

Case No. **24-6088**

---

**SUPREME COURT OF THE UNITED STATES**

---

Carl NATHANiel Merkle

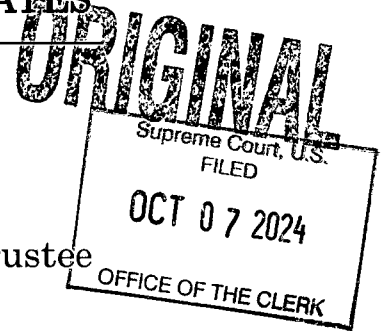
*Petitioner,*

vs.

Johnny W. Thomas, (a sham) Chapter 7 Trustee

*Respondent.*

---



On Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit from case 23-50692 (and 22-50216). In turn, those two 5thC cases originated from USDC 5:21-cv-1278-jkp Jason K. Pulliam presiding. And in turn, that originated from an appeal of the 12/6/21 oral order of USBC 16-50026-cag Chief Bankruptcy Judge Craig A. Gargotta.<sup>1</sup>

---

**PETITION FOR A WRIT OF CERTIORARI**

---

Submitted Under Oath, Under Penalty of Perjury<sup>2</sup>, by:  
Carl Nathaniel Merkle, CPA retired, In Pro Se, a victim of crimes committed by USA  
*Forensic Investigative Accountant. God's Fraud Auditor. Prophet.*  
4446 Bayliss, San Antonio, TX 78233  
Telephone: 210-596-4088, Email: carlmerkle@icloud.com  
*Friend of the Supreme Judge of the World ("Supreme Judge")*

See Table of Contents at page: 12

---

<sup>1</sup> Gargotta approved a fraudulent confirmed plan of Chapter 11 reorganization on 3/28/17 under objection, starting the still ongoing "Adversary Procedures." ... (See rest of this removed footnote in this Petition v2 at page 31 of 40 herein, part of the Statement of Case.) It's as if the fate of the nation hangs in the balance on the outcome of SCOTUS review of this case.

<sup>2</sup> This Oath to tell the truth is made under penalty of perjury per US and Texas laws. It is also made under Oath to the "Supreme Judge of the World", the "God of the Founding Documents": the 1) July 4, 1776 Declaration of Independence, 2) the US Constitutions, and 3) the Texas Constitution (collectively "the covenants"). Isaiah 33:22 was James Madison's inspiration for Articles I-III of US Constitution. This is a constitutional law and criminal law case. A "conspiracy against rights" case.

## I. QUESTION PRESENTED

### 1) Question Presented (where USA Title 11 System is OC):

Is Merkle's surviving Chapter 11 bankruptcy case (in hidden 5thC 20-50025) now a ripe Article III of the US Constitution bankruptcy case ready to proceed to discovery and jury trial in USDC case 5:20-cv-502<sup>3</sup> as an 18 USC Chapter 13, Civil Rights, §241 "conspiracy against rights" case, free of sanctions?

2) Prefatory Statement: I, Carl Nathaniel Merkle, am a victim of many crimes committed by the USA against a Chapter 11 bankruptcy ("BK") filer. I filed BK for proper purpose on 1/4/16, to stop an illegal foreclosure scheduled for 1/5/16 of my then sole and primary personal residence and planned form of retirement income due to Denis Stratford, Esq's 2015 theft/embezzlement/misapplication of my hazard insurance (fiduciary property), an accounting fraud done by organized crime ("OC"): theft by 3 or more people. Misapplication showed my loan (unsecured) as delinquent when in fact it was current and fully performing using proper accounting: my accounting. Mine must be used per doctrine of interpretation against the draftsman. I'm an accounting and auditing expert. I fully agree with this truthful paragraph written by 22-50216/23-50692 referring USDC judge, Jason K. Pulliam (ROA.1896):

Stating that his bankruptcy case is "an 'organized crime' case, since inception, fraudulently converted to Chapter 7 on March 18, 2020, which then started the 2020, 2021, and 2022, crimes by the 'Gang of 7' revealed in ¶ 3 of the Notice of Appeal (NOA). Withdrawal of reference is mandatory." ECF No. 11 at 1 (found within caption). That same document identifies the Bankruptcy Judge and trustee as "enforcers for organized crime and members of the 'Gang of 7.'" *Id.*

<sup>3</sup> This still open "sealed" USDC "whistleblower case", opened 4/23/20, complains of OC and has a jury demand. See <https://tinyurl.com/WhistleblowerStatement> on YouTube recorded on 5/25/20. But I'm gagged, a first amendment right violation, intended and used by judges, clerks, and DOJ to conceal their role in the crimes, OC. And conceal my demand for jury trial, free and clear of any sanctions. Sanctions are part of an OC plot: "Gragg's scam with gag plot" ("GSWGP") the focus of 23-50692.

## II. LIST OF PARTIES AND RELATED CASES

### A. List of Parties – Statutory “Criminal Street Gang” members:

#### 1) List of “Gang of 7” (“Go7”) and “Gang of 30” (“Go30”) members.

Numbers in brackets represent number of “Gang of 30” (“Go30”) member listed in Corporate Disclosure Statement in Dkt 10 of 5thC case 23-50692 starting at page 8 of 15. All Go7 are attorneys, “officers of the Court”. The Go7 are the “Identifiable Leaders” of the rest of the statutory “criminal street gang” (“CSG”) Go30, pursuant to Texas Penal Code (“TPC”) Chapter 71, Organized Crime, §71.01(d). Go7 consistently engaged in conduct in violation of American Bar Association (“ABA”) and Texas Disciplinary Rules of Professional Conduct (“TDRPC”) Rule 8.04 Misconduct, including “dishonesty, fraud, deceit and misrepresentation” and “setting up judges” to commit crime among other violations and crimes of “moral turpitude”.

#### a) Go7, all are spiritually, morally and ethically bankrupt, includes:

Denis Stratford (1), Bradley Gordon (2), David Gragg<sup>SAB 4</sup> (3), Natalie Wilson<sup>SAB</sup> (4), Patrick Autry<sup>SAB</sup> (5), Craig A. Gargotta<sup>CSGJ, SAB</sup> (6), Johnny W. Thomas<sup>CSGDOJ, SAB</sup> (7). (All Go7, must face at least civil jury trial brought by me – no settlement. I want all to be eventually arrested. They committed the perfect crime since no one has been arrested, yet. Dkt 33¶5 prophesied this fact.)

— Proverbs 1:18-19 – These people set an ambush for themselves; ...the fate of the greedy.

<sup>4</sup> The reference <sup>SAB</sup> above means San Antonio Bankruptcy Bar Association (“SAB”). SAB is a “club of crooks.” Gragg is a board member of SAB. Gragg is local “identifiable leader” of Go7/Go30; Stratford the national “identifiable leader,” per TPC §71.01(d). Gargotta’s courtroom is an elaborate swindle prop. Gargotta committed the same theft/embezzlement crime as Stratford by adopting his accounting in his July-October 2017 orders. Gargotta is the “identifiable leader” of a “criminal street gang” of now 22 federal judges (“CSGJ” or <sup>CSGJ</sup>), in Title 11 administrative system because appeals cases were closed and sent to him. There’s over a 90% likelihood that Gargotta took a bribe from Gragg. Gragg did not even have a contract with the client he alleged to represent: Pilgrim REO, LLC (“Pilgrim”). It’s all a complete and utter scam, with zero basis in true fact and true law, once true fact and true law are used. Instead, fraudulent Fed.R.Evid.201 facts were used that fueled years of OC, RICO crimes. It aroused the anger of God, the July 4, 1776 Supreme Judge of the World (“Supreme Judge”).

b) Rest of **"Gang of 30" ("Go30")**, presently consists of a list of 60 individuals of mostly USA employees and agents who were "set up" by the Go7 to commit crime against me. Judges allowed themselves to be "set up" to commit crime by concealing my allegations of crime. That fact allowed the RICO crimes and constitutional law violations to continue, and prevented arrests of the Go7, and prevented jury trial to proceed in 20-502 free and clear of any sanctions. Go30 aided and abetted "Gragg's scam with 'gag plot'" (**"GSWGP"**) the subject of the 23-50692 appeal, where a 12+ case string of "frauds upon the court" now exists. And where via 5thC orders of 11/4/22 and 7/12/24 the Title 11 appeals process from USBC to 5thC is deeply criminogenic and incapable of complying with law and constitutions. Because statutorily under TPC Chapter 71, a CSG of 22 federal judges has emerged where Gargotta is their identifiable leader and where DOJ is complicit in the crimes. The remaining Go30 can do TPC §71.05 Renunciation Defense during the present Negotiations Period<sup>5</sup>. Remaining Go30 list was removed in this 2<sup>nd</sup> attempt at Petition and is included in Motion For Leave to Proceed *In Forma Pauperis* (**"Motion"**) at Exhibits 1 and 4.

Proverbs 29:24 – If you assist a thief, you only hurt yourself.

<sup>5</sup> See <https://tinyurl.com/5thC23-50692-Negotiations> for documentation making a TPC §71.05 Renunciation Defense (**"RD"**) available to all non-Go7 members of the Go30 and their respective employers, along with documentation of Dkt 33¶5 (miraculously appearing on a page with a bates stamp ending in 1776) and of prophecy that they would be throwing their wealth at me, like the Egyptians threw their wealth at the Israelites. Plus, prophecy in scripture that is being fulfilled via this case. I consider the Renunciation Defense to be like the 1 John 1:5-10 Repentance Defense (**"RD"**) that Jesus makes available to all of us sinners. He wipes the slate clean if we will confess our sins. My case has shown that sinners hardened against God are unwilling to confess sin and turn from it to obtain restoration with God. Leaving them open to God's anger. Politics will not solve our nation's problems. Only Jesus can. But that requires a nationwide repentance by "We the People" who are called by God's name: i.e. Christians. See 2 Chronicles 7:14. It contains God's promise "to heal our land" if we will do what it says: humble ourselves, pray, seek God's face, turn from our wicked ways.

2) **Corporate Parties, at risk.** Petition v1 listed 25 organizations at risk of lawsuit, liable under Doctrine of Respondeat Superior for actions of Go30 members. Most are listed in ¶8 of the Corporate Disclosure Statement in Dkt 10 of 5thC case 23-50692 starting at page 11 of 15 - <https://tinyurl.com/5thC23-50692-Dkt10>. I desire to “settle out of court” with most or all of them. For instance, the first party listed, the USA I am requesting \$3.5 billion to restore integrity before the next stages of litigation. And USA can recover all or most of that via the rest of the listed corporate parties. This concerns the “local component of my case” only. Not the “national component” where the numbers are much higher. Virtually all recovery above \$10 million goes to charitable organizations providing the hands and feet for “God’s work”. (See back of lawsuit in 5:19-cv-640-xr (“19-640”), the \$100 million lawsuit against Gragg, et al, the first case appealed to 5thC.) Only these 5 corporate parties are listed in this Petition v2, where Exhibits 1 and 4 to Motion lists the rest of them.

- a) United States of America (*which clearly makes this an Article III case*)
- b) Pilgrim REO, LLC (shell used in a shell company RICO scheme).
- c) Pilgrim Grantor Trust
- d) Capital Crossing Servicing Company, LLC (“CCSC” or “**Capital Crossing**”)
- e) TPG Capital Group<sup>6</sup> (equity advisor for Pilgrim REO, LLC and Pilgrim Grantor Trust. Provided CCSC money for the illegal foreclosure/RICO scam.)
- f) Many others – see Exhibits 1 and 4 to Motion for list of rest of 25.

