

No. _____

In The Supreme Court Of The United States

Lee Mulcahy, PhD, pro se

V.

Aspen Pitkin County Housing Authority (“APCHA”)

**APPLICATION FOR EXTENSION OF TIME FOR PETITION OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS FOR THE TENTH CIRCUIT**

RULE 29.6 STATEMENT

None of the petitioners is a nongovernmental corporation. None of the petitioners has a parent corporation or shares held by a publicly traded company. The Defendant, APCHA, is a quasi-judicial authority.

TO THE HONORABLE SONIA SOTOMAYOR, ASSOCIATE JUSTICE OF THE SUPREME
COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE TENTH CIRCUIT:

Pursuant to Supreme Court Rules 15, 22, 30 and 33.2, Petitioner Lee Mulcahy, *pro se*, respectfully requests a 60-day extension of time, up to and including May 8, 2020, to file a petition of certiorari on the merits to the United States Supreme Court in order pending a settlement. The Colorado Supreme Court denied my writ of certiorari on December 9, 2019. The jurisdiction of this Court was invoked under 28 U.S.C. § 1257(a), and the time to file a timely petition of certiorari will expire without an extension on March 9, 2020.

This application is timely because it has been filed ten days prior to the date on which the time for filing the reply brief is to expire.

1. The question presented is whether the procedure followed in the attempted railroading of an Aspen artist and family out of the home they built themselves is in violation of the 5th amendment of our Bill of Rights. (We've never been late on taxes.)

2. Aspen, Colorado, is a town of 6788 residents. APCHA controls over 3000 "units" in Pitkin County. Some "units" are 4 bedroom homes. With great power comes great responsibility to exercise that power justly. Likewise, Aspen Skiing employs nearly 4500 people. Ten years ago, I was passing out a union flyer when I was interrupted, suspended and banned from all Aspen Skiing properties, including public lands under their control. The Aspen Skiing ban is on appeal and is currently before the justices of the Supreme Court. I am a dissident artist that has exhibited worldwide. My artistic mentors are Jesus and Ai Weiwei.

3. Aspen Skiing is owned by a powerful billionaire, Lester Crown, who admitted to bribing public officials. The local judge Chris Seldin never recused himself for bias despite my multiple requests, was a member of Lester Crown's Society of Fellows (annual membership \$2500) for over a decade before taking the bench. This eviction case is small town political retaliation. My family asked the Mayor to meet with my 84 year old Mother, a widow, and the Sheriff of Pitkin County Joe Disalvo for months. The Sheriff believes that it is not American that we are being evicted for speaking out. I am a proud "guns and religion" tea party Republican

that believes in limited government. Critically, I lost in a landslide in the last election to the Mayor of Aspen, Steve Skadron, a liberal "Big Government " Democrat, who literally worked for Aspen Skico. My family gathered over 2000 signatures on a petition delivered to Aspen City Council "for a peaceful resolution to allow a public hearing on our eviction" in front of city hail and our local grocery store. The outpouring of love and support from the community signing was overwhelming: Father John Hilton, rabbis, pastors, policemen, sheriff deputies, artists, writers, journalists, teachers etc...all courageously signed despite the fear prevalent in a company town.

4. We proposed a settlement to the Democratically controlled Aspen City Council and the Board of County Commissioners that involved paying one of the newly instituted fines (instead of eviction), performing 1500 community service hours & paying all of APCHA's legal fees to be allowed to show compliance as an artist per APCHA's rules. APCHA and the Democrats controlling it rejected this settlement. APCHA has steadfastly refused to look at the records APCHA requested on October 14, 2015, when my family returned from our clean water mission in Sotik, Kenya - after I missed APCHA's deadline. I served as a Trustee for the Aspen Historical Society for eight years until asked to resign after I tried to unionize Aspen Skico workers. 5. Aspen was built around the arts. Artists have always been a part of our community and this town was built around the arts.

On February 13, 2020, we proposed another settlement and are waiting to hear back after being requested by Aspen City Council in minutes 42-46 here:

https://cityofaspen.granicus.com/MediaPlayer.php?view_id=3&clip_id=254

Accordingly, Pro Se petitioner respectfully prays that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including May 8, 2020 during this pendency of settlement of settlement negotiations which would make the filing moot.

