24-5918

IN THE

SUPREME COURT OF THE UNITED STATES

RICKY KAMDEM-OUAFFO

Petitioner

v.

BALCHEM CORPORATION, GIDEON OENGA (In Personal capacity and in capacity with Balchem Corporation), BOB MINIGER (In Personal capacity and in capacity with Balchem Corporation), RENEE McCOMB (In Personal capacity and in capacity with Balchem Corporation), THEODORE HARRIS(In Personal capacity and in capacity with Balchem Corporation), JOHN KUEHNER (In Personal capacity and in capacity with Balchem Corporation), TRAVIS LARSEN (In Personal capacity and in capacity with Balchem Corporation), MICHAEL SESTRICK(In Personal capacity and in capacity with Balchem Corporation)

Respondents

ON PETITION FOR A WRIT OF CERTIORARI TO THE US COURT OF APPEALS FOR THE SECOND CIRCUIT (CASES No. 23-455 AND 23-458)

PETITIONER'S SUPPLEMENTAL BRIEF PURSUANT TO THE SUPREME COURT RULE 15(8)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR A WRIT TO CERTIORARI

The Supreme Court Rule 15(8) provides the following:

> "Any party may file a supplemental brief at any time while a petition for a writ of certiorari is pending, calling attention to new cases, new legislation, or other intervening matter not available at the time of the party's last filing. A supplemental brief shall be restricted to new matter and shall follow, insofar as applicable, the form for a brief in opposition prescribed by this Rule."

The Petitioner is submitting this Supplemental Brief to call the court's attention to three intervening matters that were not available at the time the Petitioner filed his Petition.

I. It Appears As If An Answer To Petitioner's "QUESTION II" Concerning The Constitutional Standing Of Religious Belief In Sexual Intercourse Virginity, Chastity, And Purity Until After Marriage Is Necessary Before The Supreme Court Could Make A Constitutionally Sound Decision On The Question Of "*Medical Treatments Intended To Allow a minor to identify with, or live as, a purported identity inconsistent with the minor's sex*" Presented And Argued By The United States In The Matter Of *United States, Petitioner v. Jonathan Skrmetti, Attorney General and Reporter for Tennessee, et al. No. 23-477*

The Supreme Court granted Certiorari in the matter of *United States, Petitioner v. Jonathan Skrmetti, Attorney General and Reporter for Tennessee, et al. No. 23-477* and Oral argument was heard on 12/04/2024. Petitioner learned about it from reading the internet commentaries of news reporters on 12/04/2024.

The QUESTION Presented for Review in the matter of *United States, Petitioner v. Jonathan Skrmetti, Attorney General and Reporter for Tennessee, et al. No. 23-477* is as follows:

> "Whether Tennessee Senate Bill 1 (SB1), which prohibits all medical treatments intended to allow "a minor to identify with, or live as, a purported identity inconsistent with the minor's sex" or to treat "purported discomfort or distress from a discordance between the minor's sex and asserted identity," Tenn. Code Ann. §68-33-103(a)(1), violates the Equal Protection Clause of the Fourteenth Amendment." (See **Supplemental Appendix A**)

An excerpt of the United States' statement of the case in Supreme Court Case No. 23-477 is as follows:

> "In March 2023, Tennessee enacted the Prohibition on Medical Procedures Performed on Minors Related to Sexual Identity, Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 *et seq*. (SB1). SB1 was enacted as part of a series of laws targeting transgender individuals in Tennessee. Some of SB1's findings describe the legislature's views on the risks of the covered treatments. *Id.* § 68-33-101(b)-(e) and (h). But SB1 also declares that Tennessee has a "compelling interest in encouraging minors to appreciate their sex, particularly as they undergo puberty," and in prohibiting procedures "that might encourage minors to become disdainful of their sex." *Id.* § 68-33-101(m)" *Id* at 8, Section B.

