App 3

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 210th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. The US Supreme Court set the transgender cases for conference again May 23, 2024. I do not know how the Court has time to review everything at one sitting, and think this is prudent.

2. Iran and North Korea have a separate banking system, not the Swift or BRICS system. It comes as no surprise that the President of Iran allegedly died in an aircraft accident per the attached news article.

3. In our civilized government, we use words and the right to petition coupled with due process, not money, might, or mob rule by collective incitement.

4. In our freer Democratic based on justice as a matter of truth. Justice is not a matter of barter or exchange allowing those with money, connections or influence to do what they will unrestrained and protected by unjust decrees.

5. Nor is justice a matter of mob rule through the vote or marketed manipulated perception of what is popular by the masses through easily distorted statistics or otherwise.

6. The Courts conjoined with the people's check (Petition with Due process fair opportunity to be heard on petitions) and the governments check through the US and State Attorney Generals is what makes this a freer and fairer country.

7. The Constitutional checks must not be removed by the Courts in violation of the US Constitution by immunity granted to Presidents for official acts as a license to commit crime or violate other laws.

8. Per attached newspaper article, there was an assassination attempt against Slovak prime minister Robert Fico. He was shot and is recovering.

9. This violence is unacceptable in a civil society and must not be encouraged in the US especially by Presidents like Trump who incited people to give into temptation by the dictates of his will to win at all costs to sacrifice those hoodwinked by the President to violate criminal laws. Trump is guilty of a greater sin before God, and it would be horrific to allow all the sheep this wolf led astray to be sacrificed and imprisoned while Trump eats the fat of their sacrifice as an apparent martyr.

10. I want to preserve the right to sue Biden too, and whether Court wants to or not, it must do what is right to preserve these United States when both leading running mates are pawns in a schemed overthrow unrestrained and rules over by those who bend their will through temptations unless the courts restrain these men from being above the law to allow for the elimination of the law down the line.

11. Our duty is to uphold the Constitution as the rule of law, not men in official positions who violate the law in need of court correction not destruction to uphold justice.

12. This weekend I discovered my childhood schoolmate's dad GW Wingate shot himself and died. This is the 5th death of one of my childhood friend's parents in about a month's time. This is not on the news or publicized. On May 20, 2024, I dropped a sympathy card in GW Wingate's son, [also names GW Wingate] mailbox. It was flooded with mail. It looked like no one checked it in weeks.

13. I believe the suicide by gun is in secret and under wraps, and I have no idea when it happened but confirmed it with another class of 96 IR High school classmate.

14. Today I discovered my mother was also seriously injured in a sports accident causing her to go to the ER for 6 hours and my dad taking off work. I am in tears because I love my pretty mom and do not want her to be injured or risk death with so many of my schoolmates' parents dropping like flies. She alleges she merely has a couple of fractures.

15. This weekend I also discovered another neighbor who moved in was on TV on a show about the Keepers, where she allegedly was a witness against the Catholic church relating to murder of a nun and sex abuse. She alleges she was sued for defamation. I hate defamation law suits where the wealthy buy their will be done unrestrained by the courts causing injustice since most people cannot afford to sue.

16. I am pretty emotionally worn, but I have a few ideas on how to prevent the overthrow. I would like time to work with opposing counsels to help them understand the dangers and to possibly discuss how to prevent it which would require the US Supreme Court not vitiation the people's check or the US and State Attorney General's check upon the government too. If the court gets it wrong, it should not despair. The people's check offers a resolution to uphold justice. I also have important petitions on Constitutional issues I wish to pick the brilliant minds of my opponents on.

17. I emailed opposing counsel and David Weiss the following, with attachments all attached hereto:

> "Fw: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...
> From:Meg Kelly (meghankellyesq@yahoo.com)
> To:supremectbriefs@usdoj.gov
> Cc:meghankellyesq@yahoo.com; ryan.costa@delaware.gov; david.weiss@usdoj.gov
> Date:Sunday, May 19, 2024 at 06:21 PM EDT
> Attached please find an important request to allow the disciplinary proceedings to be open at the discretion of the accused.

It looks they are under seal at the US Supreme Court per the attached docket for Jack Revels Jordan a 2023 Docket decision.

In DI 58 in my civil rights case I noted the hypocrisy of state rules on confidentially and disclosure by the state not the accused to seal and conceal state misconduct as opposed to expose it to correct it.

It is unjust that the accused lawyers are required to cite precedent to make his or her case when the precedent for other accused is confidential accessible to the state or Supreme Court forums but not the accused disparately favoring the government in violation of Equal Protections and arguably the Constitutional laws that make us a freer people.

I am throwing this out here because I do not know what is going to happen to Richard Abbott, whether we can see his docket or not. I do not know if he has to serve US AG or whether he should in hopes he would be heard.

When I look at other people's dockets like the attached for Jack Revels Jordan, they did not serve you USAG. Maybe the US AG may inter-plead or offer an amicus on Richard's behalf if there is no opposing party. Can you do that. This is non-lawyer question. It is weird there is no opposing party in accord with case and controversy requirements. I argued this in my appeal for 3rd Circuit order which violates Equal Protections before vitiation of fundamental rights. The USSC did not hear it possibly because I did not serve USAG. They should have heard it. Yet again it did not hear the PA case either and neither filed nor returned with due process notice as to why Nov 6, 2023 pleadings may have been rejected?

I want to do the right thing. Ryan instead doing everything to win at all costs can you please try to do the right thing. The US Supreme Court is in danger. People lawyers are in danger. The State and Federal criminal check upon the government is in danger if the USSC allows Trump or even Biden and his family to be above the law with a license to commit crime. David Weiss, I have to thank you for that. I read the recent filings in your case and I wanted to clean my brain of Hunter's words in his book, even reading them made me feel yucky. On a side note, it made me feel so slimy to read about Prime Minster Ben's alleged misconduct with prostitutes exploiting women as property to buy and sell makes me want to cry at such injustice.

David Weiss, you do the right thing by teaching no one is above the law nor below the law. We just have to keep your authority over presidents regardless of their last name or party. Thank you, David Weiss.

I have been so distraught, and actually am swimming in funerals lately. I have to make some time for people I love and apologize for not reaching out to either of you.

Can you please help me brainstorm on how to preserve the state AG, the federal AG government's, and the people's check, including mine through the petition and due process from being vitiated by a misguided scared attacked court who should maintain its authority to hear cases in order not to vitiation the government or the people's government power, including its own duties.

You guys know that I heard about the back doors to our devices opened back in 2007 because of my baby brother's friend in the FBI. My grandpop's bro used to be one of the head people at the FBI. While they did not disclose any sensitive information, I try to judge correctly by reading through the lines.

I believe there is a schemed overthrow and want to help you prevent it even if you are my opponents.

I am sorry I delayed but in Kelly v Trump I indicated 28 USC 666 and 28 USC 201 the US AGs may prevent the overthrow by dissolving private and public partnerships. So, governments may govern and guide not collude making the governments hands too dirty to clean misguided private partners.

The plan is the partners take the resources to control the government to eliminate the government to allow those who control the resources and the channels to access them to rule eliminating laws that make us a freer and not for sale slave people.

If you look at Kelly v Trump, I alluded that old people may not receive social security and pensions. I cannot allow old people to be left to hang and dry.

Can you please consider the potential harm to try to be the hero despite being my opponent. Can you please consider guiding a scared attacked court to do what is right not to give into temptation of their emotions to bend their will at whomever threatens them to control a no longer free or impartial court.

Thank you and good night,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: gail_olson@paed.uscourts.gov <gail_olson@paed.uscourts.gov>; PAED_ClerksOffice@paed.uscourts.gov <PAED_ClerksOffice@paed.uscourts.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Saturday, August 20, 2022 at 07:48:47 AM EDT
Subject: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...

Hi Gail,

Would you please delay considering until after the motion for reargument, and appeals for US Supreme Court are complete or the time has expired, or forward my request to delay consideration in order not to prejudice my current case by causing a substantial economic burden.

I have three motions which are outstanding, and have not been heard on my motion to reargue yet. Attached, is motion 1.

Thank you,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: Supreme_CourtFilings (MailBox Resources) <supreme_courtfilings@delaware.gov>; kathleen.vavala@delaware.gov <kathleen.vavala@delaware.gov>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Monday, August 15, 2022 at 05:34:57 PM EDT
Subject: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

Good afternoon,
Attached please find:

1. Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

2. Declaration thereto

3. Exhibit A thereto, Letter to district Ct regarding preserving actual impartiality of the courts

4. Order thereto

5. Motion to exceed the Word Limit by 282 Words

6. Declaration thereto

7. Order thereto

Thank you,
Meg
Meghan Kelly, Esq.
34012 Shawnee Dr.
Dagsboro, DE 19939
INACTIVE Bar NO 4968
Not authorized to practice on behalf of another
meghankellyesq@yahoo.com"

18. The issue of whether Due process, equal protections and 6th Amendment right to an open forum in a state or US Supreme Court disciplinary proceeding is an important issue. I pulled a recent disbarment proceeding and I could read the precedent. It is not available to the public. How can we cite relevant authority showing disparate treatment with ease if it is uniformly hidden. I attached this recent example to the email I cite above.

19. Years ago, I read about the Prime Minister of Israel Benjamin Netanyahu's son exploiting women as property for sex. See attached articles. I sent opposing counsel the attached email to clarify I met Israeli Prime Minister's son not the prime minister.

20. I also sent opposing counsel along with Third party David Weiss an email concerning 18 USC Sections 201 and 666 since I believe the US and State AG may prevent the overthrow using these statutes should the courts not make the president above the law

unrestrained by private or public petitions vitiating 1st Amendment right and 5th and 14th amendment fair opportunity to be heard on petitions before vitiation of claims and Constitutional liberties, even of an attempted coup.

21. I stated in the attached email and include the exhibits therein attached hereto:

> 18 USC 201 and 18 USC 666/ Cheri Reason missing or murdered Meg is worried
> From:Meg Kelly (meghankellyesq@yahoo.com)
> To:supremectbriefs@usdoj.gov
> Cc:ryan.costa@delaware.gov; david.weiss@usdoj.gov; meghankellyesq@yahoo.com
> Date:Sunday, May 19, 2024 at 08:37 PM EDT
> Attached please find three pleadings in Kelly v Trump where I alluded to or alleged a US AG or possibly a state AG may dissolve government partnerships to prevent the partners from eliminating the government by use of 18 USC 666 or 18 USC 201. The USSC appeared to shut down 18 USC 666 arguments recently.
>
> Today, I discovered a neighbor's daughter is allegedly missing. I was scared she was murdered since her facebook page indicates death. Her brother alluded to her husband allegedly being violent.
>
> I know that we are small down here in Lower, DE. Yet, I thought I would attach a facebook page in case you find her to make sure she is safe and not murdered.
>
> On a side note, her big brother Jeremy Watts used to work in heavy classified contracting related to NSA.
>
> Jeremy was a contractor working with or other weird top-secret stuff I am not allowed to know about. Jonathon indicated there were lots of layoffs. So, I do not know if Jeremy is employed as a contractor anymore.
>
> It was not Jeremy but Jonathon who alluded to the allegation Cheri's husband or ex was allegedly violent. I hope she is not dead.
>
> With regards to our case, please understand I think you have the power to prevent the overthrow by dissolving partnerships with 18 USC 201 or 666. Otherwise, I would not have written it if I did not believe you could be the hero to save the US and guide the courts by the petition.
>
> Thank you,
> Meg"

22. I hope that Chri is not murdered, and I hope she is no longer missing, but I have not seen her. I walked past their home, and I am worried. It was not until Sunday I discovered that GW Wingate's dad who lives near the front of the development shot himself. I also learned that another person in my development had knowledge of another murder.

23. When this happens we should prevent it from happening again not hide it like the Catholic church did, or like the state hides misconduct by firing two staff in my case. The cover

up makes it worse and eliminates hope of justice and destroys credibility of the courts. Thankfully I demand it as a religious exercise and as the people's check upon the courts too. The Delaware Supreme Court is not above the law seeking to eliminate people whose exercise of the 1st Amendment rights of religion, speech, exercise of belief, association and petition do not conform to their partial self-serving whims applicable to the state via the 14th Amendment.

24. I chose my faith in Jesus above the capricious whims of the courts. In Sussex DE most people hate Biden. There are signs for Trump everywhere, even in my development. People still speak of violence. That is not okay. We use words when we disagree not money or might like lawless mobsters or incited mob rule through representation through the vote, or the media.

25. We need the courts to uphold the first amendment right to petition not dismiss them based on viewpoint of speech and subject matter contained in the petitions including the US Attorney General's petition against President Trump or my petitions against the State Court.

26. The Courts will have blood on its own hands if it refuses to protect the right to petition, due process and Equal Protections not making the government immune to the Constitution, criminal law or the rule of law based on precedent which violates the Constitution.

27. Jesus Christ teaches in Mark 8:7-9 that we are not supposed to conform with the traditions of men only to violate the law. The uniformity is not as important as protecting people's individual liberty not to conform to the norm by their belief in Jesus or other protected conduct which should remain protected by the petition. The license to buy and sell should not be eliminates based on religious belief in Jesus Christ like Defendants eliminated that license to punish and chill me for the exercise of 1st Amendment rights.

28. Sameness is not Equality in terms of Equal Protections. Sameness is elimination of individual liberty to the compelled conformed collective norms.

29. The diversity in exercise of freedoms especially to criticize helps us learn from one another and improve.

30. I use my words to protect our democratic republic, these United States from dissolution. By standing up for my rights, I seek to create precedent that no one is below the law by the mere license to buy and sell in a profession as slave cattle not free people.

Thank you for your time, consideration and understanding.

Dated 5/20/2024

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: May 20, 2024

Meghan Kelly (printed)

Meghan Kelly (signed)

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REUTERS

Iran's hardliner President Ebrahim Raisi killed in helicopter crash

Parisa Hafezi and Yomna Ehab
Updated Mon, May 20, 2024 at 6:00 AM EDT · 5 min read

2.5k

By Parisa Hafezi and Yomna Ehab

DUBAI (Reuters) -Iranian President Ebrahim Raisi, a hardliner seen as a potential successor to Supreme Leader Ayatollah Ali Khamenei, was killed after his helicopter crashed in poor weather in mountains near the Azerbaijan border, officials and state media said on Monday.

The charred wreckage of the helicopter which crashed on Sunday carrying Raisi, Foreign Minister Hossein Amirabdollahian and six other passengers and crew was found early on Monday after an overnight search in blizzard conditions.

Supreme Leader Khamenei, who holds ultimate power with a final say on

IRNA news agency reported.

"I announce five days of public mourning and offer my condolences to the dear people of Iran," Khamenei said in a statement. Mokhber, like Raisi, is seen as close to Khamenei.

Under the Islamic Republic's constitution, a new presidential election must be held within 50 days.

Footage from Iranian state television showed wreckage scattered on a foggy hillside, while separate images from IRNA showed Red Crescent workers carrying a covered body on a stretcher. All those aboard the helicopter were killed, a senior Iranian official had earlier told Reuters.

Deputy Foreign Minister Ali Bagheri Kani was appointed as acting foreign minister following the death of Amirabdollahian, IRNA said.

The crash comes at a time of growing dissent within Iran over an array of political, social and economic crises. Iran's clerical rulers face international pressure over Tehran's disputed nuclear programme and its deepening military ties with Russia during the war in Ukraine.

Since Iran's ally Hamas attacked Israel on Oct. 7, provoking Israel's assault on Gaza, conflagrations involving Iran-aligned groups have erupted throughout the Middle East.

A long "shadow war" between Iran and Israel broke into the open last month with tit-for-tat exchanges of drone and missile fire.

State media reported that images from the site showed the U.S.-made Bell 212 helicopter slammed into a mountain peak, although there was no official word on the cause of the crash. The dead also included the governor of East Azerbaijan Province and a senior imam from Tabriz city.

An Israeli official told Reuters it was not involved in the crash. "It wasn't us," said the official, who requested anonymity.

MESSAGES OF CONDOLENCE

The helicopter went down in Varzeqan region north of Tabriz, state news agency IRNA reported, as Raisi returned from an official visit to the border with Azerbaijan in Iran's northwest.

Raisi, 63, was elected president in 2021, and since taking office has ordered a tightening of morality laws, overseen a bloody crackdown on anti-government protests and pushed hard in nuclear talks with world powers.

Emirates, Qatar, Jordan, Iraq and Pakistan.

Russian President Vladimir Putin called Raisi "a true friend of Russia", while Indian Prime Minister Narendra Modi said he was "deeply shocked and saddened".

There was less reaction from Western capitals, though the European Union and Japan expressed condolences.

Iran-backed militant group Hamas, fighting Israeli forces in Gaza with Tehran's support, issued a statement expressing sympathy to the Iranian people for "this immense loss."

Lebanon's Iran-backed Hezbollah group and the Houthi rebels in Yemen also issued statements praising Raisi and mourning his death.

Meanwhile, the exiled opposition group, the National Council of Resistance of Iran, described his death in a statement as a "monumental and irreparable strategic blow" to the Islamic Republic.

Rescue teams fought rain, blizzards and difficult terrain through the night to reach the wreckage in the early hours of Monday.

“With the discovery of the crash site, no signs of life have been detected among the helicopter's passengers,” the head of Iran’s Red Crescent, Pirhossein Kolivand, told state TV.

Earlier, the national broadcaster had stopped all regular programming to show prayers being held for Raisi across the country.

Video showed a rescue team, wearing bright jackets and head torches, huddled around a GPS device as they searched a pitch-black mountainside on foot.

HARDLINER, POSSIBLE SUCCESSOR TO KHAMENEI

In Iran's dual political system, split between the clerical establishment and the government, it is Raisi's 85-year-old mentor Khamenei, supreme leader since 1989, who holds decision-making power on all major policies.

For years, many have seen Raisi as a strong contender to succeed Khamenei, who has endorsed Raisi's main policies.

Raisi's victory in a closely managed election in 2021 brought all branches of power under the control of hardliners, after eight years when the presidency had been held by pragmatist Hassan Rouhani and a nuclear deal negotiated with powers including Washington.

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WORLD NEWS

Slovak prime minister's condition remains serious but prognosis positive after assassination bid

The condition of Slovak Prime Minister Robert Fico remains "serious" but worst fears have "passed", the country's defence minister told journalists on Sunday. (AP video shot by Lefteris Pitarakis)

Photos 9

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BY LEFTERIS PITARAKIS

Updated 12:45 PM EDT, May 19, 2024

BANSKA BYSTRICA, Slovakia (AP) — Slovakia's populist prime minister, Robert Fico, remained in serious condition on Sunday but has been given a positive prognosis four days after he was shot multiple times in an assassination attempt that has sent shockwaves across the deeply polarized European Union nation, the defense minister said.

"The worst of what we feared has passed, at least for the moment. But his condition remains serious," Robert Kalinak told reporters outside the hospital where Fico is being treated. "His condition is stable with a positive prognosis."

Kalinak added that the hospital treating the Slovak leader in Banská Bystrica, a former coal mining town of 16,000 situated 29 kilometers (17 miles) from where Fico was attacked, will continue to issue updates on his health status.

On Sunday afternoon, Kalinak revealed new details about the ongoing investigation saying there may have been a "third party" involved in "acting for the benefit of the perpetrator", in what was previously described by the authorities as a "lone wolf" attack. The official did not provide additional details.

"The situation is turning out to be even worse than we expected," Kalinak said. "Plus other indications that these facts of Wednesday's attack have been discussed in a wider circle. All of this is shocking information, and for many of us, it would be much easier if we could talk about just one person."

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The Wayback Machine - https://web.archive.org/web/20170810040058/http://www.baltimoresun.com:80/news/maryland/baltimore-city/bs-md-maskell-settlements-20161115-st…

Baltimore archdiocese pays settlements to a dozen people alleging abuse by late priest

The Archdiocese of Baltimore has paid a series of settlements to people alleging they were sexually abused by a priest who worked at Archbishop Keough High School decades ago.

By **Alison Knezevich**
The Baltimore Sun

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The Baltimore Archdiocese has paid a dozen settlements for allegations against a priest at Keough, now dead.

NOVEMBER 15, 2016, 7:46 PM

The Archdiocese of Baltimore has paid a series of settlements to people who allege they were sexually abused by a priest who worked at Archbishop Keough High School decades ago.

The payments stem from allegations of abuse by A. Joseph Maskell, who denied an initial accusation before he died in 2001.

Sheldon Jacobs, an attorney representing people who have alleged abuse by Maskell, said about a dozen have reached settlements within the past few months.

"There's no amount of money that could ever adequately compensate the survivors for what they've gone through," he said.

Sean Caine, a spokesman for the Baltimore archdiocese, confirmed that "settlements with victims of Joseph Maskell have been ongoing since at least 2011." He said he did not have information Monday on how much has been paid to the victims.

Caine said the archdiocese has a long-standing practice of offering counseling to victims of abuse.

"For those victims who wish to have nothing to do with the Church and/or who would prefer to be in control of their own healing, we offer them a financial payment which also includes a designated amount that is set aside to be used only for counseling," Caine said in an email to The Baltimore Sun. "These financial agreements are completely voluntary and are in lieu of any future counseling payments or any other obligations from the Archdiocese."

Jacobs declined to say how much people who recently settled have received but that they have been disappointed in the amounts.

"There is a lot of frustration on the part of the survivors as to the amount of money that's being paid in these settlements," Jacobs said, "considering the level of egregiousness and terrible conduct on the part of one man."

Most of the victims who have received settlements are women but also include a few men, including one who says Maskell, then a young seminarian, abused him at a camp in the 1950s, Jacobs said.

All of the settlements were done out of court because the statute of limitations for people to file civil claims had long since passed, Jacobs said.

In Maryland, a person alleging sexual abuse as a child who wants to sue must do so by the time they are 25. Criminal cases involving child sexual abuse, meanwhile, do not have a statute of limitations.

Some state lawmakers have unsuccessfully pushed to extend the statute of limitations. The Catholic Church has opposed such efforts.

Donna Von Den Bosch, 60, of Reading, Pa., reached a $35,000 settlement in September, according to legal documents. She says Maskell raped her multiple times over the course of about three years while she was a student at Archbishop Keough in the 1970s.

In addition to the $35,000 payment, the settlement also will cover personal training sessions at a gym, Von Den Bosch said. The archdiocese had offered to pay for counseling, she said, but she did not want that — so

she asked for personal training instead.

"I explained to them the odds of me going to a therapist are zilch," she said.

The Sun typically does not name victims of sexual abuse, but Von Den Bosch said she wanted to share her story publicly.

She said the abuse took place when Maskell was a guidance counselor at Archbishop Keough, but she had known him since she was about 12, when he was the parish priest at her elementary school, St. Clement in Lansdowne.

In high school, Von Den Bosch said, he would call her to his office at Archbishop Keough, where he would rape her.

Von Den Bosch said she told a nun at her school she didn't want to see Maskell because he was "evil," but the nun brushed her off.

"I didn't have the vocabulary at 14 to describe what was going on," she said.

She also remembers crying and throwing herself to the floor in Spanish class one time when she was called to Maskell's office, saying she didn't want to go. The teacher told her she had to, she said.

As a teenager, Von Den Bosch said, she frequently ran away to Ocean City and was expelled from high school as a senior for smoking marijuana.

"It was the happiest day of my life," she said. "That was the only way I could think to make it stop."

She waited until she was grown, with children of her own, to tell her parents about the abuse. Her mother told her she finally understood why Von Den Bosch had been angry all those years, she said.

Jacobs said there were many consistencies in victims' stories about Maskell —-including his targeting girls who had confided in him that they had previously been sexually abused. Many believe they were drugged by him, he said.

"We have so many incredibly similar stories," he said.

Von Den Bosch said she previously had been sexually abused by another person.

Von Den Bosch's settlement did not include a nondisclosure clause. However, it says she cannot file any claims in the future, even if the state extends the statute of limitations. In addition, the settlement says the archdiocese does not admit liability.

Maskell is included on the public archdiocese list of what it calls credibly accused clergymen. Archdiocese

officials say they received an allegation about him in 1992, which Maskell denied. They said they could not corroborate that claim.

More allegations surfaced in 1994. Maskell was placed on a leave of absence, and he was not allowed to perform priestly duties, according to the archdiocese.

In the 1990s, two women filed a $40 million lawsuit alleging longtime abuse by Maskell, but the state's highest court ruled that they waited too long to file the claim.

