No. ORIGINAL

24-6448

IN THE

SUPREME COURT OF THE UNITED STATES

Dennis Sheldon Brewer v. William Burns, Director, Central Intelligence Agency

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. Circuit Court for the Fifth Circuit

PETITION FOR WRIT OF CERTIORARI

Dennis Sheldon Brewer

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201-887-6541

QUESTIONS PRESENTED

1. Shall this Court permit the courts of the fifth circuit to openly defy both this Court's mandates and statutes to establish their own circuit specific precedents which effectively override this Court and Congress for:

a. Standing?

The well-established principle of standing is afforded to all who have (i) injury in fact, (ii) can establish causation, and (iii) a statutory means of redress exists, as defined in FDA v. Hippocratic Medicine 602 US____ (2024) issued June 28, 2024, as the fifth circuit was engaged in concurrent, overlapping, and openly defiant actions, wherein a fifth circuit district court disregarded those well-established bedrock principles of standing to dismiss sua sponte on June 6, 2024, one day after docketing, the petitioner's pleading (described at paragraph 11A below, appendix C pages 7-24, appendix H 194-196, paragraph 13-P10D-P10E) and well satisfying these three principles, which dismissal was affirmed on November 11, 2024 under local rule 47.6 by a fifth circuit panel finding no reversible error of law and giving no reason,

b. Congressional intent?

Congress intended to place this indigent petitioner, and others similarly affected, in this case impoverished by acts of the United States as it engages in and perpetuates involuntary servitude, on equal footing with all other litigants in 28 U.S.C. § 1915, but these fifth circuit courts first abused judicial discretion, disregarding this Court's four relevant keystone mandates at paragraph 12A below, then affirmed that abuse of discretion, finding no reversible error of law on November 11, 2024, citing local rule 47.6, providing no opinion as they justified by claiming their affirmance had "no precedential value,"

c. **Reaffirm de jure this defiant de facto fifth circuit precedent,** overriding this Court's mandates?

A fifth circuit panel denied an en banc rehearing petition as "no active judge expressed an interest," thereby reaffirming this newly found precedent on December 30, 2024 and de jure creating this new circuit-wide precedent establishing the district court's arbitrary and fundamental failures to comply with bedrock judicial principles of standing, impartiality, equity, and fair consideration, as proper uses of judicial discretion under fifth circuit local rule 47.6 (paragraph 11C), exploiting the inherent ambiguity of unexplained fifth circuit panel actions to unambiguously establish on December 30, 2024, this fifth circuit precedent in open defiance of this Court's June 28, 2024 mandate in FDA v. Hippocratic Medicine 602 US____ (2024),

d. **Failed timely delivery of notice,** using US mail to notify the petitioner three days after mandate publication to attempt to procedurally evade petitioner's stay motion so he can petition this Court for writ of certiorari?

The fifth circuit then published the mandate on January 7, 2025, and the petitioner received notice by mail, the only means of court communication permitted by the fifth circuit, on January 10, 2025, three days after publication, in the fifth circuit court's second instance of failure to timely and accurately communicate with this petitioner/appellant (Procedural History entries for September 26, November 11-December 5, and January 7-10),

e. **When it elects to do so in its sole discretion, the fifth circuit can de jure by defiant precedent, disregard rights and law to enshrine violations of the religious establishment clause** and 42 U.S.C. §§ 2000bb, bb1-bb-4 in this circuit by the United States Army, Central Intelligence Agency, Justice, Homeland Security, Health and Human Services, among others, in this and other violations of rights and law in the fifth

circuit extinguishing rights and claims of the petitioner, other civilians, and those of thousands to millions who faithfully served the United States, particularly Army and CIA, and have been injured as intelligence or military service veterans, their dependents and descendants, who may be similarly situated to this service member descendant petitioner since childhood and the age of five?

The immediate and prospective practical effects of the fifth circuit's defiant judicial precedent extend to the extinguishment of rights and claims of persons well beyond this petitioner, including persons related to over 100,000 who currently serve in military service, to thousands to millions of others similarly situated, whether impoverished or otherwise harmed by these acts of the United States in this fifth circuit. More than 100,000 current active duty and untold millions of former military personnel, as well as their dependents and descendants, which include members of the petitioner's own extended family who are related to his uncle, a former Army medic who served at Fort Hood, Texas serve in this circuit's jurisdiction, most having no Bivens special relationship with the United States. The fifth circuit's precedent will prospectively extinguish the rights and claims in the fifth circuit arising from Controversies created by illegal acts of the United States as it has and does violate its own Laws and Treaties to engage in illegal acts including, without limitation, (i) human experimentation, in its testing and deploying an internationally prohibited bioweapon, (ii) sustaining involuntary servitude, (iii) racketeering acts against rights and property, among other offenses; against persons adversely selected through discrimination against religious rights protected under the Constitution's establishment clause in the absence of any compelling governmental interest, (iv) in other violations of constitutional and civil rights, and (v) other violations of law.

2. These violations have, do, and will trample upon and fatally negate (a) the petitioner's *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth Amendment* constitutional rights and (b) damage perhaps irretrievably those of others similarly injured in this circuit, and (c) negate the civil remedies readily available in the plain and clear Congressional statutory language and legislative intent expressed in 42 U.S.C. §§ 2000bb, bb-1-bb-4 cause of action for religious discrimination absent compelling governmental interest, 28 U.S.C. § 2679(b)(2) individual liability in governmental acts violating rights, and 18 U.S.C. §§ 1961-1968 civil cause of action for racketeering acts, other federal and state statutes, and long settled caselaw related thereto.

