No. _____

In the Supreme Court of the United States

Joseph Dingler - Sui Juris, et al

(We the People)

Petitioners

vs.

State of Georgia, et al

(Article III Courts, PLRA)

ON PETITION FOR A WRIT CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. Under Roe and Casey's "Age of Viability" holding that limits a timeframe for a mother's right to chose; if after expiration of that holding; whether by Legislative law or SCOTUS rule; The question is:

—Does a "person" exist, an "unborn-child" exist under the 14th Amendment which deserves protection from injury and/or have a legal right in a court of law under Fed R. Civ P. Rule 17(c), *Ubi Jus Ibi Remedium*?

2. If Georgia has enacted two laws: (A) defining criminal conduct of "*Feticide; voluntary manslaughter of an unborn child*"(O.C.G.A § 16-5-80) and (B) defining "*When abortion is legal; filing of certificate of abortion by performing physician*" (O.C.GA. § 16-12-141) holding (i) "Age of Viability" and (ii) "Fetal Pain" as compelling reasons for enacting the latter legislation. The question is:

—Does this correlative language between statutes, working in concert, create a liberty interest under the US Constitution thereby allowing an unwed biological father a protected 1st, 9th, 14th Amendment Right to be a decision maker and to act in the best interest of his unborn child?

3. In Sessions v. Morales-Santana, 582 US (2017) this court held "*[t]he gender line Congress drew is incompatible with the Fifth Amendment's requirement that the Government accord to all persons 'the equal protection of the laws'*" The question is:

—Does Georgia's O.C.G.A §19-7-22 (Legitimation statute) survive under a similar Constitutional theory of Gender Inequality for unwed biological fathers, when this Court's 1st and 14th Amendment jurisprudence has long held biological interest is inclusive, only severed for just cause and only through rigorous Due Process?

4. Does Title 19, Ch.7, Art.2 of Georgia Code survive constitutional scrutiny under Troxel; when an unwed biological father has no legal parental rights upon paternity confirmation and maternal grandparents have a greater legal interest?

5. Does Title 19, Ch.7, Art.2 of Georgia Code survive Constitutional scrutiny under Bills of "Pains and Penalties" analysts when the unwed biological father must endure a greater challenge to exercise parental rights, be a decision maker under Troxel?

6. Under totality: (i) *Yick Wo v. Hopkins*, 118 US 356,370 (1886), (ii) *Haines v, Kerner*, 404 US 519 (1972), (iii) *Owen v. City of Independence*, 445 US 622 (1980), (iv) *Leatherman*, (v) *PLRA*, (vi) *Rotella v Woods*, 528 U.S. 549 (2000), (vii) concerted *Twombly/Iqbal* standard, (viii) *Jones v. Bock*, 549 US 199 (2007)...etc, the question is this:

—Do amorphous & arbitrary inferior Article III environments present insurmountable obstacles towards meritorious in pro-per/pro-se/sui juris Access To Courts causing abridgment of Political Speech, Petitioning rights or unalienable pursuit of civic duty-thereby causing cascading irreparable injury of a Constitutional magnitude when seen through this Courts holdings in *Christopher v. Harbury,* 536 U.S. 403 (2002) ?

7. If "We the People" delegated power to Congress for governing; namely, to apply uniformly under the *Enclave Clause* (US Const Art I, § 8, ¶ 17) and/or to "stretch" as "necessary & proper" under the *Elastic Clause* (US Const Art I, § 8, ¶18) across all Districts, Circuits of Article III power, the questions are:

—Does 28 U.S. Code § 2072 survive scrutiny under Non-Delegation and/or Separation of Powers in either of two actions: 1st: Art. I to SCOTUS, 2nd: from SCOTUS to inferior court for local rule-making where there exists impermissibly vague discretion, in contrast to this Court criminal rulemaking viewpoint in *Mistretta v. US*, 488 U.S. 361 (1989) and more in line with Justice Harlan in *Field v. Clark,* 143 U. S. 649(1892)

—Does 28 U.S. Code § 2072 fail or waterdown Congress's checking powers of legislation and deprive Equal Protection, Equal Application of the laws, creating arbitrary environments...ie Do "We the People" have a Constitutional interest to demand/enforce consistency of Article III powers, a "branding" of Federal Rules set forth from Congress or this Court --or persist in a lawless unbranded *avant garde* Federalism "*in such inferior courts as the Congress may from time to time ordain and establish.*"

8. In US v. Jackson 390 US 570, 581 (1968) this Court held: "*If [a law] had no other purpose or effect than to chill the assertion of constitutional rights by penalizing those who choose to exercise them, then it would be patently unconstitutional.*" the questions are:

—Does the PLRA and 28 U.S. Code § 1915 pass the above scrutiny given they chill and/or freeze 1st Amendment guarantees in a unique question to the Doctrine of Unconstitutional Condition?