Proverbs 22:22-23 – Don’t rob the poor just because you can or exploit the needy in court. For the LORD is their defender. He will ruin anyone who ruins them.

<sup>6</sup> An SEC registered equity advisor that lacks sufficient internal controls over compliance with laws and regulations. Should pay at least 1% of assets under management for its role in the crimes and failure to make course adjustments. If it does not know about this case, then it lacks internal controls. If it does know about the case, then it lacks internal controls. This case should not have gone on this long and this far, but for poor internal controls by all corporate parties listed above.

## B. List of Related Cases

### 1. A Massive String of 12+ Key Frauds Upon the Court Exists

3) Due to GSWGP, the subject of 5thC 23-50692, massive white-collar OC occurred in my USBC 16-50026 Chapter 11 case and in 19-640 the \$100 million lawsuit against Gragg, et al filed 6/10/19, closed 11/26/19. 16-50026 was an OC scene at inception. Opened 1/4/16. Fraudulently converted to “sham” Chapter 7 on 3/18/20 by a fraudulent court per TPC Chapter 37. Closed 11/22/22. Xavier Rodriguez’s 11/26/19 order in 19-640, used Gargotta’s fraudulent and disputed Fed.R.Evid.201 judicially noticed facts. And in that order, Rodriguez issued a “threat of sanctions”, building on the sanction threats of USDC 17-713 & 18-588 appeals judges Farrer and Ezra, thus starting GSWGP, and this massive string of 12+ “frauds upon the court”:

A massive list of “frauds upon the court” committed by Go7, aided by Go30 (DOJ) members:

Originating USDC Case (sort order)	5 <sup>th</sup> Cir Case #. 8 cases.	ROA Range	# Unique ROA Pages	Is ROA Complete?	Crime Alleged?	5 <sup>th</sup> Circ Adjud- icated?
<b>Phase 1 of Gragg’s Scam – unlawful debt collection and barratry scam</b>						
17-713-dae <sup>1</sup>	n/a	n/a	n/a	No	Yes	No
18-588-dae <sup>1</sup>	n/a	n/a	n/a	No	Yes	No
19-640-xr	20-50045	.1-.4332	4,332	No	Yes	No
19-740-xr	20-50014	.1-.2874	2,874	No	Yes	No
19-790-xr	20-50024/25	.1-.4560	4,560	No	Yes	No
<b>Phase 2 of Gragg’s Scam – unlawful debt collection and barratry scam</b>						
19-640-xr	20-50471	.1-.7460	3,128	No	Yes	No
20-381-fb <sup>2</sup>	n/a	n/a	n/a	No	Yes	No
<b>20-541-xr</b>	20-50813	.1-.2442	2,442	No	Yes	No
20-1060-olg	21-50761	.1-.3130	3,130	No	Yes	No
<del>21-1070-olg<sup>2</sup></del>	n/a	n/a	n/a	No	Yes	No
21-1278-jkp	22-50216	.1-.1898	1,898	No	Yes	No
21-1278-jkp	23-50692	.1-.4719	2,821	No	Yes	?
<b>Total</b>			<b>25,185</b>	<b>No</b>	<b>Yes</b>	<b>?</b>

21-1007-olg

4) A “withdrawal of the reference” was set up in 5:19-mc-790-xr (“19-790”) on July 8, 2019. My Chapter 11 BK case has been withdrawn since then in 20-50024/20-50025. And Gargotta has statutorily been a “fraudulent court” since then.

**2. GSWGP now includes 34 closed cases – All Unnecessary and Unreasonable Litigation Caused by Gragg’s Lawfare/Barratry.**

5) Case list emerging from USBC 16-50026, caused by the barratry scam of Gragg and Gargotta, GSWGP, where there is over a 90% probability that Gargotta took a bribe from Gragg, to award the attorneys fees he did award, in a situation where Gragg had no contract with Pilgrim REO, LLC the client Gragg alleged he represented<sup>7</sup>. Gragg submitted a fraudulent proof of claim, 6-4, in August 2020, requesting \$340,000 in attorneys’ fees. It’s pure fraud. Frauds upon the court by OC. And it’s never been adjudicated in a court of competent jurisdiction, by jury.

Summary of Cases Arising from Gragg’s Barratry Scam in USBC 16-50026						
Court	# Cases listed on case list	+ hidden cases (sealed)	Total cases	Minus closed cases (all frauds upon the court)	Still open cases	Still open case #
USBC	5	0	5	-5	0	
USDC	18	1	19	-18	1	20-502
5thC	8	1	9	-8	1	20-50025
State	3	0	3	-3	0	Plan to file new*
Total	34	2	36	-34	2	
USSC	n/a	n/a	0*	-2	1	3 <sup>rd</sup> attempt**

\* 23-50692 contains a draft state court lawsuit. It’s about crime.

\*\* 3<sup>rd</sup> attempt concerning 21-1278 (1 from jail, 1 in 22-50216, & now).

<sup>7</sup> Gragg’s unsigned contract, part of the June 20-21, 2017 “sham claims objection hearing” trial exhibits, was with Capital Crossing Servicing Company, LLC (“**Capital Crossing**” or “**CCSC**”), was not with Pilgrim REO, LLC (“**Pilgrim**”). Capital Crossing did not present a contract with Pilgrim either. Not one Go7 members had a contract with Pilgrim. It was a complete and utter scam in violation of TRCP 1, 11-13 and requires that all moneys collected be returned to me. It is a complete and utter violation of what I call Rule #1: FRBP 1001, and FRCP 1001 and TRCP 1. The Court System is supposed to be a “gatekeeper against fraud” but became fraudsters instead. See *In RE: Gilbreath*.

### 3. 8 Cases (+1) at 5thC – All Are Frauds Upon The Court.

6) Cases at 5thC from Pacer search inquiry on 'Carl Merkle.' Missing is this 20-50025, an open<sup>8</sup> case showing as "Case under seal".

This is the "surviving Chapter 11 case" a hidden "withdrawal of reference" case open since 1/9/20. Its existence made Gargotta a "fraudulent court" per TPC Chapter 37 from 2019 and beyond.

**CECF** Case Search Calendar Opinions Orders/Judgments Briefs XML TXT Logout Help

#### Case Selection Page

Case Number Title	Opening Date	Last Docket Entry	Originating Case Number Origin
20-50025 Case Under Seal			

**CECF** Case Search Calendar Opinions Orders/Judgments Briefs XML TXT Logout Help

#### Case Selection Page

Case Number Title	Opening Date	Party	Last Docket Entry	Originating Case Number Origin
<u>20-50014</u> <u>Pilgrim REO v.</u> <u>Merkle</u>	01/07/2020	Carl Nathaniel Merkle (also known as Carl Nathan Merkle)	08/05/2020 08:43:57	0542-5 : 5:19-CV-740 Western District of Texas, San Antonio
<u>20-50024</u> <u>Merkle v. Pilgrim</u> <u>REO</u>	01/09/2020	Carl Nathaniel Merkle (also known as Carl Nathan Merkle)	05/14/2024 13:20:41	0542-5 : 5:19-MC-790 Western District of Texas, San Antonio
<u>20-50045</u> <u>Merkle v. Gragg</u>	01/21/2020	Carl Nathaniel Merkle (also known as Carl Nathan Merkle)	05/14/2020 09:52:00	0542-5 : 5:19-CV-640 Western District of Texas, San Antonio
<u>20-50471</u> <u>Merkle v. Gragg</u>	06/11/2020	Carl Nathaniel Merkle (also known as Carl Nathan Merkle)	10/14/2020 09:59:33	0542-5 : 5:19-CV-640 Western District of Texas, San Antonio
<u>20-50813</u> <u>Merkle v. Gragg</u>	09/24/2020	Carl Nathaniel Merkle	03/03/2021 14:56:22	0542-5 : 5:20-CV-541 Western District of Texas, San Antonio
<u>21-50761</u> <u>Merkle v. Thomas</u>	08/16/2021	Carl Nathaniel Merkle	02/08/2022 14:45:17	0542-5 : 5:20-CV-1060 Western District of Texas, San Antonio
<u>22-50216</u> <u>Merkle v. Thomas</u>	03/25/2022	Carl N. Merkle	12/09/2022 16:38:45	0542-5 : 5:21-CV-1278 Western District of Texas, San Antonio
<u>23-50692</u> <u>Merkle v. Thomas</u>	09/26/2023	Carl N. Merkle	08/05/2024 10:28:52	0542-5 : 5:21-CV-1278 Western District of Texas, San Antonio

<sup>8</sup> The open "20-50025 Case Under Seal" is a "withdrawal of reference" "preserved and untouched Chapter 11 case" where crimes were alleged in cases 20-50014 to 20-50045 when set up on 1/9/20. All lower court judges are apparently waiting for SCOTUS direction on how to proceed now that the "sham Chapter 7 case" is closed. My role as the modern-day Prophet Nathan to US Court System is partially established by aka above. Prior to that I was never known as Nathan in my life. See 2 Samuel 11-12. And see Psalm 32 and 51 for how King David felt after he confessed his sin.



4. Cases at three other Courts (USBC, USDC and State).

7) Listing of all other cases, in three courts (USBC, USDC, state) arising from and associated with USBC case 16-50026, the OC scene. Which means that they are "directly related to the case in this Court" as "frauds upon the court" in GSWGP.

a) 5 Cases at USBC. (All now closed.) 16-50026 (lead case) is an OC scene.

Name	Case No.	Case Title	Chapter / Lead BK case	Date Filed	Party Role	Date Closed
Merkle, Carl (pty) (1 case)	<u>19-05028-cag</u>	Pilgrim REO, LLC v. Merkle	Lead BK: 16-50026-cag Carl N Merkle	05/28/19	Intervenor	02/04/20
Merkle, Carl N (pty) (3 cases)	<u>16-50026-cag</u>	Carl N Merkle	7	01/04/16	Debtor	11/22/22
	<u>17-05013-cag</u>	Merkle v. Lew	Lead BK: 16-50026-cag Carl N Merkle	02/20/17	Plaintiff	07/10/17
	<u>19-05084-cag</u>	Merkle v. Thompson	Lead BK: 16-50026-cag Carl N Merkle	12/30/19	Plaintiff	10/23/20
Merkle, Carl N. (pty) (1 case)	<u>17-05041-cag</u>	Pilgrim REO, LLC v. Janie J. Merkle	Lead BK: 16-50026-cag Carl N Merkle	05/30/17	Intervenor	01/10/19

**CREDCOUN, SMBUS, DEBTED, CONVERTED, DeBN-Yes, CLOSED**

**U.S. Bankruptcy Court  
Western District of Texas (San Antonio)  
Bankruptcy Petition #: 16-50026-cag**

Assigned to: Chief Bkrpcy Judge Craig A Gargotta  
Chapter 7  
Previous chapter 11  
Original chapter 11  
Voluntary  
Asset

Date filed: 01/04/2016  
Date converted: 03/18/2020  
Date terminated: 11/22/2022  
341 meeting: 04/28/2020  
Deadline for objecting to discharge: 06/22/2020

Fraudulent conversion! Fraud vitiates everything. See  
USA v Throckmorton.

b) 19 Cases at USDC. (All closed except 5:20-cv-502 ("20-502")). An OC scene.

i) One open Article III of US Constitution case that pleads crime.

Case under seal. Opened on 4/23/20 during Phase 2 of GSWGP. I want to

now unseal it and convert it from a Whistleblower case to an 18 USC §241 “conspiracy against rights” case, having zero sanctions and unlimited discovery. Against Go7 and any unrepentant Go30.

