

ORIGINAL

CASE NO.

24-6233

IN THE
SUPREME COURT OF THE UNITED STATES

IN RE

Daniel Felix,

Homeless Cats Of Hatteras Island NC
(representing 87 individual Cats deceased)

Non-Property Animals Of Hatteras Island NC
(representing 4092 individual animals deceased)..... PETITIONER(S)

v.

The United States Of America

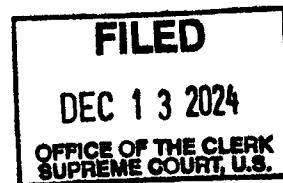
US Attorney General Merrick Garland

The State Of North Carolina

Governor Roy Cooper

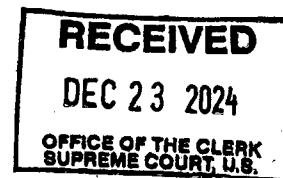
NC Attorney General Josh Stein

Dare County North Carolina



PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS

Daniel Felix, 53828 NC Highway 12, PO Box 544, Frisco, NC, 27936



QUESTIONS PRESENTED

- 1. That Non-property Animals have a US Constitutional Right to be individual "stand alone" Plaintiffs and petitioners in Courts of the United States Of America and State Courts.**
- 2. That Non-property Animals as "stand alone" Plaintiffs and as "stand alone victims" of acts of animal cruelty have at the very least rudimentary US Constitutional Rights such as Equal Protection Of Law, Due Process Of Law, Access To The Courts, protection from Cruel And Unusual Punishment, and have the Right to protections under the US Victim's Rights Act.**
- 3. That "Caretakers" or anyone providing life giving support or support after death have the US Constitutional Right to bring lawsuits on behalf of the injured animals or deceased animals as "Next Friend".**
- 4. That the United States Congress created a new legal "definition of beings" for non-property animals with the creation of the Federal Animal Cruelty Law that the Courts must consider as "persons" in the application of Federal And State Laws.**
- 5. The Federal and State Governments are in violation of the US Constitutional Right to Religious Freedom by enforcing their "Only Humans Matter" religion on citizens that are of the religious belief that animals are the same as humans, feel and suffer the same as humans, have souls the same as humans, have lives equal to that of humans and enforcement of the "Only Humans Matter" religion causes loss of religious freedom, injures persons whose beliefs are contrary and is Cruel And Unusual Punishment for those who value animals the same as humans.**
- 6. The Court violates the US Constitutional Right to Due Process Of Law with it's abuse of Rule 12 (b)(6) of the Federal Rules Of Civil Procedure and violates the US**

Constitution by denying Equal Protection Of Law with manipulations of Due Process Of Law such as Qualified And Absolute Immunity.

7. Cats need to be added as a protected class under Hate Crime Laws and acts of cruelty to cats by CAT Haters must be designated as a "Hate Crime" listed under Hate Crime Laws.

LIST OF PARTIES

**The United States Of America
US Attorney General Merrick Garland
The State Of North Carolina
Governor Roy Cooper
NC Attorney General Josh Stein
Dare County North Carolina**

RELATED CASES

US District Court (EDNC) Case No. 2:21-CV-00007-FL

US Court Of Appeals, Fourth Circuit, Appeal No. 21-1740

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JURISDICTION

Rule 20 of the Rules of the Supreme Court of the United States.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

US Constitution, 14th Amendment

US Constitution, 8th Amendment

18 USC 48 Federal Animal Cruelty Law (PACT Act)

STATEMENT OF THE CASE

This petition involves extraordinary circumstances, is a life and death petition, and has seven never before litigated issues of law that this Court must resolve for the lower courts with published case law and affects the entirety of the US public and all animals.

The first four Questions Presented involve never before litigated issues for animals, Animal Rights, Animals as plaintiffs, Congress' intent for animals to be stand alone victims of the federal animal cruelty law, and who may file lawsuits on an animals behalf.

There are 4092 individual deceased animals and 87 individual deceased Cats all as individual petitioners/plaintiffs appearing on this petition. Question Presented No. 5 involves the Religious Rights of the human petitioner/plaintiff to believe, feel and act, as if animals' lives are equal to that of humans and contests the enforcement of the governments "only humans matter" religion onto him which blocks him exercising his

own religious beliefs to save animals and offer them protection equal to that of humans. Question No. 6 involves the abuse by the Courts of Rule 12 of the Federal Rules Of Civil Procedure to deny Due Process Of Law, the unconstitutionality of Qualified And Absolute Immunity and it's violation of Due Process Of Law, and the courts "pattern and practice" of using such manipulations of Due Process Of Law to deny Equal Protection Of Law. Question No. 7 is a never before litigated legal issue that Cats must be added to and protected by the state and federal Hate Crimes Laws.

Petitioner, Daniel Felix, was forced to endure and watch 4092 animals , not including the birds and turtles, being illegally and deliberately killed, murdered, run down deliberately by vehicles, just in front of his home. Animals petitioner knew personally, saw at his home in his yard regularly, tried to keep safe and away from the road, and animals petitioner saw as persons the same as humans. Petitioner in his love and loyalty to every individual animal recovered their bodies from the road, NC Hwy 12 and gave each a Native American funeral, mourned their loss of life, and suffered severe mental abuse and anguish caused by each death. Petitioner sees, treats, feels and believes every animal the same as a person, the same as a human, and due to his religious beliefs treats them the same as humans treat humans. Petitioner photographed and documented each of the 4092 animals and has video of their deaths from the last 4 years this November 2024.

Petitioner also removed approximately 400, an uncountable number at this point, of animals still alive and left for dead and gave what medical attention was possible as they either died or recovered. Petitioner stayed with the still alive animals for as long as it took for them to die or recover and some received VET care or continued medical treatment. Most of them died but were not documented because they had been removed from the scene on the road. They are not, to the dismay of petitioner, documented and

there is no record of their suffering. The 4092 strictly applies to the deceased animals which are all documented.