—Does the PLRA and 28 U.S. Code § 1915 pass the above scrutiny when looked through facets of Non-Delgation, a "bill of pains & penalties" when 1st Amendment Liberties are frozen, "papers & effects" are seized in dragnet for PLRA screening ?

PARTIES TO THE PROCEEDINGS

X Petitioners were appellants in Court of Appeals. They are Joseph Dingler, biological and unwed father "less than" in the eyes of Georgia law; Ashton Dingler biological unborn-child of at least 28 weeks; alienated from care and protection from one parent under Georgia Law was denied any appeal via Fed R. Civ P. Rule 17

X Because of the effects of PLRA screening against a free US Citizens-Sui Juris and under no restraint of liberty by any criminal court; Bivens Article III actors have seized Petitioner from free movement through Fed Rules of Civil Procedure, a 5th Amendment process that is due. There have been no summons issued, thus no other parties opposite side of bar. Technically, Article III Courts are opposite side of bar, as this is the adversarial system currently deployed to impoverished litigants.

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PETITION FOR WRIT OF CERTIORARI

Joseph Dingler, acting for himself(in pro per - sui juris) and on behalf of his biological son, respectfully petitions for writ of certiorari to review the judgment of the United States Court of Appeals for the Eleventh Circuit in the case.

OPINIONS BELOW

X The 3 judge panel opinion of the court of appeals de novo review of and affirming PLRA entanglements to free US Citizens is unpublished, but this order declining intervention, oversight of numerous clear errors of Constitutional law is available(17-13253) and En Banc rehearing was denied. Due to unequal access via ECF, inadequate notices from the Clerk and persistent frustration to non-represented interests, there are dismissal orders in a separate Habeas(17-14224) and FRAP 21 Mandamus(17-14393). Article III delegation wars against "We the People" refusing to get to the merits for political motivation and gender inequality.

JURISDICTION

Petitioner encountered futility with State Court June, 2017...

1st District application of PLRA in July, 2017 (1:17-cv-2194)

2nd District application of PLRA in August, 2017 (1:17-cv-3154)

3rd District Application of PLRA in Sept, 2017 (1:17-cv-3632)

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1st Appellate review in August, 2017 (17-13253)

2nd Appellate review in August, 2017 (17-14224)

3rd Appellate review in September, 2017 (17-14393)

The judgment of the court of appeals was entered on February 23, 2018,, Petition for Rehearing En Banc entered April 24, 2018.. Justice Thomas granted 60 day extension to file until September 21, 2018.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Enumerated Powers to Congress:

A. US Const Art I, § 8, ¶ 17: "Enclave Clause"

B. US Const Art I, § 8, ¶ 18: "Elastic Clause"

C. Sibbach v. Wilson & Co., Inc. 312 U.S. 1 (1941)

Separation of Powers Doctrine:

A. US Const Art I, § 9, ¶ 3: Federal "Bills of Pains & Penalties"

B. US Const Art I, § 10, ¶ 1: State "Bills of Pains & Penalties"

C. US Const Art I & III: Judicial Legislation

US Const, 14th Amendment: Equal Protection of the Laws

A. Civil Rights Act of 1866

B. Reed v. Reed, 404 U.S. 71 (1971)

C. Frontiero v. Richardson, 411 U.S. 677 (1973)

Prison Litigation Reform Act of 1996

28 USC §1915

28 U.S.C §2072 (Rules Enabling Act of 1934)

28 USC §2241(Heck Rule)

Title 19, Chapter 7, Article 2 of Georgia Code: "Legitimacy"

STATEMENT

This case and string of events symbiotically attached around less than meaningful access for "We the People" that paints a grave and troubling environment; (a)an environment that seeks first, payment to justify incorporation of the contractual obligations well settled in Philadelphia September 17, 1787; (b) an Article III environment that makes a distinction between "We the People" and wars against those unable to afford counsel...seeking protection from the stronger (c) an environment the Framers clearly detailed in the Declaration of Independence, "*In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury.*" the facts are clear and obvious; (d) Article III Bivens actors(cloaked in a robe that shields them from 14th Amendment accountability) have committed repeated acts that are likened to the preludes of the American Revolution.