Petitioner's "QUESTION II" Presented for Review in this Action is as follows:

> **"QUESTION II**: Whether it is a violation of Muslim Petitioner's First Amendment Freedoms of Religion when the inferior courts "*Order, Adjudge, Decree"* or "*Affirm*" that Petitioner's references and expression of his belief in the sacred teachings of Islam on sexual intercourse virginity, chastity, and purity until after marriage are "*Scatological*" meaning "*Excrements, Feces, Cacas, Poop, Shit*", "*Exotic*", "*Vulgar*", "*crude*", "*obscene*", "*inappropriate*", "*salacious*", "*indefensible*", "*foul*", "*Profane*", "*Misconduct*", and "*Frivolous.*"

Petitioner's argument amplifying the reasons for allowance of a writ of certiorari on Petitioner's "QUESTION II" is set forth in the Petition at Pages 43 to 48. Petitioner supported his argument with the Decision of the US Court Of Appeals for the Ninth Circuit in the matter of *Fellowship of Christian Athletes ("FCA") v. San Jose Unified Sch. Dist. Bd. of Educ.*, 46 F.4th 1075 (9th Cir. 2022), and *Fellowship of Christian Athletes v. Bd. of Educ. 82 F.4th 664 (9th Cir. 2023) (EN BANC)* holding that the characterization by school officials of the FCA students' religious belief in sexual intercourse virginity and purity until after marriage and the expression thereof as "*Bullshit, Charlatans, Darkness, Ignorance*" was a violation of the FCA students' First Amendment Rights. Petitioner also submitted excerpts of ancient texts from the three main monotheistic religions which are generally understood as teaching sexual intercourse virginity, chastity, and purity until after marriage (See Appdx Vol. 5, pp. 1513 – 1514, 1516, 1518 – 1519, and 1522).

Although Tennessee's *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* does not claim to be an embodiment of any religious belief, Petitioner finds it to be very consistent with the Judaic, Christian, and Islamic religious belief in sexual intercourse virginity, chastity, and purity until after marriage. From the perspective of monotheistic religious belief in sexual intercourse Islam on sexual intercourse virginity, chastity, and purity until after marriage, a human being, regardless of whether the person was born with a sexual organ biologically identified as a penis

or a vagina, should not engage in any sexual intercourse activity until after marriage. In fact, the matter of *Crisitello v. St. Theresa Sch. 255 N.J. 200 (N.J. 2023) [Victoria Crisitello v. St. Theresa School (A-63-20) (085213)],* which Petitioner also cited in support of "QUESTION II", the Supreme Court of New Jersey noted the following:

> "St. Theresa's also provided a certification from Deacon John J. McKenna, which explained that [o]ne of the tenets of the Roman Catholic Church is that sex outside of the institution of marriage is forbidden. To engage in sex outside of marriage is a sin. It is not consistent with the discipline, norms and teachings of the Roman Catholic Church, i.e. it violates the religious tenets of the Catholic Church." Id at 225 (See 23-455-[Dkt. No. 90, p. 53]).

However, from reading some of the Briefs in the Supreme Court Case No. 23-477, it appears that the arguments made for or against Tennessee's *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* were presented to the Supreme Court under the presumption that minors, who are definitely not eligible for marriage under the laws of the United States, except maybe to another minor with consent of their parents, may engage sexual intercourse activity before marriage. It also appears from the Briefs filed in Supreme Court Case No. 23-477 that some of the minors were disappointed with their premarital sexual intercourse experiences and decided with consent from their parents to use some medications and possibly surgery to block puberty and then transition to another gender in hope for a better sexual intercourse experience.