Archbishop Keough merged with Seton High School in 1988 to become Seton Keough High School. The school is scheduled to be closed next year.

alisonk@baltsun.com

twitter.com/aliknez

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IN CASE YOU MISSED IT

2016 SALARY DATABASE
Search The Sun's database to find state employee salaries from calendar year 2016.

Bishop Malooly responds to *"The Keepers."*

"The Keepers," the Netflix documentary series that explores sexual abuse at a Baltimore Catholic school for girls, and the murder of a nun in the 1960s, hints that Bishop Malooly may have participated in a cover-up regarding the abuse by A. Joseph Maskell, a Baltimore priest. The abuse apparently took place at the school from 1967 until 1975. Bishop Malooly served in various administrative roles with the Archdiocese beginning nine years later in 1984 and continuing until his appointment as the Ninth Bishop of Wilmington in 2008.

Here is Bishop Malooly's response to these insinuations:

> *"In the spirit of truth, I would like to make some clarifications regarding some of the claims and insinuations that were made in 'The Keepers.' My intention is to set the record straight, and in no way do I wish to minimize the pain and suffering caused by the abuse perpetrated by Joseph Maskell, or any other priest.*
>
> *In 1992, while serving as Chancellor and Vicar General for the Archdiocese of Baltimore, I was first made aware of the accusations of sexual abuse of minors by Joseph Maskell. At that time, the adult survivor and her attorney were urged to report the abuse to civil authorities, and the survivor was offered counseling assistance. Maskell was removed from ministry and referred for evaluation and treatment with full disclosure to the facility as to the reason for the treatment. Maskell denied the allegation, and after months of evaluation and treatment, he was returned to ministry in 1993 after the Archdiocese was unable to corroborate the allegation following its extensive investigation.*
>
> *In a September 8, 1993 letter to Deputy Attorney General Ralph S. Tyler III, I informed the criminal justice system about the allegations. According to media reports, the police investigated the charges and interviewed Maskell. There is no statute of limitations for criminal prosecution of these types of crimes in Maryland, so authorities could have prosecuted Maskell anytime from September 8, 1993 until his death in 2001. They for whatever reason, chose not to prosecute.*
>
> *When additional allegations were made in 1994, Maskell was permanently removed from ministry on July 31, 1994. The Archdiocese of Baltimore publicly stated that it wanted to speak with individuals who had information regarding Maskell. A detective was hired to search for anyone who may have been abused by him. In 1994, a music director at a Catholic church told the Archdiocese that Dr. Charles Franz may have information regarding Maskell, and so we reached out to him and set up a meeting for October 20, 1994.*
>
> *The meeting occurred at the Catonsville dental office of Dr. Franz, with Dr. Charles and Mrs. Denise Franz, Fr. Richard Woy, Director of Clergy Personnel for the Archdiocese, and myself in attendance. There were no canon or civil lawyers present. I explained to Dr. Franz that Archbishop Keeler would have attended the meeting to express his apology and to reach-out personally, had he not been in Rome at the time. I explained the policy of the Archdiocese to offer counseling and spiritual assistance as needed. I also encouraged them to report the information to the State's Attorney. At no time did I offer Dr. Franz a boat.*
>
> *Charles Franz states that his mother made some kind of a report about Maskell to unidentified Archdiocesan authorities in 1967. I*

am not aware of any such report. I was a college student in 1967. As far as I know, there is no record of any report by Mrs. Franz in Archdiocesan files.

The crime of sexual abuse of a child or young person is inexcusable, especially when it is committed by a member of the clergy – the very person who should be looking out for the spiritual well-being of all persons – particularly the young. The survivors of clergy sexual abuse should be commended for speaking out. It is because of their bravery that the truth of these heinous crimes has come to light. We as a Church must continue our best efforts to help survivors deal with the painful after-effects of sexual abuse.”

Bishop Malooly served two consecutive terms as a member of the United States Conference of Catholic Bishop’s Ad Hoc Committee on Sexual Abuse (now called the Committee for the Protection of Children and Young People) that initiates actions on behalf of the Bishops of the United States to address the problem of sexual abuse of minors and, in conjunction with the National Review Board, provided recommendations relating to the Charter for the Protection of Children and Young People. More information is available at http://www.usccb.org/issues-and-action/child-and-youth-protection/index.cfm.

There is no doubt that some Church leaders made terrible mistakes in the past when dealing with clergy sexual abuse; however, in the 1990s and into the 2000s, the Archdiocese of Baltimore was a leader in the area of outreach to abuse survivors, and transparency in that regard. In 2002, they were the very first Archdiocese to make public a list of credibly accused clergymen going back decades. They repeatedly issued public statements regarding Joseph Maskell’s abuse and held public meetings to address the concerns of the community. They were among the first to use mediation as a way to offer monetary compensation and counselling assistance to survivors. These happened while Bishop Malooly held an important leadership role in the Archdiocese of Baltimore. The Archdiocese of Baltimore did not cover-up Maskell’s abuse.

More information regarding the Archdiocese of Baltimore’s response to “The Keepers” including information about the abuse perpetrated by Joseph Maskell, and the murder of Sister Catherine Cesnik is available at www.archbalt.org.

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LOCAL

Ex-Delaware bishop named as Catholic official who covered up clergy sex abuse in Baltimore: Report

Esteban Parra
Delaware News Journal

Published 5:18 a.m. ET May 5, 2023 | **Updated 4:56 p.m. ET May 5, 2023**

Former Catholic Diocese of Wilmington Bishop W. Francis Malooly was one of several past high-ranking Archdiocese of Baltimore officials identified as those who helped cover up sexual abuse, according to a Baltimore Sun exclusive article published online late Thursday.

Malooly — along with the Most Revs. Richard "Rick" Woy, G. Michael Schleupner, J. Bruce Jarboe and George B. Moeller — helped abusive priests get away with their crimes, either concealing the extent of a priest's misdeeds or striking deals with prosecutors to avoid a criminal charge, according to the Sun's article.

The five were among the most powerful, high-ranking and visible officials in the archdiocese, which comprises Baltimore and nine of Maryland's 23 counties in the central and western portions of the state. Its annual directories show some served as chancellor, effectively the right hand of the late Cardinal William Keeler or the late Archbishop William Borders. Others were directors of clergy personnel, akin to a human resources manager. Other times, they were in charge of archdiocesan finances.

Malooly, who was reached at his house in Brandywine Hundred on Friday afternoon, referred comment to Christian Kendzierski, a spokesman with the Archdiocese of Baltimore. Kendzierski did not have much to say.

"Considering this topic is possibly centered around a court ordered process, I don't have anything to offer in response," he told Delaware Online/The News Journal.

The Catholic Diocese of Wilmington, where Malooly most recently served until 2021, could

not be reached for comment by Delaware Online/The News Journal on Thursday night.

How is Bishop Malooly involved?

The incidents described by the Sun occurred before Malooly became bishop of the Catholic Diocese of Wilmington in 2008. The following year, the Wilmington diocese sought Chapter 11 protection after a flood of civil lawsuits were filed by survivors of clergy sexual abuse under provisions of Delaware's 2007 Child Victims Act.

The 2007 law opened a two-year window for child sexual abuse cases that would otherwise have been barred by the statute of limitations.

“Our hope is that the Chapter 11 proceedings will enable us to fairly compensate all victims through a single process,” Malooly said in 2009.

He later noted that this move would allow all victims to see compensation.

BACKGROUND: Wilmington Catholic Diocese files for bankruptcy protection

“We have a finite amount of resources and it became clear we would never get through 142 complainants in any fair or equitable way,” Malooly said.

The diocese emerged from bankruptcy in 2011, paying $77.4 million into a trust fund to resolve all claims by abuse survivors and another $10 million into a pension fund for lay employees that was found to be underfunded during financial disclosures.

"The corruption in the Church over the last 60 years is beyond belief," attorney Thomas S. Neuberger said to Delaware Online/The News Journal on Thursday night after the Sun story was published. Neuberger's firm represented an overwhelming majority of victims who sued the Wilmington diocese.

"The use of Bishop Malooly is further proof that all it seeks is to protect its wealth and power," he said. "Claims that it now has procedures in place to protect children are mere window dressing. Parents are not fooled by all that and the proof is the continuing declining enrollment in church schools."

Malooly's role in the Baltimore Sun's reporting

According to the Sun's article, its reporters reviewed thousands of pages of court records,

decades of archdiocese directories, and dozens of contemporary newspaper articles to piece together details that helped reveal the men's identities. People with knowledge of their conduct at the time or who are familiar with the report confirmed The Sun's reporting.

One specific case reported by the Sun involves Malooly, then the director of the clergy personnel division, contacting the office of the Maryland state's attorney in Baltimore and describing an accusation against a clergy member without naming him.

The Sun's reporting claims Malooly never reported the accusation, citing a Maryland attorney general's report.

Is this the first time Malooly has come under question?

No. Malooly, who was assigned to the Archdiocese of Baltimore before he became Wilmington's bishop in 2008, was named in a 2017 Netflix docuseries that claimed he tried to cover up sexual abuse by a Baltimore priest decades ago.

Malooly was mentioned only in the final episode of the series and posted to the Diocese of Wilmington's website a lengthy statement challenging the accusations after the show ran.

BACKGROUND: Bishop Malooly denies Netflix series 'The Keepers' allegations

In 2018, after a Pennsylvania grand jury released a report detailing sexual abuse claims in six Pennsylvania dioceses by hundreds of priests, Malooly – then-bishop of the Diocese of Wilmington – released a statement as church leaders in neighboring states came under question.

"Here in the Diocese of Wilmington, we have demonstrated a continuing commitment to preventing sexual abuse," Malooly said. "We are grateful that the Diocese of Wilmington has not had a reported instance of the sexual abuse of a child by anyone in diocesan or parish ministry in over 25 years. Our policies, procedures, training, and continuing commitment makes our churches and schools safe places for children."

MORE TO READ: Bishop Malooly responds to questions regarding the Pennsylvania grand jury report

Contact Esteban Parra at (302) 324-2299 or eparra@delawareonline.com.

WIKIPEDIA
The Free Encyclopedia

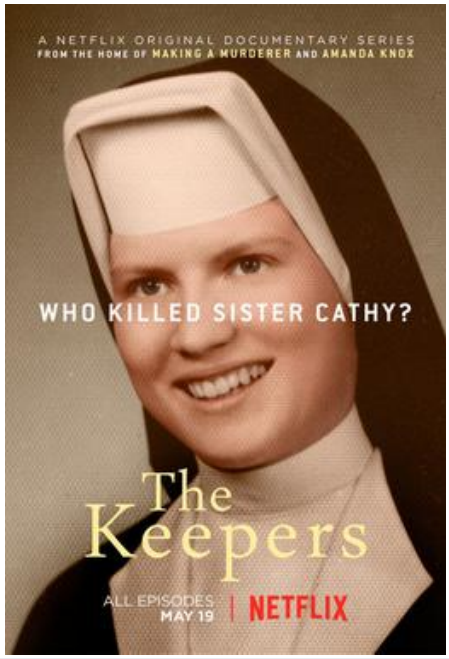
The Keepers

The Keepers is a seven-episode American documentary series that explores the unsolved murder of nun Catherine Cesnik in 1969. Cesnik taught English and drama at Baltimore's all-girls Archbishop Keough High School, and her former students believe that there was a cover-up by authorities after she suspected that a priest at the high school, A. Joseph Maskell, was guilty of sexually abusing students.[1][2] The series was directed by Ryan White and released on Netflix in 2017.[3][4][5]

Cast

- Gemma Hoskins – former student and investigator
- Abbie Fitzgerald Schaub – former student and investigator
- Joseph Maskell – former priest and counselor
- Jean Hargadon Wehner (a.k.a. Jane Doe) – former student
- Teresa Lancaster (a.k.a. Jane Roe) – former student
- Randy Lancaster – Teresa Lancaster's husband
- Donna Von Den Bosch – former student
- Juliana Farrell – former student
- Deb Silcox – former student
- Lil Hughes – former student
- Chris Centofanti – former student
- Mary Spence – former student
- Marilyn Cesnik Radakovic – Sister Catherine's sister
- Gerry Koob – former priest and Sister Catherine's former boyfriend
- Tom Nugent – journalist and writer for the *Baltimore City Paper*
- Bob Erlandson – journalist
- Beverly Wallace – attorney for former students
- Alan Horn – investigator
- John Barnold – former captain, Baltimore City Police Department
- James Scannell – former captain, Baltimore County Police Department
- Brian Schwaab – former detective, Baltimore City Police

The Keepers



Genre	Documentary
Based on	Murder of Catherine Cesnik
Directed by	Ryan White
Country of origin	United States
No. of seasons	1
No. of episodes	7
Production	
Executive producers	Ryan White Jessica Hargrave Josh Braun Ben Cotner Jason Spingarn-Koff Lisa Nishimura

Department

- Gary Childs – detective, Baltimore County Police
- Sharon A. H. May – former State's Attorney for Baltimore City
- Edgar Davidson – possible suspect in the murder of sister Catherine
- Deborah Yohn – Davidson's niece, who suspects her uncle's involvement in the murders based on anecdotes from her aunt, who is referred to as "Margaret" in the series.
- Sharon Schmidt – daughter of Ronnie Schmidt and niece of Billy Schmidt, who suspects the involvement of both men in the murders.
- Barbara Schmidt – mother of Sharon Schmidt, former wife of Ronnie Schmidt and sister-in-law to Billy Schmidt, who suspects the involvement of her husband and brother-in-law in the murders.
- C. T. Wilson – Maryland state delegate
- Charles Franz – former student at St. Clement's Church
- Werner Spitz, MD – forensic pathologist

	Matthew Goldberg Brandon Carroll
Production locations	Baltimore, Maryland
Cinematography	David Jacobson John Benam
Editors	Kate Amend Mark Harrison Helen Kearns
Production companies	Film 45 Tripod Media
Original release	
Network	Netflix
Release	May 19, 2017

Episodes

No.	Title	Original release date
1	"The Murder"	May 19, 2017
Hoskins and Schaub investigate the disappearances and deaths of Sister Cathy Cesnik and Joyce Malecki in November 1969.		
2	"The School"	May 19, 2017
The episode reveals allegations of abuse at Archbishop Keough High School, and the personal stories of "Jane Doe" (Jean Hargadon Wehner) and other women at the school. Wehner discusses the day after the murder that Father Maskell took her to see the body of Sister Catherine Cesnik in nearby Lansdowne, Maryland.		
3	"The Revelation"	May 19, 2017
In 1992, Wehner faces the abuse she endured at Keough, allegedly at the hands of Father Maskell and other men he knew (including someone known as "Brother Bob"), as well as the threat that frightened her into silence.		
4	"The Burial"	May 19, 2017
In 1994, two former students (Wehner and Teresa Lancaster) file a lawsuit against Maskell, the gynecologist they allege witnessed sexual assaults by Maskell, the Archdiocese of Baltimore, and the School Sisters of Notre Dame, but face intimidation from their lawyers, as well as their psychiatric experts who doubt repressed memories. The lawsuit is thrown out.		
5	"The Suspects"	May 19, 2017
A tip line created by the group yields two compelling suspects (Edgar Davidson and Billy Schmidt) who may have been involved in Sister Catherine's murder.		
6	"The Web"	May 19, 2017
Sister Catherine's sister, Marilyn Cesnik Radakovic, joins the case and discloses additional information about the days leading up to Cathy's disappearance.		
7	"The Conclusion"	May 19, 2017
The season finale details prior sexual abuse by Father Maskell at Saint Clement's Church that was known by the Archdiocese, and the legislative efforts to overturn the statute of limitations in Maryland.		

Reviews

The Keepers was met with critical acclaim upon its release. The review aggregator Rotten Tomatoes gives the series an approval rating of 97% based on 30 reviews, with an average rating of 8.47/10. The site's critical consensus reads, "*The Keepers* draws on riveting, real-life terror to expose long-buried secrets—and tells an inspiring, brilliantly assembled story along the way."[6] Pilot Viruet of *Vice* wrote of the series, "It's harrowing and upsetting, and it will haunt you for a long time, which is part of what makes it necessary viewing."[7]

In *Time* magazine, Daniel D'Addario compared *The Keepers* with another Netflix true-crime series, *Making a Murderer*, stating that *The Keepers* does not lead its viewers to a definite conclusion about what happened. "While Sister Cathy Cesnik's death remains a mystery, its aftereffects include both crushing heartbreak and, for the amateur sleuths who seek to crack her case, a sense of making a difference... This isn't just more respectful to the victim than other true-crime stories, with their breathless delight at new clues. It's also more effective."[8] According to Jack Seale in *The Guardian*, "Where other true crime hits have followed a linear chronology, *The Keepers* hops

between 1969, the 1990s and today, striking a fine balance between narrative structure – a wow moment at the end of every episode – and respect for a subject that doesn't need or deserve sensationalism."[9]

Church response

The Archdiocese of Baltimore declined when asked by Netflix producers to comment on sexual misconduct allegations within the church. Later, the Archdiocese responded to the series by adding a FAQ page to its website, in which it stated allegations that the archdiocese knew of Maskell's sexual abuse prior to 1992 were false speculation.[10]

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2. "Baltimore archdiocese pays settlements to a dozen people alleging abuse by late priest" (https://web.archive.org/web/20170810040058/http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-maskell-settlements-20161115-story.html). *The Baltimore Sun*. November 15, 2016. Archived from the original (http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-maskell-settlements-20161115-story.html) on August 10, 2017. Retrieved May 22, 2017.
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5. " 'The Keepers' is true crime with a fresh perspective: The victim's" (https://www.washingtonpost.com/news/arts-and-entertainment/wp/2017/05/20/the-keepers-is-true-crime-with-a-fresh-perspective-the-victims/). *The Washington Post*. May 20, 2017. Retrieved May 22, 2017.
6. "The Keepers: Miniseries" (https://www.rottentomatoes.com/tv/the_keepers/s01). *Rotten Tomatoes*. Retrieved October 9, 2019.
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8. D'Addario, Daniel (May 25, 2017). "The Keepers avoids true crime's ghastliest pitfalls" (http://time.com/4793893/the-keepers-review/). *Time*. Retrieved June 19, 2017.
9. Seale, Jack (May 18, 2017). "Who murdered Sister Cathy? Netflix takes true crime to the next level" (https://www.theguardian.com/tv-and-radio/2017/may/18/the-keepers-netflix-nun-murder-baltimore-true-crime-documentary). *The Guardian*. Retrieved May 18, 2017.
10. "Frequently Asked Questions Based on "The Keepers" " (http://www.archbalt.org/promise-protect-promote-healing/frequently-asked-questions-based-keepers/). Archdiocese of Baltimore. Retrieved June 19, 2017.

External links

- *The Keepers* (https://www.netflix.com/title/80122179) on Netflix
- *The Keepers* (https://www.imdb.com/title/tt6792200/) at IMDb
- *The Keepers* (https://www.rottentomatoes.com/tv/the_keepers/) at Rotten Tomatoes
- *The Keepers* (https://www.metacritic.com/tv/the-keepers) at Metacritic

Retrieved from "https://en.wikipedia.org/w/index.php?title=The_Keepers&oldid=1222574873"

Fw: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...

From: Meg Kelly (meghankellyesq@yahoo.com)

To: supremectbriefs@usdoj.gov

Cc: meghankellyesq@yahoo.com; ryan.costa@delaware.gov; david.weiss@usdoj.gov

Date: Sunday, May 19, 2024 at 06:21 PM EDT

Attached please find an important request to allow the disciplinary proceedings to be open at the discretion of the accused.

It looks they are under seal at the US Supreme Court per the attached docket for Jack Revels Jordan a 2023 Docket decision.

In DI 58 in my civil rights case I noted the hypocrisy of state rules on confidentially and disclosure by the state not the accused to seal and conceal state misconduct as opposed to expose it to correct it.

It is unjust that the accused lawyers are required to cite precedent to make his or her case when the precedent for other accused is confidential accessible to the state or Supreme Court forums but not the accused disparately favoring the government in violation of Equal Protections and arguably the Constitutional laws that make us a freer people.

I am throwing this out here because I do not know what is going to happen to Richard Abbott, whether we can see his docket or not. I do not know if he has to serve US AG or whether he should in hopes he would be heard.

When I look at other people's dockets like the attached for Jack Revels Jordan they did not serve you USAG. Maybe the US AG may inter-plead or offer an amicus on Richard's behalf if there is no opposing party. Can you do that. This is non-lawyer question. It is wierd there is no opposing party in accord with case and controversy requirements. I argued this in my appeal for 3rd Circuit order which violates Equal Protections before vitiation of fundamental rights. The USSC did not hear it possibly because I did not serve USAG. They should have heard it. Yet again it did not hear the PA case either and neither filed nor returned with due process notice as to why Nov 6, 2023 pleadings may have been rejected?

I want to do the right thing. Ryan instead doing everything to win at all costs can you please try to do the right thing. The US Supreme Court is in danger. People lawyers are in danger. The State and Federal criminal check upon the government is in danger if the USSC allows Trump or even Biden and his family to be above the law with a license to commit crime. David Weiss I have to thank you for that. I read the recent filings in your case and I wanted to clean my brain of Hunter's words in his book, even reading them made me feel yucky. On a side note it made me feel so slimy to read about Prime minster Ben's alleged misconduct with prostitutes exploiting women as property to buy and sell makes me want to cry at such injustice.

David Weiss you do the right thing by teaching no one is above the law nor below the law. We just have to keep your authority over presidents regardless of their last name or party. Thank you David Weiss.

I have been so distraught, and actually am swimming in funerals lately. I have to make some time for people I love and apologize for not reaching out to either of you.

Can you please help me brainstorm on how to preserve the state AG, the federal AG government's, and the people's check, including mine through the petition and due process from being vitiated by a misguided scared attacked court who should maintain its authority to hear cases in order not to vitiation the government or the people's government power, including its own duties.

You guys know that I heard about the back doors to our devices opened back in 2007 because of my baby brother's friend in the FBI. My grandpop's bro used to be one of the head people at the FBI. While they did not disclose any sensitive information, I try to judge correctly by reading through the lines.

I believe there is a schemed overthrow and want to help you prevent it even if you are my opponents.

I am sorry I delayed but in Kelly v Trump I indicated 28 USC 666 and 28 USC 201 the US AGs may prevent the overthrow by dissolving private and public partnerships. So, governments may govern and guide not collude making the governments hands too dirty to clean misguided private partners.

The plan is the partners take the resources to control the government to eliminate the government to allow those who control the resources and the channels to access them to rule eliminating laws that make us a freer and not for sale slave people.

If you look at Kelly v Trump I alluded that old people may not receive social security and pensions. I cannot allow old people to be left to hang and dry.

Can you please consider the potential harm to try to be the hero despite being my opponent. Can you please consider guiding a scared attacked court to do what is right not to give into temptation of their emotions to bend their will at whomever threatens them to control a no longer free or impartial court.

Thank you and good night,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: gail_olson@paed.uscourts.gov <gail_olson@paed.uscourts.gov>; PAED_ClerksOffice@paed.uscourts.gov <PAED_ClerksOffice@paed.uscourts.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Saturday, August 20, 2022 at 07:48:47 AM EDT
Subject: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...

Hi Gail,

Would you please delay considering until after the motion for reargument, and appeals for US Supreme Court are complete or the time has expired, or forward my request to delay consideration in order not to prejudice my current case by causing a substantial economic burden.

I have three motions which are outstanding, and have not been heard on my motion to reargue yet. Attached, is motion 1.

Thank you,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: Supreme_CourtFilings (MailBox Resources) <supreme_courtfilings@delaware.gov>; kathleen.vavala@delaware.gov <kathleen.vavala@delaware.gov>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Monday, August 15, 2022 at 05:34:57 PM EDT
Subject: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

Good afternoon,
Attached please find:

1. Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

2. Declaration thereto

3. Exhibit A thereto, Letter to district Ct regarding preserving actual impartiality of the courts

4. Order thereto

5. Motion to exceed the Word Limit by 282 Words

6. Declaration thereto

7. Order thereto

Thank you,
Meg
Meghan Kelly, Esq.
34012 Shawnee Dr.
Dagsboro, DE 19939
INACTIVE Bar NO 4968
Not authorized to practice on behalf of another
meghankellyesq@yahoo.com
(302)493-6693

Aug 15 Motion to unseal the record.pdf
135.8kB

Declaration to motion unseal the record, accused choose open or closed, eliminate self regulation to eliminate making business greed not good the law.pdf
214.8kB

Exhibit A Letter to district Ct regarding preserving actual impartiality of the courts.pdf
608.1kB

Order sealing record, Self-regulation, Open or Closed Court is the right of the accused.pdf
125.7kB

Word limit motion sealing docs.pdf
97kB

Proposed Order Permission to exceed the Word limit.pdf
127.1kB

Certificate of service Aug 15 Motion.pdf
918.3kB

jack revels not public.pdf
60.2kB

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER	§
OF THE BAR OF THE SUPREME	§ No. 58, 2022
COURT OF DELAWARE	§ Board Case No. 115327-B
	§
MEGHAN M. KELLY,	§
Respondent.	§

Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

Respondent Meghan Kelly's Motion for good cause, 1 pursuant to Supreme Court Rule 9, to unseal the record in this case, 2. to declare self-regulation of attorneys, and judges unconstitutional, allowing impeachment and judicial determinations in case and controversies to be the only means to correct professionals, attorneys and judges, and 3. in the alternative, eliminate the secret trial requirements of professionals, requiring the choice of an open or closed forum to be at the discretion of the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th protections.