Its this egregious & laborious journey required to receive fundamental rights and civil liberties which is of greatest concern to "We the People"; for without a fair & impartial Article III... fully ethical to all "We the People" (Equally), how are the governed to remedy transgressions by the other two branches and/or seek redress to "under color of" tyranny? Simply put; this environment of the stronger, immunized from scrutiny, wield this delegation as a Sword of Damocles, not as the framers intended a shield of protection. Constitutional rights/contractual obligations yield to attrition, a stronger legal fortitude and the consent of the governed is trampled by those delegated power to overall protection.

Working in concert & further injury is produced by an unbranded Federalism: under Georgia law; (a) there is no legal remedy, avenue for unwed biological father to compel, protect his unborn child; in light of Roe, Casey over-reach where the law is silent with expiration of that holding; (b) nor a "person" until birth and (c) as an unwed biological father, Dingler has no parental standing to act in the best interest of his developing child, from the mother's abuse & harm, nor does biological parental rights attach at birth under Georgia law.

Article III within the boundaries of Georgia; as shown in both District and Circuit opinions; believe the US Constitution yields to Georgia's law and rejects its superior obligation, fiduciary duty to "We the People". Additionally, in this independence; protected and immunized Article III action; violates the Civil Rights of "We the People" and in defiance of the Right of Petition, Right of Access. Inferior Courts, under the guise of the PLRA, Local Rules...etc mimic elements found in criminal conspiracy indictments for drug cartels.

The Gomillion Court stated, "*Constitutional 'rights' would be of little value if they could be indirectly denied*", The US v Lee Court went further, "*No man [or woman] in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government from the highest to the lowest, are creatures of the law, and are bound to obey it.*" and in Chandler v. Judicial Council, Justice Douglas stated *"If [judges] break a law, they can be prosecuted."; Accordingly, Justice Black later stated, "Judges, like other people, can be tried, convicted and punished for crimes... The judicial power shall extend to all cases, in law and equity, arising under this Constitution"*. However, Dingler is further injured, repeated usurpation by Article III screening his issues and essentially tossing his rights in the waste can, Rule 5 of Judicial Council is more of sound than of substance, impotent. Delegated lifetime appointment entitles the receiver to avoid 18 USC§§ 242, 241 accountability. This is the very description of the Framers definition of tyranny.

Dingler sought legal parental standing under Georgia law via archaic "legitimation" statues in Fulton & Cobb County Superior Court and was laughed at, claiming no "child" exists.. His claim was dismissed as premature. Two Georgia Superior Courts rejected his claims, pointing towards Ga Dept. of Family and Children Services(DFCS herein) for remedy, but they also rejected endangerment claims. Dingler followed state appellate procedures, to seek State Court remedy, but acknowledges a futile exhaustion.

Suit was filed in Northern District of Georgia naming many state actors under color, but was quickly run through a screening process under the PLRA per 11th Circuit ruling that PLRA applies to non-incarcerated litigants and deemed this amorphous "Frivolous" under the PLRA. Because Dingler does not receive equal access to the courts via ECF, his petitioning is more costly than members of the bar, he is subject to egregious and criminal behavior by members of the Clerk's office in his archaic pursuits that members of the bar are not subjected.

The psychological effects of Article III & it's clerks toward Dingler are systematically working in concert to the end goal of dismissal by attrition. Dingler appealed to 11th Circuit believing there was only a rogue bureaucracy & jurist and this matter would be quickly addressed. However, Dingler discovers his right to appeal is meaningless to those without a member of bar signing the pleadings to the court.