This being said, without any intention or attempt by Petitioner to undermine any of the arguments made for or against Tennessee *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1),* Petitioner submits to the Supreme Court that striking down Tennessee *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* will most likely be a direct repudiation of the religious belief in sexual intercourse virginity, chastity, and purity until after marriage because millions of American Citizens in several other States than Tennessee, like Muslim petitioner himself, observe and practice the religious belief in sexual intercourse virginity, chastity, and purity until after marriage. In fact, it is public domain knowledge that those who want or desire to experience sexual intercourse prior to marriage disdain the teachings of the prophets of our religion on sexual intercourse virginity, chastity, and purity until after marriage. For example, in the matter of *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. Of Educ. 46 F.4th 1075 (9th Cir. 2022),* the US Court of Appeals for the Ninth Circuit highlighted the disdain of those School officials who were against the FCA's religious belief in sexual intercourse virginity, chastity, and purity until after marriage. The court of Appeals highlighted the following:

> "A week later, Glasser forwarded this copy of the FCA Statement of Faith and Sexual Purity Statement in an email to Pioneer's principal, Herbert Espiritu, highlighting his concerns about FCA. Separately, Glasser explained to Espiritu and others that two of FCA's stances particularly troubled him: (1) "God approves only of relationships between one man and one woman," and (2) "God assigns our gender identities at birth based on the physical parts He gives us." According to Glasser, these "views on LGBTQ+ identity infringe on the rights of

> others in my community to feel safe and enfranchised on their own campus, even infringing on their very rights to exist." And Glasser "object[ed] strenuously to the 'love the sinner, hate the sin' mentality" held "by some Christians," which conflicted with "[his] truth ... [that] being LGBTQ+ is not a choice, it's not a sin.
>
> The key question for Glasser was "whether the national FCA's views belong on a public high school campus" because, if allowed, "there is an implicit message that Pioneer as an institution approves of these values." Glasser's answer to that question was emphatically "no." He explained to Principal Espiritu that "attacking these views is the only way to make a better campus." Glasser believed that "there's only one thing to say that will protect our students who are so victimized by religious views":
>
> > I am an adult on your campus, and these views are bullshit to me. They have no validity. It's not a choice, and it's not a sin. I'm not willing to be an enabler for this kind of "religious freedom" anymore. LGBTQ+ kids, you deserve to have your dignity defended by the adults around you." (See *Fellowship of Christian Athletes v. San Jose Unified Sch. Dist. Bd. Of Educ. 46 F.4th 1075 (9th Cir. 2022)* at 1083.

Glasser's statement that "*I am an adult on your campus, and these views are bullshit to me. They have no validity. It's not a choice, and it's not a sin. I'm not willing to be an enabler for this kind of "religious freedom" anymore. LGBTQ+ kids, you deserve to have your dignity defended by the adults around you*" is a clear embodiment of a conflict between the constitutional rights claimed by the United States under the Equal Protection Clause of the Fourteenth Amendment for "*LGBTQ+ kids*" and the religious belief in sexual intercourse virginity, chastity, and purity until after marriage which is also protected by the First Amendment. However, it could also be argued from the perspective of the Equal Protection Clause of the

Fourteenth Amendment of the Constitution of the United States, that parents who observe a religious belief in sexual intercourse virginity, chastity, and purity until after marriage have the constitutional right "*to encouraging minors to appreciate their sex, particularly as they undergo puberty," and in prohibiting procedures "that might encourage minors to become disdainful of their sex." Id. § 68-33-101(m).*" In fact, it is a challenge for any minor when puberty begins because the minor sees and feels some changes inside and outside the minor's body. Furthermore, the peer pressure to try and experience some premarital sexual intercourse activities is very high in that age group because minors want to have a sense of belonging to a group of friends. Therefore, parents who observe religious belief in sexual intercourse virginity, chastity, and purity until after marriage have a strong interest in whatever government policy would minimize exposure of their minors to practices and ideologies that are incompatible with their religious beliefs in sexual intercourse virginity, chastity, and purity until after marriage. Thus from the perspective of Equal Protection Clause, Tennessee *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* appears to be providing protection for some minors who along with their parents believe in sexual intercourse virginity, chastity, and purity until after marriage. The situation here is clearly that two ideologies, beliefs, or lifestyles are irreconcilable and were not specifically dealt with in the constitution. Thus the political process through the means of democracy is the only constitutionally