1) 5:20-cv00502-XR, *Merkle v USA, et al*, filed 04/23/20, status OPEN.

ii) 18 Closed cases, in 3 different Groups, all treated as Title 11 only cases. Judges concealed crime allegations as crimes were discovered. Concealing crime is crime: 18 USC §4, TPC Ch 31.

(1) Group 1: 7 closed cases that are part of the 2016 to 2019 “provable to a jury” “Frauds Upon the Court”: The Start of Phase 1 of “Gragg’s scam with gag plot” (“GSWGP”).

2) 5:17-cv-00713-DAE, (“17-713”) *Carl Merkle v. Pilgrim REO, LLC, et al*, filed 07/31/17, closed 08/07/19. Appeal of Gargotta’s July 14, 2017 12(b)(6) opinion published as *In re Merkle*, 574 B.R. 641 (Bankr. W.D. Tex. 2017). The fraudulent 7/14/17 order established a disputed set of summary judgment Fed.R.Evid.201 judicially noticed facts that’s fueled years of “frauds upon the court”. Dkt 68 in 23-50692 attacks this opinion. Three key synchronicities: 1) July 14, 2022 (my release from jail connected to my 12/6/21 kidnapping, the subject of this appeal/Petition), and 2) July 14, 2024 (Trump acknowledged God saved his life from an assassin the day before – connected to 5thC one word “affirmed” 7/12/24 opinion appealed), and 3) July 14, 1789 Bastille Day (correlates to USA Revolutionary war).

3) 5:17-cv-00801-DAE, (“17-801”) *Merkle v. Pilgrim REO, LLC et al*, closed 03/21/19.

4) 5:17-cv-00802-DAE, (“17-802”) *Carl N. Merkle v. Pilgrim REO, LLC, et al*, closed 03/21/19.

5) 5:17-cv-01026-DAE, (“17-1026”) *Merkle v. Pilgrim REO, LLC et al*, filed 10/12/17 closed 03/21/19.

6) 5:17-cv-01063-FB, (“17-1063”), *Pilgrim REO, LLC v. Merkle et al* filed: 10/20/2017, closed 07/16/2018. (Not an appeal case – a moved state case.)

7) 5:17-cv-01138-DAE, (“17-1138”) *Merkle v. Capital Crossing Servicing Company, LLC et al*, filed 11/08/17, closed 03/21/19.

NOTE: All the above Group 1 cases, except 6) were consolidated into 17-713 by time 17-713 was closed on 8/7/19, the 400-year anniversary of slaves imported to Jamestown.

**8) 5:18-cv-00588-DAE**, (“18-588”) *Merkle v. Pilgrim REO, LLC et al*, filed 06/13/18, closed 08/07/19.

**(2) Group 2: 4 closed cases involving Go7’s 2019 “fraud upon Judge Xavier Rodriguez.” – The end of Phase 1 of GSWGP.**

**9) 5:19-cv-00640-XR**, (“19-640”) *Merkle v Gragg, et al*, filed: 06/10/2019, closed 11/26/2019. Was a \$100 million civil lawsuit with a jury demand filed on 6/10/19 just 5 days after Gargotta refused to recuse himself after I reported on crime I had discovered. Both 17-713 and 18-588 were closed into this case on 8/7/19. Lawsuit plead criminal law statutes violated by individuals and organizations. 19-640 was closed on November 26<sup>9</sup>, 2019 via a fraudulent 12(b)(6) order that uses a fraudulent set of Fed.R.Evid.201 judicially noticed facts, that are Embezzlers’ facts that got there via trickery in Gargotta’s fraudulent July 14, 2017 12(b)(6) order. Rodriguez’s 11/26/19 12(b)(6) order is published as *Merkle v. Gragg, CIVIL NO. SA-19-CV-00640-XR (W.D. Tex. Nov. 26, 2019)*. Gag plot started in 19-640 11/26/19 order is a subject of GSWGP and of 23-50692. Two orders appealed. First in Phase 1 of GSWGP, became 5thC 20-50045. 2<sup>nd</sup> in Phase 2 of GSWGP, became 20-50471. See also Dkt 33 at Motion Exhibit 5, part of Phase 2 of GSWGP.

**10) 5:19-cv-00740-XR** (“19-740”) *Pilgrim REO, LLC; et al. v. Merkle; et al*, filed 06/24/2019, closed 11/26/2019. Case became 5thC 20-50014.

**11) 5:19-mc-00790-XR**, (“19-790”), *In Re: Carl N. Merkle, Debtor*. Filed 07/08/19, closed 11/26/19. Withdrawal of Reference case opened 7/8/19. See cover setting up and closing this case in Motion Exhibit 1 Affidavit Supplement at pages 24-29. Case became 5thC 20-50024 (visible) and 20-50025 (hidden). Gargotta has been a statutory “fraudulent court” per TPC Chapter 37, ever since this case was set up on 7/8/19. It’s the Dkt 33¶5 prophesied trap as referenced in the scriptures cited. See page 38 of 40.

**12) 5:19-cv-01214-XR**, (“19-1214”) *Merkle v. Thompson*, filed: 10/10/2019, closed 11/26/2019.

---

Editorial Commentary on Group 2 of GSWGP cases: Synchronicity associated with November 26, 2019 fraudulent 12(b)(6) order is CV19, a 2 Chronicles 7:13 plague, a Judges 2:10-23 style plague. It appeared in Wuhan China around that date. USBC 16-50026 became pure OC from 11/26/19 on out.

---

<sup>9</sup> Synchronistically, or coincidentally, November 26 is the date that this Petition v2 is dated, and is the date of the first Thanksgiving Day proclaimed by George Washington the year he was elected, and the first under the US Constitution dated 17 September in the Year of our Lord 1787, the longest running and most successful constitution in modern world history. Now under attack by evil.

(3) **Group 3: 7 Appeals Cases Opened Subsequent to 3/18/20 sham Chapter 7 Conversion Hearing, All Closed, as Title 11, where Judges Concealed Crime alleged – Phase 2 of GSWGP, Pure OC.**

**13) 5:20-cv-00381-FB**, (“20-381”) *Merkle v. Merkle*, filed 03/25/20, closed 01/31/21.) Appeal of the fraudulent Chapter 7 conversion.

**14) 5:20-cv-00541-XR**, (“20-541”) *Merkle v. United States of America*, filed: 05/01/2020 closed 08/31/2020. (Case transfer by DOJ from state court case 2020-ci-06681).

**15) 5:20-mc-00586-FB**, (“20-586”) *Merkle et al v. Thomas et al*, filed 05/11/20, closed 05/21/20. (A fake/trick withdrawal of reference). Closed by interlocutory order I was not allowed to appeal. Fooled Thomas.

**16) 5:20-cv-01060-OLG**, (“19-1060”) *Merkle v. Thomas*, filed 09/08/20, closed 03/23/21. Became 5thC case 20-50761 that I was kidnapped for to close.

**17) 5:21-cv-01007-OLG**, (“21-1007”) *Merkle v. Thomas*, filed 10/18/21, closed 05/26/22.

**18) 5:21-cv-01278-JKP**, (“21-1278”) *Merkle v. Thomas*, filed 12/23/21, closed 04/11/22. Is the subject of this Petition for Writ of Certiorari (“**Petition**”).

**19) 5:22-cv-00482-FB**, (“22-482”) *Merkle v. United States Marshals Service, Deputy Marshal Mike Parsley et al*, filed: 05/16/2022 closed 06/01/2022.

c) **3 Cases in State Court.** (All closed and transferred to either USDC or USBC. Transfers by Merkle’s opponents were illegal, and concealed crime.)

**1) 2016-CI-13558**, *Pilgrim REO LLC vs Janie J Merkle*, fraudulently opened by Gordon 8/12/16, closed 5/30/17. Ultimately it became 5thC 20-50014.

**2) 2017-CI-14953**, *Carl Markle vs James Stanley, et al*, opened 8/14/17, transferred on or about 10/10/19. Ultimately it became 5thC 21-50761. I was kidnapped on 12/6/21 to close that 21-50761 case.

**3) 2020-ci-06681**, *Carl N. Merkle vs David S. Gragg, et al*, opened 4/6/20, transferred by DOJ to USDC :20-cv-00541-XR 5/1/20. Ultimately it became 5thC 20-50813.

8) All the above litigation represents my defense against a demonically inspired Go7, who “set up” the rest of the Go30 to commit crime, the concealment of “alleged crime”, meaning “said crime” per AIII. All was unnecessary. It’s Go7 lawfare.

### III. TABLE OF CONTENTS

Section	Page
I. <b>QUESTION PRESENTED – Restated, simplified:</b> Is Merkle’s Chapter 11 case (in 5thC 20-50025) now a ripe Article III of the US Constitution case ready to proceed to discovery and jury trial in USDC case 5:20-cv-502 as an 18 USC Chapter 13, Civil Rights, §241 “conspiracy against rights” case, free of sanctions?	1
II. <b>LIST OF PARTIES AND RELATED CASES</b>	2 - 11
III. <b>TABLE OF CONTENTS</b>	12
IV. <b>INDEX TO APPENDICES</b>	13
V. <b>TABLE OF AUTHORITIES</b>	14 - 24
VI. <b>OPINIONS BELOW</b> A. Opening Statement by a Citizen whose constitutional rights were violated by Organized Crime operating in the Title 11 System. B. Opinions Below	25 25 26
VII. <b>JURISDICTION</b>	26
VIII. <b>CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED</b>	27
IX. <b>STATEMENT OF THE CASE</b> A. USBC 16-50026 was an Organized Crime Scene at the start. B. The Aggravated Kidnapping to Close 5thC 21-50761 and gag plot, part of “Gragg’s scam with gag plot” was used to conceal crime. C. USA’s King Got Angry as prophesied in Dkt 33¶5	30 30 37 38
X. <b>REASONS FOR GRANTING THE PETITION</b>	39
XI. <b>CONCLUSION</b>	40
I. <b>NOTARY PUBLIC AFFIDAVIT</b>	Cert 1
II. <b>PROOF OF SERVICE</b>	Cert 2
III. <b>CERTIFICATE OF COMPLIANCE</b>	Cert 3

## IV. INDEX TO APPENDICES

1) Per instructions in the July 2019 Guide For Prospective Indigent Petitioners For Writs Of Certiorari:

### APPENDICES:

APPENDIX A – 5thC Orders of 7/12/24 (23-50692) and 11/4/22 (22-50216), Certified as true copy and issued as the mandate. And BR-9 Letters.

APPENDIX B – USDC Orders of: September 8, 2023, Dkt 30 (became 23-50692), and April 11, 2022, Dkts 14 and 13<sup>10</sup> (became 22-50216). Dkt 30 = gag order.

APPENDIX C – Oral Order of now Chief Bankruptcy Judge Craig A. Gargotta issued on 12/6/21. (Became 23-50692 and 22-50216). Had the effect of kidnapping Merkle to interfere with then open 5thC 21-50761. And written Order/coverup.

APPENDIX D – Garcia’s edited order of 3/23/2021, in 21-50761.

APPENDIX E – Statutory language of 18 USC §241 “conspiracy against rights”. (The focus of this Petition.)

APPENDIX F – USA’s Founding Documents. Exhibits to Appellant’s Reply Brief filed on 11/7/22 (but which the 5thC does not show as being filed until 12/7/22) to Johnny Thomas’ fraudulent Appellee’s Brief dated 8/4/22. Mandatory SC review required because that appeal was never completed. 22-50216 closed on 11/4/22.