3. The constitutional and statutory rights of the entirety of this class of injured US persons will be severely compromised and extinguished in all practical senses in this fifth circuit if these willful bad faith precedents sustaining arbitrary applications of judicial discretion in the fifth circuit are allowed to persist based upon a single district court's overly broad abuse of discretion in its determination of "frivolous" in its finding against facts and law for decades of illegal acts of government, which acts, violations, and injuries are profoundly similar to those prosecuted by the United States and its allies in United States of America v. Karl Brandt et al. (1947). Broad discretion must not extend to the egregious abuse of discretion, else we have no rule of law.

LIST OF PARTIES

4. This Controversy arises between the courts of the fifth circuit, and the petitioner and others similarly situated. No respondent service is required as parties have not been initially served. The parties are listed in the caption of the relevant action filed by petitioner for this

Court's reference and convenience, may be found in the certificate of interested persons in appendix H pages 173-178, and are not directly relevant to the matter before this Court.

5. Primary defendants are departments and agencies of the United States, including defendants with police powers; state and local police powers agencies in several states; and senior executive and management personnel with direct responsibility for these rights violations under these courts' jurisdiction as defined at 28 U.S.C. § 2679(b)(2) and under state statutes.

6. This petitioner, who brings this matter in forma pauperis pro se as an indigent due to decades of fraudulently concealed willful acts, violations, and injuries by the United States and its co-defendants, is the plaintiff/appellant, whom Congress intended would stand on equal footing with paid litigants under 28 U.S.C. § 1915, but has not been accorded such treatment by these fifth circuit courts, as they defy Congressional intent, and this Court yet again on standing wherein injuries have been sustained, causation established, and specific statutory remedies exist. But this is a Controversy of national import, which extends well beyond this indigent petitioner, as described above in paragraphs 1(e) and 3, see also appendix C, Table of Contents, page 20-21 Plaintiffs relating likely future parties to this injured class, as discussed at length in the underlying complaint paragraphs referenced.

RELATED CASES

Bivens v. Six Unknown Fed. Narcotics Agents, 403 U. S. 388 (1971)

Conley v. Gibson, 355 U.S. 41 (1957)

Denton v. Hernandez, 504 U.S. 25 (1992)

FDA v. Hippocratic Medicine, 602 US____ (2024)

Haines v. Kerner, 404 U.S. 519 (1972)

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from federal courts:

The orders of the United States court of appeals appear at Appendix A to the petition. The mandate was mailed to petitioner and published three days prior to receipt by the petitioner, delivered by mail, the court required means of communication. A reversal and stay motion was sent by express mail within 24 hours of mandate receipt.

The orders of the United States district court appear at Appendix B to the petition and are reported in the Pacer CM/ECF system of this district court.

The critical relevant opinions of this Court appear at Appendix E to the petition and are reported as indicated in the Table of Authorities above.

JURISDICTION

For cases from federal courts:

The date on which the United States first circuit court of appeals initially affirmed the district court's per curiam order and judgement order was November 11, 2024.

The date on which the United States first circuit court of appeals denied the petition to rehear en banc its per curiam order affirming the district court's dismissal order was December 30, 2024.

The date on which the appellant received the order refusing the en banc petition by mail, the only means permitted by the first circuit court of appeals for communication, was January 10, 2025, three days after the mandate had been published. A motion for reversal and stay was sent express mail on January 11, 2025.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Constitutional rights - *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth,* and *Fourteenth Amendments*

1972 Bioweapon Treaty prohibiting bioweapons and delivery systems

42 U.S.C. §§ 2000bb, bb1-bb4 cause of action for religious discrimination

28 U.S.C. §§ 1915, 1915A court access for indigents

28 U.S.C. § 2679(b)(2) individual liability for government violations of rights

18 U.S.C. §§ 175-178 bioweapons prohibited

18 U.S.C. §§ 1961-1968, 1964 civil cause of action for racketeering

STATEMENT OF THE CASE

7. This petition for writ of certiorari is entered under this Court's Rules 10 (a) and 10(c) to appeal and adjudicate federal fifth circuit court per curiam orders and judgements which do abridge and may extinguish the *First, Third, Fourth, Fifth, Eighth, Ninth, Thirteenth* and *Fourteenth Amendment* rights of petitioner and prospectively thousands to millions of others including active duty service member's family members, veterans, and their descendants similarly situated to the adversely selected through religious discrimination petitioner, and other US persons. The fifth circuit court and the district court have (quoting Rule 10(a)) "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." Further, the circuit court has (quoting Rule 10(c)) "decided an important federal question in a way that conflicts with relevant decisions of this Court." The fifth circuit has in fact directly defied this Court as and immediately after it rendered its decision in FDA v. Hippocratic Medicine, 602 US____ (2024).