AFFIDAVIT

I, Lee Mulcahy, swear before a notary the truth of the following:

1. The local newspaper stated this Monday: “According to the purchase contract, if Mulcahy fails to allow APCHA possession of the home he built with his family, he will be subject to eviction and will be required to pay \$500 a day from Feb. 21 until he leaves.... It will be up to the Pitkin County Sheriff’s Office to evict the Mulcahys.”
2. I am an Eagle Scout and have volunteered thousands of hours for my community. Our Sheriff gave me a hug outside of the library and told me this whole thing is a “witch-hunt” . My paintings have been shown in museums in both Berlin and Nairobi and galleries all over the world including Aspen, Carbondale, Prague and Beijing. I am not an attorney.
3. Chicago billionaire Lester Crown controls one of America’s largest fortunes. The New York Times writes: “On the face of it, the issue seemed less than monumental: the

Pentagon was seeking to revoke a businessman's top-secret security clearance. The significance lay in the nature of the evidence, the financial and political stakes involved and the identity of the accused: 61-year-old Lester Crown, head of the billionaire Chicago family that controls America's largest defense contractor, the General Dynamics Corporation. Among those who appeared or offered affidavits in his behalf: Three former Secretaries of State, two former Secretaries of Defense, and former Secretaries of Treasury and Commerce. Henry Kissinger praised Crown's 'extraordinary probity.' Robert McNamara had 'every confidence in his integrity.' David Packard, co-founder of the Hewlett-Packard Company and head of a Presidential commission that had just recommended sweeping changes in the organization of the Defense Department, vouched for his 'trustworthiness.'" Before submitting this Court request, my 84 year old Mom offered this solution to the Crown's attorneys:

Lester, Your Democratic city hall machine is still attempting to evict us from the home we've built and to be clear, we have never been late on taxes. The local judge that appears corrupt by all standards has appointed an out of town corporate henchwoman from the infamous Greenwood Village (currently in the 10th circuit for blowing up an innocent family's home and refusing to pay for it) to do "the Firm's" dirty work.

As an 84 year old widow, I challenge you to a cross country ski off race. Why not a Sandy Mulcahy/Lester Crown ski race at the base of Aspen? But if I win, peace reigns in Aspen and we get to keep the home we built ourselves and y'all would then stop banning us from every function known to man here. If we win the challenge, we look forward to being an active member of the community we love and will support the efforts to help keep Aspen healthy. We want to express our love in the philanthropic efforts and outreach programs here in Aspen. There are many ways to involve ourselves in this community to leave a positive impact. Currently we are in essence handcuffed from the community we love. Please

accept this challenge as a way to bring peace and harmony for our community as a whole in the spirit of good will so that we as a family and community can heal and put differences aside by settling these conflicts in a peaceful and dynamic manner. Let's put Aspen on the map as a unique and best place to live in the USA.
Sandy Mulcahy

- The American people are no longer partners of the government. We are subjects.
- The American dream is disappearing as little people lose faith in our institutions and our justice system.
- The politicization of our justice system continues unabated.
- America was born out of an act of treason. While many in Aspen may not agree with my libertarian politics or conservative anti-government beliefs, the freedom to dissent is one that we all should cherish. Whether you are an Occupy Wall Street protester or an anti-government Tea Partier in the mountains, your right to protest and live in peace deserves the respect of our government and all that live under it.
- District Judge Chris Seldin admitted in court that he was a member of the Aspen Institute's Lester Crown Society of Fellows for over a decade. Colorado's court of appeals wrote that "the judge was a member of the Society of Fellows of the Aspen Institute periodically over a fourteen-year (14) period...." Annual membership, which promises "access," begins at \$2500.00. To many Americans, an annual \$2500 donation by an assistant

county attorney to an organization controlled by out of state billionaires for over a decade would indicate “bias.” Not according to our justice system: It’s just like the police. When the system investigates itself, nothing happens. Furthermore, Lester’s son, Jim, is President of the Aspen Institute’s board. Former President Obama describes Jim and his artist wife, Paula, as his “best friends.” Once Lester’s allegedly captured judge Chris Seldin was appointed in Aspen by the Democratic governor, the Democratic machine that has held power for decades moved to have me evicted from the home my family built with our own hands. Previously, the Aspen Institute’s attempted restraining order against me went to the Colorado Supreme Court and the Judge’s beloved Aspen Institute lost. When you sue a powerful billionaire in America, expect to be the defendant on allegedly unrelated lawsuits. Colorado’s history on judicial rulings for labor activists has been well documented and frankly, sad. We are grateful to God and the community for their love and support, especially the Gorsuch’s and Father John Hilton. Perhaps, local politician *cum* assistant Pitkin County attorney *cum* judge Chris Seldin believes that in the United States of America if you punish a whistleblower, you’ll be rewarded. Phillip Taft and Phillip Ross, both scholars of American labor violence concluded that “there is no episode in American labor history in which violence was as systematically used by employers as in the Colorado labor war of 1903 and 1904.” In these battles between labor (little people) and

capital, between miners and mine owners, the state government with one exception sided with capital. Tyranny is ahistorical.

