EXHIBIT A

Outlook

RE: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

From Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Date Fri 12/2/2022 3:34 PM
To Mark Bochra <mbochr2@hotmail.com>

Mr. Bochra,

I've just had an opportunity to confer with my client. I'm sorry but we're not interested in settlement at this time.

I'll be sure to let you know if that changes as the appeal goes forward.

Best wishes,
Sarah

Sarah F. Terman
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Pronouns: she/her
(312) 469-6201
sarah.terman@usdoj.gov

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Friday, December 2, 2022 11:22 AM
To: Terman, Sarah (USAILN) <STerman@usa.doj.gov>; Lausch, John (USAILN) <JLausch@usa.doj.gov>
Subject: [EXTERNAL] Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Hi Ms. Terman -

Any update on this matter ? Can it be resolved through a resolution agreement ? I hope you're

able to close this chapter and i continue with my own life. I don't want this journey anymore but yet i am in it. You have the power to do good and you can do good, like i said you don't sound bad over the phone but i need to find good hearts

https://www.courtlistener.com/docket/60107808/bochra-v-us-department-of-education/

Please help.

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotma l.com>
Sent: Thursday, December 1, 2022 2:46 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>; john.lausch@usdoj.gov <john.lausch@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Hi Ms. Terman -

I left you a brief voicemail regarding settlements, if you can please reply to the email as promised, I would greatly appreciate it.

Also, i think my phone number is blocked on your line, if you call directly it says "the person you are trying to reach is not able to receive your call" 312-469-6201

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Thursday, December 1, 2022 5:29 AM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>; john.lausch@usdoj.gov <john.lausch@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Good Morning Ms. Terman -

I know you might be consulting with others to see if you can settle this case. But even when i spoke to OCR about this case, they told me that is for the Justice Department, i told them but you're the one in control, they are defending DOE, but again they said the justice department has the answer.

And in this case, it was DOE telling DOJ what to do

https://www.washingtonpost.com/education/2021/10/27/student-loan-bankruptcy-education-department/

> Education Dept., DOJ reconsidering stance on fighting student loan borrowers in bankruptcy - The Washington Post - Yahoo!
>
> Richard Cordray, chief operating officer of the Education Department's Federal Student Aid office, said the agency is working with the Justice Department to revise its bankruptcy policy.
>
> www.washingtonpost.com

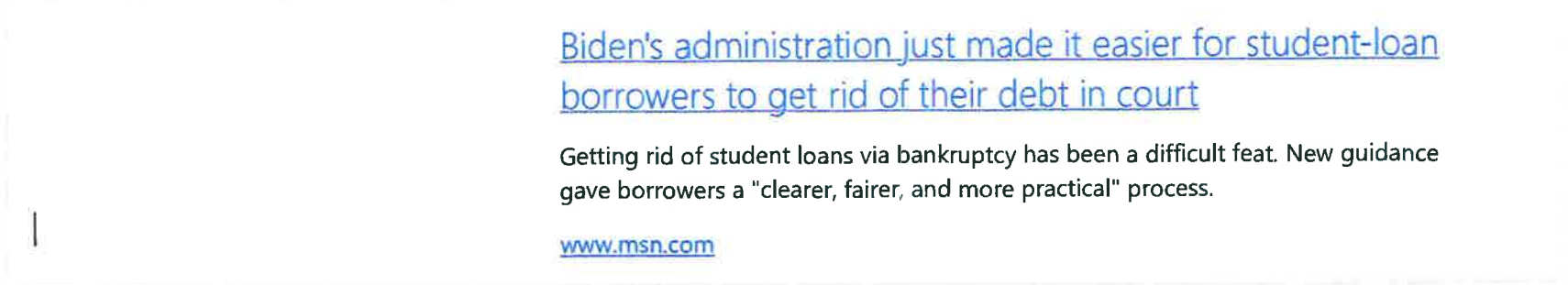
And DOE/OCR listens, see, i told them this on Nov 16

https://i.imgur.com/IZLGYXJ.png

Right away Nov 17 both DOE and DOJ were working on it

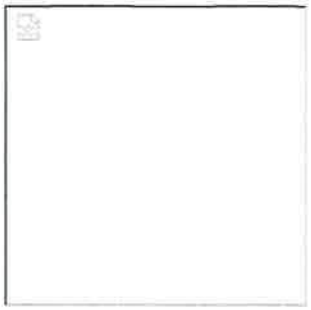
https://i.imgur.com/gDS99UM.png

Biden's administration just made it easier for student-loan borrowers to get rid of their debt in court (msn.com)



So please settle this case, there is an issue of communication i think in this matter from who I don't know.

You've read my recent filing, people with power should bring rescue and solace to those who do not have it https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-restores-office-access-justice



Attorney General Merrick B. Garland Restores the Office for Access to Justice | OPA - United States Department of Justice

U.S. Attorney General Merrick B. Garland today announced the restoration of a standalone Office for Access to Justice within the Justice Department dedicated to improving the federal government's understanding of and capacity to address the most urgent legal needs of communities across America. "Making real the promise of equal justice under law was the founding principle of the Department ...

www.justice.gov

This litigation is unneeded, he became a lawyer i did not https://www.facebook.com/dwyerswimmer06

Facebook

You must log in to continue. Log into Facebook. Log In

www.facebook.com

He did evil and took pride of it and no one judged him for how evil he was: https://twitter.com/Klmarcus

https://i.imgur.com/YVc2Gpj.png

We need to help a heart in pain.

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Wednesday, November 30, 2022 4:04 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

Hi Ms Terman

Plz don't forget replying to me as promised. Let's solve this case and God will bless you.

Mark

Get Outlook for iOS

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Wednesday, November 30, 2022 1:39:17 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Subject: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

Hi Ms. Terman -

Thank you for finally speaking to me briefly today on the phone. I want to again resolve this case, is there any way we can resolve it in a resolution agreement ?

You told me over the phone to send you an email and you will be happy to respond.

I would like to resolve this case. As you see the Biden administration never enforced the IHRA definition and my OCR complaint during Kenneth Marcus leadership how he mishandled it and everything crazy that happened in that case and to me because of it.

I look for two things in this case:

OCR not to use IHRA because congress didn't authorize it and for my OCR case related to my law school, for the truth to be written by OCR so i can present it to any future state bar or law school.

I understand that might lead to enforcement action against the law school that has now shut down but may be we can put in a resolution agreement, no enforcement action is needed on

behalf of DOJ because Mark will receive his educational refund under the sweet case settlement and all he wanted was the truth to be written by OCR in the findings.

https://www.ed.gov/news/press-releases/statement-us-secretary-education-miguel-cardona-federal-court-decision-sweet-settlement

> Statement from U.S. Secretary of Education Miguel Cardona on Federal Court Decision on the Sweet Settlement | U.S. Department of Education - ed.gov
>
> U.S. Secretary of Education Miguel Cardona issued the following statement regarding yesterday's decision on Sweet v.Cardona:. We are pleased with yesterday's borrower defense court decision approving the settlement which will provide billions of dollars of relief to over 200,000 borrowers.
>
> www.ed.gov

What do you think of this resolution ? And we can finalize a good resolution and submit it to the court? This is just a brief email. We can resolve this case; you don't sound bad at all on the phone.