---

<sup>10</sup> I agree with Dkt 14, it became final law. I did not appeal it. I vehemently dispute Dkt 13, 19 and 30 in USDC 21-1278. Unedited, they are libel. Thomas quoted Dkt 13 in his fraudulent Appellee’s Brief filed in 22-50216. Thomas then turned around and committed another \$51,000 aggravated robbery of a then senior citizen. I’m appealing what is the equivalent of libel with zero true basis in law or fact, other than it’s omertá. It’s concealing crime, felonies, and so it is being an accessory after the fact and is Misprision of Felony, an 18 USC §3 and §4 violation. A fact that makes any judge who approves of what has been done so far, a part of organized crime.

## V. TABLE OF AUTHORITIES

### CASES

Page

12(b)(6) Guidance in Western District of Texas Pro Se Guide	Not cited ("NC"). <sup>11</sup>
Guide to Contract Interpretation, Reed Smith, July 2014 (Interpretation against the draftsman.)	Page numbers will not be included on any authority listed.
In re Gilbreath, 395 B.R. 356 (2008) – fraudulent claims when objected to. Judge role to be gatekeeper against fraud.	
Holloway vs Wells Fargo, Case 3:12-cv-02184-G-BH Document 11 Filed 02/26/13 – pro se claimants Opportunity to Amend	
Local Loan Co. v. Hunt, 292 U.S. 234, 244 (1934) – purpose of bankruptcy per Supreme Court	
United States v. Throckmorton, 98 U.S. 61 (1878) – fraud vitiates everything	
Seaboard Factors, as used in SEC cases, for organizations to do their own internal reviews over their own employees and agents' compliance with laws and regulations.	
Other cases (and law) cited in the above cases and Guide to Contract Interpretation. Case law concerning misprision of felony.	

### STATUTES AND OTHER AUTHORITIES

Single most important law.<sup>12</sup>

<sup>11</sup> In these Tables, not all cases, laws, and constitutional law provisions are necessarily mentioned in the body of the section starting at VI. Opinions Below. They are included here, because these are key cases, or statutes or constitutional law provisions cited in the inferior courts. Massive fraud occurred. There is zero basis in true fact and true law for what has gone on. It is all a complete and utter scam run by criminally behaving attorneys and "Title 11 only judges".

<sup>12</sup> The single most important law, for purposes of this Petition is 18 USC Chapter 13 (Civil Rights), §241 "Conspiracy Against Rights". (Appendix E). Merkle demands a jury trial, a constitutional right (state and federal) that he has been denied so far, by a criminally behaving Title 11 system via the USBC 16-50026 case closed 11/22/22. Now a "court of law" needs to pick up the case as Title 18.

## STATUTES AND OTHER AUTHORITIES

<b>FOUNDING AND CONSTITUTIONAL DOCUMENTS</b>	
<b>July 4, 1776 Declaration of Independence</b>	
Opposed to Tyranny, Complaint that no jury trials	
Invokes the Laws of Nature and Nature's God (§1), Creator, (§2) Supreme Judge of the World, (last §), divine Providence (last §) <sup>13</sup> .	
Merkle's complaint that Judge Gargotta and Johnny Thomas do not have Merkle's consent and do not have just powers or any powers that Merkle recognizes. There has been a long train of abuses and usurpations.	
<b>US Constitution</b>	
Preamble, is a government of We the People, (not of judges.) To ... establish justice ... and secure the Blessings of Liberty to ourselves and our Posterity.	
Separation of Powers Articles I, II and III	
Article III, Section 2 – jury trial required if “said crimes”	
Amendment VII – Jury trial required	
Amendment XIV – shall not deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.	
<b>Texas Constitution.</b> Many rights violated. Some examples:	
Article 1 – § 15 Jury trial required	
Article 1 – § 18, No person shall ever be imprisoned for debt.	
Article 1 – § 19 No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.	

<sup>13</sup> Where divine Providence exists, divine Discipline exists also. See Hebrews 12:7 NLT. Many plagues stem from this case (spiritually). The USA Court System via Gargotta and Thomas and CSGJ harmed a Prophet of God Most High. Gargotta is in “utter contempt” of the Word of God as the “Word of God” is embedded in US and Texas Constitutions and laws, criminal law statutes. See Genesis 12:17-20, 20, 26:1-11. 2 Samuel 11-12. Especially, 2 Samuel 12:14b. History repeats itself (Ecclesiastes 1:9), because the “spiritual battle” is the same in the war between good and evil. (Ephesians 6:12). A war for souls over the two paths of life: good and evil, between the two spiritual kingdoms that rule the entire earth via “thought transfer”: light and darkness. (See 2 Corinthians 10:5.)



# CONSTITUTIONAL LAW VIOLATIONS

## USA and Texas

See App F Exhibits

### **Key Law Requiring Writ of Certiorari:**

Article III of the US Constitution – jury trial required for “said Crimes”, USA is a party, citizens of different states, and a Title 11 administrative trial court judge, a Chief Bankruptcy Judge, not on “good behavior” engaged in OC. From 2020-2022, statutorily, per state law, Gargotta was a “fraudulent court” engaged in a consistent long-term pattern of behavior involving “dishonesty, fraud, deceit and misrepresentation”, aiding and abetting attorney run unlawful debt collection and barratry scams. Committed two recent violent first-degree felonies (aggravated kidnapping and aggravated robbery) to conceal his crimes in 5thC 21-50761 and failed to recuse himself where conflicts existed). And he committed “provable to jury” “frauds upon the court” “setting up” fellow US judges to commit crime, thus creating a statutory CSG of 22 US Judges (“CSGJ”) that includes the US Supreme Court (per 18 USC Chapter 96 and Texas law). Gargotta statutorily conspiratorially, stole Merkle’s hazard insurance money and ultimately embezzled \$1.5 million from Merkle, and denied Merkle of numerous constitutional rights, like trial by jury, fair trials and due process of law. The attorney run unlawful debt collection and barratry scam has zero basis in true and true fact due to judicial use of fraudulent so-called Fed.R.Evid.201 “judicially noticed facts” that got there by trickery in a fraudulent 7/14/17 12(b)(6) order thus creating a FEAR-based judicial record (False Evidence Appearing Real). Concealing crime and allegations of crime, is a crime.

### **US Constitution violations by USA and Go7, 30.**

Article III

Sec 1 – SC & inferior courts, good behavior required

Sec 2, Cl 1 – Subjects of jurisdiction (USA a party, citizens of different states).

Sec 2, Cl 3 – Trial of all “said Crimes” (alleged crimes) by Jury (makes no distinction between crimes prosecuted civilly with private right of action, or criminally by government) in State where alleged crimes committed (Texas).

Amendment I – Religious and political freedom and right to freedom of speech and to petition Government for redress of grievances (i.e. alleged crimes, and improper use of sanctions initiated by Go7 to shut up opponents).	
Amendment IV – right to be secure in persons and effects against unreasonable seizures of persons and effects.	
Amendment V – No person shall be deprived of liberty or property without due process of law.	
Amendment VI – has not started yet due to failures by CSGJ and FBI and DOJ and US Marshals and SAPD.	
Amendment VII – Jury trial required. Jury to determine facts. Not judges using vehemently disputed so called judicially noticed Fed.R.Evid.201 facts that got there by trickery on June 20, 2017 as evidenced by the fraudulent July 14, 2017 12(b)(6) order that is a cut and paste of defendants' motion to dismiss and does not use Merkle's facts. Started the FEAR-based (" <u>F</u> alse <u>E</u> vidence <u>A</u> ppearing <u>R</u> el) judicial record which is libel against Merkle.	
Amendment VIII – in retrospect, Gargotta's 2017 – 2022 deceptive orders, fraudulent orders, based on slander and libel inflicted "cruel and unusual punishments".	
Amendments IX and X – powers retained by the people and to the states. (ie. Gargotta created bad state law, harming Texans, via fraudulent judicial orders not appealed, on purpose to lock in a provable to jury fraud upon the court.)	
Amendments XIII – slavery and involuntary servitude prohibited. Merkle became slave of US Trustee organization (DOJ), doing their work for them since they utterly failed in their duties, their mission to detect fraud.	
Amendment XIV, Sect 1 – shall not deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws. (Gargotta and USBC Title 11 appeals system in USDC is a "deep state" "secret government" stealing from citizens and then denying them basic constitutional rights).	
Amendments XV, XIX, IV, XXVI – Basic principle: The right of citizens to vote shall not be denied or abridged ... (Merkle's 7-month unlawful detainment without any due process of law, by a criminally behaving judge who lacked any true legal authority to do what he did, denied and abridged that right, along with 2020 stolen presidential election, the national component of case).	

<b>Texas Constitution Article I Bill of Rights violations by USA and Go7/30 or provisions and rights of relevance to reform a criminally behaving government.</b> (See App F.) Many rights violated. Some examples:	
§ 2 – The people have at all times the inalienable right to alter, reform or abolish government <sup>14</sup> in such a manner as they may think expedient.	
§ 3 – Equal rights	
§ 3a – Equality under the law	
§ 4 – public office holders [must] “acknowledge the existence of a Supreme Being”.	
§ 5 – Witnesses are not disqualified to give evidence in any Courts on account of his religious opinions.	
§ 6 – Freedom of worship. A right to worship Almighty God according to the dictates of their own consciences. Or maintain any ministry against his consent. (Where Gargotta is alleged to be a ministry [of government] to which Merkle does not consent.)	
§ 8 – Freedom of speech; libel. In all indictment for libels, the jury shall have the right to determine the law and the facts, under the direction of the court.	
§ 9 – The people shall be secure in persons, houses and possessions from all unreasonable seizures.	
§ 11 – bail. All prisoners shall be bailable by sufficient sureties.	
§ 11a – defines Aggravated Robbery and Aggravated Kidnapping as violent offenses.	
§ 12 – The writ of habeas corpus is writ of right and shall never be suspended. Remedy is supposed to be speedy and effectual. But I sat in prison for 7 months, until the Supreme Judge released me – thereby pinpointing the 210-area code (San Antonio) as object of God’s anger.	

---

<sup>14</sup> I am focused on a “single branch of government.” A “deep state secret government” creating very bad Texas law by Title 11 system judicial decree, by misinterpreting Texas law, stating fraudulent facts, and harming Texas citizens. A secret government that has no accountability, as the facts of this case will show. Some form of “citizens oversight group” needs to be formed since US Trustee / DOJ and Appeals process is completely ineffective in curbing white collar crime and corruption running rampant through the SABJS. Where crimes were committed by a “gang of judges”. The Go7 needs to eventually be severely punished. It should not have gone this far. This bad. It is a total breakdown in “internal controls” over compliance with laws and constitutions in the Title 11 system.