I Unsealing Pleadings in this case

1. Opposing counsel did not object upon my request for their stance.

2. This Court filed an Order deactivating my license to practice law. The Order requires I petition the Board in a secret proceeding, where documents are sealed, in order to have the mere opportunity to be heard, albeit before a biased forum, on restating my property interest in my active license to practice law.

3. I intend to file a Rule 18 Motion for Reargument on this Court's Order deactivating my active license to practice law.

4. I also intend to appeal the Order to the US Supreme Court, on the record.

5. I must report to the 6 other jurisdictions where I am licensed to practice law, after a decision is found on my Motion for Reargument or the time to Reargue has lapsed.

6. To my horror, the Clerk of Court sent out the unfinalized decision to every jurisdiction I am licensed to practice law, when I googled my name and discovered I was being sued in one such forum.

7. I may be sued by 6 courts based on this Court's unfinalized Order.

8. Should I lose on appeal or collateral attack in the DE District Court, I may be required to discuss the record of this matter, upon my petition for restatement as an active member of the bar.

9. I have one copy of the file in paper form. Yet, public access to court copies prevents economic costs that cause 1. a substantial burden upon my access to the courts in defense of my fundamental rights, and, 2 a substantial government burden requiring I choose between forgoing my free exercise of religious beliefs against indebtedness or my right to petition the Courts and the Board, relating to fundamental rights. Exhibit A [1]

10. My computer does not permit storage of all data, and gives limited room by professional design to force consumers to use the trackable internet storage systems.

Please see

[1] Exhibit A shows my poverty, and my strong opposition, as an attorney, in inactive status, against term limits or Congressional control over the US Supreme Court. I also oppose self-regulation. Impeachment and law suits are the two means to correct judges. No judge should be controlled by business professionals, including professional boards, or by Congress, outside of written rules they may draft relating to impeachment. The judges will be tempted down the line by automation's ease, to potentially have their position as judges eliminated through automation. Automation has no power to render justice with mercy like judges. Judges have the ability to critically think beyond the standards, to see clearly the unique case before it, to render true justice based on truth, not conformity or sameness. Judges have a duty to protect people's freedom who think differently than they do, even if they believe those beliefs harm business's bottom line. What is more important money or freedoms under our constitution? I argue the Constitutional laws protecting individual liberty and individuals supersedes professions and entities who desire to sacrifice individual liberties or individuals for the entities or associations bottom line.

11. This Court is aware that my computers have broken, and have been replaced or repaired at times.

12. I require electronic access to documents, by making them public, to prevent a substantial burden on costs by requiring I copy physical documents to defend my person, should I lose, more data, as I have previously lost during this proceeding.

13. State Law librarian Galen Wilson kindly indicated he could pull public pleadings should I lose them for any technical reason.

14. More importantly, unsealing the documents, by my request, allows me a fairer opportunity to be heard in accordance with my asserted Due Process and Equal Protection Protections, as a party of one. US Amend I, XIV. Unsealing the documents grants me, the professional accused, the opportunity to be heard before the public too, as to defend my character before the world as a believer in Jesus Christ as savior, not in money for security.

15. The inherent, intentional, threat of releasing an opinion against the accused, while sealing the proceedings before the Board, and documents in the accused defense, places the accused, at a disadvantage. This practice is made to intentionally chill accused professionals' speech contained in the petitions to defend their position. The voices of professionals, including my voice, are

silenced by these inherently unjust rules. This punishes learning by silencing professional critical thinking to be conformed to the standards, which may exploit customers for convenience, costs, and material gain.

II Self-Regulation

16. Self-regulation takes government out of the hands of the government and makes business above the law, by making business, and professionals desire for money, the law.

17. This biased self-regulation enslaves professionals to business greed, not good, not based on freedom in a fixed bad business economy.

18. Allowing Professionals to self-regulate, corrupts justice by tempting professionals to look after their own, at the cost of exploiting others, untamed by the just rule of law to prevent killing, stealing or destroying human life for what I argue is the mark of the beast, business greed. Professionals have a tendency to conceal their own misconduct to prevent harming their mere appearance, and reputation of their colleagues. [2]

[2] As a Christian, I believe people sin for sacrificing justice to protect the illusion of the appearance of justice within the courts. Actual justice includes learning from our mistakes, not covering them up as this Court did by sealing four documents in Kelly v Trump, and terminating the employment of two court staff to conceal material evidence in my case. *John* 7:24, "Stop judging by mere appearances, but instead judge correctly."

19. Self-regulation by deferring to professional standards causes injustice, by preventing courts from correcting professional standards that harm people.

20. As a child of God, I believe people sin by teaching man to blindly trust science, professionals, experts, research or innovation. I believe people are misled to harm by blindly trusting in man, the creature, the created and his creation, his scientific work, research, products and services as god and guide.

21. Perfection is not the standard, even for judges. Where there is humility, there is grace, improving the world here and in eternity. Where Government and government backed partners teach loyalty to profession, pride in profession, or position above loyalty to the Constitution, or where business is the law, there is lawlessness, by sacrificing people, and individual liberty for material gain.

22. This lawlessness, and corruption within government creates a threat of economic, physical or social persecution against my person and the public.

23. Partial forums, including this Court's, as applied, and the Board's, focus on professions, guarantee lawless injustice by focus on money instead of caring for people and their individual liberty above money, productivity, costs and convenience.

24. The practice of law is not a mere business. The practice of law protects freedoms that are not for sale, by barter or exchange. Money is not the law. The practice of law requires independent, impartial, critically thinking judges who uphold people's Constitutionally protected freedoms to think, live, believe, exercise belief, associate by the dictates of their independent, individual conscience, not the dictates of money or professionals.

25. Injustice is guaranteed when a judicial determination is for sale, a matter of barter or exchange as opposed to truth under the law. This affords those without anything to exchange, except their souls to slavery in violation of the 13th Amendment, at a disadvantage, in violation of the Equal Protections Clause's protection of the poor, and common person's fundamental right to access to the courts. The Courts must be more concerned with actual justice than the mere appearance of justice to serve their positions.

III. I request the Court allow self-representation for all professionals accused before a Professional Board.

26. This Court requires I petition before the Professional Board in order for opportunity to be heard to regain my active license to practice law. The Board requires by default, sealed secret hearings that give the state an advantage to the detriment of the accused, me.

27. A closed proceedings before professional board violates my due process right to a fair trial applicable to the state pursuant to the First and Fourteenth Amendment.

28. It appears professionals are afforded fewer opportunities by impartial forums where the focus is on lawless lusts, business greed, business marketing, and materialism at the cost of denying justice to people unconditionally, not for sale, with focus on the bottom line of business.

29. These closed proceedings, as applied to me as a party of one, arguably violate my First Amendment right to free exercise of religious-political speech, religious-political belief, religious-political exercise, religious-political petition, and religious-political association.

30. The closed proceedings arguably violate the Due Process and Equal Protections under the law, of parties of unconforming professionals, including me, who critically think beyond the standards that profit professionals at the detriment of the public, and the First Amendment right to Petition, pursuant to US Amend I, XIV.

31. Requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, while permitting the state to declare the final outcome, if it is detrimental to the accused professional to the public, disparages

the professional's character before opportunity to be heard on appeal, or with the reasonable, foreseeable intentional result of chilling the free exercise of critical thinking, belief, speech, professional affiliation, beyond the dumbed down conformed standards which stifle innovation by punishing free enterprise, free thought, and free debate.

32. The protected freedom of the people to use their minds, not economic force through money by profit or monetary penalties is what improves business, while protecting something more precious, individual freedom.

33. The closed proceedings disadvantage me, the accused, and creates injustice in the loss of fundamental rights, sold in exchange for the convenience of business, making even the courts corrupt, in that they focus on productivity, convenience, costs, in lieu of individuals and individual liberties, making people for sale, not free, by focusing on the bottom line.

34. Professional Boards should not make business and money the law. Impartial judges in the courts, and elected law makers should determine the law, based on critical independent thinking to determine the truth, not conformed to the force-fed thoughts of professionals who make money the law. The Equal Protections Clause may be violated by making those with something to barter, power, position or profit, able to buy justice, whereas the poor, though not less

valuable, are left with nothing to barter, but their own soul. Justice is not for sale, but is a matter of truth, not barter or exchange. I hate the scales the pagan goddess Lady justice carries, and hate her blind eyes and sword. A scale represents business, not equal protections under the law. I believe she teaches the way to hell by teaching justice can be compromised and weighted based on material gain. Mercy is more important than money. Correction in court to heal victims, while helping wrong doers improve by guiding them to make better choices, without controlling a no longer free people by artificial indebtedness, is more just. The sword represents heartless vengeance, with blind unconcern, not a loving leader shepherding his sheep. This dumbed down, ignorance is innocence, is a lie. I want judges to see clearly to care for the people. Judges need not be perfect, yet humble in that none are God, not even biased professionals, science or experts. I want judges to independently critically think, at the risk they may make mistakes. Otherwise, injustice will remain. Lawlessness will remain to be the letter of the law by allowing professionals in diverse areas to kill, steal and destroy for the bottom line, because they did not know. They did not care to know. They relied on the ever changing science. I believe people go to hell for not knowing, not using their own brain, which is sad. We should stop rewarding hardening our hearts from caring to know, to prevent the pain caused by loving others, which requires sacrifice to self.

35. God teaches vengeance is God's and if we play God we reflect the image of the lawless one Satan and are in danger of hell. It is scary when God says, Woe to those who draft unjust decrees. (Citing, *Isaiah* 10:1-6) I believe this means damned to hell are you should you not repent. Unjust decrees are based on love for money, driving out the love of humanity.

36. I want judges to see clearly, unblinded by desire for convenience conformity grants, but seeing clearly to seek true justice, to overturn unjust decrees.

37. The Sixth Amendment to the U.S. Constitution provides defendants in criminal cases with the right to a public trial. I argue this right must be extended to accused professionals. I have a Sixth Amendment right to a public trial to petition the Court to restate my active license to practice law.

IV. Risk of injustice to the Public

38. I realize that the Disciplinary Counsel in the 6 other jurisdictions I am licensed to practice law in may disagree with my request because it will eliminate their job, and may give them incentive to punish me more harshly, to look after their position at the public's expense.

39. It is self-serving for me to cowardly exclude my request that this Court declare professional self-regulation of attorneys, other Professions, and judges unconstitutional.

40. Doing what is right and just, in the eyes of God, not man, is more important than doing what is beneficial to me.

Wherefore, I pray this Court grants my motion.

Dated August 15 , 2022 Respectfully submitted,

/s/Meghan M. Kelly
Meghan Kelly, Esquire
DE Bar Number 4968 **(Deactivated License)**
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
(302) 493-6693 (Word 1,482)

I declare, affirm that the foregoing statement is true and correct under the penalty of perjury.

Dated: August 15, 2022

Meghan Kelly (printed)

Meghan Kelly (signed)

Exhibit A

MEGHAN MARIE KELLY, ESQUIRE
34012 Shawnee Drive
Dagsboro, DE 19939

The Honorable Colm F. Connolly
Care of the Clerk of Court
Office of the Clerk
United States District Court
844 North King St Unit 18
Wilmington, DE 19801-3570

RE: /Kelly v Swartz 1:21-cv-01490/

July 6, 2022

Dear Honorable Colm F. Connolly:

I write to provide an update.

On June 21, 2021, I requested State Farm suspend my insurance, and I turned in my license plate to avoid incurring costs. The Defendants' state case prevents me from seeking to rejoin my former law firm. I cannot work as an attorney with a cloud over my license to practice law. Please see the attached receipt from the Delaware Motor Vehicles to confirm I have turned in my license plate.

The price of stamps will increase to 60 cents on or about July 10, 2022. Both of these factors cause a substantial economic burden on my access to the courts, and upon my exercise of religious beliefs against indebtedness.

There are three pending motions before the Third Circuit, and I am not sure what my attack plan is, but I am communicating with opposing counsel. I may file 1. a Rule 60 motion, 2. And/or or a motion to stay with you, 3. respond to opposing counsel's motion, or 4. file another motion in the Third Circuit to stay the response to the latest motion, pending a determination on the stay motion by the court, or other motion.

I also write to alert you that I received notice that my food benefits may end. Please see the attached letter, dated June 9, 2022, received by me today, July 6, 2022. I have severe allergies, and cannot bike to places without having the high likelihood of diarrhea, sinus headaches, and mucous, based on such allergies.

The rules relating to food stamps may require work, volunteer or training requirements would compel me to forgo food at the threat of involuntary servitude in violation of the 13th Amendment, religious beliefs, while also potentially compelling harm to my life, health and liberty.

I actually have bad diarrhea now, and my throat is closed up, because I went for a bike ride the other day. The expected loss of food benefits would create an additional economic and religious strain upon me I desire to make the court aware of now. I know my body. I know a walk or a bike ride automatically makes me ~~have feel~~ feel miserable. I am not willing to enslave my life and health for food.

I am also aware that former President Trump allowed states to require compelled work requirements for healthy individuals receiving Medicaid, under the government threat of possible taxes for not having health insurance. This arguably violates the 13th Amendment. Please keep this in mind as you have the power to save the world, by making it free, with limits, not for sale and controlled, by sacrificing the weak and lame to serve the collective whole. See Bible Wisdom Book Chapter 2, NAB.

On a more important note, I think we can somehow use my case to safeguard the integrity of the federal courts, to prevent the federal courts from becoming partial to the whims of the people, or the two other branches of government, or by rules or self-regulation.

Self-regulation creates corruption. Collectively we are tempted to look after the conditional self interest of our own at the expense of those we serve, by collective vote.

The only two ways to place a check upon judges and the courts is by 1. Impeachment, or 2. By lawsuits by attorneys or parties like me.

The other two branches are tempted to allow the lawless reign of fickle lusts of the majority in their supported platform to govern their decisions in order to gain the most votes. The judicial branch is the only branch that protects individuals and individual liberty under the constitution from being sacrificed by

majority vote. We must not allow the courts to be controlled by the legislative and executive branches' lawless lusts, or the majority's desires.

Majority vote, by definition sacrifices the minority's individual liberties to mob reign of lawless lusts.

Sameness is not equality in protecting Constitutional rights to believe, think, speak, associate, and exercise beliefs. We must safeguard the rights of those who disagree with us, even those whose beliefs we may find repugnant.

I think you and the parties in my case may somehow create case law to affirm a rule of case law that shows, the court must have life time positions, and not be controlled by self-regulation, or the other two branches of government, thereby jeopardizing individual liberty of all, by the inherent partiality mob reign or legislative control over the courts would create.

I also alert you, I believe everything standardized through methodology through Next Gen systems in healthcare, schools, and in the courts may be in danger of becoming automated in decades to come.

Standardizing self-regulation of judges prevents judges from thinking outside of the standards that box them in, eliminating free thought by forced, mechanical, dumbed down thought.

Judges are smarter than computers that cannot think outside the algorithms of fixed, ridged standards. Judges may render true justice, with mercy, protecting

even those they are correcting, to help those they serve by correction improve. You have the power to guide the misguided with love. Computers are not special, and as smart as you are.

I am communicating with opposing counsel on this too. Maybe you can think of a way to protect the integrity of the courts, and elimination of judges by case law in my case.

Prevention is better than correction. It is much more difficult to undo what has been done, without scars. Please see my attached thoughts.

We are not a republic, but a democratic-republic. The vote does not make us free, but creates a republic in the sense of affording representation in the executive and legislative branches.

You, the Courts, make us free, and give us democracy, by adhering to Constitutional laws that deem the individual worthy of life and liberty. I drafted notes to opposing counsel, attached hereto.

You may be able to create case law using your own free will to prevent the courts impartiality term limits, ~~and congress~~ control by ever changing rules unrelated to impeachment ~~would have on the federal courts,~~ tempting judges to serve the lusts of whoever preserves their position.

I fear if the only impartial branch no longer protects individual liberty our union will be weak, no longer free, but bartered for by outside entities who compromise the government's interest to serve and care for the people.

I am asking Defendants their thoughts on how we may preserve the impartiality of the courts that makes all of us free. You probably have better ideas.

Thank you for thinking about it.

Respectfully Submitted,

July 6, 2022

/s/Meghan Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
302-493-6693
Bar No 4968 (words)

State of Delaware
Uninsured Motorist Section
Division of Motor Vehicles

Tag# 556120
Year/Make 2014 Toyota
Expiration Date: 5/31/23

Name: Meghan M. Tully
Address: 3412 Chelsea Rd Dagsboro DE 19939

Tag Filed
Tag Destroyed

The above tag is being surrendered. At the time the owner returns the tag, different requirements must be met depending on the expiration date of the registration/tag and if the vehicle was under audit at the time of surrender. If under an insurance audit owner is responsible for remaining suspension fees and/or penalty balance. Only the owner can retrieve the tag once surrendered and meet the following requirements.

- If surrendered before the expiration date: The owner of the vehicle may return this form to the office where the tag was surrendered accompanied by proof of insurance (issued after the surrender date), payment of any penalties due (for lapse of insurance or reinstatement of registration fee) and the same tag with the expiration date will be returned as long as picked up within 3 months after expiration.
- If the tag was surrendered after the expiration date: The owner must in addition to the above, have the vehicle inspected (if required) and purchase a duplicate tag and/or sticker.
- If the tag has expired over 1 year: The owner must in addition to the above have the vehicle re-titled and a new tag number will be issued. You will need to check with the DMV for the required documents and fees.

☐ Dover ☐ Delaware City ☐ Wilmington ☒ Georgetown Clerk PMVBExp

Signature Meghan Tully Date: 6/21/22

Comments: File Tag Customer will pick up Tag when insurance active

MV 582

Doc. No.: 55-11-30-91-09-02 Revised 7/21/20

For Suspension as of:

6/21/22

ODOM,SUSP,RMKS

JULY 01, 2022

AGENT COPY
AGENT: FAD5/6034

POLICY#: 051 2592-E21-08B

KELLY,MEGHAN M
34012 SHAWNEE DR
DAGSBORO, DE 19939-4125

PHONE#: (H) 302-537-1089

VEHICLE SUMMARY

14 TOYOTA COROLLA 4DR VIN: 2T1BURHE8EC122541
DRG: 014 GRG: 018 LRG:05 CLASS: 100030C100
OXD: 05/21/2018
COV: A 25/50/10, P, D, H, U 25/50/10
AGE 44, AFD 3YR, VSD 0%, DDD 10% 11/21/22,
ODM 89543 05-21, LRF L, ANN MLG 7501, VEH USE-PWS,
TOTAL DISCOUNT: $84.76.

***** REVISED REQUEST *****

Eff date:(06/21/22) Curr date: (06/22/22) Time: (09:49 AM)

VEHICLE USE INFORMATION

Ann mileage:( ) Odometer:(92981

COVERAGE
A 25/50/10, P, D, H, U 25/50/10

Suspend:(1) TOTAL

(REV)**DOCUMENTS TO BE MAILED TO THE REGIONAL OFFICE**

TAG TURNED INTO STAT

RO REMARKS: (PH HAS TURNED IN THE TAGS. VEH WILL BE PARKED ON PROPERTY OF PH.)
(
)

REMARKS APPLY TO: Auto

DENISE F. BEAM, AGENT
302-539-1900 INITIALS(LS)

Plan Now for When COVID-19 Assistance Ends

State of Delaware
Division of Social Services

1253440289 1600010004

June 9, 2022

Your Case #: [redacted]

Questions? Contact:
A. MAINTENANCE811
POOL# 811
34314 PYLE CENTER RD
PYLE SSC UNIT 1
FRANKFORD DE 19945
(302) 732-1720
Fax: (302) 732-1721

To: MEGHAN M KELLY
34012 SHAWNEE DR
DAGSBORO DE 19939-4125

En Español
Si usted no entiende esta carta o necesita que se la traduzcan, favor de Llamar al Departamento de Relaciones con el cliente al 1-800-372-2022.

Tiếng Tiếng Việt
Nếu quý vị không hiểu được thông báo này hoặc cần được phiên dịch, xin gọi cho Ban Liên Hệ Khách Hàng tại số 1-800-372-2022.

The Division of Social Services (DSS) sent out extra emergency benefits and changed program rules during the COVID-19 public health emergency. COVID-19 assistance may stop in the coming months because the COVID-19 situation is getting better. Please start planning now for when COVID-19 assistance ends.

When the COVID-19 public health emergency ends:

- **DSS COVID-19 emergency benefits and program changes will end.**
- **Regular DSS program rules will restart.**

This means that in the coming months:

- **Extra monthly emergency benefits will end for Food Benefits, Temporary Assistance for Needy Families (TANF), and General Assistance (GA).**
- **The Pandemic EBT (P-EBT) program and benefits will end.**
- **Employment and training requirements will restart for Food Benefits and TANF.**
- **Program time limits and sanction rules will restart for TANF.**
- **Regular application, interview, and eligibility rules will restart for Food Benefits.**
- **Monthly family copayments will restart for Child Care.**

DSS does not know when the COVID-19 public health emergency will end. We will let you know the actual dates these changes will happen in another letter.

Fw: 21-3198/21-1490 Position Court/somehow protect the integrity of the federal court/life long appointments/no self regulation which is corruption

From: Meg Kelly (meghankellyesq@yahoo.com)

To: chris.calio@yahoo.com

Bcc: meghankellyesq@yahoo.com

Date: Tuesday, July 5, 2022 at 12:17 PM EDT

Chris,

The Republicans are likely to take control in 2024. Passing rules when we know there will be massive retirements after 2024 that allows two branches to govern and rule over judges by limits is a bad idea. It is wrong anyways. The judicial branch is the ONLY branch which protects individual liberties and individuals from being sacrificed to mob reign of lusts, by majority vote.

Whether the judges adhere to their duty is another question. Blame that on lawyers who place a check upon them or the other two branches who fail to impeach.

Thank you,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: Shen Zi-Xiang (DOJ) <zi-xiang.shen@delaware.gov>; david.weiss@usdoj.gov <david.weiss@usdoj.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Tuesday, July 5, 2022 at 10:58:59 AM EDT
Subject: Re: 21-3198/21-1490 Position Court/somehow protect the integrity of the federal court/life long appointments/no self regulation which is corruption

Suing Biden is not the only way to create case law to protect the integrity of the federal courts. The federal courts may make a ruling to protect the integrity of their position in my case too.

We must care beyond ourselves. It is the people who are the treasure, better protected by impartial courts.

What if you two are the only hope of maintaining these United States. That very well may be the case should I be somehow taken out by the state courts or otherwise.

I am a little scared, actually very much so of the DE Supreme Court's expected persecuting decision against me based on my faith in Jesus. :(

Thank you,
Meg

On Tuesday, July 5, 2022 at 10:44:52 AM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

I am sorry. Zi-Xiang. I didn't draft anything yet, but what is your position if I draft something to show the only two ways to correct courts is
1. case law
2. impeachment

Case law should be permitted. WE should not allow for the unconstitutional control of the courts by the president and congress. We should protect lifetime seats, even if we disagree with rulings. When we disagree we do not cheat while also destroying a branch's check on the other two branches. You do what you believe is right by fighting with words not weapons with different cases, when misguided case law is created.

It is lawlessness to do what you want, your will be done, to remove all constitutional strength of the courts at the pleasure of the other two fickle branches untamed by the rule of law, by the only branch of impartiality to protect the individual from being sacrificed by popular vote.

I am sorry. I did not ask for your position. What is your position?

Thank you.
Meg

On Tuesday, July 5, 2022 at 10:35:36 AM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:

Hello,

We must use my case to protect the impartiality and integrity of the federal courts, while requiring fair trials in state courts.