8. These extreme and substantial deviations as the fifth circuit de jure established these circuit precedents which vary widely (i) from this Court's mandates, (ii) from clear

Congressional intent, and (iii) from the basic rights, fairness, and principles of equity enshrined in the rule of law and our Constitution, are clearly demonstrated in the paragraphs below:

9. Procedural History – District Court Violations of Due Process, Errors of Law Affirmed by Circuit Court

9A. USDC Violated Basic Principles of Standing, Liberal Construction, Mandatory In Forma Pauperis Pro Se Tests

Date	Act	Court, Appellant
May 31, 2024	Complaint sent by USPS priority mail, 54 claims, 1,324 pages (Table of Contents appendix C pages 7-24)	Appellant, no electronic filing permitted
June 5, 2024.	Complaint received by mail and docketed as 2:24-cv-0123	Northern District of Texas at Amarillo
June 6, 2024	Complaint dismissed *sua sponte,* two page order, one page judgement page order (appendix B page 4)	Northern District of Texas at Amarillo
June 24, 2024	Notice of Appeal mailed	Appellant
July 2, 2024	Notice of Appeal docketed (appendix D page 28)	Northern District of Texas at Amarillo
September 4, 2024	Record on Appeal mailed USPS	Northern District of Texas at Amarillo
September 7, 2024	Record on Appeal received from USPS, 3 day mailing time from Amarillo, TX	Appellant

9B. USCA Affirmed USDC Errors of Law, Cited Local Rule 47.6 To Evade Denton Mandates For "Intelligent Appellate Review"

Date	Act	Court, Appellant
July 12, 2024	Appeal docketed as 24-10614. Mailed filings only, no electronic filing permitted	Fifth Circuit Court of Appeals
September 23, 2024	Sufficient appellant redrafted brief mailed on and dated September 10, 2024 docketed as accepted by Clerk.	Fifth Circuit Court of Appeals
September 26, 2024	In reply to clerk letter dated September 18, received September 25, sent misdated letter carrying forward prior correspondence August 28 date in heading. Mailed to Fifth Circuit clerk, indicated typical USPS mailing times of 7-8 days to receive mail from New Orleans, LA, and noted redrafted appellant brief dated September 10 permitted under court rules, and no further corrections would be made. (appendix C page 25)	Appellant
November 11, 2024	Per curiam order and judgement entered, mailed USPS on November 14 without copy of order enclosed	Fifth Circuit Court of Appeals

9C. USCA Rejected En Banc Petition, Twice Used Procedural Irregularities, Evaded Timely Notice Essential To Filing Of Timely Stay Motion

November 20, 2024	November 11 mailing received with no order enclosed. Called USCA clerk's office to indicate no copy of order received in clerk's November 11 mailing. Clerk read order over phone to appellant.	Appellant
November 21, 2024	En banc petition prepared and mailed to meet immediate court deadline imposed by tight mailing times and late receipt from court, missing order required when filing en banc petition could not be included as was not yet received, as noted therein	Appellant
November 29, 2024	Missing November 11 per curiam order mailed after the fact on November 20 received via US mail by appellant	Fifth Circuit Court of Appeals
December 5, 2024	Revised en banc petition sent via email, as newly permitted for the first time to pro se clerk unit, cured deficiencies by including previously missing order and clearing others noted	Appellant
December 5, 2024	Fifth Circuit Court of Appeals automated message to appellant confirmed receipt and stated: "This email address is for the purpose of submitting documents to be filed in pending cases before the 5th Circuit, not a means of communicating with the court."	Appellant
December 13, 2024	Sufficient en banc rehearing petition accepted	Fifth Circuit Court of Appeals
December	Per curiam order docketed, denied en banc petition, mailed USPS	Fifth Circuit

30, 2024	(appendix A page 2)	Court of Appeals
January 7, 2025	Order, judgement, mandate published affirming mandate	Fifth Circuit Court of Appeals
January 10, 2025	Notice of denial of en banc petition received by USPS late Friday, three days after mandate publication, mailing time included official government holiday delay (appendix A page 2)	Appellant,
January 11, 2025	Motion to reverse and stay sent by express mail to Fifth Circuit	Appellant
January 11, 2025	Petition for writ of certiorari draft started	Appellant

10. Utter Disregard - Fifth Circuit Courts Defy Congress And This Court To Establish Circuit Specific Overriding Precedents

10A. Fifth circuit courts have established de facto, then de jure, precedents which defy Congressional intent and this Court's mandates and rules. This petition directly addresses those wide deviations from this Court's mandates to all inferior courts, and the fifth circuit's contemporaneous defiant circuit precedents, related to standing and equal footing mandates in particular, which adversely impact rights and claims of petitioner and thousands to millions of others in the fifth circuit as described at paragraphs 1(e) and 3 above.

11. Principles Of Standing Trampled - This Court's Concurrent Mandates Defied

11A. The fifth circuit district court at Amarillo utterly disregarded the principles of standing – injury in fact, causation, remedy - and conflated two parallel illegal United States human experiment programs run on civilians, CIA's 1953-1973 MKUltra LSD druggings of civilians, and the CIA/Army bioweapon program at issue here, and simply opted out of reading the complaint as it dismissed sua sponte June 6, 2024, one day after docketing. See appendix C page 7-24 for the Table of Contents in this 1,324 page complaint of meticulously researched and forensically developed content with specific

identifications as a result of breakthroughs beginning in September 2023, which finally began to establish definitive causation; provided a detailed narrative of the underlying illegal conduct and the direct impact on victims; discussed legal immunity, bad faith acts, and related caselaw; identified conflicts of Constitution, law, and treaty; discussed contextual fraudulent concealment of racketeering acts by abuse of state secret privilege; provided 110 specific examples of illegal conduct by the United States and its co-conspirators supported by inline and documentary evidence; called out 54 statutory claims which built on the narrative and 110 specific examples, including novel scientific claims never heard by any court which relate the illegal bioweapon testing and deployment operations to analog beneficial devices in FDA approved testing, and relate bioweapon system delivery components to other analogous devices and systems in daily commercial use; provided a comprehensive schema of carefully researched remedies under law encompassing state and federal statutes across multiple jurisdiction; all argued clearly and as simply as complex facts and law allow.