§ 13 – Excessive bail and excessive fines shall not be required or imposed, nor cruel or unusual punishment inflicted. Every person shall have remedy by due course of law.	
§ 14 – Double jeopardy only applies with court of competent jurisdiction. (The Title 11 court was not a court of competent jurisdiction for Merkle’s complaint about “misapplication of hazard insurance”. In fact, under state law, USBC was a fraudulent court. Merkle’s BK case has been an Article III of the US Constitution case, since inception, due to Denis Stratford’s theft/embezzlement of Merkle’s hazard insurance by OC. The same crime Gargotta committed.)	
§ 15 – “The right of trial by jury shall remain inviolate.” Provides for “temporary commitment, for observation” “of mental [state] of persons not charged with a criminal offense, for a period of time not to exceed ninety (90) days”. Merkle was unlawfully and unconstitutionally held 221 days until the \$7,500 ransom demand/unlawful debt collection was paid.	
§ 18 – “No person shall ever be imprisoned for debt.”	
§ 19 – “No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.”	
§ 27 – Citizens have a right to apply to those invested with the powers of government for redress of grievances.	
§ 28 – No power of suspending laws in this State shall be exercised except by the Legislature.	
§ 29 – Bill of Rights excepted from powers of government and inviolate	
§ 30 – Rights of crime victims to be treated with respect	
§ 31 – Funds for compensation to victims of crime	
<b>Texas Constitution Article II The Powers of Government violation by USA and Go7</b>	
§ 1 – The Separation of Powers of Government among three departments was violated when Gargotta’s 2017 orders became law in 2019 based on fraudulent facts and misinterpretation of law and contract after Merkle refused to appeal Ezra’s fraudulent August 7, 2019 orders in order to have a “provable to a jury” “fraud upon the court” case in a jury trial under criminal law statutes, as reflected in those crimes plead in 19-640. Crimes that have gone ignored so far by judges. Like how George Soros funded DA’s ignore crime.	

<p align="center"><b>TITLE 18 - FEDERAL CRIMINAL STATUTES</b>  18 USC Codes (Article III and Amendment VII of US Constitution)</p> <p align="center"><b>THREE MAIN TITLE 18 LAWS FOR WHICH MERKLE HAS A PRIVATE RIGHT OF ACTION AS A CIVIL LITIGANT IN 5:20-CV-502. AND FOR WHICH MERKLE DEMANDS A JURY TRIAL FOR CIVIL RIGHTS VIOLATIONS!</b></p>	
18 USC Chapter 13—Civil Rights <sup>15</sup>	
§ 241. Conspiracy against rights	
§ 242. Deprivation of rights under color of law	
§ 245. Federally protected activities	
§ 246. Deprivation of relief benefits	
§ 247. ...Obstruction of persons in the free exercise of religious beliefs	
§ 249. Hate crime acts	
18 USC Chapter 96, Racketeer Influenced and Corrupt Organizations (RICO) For unlawful debt collection. Including the \$7,500 unlawful debt collection check dated 7/11/22 where I was released on 7/14/22. This law makes the entire US Court System liable, all the way up to the Supreme Court (and including 5 <sup>th</sup> Cir judges), for the criminal acts by Thomas & Gargotta. There is a lack of sufficient internal controls (to prevent and detect such crimes) and poor Tone from the Top.	
18 USC Chapter 47, Fraud and False Statements,	
§1001 Statements or entries generally	
§1031 Major fraud against the United States	

<sup>15</sup> My case going forward in 20-502 is an Article III and Amendment VII of the US Constitution case and Texas Constitution Article 1, §15 case. All three constitutional laws require jury trial. I have a private right of action under 18 USC Chapters 13, 47 and 96 in that order of priority for me. Plus, under common law tort for Misprision of Felony and Accessory after the fact. I also have a private right of action under all Texas Penal Codes ("TPC"), state criminal law statutes. No one is above the law. Not one attorney, judge or DOJ employee or agent has immunity from the law. So, that includes attorneys, judges, US Trustees, US Marshals, FBI, DOJ, and any state agencies that ignored my pleas. Such as SAPD, San Antonio City Council, Bexar County Commissioners, Bexar DA and Sheriff, etc. Crime is dramatically up in my county and in the nation due to abject government failure on a grand scale. The only thing that will fix things, is a return to the Supreme Judge of the World, who is Jesus Christ of Nazareth. Where the "fear of God" the "fear of the law" gets instilled in those government officials via civil prosecution by "We the People" whose civil rights involving "wholesome laws" are enforced. Right now DOJ is pursuing cases under unrighteous law, FACE act, and arresting praying Christians at abortion clinics. That is absolutely disgusting and demonic! What about the rights of the unborn child? Abortions should not be used for birth control. Use self-control instead.

## TEXAS PENAL CODES (TPC) - STATE CRIMINAL LAW STATUTES

TPC'S FOR WHICH MERKLE HAS A PRIVATE RIGHT OF ACTION AS A  
CIVIL LITIGANT IN 5:20-CV-502. AND FOR WHICH MERKLE DEMANDS A  
JURY TRIAL! FREE AND CLEAR OF SANCTIONS.

### Key Codes Primarily Focused On. (Others were violated.)

TITLE 11 ORGANIZED CRIME	
Chapter 71 Organized Crime	
§71.01 Definitions	
§71.01(d) Definition of Criminal Street Gang	
§71.02 Engaging in Organized Criminal Activity	
§71.05 Renunciation Defense	
TITLE 5. OFFENSES AGAINST THE PERSON	
Chapter 20 Kidnapping, Aggravated Kidnapping	
§20.02 and §20.04(a)(1)(3)(5)(6) and (b)	
TITLE 7 OFFENSES AGAINST PROPERTY	
Chapter 29 Robbery	
§29.03 Aggravated Robbery	
Chapter 31 Theft, many subsections	
Chapter 32 Fraud, many subsections, including	
§32.01 Definitions	
§32.03 Aggregation of Amounts Involved in Fraud	
§32.45 Fraud, Misapplication of Fiduciary Property	
§32.42 Deceptive Business Practices.	
§32.42(b)(12)(B) Fraud Deceptive Business Practices in connection with a sale of real estate (i.e. fraudulent claims).	
TITLE 8 OFFENSES AGAINST PUBLIC ADMINISTRATION – see transcript of 3/22/22 at Motion for Leave to file as Pauper, Exhibit 3.	
Chapter 36 Bribery and Corrupt Influence	
§36.06 Obstruction or Retaliation	
Chapter 37 (Perjury and Other Falsification), many sections	
§37.08 False report to law enforcement (both US Marshals and SAPD observer, re: kidnapping on 12/6/21 via oral order.)	
§37.13 Record of A Fraudulent Court – Gargotta's court has been a fraudulent court since at least July 2019.	
Chapter 38 Obstruction of Governmental Operation	
§38.12 Barratry	
Chapter 39 Abuse of Office	

**TITLE 18 - FEDERAL CRIMINAL STATUTES**  
**18 USC Codes (Article III and Amendment VII of US Constitution)**

TITLE 18 LAWS VIOLATED FOR WHICH MERKLE **DOES NOT** HAVE A  
PRIVATE RIGHT OF ACTION BUT MIGHT BE ABLE TO PLEAD NEAR  
EQUIVALENT AS CIVIL TORT OFFENSES, ESPECIALLY FOR 18 USC  
CHAPTER 1 PROVISIONS!

**Key Codes Identified (Others were violated)**

18 USC Chapter 1 General Provisions	None of these laws are a focus of mine since I do not have a private right of action to plead them. But they are included to show the DOJ and DA's abject failure to take any action whatsoever against any Go7. It's no wonder that the USA is going to hell in a handbasket, because of the absolute failure of the entire law enforcement structure involving my case. Local and national.
§ 3 Accessory after the fact	
§ 4 Misprision of felony – concealing crime and concealing allegations of crime is a crime	
§ 16 Crime of violence defined	
18 USC Chapter 9 Bankruptcy <sup>16</sup>	
§152 false oaths and claims	
§153 embezzlement against estate	
§157 bankruptcy fraud (includes “attempted fraud”)	
§158 Designation of US Attorneys and agents of FBI to address abusive reaffirmations of debt and materially fraudulent statements	
18 USC Chapter 19 — Conspiracy	
§371, Conspiracy to commit offense or to defraud United States	
§372, Conspiracy to impede or injure officer	
§373, Solicitation to commit a crime of violence	
18 USC Chapter 31 Embezzlement and Theft – (anywhere embezzlement is mentioned)	
§645 Court officers generally	
§657 Lending, Credit and Insurance Institutions	
18 USC Chapter 65, §1341 – Frauds and swindles	
18 USC Chapter 95, Racketeering,	
§ 1951. Interference with commerce by threats or violence (extortion)	
18 U.S. Code CHAPTER 113—STOLEN PROPERTY	
§ 2314. Transportation of stolen goods, ... moneys, ...	
§ 2315. ... receipt of stolen goods, securities, moneys, ...	

<sup>16</sup> It is pretty bad when a Chief Bankruptcy Judge violates criminal law statutes he is obliged to make sure are not violated. Judges are supposed to be gatekeepers against fraud (In RE: Gilbreath). Gargotta is a Liar, a Fraudster, Slanderer, Gangster, kidnapper, tyrant, and Swindler instead. It's appropriate that 5thC referred case to SCOTUS, via an order where they committed crime.

## PROFESSIONAL RULES AND OTHER LAWS (NON-CRIMINAL) VIOLATED BY ATTORNEYS AND JUDGES (A SAMPLE)

AN FULL INTERNAL INVESTIGATION, A TYPE OF SEABOARD FACTORS  
REVIEW, MUST BE DONE BY HONEST INVESTIGATIVE JUDGES  
RESPONSIBLE FOR OVERSEEING PROFESSIONAL AND JUDICIAL  
COMPLIANCE WITH LAWS AND REGULATIONS

Fed.R.Evid 201 <sup>17</sup> Judicially noticed facts. Disputed, fraudulent and FEAR- based.	
RULE #1 – About attorney fees: FRBP 1001, FRCP 1, TRCP 1	
Others were violated (ie. SC Rule 8)	
Code of Conduct for United States Judges (violated) - Judicial Canons 1, 2, 3, 5	
Fed.R.App.P. Rule 10(e)(1)	See note <sup>18</sup>
Federal Rules of Bankruptcy Procedure (selected items)	
FRBP 1129 (as used improperly by Go7 in a plot)	
FRBP 3001 (for fraudulent and contested claims)	
FRBP 5004 Disqualification and related 28 USC 455	
FRBP 8018.1 (AIII Court) Review of a Judgment that the BK Court Lacked the Constitutional Authority to Enter.	
FRBP 9011, FRCP 11 and TRCP 13	
11 U.S. Code § 501 - Filing of proofs of claims or interests	
11 U.S. Code § 502 - Allowance of claims or interests	
FRCP 56 – Summary Judgment / FRCP 12(b)(6)	
FRCP 60 - Relief from a Judgment or Order - fraud	
28 U.S.C. §157(d)	
Texas BUSINESS AND COMMERCE CODE	
Chapter 17 (Deceptive Trade Practices Act)	
Sec. 17.44 – purpose ... to protect consumers against false, misleading, and deceptive business practices, unconscionable actions	
TRCP Rule 1, 11, 12, 13	
Cooley on Torts	
Civil Justice for Victims of Crime	

<sup>17</sup> Although not addressed in this brief, this is a key issue that caused the many “frauds upon the court”. Gargotta virtually copied and pasted Gragg and Wilson’s version of the facts from their May 18, 2017 Motion to Dismiss for 12(b)(6) into his 7/14/17 12(b)(6) order establishing a fraudulent set of Fed.R.Evid.201 judicially noticed facts that fueled years of frauds upon the court. They are not Merkle’s facts. They are Embezzlers’ facts. It has been a complete and utter sham since then.

<sup>18</sup> This rule is part of what makes 5<sup>th</sup> Circuit appeals criminogenic in OC crime cases involving officers of the Court and USA insiders.



## BIBLE / SCRIPTURE AUTHORITY

All governmental authority comes from God and continues through God. All authority on heaven and on earth is vested in the Supreme Judge as Matthew 28:18-19 says. This land was dedicated to the Kingdom of God in 1607 by Robert Hunt, and this nation was founded in 1776 on a Judeo/Christian ethic. And both federal and state constitutions provide religious liberties.