Please help ❤

Sincerely,
Mark

From: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Sent: Wednesday, November 10, 2021 1:37 PM
To: Mark Bochra <mbochr2@hotmail.com>
Subject: RE: Activity in Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al order on motion for extension of time

Thank you for your email. I'm sorry for misspelling your name, Mr. Bochra.

The rule about consulting prior to filing any motion comes from Judge Ellis's standing orders, see below. I will be filing a motion to dismiss your case on or before Dec 15. You'll then have an opportunity to file a Response brief. I cannot participate in any settlement discussions until at least after the

Court rules on the Motion to Dismiss.

Best wishes,
Sarah

Meet and Confer Requirement

The discovery meet and confer requirement can have the same salutary effect on other disputes that it has in connection with discovery disputes. A candid discussion between the parties prior to filing motions to dismiss, motions for summary judgment, motions in limine and the like can limit the scope of such motions or eliminate the need for them to be filed at all.

Thus, the Court will apply the meet and confer requirement not just to discovery motions, but to all motions that a party wishes to file. The instructions concerning what must be done to comply with the discovery meet and confer requirement will be applied with equal force to all other motions.

Sarah F. Terman
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Pronouns: she/her
office: (312) 469-6201
cell: (312) 771-7167
sarah.terman@usdoj.gov

Outlook

RE: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

From Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Date Fri 12/2/2022 11:31 AM
To Mark Bochra <mbochr2@hotmail.com>

Hi Mr. Bochra,

I am ethically required to consult with my client before engaging in settlement negotiations. I forwarded your proposal to the Department yesterday and will let you know when I hear back from them.

Best wishes,
Sarah

Sarah F. Terman
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Pronouns: she/her
(312) 469-6201
sarah.terman@usdoj.gov

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Friday, December 2, 2022 11:22 AM
To: Terman, Sarah (USAILN) <STerman@usa.doj.gov>; Lausch, John (USAILN) <JLausch@usa.doj.gov>
Subject: [EXTERNAL] Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Hi Ms. Terman -

Any update on this matter ? Can it be resolved through a resolution agreement ? I hope you're able to close this chapter and i continue with my own life. I don't want this journey anymore

but yet i am in it. You have the power to do good and you can do good, like i said you don't sound bad over the phone but i need to find good hearts

https://www.courtlistener.com/docket/60107808/bochra-v-us-department-of-education/

Please help.

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Thursday, December 1, 2022 2:46 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>; john.lausch@usdoj.gov <john.lausch@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Hi Ms. Terman -

I left you a brief voicemail regarding settlements, if you can please reply to the email as promised, I would greatly appreciate it.

Also, i think my phone number is blocked on your line, if you call directly it says "the person you are trying to reach is not able to receive your call" 312-469-6201

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Thursday, December 1, 2022 5:29 AM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>; john.lausch@usdoj.gov <john.lausch@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

CC US Attorney Mr. John Lausch

Good Morning Ms. Terman -

I know you might be consulting with others to see if you can settle this case. But even when

i spoke to OCR about this case, they told me that is for the Justice Department, i told them but you're the one in control, they are defending DOE, but again they said the justice department has the answer.

And in this case, it was DOE telling DOJ what to do

https://www.washingtonpost.com/education/2021/10/27/student-loan-bankruptcy-education-department/

> Education Dept., DOJ reconsidering stance on fighting student loan borrowers in bankruptcy - The Washington Post - Yahoo!
>
> Richard Cordray, chief operating officer of the Education Department's Federal Student Aid office, said the agency is working with the Justice Department to revise its bankruptcy policy.
>
> www.washingtonpost.com

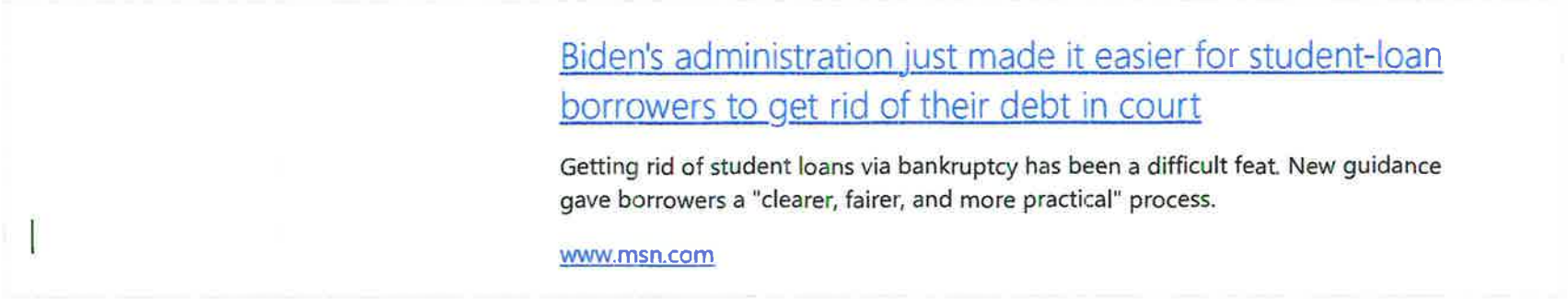
And DOE/OCR listens, see, i told them this on Nov 16

https://i.imgur.com/IZLGYXJ.png

Right away Nov 17 both DOE and DOJ were working on it

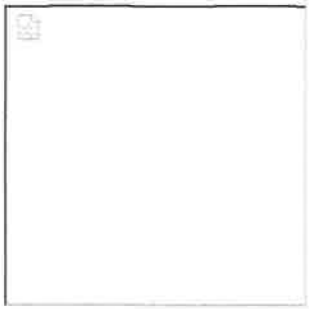
https://i.imgur.com/gDS99UM.png

Biden's administration just made it easier for student-loan borrowers to get rid of their debt in court (msn.com)



So please settle this case, there is an issue of communication i think in this matter from who I don't know.

You've read my recent filing, people with power should bring rescue and solace to those who do not have it https://www.justice.gov/opa/pr/attorney-general-merrick-b-garland-restores-office-access-justice



[Attorney General Merrick B. Garland Restores the Office for Access to Justice | OPA - United States Department of Justice]

U.S. Attorney General Merrick B. Garland today announced the restoration of a standalone Office for Access to Justice within the Justice Department dedicated to improving the federal government's understanding of and capacity to address the most urgent legal needs of communities across America. "Making real the promise of equal justice under law was the founding principle of the Department ...

www.justice.gov

This litigation is unneeded, he became a lawyer i did not https://www.facebook.com/dwyerswimmer06

[Facebook]

You must log in to continue. Log into Facebook. Log In

www.facebook.com

He did evil and took pride of it and no one judged him for how evil he was: https://twitter.com/Klmarcus

https://i.imgur.com/YVc2Gpj.png

We need to help a heart in pain.

Sincerely,
Mark

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Wednesday, November 30, 2022 4:04 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Subject: Re: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

Hi Ms Terman

Plz don't forget replying to me as promised. Let's solve this case and God will bless you.

Mark

Get Outlook for iOS

From: Mark Bochra <mbochr2@hotmail.com>
Sent: Wednesday, November 30, 2022 1:39:17 PM
To: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Subject: Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al

Hi Ms. Terman -

Thank you for finally speaking to me briefly today on the phone. I want to again resolve this case, is there any way we can resolve it in a resolution agreement ?

You told me over the phone to send you an email and you will be happy to respond.