11B. The district court simply refused to read or consider the complaint placed before it; presumed to know what it said; ignored the principles of standing, as well as law, mandates, and facts; and rendered an opinion without reference to the contents of the complaint – all as meticulously documented in the appellant brief at appendix H paragraph 13 pages 185-202. The court just opted out, and abused an equal footing counterargument crafted by Congress in 28 U.S.C. § 1915, to excuse itself from its constitutional duty to consider this Controversy involving the United States, claiming the entire matter to be frivolous and redundant when it is neither and was not even read in the less than eight working hours from docketing to signed court order, as the Table of

Contents (appendix C pages 7-24) and the forensic history alone will inform any reasonable person. The district court simply ignored the Congressional intent of equal footing in 28 U.S.C. § 1915 and this Court's mandates in Conley, Haines, Neitzke, and Denton, discussed below at paragraph12A4.

11C. The fifth circuit court panel found this fifth circuit district court's practice – ignoring principles of standing, ignoring case narrative and legal arguments, and failing to consider facts in the context of statutory and remedies, to be perfectly acceptable. So good that they need not render any opinion to explain their conclusion – affirmed, with no reversible error of law (appendix a, page 1), as the fifth circuit panel used its local rule 47.6 as the guiding precedent for its decision not to issue an opinion (emphasis added):

> "47.6 Affirmance Without Opinion. The judgment or order may be affirmed or enforced without opinion when the court determines that an opinion would have no precedential value and that any one or more of the following circumstances exists and is dispositive of a matter submitted for decision: (1) that a judgment of the district court is based on findings of fact that are not clearly erroneous; (2) that the evidence in support of a jury verdict is not insufficient; (3) that the order of an administrative agency is supported by substantial evidence on the record as a whole; (4) in the case of a summary judgment, that no genuine issue of material fact has been properly raised by the appellant; and (5) no reversible error of law appears. In such case, the court may, in its discretion, enter either of the following orders: "AFFIRMED. See 5TH CIR. R. 47.6." or "ENFORCED. See 5TH CIR. R. 47.6.""

11D. Using this local rule 47.6, the fifth circuit panel's per curiam order (appendix A page 1) found no precedential value and "no reversible error" as it affirmed the district court's willful refusal to even skim, peruse, read, or consider the complaint. But nothing in federal law supports this holding for in forma pauperis pleadings, at least not since 1957, when this Court found that dismissal is impermissible unless these courts can say:

11G. In citing this local rule 47.6, the fifth circuit directly interferes with appellant rights to pursue further appeals in this circuit, and thereafter pray for the writ for which this petition is written, each and every time this local rule is used to conceal the fifth circuit appeals panel's deliberative process and intent from any and all appellants. The fundamental act of objecting to the ambiguity of an utter lack of legal findings by the circuit court under this local rule 47.6 is itself inherently ambiguous. This reality extinguishes the appellate rights of litigants whenever the circuit court shall so elect, as there is nothing clear and plain to object to, no specific or particular points an appellant can argue since none are given – so the standards of argument to which are litigants are held by courts are completely undercut. It is hard, nay impossible, to form any argument against legal minds which must be read in situ and whose deliberative process is therefore as opaque as the muddy Mississippi River. So, lacking a legal or logical basis to form an argument which argues against nothing, the litigant's petition is much more likely to be disregarded for its ambiguity as it objects to any inherently ambiguous local rule 47.6 no opinion fifth circuit ruling, rendered any time the fifth circuit chooses this route in any matter before it. The fifth circuit can simply walk away from logic, reason, law, and argument whenever it chooses to ignore statute, ignore Congressional intent, ignore due process, ignore this Court's mandates, or simply ignore the appellant for no reason at all, and thereby de facto extinguish the rights and claims of parties by merely citing this local rule 47.6. Or give a party standing where none exists, as in FDA v. Hippocratic Medicine 602 US____ (2024).

11H. These fifth circuit courts' actions, which defy long established statutes, mandates, and principles - while citing no reason, no rationale, nor observing precedent

in doing so – effectively extinguish petitioner's rights, a pattern of de jure circuit precedent. This deviations from the rule of law, broadly applicable to all who come before the fifth circuit appellate courts and certainly known to its district courts, fails to meet the most basic principles of sound jurisprudence under any legal system, and well exceeds the threshold standard for review established in this Court's Rule 10, particularly given the existing pattern of wide deviations from established mandates, illustrated by the contrasts regarding standing, due consideration, and liberal construction between this petitioner's case and FDA v. Hippocratic Medicine, 602 US____ (2024), wherein in this Court found there was no standing – no injury in fact, and no causation – in its June 28, 2024 mandate.