This case is part of a national and global Ephesians 6:12 spiritual battle, as the graphic at ROA.21-50761.2477 illustrates. <https://tinyurl.com/ROA-2477>. And that battle includes both local and national components of my case.

Right now a great falling away has occurred and the nation and world are experiencing plagues under “natural law” by “Nature’s God”. (A Judges chapter 2 cycle.) The God of the Bible is: “Nature’s God”, Creator, Supreme Judge of the World, and divine Providence (and discipline) as the July 4, 1776 Declaration of Independence indicates. And is “Lord” in Article VII of US Constitution.

The nation is experiencing mild 2 Chronicles 7:13 plagues, relative to the soon coming Revelation 9 plagues. I assert that USA is Ephraim. And that I see USA in scripture from Genesis to Revelation, but few have this insight. Isaiah 33:22 says: *“For the LORD (YHWH) is our judge, our lawgiver, and our king. He will care for us and save us.”* YHWH is Jesus Christ. Jesus is YHWH.

The mild plagues are intended to “wake up” the wise bride of Jesus Christ. But about half the Christian population is “woke” – the devil’s version of being awakened. Whatever God has, the devil has a counterfeit. A revival started on February 8, 2023 at Asbury in Kentucky and is spreading like fire.

The Bible is the best-selling book of all time and is the world’s greatest authority on spiritual, moral and ethical behavior, and cause of such behavior. Our Founding Fathers envisioned a free and just society under the word of God as indicated by the nation’s largest granite monument. Formerly known as Pilgrim’s Monument and also known as Faith Monument, is now called Monument to the Forefathers. See <https://tinyurl.com/MonumentToTheForefathers>. A 5-minute video where the Monument is explained to a small group of people by Kirk Cameron. Everyone in USA, especially judges, should watch that short video.

The cause of all crime (wholesome law) is sin – but not all sin is crime.

My BK case became a “Psalm 78:1-2 type of parable,” created by the Supreme Judge, comparing my “financial bankruptcy” filed for proper purpose to stop an illegal foreclosure with the “spiritual, moral and ethical (i.e. character) BK” of all Go7 members and of the deficient Title 11 System appeals processes. <sup>19</sup>

---

<sup>19</sup> Last item in this table.

## VI. OPINIONS BELOW

TO THE HONORABLE UNITED STATES SUPREME COURT JUSTICES, and,

TO THE HONORABLE AND GLORIOUS “SUPREME JUDGE OF THE WORLD”, THE KING OF THE UNIVERSE AND KING OF THE UNITED STATES OF AMERICA:

A. Opening Statement by a Citizen whose Constitutional Rights were violated by Organized Crime operating in the Title 11 System<sup>20</sup>.

1) Joyfully, singing praises and thanksgiving to the Supreme Judge of the World (“**Supreme Judge**”)<sup>21</sup>, my King, my Judge and my Avenger, comes now a persecuted child and prophet of Almighty God, a *Whistleblower* and *Plaintiff* in open (since 4/23/20) sealed whistle-blower case USDC 5:20-cv-502 (“**20-502**”) and *Debtor* in a surviving 5thC 20-50025 Chapter 11 “withdrawal of reference” BK case, *Forensic Investigative Accountant*, Carl Nathaniel Merkle (“**Merkle**”), CPA retired, in pro se. I’m under Oath, under penalty of perjury, to tell the truth. GSWGP harmed me.

---

<sup>20</sup> A More Descriptive Title: Opening Statement by A Citizen and Prophet, Whose Constitutional Rights, Many, Were Violated by Organized Crime (“OC”), RICO, Operating in the Title 11 Bankruptcy (“BK”) Administrative System. Where the Identifiable Leader of a Statutory “Criminal Street Gang” of 22 US Judges (“CSGJ”) Per Texas Law, is now Chief BK Judge Craig A. Gargotta. He embezzled my hazard insurance then ultimately \$1.5 million and kidnapped me. So, the Supreme Judge, the nation’s King, took over, allowing many 2 Chronicles 7:13 plagues, Judges 2:10-23 style plagues to occur costing the nation trillions of dollars in damages, and dominating headline news.

<sup>21</sup> The Supreme Judge is the Highest Court in the Land. Above SCOTUS. He’s invoked in the last ¶ of July 4, 1776 Declaration of Independence (“DOI”). He’s the USA’s Isaiah 33:22 King. A kingdom not of this world, a kingdom of above. Isaiah 33:22 was James Madison’s inspiration for drafting Articles I to III of US Constitution. Via Founding Documents, a Joshua 24-style covenant was made by our nation’s forefathers with Him that brought “blessings of Liberty”. All governmental authority comes from Him and continues through Him. He’s the ultimate Article III (“AIII”) judge. He’s been “my AIII judge” ever since BK judge Gargotta, a statutory “fraudulent court” per TPC Chapter 37 has been engaged in open criminal behavior since 3/18/20. That date is when Gargotta fraudulently converted my Chapter 11 (“Ch11”) to a “sham Chapter 7” (“Ch7”) engaged in OC.

I want my constitutionally guaranteed jury trial in 20-502 against the USA and Go7 free and clear of any sanctions or other injunctions. Prior to that trial, the USA must pay me for what USA judges allowed to be stolen from me to both: 1) restore integrity, and 2) since they are “guarantors”. See *In RE: Gilbreath*. Instead of being “gatekeepers against fraud”, a CSGJ emerged that are fraudsters and thieves instead, breaching the covenants, thereby arousing the wrath of God, divine Discipline. Where divine Providence exists, divine Discipline exists also. Hebrews 12:7 NLT, Deut 28.

2) I'm a victim of violent crimes, GSWGP, committed by the demonically inspired "Gang of 7" ("Go7") aided by the demonically deluded "Gang of 30" ("Go30") of mostly USA employees. I cut a 24-page background to make this entire Petition v2 fit into 40 pages. See Exhibits 1 or 4 to Motion (*in Forma Pauperis*) for background.

## **B. Opinions Below**

3) Instructions for this section states: "In the space provided, indicate whether the opinions of the lower courts in your case have been published, and if so, the citation for the opinion below." Publications seem irrelevant to me, since once SCOTUS issues the Writ for Certiorari all lower court opinions, for SCOTUS and jury purposes, per FRBP 8018.1 become just "proposed findings of fact and law." All court opinions to date have been Title 11 opinions, published or not. And all are fraudulent. So, what follows is my best attempt at complying with this section's instructions.

4) Both the decisions by Higgenbotham, Graves and Ho in predecessor case 22-50216 and by Jones, Southwick and Ho in 23-50692 *In the Matter of Carl N. Merkle, Carl N. Merkle vs Johnny W. Thomas, Chapter 7 US Trustee*, by the Bankruptcy Appellate Panels of the United States Court of Appeals are unpublished.

5) Both 5thC opinions are attached at Appendix ("App") A. Both conceal my allegations of crime, thus are crime. See 18 USC §3 & §4. I am allowed to plead Misprision of Felony as a civil litigant under common law. Prongs similar.

## **VII. JURISDICTION**

6) SCOTUS has appellate jurisdiction. The jurisdiction of this Court is invoked under 28 USC §1254(1) and AIII of the US Constitution. This Court's

appellate jurisdiction is over a “Title 11 ‘judges only’ system” that went awry and committed a slew of Title 18 crimes and TPC crimes and many state and federal constitutional law violations against a Ch11 filer. One who properly filed for BK protection due to an attempted illegal foreclosure (turned RICO and barratry scam) caused by Stratford’s “accounting crime,” the “misapplication of fiduciary property.” The BK judge aided and abetted Stratford’s crimes by approving a fraudulent Ch11 Plan of Reorganization, conducting a sham claims objection trial, then issuing a fraudulent summary judgment FRBP 12(b)(6) order using Embezzlers’ facts, rather than my facts, now reflected in plain English in 5thC case 20-50014 Appellant’s Brief, or the appendix to my book: *KIDNAPPED by a criminally behaving bankruptcy judge*.

7) All judges at the “inferior courts” wore “Title 11 only hats”, not AIII hats. Title 11 only system lacks jurisdiction for AIII cases. My Ch11 case fraudulently converted to a “sham Ch7” was an AIII case since inception, due to Stratford’s theft/embezzlement (misapplication) of my hazard insurance (fiduciary property) by OC, an accounting fraud. A TPC §32.45 and Ch 31 and Ch 71 violation, that made my loan serviced by Stratford’s group appear delinquent, when in fact it was fully current and fully performing using proper accounting. Meaning my accounting. So, USA’s King and Supreme Judge, the ultimate AIII Judge, stepped in, and is making Himself tangibly visible to the highest panel of human USA Judges.

## **VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**

8) See Table of Authorities. A slew of state and federal constitutional law and criminal, civil and common laws were violated by the Go7, aided and abetted by

rest of Go30. This section focuses on just a sample of many constitutional rights violations of US and Texas Constitutions. Judges violated the “covenants” the constitutions made with the Supreme Judge. He got angry. Plagues ensued.

9) By kidnapping me on 12/6/21 to close 21-50761 and then holding me for 7 months to collect a \$7,500 unlawful debt collection, of which \$4,300 was refunded to me, Gargotta violated the Texas Bill of Rights §18 which says: “*No person shall ever be imprisoned for debt.*” Gargotta did what is right in his own eyes but disobeyed his oath of office and state and federal constitutions and criminal law statutes. Gargotta is utterly lawless and to the extent he does use the law, he abuses the law for his own selfish benefit like he did in 21-50761 where he and USA were direct beneficiaries of his 8/20/20 order. Or, like he did when he kidnapped me to close 21-50761, and called it “contempt of court” to conceal his involvement in OC. Since the Supreme Judge is involved, Judges 17:6 and 21:25 summarize the issue: “*In those days Israel had no king; all the people did whatever seemed right in their own eyes.*”<sup>22</sup>

10) A CSGJ, USA judges, breached the covenants made with the Supreme Judge and harmed a prophet of the Supreme Judge via crimes of GSWGP. US judges, due to their lies and crimes are serving Satan, the devil, not Jesus Christ, their true Superior. The very first US Supreme Court Chief Justice, John Jay, said:

Providence has given to our people the choice of their ruler, and it is the duty, as well as the privilege and interest of our Christian nation to select and prefer Christians for their rulers.

<sup>22</sup> No person that truly has Jesus Christ (whose title is the “word of God”) operating as “king of their life”, meaning both “loving God above all else” and possessing the “fear of the Lord” and living a biblically centric life to become Christ-like through the power of the Holy Spirit, would do what Gargotta and the rest of the US judges did in my case. My case demonstrates the utter lawlessness of the “Title 11 ‘judges only’ BK administrative system”. They don’t obey human laws, or God’s laws. The System, as I’ve encountered it, operates on lies and favors corrupt attorneys and judges engaged in unlawful debt collection and barratry scams, RICO violations, concealed by omertá. Fear of God begins wisdom, knowledge, and understanding.

11) Roman Catholic Church (RCC) members may or may not be “Christians”. The first three judges: Gargotta, Ezra and Rodriguez form a “Catholic Mafia”<sup>23</sup> engaged in omertá that harmed me and violated the purpose of a bankruptcy as set forth by SCOTUS in the process. I have asked for, and still have not had a jury trial. That’s my demand. The failure to have jury trial is a constitutional law violation. A breach of the covenant with the Supreme Judge. A breach started on 8/7/19 by Juge Ezra that became part of the string of 12 cases with the breach of 11/26/19 in 19-640 that used Embezzlers’ facts, not mine. CV19 soon followed<sup>24</sup>.