acceptable approach to settling such an irreconcilable difference should a community decide that it is necessary to formally tackle the irreconcilable difference as a matter of law. The means of democracy allow citizens to vote for senators and congressmen based upon their political views, and in turn they enact laws based on majority views. In light of the fact that, Tennessee *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* is indisputably consistent with religious belief in sexual intercourse virginity, chastity, and purity until after marriage, the Supreme Court has no power to strike it down as unconstitutional because religious belief in sexual intercourse virginity, chastity, and purity until after marriage is protected by the First Amendment of the Constitution of the United States.

As already mentioned above, it appears that the arguments made for or against Tennessee's *Senate Bill 1, Tenn. Code Ann. §§ 68-33-101 et seq. (SB1)* were presented to the Supreme Court under the presumption that minors, who are definitely not eligible for marriage under the laws of the United States, except maybe to another minor with consent of their parents, may engage sexual intercourse activity before marriage. Such arguments are therefore fundamentally biased because they are not balanced with arguments from the perspective of the millions of Americans who inherited and observe religious belief in sexual intercourse virginity, chastity, and purity until after marriage. Accordingly, Petitioner requests that the court Grants Certiorari on Petitioner's "QUESTION II" and then invites

briefing on how to reconcile the Equal Protection rights claimed by the United States for minors suffering from gender dysphoria and the First Amendment Freedom of religion for the minors and parents who believe in sexual intercourse virginity, chastity, and purity until after marriage. In fact, it could reasonably be argued that because the "*medical treatments intended to allow "a minor to identify with, or live as, a purported identity inconsistent with the minor's sex*" are not a religious belief in any known religion in existence prior to Constitution, they might or might not be protected by the Constitution. By contrast, the religious belief in sexual intercourse virginity, chastity, and purity until after marriage dates back several thousands of years, therefore the Supreme Court has no power over such a peaceful and harmless religious belief. Nevertheless, it should be mentioned that medical treatments, if proven to be effective and approved by the Food And Drug Administration ("FDA"), might be claimed through Article I Section 8 Clause 8 ("the Intellectual Property aka Progress Clause") of the Constitution of the United States. If so, the question turns onto whether the Supreme Court has the power to invoke Article I Section 8 Clause 8 to suppress the First Amendment of the Constitution of the United States.

II. Petitioner's "QUESTION III" Is Further Supported By The Recusal Of Circuit Judge José A. Cabranes From Petitioner's US Court of Appeals for the Second Circuit ("USCA2") Matter of *Kamdem-Ouaffo v Baker Botts et al. Case No. 23-7753-cv* (An Appeal from the US District Court for the Southern District Of New York Case No. 23-cv-02008-CS)

On 12/03/2024, the US Court of Appeals for the Second Circuit ("USCA2") issued a Summary Order in the matter of *Kamdem-Ouaffo v Baker Botts et al. Case No. 23-7753-cv* (An Appeal from the US District Court for the Southern District Of New York Case No. 23-cv-02008-CS), stating the following:

> "* Judge José A. Cabranes, originally a member of the panel, recused from this appeal. The two remaining members of the panel, who are in agreement, have determined the matter. *See* 28 U.S.C. §46(d); 2d Cir. IOP E(b); *United States v. Desimone*, 140 F.3d 457, 458-59 (2d Cir. 1998)." (See **SUPPLEMENTAL APPENDIX B, p. 1, Footnote**)