Petitioner was forced to endure the illegal deaths of 87 Cats by acts of animal cruelty he personally knew and gave care to. Petitioner was the Caretaker of the 87 homeless Cats and for over a decade and each was killed illegally by an act of animal cruelty. These are just the ones whose bodies were found and recovered and documented. Many others are missing and presumed dead and none of the missing cats have been seen or have returned to places they were fed every night for over a decade without any night of feeding being skipped. There is a log of the missing Cats so that when one is missing for a night there is a search for them that sometimes lasted all night and days afterward. These Cats don't just go missing and no one looks for them, worries about them or suffers anxiety when they are missing . If found and are sick they are taken to the VET or given medicine. Cats do not often get sick when cared for and it is important to find them if they've been poisoned and get them help. These Cats have been beat to death, poisoned, drowned in living traps, run down deliberately by cars which I have witnessed on multiple occasions, shot, torn apart by CAT Hater's dogs, and used as live shark bait, thrown overboard 20 miles offshore to swim around crying to attract sharks. These are just the acts of animal cruelty I have witnessed and sometimes prevented. I have on one occasion recovered a CAT that had been lit on fire and burned but managed to live. I witnessed a cat hater lure a kitten out from under his deck at his restaurant and break it's neck then leave it in my feeding place on a board for me to find. A small fraction of pictures were provided in the Motion To Amend Complaint in the US District Court lawsuit case no. 2:21-cv-0007-FL and are public record. The kitten whose neck was broken is one of those pictures. Petitioner definitely sees these cats as persons and treats them the same as humans treat humans. Each CAT, living or dead, is photographed and treated the same as a human. These cats were given full funerals

and are buried in sacred spots so that petitioner can still visit their graves. Each CAT was buried in a favorite item of clothing worn by petitioner and with some item of importance to the cats.

Petitioner spent over a decade trying to stop the animal cruelty and has contacted every possible government authority 100 times over and sent them proof and pictures of the dead animals and cats and descriptions of the animal cruelty inflicted on them. No government authority has responded to end the animal deaths and petitioner has endured attacks by these authorities to silence him and authorities have protected the animal abusers and killers to inflict more mental abuse on petitioner and to cover up their animal cruelty negligence. Two previous lawsuits were filed in US District Court and all authorities hid behind their Qualified And Absolute Immunity and Rule 12 (b)(6). No Court granted injunctive relief or made any effort to stop the animal killings and cruelty. The Court did the opposite- it sanctioned the animal killing and protected the government from accountability for denying Equal Protection Of Law to petitioner and the animals. The Court did nothing to uphold the Religious Rights of petitioner and allowed the enforcement of the governments "only humans matter" religion while making petitioner watch more animals die. The lengthy list of defendants in the previous lawsuits make it clear- the government refuses to uphold or enforce the animal cruelty laws for certain animals, the government enforces a "only humans matter" religion they force onto the public, government does not grant any rights to animals, and that the Courts agenda is to protect the government no matter how severe or egregious their acts against animals or the people that care for them are. The Courts and governments enforcement of their "only humans matter" religion which they enforce through every law, policy and ordinance they create, causes severe emotional distress, is severe mental abuse, and rises to the level of cruel and unusual punishment against all who are of the belief an animals life is just as valuable as a humans. The government uses the killing of

animals as cruel and unusual punishment to force compliance with their life value standard that human life has more value than animal life. A life value standard the government adopted from their chosen religious standard.

Animal Petitioners have all been denied the Right to their lives, proper protection and enforcement of the state and federal animal cruelty laws, and have the Constitutional Right to file lawsuits for their injuries and deaths. Petitioner has had his Religious Rights violated to believe and act on his beliefs with freedom to see and treat animals the same as humans and to save their lives the same as a human would save a human. Petitioner was denied "next friend" rights to file lawsuits on behalf of the deceased animals and other animals that are incapable of filing themselves or hiring an attorney. Petitioners, both animals and Daniel Felix, seek to have animals given the status as "persons" for the purpose of allowing all courts to recognize animals as "stand alone plaintiffs" and "stand alone victims"; as stand alone plaintiffs and stand alone victims for animals to be given rudimentary US Constitutional Rights such as Due Process Of Law and Equal Protection Of Law as a minimum of rights; for the Courts to uphold Congress' intent for animals to be recognized as stand alone victims of the Animal Cruelty Laws; and for any Caretakers of these animals to be given the Right to bring lawsuits on behalf of the animals and for the court to apply the "strictest scrutiny" standard for those animals so that they can receive justice and be saved from animal cruelty. Petitioners all seek to do this by getting a published ruling from this Court.

Petitioner seeks to stop the enforcement of the "only humans matter" government enforced religion and for his Religious Rights to be recognized by government and for the Court to restore those Religious Rights to treat and believe animals lives the same as humans. Petitioner seeks to have this done through published case law by this Court.

Petitioner seeks to have Cats added to and protected by the federal and state Hate Crime Laws and to have this done with published case law by this Court.

Petitioner seeks to abolish Rule 12 of the Federal Rules Of Civil Procedure and to have the states' similar rules of civil procedure deemed a violation of the Due Process Of Law clause of the US Constitution. Petitioner seeks to abolish Qualified And Absolute Immunity and have it ruled a violation of the Due Process Of Law clause of the US Constitution and a violation of Equal Protection Of Law. Petitioner seeks to do this with a published ruling by this Court.

The petitioner brings this petition on behalf of himself and the deceased 4092 non-property animals and the 87 deceased homeless cats and petitions this Court for a published ruling to end the suffering and injuries of these animals and their Caretaker and to protect others with this published case law who are similarly situated both animals and their Caretakers. The Court must end the cruel and unusual punishment of the animal killings and the severe mental anguish caused by each animal's death. The animal killings are still ongoing.

Legal Argument for each Question Presented provided by Rule 14 (h) is as follows and in compliance with Rule 10, the US Court Of Appeals for the Fourth Circuit declined to create case law addressing and resolving these issues!

1. That Non-property Animals have a US Constitutional Right to be individual "stand alone" Plaintiffs and petitioners in Courts of the United States Of America and State Courts.