Due to continuing issues and believing a remedy must exist for injury; Dingler perfects a 2241/2254 Petition, in behalf of his unborn child. Instead of a natural rotation; his Access is corralled into PLRA application and sent directly to the same Magistrate & Judge per Local rule. He was summarily dismissed as frivolous, using justification that same facts as 1983.. Dingler appealed a 2nd time to 11th Circuit and by systemic Article III bureaucratic oppression, Dingler's rights loose to attrition, egregious Clerk actions that war against "We the People" interests. *"In every stage of these Oppressions We have Petitioned for Redress in the most humble terms: Our repeated Petitions have been answered only by repeated injury."*

Due to strong belief a remedy must exists, Dingler drafts a 3rd suit against the Court, the Judge, the Magistrate, Court Clerk, three Circuit judges...etc with numerous Civil right and criminal allegations.. Dingler files the detailed complaint with Northern District Court to (a) remove the Bivens frustration to his litigation, (b) challenge PLRA entanglements as a free person, (c) Constitutional claims against (i) Congressional Acts, (ii) Federal Statutes, (iii)Judicial Legislation at Circuit level, (iv) lower court enforcing abridgment of his rights, judicial overreach...etc for Conspiracy, RICO..

Dingler also drafts a personal letter to 11th Circuit Chief Judge Carnes pursuant to 28 USC §§ 351-364, attaches the petition naming Court personnel & hand delivers it to the intake Clerk at the 11th Circuit asking for resolution. After the 3rd original action in the District Court stalls at the IFP determination for several weeks, Dingler filed a Rule 21 Mandamus with the 11th Circuit... However, Rule 5 of Judicial Conference does not penetrate the malevolent bureaucracy inclusive to the Clerk's office of the District or Circuit Court.. and the governed without representation cannot circumvent & document via ECF. Dingler has given multiple opportunities to Article III power to do what is right, what is just and equitable under the Constitutional Contract, his repeated petition have been met with further injury.

REASONS FOR GRANTING THE PETITION

Given this case is a superior narrow vehicle for this court to compel and enforce it's jurisdiction to act in the manner that inferior courts have not; it is, however, much more importantly shown that this court can, instead of playing "whack a mole" with narrow lines drawn, paint the broad overview that equal protection cannot draw distinctions, legal hair splitting... and settle numerous transgressions against "We the People". Under this broad purview, the Court must address these questions in reverse order, as the level playing field Article III is to provide in the three tier agreement/delegation of power is the superior vehicle that all rights can be enforced. Without Lady Justice wearing a blindfold, justice is lost.

Given the Eleventh Circuit holding make free US Citizens subject to PLRA entanglements; it does fly in the face of the Marbury Court which described the ability to obtain civil redress as the "very essence of civil liberty." Obviously there is a more egregious holding from the Eleventh Circuit, but conflict with Marbury is widespread among all circuits toward non-represented litigants. There exists substantial evidence that not only Article I wars against "We the People" with it's actions, slippery slopes thereof, but working in concert; recklessly Article III action, without any withdrawal, furthers in a "deliberately indifferent" manner towards the very piece of parchment many fought and died to protect, in stark conflict of it's oath to uphold such fiduciary duty.

Question 8:

Here, the lynch pin is controlled by the compelling interest doctrine which numerous State Attorney Generals petitioned Congress to set a dangerous precedent, a slippery slope that the 11th Circuit has used to make egregious criminal actions against "We the People"... In light of what has transpired, the Court must now consider its previous rulings, understanding & application of the doctrine to maintain the PLRA. Dingler contends that the BOP and state DOC should look more for ways to improve conditions of confinement, eliminating the litigation issues; rather than silencing of prisoners. Dingler does show the balance of these competing interests greatly weighs in favor of striking down the PLRA as unconstitutional for any number of several reasons. This Court must reexamine The Turner Standard: Balancing Constitutional Rights & Governmental Interests in Prison and scrutinize the PLRA as an unconstitutional end-run around this holding. Does the 1st Amendment end at the prison gates?

Question 7:

Although this Court has danced around the Non-Delegation question in Sibbach v. Wilson & Co., Inc. 312 U.S. 1 (1941) neither this nor it's progeny(Wayman v. Southard 23 U.S. 1 (1825); Bank of the United States v. Halstead 23 U.S. 51 (1825); Beers v. Haughton 34 U.S. 329 (1835)); have affirmatively addressed 28 USC § 2072 in relation to the irreparable injury caused to meritorious in pro-per litigation; none of these cases supports the broad proposition that upholds the Rules Enabling Act as Constitutional? To the contrary, the plain language of the statute stresses that "Such rules shall not abridge, enlarge or modify any substantive right." and Petitioner does show; AND as the Court has seen... these egregious lawless Districts/Circuits inflict irreparable harm to in pro-per litigants, the defenseless, the weak and those most needy of protection, as this Court held in Kerner..