12) Via his various judicial orders, especially boiling down to his 7/14/17 12(b)(6) order and his 7/14/22 order that released me from prison after I paid a \$7,500 kidnapping ransom demand, Gargotta concealed his role in OC. His alleged role. He also violated my demand for jury trial, a violation of AIII and Amendment VII of the US Constitution and a violation of §15 of Texas Constitution Bill of Rights. He also violated Texas Bill of Rights §19 which says: “*No citizen of this State shall be deprived of life, liberty, property, privileges or immunities, or in any manner disfranchised, except by the due course of the law of the land.*”

---

<sup>23</sup> First 3 judges are all affiliated with St. Mary’s law school. I learned during my unconstitutional confinement that the Italian Mafia is controlled by Jesuits and that RCC is an ancient Roman pagan religion. A “pig dressed up with Christian lipstick”. It’s two popes, the white pope (Francis), and black pope (head of Jesuits), are Latino Jesuits. And the Jesuits take a centuries old secret pact to destroy Protestant America. RCC has two false pillars: 1) apostolic authority and 2) temporal power. It is the Revelation 17 great prostitute. RCC Catholics, as a group, lean Democrat more than Republican. San Antonio’s dominant religion is RCC. And corruption is beginning to appear rampant in San Antonio, an RCC dominated city. A schism, political, is happening in RCC.

<sup>24</sup> Today, USA, together with UN and WHO is the Revelation 13 beast that arises from the sea. China under Chinese Communist Party (CCP) is the Revelation 13 beast from the earth. See my interpretation of Revelation 13 at <https://tinyurl.com/STOLENv02-brochure>. RCC is Revelation 17 great prostitute and became unconstitutionally in control of USA following 2020 stolen election in all three branches of US government. CV19 physically started with an outbreak in Wuhan China. I claim my case is “spiritual origin” of CV19, a claim that cannot be proven or disproven.

13) There have been no jury trials, or fair trials, or due process of law in the Title 11 system due to corruption and dysfunction of the unconstitutional “judges only” system and its appeals processes resulting in a statutory CSG of now 22 federal judges, where Gargotta (and Garcia) is/(are) the “identifiable leader/s”. And where Gargotta, Pulliam, and 5thC judges via their judicial orders have “gagged me” to conceal their role in OC. A 1<sup>st</sup>-Amendment violation. By SCOTUS accepting this case, all judicial orders to date, become merely “proposed findings of fact and law” for a jury, per FRBP 8018.1. Gargotta is a thief, embezzler, liar and tyrant! A kidnapper. A thug. He stole my hazard insurance money and admitted his theft in open court on 10/5/21. (My words, not Gargotta’s). I want to proceed to jury trial free and clear of any sanctions imposed by GSWGP where the “gag plot” was implemented via the first order in the first case I appealed from USDC: 19-640. That appeal then started the string of 8 frauds upon the court at 5thC, plus the four more cases listed on the table at page 5 of 40 that did not make it to 5thC for one reason or another. Appellant’s Brief in 23-50692 describes the “gag plot”, GSWGP.

## **IX. STATEMENT OF THE CASE**

### **A. USBC 16-50026 was an Organized Crime Scene at the Start**

14) Around December 2015, prior to me filing for Ch11 BK protection on 1/4/16 to stop what turns out to be an illegal attempted foreclosure scheduled for 1/5/16, Denis Stratford, Esq. committed an accounting fraud. A theft/embezzlement called misapplication of fiduciary property. By OC. OC made my loan serviced by Stratford appear delinquent. An OC violation of TPC Chapter 32, fraud, §32.45

misapplication of fiduciary property. Along with other TPC statute violations, including TPC Chapter 31, theft, Chapter 71, organized crime, and Chapter 38 Obstruction of governmental operation, §38.12 barratry. It was an attempted unlawful debt collection, an 18 USC Chapter 96 RICO violation. Fraud vitiates everything! See *United States v. Throckmorton*, 98 U.S. 61 (1878) “*There’s no question of the general doctrine that fraud vitiates the most solemn contracts, documents and even judgments.*” That is an issue that a jury must hear. Not judges.

15) I agree with this paragraph written by 22-50216/23-50692 referring USDC judge, Jason Pulliam (ROA.1896). Pulliam’s “statement of the case:”

Stating that his bankruptcy case is “an ‘organized crime’ case, since inception, fraudulently converted to Chapter 7 on March 18, 2020, which then started the 2020, 2021, and 2022, crimes by the ‘Gang of 7’ revealed in ¶ 3 of the Notice of Appeal (NOA). Withdrawal of reference is mandatory.” ECF No. 11 at 1 (found within caption). That same document identifies the Bankruptcy Judge and trustee as “enforcers for organized crime and members of the ‘Gang of 7.’” *Id.*

16) Enforcers, because Gargotta later became part of Stratford’s OC. Footnote 1 on Petition v1 cover, removed in Petition v2, now shown below as<sup>25</sup>, said:

---

<sup>25</sup> Gargotta approved a fraudulent confirmed plan of Chapter 11 reorganization on 3/28/17 under objection, starting the still ongoing “Adversary Procedures.” Then conducted a “sham” claims objection trial on 6/20-21/17. Then, as a statutory “fraudulent court” he fraudulently converted USBC 16-50026 into a “sham Chapter 7” on 3/18/20 to conceal his role in organized crime (“OC”) and multiple “frauds upon the court.” Plus, to use the DOJ’s US Trustee Program under color of law to collect and distribute stolen property in utter violation of the “purpose of a bankruptcy,” his oath of office and Constitutions of USA and Texas. A string of over 12 “frauds upon the court” emerged from Gargotta’s criminal behaviors. 22 US judges from USBC to SCOTUS became a “criminal street gang” of judges engaged in RICO violations and concealing crime allegations. Gargotta kidnapped me on 12/6/21 to conceal his role in OC showing in then open 5thC 21-50761. Gargotta committed two first degree violent felonies: 1) aggravated kidnapping, and 2) aggravated robberies (multiple). USBC 16-50026 closed on 11/22/22. A jury now needs to hear a “claims objection” re-trial under Title 18. It’s as if the fate of the nation hangs in the balance on the outcome of SCOTUS review of this case.



17) I'm not going to go into all the details here. There are literally 10s of thousands of pages of Consolidated Record on Appeal (CROA) at the 5thC. An incomplete CROA at that. CROA documents the alleged crimes, "said Crimes". US Judges consistently turned a blind eye to crime allegations. They are WOKE = Willfully Overlooking Known Evil. The crimes grew worse and worse and more violent as time went on because USDC appeals judges and 5thC clerks and judges repeatedly closed cases, with not a single rebuke to the BK court. USBC 16-50026 closed on 11/22/22, leaving behind an OC scene, from inception, to sham Ch7 conversion on 3/18/20 (while 5thC 20-50024 was still open), to closure on 11/22/22. CROA can be accessed publicly at <https://tinyurl.com/5thC23-50692-CROA>. The entire scope of CROA needs to be examined. Not appeal by appeal. USA judicial system lacks internal controls over compliance with laws and regulations and constitutions when criminal OC schemes exist like they do in my case. USA judicial system is a RICO organization. A Mafia. A tyrant, engaged in FEAR based tactics. (FEAR = False Evidence Appearing Real.) – Practically all judicial reports are false. Lies. Concealing "said" crime. Not meeting the "purpose of a bankruptcy":

A fundamental goal of the federal bankruptcy laws enacted by Congress is to give debtors a financial "fresh start" from burdensome debts. The Supreme Court made this point about the purpose of the bankruptcy law in a 1934 decision: [I]t gives the honest but unfortunate debtor ... a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt. *Local Loan Co v Hunt*, 292 U.S. 234, 244 (1934). This goal is accomplished through the bankruptcy discharge which releases debtors from personal liability from specific debts and prohibits creditors from ever taking any action against the debtors to collect those debts.

18) Furthermore, by becoming Gragg's stooge in Phase 2 of GSWGP, Thomas, an agent of the DOJ, violated the Mission of USTP, which says:

OUR MISSION: The mission of the United States Trustee Program is to promote the integrity and efficiency of the bankruptcy system for the benefit of all stakeholders – debtors creditors and the public.

19) I am an “*honest but unfortunate debtor*” forced to battle an extraordinarily corrupt BK System that did not meet the “*fundamental goal of the federal bankruptcy laws enacted by Congress*” due to the existence of Go7 and a corrupt BK judge engaged in lawfare and Go30 of mostly USA employees engaged in omertá aiding and abetting GSWGP. There’s over 90% probability that Gargotta took a bribe. The Go7 violated what I call Rule #1: FRBP 1001, FRCP 1, and TRCP 1. It’s lawfare, barratry, oppression. No Go7 member has a contract with Pilgrim. That’s a fact easily verified by forcing the BK court to send up all its records, including all hearing exhibits. Thus, it is a complete and utter scam. Pilgrim was not both a “note owner” and “note holder” and did not as required by FRBP 3001 file a proof of claim, in writing supported by a preponderance of the evidence for an objected to claim, by 5/4/17. And thus, has forever lost its right to do so. Pilgrim thus was not a “secured lender.” It was an unsecured note where I was oppressed by greedy attorneys engaged in an 1129 Plot, where the BK judge ignored his mandate to give me: “*a new opportunity in life and a clear field for future effort, unhampered by the pressure and discouragement of preexisting debt.*” The Go7 engaged in an unlawful debt collection and barratry scam, RICO, made possible by the BK judge’s approval of a fraudulent confirmed plan of Ch11 reorganization and sale of my “home”, and conduct of a “sham” claims objection trial on 6/20-21/17, a kangaroo court. Where now a jury needs to conduct that trial. And where USA libeled me, and thus a jury, under Texas

Constitution, has the right to determine both as to fact and as to law. So, even though, SCOTUS has “appellate jurisdiction”, a jury needs to eventually decide. All I want SCOTUS to do, is remove sanctions and cause reparations to be made to me for the USA’s crimes against me that angered the Supreme Judge and consequently cost the nation trillions of dollars in plague related damages. I don’t need a debt discharge. I now want recovery of what the devil stole from me via Go7/30. See <https://tinyurl.com/HW-FaithfullsOurGod>. And eventually I want to see the crooks (all Go7 members) spend time in prison after they are convicted by a jury of their peers after a “fair trial”. Something I never got from the “rigged BK judges only judicial system.” A biased system engaged in omertá: Mafia judges/DOJ protecting Mafia judges/DOJ using US Marshals to kidnap people to conceal their crimes.

20) This scam, the USA’s crimes have gone on for years, with zero basis in true fact and true law. Thus, the System, I conclude, is Satanic. Demonic. That is the only explanation that makes sense to me. And it comes from kicking God out of government. This perversion of the idea of “separation of church and state” that allows godless people, crooks, to be in positions of authority. Where a Mafia is now in control of US government. Imposters and lawless judges, like Gargotta, who was statutorily a “fraudulent court” per TPC Chapter 37, are thus allowed to do anything they want. Gargotta thus became the long prophesied 2 Thessalonians 2:3-4 man of sin, or man of lawlessness revealed who brings destruction. He sat in the temple of God (his body), claiming he was judge (God), when he was not a legitimate judge under the law. Gargotta was trapped as prophesied via Psalm 64 NLT and Proverbs

12:13-15 in Dkt 33¶5 as showing on that Dkt 33 page bates stamped 1776 (a miracle!) as now sitting in Dkt 6-7 in open, sealed whistleblower case 20-502. I now want to proceed to unseal and convert it to an 18 USC Ch 13, Civil Rights, §241 “conspiracy against rights” case involving a kidnapping, that I have a private right of action to do. Then, I do not need an attorney like I do with a whistleblower case.