I would like to resolve this case. As you see the Biden administration never enforced the IHRA definition and my OCR complaint during Kenneth Marcus leadership how he mishandled it and everything crazy that happened in that case and to me because of it.

I look for two things in this case:

OCR not to use IHRA because congress didn't authorize it and for my OCR case related to my law school, for the truth to be written by OCR so i can present it to any future state bar or law school.

I understand that might lead to enforcement action against the law school that has now shut down but may be we can put in a resolution agreement, no enforcement action is needed on

behalf of DOJ because Mark will receive his educational refund under the sweet case settlement and all he wanted was the truth to be written by OCR in the findings.

https://www.ed.gov/news/press-releases/statement-us-secretary-education-miguel-cardona-federal-court-decision-sweet-settlement

> Statement from U.S. Secretary of Education Miguel Cardona on Federal Court Decision on the Sweet Settlement | U.S. Department of Education - ed.gov
>
> U.S. Secretary of Education Miguel Cardona issued the following statement regarding yesterday's decision on Sweet v.Cardona:. We are pleased with yesterday's borrower defense court decision approving the settlement which will provide billions of dollars of relief to over 200,000 borrowers.
>
> www.ed.gov

What do you think of this resolution ? And we can finalize a good resolution and submit it to the court? This is just a brief email. We can resolve this case; you don't sound bad at all on the phone.

Please help ❤

Sincerely,
Mark

From: Terman, Sarah (USAILN) <Sarah.Terman@usdoj.gov>
Sent: Wednesday, November 10, 2021 1:37 PM
To: Mark Bochra <mbochr2@hotmail.com>
Subject: RE: Activity in Case 1:21-cv-03887 Bochra v. U.S. Department of Education et al order on motion for extension of time

Thank you for your email. I'm sorry for misspelling your name, Mr. Bochra.

The rule about consulting prior to filing any motion comes from Judge Ellis's standing orders, see below. I will be filing a motion to dismiss your case on or before Dec 15. You'll then have an opportunity to file a Response brief. I cannot participate in any settlement discussions until at least after the

Court rules on the Motion to Dismiss.

Best wishes,
Sarah

Meet and Confer Requirement

The discovery meet and confer requirement can have the same salutary effect on other disputes that it has in connection with discovery disputes. A candid discussion between the parties prior to filing motions to dismiss, motions for summary judgment, motions in limine and the like can limit the scope of such motions or eliminate the need for them to be filed at all.

Thus, the Court will apply the meet and confer requirement not just to discovery motions, but to all motions that a party wishes to file. The instructions concerning what must be done to comply with the discovery meet and confer requirement will be applied with equal force to all other motions.

Sarah F. Terman
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Pronouns: she/her
office: (312) 469-6201
cell: (312) 771-7167
sarah.terman@usdoj.gov

EXHIBIT B

September 6, 2024

Mark Bochra
Elohim.coptic@outlook.com

Dear Mr. Bochra:

Thank you for your recent correspondences received on August 28, 2024. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the matters that you raised are more appropriate for review by other offices within the DOJ. Therefore, we have forwarded your correspondence to:

U.S. Department of Justice
Office of Professional Responsibility
Director
950 Pennsylvania Avenue, NW
Washington, DC 20530

U. S. Department of Justice
Executive Office for U.S. Attorneys
General Counsel
950 Pennsylvania Avenue, NW
Washington, DC 20530

Please direct any further correspondence regarding this matter to these offices.

Of course, if you have information that involves other allegations or issues regarding DOJ employees, contractors, programs or operations, please feel free to submit that information to us.

Thank you for giving us the opportunity to review your concerns.

Sincerely,
Office of the Inspector General
Investigations Division

December 5, 2024

Mark Bochra
Elohim.coptic@outlook.com

Dear Mr. Bochra:

Thank you for your correspondence received on December 1, 2024. The U.S. Department of Justice (DOJ), Office of the Inspector General, investigates allegations of misconduct by employees and contractors of DOJ, as well as waste, fraud and abuse affecting DOJ programs and operations. After reviewing your complaint, we have determined that the matters that you raised are more appropriate for review by another office within the DOJ. Therefore, we have forwarded your correspondence to:

U.S. Department of Justice
Office of Professional Responsibility
950 Pennsylvania Avenue, NW
Washington, DC 20530

Please direct any further correspondence regarding this matter to this office.

Of course, if you have information that involves other allegations or issues regarding DOJ employees, contractors, programs or operations, please feel free to submit that information to us.

Thank you for giving us the opportunity to review your concerns.

Sincerely,

Office of the Inspector General
Investigations Division

IN THE SUPREME COURT OF THE UNITED STATES

BOCHRA, MARK
Petitioner

vs.

No: 24-5703

DEPARTMENT OF EDUCATION, ET.AL

WAIVER

The Government hereby waives its right to file a response to the petition in this case, unless requested to do so by the Court.

ELIZABETH B. PRELOGAR
Solicitor General
Counsel of Record

November 04, 2024

cc:

MARK BOCHRA
5757 NORTH SHERIDAN ROAD
APT. 13B
CHICAGO, IL 60660

EXHIBIT C

"I came to complete not to refute. I came light to the World." Jesus Christ

No. 22-2903 and 23-1388

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Mark Bochra, individually and on Behalf of all others similarly situated,

Plaintiffs -Appellants,

V.

U.S. DEPARTMENT OF EDUCATION; Betsy Devos, in her official and individual capacity as former Secretary for the Department of Education and Kenneth Marcus, in his official and individual capacity as the former Secretary for OCR; Miguel Cardona, in his official Capacity as the Current Secretary for the Department of Education, Suzanne Goldberg in her official and individual capacity as the Former secretary for OCR, and Secretary Catherine Lhamon in her official Capacity as the current Secretary for OCR.[1]

Defendants -Appellees.

U.S.C.A.-7th Circuit
FILED
04/19/2024

DATE OF DECISION:
02/27/2024

On Appeal from the United States District Court
For the Northern District of Illinois
No. 1:21-cv-03887 (Judge Sara L. Ellis)

PETITION FOR PANEL RE-HEARING AND HEARING EN BANC

Mark Bochra
5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
Plaintiff, Pro Se

[1] The parties mostly involved were former secretary Betsy Devos and former secretary Kenneth Marcus but because leadership changed from the Trump administration to the Biden administration, current secretary for the department of education and current secretary for office for civil rights had to be named in the ongoing litigation. The new administration took over leadership during Mark's appeal process of his OCR Complaint; they were partially involved.

"*I came to complete not to refute. I came light to the World.*" Jesus Christ

FRAP 35 (B) STATEMENT

This case addresses many issues which were not addressed by the "Court"[2], even issues that are currently being litigated at the Supreme Court. This case rests on standing based on two ongoing cases currently being litigated in the Supreme Court based on reversing the "Chevron Doctrine" *Loper Bright Enterprises v. Raimondo* No. 22-451. An additional Supreme Court case was also added *Relentless, Inc. v. Department of Commerce* 22-1219. There is also "the major-question doctrine" in *West Virginia v. EPA*, No. 20–1530.[3] All these cases challenge Federal Agencies' power over the lives of every American, including Judges as well, that is the central issue of this case, the IHRA definition. However, what is more egregious is when you see Kenneth Marcus is ordering all 8 Federal Agencies as if they all work for the Israeli lobby telling them they need to adopt the IHRA definition and use it as a force of law calling it "unfinished business".