Furthermore, a powerful Constitutional theory in the Miranda Court, *"Where rights secured by the Constitution are involved, there can be no 'rule making' or legislation which would abrogate them."* Its my contention to this Court, it has turned a blind-eye in its Constitutional obligation, it's proper & aggressive checking to the other two branches in a similar criminal theory of "withdrawal".. This Court in Krulewitch called Conspiracy "elastic, sprawling and pervasive offense," and clarified in *Smith v. United States*, No. 11-8976 (Jan. 9, 2013) "[t]he essence of conspiracy is the combination of minds in an unlawful purpose." to further detail withdrawal "achieves more modest ends than exoneration." In all due respects, the Court is naked!

This specific question is not directly asked in any of the Appendixes, but is surely evidenced and shown in this court's holding, *"Law and court procedures that are "fair on their faces" but administered "with an evil eye or a heavy hand" was discriminatory and violates the equal protection clause of the Fourteenth Amendment."* Yick Wo v. Hopkins, 118 US 356, (1886)

Article I. § 8, cl 17 - Enclave clause:
[The Congress shall have Power] To exercise exclusive Legislation in all Cases whatsoever, ... as may,... and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, ... and other needful Buildings. The second provision established a limited number of federal "enclaves" or islands of exclusive federal jurisdiction within the outer boundaries of a State to be justified in their use for specific purposes. This was meant to have a very limited "swiss cheese" effect on the jurisdiction of the State. [Note: According to Webster's Seventh New Collegiate Dictionary, an "enclave" is defined as a territorial or culturally distinct unit enclosed within foreign territory.]

As stated in Chapter VI, pages 145-146 of the April, 1956, report (Part I) of the Interdepartmental Committee "Study Of Jurisdiction Over Federal Areas Within The States": "Once an area has been brought under the exclusive legislative jurisdiction of the Federal Government, in general only Federal civil laws, as well as Federal criminal laws, are applicable in such area, to the exclusion of State laws...

"The subject is so fully discussed by Justice Field, delivering the opinion of the court in Fort Leavenworth R.R. Co. v. Lowe, 114 U.S. 525, that we need do no more than refer to that case and the cases cited in the opinion. It is of the highest public importance that the jurisdiction of the State should be resisted at the borders of those places where the power of exclusive legislation is vested in the congress by the Constitution.... "The civil authority of a State is extinguished over privately owned areas and privately operated areas to the same extent as over federally owned and operated areas when such areas are placed under the exclusive legislative jurisdiction of the United States." accord United States v. Cornell 25 Fed. Cas. 646, no. 14,867 C.C.D.R.I. 1819; People v. Godfrey 17 Johns. R. 225 1819

Blackstone – Commentaries 1:255(1765): "This statute, it is obvious to observe, extends not only to fleets and armies, but also to forts, and other places of strength, within the realm; the sole prerogative as well of erecting, as manning and governing of which, belongs to the king in his capacity of general of the kingdom: and all lands were formerly subject to a tax, for building of castles wherever the king thought proper. This was one of the three things, from contributing to the performance of which no lands were exempted; and therefore called by our Saxon ancestors the *trinoda necessitas: sc. pontis reparatio, arcis constructio, et expeditio contra hostem.* And this they were called upon to do so often, that, as sir Edward Coke from M. Paris assures us, there were in the time of Henry II 1115 castles subsisting in England. The inconvenience of which, when granted out to private subjects, the lordly barons of those times, was severely felt by the whole kingdom; for, as William of Newbury remarks in the reign of king Stephen, *"erant in Anglia quodammodo tot reges vel potius tyranni, quot domini castellorum:"* but it was felt by none more sensibly than by two succeeding princes, king John and king Henry III. And therefore, the greatest part of them being demolished in the barons' wars, the kings of after times have been very cautious of suffering them to be rebuilt in a fortified manner: and sir Edward Coke lays it down, that no subject can build a castle, or house of strength imbatteled, or other fortress defensible, without the license of the king; for the danger which might ensue, if every man at his pleasure might do it."