The victims of an act of animal cruelty in violation of the law for non-property animals is the individual animal who is injured or killed by the act. These animals are therefore "stand alone victims" of the illegal acts. The Law and US Constitution provides that victims of illegal acts have the Right to bring lawsuits for their injuries. Therefore, by Law and of Rights, the non-property animal victims have the Right to be "stand alone plaintiffs" and bring lawsuits as plaintiffs. The US Constitution provides all plaintiffs and victims to have a Right To Access To The Courts therefore the Non-property Animals

must be recognized by all Courts as legal plaintiffs in lawsuits with the same Rights as human plaintiffs.

2. That Non-property Animals as "stand alone" Plaintiffs and as "stand alone victims" of acts of animal cruelty have at the very least rudimentary US Constitutional Rights such as Equal Protection Of Law, Due Process Of Law, Access To The Courts, protection from Cruel And Unusual Punishment, and have the Right to protections under the US Victim's Rights Act.

When the US Congress created the Federal Animal Cruelty Law and the State Legislatures created the State Animal Cruelty Laws they did so with the intent that the Laws would be Constitutional. They provided that these Laws would make it illegal for "any" and "all" animals to be subjected to an act of animal cruelty. For those Laws to be Constitutional they must be without discrimination, bias, nor prejudice applied to all animal victims. For the Laws to be Constitutional the laws must be applied with Equal Protection Of Law regardless of status as a property animal or Non-property animal or species or origin. As victims and the only intended victim of the Laws they must be provided with the same Victim's Rights as their human counterparts. The distinction here for Non-property Animals is that the Animal Cruelty Laws have not been providing the same Equal Protection Of Law that is afforded property animals and this remains the custom, policy, practice, standard, and accompanying religious belief of the United States and State governments which allows discrimination and prejudices to violate the US Constitutional Rights of Non-property Animals. Here 87 Homeless Cats and 4092 Non-property Animals were illegally killed by the refusal of the United States Government and North Carolina State Government to enforce and provide protection under the Animal Cruelty Laws to these specific Non-property Animals cared for by petitioner. The refusal of authorities to provide protection of law to these individual non-property animals was meant to be an act of cruel and unusual punishment for the human

petitioner and these animals were used as objects of cruel and unusual punishment. These particular individual non-property animals were denied Access To The Courts to stop their deaths due to this Court's lack of legal guidance by way of a published precedent and were also denied Equal Protection Of Law by this Courts failure to govern the lower courts with a binding precedent to assure the Constitutional application of the various Animal Cruelty Laws. This Court caused the deaths of these individual non-property animals and failed to uphold their duty under the US Constitution to create conditions under which all laws are administered in compliance with the US Constitution and has allowed bias, discrimination, and prejudice to govern the administration of the Animal Cruelty Laws.

3. That "Caretakers" or anyone providing life giving support or support after death have the US Constitutional Right to bring lawsuits on behalf of the injured animals or deceased animals as "Next Friend".

Non-property Animals who are cared for and about and whose bodies after death are given religious burials and treatment, are beings without the means to act on their own behalf which is obvious. Non-property Animals must enjoy the same legal status as mentally or physically retarded humans who cannot act on their own behalf. Therefore, the "Strictest Scrutiny" must be afforded all non-property animals or animals without proper owners acting on their behalf. This must include the well being of the animals, the legal aspects affecting the animals, and those persons who can act legally on behalf of those animals. The "Next Friend" status for Caretakers of retarded and incompetent humans must be afforded to any and all Caretakers of Non-property Animals who provide some level of care and have a vested interest in the animals well being and those "Next Friends" must be allowed to act to bring lawsuits for the animals well being or injuries including for their illegal deaths. The "Next Friend" has been granted a Right to their own personal injury from the animals demise but must also be given the Right to

act on the animals behalf to protect their well being or to prevent additional non-property animal's deaths. The Courts legal "scrutiny" for an injured or killed animal should first be for the animal itself, who cannot act on it's own behalf, and if the Court is not willing to accept the "Next Friend" status of the Caretaker then the Court must be obligated to appoint an attorney or guardian the same as with an incompetent or retarded human. Where the Caretaker has provided life giving care and nourishment or life sustaining protection or religious services after death this Court must accept those Caretaker's legal filings as proper for the protection of the non-property animals and the constitutional advancement of that protection of law. This Court's current legal precedents, that only attorneys may bring a lawsuit on behalf of an animal and pro se Caretakers are banned from bringing such lawsuits, does not advance the protection of the animal cruelty laws, is not in the interest of protecting the incompetent animals, is discriminatory and biased against animals and their Caretakers, and is a violation of the US Constitutional protections of Due Process Of Law. The Court must apply it's strictest scrutiny on behalf of the animals who cannot act on their own behalf and rule that regardless of who brings forth the lawsuit on behalf of the animals the importance is that the animal be given the protection of law available through the courts and US Constitution to prevent suffering and death.

4. That the United States Congress created a new legal "definition of beings" for non-property animals with the creation of the Federal Animal Cruelty Law that the Courts must consider as "persons" in the application of Federal And State Laws.

The Court's definition of "person" for the purpose of a lawsuit is out dated, discriminatory, and is a violation of the Court's duty to abide by Congress' intent of the animal cruelty law. Congress' intent when it created the Federal Animal Cruelty Law was for the individual animal, "any" or "all" individual animals, to be the "stand alone victim" of an act of animal cruelty. For Non-property Animals the only intended victim is the

individual animal. Congress' only intended victim possible is the non-property animal for an act of animal cruelty. For property animals their intent was only for the animal to be considered the victim and the owners are mentioned nowhere in the language. The language and intent of the law is clear that the animal itself is the only victim of the act of animal cruelty. Congress, by it's creation of the Federal Animal Cruelty Law, created and intended to create an animal as a "Class Of Being" protected by law and as the "stand alone victim" of the law which meets the definition of a legal "person" that the animal cruelty law intends to protect and give legal protections to. The intended victim the animal cruelty law intends to protect is the animal itself therefore the legal "person" subject of the law is the animal itself. This Court's legal definition of "person" is outdated and a violation of Congress' intent to designate animals, property or non-property animals, as a protected "entity" or "class of being". This Court has included a non-human entity, such as corporations, in it's definition of "person" for legal actions but has failed to include animals, now individually protected as a class or type of being by laws, including the Endangered Species Act, in it's definition of a legal "person". The Court has failed to correct it's definition for current animal laws or provide any published guidance for the lower courts and by its failure has created an unconstitutional environment of law where Due Process Of Law is denied to animals that are now protected by law.