> The Brandeis Center's Marcus welcomed the civil rights expansion but noted that none of the eight agencies committed to using the IHRA definition: "There's still unfinished business in terms of the administration's approach to IHRA and making it applicable across the board" said the former secretary for Office For Civil Rights Kenneth Marcus.[4]

See District of Colombia appeals court reversing judgment based on "viewpoint discrimination" in terms of selective enforcement of certain laws against one group compare to another, *Frederick Douglass Foundation, Inc. v. DC*, No. 21-7108 (D.C. Cir. 2023). "Jews didn't kill Jesus Christ" said the IHRA definition; which is a government endorsed view point discrimination.

Although there was no 3 panel judges indicated under the 7th Circuit issued Order, rather the order said "by the court". The panel's decision conflicts with a decision of the United States Supreme Court "*Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954)" and a consideration by the full court is therefore necessary to secure and maintain uniformity of the court's decisions.

Moreover, the proceeding involves one or more questions of exceptional importance, which the panel decision conflicts with the authoritative decisions of other United States Courts of Appeals that have addressed the issue; for example this Court's precedent is that a Court can't dismiss a lawsuit with prejudice when standing is at issue.

---

[2] This case was not assigned a 3 panel judges to review the brief and the reply brief submitted by the Plaintiff.
[3] See 20-1530 West Virginia v. EPA (06/30/2022) (supremecourt.gov)
[4] See https://www.jns.org/wire/civil-rights-act-clarified-to-include-jews-but-more-action-is-needed/

> The Seventh Circuit explained that "'[a] suit dismissed for lack of jurisdiction cannot also be dismissed "with prejudice"; that's a disposition on the merits, which only a court with jurisdiction may render.'" Id. at 6 (quoting *Frederiksen v. City of Lockport*, 384 F.3d 437, 438 (7th Cir. 2004)). See *Johnson v. Wattenbarger*, 361 F.3d 991, 993 (7th Cir.2004). "No jurisdiction" and "with prejudice" are mutually exclusive. When the Rooker-Feldman doctrine applies, there is only one proper disposition: dismissal for lack of federal jurisdiction. A jurisdictional disposition is conclusive on the jurisdictional question: the plaintiff cannot re-file in federal court. But it is without prejudice on the merits, which are open to future review.

One of the mentioned arguments by Mark was this issue when standing is at issue, court can't dismiss a lawsuit with prejudice, yet it was not addressed by the 7th Circuit. In another 7th Circuit Court orders, the 7th Circuit found Judge Sara Ellis at error when she tried to dismiss cases with prejudice when standing is at issue, which is how Mark learned about this ruling when he read many of the 7th Circuit's past rulings. See also Appeal 21-2792 by Judge Rovner, Judge Jackson-Akiwumi, and Judge Lee in *YVONNE MACK vs RESURGENT CAPITAL SERVICES, L.P. and LVNV FUNDING, LLC* (reverse and remand) to Judge Sara Ellis.

Many of the raised arguments by Mark within his brief and reply brief, the 7th Circuit did not consider, nor even mention them once within their order, yet Mark took all these arguments from previous rulings by many 7th Circuit judges, for example "waiving" arguments on appeal in No. 22-1903 *Eddie Bradley vs Village of University Park et al* decided by Judge Rovner, Judge Hamilton, and Judge St. Eve.

> While Plaintiff raised many issues and arguments with the District Court, Defendants abandoned challenging these issues on appeal by waiving them. Defendants waived their rights to challenge many of Mark's legal arguments which challenges the IHRA definition under the APA on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D). See *CFPB v. All Am. Check Cashing, Inc.*, 33 F.4th 218, 241 (5th Cir. 2022) (Jones, J., concurring). See *Webster v. CDI Indiana*, 917 F.3d 574, 578 (7th Cir. 2019). See also forfeited arguments. *McCleskey v. CWG Plastering, LLC*, 897 F.3d 899, 901 (7th Cir. 2018); *Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018). The District Court never questioned the concrete-injury analysis for statutory claims, while it also failed to address Plaintiff's standing seeking injunctive relief against the use of the IHRA definition and the new OCR manual as alternative to a class certification.

Simply put, the order issued by the 7th Circuit Court of appeal didn't address many of Mark's raised arguments, but rather included false facts not from the case to which Mark wonders who wrote this order ECF No. 43.

"I came to complete not to refute. I came light to the World." Jesus Christ

FACTUAL BACKGROUND

Plaintiff, Mark Bochra suffered various forms of discrimination with retaliation after reporting discrimination to the dean of the law school (ECF No. 54 page 29-30 & Exhibit 18); direct violations to Title IX of the Education Amendments of 1972 (when Mark was turned from a Complainant with the law school into a Respondent)[5]; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*(based on Mark's Coptic identity, reciting verses from the bible, and his faith in Jesus Christ)[6]; and Section 504 of the Rehabilitation Act of 1973 (Mark was granted accommodation with the law school dean of student affairs who herself retaliated against him i.e., Lauren Levin). See also 29 U.S.C. § 794 *et seq.* Nondiscrimination under Federal grants and programs, including the procedural regulations for Title IX, 34 C.F.R. §§ 106.1-106.71; Title VI, 34 C.F.R. § 100.7; and Section 504, 34 C.F.R. §§ 104.11-104.14 and 104.61.

Mark was also discriminated and retaliation against by OCR leadership, mainly Melanie Velez the former director of OCR Atlanta and Kenneth Marcus the former OCR Secretary. Mark's OCR complaint went from a resolution agreement and enforcement action if a resolution is failed to be signed by the recipient to OCR tempering with witnesses and evidence and dismissal of the OCR complaint after Mark Bochra filed several complaints with OIG DOE; first OIG DOE complaint was pertaining to OCR Atlanta and handled by special agent Neil Sanchez and later when Kenneth Marcus tried to implement the IHRA definition. See ECF No. 54 Exhibit 1 (Bochra Decl), and Exhibits 2-3 (resolution agreement), Exhibit 10 (Prof. Korin Munsterman's name and testimony were redacted from the findings after she was interviewed by OCR, her testimony in part was the school wanted to get rid of Mark and Mark was a good student). The history of OCR alone is extensive and long, Senator Dick Durbin was also involved sending 3 letters on Mark's behalf to former Secretary Betsy Devos, see ECF No. 54 Exhibit 12.

The district court granted defendants motion to dismiss without a hearing claiming in short 14 pages summary that Mark lacks standing to lawsuit the department of education under the APA. The district court analysis also failed to evaluate Counts I to VI related to both the 2020 OCR Manual and the IHRA definition under the APA for injunctive and declaratory relief. See ECF

[5] Mark was assaulted, battered, and threatened to be killed by Michael Roy Guttentag (German Jewish). Mark Bochra (Coptic) was a complainant with the law school, see ECF No 54 page 29 for OCR finding.

[6] OCR considered the faith in Jesus Christ religion per se and didn't have jurisdiction over religion discrimination but considered title vi with retaliation after discrimination was reported to the dean of the law school, Scott Devito.

No. 84-85. Mark filed a motion for reconsideration with more analysis in ECF No. 86 and the district court denied it without any written analysis in ECF No. 91 and was advised to appeal the decision with the 7th Circuit. In ECF No. 92 Mark requested an extension of time to file an appeal and was granted as good cause was shown, see ECF No. 94.