I must argue that judges should not be limited by standards that dumb them down. I hate the idea of internal rules, as humans are more brilliant than machines and computers. They can think outside the box of standards with mercy and correction, true justice by guiding the misguided (Like Jesus with love). I understand not everyone is good. Some are evil in that they don't want to be inconvenienced to use their brains beyond their stated duties. They do not want to care to love even those they correct. :(It is easier to have the sin against the holy spirit, hardness of hearts.

We must use my case regarding ~~immunity~~ to show that the only two ways to correct those who correct us is by impeachment or by case law. We must protect the impartiality of the court by protecting life-long tenure of federal judges. So, they are not tempted to serve the lawless lusts of the masses by compromising justice to serve their seats.

Impartiality

This is the ONLY branch that protects individual constitutional liberty from the mob reign of lawless lusts.

If congress wants to draft ~~concerns~~ about impartiality to place on the books regarding impeachment do that. The judges should not compromise what is right to maintain their position. We cannot add extraConstitional laws that destroy any hope of a fair impartial trial as judges will seek to please the law makers who control them by lawless lustful rules.

We must think of this. I am scared Zi-Xiang. I might draft a Rule 60 motion for your review. You are my opponent in name. But somehow, we must persuade the courts to sustain these United States not with money, but with true justice.

The courts are my hope of a hero, even if they misbehave towards me based on the sin of pride, now. They may be made clean and learn justice is more important than selling a lie, the appearance of justice.

Thank you.

Love,
Meg :(

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER OF THE BAR OF THE SUPREME COURT OF DELAWARE	§ No. 58, 2022 § Board Case No. 115327-B §
MEGHAN M. KELLY, Respondent.	§ §

[Proposed Order on] Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

Having considered Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding,

concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections, it is hereby GRANTED:

1. The pleadings relating to the above caption matter are unsealed.

2. Self-regulation of attorneys, other Professions and judges is unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law.

3. Professional Disciplinary proceedings will offer, not require, the option of the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections.

_____

Judge

IN THE SUPREME COURT OF THE STATE OF DELAWARE

IN THE MATTER OF A MEMBER OF THE BAR OF THE SUPREME COURT OF DELAWARE	§ No. 58, 2022 § Board Case No. 115327-B
MEGHAN M. KELLY, Respondent.	§

Certificate of Service

Certificate of Service of Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

I, Meghan M. Kelly, Esquire, hereby certify that on August 15, 2022, had a true and correct copy of the above referenced motions, dated August 15, 2022, sent to, served via first class mail and email:

Disciplinary Counsel Kathleen Vavala
405 N. King Steet, Suite 420
Wilmington, DE 19801

Respectfully submitted,

Dated August 15, 2022

Meghan Kelly, Esquire

DE deactive Bar Number 4968
Not authorized to practice
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

I declare that the foregoing statement is true and correct under the penalty of perjury.

Dated: August 15, 2022

Meghan Kelly (printed)

Meghan Kelly (signed)

Search documents in this case: Search

No. 22D03109

Title:	**JORDAN, JACK**
Atty Name:	Jack Revels Tucker Jordan
City/State:	North Kansas City, Missouri
Sex:	M
Barno:	301802
Lower Ct:	Supreme Court of Kansas
Action:	Disbarred

DATE	PROCEEDINGS AND ORDERS
Oct 31 2022	Suspense Filed
Apr 24 2023	Suspense Order
May 09 2023	Response Filed
Jun 01 2023	Response Conference
Jun 05 2023	Final Order - Disbarred
Jun 26 2023	Motion for Reconsideration
Jul 18 2023	Supplemental
Sep 26 2023	Reconsideration Conference
Oct 02 2023	Reconsideration Decision
Oct 02 2023	Motion Denied

Netanyahu's son discusses gas deal, prostitutes in strip club recording

By Ian Lee, CNN

4 minute read · Updated 4:56 PM EST, Wed January 10, 2018

Video Ad Feedback

Netanyahu defends son after secret tape airs

01:59 - Source: CNN

Jerusalem (CNN) — Israeli Prime Minister Benjamin Netanyahu has been forced to defend his elder son, Yair, and his own reputation, after a 2015 secret recording from outside a strip club featuring a conversation between Yair and two friends aired on Israel's Channel 2 on Monday night.

The wide-ranging conversation between the three men touched on subjects ranging from recent government business to prostitutes.

In the tape, Yair Netanyahu, now 26, can be heard demanding money from Ori Maimon – the son of Kobi Maimon, an Israeli gas tycoon.

son of Nobi Maimon, an Israeli gas tycoon.

"My father did a good deal for you, brother," Yair is heard telling Ori. "You have to be good to me." Laughter can then be heard on the recording.

"We fought in the Knesset for it, brother," Yair then continues saying. "My father battled for it, I remember."

That's when Yair asks Ori for a little over $100.

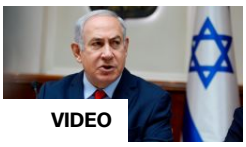
"You are crying over 400 shekels," Yair taunts Ori. "My father sorted your father out with 20 billion dollars and you are crying over 400 shekels?" he adds, laughing.

The 400 shekels was "for the whore," Yair says.

Later, Roman Abramov, another friend of Yair, who joined the two at the strip club, tells the men, "This conversation should not get out. God save us. God, if this gets out, it will be hell."

A while later again, Yair asks: "Speaking of whores, what is open at this hour?"

Offering to pay if the three friends go to a new strip club, Yair asks: "Do you think the waitress will go along?"



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The gas deal referenced in the conversation centers on a proposal, by the Israeli finance ministry, for the dividing of future income between state and private companies. It was designed to stimulate investment in Israel's burgeoning natural gas industry but was decried by its critics as corrupt.

The recording took place at the same time the Prime Minister was embroiled in controversy surrounding legislation regarding a newly discovered natural gas deposit in the Mediterranean Sea. Its broadcast comes as he is under investigation in two criminal probes which involve allegations of bribery, fraud and breach of trust. Benjamin Netanyahu denies any wrong-doing.

In a statement on Monday, the Netanyahu family criticized Channel 2's decision to broadcast the recording, denied Yair had any involvement in the gas protocols, and emphasized that he was only joking. It also denied any wrongdoing on behalf of the Prime Minister regarding the gas deal.

gas deal.

"Every parent that watched the report should think how they would react if every false expression of their kids was turned into a headline on Channel 2, and every time they left the house, it was turned into an investigation and every conversation was turned into a hidden recording," a Netanyahu family spokesman said in the statement.

"The PM has no connection with Kobi Maimon, whom he met only once about 10 years ago. The PM brought about the gas protocols because he wanted to encourage competition to the Tamar gas field under the ownership of Kobi Maimon."

Yair apologized on Tuesday for the remarks in a statement released to Israel Channel 10 News, but he also accused Channel 2 of carrying out a witch-hunt.

"This evening, I watched the embarrassing 'yellow' report that showed an illegal hidden recording from a conversation that took place two-and-a-half years ago," the 26-year-old's statement said. "In a night-time conversation, under the influence of alcohol, I said nasty things about women and other things that should not have been said. These things don't represent the person I am, the values I was educated on and what I believe."

RELATED ARTICLE
Netanyahu faces the political crisis of his life

Condemnation in Israel quickly emerged in the press and from politicians. In a tweet in Hebrew, former Israeli Prime Minister Ehud Barak on Monday mocked the Netanyahu family statement.

"Compassion for the son?" the tweet read. "It's impossible to get him back on the tracks because he was never on track. A narcissist that grew up in the mud of stinking corruption, with kickbacks of billions and grey deals on account of [the people of Israel]."

The audio recording also reignited debate about state protection for the Prime Minister's son. Channel 2 reported that Yair was accompanied by a bodyguard around the strip clubs and had a car and driver that was paid for by state funds. The Netanyahu family defended the security detail because of threats they say that have been made against them.

It's not the first time Yair Netanyahu has found himself at the center of controversy. Last September, he posted a meme on Facebook which targeted his father's political enemies. The meme was widely deemed to have drawn on anti-Semitic imagery, and was reposted approvingly by American far-right leader David Duke. The post was later taken down

Democracy Dies in Darkness

Netanyahu's son brags about prostitutes, $20 billion deal for friend's dad in strip club rant

By Cleve R. Wootson Jr.

January 9, 2018 at 7:25 p.m. EST

The conversation between the young men, lubricated with alcohol, meandered past several ribald topics: disparaging, misogynistic comments about women; money borrowed to pay a stripper, a late-night search for a prostitute.

Three years later, recordings of their exchange have shaken Israel's political establishment and rippled around the world because of one of the men involved is Yair Netanyahu, the 26-year-old son of Israeli Prime Minister Benjamin Netanyahu.

The recording was aired Tuesday on Channel 2, Israel's top-rated news broadcast, according to the Associated Press, and comes at a politically difficult time for the elder Netanyahu, who is at the center of criminal investigations and whose government is passing unpopular legislation to curb business on the sabbath.

The prime minister has called the release of the recordings part of a media-orchestrated witch hunt aimed at ousting him, saying the press had stooped to unprecedented "persecution, bloodletting and shaming," according to the AP.

The younger Netanyahu's drunken banter paints another unflattering picture of the family, which has been criticized for being too cozy with ultrarich donors and living a lavish lifestyle at taxpayer expense.

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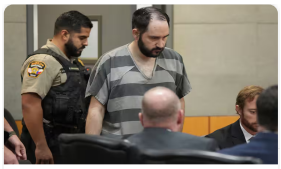
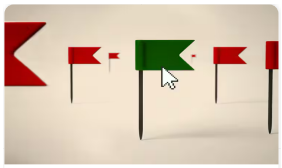


Abbott grants Daniel Perry pardon in murder of Black Lives Matter protester

NFL disavows Harrison Butker's comments, cites commitment to inclusion



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"Speaking of prostitutes, what's open at this hour?" Yair Netanyahu asks his friends at one point on the recording. "It's possible the waitresses there go with the flow."

The largest public outcry has come in response to statements Yair Netanyahu made to the son of Israeli tycoon Kobi Maimon, the AP reported.

"My dad arranged $20 billion for your dad, and you're whining with me about 400 shekels," he says, referring to money he borrowed in a strip club.

According to CNN, that conversation was about a proposal to split future natural gas drilling proceeds between private and state companies. Critics blasted it as a sign of corruption.

Benjamin Netanyahu is at the center of two criminal probes that allege fraud, bribery and breach of trust, CNN reported. The prime minister denies any wrongdoing.

His son has nothing to do with policymaking or security arrangements.

Yair Netanyahu said the conversation took place under the influence of alcohol and was full of "nasty things about women and other things that should not have been said." The statements, he added, "don't represent the person I am, the values I was educated on and what I believe."

In a statement, a family spokesman told CNN:

"Every parent that watched the report should think how they would react if every false expression of their kids was turned into a headline on Channel 2, and every time they left the house, it was turned into an investigation and every conversation was turned into a hidden recording."

Yair Netanyahu's actions have sparked international criticism before.

In September, he posted an anti-Semitic cartoon to his Facebook page that suggested that Jews control the United States, according to The Washington Post's Ruth Eglash. The cartoon appeared widely on far-right websites, and was retweeted by David Duke, a Holocaust denier and the former grand wizard of the Ku Klux Klan.

Others in his family have also faced criticism.
Benjamin Netanyahu's wife, Sara, has come under scrutiny for her perceived opulent lifestyle, often being portrayed as a modern-day Marie Antoinette.

> As Eglash wrote:
>
> Last year, a former housekeeper at the official residence successfully sued the couple for abusive treatment, winning about $43,735 in damages. During his testimony, Meni Naftali revealed intimate details about Sara Netanyahu's lifestyle, including her taste for pink champagne and other luxuries.
>
> In 2015, the state comptroller released a report showing excessive spending at the official residence at 2 Balfour St. in Jerusalem. It noted that the Netanyahus had billed taxpayers for 92,781 shekels, or about $24,000, for takeout food in 2011.

In the recording, Yair Netanyahu and his entourage, who were accompanied by a state-funded bodyguard, seem aware of the potential consequences if their conversation became public.

If the guard ever left his job, one of the young men joked, he would have to be killed.

Read more:

Can Kim Jong Un control the weather? North Korea's state-run media says so.

An American inmate sawed his way out of a hellish Indonesian prison

Former congresswoman Corrine Brown sentenced to five years in prison in charity slush-fund case

He swigged a vial of poison in court. Now Dutch police are investigating his death.

Re: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...

From: Meg Kelly (meghankellyesq@yahoo.com)

To: supremectbriefs@usdoj.gov

Cc: ryan.costa@delaware.gov; david.weiss@usdoj.gov; meghankellyesq@yahoo.com

Date: Sunday, May 19, 2024 at 06:25 PM EDT

I apologize. I correct myself it was Israel Prime Minister's son who allegedly did yucky stuff by exploiting women as property by paying prostitutes for sex. That is so upsetting to me. It promotes enslaving women for sex which is not okay, and legitimizes allowing boys and men to look at women as something to look at, use or do as opposed to look at as Someone to respect.

> On Sunday, May 19, 2024 at 06:21:17 PM EDT, Meg Kelly <meghankellyesq@yahoo.com> wrote:
>
> Attached please find an important request to allow the disciplinary proceedings to be open at the discretion of the accused.
>
> It looks they are under seal at the US Supreme Court per the attached docket for Jack Revels Jordan a 2023 Docket decision.
>
> In DI 58 in my civil rights case I noted the hypocrisy of state rules on confidentially and disclosure by the state not the accused to seal and conceal state misconduct as opposed to expose it to correct it.
>
> It is unjust that the accused lawyers are required to cite precedent to make his or her case when the precedent for other accused is confidential accessible to the state or Supreme Court forums but not the accused disparately favoring the government in violation of Equal Protections and arguably the Constitutional laws that make us a freer people.
>
> I am throwing this out here because I do not know what is going to happen to Richard Abbott, whether we can see his docket or not. I do not know if he has to serve US AG or whether he should in hopes he would be heard.
>
> When I look at other people's dockets like the attached for Jack Revels Jordan they did not serve you USAG. Maybe the US AG may inter-plead or offer an amicus on Richard's behalf if there is no opposing party. Can you do that. This is non-lawyer question. It is wierd there is no opposing party in accord with case and controversy requirements. I argued this in my appeal for 3rd Circuit order which violates Equal Protections before vitiation of fundamental rights. The USSC did not hear it possibly because I did not serve USAG. They should have heard it. Yet again it did not hear the PA case either and neither filed nor returned with due process notice as to why Nov 6, 2023 pleadings may have been rejected?
>
> I want to do the right thing. Ryan instead doing everything to win at all costs can you please try to do the right thing. The US Supreme Court is in danger. People lawyers are in danger. The State and Federal criminal check upon the government is in danger if the USSC allows Trump or even Biden and his family to be above the law with a license to commit crime. David Weiss I have to thank you for that. I read the recent filings in your case and I wanted to clean my brain of Hunter's words in his book, even reading them made me feel yucky. On a side note it made me feel so slimy to read about Prime minster Ben's alleged misconduct with prostitutes exploiting women as property to buy and sell makes me want to cry at such injustice.
>
> David Weiss you do the right thing by teaching no one is above the law nor below the law. We just have to keep your authority over presidents regardless of their last name or party. Thank you David Weiss.
>
> I have been so distraught, and actually am swimming in funerals lately. I have to make some time for people I love and apologize for not reaching out to either of you.

Can you please help me brainstorm on how to preserve the state AG, the federal AG government's, and the people's check, including mine through the petition and due process from being vitiated by a misguided scared attacked court who should maintain its authority to hear cases in order not to vitiation the government or the people's government power, including its own duties.

You guys know that I heard about the back doors to our devices opened back in 2007 because of my baby brother's friend in the FBI. My grandpop's bro used to be one of the head people at the FBI. While they did not disclose any sensitive information, I try to judge correctly by reading through the lines.

I believe there is a schemed overthrow and want to help you prevent it even if you are my opponents.

I am sorry I delayed but in Kelly v Trump I indicated 28 USC 666 and 28 USC 201 the US AGs may prevent the overthrow by dissolving private and public partnerships. So, governments may govern and guide not collude making the governments hands too dirty to clean misguided private partners.

The plan is the partners take the resources to control the government to eliminate the government to allow those who control the resources and the channels to access them to rule eliminating laws that make us a freer and not for sale slave people.

If you look at Kelly v Trump I alluded that old people may not receive social security and pensions. I cannot allow old people to be left to hang and dry.

Can you please consider the potential harm to try to be the hero despite being my opponent. Can you please consider guiding a scared attacked court to do what is right not to give into temptation of their emotions to bend their will at whomever threatens them to control a no longer free or impartial court.

Thank you and good night,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: gail_olson@paed.uscourts.gov <gail_olson@paed.uscourts.gov>; PAED_ClerksOffice@paed.uscourts.gov <PAED_ClerksOffice@paed.uscourts.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Saturday, August 20, 2022 at 07:48:47 AM EDT
Subject: (Motion 1) Fw: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare...

Hi Gail,

Would you please delay considering until after the motion for reargument, and appeals for US Supreme Court are complete or the time has expired, or forward my request to delay consideration in order not to prejudice my current case by causing a substantial economic burden.

I have three motions which are outstanding, and have not been heard on my motion to reargue yet. Attached, is motion 1.

Thank you,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: Supreme_CourtFilings (MailBox Resources) <supreme_courtfilings@delaware.gov>; kathleen.vavala@delaware.gov <kathleen.vavala@delaware.gov>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Monday, August 15, 2022 at 05:34:57 PM EDT
Subject: 22-58 Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to

Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

Good afternoon,
Attached please find:

1. Respondent Meghan Kelly's Motion for good cause, 1 Pursuant to Supreme Court Rule 9, to Unseal the Record, 2. to declare self-regulation of attorneys, other Professions, and judges unconstitutional, making business above the law, by making the dictates of professionals, or bureaucrats within agencies, as opposed to laws enacted by congress people, checked by the vote of the people, the law, and 3. in lieu of and in the alternative, eliminate the secret trial requirements of professionals before Boards, including the Board on Professional Responsibility, requiring the choice of an open or confidential forum left to the accused professional, instead of requiring a secret proceeding, concealing the accused's defense, to the advantage of the accuser state, in violation of equal protections, and due process 1st and 14th Protections

2. Declaration thereto

3. Exhibit A thereto, Letter to district Ct regarding preserving actual impartiality of the courts

4. Order thereto

5. Motion to exceed the Word Limit by 282 Words

6. Declaration thereto

7. Order thereto

Thank you,
Meg
Meghan Kelly, Esq.
34012 Shawnee Dr.
Dagsboro, DE 19939
INACTIVE Bar NO 4968
Not authorized to practice on behalf of another
meghankellyesq@yahoo.com
(302)493-6693

18 USC 201 and 18 USC 666/ Cheri Reason missing or murdered Meg is worried

From: Meg Kelly (meghankellyesq@yahoo.com)

To: supremectbriefs@usdoj.gov

Cc: ryan.costa@delaware.gov; david.weiss@usdoj.gov; meghankellyesq@yahoo.com

Date: Sunday, May 19, 2024 at 08:37 PM EDT

Attached please find three pleadings in Kelly v Trump where I alluded to or alleged a US AG or possibly a state AG may dissolve government partnerships to prevent the partners from eliminating the government by use of 18 USC 666 or 18 USC 201. The USSC appeared to shut down 18 USC 666 arguments recently.

Today, I discovered a neighbor's daughter is allegedly missing. I was scared she was murdered since her facebook page indicates death. Her brother alluded to her husband allegedly being violent.

I know that we are small down here in Lower, DE. Yet, I thought I would attach a facebook page in case you find her to make sure she is safe and not murdered.

On a side note, her big brother Jeremy Watts used to work in heavy classified contracting related to NSA.

Jeremy was a contractor working with or other weird top-secret stuff I am not allowed to know about. Jonathon indicated there were lots of layoffs. So, I do not know if Jeremy is employed as a contractor anymore.

It was not Jeremy but Jonathon who alluded to the allegation Cheri's husband or ex was allegedly violent. I hope she is not dead.

With regards to our case, please understand I think you have the power to prevent the overthrow by dissolving partnerships with 18 USC 201 or 666. Otherwise, I would not have written it if I did not believe you could be the hero to save the US and guide the courts by the petition.

Thank you,
Meg

Lawyer naughty behavior 201 alluded to.pdf
1.1MB

writ 22-5522 alluded to 18 USC 201.pdf
345.4kB

no A-4 and A-5 big doc alluded to 28 USC 666.pdf
2.8MB

Facebook cheri missing why posted dead maybe Feds can save her.pdf
825.8kB

jonathon taller Jeremy shorter and Meg at UD gym they grew p with me same elementary, middle and High school.jpg
433.1kB

Exhibit D

pg 10
18 USC 201

IN THE SUPREME COURT OF THE STATE OF DELAWARE

Meghan Kelly, Plaintiff Below, Appellant, v. Donald Trump, a.k.a. Donald J. Trump, a.k.a. President Trump a.k.a. President Donald Trump, in his official capacity as President of the United States Defendant Below, Appellant,	)	No. 119, 2021

APPELLANT'S UNOPPOSED MOTION FOR THE DELAWARE SUPREME COURT TO ACCEPT HER WAIVER OF A SPEEDY DECISION

1. I, Meghan Kelly, pro se appellant, having been granted in forma pauperis relief, move this honorable Delaware Supreme Court, waive my right to a speedy determination by this Honorable Court.

2. I desire more time. The Defendant President Biden is not prejudiced. I sent the Delaware US Attorney Generals Merrick Garland ("AG Garland") and David Weiss (collectively "AGs") a copy of the notice of this appeal, and I think I indicated I hope the attorney generals could somehow persuade this court to save the world possibly outside of my case. President Biden through the Attorney Generals has notice of this pending case.

3. I think I need more time to discern strategies, and persuade others to ask the Chancery Court to save the world.[1] There is so much evil the Delaware

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[1] I am disappointed in the Honorable Merrick Garland's decision to seek to represent President Trump in the New York matter. I was dazzled by his smooth words at first before I had a couple weeks to digest them. How can he prosecute a client, Mr. Trump, he represents? There is an evidentiary exception for lawyers with regards to client's criminal activity. But without waiver, I am unaware of a rule that allows an attorney general to prosecute someone they previously defended? Does that mean the government employees are above the law? What if Delaware Attorney General Kathleen Jennings represents the Governor? The Governor later commits a crime? Does that prior representation mean the attorney general cannot prosecute the one she once defended? Does that mean the government servants really are treated as above the law? I hope not, but who will force the AG to do its job? No one, because forced will is not permitted under the thirteenth amendment. Yet the Court, with Constitutional authority, is able to draft case law preventing corruption and creating exceptions to cases that prevent lawyers, attorney generals, which allow them to prosecute those their office once defended, or an alternative solution to prevent a blind eye towards government servant's alleged and actual crime.
While one of the elements I sought to prove below, was President Trump reflected the image of the evil one, the devil, called the "lawless one," Citing, 2 *Thessalonians* 2:8-9, I subordinately hoped the Honorable AG Garland would use the five articles of impeachment I drafted and the list of criminal laws to save *inter alias*, separation of powers, checks and balances, freedom of speech, freedom of association, preservation of due process of law to prevent the reign of lusts as opposed to the impartial rule of law, equal protection of black Americans within the criminal judicial system, and equal protection of women as people to respect, not property to use, buy off and sell. Instead, the AG protects the government not the American people, by defending instead of prosecuting Mr. Trump. Please note I contacted all 541 federal law makers. None cared to actually impeach on any of my suggested articles, until their hand was forced by the January 6, 2021 insurrection. They misbehaved. You are the only branch that can correct the other two branches by eliminating the partiality and corruption within the executive and legislative branches rooted in buying of favors by selling other people's souls, life blood, through artificial debt to serve artificial entity's greed as opposed to individuals' need.