In The Federalist #43, Madison states: "*The indispensable necessity of complete authority at the seat of Government carries its own evidence with it. It is a power exercised by every Legislature of the Union, I might say of the world, by virtue of its general supremacy. Without it, not only the public authority might be insulted and its proceedings be interrupted, with impunity; but a dependence of the members of the general Government, on the State comprehending the seat of the Government for protection in the exercise of their duty, might bring on the national councils an imputation of awe or influence, equally dishonorable to the Government, and dissatisfaction to the other members of the confederacy.*" The Framers referenced the June 1783 Philadelphia event of continental soldiers menacing Congress over and again in defending their provision for a "federal town," which Anti-Federalists persisted in visualizing as a sink of corruption and a potential nursery for tyrants. In fact, however, the need for a territory in which the general government exercised full sovereignty, not beholden to any state law, was probably inherent in the federal system itself, given District & Circuit Courts are beholden to Federal jurisdiction only, these are enclaves which Congress has unconstitutionally delegated power in §2072.

Article I. § 8, cl 18 – Necessary & Proper clause:
[The Congress shall have Power] To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution...

The Framers crafted the Necessary and Proper Clause to serve two great purposes. The first was to facilitate organization of the government, such as empowering Congress to organize the judicial branch (*see* Article I, Section 8, Clause 9). The second was to help effectuate the other enumerated powers of Congress. As to the first, the Constitution could not prescribe all points of government organization, so Detail Committee member Edmund Randolph proposed empowering Congress to "organize the government." James Wilson proposed the "necessary and proper" clause as a substitute, authorizing laws "for carrying into Execution" the other federal powers. The committee, and then the Convention, approved. The organizational function of this clause was recognized from the outset. Among Congress's first acts were establishing executive departments and staffs, determining the number of Justices of this Court, and allocating the judicial power among federal courts. This Court previously acknowledged this clause as the source of Congress's power to legislate about judicial process and procedure. Without this clause (or some equivalent), statutes organizing the other branches not only would have violated the principle of enumerated powers, but also would have offended the principle of separation of powers.

As to the second and more significant purpose, the clause also supports laws for carrying into execution "the foregoing Powers," that is, those specified for the legislature itself in Article I, Section 8. It thus enhances the other powers given to Congress. During the ratification debates, opponents dubbed it the "sweeping clause" and the "general clause," arguing that it subverted the principle of enumerated powers by sweeping general legislative competence to Congress. The critic Brutus, for example, said it "leaves the national legislature at liberty, to do every thing, which in their judgment is best." In the most basic of presumptions, the Framers drafted the delegation to Congress for all US enclaves to which is necessary and proper. Even where this Court finds, allows Congress to pass the buck to Article III, it cannot be fathomed this can then be delegated to the inferior courts in Local Rules. I do not believe the Framers intentions were for "We the People" to have unchecked bureaucrats with rule making power, as this was the very rudimentary element for the Boston Tea Party.

Federal Farmer, no. 4, 12 Oct. 1787: *"The federal constitution, the laws of congress made in pursuance of the constitution, and all treaties must have full force and effect in all parts of the United States; and all other laws, rights and constitutions which stand in their way must yield: It is proper the national laws should be supreme, and superior to state or district laws: but then the national laws ought to yield to unalienable or fundamental rights--and national laws, made by a few men, should extend only to a few national objects."*

Thomas Jefferson to Spencer Roane 6 Sept. 1819: *"The nation declared its will by dismissing functionaries of one principle, and electing those of another, in the two branches, executive and legislative, submitted to their election. Over the judiciary department, the constitution had deprived them of their control. That, therefore, has continued the reprobated system, and although new matter has been occasionally incorporated into the old, yet the leaven of the old mass seems to assimilate to itself the new, and after twenty years' confirmation of the federal system by the voice of the nation, declared through the medium of elections, we find the judiciary on every occasion, still driving us into consolidation. In denying the right they usurp of exclusively explaining the constitution, I go further than you do, if I understand rightly your quotation from the Federalist, of an opinion that "the judiciary is the last resort in relation to the other departments of the government, but not in relation to the rights of the parties to the compact under which the judiciary is derived."*

Question 6:

In special consideration of question 7; §2072's allowance of vague delegation to each District, each Circuit empowering over-broad punishment of constitutionally protected petitioning... paints a troubling backdrop for those untrained in the law, if not creating similar frustration to Juris Doctorates. In such consideration, as detailed in the Harbury Court's analysis of both a forward looking and a backward looking Access Claim; it's obvious there are, whether conscience or unconscious, works in concert frustrating Access that the Framers never intended to be leveraged against "We the People".