Mark timely appealed with the 7th Circuit and while on appeal Mark filed a motion with the district court in ECF No. 103 under FED. R. CIV. P. 60(b) in light of recent 5th and 8th Circuit Court rulings under the APA, seeking leave to file an amended complaint but it was denied in ECF No. 105 for lack of jurisdiction. Mark filed a motion for reconsideration in ECF No. 106 with supplements ECF Nos. 108-109 under F.R.C.P 62.1 and F.R.A.P 12.1. If the district court chooses option 3 under F.R.C.P 62.1 then it can retain jurisdiction over the case and plaintiff can notify the 7th Circuit of the district court decision under F.R.A.P 12.1. The district court denied the motion without any analysis in ECF No. 110. Mark timely appealed those decisions as well and the 7th Circuit on its own consolidated the appeals.

ARGUMENT

Humans, humans create rules and laws to rule over others; humans will create rules to enslave others or come up with segregation by claiming "separate but equal". "Separate but equal" refers to the infamously racist decision by the U.S. Supreme Court in *Plessy v. Ferguson* (1896) that allowed the use of segregation laws by states and local governments. The phrase "separate but equal" comes from part of the Court's decision that argued separate rail cars for whites and African Americans were equal at least as required by the Equal Protection Clause.

Following this decision, a monumental amount of segregation laws were enacted by state and local governments throughout the country, sparking decades of crude legal and social treatment for African Americans. The horrid aftermath of "separate but equal" from Ferguson was halted by the Supreme Court in *Brown v. Board of Education* (1954) where the Court said that separate schools for African American students were "inherently unequal."

The same is true with the idea of "separation of state and church" as this is not what the founding fathers envisioned for America, in fact the founding fathers envisioned that the best teachings for America is Jesus Christ; see National Archives publishing the Doctrines of Jesus Compared with Others, 21 April 1803 letter by Thomas Jefferson.[7] What the founding fathers didn't want to see is to see Christianity being used as a form of power like in Europe's King and

[7] See https://founders.archives.gov/documents/Jefferson/01-40-02-0178-0002

Queen, rather than wanted to see salvation and fostering great moral values and care that were being taught by Jesus Christ with the end goal "salvation" rather than "power". However, times moved and came the atheists and the Jewish people and started to lobby the Supreme Court to proclaim "separation of state and church" in the famous case *Everson v. Board of Education* (1947).

The result of the infamous case *Everson v. Board of Education* (1947) was the same as *Plessy v. Ferguson* (1896) as it was used to target employees of religious background, to force them to accept even values that contractive with their morals, such as LGBTQ values. And just as *Brown v. Board of Education* (1954) came and overruled *Plessy v. Ferguson* (1896), came also many cases to overrule the idea of "*separate of state and church*" just like "*separate but equal*" because of injustice. The world works in parables.

In *Carson v. Makin* (20-1088)[8] in a 6–3 decision, Chief Justice Roberts wrote that the free exercise clause prohibited Maine from discriminating against religious schools by excluding those schools from a tuition assistance program open to nonsectarian schools in rural areas without free-standing public schools.

See *Shurtleff et al v. City of Boston et al* (20–1800).[9] This case was the definition of what constituted a government endorsed view point or not. The Supreme Court held that the Boston's flag-raising program does not express government speech. Pp. 5–12 and so everyone is entitled to fly their preferred flag.

> The Free Speech Clause does not prevent the government from declining to express a view. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469. The government must be able to decide what to say and what not to say when it states an opinion, speaks for the community, formulates policies, or implements programs. The boundary between government speech and private expression can blur when, as here, the government invites the people to participate in a program. In those situations, the Court conducts a holistic inquiry to determine whether the government intends to speak for itself or, rather, to regulate private expression. The Court's cases have looked to several types of evidence to guide the analysis, including: the history of the expression at issue; the public's likely perception as to who (the government or a private person) is speaking; and the extent to which the government has actively shaped or controlled the expression. See *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200, 209–213.

The Justice Department in its Amicus Curiae Brief to the Supreme Court stated that "the government-speech doctrine allows the government to rely on contributions from private actors,

---

[8] See ruling 20-1088 Carson v. Makin (06/21/2022) (supremecourt.gov)
[9] See 20-1800 Shurtleff v. Boston (05/02/2022) (supremecourt.gov)

but does not apply when the government creates a forum for a diversity of private views." The justice Department added that because the City's flag-raising program is a forum for private speech, the denial of petitioners' application was impermissible viewpoint discrimination and they cited many case laws within their brief.[10]

> *Adderley v. Florida*, 385 U.S. 39 (1966); *American Legion v. American Humanist Association*, 139 S. Ct. 2067 (2019); *A.N.S.W.E.R. Coalition v. Jewell*, 153 F. Supp. 3d 395 (D.D.C. 2016), affirmed on other grounds, 845 F.3d 1199 (D.C. Cir. 2017); *Arkansas Educational Television Commission v. Forbes*, 523 U.S. 666 (1998); *Capitol Square Review & Advisory Board* v. *Pinette*, 515 U.S. 753 (1995); *Community for Creative Non-Violence* v. *Lujan*, 908 F.2d 992 (D.C. Cir. 1990); *Cornelius* v. *NAACP Legal Defense & Educational Fund, Inc.*, 473 U.S. 788 (1985); *Good News Club* v. *Milford Central School*, 533 U.S. 98 (2001); *Greer* v. *Spock*, 424 U.S. 828 (1976); *International Society for Krishna Consciousness, Inc.* v. *Lee*, 505 U.S. 672 (1992); *Johanns* v. *Livestock Marketing Association*, 544 U.S. 550 (2005); *Lamb's Chapel* v. *Center Moriches Union Free School District*, 508 U.S. 384 (1993); *Legal Services Corp.* v. *Velazquez*, 531 U.S. 522 (2001); *Lehman* v. *City of Shaker Heights*, 418 U.S. 298 (1974); *Matal* v. *Tam*, 137 S. Ct. 1744 (2017); *Minnesota Voters Alliance* v. *Mansky*, 138 S. Ct. 1876 (2018); *National Endowment for the Arts* v. *Finley*, 524 U.S. 569 (1998); *Perry Education Association* v. *Perry Local Educators' Association*, 460 U.S. 37 (1983); *Pleasant Grove City* v. *Summum*, 555 U.S. 460 (2009); *Rosenberger* v. *Rector & Visitors of University of Virginia*, 515 U.S. 819 (1995); *Rust* v. *Sullivan*, 500 U.S. 173 (1991); *United States Postal Service* v. *Council of Greenburgh Civic Associations*, 453 U.S. 114 (1981); *Walker* v. *Sons of Confederate Veterans*, 576 U.S. 200 (2015); *Widmar* v. *Vincent*, 454 U.S. 263 (1981)

And now we end up with the infamous case *Bochra v. U.S. Department of Education* (1:21-cv-03887) and with its use of the IHRA definition, it not only separates the Jewish people from the rest of America i.e., the Gentiles by exclusively have a definition with a set of privileges for the Jewish people but it also says "Jews didn't kill Jesus Christ" which invited an endorsed government view point discrimination. "Separated but equal" is the definition of IHRA.