- Tribalism in humans runs deep. My family volunteers our time and resources with our church providing clean water wells and humanitarian aid in Kenya where there are 42 tribes. Here in the United States, we have two main tribes: the Republicans and the Democrats. The Democrats control Aspen, its city council and board of county commissioners which have blocked all hearings, settlements and mediation. The Mulcahy's are Tea Party Republicans. The weaponized combination threatens the very liberty that Americans fought a revolution to secure. American historian Gary Gerstle warns that the fracture between Democrats and Republicans over the proper reach of government constitutes an unbridgeable chasm and may portend to the nation's decline.
- Out of state owner of Aspen Ski Lester Crown and his Judge Chris Seldin are Jewish. My family feels crucified by both. History shows tribalism is destructive. I would note that my family in the spirit of community put my Father's name on the first and second floors of the Jewish temple on Main Street of Aspen in the spirit of community. Both local rabbis signed our petition for a public hearing of over 2000 signatures to Aspen's city council and Judge Seldin.
- Justice Brandeis stated in his dissent in *Olmstead v. United States*, "Decency, security and liberty alike demand that government officials shall

be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, the existence of the government will be imperiled if it fails to observe the law scrupulously. If the government becomes a lawbreaker, it breeds contempt for the law; it invites every man to become a law unto himself; it invites anarchy.”

- To paraphrase Pulitzer Prize winning Glenn Greenwald: One of the principal institutions devoted to monitoring and checking abuse of state power is the political media. The theory of a 'fourth estate' is to ensure government transparency and provide a check on overreach. But that check is only effective if journalists act adversarially against those who wield political power. Instead, the Aspen Times has frequently abdicated this role, being subservient to the government's interests, even amplifying, rather than scrutinizing, its messages and carrying out its dirty work.

The owners of Aspen, the Crowns entertain Supreme Court justices in their homes and tweet out their photos. No one wants to criticize this family. Even the Crowns' neighbors are afraid now to ask the Secret Service parking overflow cars from Crown political parties on THEIR private property. The Secret Service tells them to get lost. Private property rights? The last bastion of a free society is the ability to criticize our masters.

The Crowns have destroyed me legally. My family is being evicted from the home we built over five years. I have nothing to lose. Dubbed the “Elvis of cultural

theory” and “the most dangerous philosopher in the West,” researcher at the Department of Philosophy of the University of Ljubljana Faculty of Arts, International Director of the Birkbeck Institute for the Humanities of the University of London., and also Global Eminent Scholar at Kyung Hee University in Seoul, Slavoj Zizek stated: “In politics, we have authentic enemies. Everyone should not be respected in politics and so on. Politics is a real struggle of life and death.” Recently, a man asked an Iowa judge to let him engage in a sword fight with his ex-wife and her attorney in a trial by combat that will settle their ongoing legal dispute.

This Court has the power to let the parties resolve our disputes on the field of battle, legally. Trial by combat has never been explicitly banned or restricted as a right in these United States. Mr. Jim Crown’s General Dynamics has manufactured the weapons that have caused the death of many innocent women and children throughout the world. His “best friend,” President Barack Hussein Obama bombed seven Muslim countries in 2016 alone. See <https://www.nbcnews.com/news/world/u-s-bombed-iraq-syria-pakistan-afghanistan-libya-yemen-somalia-n704636>

In jest, I requested this Court to restrict Mr. Crown from using any of his own bombs, guns or tanks and restrict him to utilizing Japanese samurai swords in our Court ordered trial by mortal combat. I believe I have met Skico’s absurdity with my own absurdity. Of course, I offered Mr. Crown the opportunity to choose any of the many Chicago, Denver or Aspen attorneys of the three separate firms he has

chosen simultaneously to employ during the course of this lawsuit as his stand-in, including the husband of the current assistant attorney of the City of Aspen or even Ed Ramey, the free speech expert teaching at the University of Colorado, to stand in for him.

Foremost, I am grateful that my amazing parents have shown me the way forward in this time of struggle: loving our neighbors. My 84 year old Mom, known as Mama Sandy, is leading 5 men on a charity mission to Kenya this month, despite the coronavirus epidemic, detailed here:

<https://www.aspentimes.com/news/mulcahy-family-purposes-clean-water-is-a-necessity-not-a-luxury-sponsored/> and

<https://www.aspentimes.com/news/mulcahy-family-sets-out-on-another-clean-water-mission-in-africa-sponsored/> and

<https://www.youtube.com/watch?v=3tITlz2oaZE> I praise God because at the time of writing, the school for needy students with learning disabilities in Kipnosis outside of Sotik has a “gusher” of a water well and two more public schools will receive clean water wells, God willing.

CONCLUSION

Pro Se petitioner respectfully prays that an order be entered extending the time to file a petition for a writ of certiorari for 60 days, up to and including May 8, 2020 during this pendency of settlement of settlement negotiations which would make the filing moot.