Chancery Court may transform into good through equitable relief. I think the courts are the only ones who have the impartial ability and power to prevent the other two branches of government from giving into temptation to behave as wolves, exploiting people like sheep to slaughter as human capital to serve their profit by barter or exchange.[2]

4. For instance, there is land dedicated to government bodies in Sussex County on the condition such land is not resold. The obvious intention of the deceased grantors was to preserve nature, wetlands and natural habitats. The government entities misbehaved by granting 99 year leases, where the trees were bull dozed, nature destroyed, the land leased, and homes were built and mortgaged on said 99 year leases, ignoring the obvious intended condition of the dedication, preservation of nature.[3] Similarly, some owners of farms in Sussex County

---

[2] See *Ezekiel* 34: 2- 5 "Woe to the shepherds of Israel, who only feed themselves! Should not the shepherds feed their flock? You eat the fat, wear the wool, and butcher the fattened sheep, but you do not feed the flock. You have not strengthened the weak, healed the sick, bound up the injured, brought back the strays, or searched for the lost. Instead, you have ruled them with violence and cruelty. They were scattered for lack of a shepherd, and when they were scattered they became food for all the wild beasts." *Ezekiel* 22:27, "Her officials within her are like wolves tearing their prey; they shed blood and kill people to make unjust gain." See, *Zephaniah* 3:3, "Her officials within her are roaring lions; her rulers are evening wolves, who leave nothing for the morning."
See *Matthew* 7:15 and 10:16, *Luke* 10:3.

[3] I think Sergovic's firm or Tunnell and Rasor had a hand in these 99 year leases. I forget which firm I reviewed long ago. I am sorry. It is not okay for our profession to conspire to misbehave, by harming the people we are charged to serve in pursuit

received pay in return for giving the state of Delaware construction leases above and below the property, as approved by Sussex County Counsel. While, the state espouses the aim of preserving farms, the state will be tempted by harder economic times, as will farmers, and will be the only ones willing to buy farm land others cannot build on. By the doctrine of merger, the state through its employees may get the land in toto to invest, lease, sell and profit off of personally by trading favors with entities or people to serve their seat or own gain. Who will correct the

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of money. We, lawyers, are not supposed to behave as children of the devil, a pack of wolves, looking after our own under the guise of looking after the sheep only to feast on their flesh. Lawyers and all professions should not collude for profit by self-regulating, and behave above the law too. The Court should give little deference to standards across professions and experts. Science is the study of things. Once a person declares himself an expert, the master, the God, of his profession, he defeats science, which after all is merely studying things by ending such learning. No one is God but God. Please note, science, defined as the study of things, proves God created things. See, *Isaiah* 40:22, "It is he that sitteth upon the globe of the earth." Truth unlike religious beliefs is not a matter of opinion. I think teaching a lie as truth such as so-called flat liners is wrong and sadly misleads gullible people. See the entire book of *Wisdom*. Also see, *Wisdom* 19:19 "It is he that sitteth upon the globe of the earth... Yet, many are misled to harm and hell by those citing scripture for man's vanity like Satan cited a truth to serve a lie in *Genesis* and in *Matthew* Chapter 4, citing scripture for his own will violating God's. I like science, but I remain humble since variables, unknown and knowns is always part of the process. Should an expert lack humility, and exhibit pride or confidence, they should not be trusted as there is a conflict they may serve their profit, ego or cronies or they may be dumb, not understand science is learning, with variables that make all scientific determinations potentially inaccurate. Science is not perfect like math. Truth is preferred to false comfort. The law is balanced towards injustice by the court's deference towards professionals across the board, in the community or nationally, based on evil love for business greed, love for money, driving out love for one another by recognition of business standards.

government from misbehaving? Who will have standing? How can we reduce temptations for government agents from giving into temptation to harm people's lives, health and the environment to serve business greed, by barter or exchange, the mark of the beast, not mark of good or love.

5. I am troubled that the state may assess land at on inflated price before an expected depreciation in value will hit, preventing potential home owners from buying a home by rendering it unaffordable by increased taxes, and possibly pushing others out of their home. If the state paid government for specific work performed, strings attached, without paying private entities as opposed to people, they could fully fund schools and the government without property taxes. But instead, the government not only increases taxes to provide monetary breaks and benefits to artificial beasts without hearts, entities, businesses and not for profits ("beasts"), but it also encourages the way to hell by forced servitude by some seeking to stay alive by food stamps, rendering them slaves to the beasts, pro bono, or peer pressured reward, praise and shame. I am horrified that the government by force of government sponsored peer pressure and praise exploits unpaid child labor to fund school sport and school's needs, under the façade of charity, car washes, cupcake sales, pizza sales enriching potential corporate donors who use cute kids to market their product, so evil. Not only do I believe such government pressured slavery is a violation of the thirteenth amendment, I believe people will be thrown

into hell the last day at the resurrection of the dead for confusing fundraising, volunteering, pro bono, and organized charity or slavery, allowing someone to work for free, volunteer, to receive food stamps, as charity when it serves the mark of the devil, business greed, not good, not love, should they not unharden their heads, hearts and hands.[4] I am sad children learn the way to hell young. Children will be thrown into the fire too on the last day at the resurrection of bones, the dead from the graves.[5] Pull *Ezekiel* 9 and *John* 3 to confirm they must be born again from death in lusts to life in Godly concern of love. Children may be misled off the narrow way to eternal life per Jesus. "Woe to those who misleads one such as these little ones. Better to have a Millstone hung around your neck than to mislead one such as these." *Matthew* 18:6.

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[4] The fact people were doing what they were told, or doing their job will damn people not save people from being thrown as trash into the fire the last day, should they not repent. It makes me sad that courts often reward blind eyes, by delegation of duties, rewarding stupidity, not knowing or ignorance concerning harm. Blind eyes and dumb ears, the sin that damns people to hell, not choosing to care to think, to know, to love, not using their brains, their free will, cold hearted, hard headed for cold hard cash, business greed by barter or exchange, is the mark of children of the devil, not yet adopted by God through love.

[5] See Ezkiel Chapter 37, regarding the valley of the dry bones, bones rising from the graves for judgment day. See, Amos 2:1, People got into trouble with God for cremating someone since it shows they did not believe God will resurrect bones from the grave some clothed in a new body, clothed with the blood of Jesus, if they repented from their own desires for God's, love instead of lusts. See Jesus does not teach people are in heaven. Jesus teaches about judgment day.

6. Far worse, the proposed poop polluting factory that may be approved by Governor Carney's agent in the Seaford Laurel area will cause pollution, harm to human life and health and destruction to the environment. The plant allegedly will ship in out of state manure to dilute local chicken poop, which does not convert to energy well. Chicken poop creates more deadly pollution. As more factories and plants are opened such as this plant, more of the common people will be forced to pay to clean up the messes of artificial entities without hearts, as their labor is exploited, their health is harmed and the environment is destroyed. How? Through sewer and city water increases? This will push a lot of people out of their homes, and the increased costs will prevent other people from buying homes, should the government partnered sponsored, allowed misbehavior continue.

7. One of the allegedly most polluted sites in Sussex is Millsboro near chicken plants. The town water from Dagsboro allegedly comes from a Millsboro well. The town people pay to clean it up the dirty Millsboro well, in the form of rate increases, not the polluters. [6] As more people pay for sewers and city water, the individual as opposed to artificial entities without hearts, LLCs, Corporate entities, businesses, churches, not for profits, will pay to support entities who kill,

[6] The government should pay 100 percent of necessities like water, transportation, healthcare and internet, and should not be permitted to give nongovernment entities, as opposed to people, money, in part or total, period.

steal, and destroy people's lives, health and the environment to serve the almighty dollar.

8. Government partnerships with private entities, businesses, not for profits, charities and religious organizations is the source of evil and corruption in the world, and in the US. The law makers do not draft laws that prevent wrong doing by their partners. The executive and legislative branches reward wrong doers, by inter alias rewarding ignorance, stupidity, not knowing, delegation of duties and so much more. People go to hell for not knowing, for ignorance and stupidity. See, my brief below at 5.

9. There must be a division between the governing from the governed, to prevent the governing from colluding with the governed, the entities regulated under the law, to exploit the people they are charged to care for as slaves, human capital, indentured servants in violation of the thirteenth amendment, creating artificial debt to serve greed as opposed to individual need of each person worthy of dignity unearned, required.

10. The division of government and private industries must not only be required to prevent the government representatives from buying and bartering favors from private entities, by grants, bail outs or tax breaks or unenforceable laws that allow entities to murder for profit, by pollution, destruction to the environment, or using carcinogens in production of foods or goods or in products

or foods, but they should not be bought either. The Court must eliminate all money in elections, all filing fees and all signature requirements to run for office. Votes should not be bought by money, favors or signatures. Votes should be free in a representative government. Democracy should no longer be for sale.

11. With regards to partnerships which corrupt government employees' integrity from serving people they are charged to care for, not exploit for profit, the government must cut partnerships with entities abroad too. After all if they are investing money, people and resources with entities and organizations that may need government correction too, the bias may prevent the government from cutting off their own partnered hand.

12. There is such evil ahead. Global policies look like they will lead to a global famine. The US is not the only country that had large scale persecution towards migrants who desired to harvest fields, potentially creating fewer harvested crops.

13. There is also evidence of exacerbating inflation instead of alleviating it. For example, to save the post office, the federal government should reduce the price of postage to a quarter. That way people could afford to buy a stamp, and the post office would make money in bulk. The post office should also cut package rates in half to attract business away from competitors instead of towards competitors.

14. The post office is one of the few forms of speech that may not be easily manipulated, monitored, bought and sold by others.

15. There is evidence that global leaders, private and public, through organizations desire to digitalize everything, currency and shipments, and to artificially cut off shipments through electronic disconnections, hacks to manipulate markets to artificially inflate prices to force individuals in government private partnered forced servitude.

16. I recently discovered America was never free. This country has always been for sale, by those who steal it to sell it to those who barter for their favor or potential favor by donations, tax breaks, favors or support to government candidates or servants in exchange for unjust decrees that favor those who favor them or bailouts or worse to entities as opposed to individuals.[7] Please note, I believe people are thrown into hell for loving themselves first, loving their family first, loving those who affect them first as opposed to loving others as yourself. It is damnation guaranteed to exhibit such partiality and self-serving favoritism. This court must consider saving the souls of those within the government and saving

18 USC 201

[7] I am still brainstorming legal theories to eliminate corruption in government by eliminating donations, signatures and entity support possibly using, *inter alias*, 18 Unites States Code Annotated section 201, possibly via the AGs.

humanity by eliminating the corruption that rewards unjust decrees, favoritism and bias.[8]

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[8] *Matthew* 37: 36-38, "A man's enemies will be the members of his own household.' Anyone who loves his father or mother more than Me is not worthy of Me; anyone who loves his son or daughter more than Me is not worthy of Me; and anyone who does not take up his cross and follow Me is not worthy of Me." See, *Luke* 14:26, "If anyone comes to Me and does not hate his father and mother and wife and children and brothers and sisters--yes, even his own life--he cannot be My disciple." See, *Luke* 12:50-52, "But I have a baptism to undergo, and how distressed I am until it is accomplished! Do you think that I have come to bring peace to the earth? No, I tell you, but division. From now on, five in one household will be divided, three against two and two against three. 53They will be divided, father against son and son against father, mother against daughter and daughter against mother, mother-in-law against daughter-in-law and daughter-in-law against mother-in-law." *Matthew* 10:33-38, "But whoever denies Me before men, I will also deny him before My Father in heaven. Do not assume that I have come to bring peace to the earth; I have not come to bring peace, but a sword. For I have come to turn 'a man against his father, a daughter against her mother, a daughter-in-law against her mother-in-law. A man's enemies will be the members of his own household.' Anyone who loves his father or mother more than Me is not worthy of Me; anyone who loves his son or daughter more than Me is not worthy of Me; and anyone who does not take up his cross and follow Me is not worthy of Me. See, *Matthew* 19:29 "And everyone who has left houses or brothers or sisters or father or mother or wife or children or fields for my sake will receive a hundred times as much and will inherit eternal life. See, *Mark* 10:28-30, "Peter began to say to Him, 'Look, we have left everything and followed You.' 'Truly I tell you,' Jesus replied, 'no one who has left home or brothers or sisters or mother or father or children or fields for My sake and for the gospel will fail to receive a hundredfold in the present age—houses and brothers and sisters and mothers and children and fields, along with persecutions—and in the age to come, eternal life.'" See, *Luke* 18:28-30"Look," said Peter, "we have left all we had to follow You." "Truly I tell you," Jesus replied, "no one who has left home or wife or brothers or parents or children for the sake of the kingdom of God will fail to receive many times more in this age—and in the age to come, eternal life." Also see, Complaint at Docket Below 1, Exhibit at 44-96, 116, 121-123, 183.

17. I learned we do not have a free market. We have a manufactured forced controlled market stifling innovation under the guise, the lie that more money to fund greed will create more innovation when it rewards more misbehavior into infinity for a different drug, or research product, or different use for the same product.

18. I recently learned, though I knew in the back of my hard head, that we do not have free market globally, but forced controlled market by entities who control countries like parts in a factory line. I am not only thinking of the Opium trade where Great Britain misbehaved by growing opium in India and selling it by forced addiction to Chinese, causing the Opium War of 1842 and other abominations throughout world history.

19. More recently, I read the plans of the founder of the World Economic Forum and am outraged. Please see the two books attached drafted by the world economic forum where leaders we have trusted like President Obama spoke before. *Covid 19:The Great Reset* ("GR") and *The Fourth Industrial Revolution* ("devilution"), both written by Klaus Schwab, founder and the executive chairman, World Economic Forum, and more importantly our leaders may be in the loop ignorantly, increasing desperate conditions to bend the world to the forum's will.[9]

[9] The books are horrific because they outline a plan that will attempt to destroy freedom of conscience, literally and figuratively by increase of desperate conditions forcing their business plan on others, exploiting soldiers to change their

Countries have already been recruited as parts in Klaus's Frankensteinish model. We have a forced, controlled market, eliminating people's free choice and freedom of innovation by forced across the professional associations across the board's

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brain, controlling people's body through the net. This is worse than Frankenstein similar to Hitler's scientific experiments. Keep in mind healthcare is the number one money maker around the globe per worldometer. Our healthcare destroys health and murders people for mad science money. Just decrees and justice in the courts is the solution not more money or more fundraising for more mad science. The book also alludes to the planned elimination of private property for entity's control through a lease model, I see for their profit, increased unemployment to 47 percent of humanity around the globe should their model succeed, elimination of large grocery stores, restaurants and law secretaries and other professions.
The book alludes to the elimination of government and a taking control of the world through business greed, the mark of the beast under the guise of good. Closing the back door President Bush opened up after 9/11is the only way to safeguard the rule of law, from the anarchical reign of lawless lusts that entities may exploit for profit, not good by love. Entities do not want to be governed by law. The courts are in danger as well as governments in general. I am freaked out. The Court must somehow close the back door to all of our electronic devices Bush Junior opened up to save the world. If we have President Biden before the Court and the AGs, I might be able to think of a way to ask the chancery court to do so. It is not the court's fault should no one ask. My hope is that the courts will save the world, and indirectly save the institution of government, and their own structure.
See, GR page 27, regarding a "living network" and the use of "the coronavirus pandemic (to) necessitate a global survelience network…" Now see the Attached article 1, related to China's Survellance State should scare everyone, 2, China Forcefully harvests organs from detainees, tribunal conclude, 3, Green Pass: Israel's Covid-19 vaccination certificate opwns fast track to normal life, 4. the Westlaw Company Investigator related to Green Pass, and 5. The Company investigator related to Clear Pass. I am troubled by the 19 million dollar grant from Delaware to a Chinese pharmaceutical company, especially since I proposed how to improve healthcare and reduce costs to state and patients. See Docket 77, Exhibit F-Exhibit 43. I proposed a transitional healthcare finance plan before requiring government provision to end exploitation for profit. See GR pg 43 regarding unemployment caused by replacing people with robots.

forced choice, not by creation, but by forced will of a few who profit off of the many.

20. In my complaint below, I also mentioned unnatural conditions leading to famine and price increases, and increased desperate conditions leading to organized charity and fundraising which damns people to hell, and the elimination of government welfare which is Godly and good. Welfare helps those in need without exploiting such need to serve greed by corrupt bought, not free partnerships with private entities. Government Welfare, as opposed to charity, to care for individuals in need is commanded by God. [10]

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[10] See, *Deuteronomy* 24:19"When you reap your harvest in your field and have forgotten a sheaf in the field, you shall not go back to get it; it shall be for the alien, for the orphan, and for the widow, in order that the Lord your God may bless you in all the work of your hands." See, *Leviticus* 23:22, 'When you reap the harvest of your land, moreover, you shall not reap to the very corners of your field nor gather the gleaning of your harvest; you are to leave them for the needy and the alien. I am the Lord your God.'" *Ruth* 2:2-3 And Ruth the Moabitess said to Naomi, "Please let me go to the field and glean among the ears of grain after one in whose sight I may find favor." And she said to her, "Go, my daughter." So she departed and went and gleaned in the field after the reapers; and she happened to come to the portion of the field belonging to Boaz, who was of the family of Elimelech." *Exodus* 23:11, "but during the seventh year let the land lie unplowed and unused. Then the poor among your people may get food from it, and the wild animals may eat what is left. Do the same with your vineyard and your olive grove. "You shall sow your land for six years and gather in its yield, but on the seventh year you shall let it rest and lie fallow, so that the needy of your people may eat; and whatever they leave the beast of the field may eat. You are to do the same with your vineyard and your olive grove."

Yet, I need to focus on my goal of dissolving the bought, not free, union of government-religion, and subordinately seek to close the back door President bush opened up which allows private entities to buy citizen's speech, requiring payment to be heard or selling data by barter or exchange, or robbing data through hacks.

21. I have some ideas how the Chancery Court can reverse an economic crash. I also have an idea to make this nation more free, not for sale, should the elimination of the dollar occur. Congress can take back its delegated power to coin money to coin money, without borrowing it to care for its people. This will not deter people from working, and may be used within limits for those in need to serve greed, to care for instead of exploit the elderly, people with disabilities and disease, while safeguarding each of these individual's freedom.

22. Our current model creates artificial, unearned debt, in violation of the bible and the thirteenth amendment against forced servitude for unearned unjust riches for those who steal, kill and destroy to serve business greed, not good by love.

23. In addition to seeking more time in hopes that I may think of a way the Chancery court can be our hero in other ways, I am safer, and the world is safer when this court is in charge, preventing anarchy by exerting possible control over by a check on the temptation of the other two branches to give into lawless reign of their own desires instead of what is right.

24. Other governments are in danger of anarchy. On July 7, 2021, I was saddened to read that Haitian President Jovenel Moïse assassinated, his wife wounded were assassinated. If the World Economic Forum's founder's goal is to take the governing power away from the government, all governments as they allude to in the two books attached, this Court should be concerned.

25. I must seek to protect those I seek to correct. Lawlessness is not freedom, but it is reign by those with money, power, and connections without restraint, called laws, (or the law of love written in all humanity's heart with the death of Jesus per Jeremiah 31, to accept or reject by hardness of heart), to prevent them from harming, exploiting or oppressing others to serve their own.

26. The limits on freedom makes us all more free by requiring others, and entities recognize their own limits so as not to force their will upon others, in an attempt to eliminate free will.

27. Wherefore

July , 2021

Respectfully Submitted,

/s/ Meghan Kelly
Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939
pro se, as a party, not an
attorney advocate
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A-4

IN THE SUPREME COURT OF THE STATE OF DELAWARE

Meghan Kelly, Plaintiff Below, Appellant, v. Donald Trump, a.k.a. Donald J. Trump, a.k.a. President Trump a.k.a. President Donald Trump, in his official capacity as President of the United States Defendant Below, Appellant,	)	No. 119, 2021

APPELLANT'S MOTION FOR THE DELAWARE SUPREME COURT TO REIN IN ITS ARMS THROUGH ITS AGENTS FROM UNLAWFULLY PRESSURING APPELLANT TO FORGO OR IMPEDE HER CASE TO PROTECT HER FREE EXERCISE OF RELIGION. BY RELIEF IT DEEMS JUST

1. I, Meghan Kelly, pro se appellant, having been granted in forma pauperis relief, move this honorable Delaware Supreme Court, unopposed, to reign in its arms through its agents unlawfully pressuring appellant to forgo or impede her case to protect her free exercise of religion, by relief it deems just. I suggest private guidance.

2. My faith in God may appear crazy to others. Nevertheless, I have the freedom to believe by the dictates of my conscience, no matter what the

government through its agents believes. *Cantwell v. State of Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L. Ed. 1213 (1940). I am allowed to think differently instead of being conditioned to worship as the state's forced will of materialism, pursuit of money, and unholy charity that damns people to hell per Jesus, such as fundraising or organized charity. Jesus teaches people "have their reward," meaning they have no reward, no eternal life from God. Matthew 6:1. Organized charity, fundraising, pro bono, and volunteering is no small sin. It is not true charity, but damns people to hell by teaching business greed is love. *See Matthew* 6:1-5. Also *see*, *State ex rel. Tate v. Cubbage*, 210 A.2d 555, 557, 1965 Del. Super. LEXIS 67, *1, 58 Del. 430, 433, ("It is no business of courts to say that what is a religious practice or activity for one group is not religion under the protection of the First Amendment. Nor is it in the competence of courts under our constitutional scheme to approve, disapprove, classify, regulate, or in any manner control sermons delivered at religious meetings."); *See, Africa v. Pennsylvania*, 662 F.2d 1025, 1025, 1981 U.S. App. LEXIS 16448, *1, (3d Cir.), *cert. denied*, 456 U.S. 908, 72 L. Ed. 2d 165, 102 S. Ct. 1756 ("It is inappropriate for a reviewing court to attempt to assess the truth or falsity of an announced article of faith. Judges are not oracles of theological verity, and the founders did not intend for them to be declarants of religious orthodoxy. However, while the truth of a belief is not open to question, there remains the significant question whether it is

truly held. Without some sort of required showing of sincerity on the part of the individual or organization seeking judicial protection of its beliefs, the U.S. Const. amend. I would become a limitless excuse for avoiding all unwanted legal obligations."); *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 682, 134 S. Ct. 2751, 2759, 189 L. Ed. 2d 675, 680, 2014 U.S. LEXIS 4505, *1. ("Courts have no business addressing whether sincerely held religious beliefs asserted in a RFRA case are reasonable."); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, 887, 110 S. Ct. 1595, 108 L. Ed. 2d 876 (1990). ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim."); *Presbyterian Church in U. S. v. Mary Elizabeth Blue Hull Memorial Presbyterian Church*, 393 U. S. 440, 450, 89 S. Ct. 601, 21 L. Ed. 2d 658 (1969) (holding that "the First Amendment forbids civil courts from" interpreting "particular church doctrines" and determining "the importance of those doctrines to the religion."); *Ben-Levi v. Brown*, 136 S. Ct. 930, 934, 194 L. Ed. 2d 231, 235-236, 2016 U.S. LEXIS 991, *10-12. See, *Holt v. Hobbs*, 574 U.S. 352, 352, 135 S. Ct. 853, 856, 190 L. Ed. 2d 747, 747, 2015 U.S. LEXIS 626, *1, 83 U.S.L.W. 4065, 93 A.L.R. Fed. 2d 777, 25.

3. I write to alert this Honorable Court concerning actions by state government agents taken to apparently impede and obstruct my access to the

Courts in this proceeding. I object to such interference, and reserve these issues for appeal, mentioned in part in Exhibit 55, attached hereto, and mentioned below, incorporated herein as if part of this letter, and in my brief, below. Dckt 60 at 63-64.

4. The First Amendment prohibits state officials, employees and agents from retaliating against claimants, such as myself, for exercising their right of access to the courts.

5. "Retaliation by public officials against exercise of First Amendment rights is itself violation of the First Amendment." *U.S.C.A. Const. Amend.* 1. *Zilich v. Longo*, 34 F.3d 359 (6th Cir. 1994).

6. A representative of the Chancery Court staff misled me into almost missing my deadline to file a notice of Exception. See, Docket 54, December 1, 2020 letter, regarding Due Process concerns, also contained in Docket 90, combined with Docket 36, attached to the notice as Exhibit F- Exhibit 55.

7. The representatives at the Chancery Court demeaned me apparently based on poverty, association or religious beliefs. See, Id.

8. I asked the Master for her help. She kindly helped me. Dckt 55, 58.

9. In addition, the ODC impermissibly interfered with this case by contacting Judge Clark, per Judge Clark's admission.

10. In mid-April, Judge Clark appeared to threaten me at BJs, a store, located in Millsboro, Delaware, as if I was on trial for standing up for my faith in Jesus, solely based on my exercise of seeking relief in court based upon alleviating the government sponsored burden government-religion has caused on my free exercise of religion in the action below.

11. The ODC and Judge Clark clearly violated or encouraged the violation of the judicial Code of Conduct, by seeking to use their government power to obstruct my case, showing partiality to the Defendant, the President of the United States.

12. "Supreme Court's two-step *Saucier* analysis governs whether a government official is entitled to qualified immunity, considering: (1) whether the facts alleged by the plaintiff show the violation of a constitutional right, and (2) whether the right at issue was clearly established at the time of the alleged misconduct." *Werkheiser v. Pocono Twp.*, 780 F.3d 172 (3d Cir. 2015).