The issue with the IHRA definition is that it was further used by the government, by Kenneth Marcus's himself when he granted Zoa's appeal; see ECF 54 Mark's response to DOJ motion to dismiss at the district level.

In a recent case, appeal No. 23-50491, the 5th Circuit directed lower court, i.e., the District court to issue a preliminary injunction against the department of education "borrower's defense regulation" in a lawsuit filed by for-profit colleges in *Career Colleges and Schools of Texas vs U.S. Department of Education et al.*[11] The huge difference between the 5th Circuit case and Mark's present case is that the 5th Circuit issued a preliminary injunction against the

[10] See brief http://www.supremecourt.gov/DocketPDF/20/20-1800/201010/20211122165123662_20-1800tsacUnitedStates.pdf

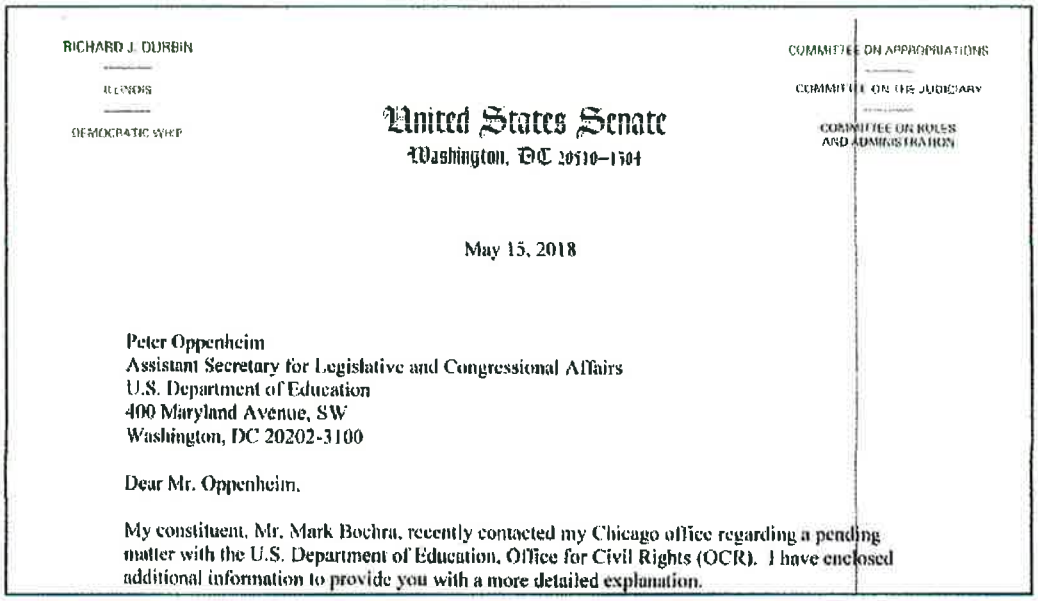
[11] See order https://www.ca5.uscourts.gov/opinions/pub/23/23-50491-CV0.pdf

"I came to complete not to refute. I came light to the World." Jesus Christ

Department of Education against a rule "Borrowers Defense" that is already going through the regulatory channels and public comment. However, IHRA was used by Kenneth Marcus in granting Zoa's OCR appeal, is on the Department of Education's website and never went through any regulatory channels. The question begs itself, what are we doing here to America?

When Mark reviewed the issued order by the 7th Circuit in ECF 43, the very first line mentions facts not from the case when it said in part in "Mark a Christian Coptic lawsuit the Department of Education under the APA after it rejected his request to investigate his law school for discrimination against him" which is completely false and yet the Court claims, no need for oral argument because the record is clear based on the briefs. How could the record be clear to the Court when their very first sentence is filled with false facts not from the case?

Mark's lawsuit ECF 9 and his response objecting to the Defendants' motion to dismiss ECF 54 showed that Mark's OCR complaint was being investigated, his case was in resolution agreement negotiation for 2 years with the recipient, because there were facts and witnesses which showed evidence of discrimination with retaliation against Mark. Even Senator Durbin was involved to the point he sent 3 letters to the Department of Education and received 3 separate responses in a course of 2 years.



RICHARD J. DURBIN
ILLINOIS
DEMOCRATIC WHIP

United States Senate
Washington, DC 20510–1504

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION

May 15, 2018

Peter Oppenheim
Assistant Secretary for Legislative and Congressional Affairs
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Mr. Oppenheim,

My constituent, Mr. Mark Bochra, recently contacted my Chicago office regarding a pending matter with the U.S. Department of Education, Office for Civil Rights (OCR). I have enclosed additional information to provide you with a more detailed explanation.

See ECF 54 with their exhibits for more details pertaining to Senator Durbin's letter to DOE

Then the next step promised by OCR Atlanta Director Melanie Velez was that if the recipient refused to sign the agreement, the next step is enforcement action meaning denial of

"I came to complete not to refute. I came light to the World." Jesus Christ

title iv funds to Florida Coastal School of Law until the sign the agreement and if that didn't work, handing the case to the Justice Department for prosecution, one would have to read section 601, 602 and 603 of the OCR manual.

Getting into why Mark's OCR complaint turned from substantial evidence and many filed complaints with OIG DOE and other government agencies would reveal Mark's journey with Kenneth Marcus and his use of the IHRA definition. The course of Mark's OCR Complaint changed with the coming of Kenneth Marcus as the Secretary of OCR and Mark confronting him over his use of the IHRA definition given his Coptic identity, the natural response was "get rid of this kid's complaint by any means possible" which is how Mark's OCR complaint was tempered with and destroyed by OCR officials at the hands of Kenneth Marcus and Melanie Velez.

The Court order continues with false facts claiming Mark "clashed with his peers" when the law school journey is about Michael Roy Guttetntag who assaulted, battered, and threatened to kill Mark; even OCR findings stated the same. Both the Department of Education and the Justice Department would disagree with the order issued by the 7th Circuit because these are false facts not from the case.

Case: 1:21-cv-03887 Document #: 54 Filed: 02/28/22 Page 29 of 99 PageID #:2934

"I came to complete not to refute. I came light to the World." Jesus Christ

OCR Complaint No. 04-16-2184

On February 16, 2016, the Assistant Dean submitted a referral against Student A for the January 10, 2016 incident. Student A's referral stated that it was based on the Complainant's report to law enforcement that Student A punched the Complainant, threw his eyeglasses and made the threat, "I will kill you." The referral also noted that the Assistant Dean had given the Complainant and Student A directives to stay away from each other and on November 12, 2015 had emailed Student A, requesting that he not have contact with the Complainant. The referral stated that the Complainant's report provided a sufficient basis for referral of Student A for investigation under Conduct Code Section G.2.b.

On February 18, 2016, the Panel sent a draft decision about the Complainant's referral to the Assistant Dean and the Dean, and also requested a review by the Law School's counsel. According to one of the Panel members, the professors on the Panel had not previously handled a case similar to the Complainant's and the Panel therefore asked the Assistant Dean to review a draft of their decision for consistency with applicable standards.[18]

Student A is Michael Roy Guttentag.[71]

Melanie Velez, and her haughty boss at ("OCR") Headquarter, Kenneth Marcus picked a fine chapter to omit from their memory bank.[72] *See Exhibit 15*; Plaintiff's appeal with OCR.