12. Equal Footing Trampled - Utter Disregard Of 28 U.S.C. § 1915 Congressional Intent And This Court's Mandates

12A. Congress adopted 28 U.S.C. § 1915 providing equal footing to indigent plaintiffs in the late 1800s. The modern era mandates which govern equal footing are Conley v. Gibson, 355 U.S. 41 (1957), Haines v. Kerner, 404 U.S. 519 (1972), Neitzke v. Williams, 490 U.S. 319 (1989), and Denton v. Hernandez, 504 U.S. 25 (1992). Excerpted briefly, they speak volumes:

12A1. Conley v. Gibson, 355 U.S. 41, 45-46 (1957):

> **Dismissal is impermissible unless** the court can say "with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, **it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief.'"**

12A2. Haines v. Kerner, 404 U.S. 519, 520-521 (1972):

> "allegations such as those asserted by petitioner, however inartfully pleaded, are sufficient to call for the opportunity to offer supporting evidence. We cannot say with assurance that under the allegations of the pro se complaint, which we hold to less stringent standards than formal pleadings drafted by lawyers, it appears "beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief." Conley v. Gibson, 355 U. S. 41, 355 U. S. 45-46 (1957). See Dioguardi v. Durning, 139 F.2d 774 (CA2 1944).

12A3. Neitzke v. Williams, 490 U. S. 329, 330 (1989):

"Our conclusion today is consonant with Congress' overarching goal in enacting the in forma pauperis statute: "to assure equality of consideration for all litigants." ....

"Given Congress' goal of putting indigent plaintiffs on a similar footing with paying plaintiffs, petitioners' interpretation cannot reasonably be sustained. According opportunities for responsive pleadings to indigent litigants commensurate to the opportunities accorded similarly situated paying plaintiffs is all the more important because indigent plaintiffs so often proceed pro se, and therefore may be less capable of formulating legally competent initial pleadings. See Haines v. Kerner, 404 U. S. 519, 404 U. S. 520(1972). [Footnote 9]."

12A4. Denton v Hernandez, 504 U.S. 25, 32-34 (1992):

"In Neitzke v. Williams, 490 U.S. 319 (1989), we considered the standard to be applied when determining whether the legal basis of an in forma pauperis complaint is frivolous under 1915(d). The issues in this case are the appropriate inquiry for determining when an in forma pauperis litigant's factual allegations justify a 1915(d) dismissal for frivolousness, and the proper standard of appellate review of such a dismissal."

..... at 32-34 (emphasis added):

"As we stated in Neitzke, a court may dismiss a claim as factually frivolous only if the facts alleged are "clearly baseless," 490 U. S., at 327, a category encompassing allegations that are "fanciful," id., at 325, "fantastic," id., at 328, and "delusional," ibid. As those words suggest, a finding of factual frivolousness is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them. An in forma pauperis complaint may not be dismissed, however, simply because the court finds the plaintiff's allegations unlikely. Some improbable allegations might properly be disposed of on summary judgment, but to dismiss them as frivolous without any factual development is to disregard the age-old insight that many allegations might be "strange, but true; for truth is always strange, Stranger than fiction." Lord Byron, Don Juan, canto XIV, stanza 101 (T. Steffan, E. Steffan, & w. Pratt eds. 1977)

.....

"In reviewing a § 1915(d) dismissal for abuse of discretion, it would be appropriate for the Court of Appeals to consider, among other things, whether the plaintiff was proceeding pro se, see Haines v. Kerner, 404 U. S. 519, 520-521

(1972); whether the court inappropriately resolved genuine issues of disputed fact, see supra, at 32-33; whether the court applied erroneous legal conclusions, see Boag, 454 U. S., at 365, n.; whether the court has provided a statement explaining the dismissal that facilitates "intelligent appellate review," ibid.; and whether the dismissal was with or without prejudice."

12B. The district court's use of the term frivolous – unserious, no sound basis, meaningless, having no weight, comprised of fantasy or delusion - to characterize a pleading was a reversible error of law when:

1. Facts are utterly disregarded as when simply not even read. Facts must be read to be considered, must be liberally construed in their reading under existing caselaw, and must be subjected to adversarial proceedings to determine objectivity under sound judicial procedure. To fail to read facts and the related claims is a procedural error of law.
2. Law which is simply disregarded and given no weight, as in failing to merely acknowledge claims made under causes of action established by Congress when relevant facts are asserted with those claims, and neither facts nor claims nor law have even been read to be considered for threshold validity when liberally construed, is to refuse to recognize cognizable claims, a fundamental error of law.

12C. District court judges enjoy a level of discretion. But discretion without consideration is currently accepted in the fifth circuit as sound jurisprudence, so long as the proper words are used, and the proper citations are made, to form the unqualified opinion on the merits of an action which has not been read to be considered. The incremental application of research, forensic analysis, fact gathering, and evidence need not be considered in reaching this conclusion. That is not how the law is described, but it is how it is practiced by courts in this circuit. It defeats the rule of law and the credibility of these courts.

12D. The circuit panel found this use of discretion utterly acceptable, without saying as much, as they said nothing at all. They held that such conduct – considering neither facts, nor law, nor claims which correlate those facts with law to assert claims - is completely acceptable judicial procedure for threshold determinations by a district court judge. A circuit in which fact finders so exercise their discretion will find no facts at all whenever it is convenient to their interests over the interests of justice.

12E. The circuit panel's reasoning is indecipherable as it elected to simply affirm without legal reasoning or support, citing its local rule 47.6 and offering no opinion, which rule fails to comply with these mandates to liberally construe and to support this Court's own intelligent appellate review. The fifth circuit court failed to even examine the district court order to determine if Denton's five tests for intelligent appellate review had been completed for this Court to review in the event of a further appeal. They were not, see appendix H pages 187-189 paragraph 13-P4A through P4G.