13. Judge Clark knew or should have known that seeking to use his cloak of government authority, as a respected, fair judge, to chill or condemn or interfere with my ability to bring this case without government retaliation or pressure violates the Delaware judicial Code of conduct. See, *The Delaware Judges Code of Judicial Conduct,* Canon 1, "A judge should uphold the integrity and independence of the judiciary," Canon 2, "A judge should avoid impropriety and

the appearance of impropriety in all activities," Canon 3. "A judge should perform the duties of the office impartially and diligently," Canon 7, "A judge should refrain from political activity inappropriate to the judge's judicial office."

14. My right to a fair, unobstructed trial to alleviate a substantial burden upon my free exercise of religion is a constitutional right.

15. "Congress, the Executive, and the Judiciary all have a duty to support and defend the Constitution." *Salazar v. Buono*, 559 U.S. 700, 130 S. Ct. 1803, 176 L. Ed. 2d 634 (2010)

16. "There is no 'de minimis' defense to a First Amendment violation." Doe v. Indian River Sch. Dist., 653 F.3d 256, 259, 2011 U.S. App. LEXIS 16121.

17. "The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Mullin v. Sussex County, 861 F. Supp. 2d 411, 415, 2012 U.S. Dist. LEXIS 67571, *1

18. I will likely continue to suffer government threats by the state if the Court does not help me by upholding the Constitutional limits from state overreach.

19. I am standing up for my personal freedom to worship Jesus according to the dictates of my conscience, even if no one else shares the same beliefs, without government persecution.

20. I am permitted to believe differently than the government through its agents, even if what Jesus teaches seems foolish to the world. 1 *Corinthians* 1:18, 2:14-16.

21. "Government official's conduct violates "clearly established" law, so that the official is not entitled to qualified immunity, when, at the time of the challenged conduct, the contours of a right are sufficiently clear that every reasonable official would have understood that what he is doing violates that right." Id.

22. I do not wish to have any disciplinary action against any of the government representatives for misconduct. I desire fair access to the courts, without government persecution based on my exercise of redressing a grievance to alleviate the burden upon my free exercise of religion from Government sponsored religious persecution directly caused by government establishment of government-religion and government-religious views.

23. I object to disparate treatment based on religious affiliation on due process, first amendment and equal protection grounds. I object under RFRA too. See, *Tanzin v. Tanvir*, 141 S. Ct. 486, 208 L. Ed. 2d 295 (2020). The Supreme Court in dicta explained RFRA applied to state and local employees and agents, not merely federal officials.

24. I received additional pressure by the arms of this Honorable Delaware Supreme Court on May 24, 2021. I received an E-mail offering alleged help from an arm of the Court, the Delaware Lawyers Assistance Program ("DE-LAP"), from Carol P. Waldhauser, Executive Director, copying a mental health professional, relating to a past request for a waiver of attorney filing fees. Attached hereto as an Exhibit.

25. It was not help to pay the fee. I paid the fee long ago, though I did not receive a response from this Honorable Supreme Court, per my request back in January 2021 or secondary request in February 2021. I certainly hope this Honorable Court did not instigate the abuse by its arms. If so, please desist.

26. DE-LAP was looking after its own interests, which conflicts from mine.

27. I am a Christian. I believe people go to hell for trusting in what psychologists, mental health professionals, psychiatrists and behavioral theorists teach, which often is focused on being happy or productive materially instead of being holy. The organization premises its existence on mental health theories which I believe harm people. I believe such theories teach patients to seek to fulfill their own material desires instead of doing what is right, thereby teaching people to reflect a little piece of hell on earth, the image of Satan by living for self, conditionally caring based on relationship, reward and avoidance of harm with no

sacrificial unconditional love or God in them, teaching a lie that damns. See Isaiah 14 to understand how Satan wanted to be his own God, as high as God, to place self-first. I believe their thinking misleads patients to hell, especially BJ Skinner's theories, which most teachers, including myself learned.

28. These mental health professionals focus on misleading people to feel good, not be good, which is not good. I believe it is evil, misleading those they exploit for a paycheck to harm and hell.

29. Carol P. Waldhauser created the appearance of a threat by inaction by requiring a response within ten days.

30. While I believe artificial entities without hearts such as the ODC and DE-LAP, per se behave based on the mark of beast, absence of love, survival, for reward and avoidance of harm, serving greed by exploiting need, not doing good by their love of humanity, but seeking to control, eliminating free will by forcing the entities' will, its interest by threat of punishment, this Court has the power to reign in beasts, aka artificial entities without hearts, organizations, LLCs, corporations and such, with restraint in the form of the rule of law, which teaches love of humanity, not exploitation to serve the beasts' interests, the love for profit and praise at the cost of inhibiting freedom in the form of free will, freedom of

conscience by forced will under the threat of government sponsored persecution by funding such entities or otherwise.[1]

31. I have the freedom to chase after God instead of chasing after money at this time in my life.

32. I have the freedom to pursue my religion by justice in the courts, to protect my freedom to worship by the dictates of my free will, not the forced will, not the dictates of the state through its agents to worship money, which I believe leads to damnation.

33. I believe business greed is the mark of the beast. Jesus teaches you cannot serve God and money. Matthew 6:24. 1 Timothy 6:10, I stand by God.

18 USC 666

[1] I did not know how bad the world was until I ran office. I think artificial entities without hearts, charities, organizations, not for profits and businesses through alternative entities ("beasts") tempt world leaders through donations, signatures or support in elections, essentially controlling the leaders to mislead by serving the leaders' self-interest by serving the beasts at the expense of the people. The entities who appear to control the world through world leaders arguably likely have contacts in Delaware. I have been writing US Attorney General Garland concerning ideas how he may persuade this Court to save the world in other cases, including one to alleviate an economic crash using laws like 18 USC section 666, considering bailouts, grants and tax breaks as bribes, especially concerning the big payouts in 2020. The courts can tame beasts without hearts with the rule of law, since Judges are not beasts or mere puppets of power or mere robots. Judges are powerful because they may choose to reflect the image of God by love for humanity, sacrificing potential profit for people, making many people richer in love and materially, instead of the few. Entities without hearts who seek to get as much as they can for as little as they can will devour humanity, if humanity does not tame it. The heartless entities will seek to control people, if the courts do not take control of them, forcing people to reflect the image of Satan by behaving like heartless beasts too. I hope the Delaware courts will be our world's hero should an economic crash occur too, saving lives and eternal lives.

34. I am in danger, a different type the bodily harm I will discuss in my brief, albeit I have been visibly shaken up clenching my teeth, and have cried concerning the state attacks related to this motion too.

35. Justice in the courts is a command by God. Amos 5:15. "Justice, mercy and faithfulness are greater commands" superseding concerns relating to costs and convenience. Citing Matthew 23:23.

36. Courts should sacrifice potential profit to serve people, not sacrifice people for the love of profit through entities' unjust gains.

37. Please instruct your arms to stop bothering me or other relief this Honorable Court deems just, and to allow me to pursue my case without government threats.

38. I respectfully request the Court guide its arms through relief it deems just. I suggest correction through loving instruction, guidance to prevent additional government interference in this action. Please help.

39. On an aside, I am crying as I type this since I am reliving the wounds of the past where an arm of the Supreme Court economically persecuted me to protect those with shared interests.

40. While I took the Delaware Bar my ceiling at the dorm caved in with a leak and destroyed my bar materials, I paid thousands of dollars for. I complained to the supreme court. As a result, an arm of the court, the Board of Bar Examiners

punished me and threatened me and made a complaint against me because I asked for help.

41. Where you see smoke, you think fire. I joined RLF on a contract for about $135,000 a year. I did not get my contract renewed as the law firm participated in my bar admission.

42. Prior to that in law school, I had rats in my apartment the last semester and during bar exams. I complained.

43. Duquesne, a Christian Law School responded by blaming me and hiking up my rent.

44. The press helped me by putting me on TV and the newspaper, but no actual relief resulted, only harm. I was freaked out and emotionally exhausted. There was a bunch of baby rats trying to climb up my bed as I tried to get sleep. I was horrified. I did not pass the bar the first time. I got super high scores the second time and allegedly high scores in Delaware passing on the first try. I should not be ashamed. I am disappointed in the cold heartedness by the officials of a Christian law school.

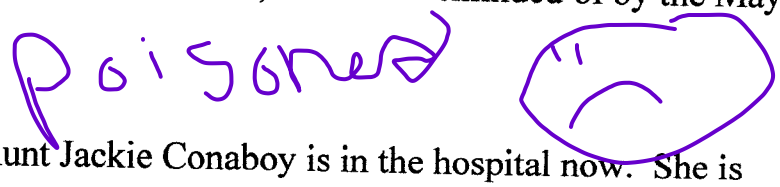
45. While I was in law school, my brother was also in an accident. I sought permission to travel and take off time to delay my first bar exam, to see my brother, to make sure he would live.

46. Duquesne said yes. But a day or two before the exam I found a note in my box. They changed their mind. They tried to call me. I did not have a phone. I do not buy things I cannot afford. I go without as incurring debt is against my religious beliefs.

47. I took the exam in Civil Procedure, and received my worst grade, and hated civil procedure ever since as a reminder of the cold heartedness of the Christian university.

48. The fact I have a heart to fight heartless beasts, including charities, not for profits, businesses and churches, does not make me weak. It makes me human with the power to reflect the image of God by love, stronger than heartless beasts who seek cold hard cash for survival.

49. My cousin, Peter Conaboy ("PJ"), also was murdered while I was in law school. So, this is all very painful to relive, and to be reminded of by the May 24, 2021 letter.



50. His mother, my Aunt Jackie Conaboy is in the hospital now. She is doing poorly. She may not make it in this life or the next. At PJ's funeral the priest said "hurry it up. I have a luncheon" as people shared stories about PJ. I scolded the priest as I left. "What would Jesus say." My aunt Jackie remembered that. Ever since then, she has not gone to church, and she turned to wine not God for comfort. I do not think she will go to heaven, if she does not turn towards God

for comfort. I pray, but recognize prayers are not enough at times since people have free choice. She may die soon. God's plan is the same for all. I discern whether people are lost or saved, whether they do man's plan or God's. She is not okay.

51. I learned early to turn to God for comfort, not to turn to any imperfect person or thing in this world for my comfort. I am not like the world. I am sad for the world, as I seek to heal it with love, through justice in the courts, shedding light on evil, not celebrating evil as good.

52. While scars remain well beyond our fleeting lives, harming future generations, and relived by new attacks such as the May 24, 2021 attack, this Court can prevent future harm to me by government actors misbehaving by seeking their own power and profit in this case, right here, right now, before it is too late, and additional harm is incurred, lasting beyond the fleeting lives of the perpetrators who act on self-interest, not love.

May 25, 2021

Respectfully Submitted,

/s/ Meghan Kelly
Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939
pro se, as a party, not an
attorney advocate
meghankellyesq@yahoo.com

EXHIBITS THERETO

EXHIBIT

55

December 1, 2020

Court of Chancery Courthouse
34 The Circle
Georgetown, DE 19947

RE: Meghan Kelly v. the President Donald Trump, et. Al.
Case No. 2020-0809- Master PWG

Due Process concerns

Dear Honorable Master Patricia W. Griffin:

I believe I may have received disparate treatment based on my wealth, political affiliation and or religious orientation, and will continue to receive such treatment without your assistance.

The staff in your court appear to be subverting my case, by serving as advocates for President Trump.

I sensed this early on when I was having trouble gaining a copy of everything, pursuant to your kind order granting me one copy. I felt like my case was not treated as a serious matter.

I sensed this when I when I felt mistreated by your staff around October 12, and October 13, and went home crying for days. See Exhibit A, emails, admissible under the present sense exception.

I filed the letter dated October 19, 2020, regarding the fact I am not an officer in this court to address and qualify my position as the party, not a mere attorney in hopes to prevent future abuse.

I am without the insulation or protection of counsel. I am the party. The staff may more freely scold and criticize attorneys without display of improper partiality towards a party.

I sensed this when Arline Simmons misled me concerning your November 2, 2020 as something trivial on November 4, not November 2 as indicated in my letter dated to this Honorable Court dated November 6, 2020, apparently, in hopes I would not seek exception to your rulings.

Then, I realized the court's staff may be scared of messing up with regards to paper filing, and the unique Covid19 amendments the requirements. I believe the Supreme Court is merciful concerning trite matters such as the fact none of us appeared to be aware of the waiver of notary requirements. I applaud the Supreme Court's leadership in safeguarding people's lives more than safeguarding business as usual.

Yet, my suspicions of partiality towards me proved correct. On December 1, 2020, your staff appeared to be attempting to bleed me dry of resources to continue this proceeding by denying me the benefits of the Chancery Court Rule 171 (c)'s authorization which provides in part. "...1

copy of all briefs shall be mailed to **or filed** with the Register who shall immediately docket them and mail or deliver the original to the Judge to whom the matter has been assigned…" (emphasis intended).

The court's staff appears to be playing the advocate to win the case for President Trump by directing me to mail everything to the Court in Wilmington or pay for gas to drive two hours away despite the fact she is aware of my limited resources. See Exhibit B.

I should not be additionally taxed by unnecessary costs because the court's staff opposes my position.

This case will likely remain alive, with possible interpleading by churches who care more about money than humanity. Under the guise of freedom of religion some churches will foreseeably display whoredom, selling my God for a price too high, costing lives and health to serve their bottom line. An order requiring, I mail everything to upper Delaware is unjust, based on bad faith of the court's staff, intentionally causing me to withdraw my case due by running out my limited funds in mailing costs.

The Court's agents cannot act as the Defendant's advocate by indicating I am not worthy of a fair and impartial case because of poverty that inconveniences the Court, political orientation or political beliefs.

I understand, most people support President Trump down here, and that most people do not think or believe as I do. Yet, I still have the freedom to pursue my unpopular belief, and my desire "not to be conformed to the world," without government persecution or threat of persecution. Romans 12:2.

I have chosen to confront the most powerful man in the world with endless resources paid by the federal government. That fact does not make my case trivial.

I believe "God chose the foolish things of the world (like me) to shame the wise; God chose the weak things (like me) of the world to shame the strong." 1 Corinthians 1:27.

Part of what makes this country already great is the impartiality required by the courts, creating an equalizer in fairness, regardless of wealth or poverty, power, position, race, religion, affiliation or place of origin.

Justice is not guaranteed. Yet the opportunity for justice, even by a peon like me against the most powerful man in the world, is. Should I fail, that is on me, not the court. This Honorable Court must allow me to try.

I believe the staff's behavior is not a reflection on the Court, nor a reflection on you, Honorable Master Patricia W. Griffin. They add a buffer between me and you to prevent ex parte communications.

Yet, the buffer has broken to the point that the floods of injustice may arise without the protection of the court's guidance on its own staff to uphold the integrity of the law.

"To be actionable, claim of denial of access to courts need not allege total or complete denial of access; rather, plaintiffs need only claim that interference with and potential prejudice to right of access to redress in state court rises to level of constitutional deprivation." In re Cincinnati Radiation Litig., 874 F. Supp. 796 (S.D. Ohio 1995).

"Opportunity to be heard is essential requisite of due process of law in judicial proceedings." Richards v. Jefferson Cty., Ala., 517 U.S. 793, 116 S. Ct. 1761, 135 L. Ed. 2d 76 (1996).

Please assure me the protection of due process, without rendering an order displaying partiality to the opposing side, to prevent infringement upon my right of due process in this case.

Respectfully Submitted,

Meghan Kelly, Esquire
Pro Se
34012 Shawnee Drive
Dagsboro, DE 19939
(Word Count 993)

Exhibit A

Re: Thursday afternoon/Meg/3 Original summons/

meghankellyesq@.../Inbox

Meg Kelly <meghankellyesq@yahoo.com>
To: Kruger, Katrina (Courts) <katrina.kruger@delaware.gov>,
Simmons, Arline (Courts) <arline.simmons@delaware.gov>
Cc: Meg Kelly <meghankellyesq@yahoo.com>

Oct 14 at 9:20 AM

Hi Arline,

Thank you for responding so quickly. Will do. If anything comes up I will let you know.

Arline, Thank you for holding off on the summons from Friday October 9, 2020 for the civil processor. I did not want you to do it twice with the incorrect amount of days the Defendant has to respond. I explained to the Honorable Court, the Defendants are allowed 60 days instead of 20 in the documents I filed. I alerted the Honorable Master to this in the filings.

Accordingly, I am missing three summonses for the Second Amended Complaint, and one summonses and copy of the praecipe for all three Defendants. They have 60 days to respond. I do not believe the Honorable Master Patricia W. Griffin can not make a determination on anything until all three Defendants are served.

I will draft more detailed certificates of service. So Katrina knows what links up with what.

Thank you for letting me know, you need more specificity Katrina.

I did not sleep at all last night (and I always sleep well) and cried this morning after yesterday and Monday too. I would not have filed this case if I thought things would be ok, I do not. I am seeking to expedite this case because I believe people are deceived by the Defendant to be harmed and damned to hell. I am still crying. I thank you for your hard work on this case. It is worth the effort, even if you do not believe I am worth it. I am Katrina. I love and respect you in real life but was so saddened by the way you demeaned me as an inconvenience. I am entitled to a fair impartial opportunity to be heard under the law, despite the required work for the Honorable Court to listen to my words. Justice is not to be earned, bought or bartered for by those with money. It must be granted to the rich and poor alike without bias towards those with money. Otherwise it is injustice guaranteed.

I am still crying. I might need a day to collect myself and refocus my attention on the case at hand. I intend to come in tomorrow morning.
I will let you know if I can not make it.

I will draft a more detailed certificate of service for the 3 summonses I will file. So, you know what goes with what.

Thank you.

Love,
Meg

On Wednesday, October 14, 2020, 08:11:11 AM EDT, Simmons, Arline (Courts) <arline.simmons@delaware.gov> wrote:

Hello Meg,
Please come on THURSDAY before 11:00 a.m.

-----Original Message-----
From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Tuesday, October 13, 2020 6:46 PM
To: Kruger, Katrina (Courts) <Katrina.Kruger@delaware.gov>; Kruger, Katrina (Courts) <Katrina.Kruger@delaware.gov>
Cc: Simmons, Arline (Courts) <Arline.Simmons@delaware.gov>
Subject: Thursday afternoon/Meg

Hi Katrina and Arline,

I have a CLE scheduled on Friday. May I please come in Thursday afternoon.

Thank you,
Meg

RE: Monday Meg Kelly

meghankellyesq@.../Inbox

Simmons, Arline (Courts) <arline.simmons@delaware.gov> Oct 14 at 3:52 PM
To: 'Meg Kelly' <meghankellyesq@yahoo.com>, Kruger, Katrina (Courts) <katrina.kruger@delaware.gov>

Monday is fine-Can you come before 11:00 a.m. ?

-----Original Message-----
From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Wednesday, October 14, 2020 3:41 PM
To: Simmons, Arline (Courts) <Arline.Simmons@delaware.gov>; Kruger, Katrina (Courts) <Katrina.Kruger@delaware.gov>; Kruger, Katrina (Courts) <Katrina.Kruger@delaware.gov>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Subject: Monday Meg Kelly

Hello,

May I please come in Monday instead? I am still shaken up. Remember I am behaving as the inured party, not bringing this complaint as an advocate with the insulation of representation.

I think a couple days, may help Attorney General William Barr, Esq. and President Trump too recover from Covid19 too. The Honorable Master can not rule on anything until all 3 Defendants are served to afford notice, or at least attempted notice to all parties. Attorney General William Barr and the US Attorney General agent, the civil process clerk, are deemed the United States, a necessary party according to the rules of Federal procedure Rule 12 3(A).

Arline is wiser than I. She kindly indicated "do you need the United States as a party. I did not know until I looked it up." I am sorry that required I had to amend the complaint. I tend to look things up to confirm, but now I no longer have the ability to easily look things up. Arline thank you for your kindness and mercy.

Thank you.
Meg

Meg/Sorry Katrina/Meg is not an attorney advocate in this case

meghankellyesq@.../Sent

Meg Kelly <meghankellyesq@yahoo.com> Oct 15 at 12:20 PM
To: katrina.kruger@delaware.gov, katrina.kruger@delaware.gov
Cc: Simmons Arline (Courts) <arline.simmons@delaware.gov>,
Meg Kelly <meghankellyesq@yahoo.com>

Hello,

I do not know I do this, but I have been told I raise my voice when I am upset and passionate. I do not notice it. I apologize Katrina.

When Katrina said I was not allowed to file anything, though I must or it will be kicked out, she behaved like Defendant's advocate, not as an impartial government agent.

When Katrina said I needed a phone when the rules afford leeway for those without a working phone, it made me feel as if you represented Defendant's interest and the Co urt's convenience over truth and justice.

You made me feel less than, when you said I should let someone ahead of me on Monday, when I am trying to expedite this case for immediate relief.

The Court's agents cannot act as the Defendant's advocate by indicating I am not worthy of a fair and impartial case because of poverty that inconveniences the Court, polit ical orientation, or religious beliefs.

I understand, most people support President Trump down here, and that most people do not think or believe as I do. Yet I still have the freedom to pursue my belief, and my desire "not to be conformed to the world," without government persecution or threat of government persecution.

I am sorry I need to clean my dirty heart of the sin of fear. It appears I am raising my voice with other people when I talk about pursuing an action to safeguard freedom to worship or not according to the dictates of our conscience, not the dictates of the government, under the threat of government sponsored public or private persecution.

I am not an attorney advocate in this case. I am without the insulation and protection of counsel. I am a pro se litigant. I am the party and not the party's counsel. If I was a mere attorney, an officer of the Court, as opposed as the party, it would be different.

Thank you for understanding. I will work on cleaning my dirty heart of sin. I am sorry Katrina. I am having a real hard time with my wimpy high voice. I need to become br ave, and have faith in pursuit of justice in the courts. I have never been so scared in my entire life. I am scared of letting God down, and this Honorable Court down. It is h umbling. I have chosen to confront the most powerful man in the world with endless resources paid by the federal government. Yet "...God has chosen the weak things of the world to shame the things which are strong." 1 Corinthians 1:27

I apologize in advance for not having easy access to the law too.

Thank you. Have a good weekend.

Kind regards,
Meg
Meg

Exhibit B

Fw: Meg v Trump Case 2020-0809 -PWG/letter Requesting permission to exceed the Rule 171(f) word limit

From: Meg Kelly (meghankellyesq@yahoo.com)

To: katrina.kruger@delaware.gov; arline.simmons@delaware.gov; meghankellyesq@yahoo.com

Date: Monday, November 30, 2020, 01:29 PM EST

Hi Katrina,

May I please drop them off to your court as the rules allow? The cost of continuously mailing verses dropping off are prohibitive. It is stressing me out, and I am already at risk of a heart attack. My blood pressure is higher than expected. I didn't know my heart was hurting because my blood pressure is high, 138 over 87, most recently. That is why my heart hurts when people say I am not a Christian. It upsets me to the point it may eventually kill me.

Thank you,
Meg

----- Forwarded Message -----
From: Meg Kelly <meghankellyesq@yahoo.com>
To: Kruger, Katrina (Courts) <katrina.kruger@delaware.gov>; Simmons, Arline (Courts) <arline.simmons@delaware.gov>; McKinnon, Brenda (Courts) <brenda.mckinnon@delaware.gov>; Boyer, Sheila (Courts) <sheila.boyer@delaware.gov>
Cc: Bauer, Cecelia (Courts) <cecelia.bauer@delaware.gov>; Meg Kelly <meghankellyesq@yahoo.com>
Sent: Monday, November 30, 2020, 01:14:02 PM EST
Subject: Re: Meg v Trump Case 2020-0809 -PWG/letter Requesting permission to exceed the Rule 171(f) word limit

Hi Katrina and Sheila,

Since I have very little money to mail, it is more plausible for me to adhere to the rules by dropping it off to Sussex County. Thereby, I seek the benefits of the rules, without waiving them.

Thank you for your suggestion, and understanding.

Have a good day.

Very truly,
Meg

On Monday, November 30, 2020, 12:57:56 PM EST, Boyer, Sheila (Courts) <sheila.boyer@delaware.gov> wrote:

Thank you, Katrina –

You have detailed everything perfectly. Since Vice Chancellor Fioravanti is assigned to this case to hear the Exceptions to Master's Report part of this case, anything having to do with those documents, or correspondence to Vice Chancellor Fioravanti, need only be sent to his Case Manager, Brenda McKinnon – and/or to the Register in Chancery in Wilmington – mailing address is shown below with my signature block.

