a coward.

Ephesians 6:12 – “¹² For we wrestle not against flesh and blood, but against principalities, against powers, against the rulers of the darkness of this world, against spiritual wickedness in high places” (The King James Bible).

Matthew 4:8-11 – “⁸ Again, the devil taketh him up into an exceeding high mountain, and sheweth him all the kingdoms of the world, and the glory of them; ⁹ And saith unto him, All these things will I give thee, if thou wilt fall down and worship me. ¹⁰ Then saith Jesus unto him, Get thee hence, Satan: for it is written,

Thou shalt worship the Lord thy God, and him only shalt thou serve. ¹¹ Then the devil leaveth him, and, behold, angels came and ministered unto him” (The King James Bible).

Isaiah 14:12 – “¹² **How art thou *fallen*** from heaven, O Lucifer, son of the morning! **how art thou cut down** to the ground, which didst **weaken the nations!**” (The King James Bible, emphasis added).

Let *the record* show that Lucifer, and his followers, want nothing to do with war with those who have the testimony of Jesus Christ. Let it be known throughout the kingdoms of the world that Lucifer can no longer be referred to as the “god of this world,” because the fact is, **one cannot be a god *and a coward***. Vincent Hepburn is living proof that the “great” dragon, that old serpent, called the Devil, and Satan, was not built for war. One individual showed up, the other did not. One individual declared war on the other, the other *fled* from it, so much so that a sitting federal judge (Luciferian **Joe Heaton**) **had to lie to get the case dismissed**, falsely claiming that Mr. Hepburn’s case is frivolous, as if the Freemasons don’t know that what Mr. Hepburn presented in his Complaint is the truth. John 8:44 – “⁴⁴ Ye are of your father the devil, and the lusts of your father ye will do. He was a murderer from the beginning, and abode not in the truth, because **there is no truth in him**. When he speaketh a lie, he speaketh of his own: for **he is a liar**, and the father of it” (The King James Bible, emphasis added). See Figure 1.



Figure 1. The all-seeing eye of Lucifer, which can be seen as soon as one walks into the United States District Court for the Western District of Oklahoma (William J. Holloway, Jr. United States Courthouse). This is a Satanic symbol; a symbol of the lawless one. Having this symbol in the entrance of the building announces to everyone who enters that the affairs that take place in the building are ran through Satan, the liar, the coward, the unintelligent clown destined to burn.

May the all-seeing eye of Lucifer *see this*: you will NEVER and could NEVER be like my Abba the Most High. Ephesians 2:19-22 of the Holy Bible states:

“¹⁹ Now therefore ye are no more strangers and foreigners, but fellowcitizens with the saints, and of the household of God; ²⁰ And are built upon the foundation of the apostles and prophets, **Jesus Christ himself being the chief corner stone**; ²¹ In whom all the building fitly framed together groweth unto an holy temple in the Lord: ²² In whom ye also are builded together for an habitation of God through the Spirit”

(King James Version, emphasis added).

Lucifer, O “roaring lion,” how could you ever expect to defeat the Most High when you’re not even confident enough to think that you can defeat me in a court of law?

XI. CONCLUSION

According to uscourts.gov, district courts are meant to “resolve disputes by determining the facts and applying legal principles to decide who is right,” yet, in the case of 5:2024cv00026, Hepburn v. United States of America The, the district court did not do this, rather, the district court decided the case based solely on its bias and conflicting allegiances, and purposely disregarded the truth, the facts of the case, and the law.

For the foregoing reasons, Vincent L. Hepburn requests that this Court issue a writ of certiorari to review the Judgment of the district court. Substantial justice will be done by reversing the lower court’s Judgment.

Dated: 9-23-2024



Petitioner Vincent L. Hepburn

5016 SE 46th St.

Oklahoma City, Oklahoma 73135

Tel: 405-541-1194

vincent_hepburn@formybelovedchildren.com