The Circuit Court further completely neglected to address the consolidated appeal 23-1388 which is related to the threats made by Jim Richmond. The consolidated appeal 23-1388

was completely disregarded. However. the main focus of this entire case has always been seeking an injunction against the IHRA definition and remedy the discrimination with retaliation which happened by OCR officials in both official and individual capacities under Kenneth Marcus's leadership when it came to Mark's OCR Complaint.

It would be redundant for Mark to restate all of the raised arguments again which were mentioned inside his brief and reply brief. This honorable court did not review the brief and the reply brief filed by Mark the Coptic because their order indicates the truth when they wrote false facts not from the case while never engaged in the arguments raised by Mark at all.

There is also "the major-question doctrine" in *West Virginia v. EPA*, No. 20–1530.[12] The IHRA definition is a major-question doctrine.

CONCLUSION

Mark Bochra respectfully asks this Court to grant the petition for re-hearing or a hearing en banc, reverse the Court's original ruling in ECF 43. To the very least, the Court should wait for the Supreme Court to rule in these cases based on the anticipation of reversing the "Chevron Doctrine" sending power back to the Judicial Branch in *Loper Bright Enterprises v. Raimondo* No. 22-451. An additional Supreme Court case was also added *Relentless, Inc. v. Department of Commerce* 22-1219.

The 7th Circuit Court of Appeal did the same thing in *Kluge v. Brownsburg Community School Corp.*, No. 21-2475 (7th Cir. 2023); the 7th Circuit in a 134 pages ruled against Kluge in an employment discrimination based on religion.[13] Then the Plaintiff filed a petition for re-hearing and hearing en banc.[14]

Before the enc banc ruled on the petition, came the Supreme Court decision in *Groff v. DeJoy*, 143 S. Ct. 2279 (2023) and the 7th Circuit ruled with the following:

> In light of the Supreme Court's clarification in Groff v. DeJoy, 143 S. Ct. 2279 (2023), of the standard to be applied in Title VII cases for religious accommodation, our opinion and judgment in this case are vacated and this case is remanded for the district court to apply the clarified standard to the religious accommodation claim in the first instance. We leave to the district court's discretion whether to reopen discovery on remand.

---

[12] See 20-1530 West Virginia v. EPA (06/30/2022) (supremecourt.gov)
[13] See https://law.justia.com/cases/federal/appellate-courts/ca7/21-2475/21-2475-2023-04-07.html
[14] See https://law.justia.com/cases/federal/appellate-courts/ca7/21-2475/21-2475-2023-07-28.html

"I came to complete not to refute. I came light to the World." Jesus Christ

> No judge of the court having called for a vote on the Petition for Rehearing and Rehearing En Banc, filed by Plaintiff-Appellant on April 21, 2023, and all of the judges on the original panel having voted to deny the same.

It was the ruling of the Supreme Court that sent the case back to the district court; human reasoning for different courts with different judges.

The same could be true with Mark's case as two ongoing cases are being considered at the Supreme Court. This case rests on standing based on two ongoing cases currently being litigated in the Supreme Court based on reversing the "Chevron Doctrine" *Loper Bright Enterprises v. Raimondo* No. 22-451. An additional Supreme Court case was also added *Relentless, Inc. v. Department of Commerce* 22-1219. There is also "the major-question doctrine" in *West Virginia v. EPA*, No. 20–1530 which was never discussed by this Court.[15]

Respectfully submitted,
/s/ Mark Bochra
Plaintiff, Pro Se

[15] See 20-1530 West Virginia v. EPA (06/30/2022) (supremecourt.gov)

"I came to complete not to refute. I came light to the World." Jesus Christ

CERTIFICATE OF COMPLIANCE

This brief complies with the type-volume limitation of Fed. R. App. P. 35(b)(2)(A) because this brief contains 3,888 words, excluding the parts of the brief exempted by Fed. R. App. P. 32(f), as determined by the word counting feature of Microsoft Office 365.

Date: April 11, 2024

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

"I came to complete not to refute. I came light to the World." Jesus Christ

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have mailed the foregoing brief via regular certified mail on April 11, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

5757 North Sheridan Road, Apt 13B
Chicago, IL 60660

EXHIBIT D

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

May 3, 2024

By the Court:

Nos. 22-2903 & 23-1388

MARK BOCHRA,
Plaintiff-Appellant,

v.

DEPARTMENT OF EDUCATION, et al.,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 21 C 3887

Sara L. Ellis,
Judge.

ORDER

On consideration of the petition for rehearing and petition for rehearing en banc, filed on April 19, 2024, by the appellant, no judge in regular active service has requested a vote on the petition for rehearing en banc and the judges on the original panel have voted to deny rehearing. It is, therefore, **ORDERED** that the petition for rehearing and petition for rehearing en banc is **DENIED**.

EXHIBIT E

FILED: December 10, 2024

UNITED STATES COURT OF APPEALS
FOR THE FOURTH CIRCUIT

In the Matter of a	*	
Judicial Complaint	*	No. 04-24-90094[1]
Under 28 U.S.C. § 351	*	

MEMORANDUM AND ORDER

On May 24, 2024, *The New York Times* published an essay entitled, "A Federal Judge Wonders: How Could Alito Have Been So Foolish?" by Senior Judge Michael A. Ponsor of the United States District Court for the District of Massachusetts.[2] Five days later, complainant filed a judicial complaint against Judge Ponsor pursuant to the Judicial Conduct and Disability Act, 28 U.S.C. §§ 351-364.

The Act provides an administrative remedy for judicial conduct that is "prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a). After reviewing the complaint and conducting a limited inquiry pursuant to 28 U.S.C. § 352(a), I now conclude this judicial complaint for the reasons set forth below on the basis that appropriate corrective action has been taken. *See* 28 U.S.C. § 352(b)(2).

---

[1] This judicial complaint was initially filed in the United States Court of Appeals for the First Circuit and was assigned a complaint number in that court, No. 01-24-90013. Pursuant to Rule 26 of the Rules for Judicial-Conduct and Judicial-Disability Proceedings, the Chief Justice of the United States transferred the complaint to this Circuit.

[2] Judge Ponsor has consented to the disclosure of his identity pursuant to Judicial-Conduct Rule 23(b).

I. Background

In his essay for *The New York Times*, Judge Ponsor addressed the flying of an upside-down American flag and an Appeal to Heaven flag outside homes owned by Supreme Court Justice Samuel A. Alito, Jr. Judge Ponsor opined that "any judge with reasonable ethical instincts would have" recognized that the flag displays were improper because they could be perceived as "a banner of allegiance on partisan issues that are or could be before the court." Acknowledging that the flags may have been displayed by Justice Alito's wife, Judge Ponsor offered a hypothetical involving his own marriage: he stated that, if his wife had publicly expressed her views on a fundamental issue in one of his cases, he would have been required to recuse himself from the case based on the appearance of partiality. The judge concluded his essay by noting that, although the Supreme Court recently adopted an ethics code, "basic ethical behavior should not rely on laws or regulations. It should be folded into a judge's DNA. That didn't happen here."

In his judicial complaint, complainant alleges that Judge Ponsor's essay went "well beyond the bounds of appropriate judicial speech." Although he concedes that Judge Ponsor did not refer explicitly to any pending cases, complainant asserts that reasonable people could view the essay as calling for Justice Alito's recusal from the January 6 cases that were pending before the Supreme Court at the time. Complainant characterizes Judge Ponsor's essay as a "highly inappropriate, baseless, and prejudicial political speech by a judge against another judge while he is deciding the legal fates of criminal defendants going through the judicial process."