Petitioner Kamdem-Ouaffo is also the Plaintiff-Appellant in the matter of *Kamdem-Ouaffo v Baker Botts et al. Case No. 23-7753-cv* (An Appeal from the US District Court for the Southern District Of New Yok Case No. 23-cv-02008-CS). In USCA2 Case No. 23-7753, Petitioner appealed from the dismissal of his complaint in which he alleged Fraud Upon the Court in a prior court case. Petitioner's USCA2 Appeal was submitted to a Panel on 11/20/2024, thus several weeks after Petitioner filed his Petition for a writ of certiorari in the instant Action. The disclosure by USCA2 that "*Judge José A. Cabranes, originally a member of the panel, recused from this appeal*" during the review of Petitioner's Appeal in the USCA2 Case No. 23-7753-cv is relevant and important in this Petition with regard to Petitioner's

"QUESTION III" presented for review by the Supreme Court. Petitioner's "QUESTION III" asked the following:

> **"QUESTION III:** Whether it is violation of Muslim Petitioner's Fourth Amendment rights when federal Judges who are Subject Judges in Petitioner's complaints of Judicial Misconduct pursuant to 28 U.S.C. §§351-364 extrajudicially enlist third parties for an endeavor to surreptitiously make *"Physical Contact with"*, kidnap, ambush, murder, and/or assassinate Petitioner in response to the said Judicial Misconduct Complaints"

The disclosure by USCA2 that "*Judge José A. Cabranes, originally a member of the panel, recused from this appeal*" during the review of Petitioner's Appeal in the USCA2 Case No. 23-7753-cv is relevant and important in this Petition because Circuit Judge José A. Cabranes is one the Subject Judges in Petitioner's complaints of Judicial Misconduct pursuant to 28 U.S.C. §§351-364 (See Petition Page 21). Thus until new information becomes available as to which one(s) of the Subject Judges in Petitioner's complaints of Judicial Misconduct pursuant to 28 U.S.C. §§351-364 extrajudicially enlisted third parties for an endeavor to surreptitiously make *"Physical Contact with"*, kidnap, ambush, murder, and/or assassinate Petitioner in response to the said Judicial Misconduct Complaints, Circuit Judge José A. Cabranes remains a suspect in the plot to extrajudicially assassinate Petitioner. Petitioner had not been aware of who were assigned to review his USCA2 Case No. 23-7753-cv Appeal and did not ask that any judge of the Second Circuit ought to recuse during the proceedings of USCA2 Case No. 23-7753-cv Appeal. Petitioner

does not have any information as to how the recusal of Circuit Judge José A. Cabranes came about, but in the context of Petitioner' "QUESTION III" and the underlying facts, the recusal of Circuit Judge José A. Cabranes from Petitioner's USCA2 Case No. 23-7753-cv Appeal, whether it was voluntary or required by other Judges, shows that something is seriously wrong. If Petitioner's Motion pursuant to the Fourth Amendment had been granted to compel the US Marshals Services ("USMS") and Rutgers University Behavioral Health Care ("RUBHC") to disclose who enlisted them to plot against Petitioner's life, then only the person or those responsible would have been targeted in Petitioner's "QUESTION III." However, Circuit Judge José A. Cabranes' recusal, whether voluntary or forced is a clear acknowledgement that their plot against Petitioner's life was improper. In fact, Muslim Petitioner would be dead were he still living at the same residential address from where he initiated his complaint at the District Court. But luckily or providentially Petitioner had moved, so that when they were trying to locate and kill Petitioner, they failed because Petitioner no longer lived at that address.

III. Report Of Very Suspicious Irregularities In The Handling Of Petitioner's Petition In the Clerk's Office

On 10/03/2024, Petitioner submitted to the Clerk of the Supreme Court a Motion addressed to Justice Sotomayor asking for permission to file an oversized Petition for a writ of certiorari (See **Supplemental Appendix D, Cover Page**). Enclosed with the Motion were documents including the Proposed Petition, and a five-Volume