5. The Federal and State Governments are in violation of the US Constitutional Right to Religious Freedom by enforcing their "Only Humans Matter" religion on citizens that are of the religious belief that animals are the same as humans, feel and suffer the same as humans, have souls the same as humans, have lives equal to that of humans and enforcement of the "Only Humans Matter" religion causes loss of religious freedom, injures persons whose beliefs are contrary and is Cruel And Unusual Punishment for those who value animals the same as humans.

Petitioner's Rights to Religious Freedom are being violated by the enforcement by the United States government's and North Carolina State's government's "Only Humans Matter" religion that has formed the basis of all their laws, ordinances and policies, This "only humans matter" religion prevents and discourages the religious practice that animals are the same as humans and have the same Rights to their lives as humans. The concept and standard that human life has more value than animal life is a strictly religious concept that is derived from and depicts the belief that God places more value on human life than animal life. This sole "hierarchy value of life" concept where humans' lives are more important than animals is what created our religious based culture. Our Constitution clearly states our Rights are "God given inalienable Rights endowed by our creator" also depicting a religious standard of Rights. The government then took the liberty of interpreting this religious Constitutional standard to mean God only meant humans possess these God given Rights and applied with discrimination the religious value standard that God places more value on human life than animal life which is a contradiction to "religious freedom" and NOT supported by any Biblical text being used as the basis for the US Constitution. The government then entrenched these two religiously false concepts into every law, ordinance and policy they made. The government then enforces this "religion based hierarchy value of life standard", disguised as laws but still religion based laws, that restricts and inhibits the amount of empathy that is allowed to be given to animals while demanding the maximum empathy for human life. This is a contradiction to religious freedom and an enforcement of a religious standard that conflicts with other religious beliefs where animals' lives are the same as humans and is a conflict within the very religion the US Constitution was founded on. The concept that if humans have God given inalienable Rights then all things God created have those same God given Rights and the very Bible that the Founders used in creating the US Constitution clearly states that same god created all

animals. That religious concept could be interpreted one step further by claiming with Biblical text that since God clearly created the animals first their God given Rights supersede those of the humans and our government has interpreted the hierarchy of life value backwards without any Biblical text to back such a reversal.

The governments' enforcement of their "only humans matter" religion goes further by inflicting injury, severe mental anguish and cruel and unusual punishment to those opposed to such a religious belief. The governments enforce the religious standard by making it a part of the laws ,ordinances and policies. They force compliance of this religious standard when government kills and makes animals suffer while putting only the humans interests before those of the animals, then use the tax dollars of those with opposed religious beliefs without regard to the animals' suffering or the injury that it causes to the mental or physical state of the humans who care for those animals. The government's laws, policies and ordinances all reflect the "only humans matter" religion with no regard to an opposing religious belief such as that animals suffer and feel pain the same as a humans, or that animals have souls the same as humans, or that animals have the same God Given Inalienable Rights to their lives as humans. The government contradicts it's own religious basis for their "God Given Inalienable Rights" "Endowed By The Creator" for humans by ignoring the parts of the Holy Bible that state this same God created the animals and thus would have given them those same Rights. Nowhere does it state in that Bible or in any religion that God puts humans and human life as more important than an animals life. This "only humans matter" religious concept is human and government created where human life has more value than animal life and is NOT founded in any religion nor any Bible known to man. It is a strictly human perversion and a fabricated human religious concept. The government has succeeded in forcing their religious concept onto citizens who must forfeit their religious beliefs to those of the governments. This could not be shown more clearly where persons try and save the

lives of animals or stop their suffering and are denied that Right and in every instance the animals life and well being is put below the slightest human interest while the people who make a moral stand against such injustice are dismissed out of hand then struck down by government. In fact ancient Native American religion puts animal life as equivalent to human life but that religious belief is tabled by the government's religious standards. It is not factual per the religion the US Constitution was founded upon to perceive that this God would only extend His rights of "life, liberty and happiness" to just his human creation. The fact that humans were created last would lead you to believe just the opposite. The Right to Religious Freedom stated in the US Constitution would be contradicted by the denial that the very same Holy Bible used to create the US Constitution cannot be the basis for a religious belief that animal life is equal to that of human life. But here the "only humans matter" religious standard adopted by the government smothers that belief and prevents untold animals' lives from being saved while making the people who care about those animals watch them die. That is hardly the concept of "religious freedom" written into the US Constitution by the Founding Fathers.

HERE the legal issue for the petitioner is that he is prevented from acting on his religious beliefs to save animals' lives and to give them comfort and protection from harm, non-property animals he provides care for that are being illegally killed and tortured in violation of a clearly established law, by a government enforced religion that these animals lives are secondary to the human interests and this causes injury both physical, mental, and financial, as well as the loss of his freedoms and Constitutional Rights.

The government and the enforcement of it's laws and policies gives no consideration to those who suffer from animal deaths and animal suffering. The prevailing practice, policy, standard, custom, is that "only humans matter" and that animals lives and well

being is expendable to that of the humans which causes constant animal suffering and deaths. The deaths and suffering of these animal petitioners make that abundantly clear: The 4092 non-property animals that are individual petitioners here all died on the road in front of petitioner's home by deliberate vehicle run downs. Every possible state, county, and federal official were asked to enforce laws and policies available to prevent the animals from being killed crossing the road and this was done for over a decade and done each time another animal was killed. Each time an animal was run over and killed petitioner photographed the animal and removed it's body and gave it a proper Native American funeral. Petitioner knew each animal personally, saw these animals everyday, tried to protect these animals by providing them sanctuary and keeping them away from the road, provided them with food and water to keep them away from the road, and sacrificed most of his personal time in an effort to end the killings. On approx. 400 run overs not counted in the above total of dead animal petitioners, the animals were still alive and petitioner responded by removing the animals to safety and providing medical assistance of whatever was available, took some to a VET and paid their medical bills, and sat with them while they either died or recovered. Sometimes for the entire night or day. In the last 4 years, petitioner put up security cameras and video taped the animal run downs to document the horrors of the situation. The cameras provide night vision which allowed for the possibility of animals being rescued before the vehicles would hit them but this required even more time monitoring the road and animal crossings. An example of the "only humans matter" religion being enforced and established by government policy is that in the course of 4092 animals being killed and 400 others hit and still alive, well over a decade, NOT ONE PERSON STOPPED TO SEE IF THE ANIMALS NEEDED HELP and regardless of my constant reports to law enforcement and legal authorities NOT ONE AUTHORITY FOUND THE ANIMALS LIVES TO BE THE ISSUE and nor did the authorities feel that animals being hit and run and left for