II. Legal Considerations

In reviewing this judicial complaint, I considered the ethical canons that apply to federal judges as set forth in the Code of Conduct for United States Judges as well as the advisory opinions issued by the Committee on Codes of Conduct. While judges are encouraged to engage in extrajudicial activities, Canon 4 cmt., they must be mindful of their obligations, *inter alia*, to uphold the integrity and independence of the judiciary, to avoid impropriety and the appearance of impropriety, and to refrain from making public comments on the merits of any pending matters, *see* Canons 1-4.

Specifically, Canon 1 provides that "[a] judge should uphold the integrity and independence of the judiciary." Under Canon 2A, "[a] judge should . . . act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." Canon 3A(6) provides that "[a] judge should not make public comment on the merits of a matter pending or impending in any court." Canon 4 states that "[a] judge may engage in extrajudicial activities, including law-related pursuits . . . , and may speak, write, lecture, and teach on both law-related and nonlegal subjects." Canon 4 cautions, however, that "a judge should not participate in extrajudicial activities that detract from the dignity of the judge's office, interfere with the performance of the judge's official duties, reflect adversely on the judge's impartiality, lead to frequent disqualification, or violate the limitations set forth" elsewhere in the Canon.

According to the Committee on Codes of Conduct, "a judge may . . . write on substantive legal issues." *Guide to Jud. Policy*, Vol. 2, Pt. B, Ch. 2, Advisory Op. No. 93

(June 2009). The Committee cautioned, however, that "Canon 2A's provision that a judge should act at all times in a manner that promotes public confidence in the impartiality of the judiciary may preclude a judge's participation in law-related activities or organizations concerning highly controversial subjects." *Id.* "[E]ngaging in law-related extrajudicial activities where the activity is political in nature is fraught with risks for judges." *Id.*

The Committee advised that judges "should be sensitive to the nature and tone" of extrajudicial activities related to the law "and should not be drawn into an activity in a manner that would contravene Canon 2's goals of propriety and impartiality." *Id.* The Committee also has warned that, in extrajudicial writings and publications, judges should be mindful of Canon 4's caveats and, "[i]n every case, the judge should avoid sensationalism and comments that may result in confusion or misunderstanding of the judicial function or detract from the dignity of the office." *Guide*, Vol. 2, Pt. B, Ch. 2, Advisory Op. No. 55 (June 2009).

III. Discussion

The principal question is whether, in publishing the essay, Judge Ponsor "engaged in conduct prejudicial to the effective and expeditious administration of the business of the courts." 28 U.S.C. § 351(a). That question, in turn, requires consideration of two others: (1) Did the publication of the essay diminish the public's confidence in the integrity and independence of the judiciary? and (2) Could some of the statements in the essay reasonably be viewed by the public as a commentary on partisan issues or as a call for

Justice Alito's recusal from the then-pending January 6 cases? The answer to all three questions is yes.

Although Judge Ponsor "is in a unique position to contribute to the law," Canon 4 cmt., and "may . . . write on substantive legal issues," Advisory Op. No. 93, the essay expressed personal opinions on controversial public issues and criticized the ethics of a sitting Supreme Court justice. Such comments diminish the public confidence in the integrity and independence of the federal judiciary in violation of Canons 1 and 2A. *See* Canon 1 cmt. ("Deference to the judgments and rulings of courts depends on public confidence in the integrity and independence of judges.").

Furthermore, the political implications and undertones of the essay violated Canon 3A(6)'s prohibition on publicly commenting on the merits of a pending matter. I accept that the essay never referenced any pending Supreme Court cases and acknowledge Judge Ponsor's statement in the attached letter that he "did not have any particular case in mind when [he] drafted the piece." But viewed in the timeframe during which the essay was published, including the substantial press coverage detailing the calls for Justice Alito's recusals from the then-pending January 6 cases, it would be reasonable for a member of the public to perceive the essay as a commentary on partisan issues and as a call for Justice Alito's recusal.

After determining that cognizable misconduct has occurred, a chief judge "may conclude a complaint proceeding in whole or in part" upon a determination that "the subject judge has taken appropriate voluntary corrective action that acknowledges and remedies

the problems raised by the complaint." Judicial-Conduct Rule 11(d)(2); *accord* 28 U.S.C. § 352(b)(2). Such corrective action must be voluntarily undertaken by a subject judge. Although a chief judge may not direct or compel remedial action under Judicial-Conduct Rule 11(d), the chief judge "may facilitate" a subject judge's "voluntary self-correction or redress of misconduct . . . by giving the subject judge an objective view of the appearance of the judicial conduct in question and by suggesting appropriate corrective measures." Judicial-Conduct Rule 11 cmt.

Pursuant to Judicial-Conduct Rule 11(b), I communicated with Judge Ponsor regarding this matter to obtain his response to the complaint and to provide him with an objective view of his essay and its ethical implications. *See* Judicial-Conduct Rule 11 cmt. Judge Ponsor was at all times respectful of the judicial complaint process, responsive to the concerns raised by his essay, and reflective in drafting the attached letter in which he publicly acknowledges and apologizes for his violations of the Code of Conduct. I am satisfied that Judge Ponsor's public letter of apology constitutes voluntary corrective action sufficient to allow for the conclusion of the complaint under 28 U.S.C. § 352(b)(2) and Judicial-Conduct Rule 11(d).

Accordingly, this judicial complaint is concluded pursuant to 28 U.S.C. § 352(b)(2) on the ground that appropriate corrective action has been taken.

IT IS SO ORDERED.

Albert Diaz
Chief Judge

United States District Court
300 State Street, Suite 350
Springfield, MA 01105

Chambers of
Michael A. Ponsor
United States District Judge

November 20, 2024

Dear Chief Judge Diaz,

Thank you for your recent letter pointing out how my New York Times essay of May 24, 2024, violated the boundaries of our Code of Conduct.

With the benefit of an objective perspective, I realize now that my criticism of the ethical judgment of a Supreme Court Justice might have had the effect of undermining the public's confidence in the integrity of the judicial system, in violation of Canon 2A of the Code. Beyond this, I also now see that the piece permitted the inference that I was commenting on matters that were pending before the Court in violation of Canon 3A(6). I particularly regret the fact that my essay might have been interpreted as a call for Justice Alito's recusal from specific cases then under consideration. The fact that I did not have any particular case in mind when I drafted the piece does not reduce the gravity of my lapse.

For these violations of the Code, unintentional at the time but clear in retrospect, I offer my unreserved apology and my commitment to scrupulously avoid any such transgression in the future.

In more than forty years as a Magistrate Judge and District Judge, I have striven to avoid any even arguable violation of the Code. In the future, if I am contemplating any public, nonjudicial writing, I will take advice from our Committee representative before publication. I do not believe this is required by the Code, and I hope that this commitment will be seen as proof of my sincere, ongoing intent to stay well within proper boundaries.

I am proud to participate in a judicial system that gives members of the public an avenue to identify potential violations of the Code and that gives me an opportunity to recognize any misstep, apologize, and amend. Please accept my thanks for your very helpful guidance.

Sincerely

Michael A. Ponsor