Sheila

Sheila L. Boyer

Judicial Case Management Supervisor

Register in Chancery Wilmington

500 N. King Street, Suite 11600

Wilmington, DE 19801

302-255-0552

From: Kruger, Katrina (Courts) <Katrina.Kruger@delaware.gov>
Sent: Monday, November 30, 2020 12:48 PM
To: Meg Kelly <meghankellyesq@yahoo.com>; Simmons, Arline (Courts) <Arline.Simmons@delaware.gov>; McKinnon, Brenda (Courts) <Brenda.McKinnon@delaware.gov>; Boyer, Sheila (Courts) <Sheila.Boyer@delaware.gov>
Cc: Bauer, Cecelia (Courts) <Cecelia.Bauer@delaware.gov>
Subject: RE: Meg v Trump Case 2020-0809 -PWG/letter Requesting permission to exceed the Rule 171(f) word limit

Hi Meg,

Just to make sure I got this correct. I received the Letter to Vice Chancellor Fioravanti asking to exceed the word count and also the certificate of service in today's mail. According to your email below, you also sent BOTH documents to the Register's Office in New Castle County. Is that correct? I am including in this email Brenda McKinnon, the case manager to the Vice Chancellor, and also Sheila Boyer, office manager, in the event that Brenda is out of the office. There is no need for both counties to docket the same thing. It currently is not on the docket. I will go ahead and efile both documents. ALSO, you need to wait and see how the judge rules before mailing the brief for anyone to efile.

From this point forward, it is best to send the filings to just *one office*. Since this is now assigned to a judge in New Castle County, mail the documents upstate and bypass the Sussex County office altogether. Otherwise it gets too confusing. If Brenda or Sheila feel differently, they will advise in this email chain.

Thanks,

Katrina

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Monday, November 30, 2020 12:15 PM
To: Simmons, Arline (Courts) <Arline.Simmons@delaware.gov>; Kruger, Katrina (Courts)

<Katrina.Kruger@delaware.gov>
Subject: Meg v Trump Case 2020-0809 -PWG/letter Requesting permission to exceed the Rule 171(f) word limit

Good morning,

I hope you are safe and well.

I wanted to give you a head's up. On Friday, I mailed the attached letter requesting permission to exceed the Chancery Court Rule 171(f) Rule word limit for briefs and the related certificate of service to Defendant Barr.

Could you please confirm receipt, once it is docketed?

I see in under Rule 171(c) that I merely have to drop off the brief to the Court, and the Court will mail it to the upper DE Vice Chancellor. This is weird for me. I am learning it is unusual for you too. I really appreciate your time and assistance even more. Thank you.

I actually mailed the letter and the certificate of receipt to the upper Delaware Court and your court too. So, you may not have to mail what I sent if he confirms receipt or dockets it first. Sorry for mailing it to both courts.

Thank you. Have a great day.

Very truly,

Meg

October 19, 2020

Court of Chancery Courthouse
34 The Circle
Georgetown, DE 19947

RE: Meghan Kelly v. United States, President of the United States, Defendant, Donald Trump, a.k.a. Donald J. Trump, a.k.a. President Trump, a.k.a. President Donald Trump, his official capacity as President of the United States, No. 2020-0809- Master PWG
Plaintiff Not officer of the Court/Economic Crash/Forum

Dear Honorable Master Griffin:

Thank you for taking the case.

I am not an attorney advocate in this case. I am without the insulation and protection of counsel. I am a pro se litigant. I am the party, not the party's counsel. If I was a mere attorney, an officer of the Court, as opposed to the party, it would be different. Lawyers are permitted to talk to judges, but not on matters relating to matters, ex parte. I am not allowed to talk to you ex parte period.

The court's staff adds a buffer, and are not the Judge on the case.

It is strange for the staff, and for me. For instance, I could not share the rules that required 60 day notice instead of 20 days notice to the staff ex parte to give to you, even though I had them in my hand, and the staff kindly said she could take them.

Instead, I must communicate with the defense counsel simultaneously, electronically, or by mail while speaking directly to this honorable Court.

I do not know whether this case will remain in this Court or be removed to federal Court. This area heavily supports President Trump. One of Defendant's biggest campaign contributors allegedly lives in Sussex, and Delaware's liason for President Trump, Rob Arlett, lives in Sussex.

Although I am cognizant of the pro Trump atmosphere in this county, I have faith in the fair impartial rule of law by this Honorable Court.

The federal courts are more of a concern for me. The President's sister presided as a judge in the Third Circuit until recently. In addition, the President placed two Third Circuit judges on his list of potential nominees for Supreme Court, creating a concern that the federal judges may be biased toward their colleagues' potential nominations at the death of the next Supreme Court justice, Justice Hardiman and Justice Phipps.

I believe this Honorable Court, from the smallest state, has more power to save the country than the Supreme Court.

This is the corporate capital of the globe.

The biggest government expense globally is healthcare. (See the web site cited in Second Amended Complaint ("SAC"), Count 234). The US spends more money on social security and healthcare than any other sector.

That fact is often hidden by discretionary charts, instead of mandatory spending charts. The US now must pay out more.

The country and the globe have the biggest bill in the history of the world that has fallen due, healthcare and retirement for the baby boomers. Those who value money more than humanity are seeking to get out of paying this earned and owed debt, by bad business. Bad business, made to fail, made to bail out or bankrupt as directors continue to collect hefty salaries and potential bonuses, should not be rewarded by the government for the profit of the few at the expense of the many. (See, SAC, Counts 229-286)

Directors have the power to artificially inflate stocks through stock buy backs. Entities may resell worthless debt in bankruptcy remote entities into infinity while creating the illusion the economy is above water. I used to draft these bankruptcy remote entities at RLF, Delaware's largest home-grown corporate law firm.

With regard to business bailouts and business incentives, creating artificial debt and charging interest to give to businesses to enslave the people to desperate conditions to require the people pay debt back is the sin of inequity and oppression, arguably violating the 13th Amendment by creating wage slaves, or forced volunteering.

Creating jobs is not helping the people. (See, Romans 4:4. "Now to the one who works, wages are not credited as a gift but as an obligation.")

Creating jobs is not a gift.

It is exploiting the people to serve those who already profited at their expense with bail outs and incentives, under the deception of doing people a favor by employment.

Soon we will see entities exploit people in a different way only to gain praise by those they oppress, by the elimination of welfare such as social security and medicare, and replacing it with charity violating Matthew 6 misleading people to hell.

This Honorable Court is the only Court in the world that can prevent a global economic crash, while saving government pensions, retirement, social security, lives' savings and Medicare by cutting through the corporate veil of entities to hold those people, directors or otherwise, responsible for made to fail, made to profit from, bad business.

Misleaders and deceivers exacerbate desperate conditions to exploit those they are charged to serve for self-gain. Leaders look after those they serve by alleviating desperate conditions.

This Court is the king of corporate law. Now we need this Court to be a servant leader by slicing the ill gained fat of a few to save the many.

Years ago, I negotiated for a really cool lawyer tool either from Westlaw or Lexis that gave me people and entity's information, including people's social security numbers, except the last two, which is scary because you could go upstairs in the Superior Court and get the last two numbers for Defendants.

The source provided relationships with other people and entities, including entity information in other countries relating to entities here.

Lawyers now have the means to cut through entity shells. The Court is powerless to save the world if lawyers do not have the courage to ask.

I am grateful for the opportunity to be heard.

Please find additional hearing exhibits, to include with the exhibits to the complaint, and a filing list.

Thank you,

Meghan Kelly
Pro Se
34012 Shawnee Drive
Dagsboro, DE 19939
(Words 1000)

SOLACE and LAC

From: Carol Waldhauser (cwaldhauser@de-lap.org)

To: meghankellyesq@yahoo.com

Cc: emkiesel@aol.com

Date: Monday, May 24, 2021, 11:58 AM EDT

Meghan:

Please find attached a self-explanatory letter.

Please contact us within the next 10 days regarding it.

Thank you.

Carol

Carol P. Waldhauser, Executive Director

The Delaware Lawyers Assistance Program

(DE-LAP)

405 N. King Street, Suite 100B

Wilmington, DE 19801

(302) 777-0124

Cell: (410) 409-8874

cwaldhauser@de-lap.org

www.de-lap.org

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-Carol P. Waldhauser, Executive Director

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2021_05_24_11_52_37.pdf
296.6kB

2021_05_24_11_53_47.pdf
678.2kB

Lawyers Assistance Program

Carol P. Waldhauser, Executive Director
The Renaissance Centre
405 N. King Street, Suite 100 B
Wilmington, Delaware 19801
www.de-lap.rog

Private: (302) 777-0124
Toll Free: 877-243-3527
Fax: (302) 658-5212
cwaldhauser@de-lap.org

MAY 24, 2021

CONFIDENTIAL

Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE. 19939

Dear Meghan:

We understand that you may be experiencing some financial difficulties with regard to license fees, etc. As a member of the Delaware Bar we care about you. For that reason, we are reaching out, confidentially, to see if we might be able to offer assistance to you.

The Delaware Lawyers Assistance Program, The SOLACE Committee, The Delaware Lawyers Assistance Fund and the Professional Guidance Committee all provide support to attorneys who may need resources for basic needs, as well as referral options as needed or required. Again, these services are free and confidential.

To better understand, how we can assist, we want to meet with you - either virtually - or in person. Do you have WIFI available where we might meet virtually? Or in the alternative, are you able to come in Georgetown to meet? Once again, this is confidential, and we would like to be able to explore our resources and determine if our services can help you.

So please, reach out to us either by e-mail or phone. Our information is: Carol cwaldhauser@de-lap.org and/or Eleanor can be reached at emkiesel@aol.com,, or call Carol at DE-LAP 302-777-0124. We hope that you can connect with us and see if our resources and/or referrals can assist you Remember, DE-LAP is a Confidential, Free, Non-Judgmental Service Just for Delaware Lawyers and Judges. Equally important, we do together what need not be done alone!

Very truly yours,

Eleanor M. Kiesel, Esquire, PhD, Lawyers Assistance Committee

Carol Waldhauser, Executive Director, Lawyers Assistance Program (DE-LAP)

Electronically forwarded with encls: meghankellyesq@yahoo.com

A-5

IN THE SUPREME COURT OF THE STATE OF DELAWARE

Meghan Kelly, Plaintiff Below, Appellant, v. Donald Trump, a.k.a. Donald J. Trump, a.k.a. President Trump a.k.a. President Donald Trump, in his official capacity as President of the United States Defendant Below, Appellant,	)	No. 119, 2021

APPELLANT'S MOTION FOR THE DELAWARE SUPREME COURT TO REQUIRE THE RECUSAL OF THE HONORABLE CHIEF JUSTICE COLLINS J. SEITZ, JUNIOR IN THIS MATTER

1. I, Meghan Kelly, pro se appellant, unopposed, having been granted in forma pauperis relief, move this honorable Delaware Supreme Court, unopposed, move to recuse the Honorable Chief Justice Collins J. Seitz, Junior ("Chief Justice Seitz") from participating in review of my case, requiring delegation to the other honorable Justices.

2. On about May 25, 2021, I sent the honorable Court *Appellant's (unopposed) Motion to guide or reign in the arms of the Delaware Supreme Court,*

or for other relief this Court deems just, (the "motion"), incorporated herein as if included in the first instance. I suggested private guidance. Motion at 1, 37, 38.

3. One of the allegations in the motion was concerning De-Lapp's response to a request for a suspension of bar fees to serve De-Lapp's purpose not to help to pay any fee since I paid such fees. Motion at 24 -30. Attached please find my receipt of payment of the Bar registration fee, incorporated as an exhibit, as if expressly stated herein.

4. I attached the May 24, 2021 attack letter as an exhibit to the motion, and incorporate it herein as if included as part of the motion.

5. In the May 24, 2021 attack letter, Carol Waldauser and Eleanor Kiesel state, "We understand that you may be experiencing some financial difficulties with regard to license fees."

6. The only person who knew I made a request for suspension of Attorney Registration of license fees is Chief Justice Seitz, since I made the request to him, and Mark Vavala.

7. I reached out to Mark Vavala ("Mark") per the emails, attached herein and included and incorporated herewith as if alleged as part of this motion ("Emails"), admitted under the state of mind exceptions, belief and admissions. See Exhibit, the Emails.

8. I turned to Mark for guidance, as he has always treated me as a judge should, with respect regardless of poverty, religious belief or association, as to requesting relief for attorney registration fees.

9. In the past I turned to Mark when he was a commissioner when Cathy Marshall, the former Supreme Court Clerk treated me with great cruelty and disregard for humanity for cost and convenience, reflecting the image of Satan with regard to unbending rules and penalties regarding the rather unsafe requirement of registration online and by required use of emails during a heightened time of increased threats to electronic hacks.[1]

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[1] I am trying to persuade US Attorney General Garland to close the back doors on electronic devices President Bush Junior opened up under the guise of safety from terrorism. Bush opened the door to economic, speech and privacy attacks, making the entire globe less safe, especially with regards to health data, health insurance hacks and systems in recent years. Our information is more easily manipulated making us believe we are safe when the pandemic may not be waning as much as suspected. Please note, worldometer has not been reporting all states in its data but has excluded about ten states every day for the past two weeks. I suspect it is being manipulated, hacked, to market the vaccine as working better than it is. I have checked worldometer every day for over a year. They included most states every other day. This is strikingly concerning to me. See, Dckt 71, Exhibit E, Exhibit 26, copy of the web site worldometer, to show healthcare is the biggest global money maker and expense.
Bush sold our freedoms for money by opening the door to those who will kill, steal and destroy or diminish freedoms and lives to gain more material gain. Freedom is not for sale. People are not for sale, to those who require they pay for freedom. People are priceless not price tags, worthy of protection by this Court. Throwing money at a problem or grants is never the solution. Neither is money given to government agencies without strings attached. The spend it as you see fit or lose it provisions reward waste. Strings attached to laws must be tied with all government money offering guidance for good not evil greed, the mark of the

damned. The desire for more government money for government partnered entities under the guise of charity or otherwise, including churches, is the problem. Business greed, to use for the study of things, science to manipulate to gain grants or business profit for something different or for a different fix instead of removing the problem should end. Entities are rewarded with more money by not resolving the problem. Government must fund itself, not pay bribes to entities which per se try to get as much as they can for as little as they can. Then, such entities may supplement with fundraising and charity which I believe damns people to hell. Schools, sports and the post offices would be fully funded if the government paid bills instead of bribes. Children learn to go the way to hell by learning early to rely on associations and organizations, artificial entities without hearts, that run on the mark of the beast to represent their interests, instead of choosing to use their own brains to think, to care, to know, to love, individually and specially, as the treasure they are. We lose treasures to hell. Children are forced to fundraise for sports and schools which will damn them to hell should they not unharden their heads and learn such evil is bad, all to pay bribes of government agents to serve their interest. Property taxes should not be increased to fund government bribes, thereby creating disparate treatment by zip code, based on home values in violation of the Equal Protections Clause applicable to the states via the Fourteenth Amendment, with no rationally related purpose. The government would decrease waste, create a more fair, equal and just union if government employees, including Presidents and law makers, did their jobs instead of exploiting tasks to serve government agents personal interest including but not limited to getting out of work or liability, while arguably creating artificial debt in violation of the 13th amendment to serve greed not need, by paying entities to profit off of its government duties at a greater bill to its people in terms of not merely monetary loss but loss of constitutional freedoms. It is an abomination. The government itself is a heartless beast should the agents not use their power to individually use their free will, their brains, to think, to care, to know, to love people, instead of acting as heartless robots going through mechanical motions of a system. Then brainlessly blaming the system, instead of themselves, for problems they cared naught to address.

I digress, government funding for science is bad and a black hole, that should be closed from sucking the life blood and souls out of humanity by indentured servitude to feed unsatiable greed by entities without hearts. Just laws, just policies and justice in the courts is the solution to close the black hole. The government rewards businesses for made to break, made to repair and replace products, polluting in the production and polluting with replaced parts and products in the landfills. The US through its unjust decrees, including but not limited to the UCC, tax code wrote offs and insurance laws is the reason why the

world is so polluted. China would not make made to break, service and replace products if our courts and laws did not reward such, instead of made to last goods, decreasing polluting in production and in parts. Money is never the solution, since it rewards misbehavior, to create the endless lust for greed to make something different, or use of a product for a different function, not made to last, not made to work. Science is the study of things. When the pupils, doctors and scientists declare themselves to be the masters of the universe on a subject, the experts, or knowing the answers, they are per se stupid, and defeat science. Science, after all, is the mere study of things, not the master of things as defined by the scientific method with built in recognized uncertainties called variables, unknown and known. Meaning possible error, not knowing everything, is declared as part of the scientific method. Learning is good, but manipulating data while using good science, retrieved from tests for self-gain, not knowledge, is deceptive and wicked. Our government appears to be partnered with private industries, not for profits, businesses, and churches, by bought or bartered for bribes, in exchange for loyalty or backing of elections, paid with money taken from being used for the people's need, government infrastructure, not Biden's bad plan either, to be used to pay entities to perform the government's job because the government employees evade responsibility of working and blame for expenditures and plans not working, grants and bailouts to exploit the problem to waste money and cause harm to the world for self-gain, by creating industries to profit off of the problems instead of correcting the problem by making the world more safe by closing the back doors in electronics, including but not limited to making lawyers money by adding an unnecessary additional field, insurance companies, fields for miners who sell our data, anti-virus software companies. I am still brainstorming constitutional and criminal theories to persuade the US AG Garland to save us regarding foreseeable looming threats not by people but by entities without hearts, businesses, LLCs and such, by protecting our freedom of speech without government sponsored or encouraged threats against privacy or speech, and a potential 13th amendment argument regarding artificial debt which is a sin against God in the old testament especially, called inequity and will damn the perpetrators to hell despite their stupidity and ignorance. See, Matthew 13, Hosea 4:6. It is no small matter. It is a matter of heaven and hell. The Bible teaches people go to hell for misunderstanding evil for good and good for evil. Not knowing can kill you eternally. You have to care to think, care to know, care to love to escape the fire of the second death at the resurrection of the dead the last day. You must use you free will, your brain, not your belly, meaning your desires. *Philippians* 3:19, "Their end is destruction, their god is their belly (meaning their appetites, their desires), and they glory in their shame, with minds set on earthly things." I argued

that Trump does not use his brain, but is reigned by his desires, the mark of the beast, the whore, the damned, the mark sadly most of humanity has should they not erase that mark before it is too late and they are dead. See Dckt 60 at 21,94,123, 124, 413. Trump is reigned by desires, emotions, instead of laying down his desires, to care to think to love others, by sacrificing to self. I am pointing this out to confirm believe not using your brain to think, to care, to love, is sin.

As a licensed teacher, previously substituting in the schools, I tried to teach kids they were loved and respected no matter whether they failed or succeeded, and to love and respect one another regardless as to whether others succeed or fail. I taught them to think for themselves, instead of writing what they thought I wanted to hear. I taught them their diverse unique view made us all smarter, by shedding light on a different perspective. I tried to teach kids the way to heaven young by Jesus's new command in John, to love one another, without violating the separation of church and state, without using God's name or bible verses in vain. I am pointing this out as I try to live my faith, live my religious beliefs by doing the will of God, through understanding Jesus's words. I believe Jesus is not kidding.

I also have ideas on how Attorney General Merrick Garland can safeguard the right to vote, and eliminate the temptations for law makers to create unjust decrees and policies by removing three temptations to do so, eliminating money in politics, ending entity and private backing with money, by allowing the people to more equally and freely, not by purchase of support or opposing a candidate by the only equal, fair, free form, the vote.

Our laws fund grants for science that serve greed, the bottom line, not learning or truth to improve societal conditions. Our tax laws, grant policies and other laws increase temptations to make made to break, made to replace, polluting in the production, and polluting by throwing away replaced parts and products in landfills into infinity, to gain more money by selling replacement parts or products. More grants are given out for some different research. Greed for money is rewarded, driving out love for humanity leading to exploitation of the people and the environment, and I believe damnation in hell.

Additionally, our health care harms health to make people feel better, by feeling nothing, or by masking the ailment, often inhibiting people's faculties, their ability to use their free will, their brain, their mind, I believe guaranteeing their damnation in hell. I believe eternity is determined at the last day of your life. (See, Docket 77, Exhibit F, Exhibit 43, Article I drafted and factors relating to my passion to improve healthcare, to care for the sick and elderly's health, not destroy health by comfort care, eliminating the pain by causing patients to feel nothing, like vegetables, often inhibiting their free will which I believe they need to use to go to heaven, likely misleading the sick and elderly to hell, which breaks my heart, 1.

10. Mark is not hard headed, hard hearted or hard handed. He understands the rules are there to serve humanity, not exploit humanity for the cost

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Coastal Point, Guest Column, *Representative candidate says health is wealth*, By Meghan Kelly, Esq., Candidate Delaware House of Representatives, 38th District, 2. Document, "*Your Health is your Wealth You are Priceless. Not a price tag*! Kelly seeks Federal Consideration of Health Care Proposal, 3. Meghan Kelly's teaching certificate, which goes to credibility. I learned psychology and behavior theories like BF Skinner's. I also am licensed to teach health so I know something about health. 4. Meghan Kelly's redacted law school transcript to show she took a course Health Care Finance and the course Law and Medicine while attending Duquesne School of Law. 5. Meghan Kelly's redacted undergraduate college transcript to show she took relevant courses related to

a. History of Western Medicine
b. Economics
c. Medieval Philosophy
d. Psychology courses

6. Evidence of surgery that requires I drink water, rest and eat so I do not faint or die due to dehydration when I have my period. I lose five pounds every month. This is still a challenge. I must assert my right to live because many people serve Satan by not wanting to be inconvenienced to care to adapt to safeguard my life, or the lives and health of others.)

Drugging the elderly and sick people up so they cannot use their free will to choose to think, to care, to know, to love removes their freedom of conscience to choose the way to eternal life.

It is healthcare, not comfort care, deceiving people to believe you are healing them only to be killing them in this life and the next by concealing pain. At this time, I may not have standing with these unrelated issues, but the Attorney General may have standing down the line. It is noteable, about 33 billion has been misused for years via NIH for bad healthcare that cares less about patients' health and more about entities' wealth.

Without protecting freedom of conscience, none are free, none have liberty, all are controlled by the forced will of heartless beasts, organizations and entities, even government, to serve what I argue is the mark of the beast, business greed. We must allow our judges to use their brain, their free will too, to think, to care, to love, instead of robotically adhering as troops in a war, where they no longer lead but are misled by heartless beasts that rule over them.

and convenience by those who wield government power. See *Matthew* 23:11, regarding Jesus's claim leaders are servants. I believe servants of self are misleaders and deceivers, who exploit those they are charged to serve to serve those who serve them thereby serving themselves, reflecting the image of Satan, aka children of the devil not choosing to be saved from the fire the last day by laying down their desires to care to love those outside their own, specifically those who inconvenience them, and their greed by need. See, *John* 8:47, 1 *John* 3:10-11, *Acts* 13:10, *Matthew* 13:38, regarding children of devil.

11. I thought I sinned against God by forgetting to look after Mark's daughter, an attorney within the arms of the ODC. I thought Mark's kid may have lost her job at the ODC, with the news of a new hiring at the ODC, because her father helped me in the form of guidance with regard to requesting a suspension or waiver of attorney fees from the Honorable Supreme Court by official request to Chief Justice Seitz. See Emails.

12. I realized the only two people on the planet aware of my request for the waiver are Chief Justice Seitz and Mark Vavala per that revelation in the E-mail. See Emails

13. In my horror and great sadness, I confronted Mark to determine whether he "threw me under the bus." Citing Emails. I quickly confronted him to determine the worst possible scenario to eliminate any doubt that may tarnish a

professional relationship based on mutual respect for the dignity of all, even one another.

14. I tested him. Mark did not instigate the ODC and DE-Lapp attacks. See Emails.

15. Besides passing the test, I trust Mark Vavala as a former judge, a commissioner, without partiality based on self-interest. I sought Mark's help for years to gain his wisdom and kind guidance. He is smart and wise, and unafraid of tough questions, because he answers honestly with integrity, even with the honest response, I don't know.

16. The conclusion Mark Vavala was not the perpetrator of potential abuse me, led me to determine that Chief Justice Seitz may have instigated the abuse by De-Lapp and the ODC.