dead was an injury to me or my life. Law enforcement and every authority took the position that the animals lives and suffering were of no consequence and is a clear indication of the enforcement of the "only humans matter" religion. Law enforcement and these authorities were of the opinion that the human was not even required to take the time to prevent the injuries to the animals nor take any responsibility for those injuries and they enforced this opinion with every animal that was killed. When I requested the minimum to try and save the animals lives, for the authorities to lower the speed limit and make it an animal crossing (the animals are trying to cross to get to their only source of fresh water which is the lake behind my home) so the drivers would be required to stay at the scene of the accidents instead of leaving the animals for me to deal with, all authorities considered the animals' deaths to be inconsequential to the drivers needs and took the legal position that the drivers were not required to stop for animals and could deliberately run over them if they wanted to and that was their Right by law. A perfect example of the enforcement of the "only humans matter" religion by law enforcement was when my cat Niley was run over and killed. When I ran out and stood over her a motorist tried to run over her again and I blocked the road over her. The motorist then hit me with his trailer because he refused to just drive around her while I tried to pile her guts in my shirt to get her off the road. When I called 911 because I had been deliberately hit the NC Hwy Patrolman, Patrolman Libby who had for years refused to stop the animal run downs or enforce the speed limit in front of my home, wrote me a ticket for blocking the driver from running over my cat and hitting me and told me to "get my dead cats off the road quicker". The difference between the way laws are enforced if this situation was about humans and how it is for these animals is clear. This Court cannot say the way laws are enforced to protect humans is the same as for that of an animal and that discrimination is abundantly clear here. The Court must acknowledge the value of life difference being enforced here as no parent would ever be told to get

their dead child's body off the road quicker because it was impeding the motorists who refuse to drive around it. The basis for that discrimination is the "only humans matter" religion being enforced by this government.

The 87 homeless cats, also petitioners here, that I have known personally have been illegally killed in violation of the animal cruelty laws. I fed and cared for them for over a decade everyday on properties I had permission to be on. Because humans known as Cat Haters wanted the cats to suffer they tried to stop the cats from getting food and when this did not work the cats were illegally killed and no authorities, because they were homeless cats, considered this a violation of the animal cruelty laws. Repeated attempts to get the animal cruelty laws enforced were denied and no regard was given to my suffering or loss after caring for them for hours each day for over a decade. The cats were considered expendable to any human whim or prejudice. When I took the cats to my home and created a secure compound for the cats to live out their lives, to save their lives, this was interfered with by authorities who wanted to just kill the cats rather than save them. Another prime example of the enforcement of the "only humans matter" religion is when the Cat Haters requested authorities to ban the feeding of homeless cats the authorities constructed a county ordinance that violated the NC State's animal cruelty law by depriving the cats of sustenance regardless of the fact the cats were dependant on the Caretaker's food and that no other sources of food or water existed. It was the equivalent of leaving the cats in the desert to fend for themselves. The authorities quickly acted on this request for the ordinance from the very people who were poisoning the cats, beating them to death, and drowning them in live traps. The authorities gave no consideration to the animal cruelty and banned the cats from getting food just because the humans didn't like seeing kindness being given to a homeless cat. They did this after years of requests to enforce the animal cruelty laws and dozens of cats had been illegally killed. The best example of the "only humans matter" religion in

this particular example is when the Dare County (NC) Board Of Commissioners passed this Cat Ordinance they did it with just the Cat Haters appearing before the Board and made no attempt to allow public input to the contrary. It was just overwhelmingly decided that the cats had no Rights to life and human priority would prevail no matter if the public had a say otherwise.

Additional examples without detail of the "only humans matter" religion being enforced are abundant. My tax money funds kill shelters and the euthanasia of animals without my consent and against my religion. The standard is that if the animals cannot be some spoiled persons "living toy" or be of some use to humans then they have no Right to live. Likewise, any animal that is deemed a nuisance or threat to a human gets killed by government policy or by cultural standard regardless of fault or fact. Where ever a human interest lies, no matter how feckless, the animals get no consideration or Rights to it's life. All of which is decided without Due Process Of Law or any consideration of other religious beliefs or the harm and injury to the animals and people who care for them. Every animal advocate position is that the animals should be given a right to live but only because it has a benefit to the human-the "only humans matter" religion is entrenched in even animal advocate policy because the government has made it clear the animal must be of some benefit to the human to have a Right to life. The Endangered Species Act is a prime example of this. "Only Humans Matter" religion believes that by keeping a species from going extinct then humans can still go to heaven without being culpable. Never mind the billions that have been killed for fun with guns, trophy hunting, from human development, or for no reason at all, as long as all of them have not been killed everyone still goes to heaven. God does not mind animals being killed meaninglessly but would be offended if all were killed. Proof of this religious concept forming law and policy is evident by the fact it is not possible that small of a number of animals that are kept alive to be considered for the Endangered Species Act

list would have any effect or benefit for bio-diversity at all. The only possibility for waiting to save such a small number of animals would be that humans think some higher power, their Gods, would think unfavorably if all were allowed to be killed. Otherwise, in the interests of bio-diversity the point at which a species is not allowed to be killed anymore would have to number in the tens of millions not thousands and that would be for every species not just the ones pleasing to the humans sight or nostalgia. The Endangered Species Act hypocrisy highlights the "only humans matter" religion and it's meaning. Even while experts now say only 27% of the animals and their habitats still exist since the last 50 years, no one makes the argument that animals should not be killed because they had every Right to be alive on this planet as humans do. The Climate Crisis is the example. No scientist argue that Climate Change should be controlled to prevent the damage to animals and their habitats. They only argue that the forests and bio-diversity should be preserved because it may be of a benefit to the humans or the loss might be detrimental to the humans. No scientist argue that we should protect the planet and bio-diversity because the animals suffer and die from our exploitation of their habitats and bodies and that they had every Right to their lives the same as a human. The basis of even the concept of protecting the planet is that the human concerns are all that matters and that the animal suffering and damages is of no consequence unless it affects the humans. This is the "Only Humans Matter" religion being enforced through every government policy and by every government law and policy.