12F. This complete absence of compliance with precedents and the local rule 47.6 dodge of any and all mandates at will, was analyzed and presented to the circuit court a second time in the en banc rehearing petition at appendix A page 2. The panel simply denied the en banc rehearing petition, noting that its own failure to comply with mandates was of no particular interest to any active judge. So, it appears that in their eyes, the law need not furnish a remedy, even when Congress has explicitly so provided, nor even a rational reason for failing to comply, simply by honoring the local rule 47.6 precedent of ignoring mandates and statutes, and of fair consideration of pleadings when convenient. This lack of circuit discipline in granting discretion without review, rationale, or compliance with statutes and mandates is itself a profound

miscarriage of justice, a de jure precedent which is a reversible error of law, and a wide deviation from over a thousand years of jurisprudence and 235 years of American justice.

12G. Upon proper consideration of facts and law in this matter by a federal court, yet to be achieved due to its novel claim (Denton mandates discovery of novel claims brought by indigent plaintiffs), it is intended that the claims of other injured and aggrieved parties may be added through discovery and joined with this pioneer claim. The total number of injured parties who are prospective plaintiffs is not yet known, and this particular fact is no trivial matter in this circuit. It looms large, as the US Army, a principal defendant, has large facilities in this circuit. Well over 100,000 active duty service members work in this circuit at present, and millions more have served in the region covered by the fifth circuit. Both the petitioner's uncle and father served in the Army Medical Corps in Texas and in Washington state respectively in the 1950s and 1970s, and they and their families have sustained injuries in these illegal acts of government as a result of adverse selection based upon religious discrimination with no compelling governmental interest. Thousands to millions of others may be similarly injured given the mass distribution capabilities of the modern era versions of the illegal bioweapon and the known pattern of adverse selection practiced by lawless federal officials, both those named in the complaint and others to be discovered.

13. Congressional Intent Trampled - Statutes And Mandates Abridged By Fifth Circuit Actions

13A. Congressional statutes which are well settled and provide remedies cannot be overlooked by any court claiming it follows the law and makes no reversible error of law. As our founders and this Court have made perfectly clear time and again:

> "[a]ll new laws, though penned with the greatest technical skill, and passed on the fullest and most mature deliberation," would be "more or less obscure and

equivocal, until their meaning" was settled "by a series of particular discussions and adjudications." Federalist No. 37 (J. Madison).

"To avoid an arbitrary discretion in the courts, it is indispensable that they should be bound down by strict rules and precedents, which serve to define and point out their duty in every particular case that comes before them; and it will readily be conceived from the variety of controversies which grow out of the folly and wickedness of mankind, that the records of those precedents must unavoidably swell to a very considerable bulk, and must demand long and laborious study to acquire a competent knowledge of them." Federalist 78 (A. Hamilton).

13B. Loper Bright Enterprises v Raimondo 603 US ___ (2024):

"This Court embraced the Framers' understanding of the judicial function early on. In the foundational decision of Marbury v. Madison, Chief Justice Marshall famously declared that "[i]t is emphatically the province and duty of the judicial department to say what the law is." 1 Cranch 137, 177 (1803). And in the following decades, the Court understood "interpret[ing] the laws, in the last resort," to be a "solemn duty" of the Judiciary. United States v. Dickson, 15 Pet. 141, 162 (1841) (Story, J., for the Court). When the meaning of a statute was at issue, the judicial role was to "interpret the act of Congress, in order to ascertain the rights of the parties." Decatur v. Paulding, 14 Pet. 497, 515 (1840).

13C. Marbury v. Madison 5 Cranch 137 (1803):

"It is also not entirely unworthy of observation, that in declaring what shall be the supreme law of the land, the constitution itself is first mentioned; and not the laws of the United States generally, but those only which shall be made in pursuance of the constitution, have that rank.

"Thus, the particular phraseology of the constitution of the United States confirms and strengthens the principle, supposed to be essential to all written constitutions, that a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument."

13D. Fifth circuit courts are not excused from their duties to law or facts by their relative position in the court hierarchy – rather, they are explicitly obliged by their relative position in this hierarchy to scrupulously observe laws and mandates, and to find facts, even in the face of personal or philosophical opposition to statutes, mandates, or

facts they may find personally repugnant, or are disfavored by powerful institutions or individuals, including those in other branches of government. Inferior courts may not defer to any arbitrary interpretation which favors any particular interest or interpretation over the plain, clear, and explicit language in the statute, nor manufacture "frivolousness" through discretion as an excuse for failing to merely read and consider facts, claims, and proper application of statutes.

13E. When the underlying statute is well settled law, and even when it is not, where an explicit cause of action has been provided by Congress, and justiciable factual evidence of injury is presented, these courts must permit the legal process to proceed on its normal course consistent with our Founders intent, our Constitution, and this Court's more than 235 years of jurisprudence – Hamilton, Jay, and Marshall made that perfectly clear in their foundational writings as this republic was born and began our noble experiment as a self-government of equals.

13F. Yet the fifth circuit panel affirmed no reversible error of law, citing no reason under local rule 47.6, then reaffirmed its utter lack of interest denying the petition for en banc rehearing. Preserving the rights of aggrieved parties, including this petitioner and others so injured, was never a factor, and they simply never allowed any statute or mandate to get in the way of their so finding under their circuit precedent which violates mandates.