21) AIII and Amendment VII of the US Constitution are very clear that a jury trial is required in my situation. For example:

#### AIII

##### Section. 1.

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<sup>26</sup>, ....

##### Section. 2, Part 1.

The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, ... ;—to Controversies to which the United States shall be a Party<sup>27</sup>; ...,—between Citizens of different States<sup>28</sup>, ....

##### Section. 2, Part 2.

In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction.<sup>29</sup> In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact<sup>30</sup>, with such Exceptions, and under such Regulations as the Congress shall make.

##### Section. 2, Part 3.

---

<sup>26</sup> Gargotta and Orlando Garcia are not on “good Behavior.” Instead they are engaged in “evil (bad) Behavior.” White collar crime. OC. First degree violent felonies under state law. See 21-50761 ROA. Garcia hid Gargotta’s crimes and Thomas’ lies. Garcia is as evil as Gargotta, or more so.

<sup>27</sup> Most of the Go30 are USA employees. So, USA is a party per Respondeat Superior.

<sup>28</sup> Stratford is a Massachusetts resident. Rest of Go7 are Texas residents.

<sup>29</sup> Not applicable for local component of case.

<sup>30</sup> Due to the existence of a fraudulent confirmed plan of reorganization and fraudulent set of Fed.R.Evid.201 so called judicially noticed facts that are vehemently disputed, nearly all US judicial reports, and all DOJ reports or USTP reports, are misleading as to law and fact.

The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes<sup>31</sup> shall have been committed; but when not committed within any State, the Trial shall be at such Place or Places as the Congress may by Law have directed.

Section. 3 <sup>32</sup>

22) I'm planning to pursue litigation in two venues while the USA and I are "in negotiations" since the USA must restore integrity first, before a jury trial can be held in federal court system. Those two venues are both state court and federal court. Federal court should be an AIII court, an AIII judge, and jury, to hear a retrial of the claims objection hearing, where Stratford will be on trial for stealing/embezzling my hazard insurance, and as the "national RICO boss" of Go7 and Go30. USA will be a defendant, a tyrannical government, where many of the same complaints that are in the 7/4/1776 Declaration of Independence ("DOI"), are my complaints. In state court, I will sue the individuals. And those individuals will include US government employees and agents, where the DOJ should not remove the case, since DOJ is complicit too in all the crimes that occurred post 3/18/20.<sup>33</sup> Thomas = DOJ, as agent.

---

<sup>31</sup> This section makes no distinguishment between "said crimes" brought by a government prosecutor that can result in a loss of liberty (i.e. jail time), or "said crimes" brought by a civil litigant where only monetary damages are assessed.

<sup>32</sup> Not addressed.

<sup>33</sup> Not one of the purposes of a bankruptcy or mission of USTP/DOJ were met. Instead, just the opposite occurred. The SABJS became what our forefathers fought against in the Revolutionary War and for which they issued a DOI on 7/4/1776 describing a "long train of abuses." Including the following, with edits insert/strike to DOI language,

- He has refused his Assent to Laws, the most wholesome and necessary for the public good.
- He has obstructed the Administration of Justice, by refusing his Assent to Laws.
- For protecting them [lawbreakers], by a mock Trial[s], from punishment for any [violent crime] which they should commit on the Inhabitants of these States;
- For depriving us [me] in many cases, of the benefits of Trial by jury;
- He has plundered [my bankruptcy estate], and [attempted to] destroyed [my life].

**B. The Aggravated Kidnapping to Close 5thC 21-50761 and gag plot, part of “Gragg’s scam with gag plot” used to conceal crime**

23) There’s no room to describe the kidnapping here, other than to say that on 10/5/21, Gargotta, then a “fraudulent court” pursuant to TPC Chapter 37, approved a nearly \$205,000 aggravated robbery from my Ch7 BK estate. I objected. And when I objected, it was because I alleged that my hazard insurance money was stolen. Gargotta got angry, admitted to stealing my hazard insurance money (my words not Gargotta’s) and then started his kidnapping plot by assessing a total of \$7,500 in sanctions in three rapid \$2,500 amounts. I showed up in his courtroom with \$7,500 in borrowed cash, which he would not take, and threw me in prison instead, and labeled it as “contempt of court.” Another libelous label. The story as told by mainstream news media is here: <https://tinyurl.com/GodsFraudAuditorJailed>. But they did not call it a kidnapping. Gargotta called me into his courtroom three more times, and each of those times God, the Supreme Judge, told me not to pay. On the third time, I told Gargotta, “*I obey God, not man, I’m going back to jail now. Bye bye.*” And I turned my back on him and shuffled away bound in handcuffs and shackles. On about the 210<sup>th</sup> day, the Supreme Judge told me I could get out of jail, to go ahead and pay the sanction. He told me how to make out the cashier’s check. Later He told me He made me wait in prison so long to “*pinpoint the 210 area code (San Antonio/Bexar County) as the object of My anger.*” Meaning, His anger, not mine.

---

- He has excited domestic insurrections amongst us [via many synchronicities documented in the combined case such as the summer 2020 riots, and J6 2021 so called insurrection, open borders, +]

In every stage of these Oppressions [I] have Petitioned for Redress, [but perhaps not in] the most humble terms. [My] repeated Petitions have been answered only by repeated injury. A prince whose character is thus marked by every act which may define a Tyrant, is unfit to be a ruler of a free people.

24) I was not in “contempt of court”. I could not be in contempt of a “fraudulent court” with no true legitimate jurisdiction. And I brought the money. I was released within three days of paying the money. So, God made me wait there that long so I would eventually speak to you USA Supreme Court Justices as His chosen servant, for such a time as this. You are the equivalent of kings. Jesus said we would speak to kings on his behalf. He made you criminals under USA RICO laws, where your organization violated “the covenants”, so you would have an interest in listening. Gargotta kidnapped me on 12/6/21. That’s a TPC Chapter 20, §20.02, and §20.04(a)(1)(3)(5)(6) and (b) violation. A first-degree violent felony connected to a \$205,000 aggravated robbery, RICO, conducted by the DOJ’s agent, Thomas. The kidnapping lasted for 7 months. Beyond the 6-month limit for a monetary penalty. And where the Texas Constitution says: “*No person shall ever be imprisoned for debt.*” Clearly violated. Consequently, your organization is a criminal organization that needs to be fixed. And y’all are “guilty under the law”. But God is so gracious!

### C. USA’s King Got Angry as prophesied in Dkt 33¶5

25) Dkt 33¶5, written by my opponents, in the undisputed part, states:

1., p. 3 (“Merkle contends that he was hired by the King of the Universe to bring justice to the San Antonio bankruptcy judicial system...”); *id.* at 2, 4 (“Merkle is very grateful for what this Court has done so far in setting up Merkle’s opponents in this case that will allow Almighty God working through the judicial systems, to fulfill one of his promises to Merkle, as prophesied in Psalm 64, NLT, and in Proverbs 12:13-15 NLT.”); *id.* at 21 (“If Judge Gargotta rules wrongly, then Merkle will just appeal, and Merkle will win in the long run since Merkle is fighting ‘from victory not for victory’ and God has already promised Merkle that the ‘battle and victory belong to the Lord’ and

that Merkle's opponents would be throwing their wealth at him like the Egyptians threw their wealth at the Israelites when they left slavery and bondage in Egypt to go on a journey to an abundant land the Lord would show them."); *id.* ("Merkle hears God's voice, listens and obeys. Merkle knows from direct experience that Janie listens to the voice of lies and dismisses the voice of God.")

26) The anger of God is revealed in the Bible verses cited, where there is no room in this Petition to lay out, but which is laid out in the Negotiations document, or can easily be looked up online at biblegateway.com using New Living Translation.

27) The Supreme Judge, the Judge of nations, sent this nation, a nation in rapid moral decline and rampant idolatry, trillions of dollars in plague related damages that I timely documented in 10s of thousands of pages of CROA. One of those plagues was the 2020 stolen presidential election, the national component of my case, another 18 USC §241 violation by an even larger gang of thugs – see Affidavit. Along with plagues or events of Biblical proportions that I tie to this SCOTUS appeal.

## **X. REASONS FOR GRANTING THE PETITION**

28) 8 reasons are given in Motion affidavit at pages 10-11, footnote 8. Most important is:

This is a constitutional law case concerning a slew of constitutional right violations (including need for jury trials, fair trials, due process of law, and freedom of speech and others including the Texas Civil Right that "no person shall ever be imprisoned for debt.") Many more violations occurred.

29) Gag order must be removed. The "inferior courts" failed in their duties. Continued existence of any gag order makes SCOTUS personally liable for crimes.



## XI. CONCLUSION

30) The Petition for a writ of certiorari should be granted because the answer to the Question Presented, is: yes. The crimes are now ripe to prosecute: 1) civilly, by a victim of crime, and 2) criminally by relevant government prosecutors. I seek extensive and unlimited discovery in the next stages of civil litigation.

31) Supreme Judge is LOVE and does not rejoice about injustice but rejoices whenever the truth wins out. 1 Corinthians 13:6 NLT. Please issue the Writ.

# # #

Dated as of and executed on: November 26, 2024 <sup>34,35</sup>.

Respectfully submitted,

CARL NATHANiel MERKLE, CPA retired, In Pro Se  
dba Drake Slayer (aka Dragon Slayer – Revelation 12)

*White Collar Crime and Forensic Investigative Accountant*

*God's Fraud Auditor and modern-day Prophet Nathan/Jonah  
to US Court System and Congress.*

*Kidnapped and Jailed for Jesus! King Jesus! Judge Jesus! Psalm 37!*

<https://tinyurl.com/TransformedByScripture> (*Constitution of Kingdom*)

<https://tinyurl.com/SOSv10-ROA> (*Laws of Nature both kingdoms use.*)

4446 Bayliss St., San Antonio, TX 78233

Telephone: (210)-596-4088 (text first)

Email: [carlmerkle@icloud.com](mailto:carlmerkle@icloud.com) or [drake.slayer.2020@gmail.com](mailto:drake.slayer.2020@gmail.com)

By:   
/s/ Carl Nathaniel Merkle

CARL NATHANIEL MERKLE, CPA retired In Pro Se

---

<sup>34</sup> Executed during Thanksgiving Week 2024, on the 235<sup>th</sup> Anniversary of George Washington's first proclaimed Thanksgiving Day under the new US Constitution dated 17 September in the Year of our Lord, 1787. The longest running and most successful constitution in modern history. Where November 26, 2024 is also the 5<sup>th</sup> anniversary of fraudulent 11/26/19 12(b)(6) order in 19-640, at the end of Phase 1b of GSWGP, and the first of a string of 8 "frauds upon the court" appealed from USDC to 5<sup>th</sup>C. I allege it was the "spiritual cause" of CV19, committed by a member of a "San Antonio Catholic Mafia." One of first group of judges, where three have a relationship with St. Mary's University. All engaged in omertá, concealing the alleged crimes of a "fellow judge/s" and attorneys.

<sup>35</sup> See <https://tinyurl.com/1789ThanksgivingProclamation>. Proclamation starts: "Whereas it is the duty of all Nations to acknowledge the providence of Almighty God, to obey his will, to be grateful for his benefits, and humbly to implore his protection and favor, ..." 40 represents testing & wilderness.