The entire 50 mile length of NC Highway 12 runs through the Cape Hatteras National Seashore and Pea Island (federal) Wildlife Refuge and is known as Hatteras Island which is 2 miles wide or less requiring animals to cross this road to find food or water on a daily basis. NC Hwy 12, the road directly in front of my home, is always littered with the bodies of dead animal killed by vehicle traffic. The entire Island is designated a wildlife preserve yet the policy reflects the "only humans matter" religion where even when

areas are designated for wildlife survival the human interest, in this case tourism that is supposed to be about wildlife, overrules the objectives of the National Park Service. The National Park Service refused to lower speed limits, put up wildlife crossing signs, or require motorists to stop for animals on or near the Highway in order to save these animals because it would inconvenience drivers and might effect the economic objectives. The National Park Service considers the road littered with dead animals an acceptable loss to the convenience of the human motorists. Even when the stated objective is to preserve the entire area as wildlife habitat. This depicts perfectly how the "only humans matter" religion influences and is enforced in the laws and policies. At present 90% of the wildlife has died or been killed or with the birds that are critical to maintaining a living Island and forest by their fertilization of the Island, 90% of the birds have diverted from this habitat. No effort whatsoever is being made to protect the remaining wildlife or to treat them as having any Rights to live on Hatteras Island. The policies of both Dare County (NC) and the National Park Service reflect the imposition of the "only humans matter" religion where animals are caused to suffer and die at the feckless needs of the humans. For the Court to say there are economic factors influencing policy and not religious would be false. The "only humans matter" religion is the state of mind being enforced where when 90% of the wildlife, the economic purpose of the National Park and Dare County land, are already gone, the economic purpose dies with every animals death. Leaving only the religious state of mind where God allows for animals to suffer and die where any human interest can be put forward. The absence of any animals Rights to their life or remorse for their deaths and suffering make this clearly a pattern and practice of installing the "only humans matter" religion into the laws and every policy. This contrast that human life has more value than animal life and suffering could not be more clear and stems from the religious belief God favors humans over animals. The United States and State of North Carolina are enforcing this religious

belief and preventing a contrary religious belief from saving the animals that their religious belief kills and causes to suffer.

The US Constitutional violation here is that petitioner and all others should be allowed to practice and live the religion that "every animals life matters" and that every animal has the Right to live on Earth the same as humans do, without suffering, and this is made impossible when the government enforces an "only humans matter" religion where animals are expendable to human concerns. An opportunity to save the animals life is not offered then is blocked by the enforcement of the governments "only humans matter" religion when the practice of alternate religious beliefs would save the animals life.

6. The Court violates the US Constitutional Right to Due Process Of Law with it's abuse of Rule 12 (b)(6) of the Federal Rules Of Civil Procedure and violates the US Constitution by denying Equal Protection Of Law with manipulations of Due Process Of Law such as Qualified And Absolute Immunity.

The entire court system in the United States is committing a "pattern and practice" of violating the Due Process Of Law clause of the US Constitution with it's abuse of Rule 12 (b) (6), failure to state a claim upon which relief can be granted, of the federal and state rules of civil procedure. It is now a common "pattern and practice" for the courts to deny Due Process Of Law, guaranteed by the Constitution, to pro se litigants by throwing out valid lawsuits using Rule 12. This "pattern and practice" of violating the Due Process Of Law clause is almost always applied when government or large corporations are the defendants. The courts have shifted their Constitutionally mandated purpose of having the US Constitution protect the citizens of the United States to abusing the courts power to protect government and corporations who influence government. The courts with this abuse of power have failed to uphold the purpose of the US Constitution. The purpose of the US Constitution is and always has been to protect the citizens of the United States from government abuse of power which is now impossible by denying

those citizens the Right to litigate their grievances against government in courts before juries.

This abuse of power by the courts fails the Due Process Of Law clause. The purpose of the courts rules should be to facilitate due process of law not deny it. The application of Rule 12 (b)(6) was only meant to deny a lawsuit in the most frivolous of cases where the court under the standard of "liberally construed" could not define any facts by which the court could understand the purpose of the lawsuit's filing. The proper standard was suppose to be that if the court could understand that a violation of a Right ,statute, or privilege had occurred and it had caused an injury then the lawsuit must go forward. Now the court uses Rule 12 (b)(6) to throw out valid lawsuits, especially those of pro se filers who are the most vulnerable to government and corporate abuses, to shield government and their accomplice corporations from being held accountable to the citizens who they abuse. The courts have become so diligent in their abuse of Rule 12 to throw out lawsuits that they disregard their ability to grant Motions To Amend which the court by Rule 15 (a)(2) is directed to give freely quote: " The court should freely give leave when justice so requires.". Justice being that the injured party be given a chance to achieve Due Process Of Law and hold the violators accountable. Especially when the plaintiff is a pro se litigant and the violator is the government or government protected corporation and the violations involve a Right being violated. The court even handicaps the pro se plaintiff by creation of an arbitrary degree of factual proof known as "sufficient facts" without the court ever allowing Due Process known as Discovery. In almost every case the government or the corporation are the party in sole possession of the "sufficient facts" and the court allows them to withhold those facts while motioning for a dismissal under Rule 12. The court in their zeal to throw out valid cases and protect government and corporate interests disregards that the plaintiff is most often the victim and their testimony that a violation has occurred, which could be decided by a jury, is "sufficient