14. Petitioner's Rights Trampled - Bad Faith Procedural Dodges Attempt Deprivations Of Rights

14A. The appeals court disregarded this petitioner's rights by employing bad faith procedural dodges in the court's use of known lengthy mailings times which, combined with further delays during official government holiday closures in bad faith resulted in the no notice

publication of this circuit's mandate and expiry of its seven day filing deadline for stay motions prior to receipt by US mail, the only permitted method of communication for this petitioner with this court, after the per curiam order denied the en banc rehearing petition. The published mandate affirming the district court's order and judgement was completed without notice.

14B. This petition is filed as the circuit court considers this petitioner/appellant's motion to reverse and stay its published mandate. Petitioners rights have been prospectively extinguished in bad faith without notice, a purposeful evasion consistent with the circuit's entire prior pattern of practice. Known mailing times were clearly communicated, and official holiday delays in court communications with the petitioner, were well understood by the court as the pattern in the Procedural History at paragraph 3 above clearly indicates. Specific communication September 26, 2024 to the clerk's office indicated typical lengthy mailing times in the seven to eight day range (appendix C page 25 and the table in the Procedural History section above), comparing very unfavorably with the three day period from Amarillo, Texas which is considerably farther away from this petitioner. The circuit court acted in bad faith to attempt to extinguish the petitioner's rights and claims against these favored institutional defendants and against decades of federal corruption by these departments, agencies, and persons.

15. Utter Disregard - Fifth Circuit Defiance, Lack Of Judicial Discipline Extinguish Petitioner's Fundamental Rights, Adversely Impact Thousands To Millions More

15A. This Court cannot simply look away. Permitting a fifth circuit district court, or any court, to establish a circuit precedent which (i) systematically undermines this Court's mandates and Congressional statutes and intent, as it extinguishes rights and claims of the petitioner, and prospectively extinguishes the rights and claims of thousands to millions of people; that (ii) permits any court in the fifth circuit to consider, deliberate, and use discretion under law without

reading, without rationale or reason, to determine that injuries have not been incurred, that rights and claims are not valid, that claims are frivolous and lacking in weight and meaning; when Congressional statutes and this Court's mandates clearly say these rights and claims are justiciable as in 42 U.S.C. § 2000-bb; when Congress placed indigents on equal footing with paid litigants in 28 U.S.C. § 1915; when 18 U.S.C. § 1964 says racketeering claims are justiciable as civil claims; when other federal and state statutes provide comparable remedies, injuries have been incurred, and causation reasonably established; when the weighty evidence says claims are factual when liberally construed; and the complaint has not even been read by the trier of fact before its sua sponte dismissal, and then have this abuse of discretion affirmed without reason by this circuit under local rule 47.6; supports and sustains purpose of evasion, and is neither reason nor rule of law, which most certainly qualifies in any rational logical definition as a "Controversy" of fundamental import to this Court under the constitution of the United States of America. Else we have no rule of law.

REASONS FOR GRANTING THE PETITION

> "The government of the United States has been emphatically termed a government of laws, and not of men. It will certainly cease to deserve this high appellation, if the laws furnish no remedy for the violation of a vested legal right." Marbury v. Madison 5 Cranch 137 at paragraph 61.

16A. Simply put, these fifth circuit courts have arrived at the adverse tipping point contemplated by Chief Justice Marshall, furnishing no remedy for violations of vested legal rights – in ways which can impact millions who have or do live in the fifth circuit. This circuit has simply ceased to comply with more than a thousand years of common law on standing, and willfully disregards statute, mandates, rules, and sound judicial procedure. It has established its own overriding circuit precedents, confesses no interest in considering other statutes, mandates,

or arguments, and has done so in contemporaneous defiance of concurrent mandates of this Court. It cannot enjoy Marshall's "high appellation" in its acts of discrimination against religious and other constitutional rights. and its open defiance of the rule of law.

16B. The fifth circuit panel has simply repeatedly disregarded laws, mandates, rules, and facts, in its search for an exit from a matter in which our Constitution, laws, and proper regulations have been and must be completely ignored in all material respects to evade a blooming national and international scandal, embarrassment, and liability to the United States, which the circuit apparently seeks to protect above the interests of the People. When a particular class of government institutions entitled to no deference for these acts, and when a particular class of people who are current or former officers of these United States have a particular sworn duty to uphold and enforce law, and have not and do not comply with their oaths nor with our Constitution and our laws, are protected from legal consequences, and the mere consideration of the claims of those they injured through deliberate torture, humiliation, and impoverishment in all respects including "their person, papers, houses, and effects," are summarily extinguished without consideration, we have devolved to a mere lawless government of men.

16C. A government of men in which courts - (a) ignore facts, defy law, and violate mandates willfully; (b) refuse basic principles of standing; (c) refuse to construe facts in accordance with rules and mandates; (d) suppress evidence of racketeering acts from official records; (e) assert by their actions that privilege fraudulently abused is de facto and de jure superior to basic constitutional rights; (f) sustain illegal practices and bad faith acts hidden behind fraudulent abuse of privilege and decades of fraudulent concealment used to develop, test, and deploy an illegal bioweapon the US has agreed with the world never to possess; (g) facilitate continuing conduct of illegal experiments on US persons without their knowledge and

consent; (h) sustain predators with police powers while they engage in all manner of racketeering acts; and (i) perpetuate involuntary servitude. These courts protect and defend not law, not precedent, not our Constitution; they protect a feared, oppressive, and tyrannical government of men – one much like the one our founders fought and died to defeat.