bate-stamped Appendix (See **Supplemental Appendix D, p. 6**). On 10/09/2024, Justice Sotomayor granted Petitioner's Motion (See **Supplemental Appendix E).** However, at the time of docketing Petitioner's Petition, Case Analyst Sara Simmons returned Petitioner's five-volume Appendix and as Appendix she placed on the docket a set of documents that was made of the Table of Contents of Petitioner's Appendix VOLUME 1 followed by documents that were not bate-stamped (herein after "**Non-Petitioner Appendix**"). In addition, on the last page of the non-petitioner Appendix she placed on the docket, she claimed that "*additional material from this filing is available in the clerk's Office*" (See **Supplemental Appendix F**). Petitioner's phone calls and voice messages to the Clerk's Office inquiring about the origin of the non-petitioner Appendix were not answered, resulting in the filing by Petitioner of two motions addressed to Justice Sotomayor on the issue. Then Case Analyst Simmons called and informed the Petitioner by phone that she will not be submitting Petitioner's motions to Justice Sotomayor and that because she had returned Petitioner's Appendix, it is not considered part of the Petition. Petitioner then made a Third Motion, but addressed to the Court. That motion was also not docketed. Subsequently the Petitioner received a postal mail from Cases Analyst Simmons stating the following:

> "Under Article III of the Constitution, the jurisdiction of this court extends only to the consideration of cases and controversies properly brought before it from the lower courts in accordance with the federal laws and filed pursuant to the Rules of this court.

> The Rules of this court makes no provision for the motions that you are seeking to file. Additionally, a Petition may not be amended once a case is pending. Please be advised that the documents received November 11th, 18th, and December 2 have been placed in the case file folder and will be available for the court's review." (See **Supplemental Appendix C**).

Upon receiving Case Analyst Simmons Letter, Petitioner then left a voice Requesting that she provides explanation as to what authority she had to decide that a Motion addressed to an individual Justice or to the Court Under the Supreme Court Rules 21 and 22 did fall within the Scope of Article III Section 2 of the Constitution. Petitioner also asked her to explain what authority she had to exclude Petitioner's five-volume Appendix after Justice Sotomayor had Granted Petitioner's Motion to file an Oversized Petition. Case Analyst Simmons neither returned Petitioner's calls with answers to these questions nor responded by mail. Whereas the docket of the court indicates that Petitioner's Petition was distributed for consideration by the Justices, Petitioner does not know whether Petitioner's five-volume Appendix upon which the Petition is built has been made available to the Justices. Accordingly, Petitioner Requests the court to adjudicate Petitioner's Motions referred to in Case Analyst Simmons' 12/03/2024 Letter as "*the documents received November 11th, 18th, and December 2*". These were not just mere random documents, these were statutory motions as provided by Supreme Court Rules 22 and 21. Furthermore, they were prepared in a manner compliant with the Rules of this Court.

In final analysis, Petitioner concluded that case analyst Simmons appeared to be acting as if she was trying to sabotage Petitioner's Petitioner, otherwise she has not explained what authority she has to reject a five-volume Appendix approved by a Justice of this court. She has not explained the origin of the non-petitioner Appendix she placed on the docket. And whereas she explained in her 12/03/2024 Letter that "*The Rules of this court makes no provision for the motions that you are seeking to file*", she did not return Petitioner question concerning her understanding of the Supreme Court Rules 21 and 22 which provide motions for the litigants in this court.

IV. Conclusion And Request For Relief

Based on the *Ins. Corp. of Ir. v. Compagnie Des Bauxites De Guinee, 456 U.S. 694, 102 S. Ct. 2099 (1982)*, the Supreme Court is required to allow a writ of Certiorari on Petitioner "QUESTION I" because the inferior courts flagrantly violated the Jurisdictional Limitations and Mandates of the Fed. R. Civ. P. Rules 6(b)(2) and 72(a). Nevertheless, Petitioner's QUESTIONS II and III are also indisputably also very important questions of constitutional rights of interest to the public and could each support the allowance of a writ of certiorari for a review of the constitutional questions raised therein.

Respectfully Submitted

Date: 12/30/2024

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