facts" to overcome a Rule 12 dismissal or the court could direct this plaintiff victim to amend or grant Discovery to have facts made available to amend the complaint. The courts make no effort to accommodate Due Process Of Law for struggling pro se litigants but take a strict approach with Rule 12 to protect government and corporate interests. Then the court in this hypocrisy of Constitutionality contradicts it's strictness when the government or corporation violates the court's rules by applying a very liberal standard of "harmless error" and applies case law stating the public would lose faith in the courts if defaults were entered and cases were not continued to final judgements. The courts have no such liberal standard for pro se litigants when a Rule 12 "default" judgement is being granted to protect the government or corporate interests and no fear of the public losing faith in the court system. The court cannot deny this hypocritical discriminatory standard. What a glaring hypocrisy of authority when the court abuses it's rules to deny Due Process Of Law to the general public, which has caused the public to lose faith in the entire court system, then cites that faith in the court system to forgive defaults of the court's rules by government and corporations. The court claims to need to see the lawsuits through to a final judgment to maintain the confidence of the public when forgiving defaults by government and corporate defendants then has no desire to see the cases go forward or concern of public confidence when throwing out lawsuits for Rule 12 against pro se plaintiffs. The court then rationalizes it's hypocrisy by claiming a dismissal for Rule 12 has the same significance as a trial to final judgment when no trial or Due Process Of Law ever took place. The courts have made it clear to the public the court's rules are there to protect government and corporate interests and the court unconstitutionally gives precedence to these rules over Due Process Of Law, the severity of the injuries, and the seriousness of the Rights violations.

The court has also created through case law other manipulations of due process of law to deny Equal Protection Of Law. Qualified And Absolute Immunity is one of the

unconstitutional manipulations of due process which gives the court the power to unjustly deny Equal Protection Of Law. Qualified And Absolute Immunity is an unconstitutional court ruling designed to manipulate Due Process Of Law to deter those who bring lawsuits against government and to deny Equal Protection Of Law under the 14th Amendment. Qualified And Absolute Immunity is not founded in the text of or supported by the US Constitution and in fact contradicts the very purpose the Founding Fathers wrote the US Constitution. The Founding Fathers wrote the US Constitution to protects the American People from corruption in government and abuses of government power and nowhere in the text of the US Constitution does it give immunity to government from being held accountable under the US Constitution. The very fact that all government positions of authority require an oath be given to uphold the US Constitution makes evident no such government authority is granted such an immunity and the court had no legislative or legal authority to create, in defiance of the Constitution's purpose, an this immunity. The Court fabricated this immunity for government positions to overthrow the protections of the US Constitution. This immunity the Courts fabricated is unconstitutional and illegal and must be struck down to restore the US Constitutions protection for all American citizens.

Qualified And Absolute Immunity came from the non-military Nazi's legal defense for their acts in the Holocaust at the Nuremberg Trials. Nazi police, prosecutors, judges, and other non-military officials plead a defense that they were just following the laws and doing their duty as public officials. The exact ruling the US Supreme Court makes for Qualified And Absolute Immunity. This defense, however, was struck down by judges such as Judge Dan Haywood, a retired US District Judge, a Republican, sent to Nuremberg to try four Nazi Judges, who ruled that defense flew out the window the minute you sentenced an innocent man to die. Meaning, the "rule of law" has no meaning if it does not exist to protect the innocent. Qualified And Absolute Immunity

does not exist to protect the innocent but rather gives no consideration to the acts to violate the laws or Constitution and exists to protect the government violators from being held accountable under the US Constitution. These Nazi judges used laws as a basis for bypassing the German Constitution and are said to have "legalized" the Holocaust with the rulings they handed down. Qualified And Absolute Immunity similarly is a court ruling used to bypass the US Constitution and "legalize" violations of our Constitution by government against citizens that Constitution was written to protect. Qualified And Absolute Immunity serves to protect the bad actions of local, state, and federal authorities from being held accountable under the US Constitution and does not extend those same protections to everyday citizens. It is by design a violation of the Equal Protection Of Law clause of the 14th Amendment and by it's purpose meant to deny Equal Protection under the US Constitution to everyday citizens which defies the very purpose of the US Constitution and 14th Amendment. Qualified And Absolute Immunity is the exact incarnation of the Nazi's purpose to "legalize" the Holocaust and bypass the German Constitution that existed at that time.

The Court can see the lack of justification for Qualified And Absolute Immunity and their purpose to bypass the protections of the US Constitution and their ruling in Brady and Giglio. Brady and Giglio are rulings that protect innocent citizens from prosecutions and harsh punishments. It is the very purpose of Brady and Giglio to assure the public that the court is there to protect innocent persons and not merely get prosecutions. However, the Court then granted Absolute Immunity to prosecutors who violate Brady and Giglio and take away the freedoms the Constitution guarantees meaning those Constitutional Freedoms were bypassed by the court's ruling in Qualified And Absolute Immunity. Here it is clear the court's rulings in Qualified And Absolute Immunity was to bypass the US Constitution and allow prosecutors to incarcerate innocent citizens and be immune from being held accountable for doing so. The exact opposite of what the US Constitution

guarantees. The entire protection of freedom the US Constitution provides was bypassed and replaced with a meaningless reliance on the ethics of a government official which time has proven is no protection at all.

The Court bypassed and overthrew the US Constitution with it's rulings of Qualified And Absolute Immunity and opened up the flood gates of government abuse and Rights violations. The Court then, after rendering the everyday American citizen with no Constitutional protections, created an impossible standard by which the everyday American citizen could overcome their rulings of Qualified And Absolute Immunity. The Court created a standard that only if a pre-existing case was decided and published, exactly like the facts of the present case, could a victim of government abuse go forward with their lawsuits. An impossible standard when the standard itself prevents any of those past cases from ever going forward so none would ever exist. The Court then doubles down on this impossible standard by having sole control over whether or not any such cases would ever be published. The Court here has simply continued it's attack on the US Constitution by only allowing rulings in the governments favor to be published and none where the American citizen prevailed against government violators. The case here of Animal Rights is a perfect example of the court's diligence in creating this impossible standard. Since no case law currently exists for Animal Rights no pre-existing cases could possibly exist to overcome Qualified And Absolute Immunity. Since the Rights violations against the animals were committed by government authorities the court would throw out all lawsuits making sure no pre-existing published cases would ever exist. The pre-existing case standard is an act against the US Constitution. Considering the vast number of ways corrupt government could violate the US Constitution, especially when they know they are immune and want to violate a citizen's Rights, no pre-existing case standard could possibly provide the override protections necessary to assure the full protections of the US Constitution would still be in place.