16D. Which one of those offenses against our Constitution and laws is sufficient - (i) when Congress has specified remedies for each and every one of them, (ii) when Congress has specified the laws by which jurisprudence is to be conducted to adjudicate them, (iii) when this Court mandates the proper interpretations of laws, rights, facts – and then.....

(a) these circuit and district courts act to defy all direction and their core constitutional purpose, for an alternate purpose - to protect certain institutions and persons over all other American persons, families, and enterprises – (b) will not even explain why they insist their defiance is the proper course of action - and (c) use procedural dodges to attempt to extinguish rights and claims without notice or time to respond.

16E. Which one of these offenses is sufficient? Every one of these offenses by this fifth circuit defying the rule of law is present in this matter. And each persists concurrently with this Court's explicit direction and mandate to the contrary. Impacting this petitioner and prospectively thousands to millions of others to extinguish rights and claims.

16F. Federal courts have regrettably had to be publicly humiliated by media into adjudicating acts against powerful institutions in the past – decades of Catholic Church and Boy Scouts of America pedophilia scandals and court suppression of the rights, law, mandates, and facts of horrendous acts against injured children come to mind here. This matter is not so much different.

16G. Public humiliation is not unfamiliar to this petitioner, nor is false imprisonment in a mental institution, offenses this government has documented as occurring in authoritarian countries which it claims as having fungible rules of law - the Soviet Union under Stalin which closed churches to worshippers, and the People's Republic of China in its invasion of the religious rights of Uighurs. These practices bear striking similarities to the conduct experienced – secret invasion and takeover of churches by undercover federal agents and operatives over many years who were then promoted and confirmed to high offices – by this government against this petitioner and his family, and undoubtedly against many others to be discovered one way or the other.

16H. These acts, violations and injuries are laid out in a 1,324 page plainly written pleading, never read by these fifth circuit courts. This pleading meticulously documents injuries in fact, finds specific causation wherever possible despite decades of secrecy, and identifies the specific methods of redress which Congress established in statute and are well documented in other court actions and decisions against other defendants than these particular defendants. All this law, all these precedents, all these rules and mandates are summarized in the Table of Contents (appendix C pages 7-24) – and was simply utterly ignored by the fifth circuit as it attempts to defy this Court's mandates, establish its own circuit precedents, and use a bad faith procedural dodge to evade its constitutional responsibility to act as a court of laws, not to favor certain men and their institutions over the People they are to serve.

16I. Neither the fifth circuit nor this Court can simply look away. Permitting a fifth circuit district court, or any court, to proclaim without reading, without rationale or reason, that such claims are frivolous and lacking in weight and meaning, when Congress' statutes say these claims are justiciable as in 42 U.S.C. 2000-bb, Congress placed indigents on equal footing with

CONCLUSION

This petition for a writ of certiorari, pray must be granted, so this Court can:

(i) correct, in its proper supervisory role under Rule 10(a) and 10(c), the egregious errors of the courts of the fifth circuit in (a) willfully disregarding Congressional statutes, intent, and rules; (b) willfully disregarding proper judicial procedure well established over more than 1,000 years of common law and 235 years of Congressionally enacted statutes and precedents; (c) engaging in conduct of deliberate bad faith acts intended to defeat individual rights and extinguish claims properly brought before their circuit; (d) willfully disregarding a broad set of mandates of this Court in establishing its own opaque circuit precedents by operation of Rule 47.6,

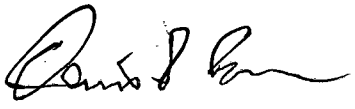
(ii) protect the rights of all U.S. persons to access these Article III courts and establish justice in the place of last resort to remedy the wrongs against them of a lawless executive, (a) by biomedical abuse in illegal human experiments, an illegal bioweapon which endangers those persons and the general public, (b) by involuntary servitude and other racketeering acts, when (c) this lawless executive has and does refuse to enforce its own laws in its own operations,

by providing fair and equitable access to these courts in the fifth circuit, incorporating needed measures such that Congressional statutes, this Court's mandates, and fair and sound judicial procedures are consistently observed in this circuit, that appellant rights and claims are protected, for this petitioner, and for the thousands to millions yet unknown who are similarly situated.

And, in so doing, honor Justice Marshall's vision of our "government of laws" - and the vision of our founders - who 249 years ago fought and died for our independence, for the rule of law, and for self-government of, by, and for the People.

These are the profound and compelling reasons for this Court to grant this petition.

Respectfully submitted,

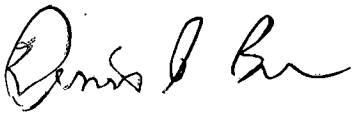


Date: January 28, 2025

CERTIFICATION OF COMPLIANCE WITH RULE 33.1(g)(i)

This document contains 7,861 words, including direct quotations of Court mandates provided inline for the convenience of the Court, on 33 pages, and therefore meets the 9,000 word limit of Rule 33.1(g)(i) and the 40 page limit for in forma pauperis petitions in the January 2023 Guide For Prospective Indigent Petitioners For Writs Of Certiorari from the clerk's office.

Dated: January 28, 2025



PROOF OF SERVICE

This case is presented to appeal a *sua sponte* dismissal of an in forma pauperis pro se action in the district and circuit court of the fifth district. No defendant has been served and none need be notified at this time.

I, Dennis Sheldon Brewer, declare under penalty of perjury that the foregoing is true and correct.

Executed on January 28, 2025.