Additionally, we must look at how this frustration can be reviewed through the "separate but equal doctrine". Without elaborate contention; let's simply look at this Court's lead... Attorney's MUST electronically file, while non-represented parties are not even allowed to request equal access to the court, are unfairly prejudiced in electronic notice, inconvenience and expense of snail-mail filing. While this may not seem significant to a room full of $1000/hr compared to $250/hr members of the bar; to the lay and poor this is essentially chilling of the 1st Amendment right of petition, presents obstacles the other side must not overcome and essentially treats both parties differently. "Separate, but equal"... Different Schools, different water fountains... different levels of Access to the Courts. Let's also compare this access to a Court time before computers, technology and the Clerk gets an order and mails to both parties the same day, what would have been said if the clerk notices the Defendant on Monday, but the Plaintiff's notice is sent on Friday? Ethics would be questioned, Due Process challenges would mount.

The Haines Court held: *"pro se complaint seeking to recover damages for ... deprivation of rights ... should not have been dismissed without affording him the opportunity to present evidence on his claims."*

The Owens Court stated: *"The innocent individual who is harmed by an abuse of governmental authority is assured that he will be compensated for his injury."*

The Leatherman Court held: *"A federal court may not apply a "heightened pleading standard"--more stringent than the usual pleading requirements of Federal Rule of Civil Procedure 8(a)..." (Citing The Owens Court precedent) it is not possible to square the heightened standard applied in this case with the liberal system of "notice pleading" set up by the Federal Rules. Rule 8(a)(2) requires that a complaint include only "a short and plain statement of the claim showing that the pleader is entitled to relief.""*

The Rotella Court stated: *"Both statutes[§1983, RICO] share a common congressional objective of encouraging civil litigation not merely to compensate victims but also to turn them into private attorneys general[s] supplementing Government efforts by undertaking litigation in the public good."*

With these holdings, how does the court square with the doctrine of stare decisis and look at the PLRA, or *Twombly/Iqbal* standard as not creating very arbitrary inferior environments, irreparable Constitutional injury to "We the People"? Justice Bradley gave a stark warning in Boyd, *"It may be that it is the obnoxious thing in its mildest form; but illegitimate and unconstitutional practices get their first footing in that way; namely, by silent approaches and slight deviations from legal modes of procedure. This can only be obviated by adhering to the rule that constitutional provisions for the security of persons and property should be liberally construed. A close and literal construction deprives them of half their efficacy, and leads to gradual depreciation of the right, as if it consisted more in sound than in substance. It is the duty of the Courts to be watchful for the Constitutional Rights of the Citizens, and against any stealthy encroachments thereon."*

Lastly on this subject, in Downs v Bidwell, 182 US 244 (1901) this could foretold the Framers greatest fears and details what inferior Article III courts have become without accountability. *"It will be an evil day for American Liberty if the theory of a government outside supreme law finds lodgement in our constitutional jurisprudence. No higher duty rests upon this Court than to exert its full authority to prevent all violations of the principles of the Constitution"*

Merits: Questions 5-1

The last 5 questions are simply the merits which no court has reached... Given the discrimination, impediments, frustrations detailed above; it can be no less obvious than the very tyranny that was the prelude to the American Revolution currently existant in inferior Article III. These issues can be properly briefed upon granting of the Petition, however Dingler contends that each question leaves only one answer in totality, but individually that Dingler, a biological father has been discriminated against due to his inability to complete his marriage vow to his child's mother.

As against these advantages, this case has no significant defects as a vehicle for addressing the question presented. The Court should therefore grant this petition for a writ of certiorari. The languishing for petitions in TXND, TXWD, GAND, LAED, DCD; 5th, 11th & DC Cir needy of Equal Access to the Court could then be held pending resolution of this case. In the alternative, if the Court believes it would benefit from briefing on the factual record in the backward looking access issues; enjoin these issues and bring them up from their gravely resting place.

CONCLUSION

The petition for a writ of certiorari should be granted

Respectfully Submitted

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