However, the Court was not inventing the pre-existing case standard to protect Constitutional Rights but was ruling to protect the government and government abusers from being held accountable and this licensed, "legalized", government to violate Constitutional Rights exactly with the same methodology the Nazis "legalized" the Holocaust in violation of their own Constitution.

Even this Court wrote in manipulations of Due Process Of Law in violation of the US Constitution into the Rules of the Supreme Court of the United States such as the same Rule 20 this petition is brought under. Rule 20 states that this Court can grant these petitions at their discretion but this is Constitutionally false. This Court swears an oath to uphold the US Constitution and this is NOT at their whim or discretion. Unless the oath itself is discretionary which it is not. Under Rule 20 the Court places two thresholds to having an Extraordinary Writ granted. That the issues of law be never before litigated legal issues or that the Circuits of the US Court Of Appeals have conflicting rulings and this Court must provide case law for guidance for the lower courts and that no lower court can provide a ruling and relief. In the present petition there are seven never before litigated legal issues and the Fourth Circuit, US Court of Appeals, the only other court that could create case law for these issues, has declined to make a ruling that resolves the never before raised legal issues. The petitioners, including the animal petitioners, have a US Constitutional Right to have case law published to direct the lower state and federal courts to uphold their Rights and to provide Equal Protection Of Law and Due Process Of Law. For this Court to refuse to provide that published case law would be a refusal to enforce the US Constitution and a violation of every Justices' oath to uphold the US Constitution. Rule 20 cannot provide a bypass to this Court's oath to uphold the US Constitution by stating it is at this Court's discretion to uphold the US Constitution. This Court is empowered by the US Constitution to resolve questions of constitutionality and nowhere does it say that they can do that at their discretion especially where an

abuse of government against the entire public is involved. The discretion language in Rule 20 shows clearly that there are forces working within the US Government to manipulate Due Process Of Law and undermine the protections of the US Constitution. Rule 20 of this Court is just one example of the undermining of US Constitutional protections but there are numerous throughout the entirety of the Federal Rules Of Civil Procedure and those unconstitutional provisions are then parroted in the State Rules Of Civil Procedure.

This Court must correct it's unconstitutional rulings and abolish Qualified And Absolute Immunity and restrict or discard Rule 12 of the FRCP so that the focus is on protecting pro se plaintiffs from the abuses of government and restoring the US Constitution to the full protections of the American People. The very first consideration of any court must be if a Right, Privilege, or Statute has been violated and no lawsuit should be dismissed without justice being dispensed to the victims, regardless if the victims possess the sophistication to understand and abide by the court's rules, and most especially when the government is the violator. The full protections of the US Constitution must be restored and the Supreme Court Of The United States has an oath and duty to do this on behalf of the American People.

7. Cats need to be added as a protected class under Hate Crime Laws and acts of cruelty to cats by CAT Haters must be designated as a "Hate Crime" listed under Hate Crime Laws.

Cats are the only animal in the United States that have a culture of people that hate them just for being cats and pass this hate on from one generation to the next. No other animal is subjected to this culture of hate and this entitles cats to be protected by the Hate Crime Laws. Animal advocates have identified this culture of hate against cats being committed by "CAT Haters". The culture of hate against cats results in 8 out of every 10 acts of animal cruelty being committed against cats. No other types of animals

are regularly thrown out of car windows into traffic or off of bridges, drowned, lit on fire, beaten to death, killed by dogs trained by CAT haters to kill cats, denied food and water by government ordinances, used as live shark bait or subjected to other abuses that harm and kill them. The acts of animal cruelty to dogs and other animals are pale in comparison to the horrific acts committed against cats and are fewer and less often. The horrific acts being committed against cats require additional protection of law and this would be to protect them from Hate Crimes and to punish these horrific acts with additional sentencing. Cats must be by law listed as protected under the Hate Crime laws to give them the adequate protection they deserve from acts of animal cruelty being committed under the pretenses of hate.

REASONS FOR GRANTING THE PETITION

The legal issues contained in the Questions Presented are all never before litigated legal issues that the Fourth Circuit refused to resolve for the lower courts and now this Court must resolve those legal issues with published case law as guidance for the lower courts and to assure the US Constitution provides protection for all citizens and animal without discrimination, prejudice nor bias.

These never before litigated legal issues effect the public as a whole and has a universal significance to the public and the rule of law and are necessary for the proper interpretation of the US Constitution and all citizen's Constitutional Rights.

The Court must abide by it's oath to the American People to provide a meaningful and just interpretation of the US Constitution where discrepancies in it's interpretation cause injury or death.

The issues here have been ignored or denied in all lower courts both State and Federal and no other court exists that can stop the injuries and deaths these issues are causing. The legal issues presented in this petition for a WRIT have never before been presented or litigated in any US Court of Law and no published legal precedent exists for the lower courts to abide by therefore a ruling by this court will aid lower courts in hearing cases and stopping such injuries in all jurisdictions. The published precedents requested in this petition by a ruling of this Court will have national and international significance and are necessary to provide governing legal precedent for all circuits in the US Courts Of Appeal. The issues present a life and death situation for the Courts, the petitioners, the public, and the victims. The issues represent a void in legal precedent and authority whereby the US Constitution and Rule Of Law has not been applied to date and this void creates a danger to the public and all animals residing in the jurisdiction of this Court.

CONCLUSION

This petition for an Extraordinary WRIT Of Mandamus should be granted as prayed for and a ruling published that will resolve these legal issues for these petitioners and any similar situated future petitioners. This Court has a Constitutional duty to resolve the legal issues and stop the injuries and unconstitutional violations.

Respectfully submitted,



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