17. The interest for fees for an arm may have tarnished Chief Justice's vision as I noted in my motion, the Supreme Court itself may have instigated the abuse. Motion at 25.

18. Far worse, the Chief Justice may have instigated attacks by the ODC and De-Lapp discussed in my motion because my second request relating to waiving attorney registration fees is based on and intertwined with religious arguments in violation of my free exercise and the RFRA which applies to state agents too, including judges and judges' agents, its arms, ODC, De-Lapp, and their

agents, foreseeably impeding and obstructing my access to the Courts in this proceeding.

19. I must correct my allegation at Motion at 25. I was blinded by my desire to persuade this court to save the world by saving me in my case, and possibly other matters, even if the court does not want to. Jesus says if we believe we can move mountains, we will move them. Citing Jesus, Mark 11:23. I believe I have an opportunity, not a guarantee, that I may move a mountain by moving this Court's justices' hearts to be our heroes. Mountains after all means impediments on our hearts, temptations to sin by comfort, costs and convenience instead of doing what is right. Id., (See, *Luke* 8:10. Jesus speaks in parables so only those who seek his will instead of their own or the mere will of man understand what Jesus says by mountains and in general. Others do not choose to use their brains, their free will, to understand God's will, God's plan which is love. They, instead, willfully are blinded by worldly temptations and do not use their brains to think, to care to know, to care to love in truth, not lust, not covetousness based on lies.)

20. I forgot, this court did answer my first request for a suspension of fees relating to attorney registration based on unemployment or financial impediment. I am including the response attached to and incorporated therewith as an exhibit. See, the Court's response attached hereto.

21. In a letter dated February 2, 2021 the Court responded, "The Court acknowledges receipt of (my) letter dated January 7, 2021, wherein (I) request that the attorney registration fees for lawyers out of work due to the pandemic be waived.

22. I responded per the attached February 5, 2021 letter, attached hereto and incorporated herewith in toto, as an Exhibit. I provide in part:

> "Thank you for the February 2, 2021 letter in which the Court indicated it would consider requests for waivers of attorney fees on a case by case basis, by formal request.
> My concern, is accepting applications for waivers on a case by case basis violates the Equal Protections Clause applicable to the State's agencies, even the courts via the 14th Amendment, by disparate treatment within a class. I am likely not the only one out of work due to the pandemic. Others are struggling too. A case by case determination would likely be per se unconstitutional.
> I will likely never have standing to stand up for those similarly situated with myself. Yet, if I made such a request, I would be asking the Court to treat me with preference instead of impartiality as required by law.
> My conscience may not allow me to make such a request, tempting this Honorable Court to misbehave to serve my own gain.
> I can, however, request that all fees for attorney registrations be the same regardless of years barred. So, I am making such a request for future consideration for 2022 and beyond. Please treat all lawyers the same by requiring the same lawyer registration fee for every lawyer, without persecution towards attorneys with more years of experience by an increased fee. There is no rational basis for an increase in lawyer's fees based on number of years, except the desire for more money.
> It is wrong to assume the longer you have been barred, the more money you have or must pay.
> I am saddened when I see unjust decrees and policies based on the love of money, desire for money, at the cost of driving out the love for humanity, the people the state serves.
> On an aside, the reason why I became a lawyer is my faith in Jesus Christ. Justice in the Courts is a command by God. See Amos 5:15. Jesus Christ

taught that "justice, mercy, and faithfulness" are more important commands. Matthew 23:23.

23. In my second request relating to attorney fees, dated February 5, 2021, I go on to discuss more religious concerns therein.

24. I note, Mark Vavala in the Email exhibits noted 5 other attorneys reached out to him regarding attorney fee cost issues.

25. Imagine how many other lawyers may be struggling due to the pandemic, possibly catching the sickness or caring for a loved one or merely life's struggles unforeseeably hampering lawyer's capability to pay the Registration fee.

26. Such case by case application creates disparate treatment by the hidden reign of lusts or likes as it suits the judges interests, not the impartial rule of law, without selective application.

27. The Court should create a form that permits lawyers without the ability to pay to waive such fees, to automatically apply for waiver based on debt or financial burden, and such waivers should be freely given, instead of enslaving already financially desperate people with additional pressure.

28. No one is above the law. No one is below the law, not even judges who administer the laws. Judges must maintain their independence from self interest, and their appearance of independence.

27. "The Founders rejected the medieval myth that sovereign (rulers, even judges and Presidents) are anointed by God to rule over them. The Founders laid a

new foundation for our country, based not on the lie of divine right, (but by free choice, the free will of the people based on the universal belief that) all people are created equal and all just powers are derived from the consent of the governed. They changed the very source and nature of Law. Law does not emerge from the mouth of a king but rather the votes of the freely chosen representations of the people," with limited, not absolute power, limited by the Constitution by the Courts. Citing, Duquesne Lawyer, *The Rule of Law, the Constitution and Democracy,* by Wilson Huhn, Professor of Law, Spring 2021 Edition.

28. Partiality and the appearance of impartiality must be maintained in my case to protect the integrity of the courts.

29. I seek to protect the judiciary.

30. To maintain the integrity of the three branches of government.

31. In this United States, the Founders created checks and balances to prevent and fix branch overreach. The fact a check is made, means the system is focused on maintaining a more equal, fair, just union. Humans with hearts are in control and in charge of choosing to maintain, and service the checks on the executive, judicial and legislative branches, like a car in need of oil to run better. People must choose to use their brain to care to think, to care to know, to care to love humanity, instead of comfort, convenience and cost by avoiding tune ups in our system of government.

32. The fact I seek correction will not prevent me from seeking protection of the same system I am seeking to tune up through law suits, to prevent the engine of our nation from failing us, the impartial rule of law.

33. The Courts can uphold the integrity, encourage faith in the system by having the humility to understand it is run by imperfect people in need of guidance through checks and balances, the executive branch, the legislative branch and even the judiciary.

34. In addition, my little cousin, Ikey Adams, a family member, is a partner in Sidley Austin, in DC, where Chief Justice Seitz's daughter appears to work too.

34. These two issues, as to who instigating the government threats via the ODC and De-Lapp, and the familial relations, create the appearance of partiality, or bias that may blemish a rather historical case, should this Court allow me to go forward with arguments.

35. The President(s) need the court's heavy hand of loving guidance to reign in the Presidents' abuse and misuse of power and government funding by dissolving the establishment of government-religion. President Bush Junior, President Obama, President Trump, and President Biden all misbehaved, and misbehavior will continue well past their fleeting lives, should this court fail to declare the Presidents are not above the Constitution. Sovereign immunity seems

to be waived for RFRA claims per the Supreme Court against officials, including the President. *Tanzin v. Tanvir*, 141 S. Ct. 486, 208 L. Ed. 2d 295 (2020)

36. I respectfully request that the Honorable Chief Justice be recused from deciding this case.

May 28, 2021

Respectfully Submitted,

/s/ Meghan Kelly
Meghan Kelly
34012 Shawnee Drive
Dagsboro, DE 19939
pro se, as a party, not an attorney advocate
meghankellyesq@yahoo.com

EXHIBITS THERETO

Transaction Receipt from Delaware Supreme Court Attorney Registration for $353.00 (USD)

From: Auto-Receipt (noreply@mail.authorize.net)

To: Meghankellyesq@yahoo.com

Date: Saturday, February 6, 2021, 01:38 PM EST

Description: Annual Registration [e7f2e41f-a6bd-4e7b-bfab-9d5f3858b75f]

Billing Information
Meghan Kelly
19939
Meghankellyesq@yahoo.com

Shipping Information

Total: $353.00 (USD)

Date/Time:	6-Feb-2021 10:38:16 PST
Transaction ID:	62839723216
Payment Method:	Visa xxxx9775
Transaction Type:	Purchase
Auth Code:	748294

Delaware Supreme Court Attorney Registration
Wilmington, DE 19801
US
teros@doelegal.com

Re: Nick of time response/Glad your kid is okRe: Your kid/meg worried

From: Meg Kelly (meghankellyesq@yahoo.com)

To: mvavala@dsba.org

Date: Thursday, May 27, 2021, 02:19 PM EDT

Thank you Mark.

Please remain uninvolved, as I might have to seek further action, and state agents may get in trouble. Please remain uninvolved, even with your child.

I am grateful, she has her job.

This is a serious matter.

Very truly,
Meg

On Thursday, May 27, 2021, 01:24:20 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Meg, I won't be involved in whatever transpires. As for my knowing your situation, there have been at least five other members who have approached me since COVID who needed assistance in some form and were in financial difficulties. I didn't refer anyone who contacted me to either ODC or DE-LAP, so I really don't know anything more.

Again, you will remain in my prayers.

Mark

Mark S. Vavala, Esq.,

Executive Director,

Delaware State Bar Association

405 N. King Street, Suite 100

Wilmington, DE 19801

(302) 658-5279 (office)

(302) 658-5212 (fax)

www.dsba.org

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Thursday, May 27, 2021 1:12 PM
To: Mark Vavala <MVavala@dsba.org>
Subject: Re: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Mark

You are the only one in the world, other than the Supreme Court who knew of my waiver. I am disappointed. I sought relief from the Delaware Supreme Court to make both the ODC and DE-Lapp desist. Please refrain from participating further. It is in the Supreme Court's hands now, whether my order will be granted or denied.

Thank you,

Meg

On Thursday, May 27, 2021, 12:10:15 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi Meg. I don't know what you are referring to. I didn't submit your name to any ODC/DE-LAP matter at all. My correspondences with you have always been cordial. I saw the letter you sent as a copy in your last email and that was the first time I saw DE-LAP had contacted you. Carol and I have a good working relationship and I respect all she does to help out attorneys, but she keeps her matters confidential from me. If it is something else I did, please let me know as I take seriously any accusation that I threw someone under the bus. I know how hard you work and how passionate you are about your issues.

That being said, if DE-LAP reaches out, then someone did suggest you needed help and I encourage everyone to go that route rather than having ODC get your case. Carol is confidential and has helped a lot of attorneys...not just those who need help, but those who have been referred unnecessarily and having her in your corner is great. She works tirelessly to make sure that people don't run into trouble.

Again, though, I see that as your personal right to make that choice.

Please take care,

Mark

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From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Thursday, May 27, 2021 8:34 AM
To: Mark Vavala <MVavala@dsba.org>; Meg Kelly <meghankellyesq@yahoo.com>
Subject: Fw: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Mark,

Maybe you threw me under the bus for self interest because I asked for help in the past? I am disappointed.

Please do better by refraining from participating in burdening my first amendment freedoms in my suit, my free exercise of religious beliefs, freedom of conscience from substantial burden by persecution by the forced will of the state through its arms to serve money and material gain, not good by love and respect for humanity, instead exploitation to serve self interest by the mere fact I choose to live God's will

Thank you,

Meg

----- Forwarded Message -----

From: Meg Kelly <meghankellyesq@yahoo.com>

To: Mark Vavala <mvavala@dsba.org>

Sent: Thursday, May 27, 2021, 07:55:17 AM EDT

Subject: Nick of time response/Glad your kid is okRe: Your kid/meg worried

Hi Mark,

Thank you for writing back as I was going to draft something to look after your kid.

I sent a motion for the supreme court to rein in its arms. I actually retained the new ODC guy in a case as an arbitrator. He should know better than to unlawfully interfere.

I am reviewing a slew of executive orders where I see Bush Junior, Obama, Trump, and Biden all misbehaved. In particular Bush Junior talked about deregulating obstacles meaning the free exercise clause in 3 or more of his orders to pay churches to perform government work in a whored, bought or bartered, bribed union of church and state to essentially whore churches to the state, the blasphemous backing by buying the appearance of backing of God. This is an abomination.

I digress, Biden misbehaved in his Feb 14 executive order by talking about preserving the free exercise clause while destroying the same by continuing to purchase churches bough, bartered for, bribed, backing not free but bought, for services to perform government work, causing inefficiencies guaranteed. The churches create the illusion of charity but they serve business greed and supplement with fundraising which as you know I believe damns people to hell as not true charity by teaching deception as truth. Business greed is not true charity per Jesus Matthew 6:1-5, but is the mark of children of the devil, the beast, should they not wash away such inequity and be made clean.

The root of the religious dissention we have seen in our country in recent years is the love of money not the love of any God. Trump merely watered it, allowing it to pierce through the surface with unholy weeds. (biblical reference weeds). I see federal servants speaking of global war, using my God as Mickey mouse mascot for war profit, exploiting the pandemic. That is not okay. The courts are my hope for a hero to correct and prevent harm. They can make Biden behave too. They will be in charge of guiding him to do good, by love of humanity, not evil, by love of funding and money at the cost of sacrificing troops lives. God desires mercy not sacrifice. Christians go after the 1 and leave the 99 behind. I should fear God should I sacrifice the weak, the sick, the elderly, the vulnerable, the misguided to the wolves to serve the pack. Troops are manipulated like the government's bitches, like dogs by praise and profit to be exploited like call girls for war money, not freedom. I must seek to protect them. You may see my words and deeds as an insult offense, but God teaches it is love to reign in folks from the slaughter. Love is not feeling good. It is actually feeling bad, having a conscience at harm to one's brother, our brother is all of humanity, to lose one to eternal sin, is to lose an irreplaceable treasure forever. Courts can guide the misled back to the narrow way and save souls, if I guide the misled courts to do so. The Supreme Court is hard headed and confused. I must seek to correct them. I am pretty sure my case will go to the Supreme Court eventually if not on this appeal, unless Biden surprises me by agreeing to a stipulation.

I asked the court to stand down its arms.

So, glad you spoke up since I already drafted something and held off on sending it since it was late. Please tell your arms to stand down and stop interfering to prevent escalation. Attached, please find a motion the court received where I respectfully requested your arms stop interfering in my case through threats or otherwise, especially Judge Clark. I was so disappointed in him.

Thank you. Have a good day.

With love and gratitude your kid is okay,

Meg

On Wednesday, May 26, 2021, 07:17:58 PM EDT, Mark Vavala <mvavala@dsba.org> wrote:

Hi Meg. No worries! My daughter moved to New York after working with ODC only for a short while. She wanted to live in Manhattan. My niece Kathy still works at ODC.

Thank you for your kind words. I really hope that you are well and aren't too stressed over all the things you wrote me about last time. I think the last President did some horrible things and I'm hopeful we all get a break from that behavior. It would be nice if everyone just treated each other with compassion and kindness. We never know what someone is going through.

Please take care of yourself. And stay safe.

Mark

From: Meg Kelly <meghankellyesq@yahoo.com>
Sent: Wednesday, May 26, 2021 11:54 AM
To: Mark Vavala <MVavala@dsba.org>
Cc: Meg Kelly <meghankellyesq@yahoo.com>
Subject: Your kid/meg worried

Hi Mark,

You were kind to me, and respected me as a human, even if you did not agree with me over all these years.

Others have not been so kind. Thank you.

I am concerned that your daughter may have lost her job at the ODC, because you were kind, and treated people like me fairly, without disparate treatment based on poverty, religion or political association.

I am sad I did not write anything to the court to address that.

I am sorry people get into trouble in this world for doing the right thing.

I hope your kid is working at another safe place.

Thank you for being a hero by your love for humanity, not sacrificing people for profit or praise. That makes you different.

Love,

Meg

SUPREME COURT OF DELAWARE

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SUPREME COURT BUILDING
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DOVER DE 19901

(302) 739-4155
(302) 739-4156

February 2, 2021

Meghan Marie Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939

Dear Ms. Kelly;

The Court acknowledges receipt of your letter dated January 7, 2021, wherein you request that the attorney registration fees for lawyers out of work due to the pandemic be waived. Attorneys wishing to have the assessment fee waived must file a formal request. The Court will take each request under consideration as received and act appropriately.

Very truly yours,

/s/ Lisa A. Dolph

MEGHAN MARIE KELLY, ESQUIRE
34012 Shawnee Drive
Dagsboro, DE 19939

February 5, 2021

Delaware Supreme Court
55 The Green
Dover, DE 19901

RE: Suspension of lawyer fees/Equal Protections concern/New Request 2022, flat fee for all licensure fees not based on years which is not rationally related to a legitimate purpose, instead arguably may be age discrimination to weed out older lawyers

Dear Honorable Supreme Court Chief Justice Collins J. Seitz, Jr.:

I hope you are healthy and well. Thank you for the February 2, 2021 letter in which the Court indicated it would consider requests for waivers of attorney fees on a case by case basis, by formal request.

My concern, is accepting applications for waivers on a case by case basis violates the Equal Protections Clause applicable to the State's agencies, even the courts via the 14th Amendment, by disparate treatment within a class. I am likely not the only one out of work due to the pandemic. Others are struggling too. A case by case determination would likely be per se unconstitutional.

I will likely never have standing to stand up for those similarly situated with myself. Yet, if I made such a request, I would be asking the Court to treat me with preference instead of impartiality as required by law.

My conscience may not allow me to make such a request, tempting this Honorable Court to misbehave to serve my own gain.

I can, however, request that all fees for attorney registrations be the same regardless of years barred. So, I am making such a request for future consideration for 2022 and beyond. Please treat all lawyers the same by requiring the same lawyer registration fee for every lawyer, without persecution towards attorneys with more years of experience by an increased fee. There is no rational basis for an increase in lawyer's fees based on number of years, except the desire for more money.

It is wrong to assume the longer you have been barred, the more money you have or must pay.

I am saddened when I see unjust decrees and policies based on the love of money, desire for money, at the cost of driving out the love for humanity, the people the state serves.

On an aside, the reason why I became a lawyer is my faith in Jesus Christ. Justice in the Courts is a command by God. See Amos 5:15. Jesus Christ taught that "justice, mercy, and faithfulness" are more important commands. Matthew 23:23.

Just like not all secular laws are afforded the same weight, but are superseded by greater laws for example federal laws preempt and supersede conflicting state laws, not all of God's laws are afforded the same weight but are superseded by the law of love. (See, John 19:11, Jesus told Pilate …" the one who handed me over to you has the **greater** sin."); (See, 1 John 5:17, "All wrongdoing is sin, and there is sin that does not lead to death."); (See, Luke 6:3-4 "Jesus replied, 'Have you not read what David did when he and his companions were hungry? He entered the house of God, took the consecrated bread and gave it to his companions, and ate what is lawful only for the priests to eat.'" King David violated the Levitical laws to live for God. Yet, he was not guilty of wrong doing.); (See Hosea 6:6, Matthew 9:13, Matthew 12:7, Proverbs 21:3, Isaiah 1:11, God desires mercy not sacrifice.); (See, Isaiah 1:13-15 "Bring your worthless offerings no more; your incense is detestable to Me—your New Moons, Sabbaths, and convocations. I cannot endure iniquity in a solemn assembly. 14I hate your New Moons and your appointed feasts. They have become a burden to Me; I am weary of bearing them. When you spread out your hands in prayer, I will hide My eyes from you; even though you multiply your prayers, I will not listen. Your hands are covered with blood."); (See, Matthew 12:1-8, Mark 2: 23:28, and Luke 6:1-5, Jesus picks grain on the Sabbath, allegedly violating

the law of the Sabbath, but not breaking the law.); (See, Matthew 12:9-14, Mark 3:1-6, and Luke 6:6-11, Jesus healed a man with a withered man on the Sabbath); (Luke 13:10-17, Jesus healed a woman with a hurt back on the Sabbath.); (Luke 14:1-6, Jesus healed a man with dropsy on the Sabbath); (John 5:1-9, John 7:21-24, Jesus healed a cripple man, who could not go into a pool of water without help.); (John 9:1-41, Jesus cures a blind man on the Sabbath.).

I believe the courts have the power to save lives and eternal lives. Our nation is in need of a hero. I know that the Courts have no power unless lawyers humble themselves and ask for their help. Now is a time I need my license to practice law the most.

I live in Sussex County where Bible boys gone wild teach anarchy, lawlessness, is freedom. Lawlessness is not freedom, but tyranny by those with money, power and connections without restraint, called laws to stop them from harming others to serve their own.

Some churches are misbehaving by inciting insurrection and disobedience to laws to attend services, which they call Sabbath, to serve their coffers.

Many preach breaking the Sabbath violates Jesus Christ's teachings. Jesus teaches us we break a greater law of love by not safeguarding the

health and valuing the dignity of lives of others, by failing to break the so-called Sabbath to preserve the health and lives of others. Id.

They preach for their own vanity, their own purpose, not to glorify God by his love and mercy. They are confused, and really do not know. They are tempted to break small laws meant for their benefit, to break greater laws by profiting off of the unholy cries for "Gods, guns and freedom." My God is a God of life and love not death for dollars.

Our nation and the world is in trouble. I believe the Courts have the power to be our hero to save us, if we only have the courage to ask.

Things are not ok down here in Sussex. People see evil as good and good as evil.

The government through its agents misbehaves by citing the same passages in the Bible the KKK cites to serve their own gain under the guise of Godliness by violating Jesus's teachings too.

Jesus says there is "no greater sacrifice than to lay down your life for one's friend." John 15:13 Jesus next says "You are my friend if you do what I command you." John 15:14 Jesus commands us to love our enemies, not kill them. Matthew 5:38-48, Luke 6:27–36, Romans 12:14-21, Proverbs 25:21, Exodus 23:4-5. Yet, the military misleads our troops to harm enemies, under the guise of Godliness, but in truth to serve the vanity of

men. The troops are misled to potentially be damned to hell by serving reign by might not right, reign by violence and threat of death like barbarians instead of logic and reason in the courts. See, Hebrews 2:14, the devil has power over death. Jesus came to give life and eternal life. See, John 6:51.

With the acceptance of the cloak of government authority, government servants have fewer freedoms to share their belief and may not condemn nor support a religious belief under the inherent threat of persecution against people for believing differently than those with government authority.

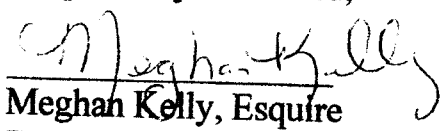
This Court does not have to believe as I do, to safeguard everyone's freedom to worship or not according to the dictates of their own conscience, without government sponsored persecution.

The Supreme Court misbehaves too. Please see the attached. I fear Justice Alito, Justice Kavanaugh and Justice Thomas are confused into believing in sacrificing human life to keep the so-called Sabbath and to serve business greed is keeping the law. They are wrong. They love money not humanity, and will sacrifice those the Constitution protects to serve the almighty dollar under the guise of an almighty God or good. See, Matthew 6:24. I think those justices will go to hell if they are not corrected by our courts or otherwise. Confusion kills. See 2 Corinthians 4:4.

This Court has the power to save lives and eternal lives, even the lives of US Supreme Court justices, via correction with mercy, to prevent condemnation by transforming wrong doers into right doers, by love for one another, not exploitation of one another to serve the love of money.

Thank you for your kind consideration.

Respectfully submitted,



Meghan Kelly, Esquire
Bar # 4968
34012 Shawnee Drive
Dagsboro, DE 19939
(Word Count 1431)

CC: LD, via Email

Smooth as butter is the bible concerning leaders who mislead with sweet nothings Psalm 55:21

Psalm 55:21 "His talk is smooth as butter, yet war is in his heart"

Freedoms are not for sale
Business is not religion
Business Greed is not God

The Supreme Court has before it a case to determine whether a government entity violates the free exercise of religion of a religious business organization by refusing to pay a Catholic agency to foster kids.

I argue it is not. I must confess, the Cake decision in Masterpiece Cakeshop v. Colorado Civil Rights Commission, where a similar issue arose, was as smooth as butter, so easy to swallow. But I realize now, the Honorable Supreme Court's decision is poison in that case too. It just took months to get through my hard head because I was so captivated by the brilliant, persuasive writing of the Supreme Court Justices.

Thank you for allowing me to share some hard to swallow words, that are nourishment to maintaining our freedom from government sponsored private oppression.

The distinguishing element in the Cake case and the one before the Honorable Supreme Court now is performing business by barter or exchange is not freedom, but costs a form of exchange. The critical element is looking at the permission to accept money in the form of business verses lawlessly turning people away, from serving a good or service based on personal religious beliefs or beliefs of conscience. The license to accept money verses the fundamental right to give money for a service or good without being turned away, based on religion, like race, or place of origin, is the critical.

Think of the horrors of our own history that we have overcome, the signs "No Catholics served here," "No Irish," or "No blacks."

Think of Delaware's ugly scar in *William Burton v Wilmington Parking Authority*, 365 U.S. 715 (1961), a government agency wrongfully permitted a business it leased a restaurant building to, to maintain a policy of saying no blacks served here. The Supreme Court kindly, like a loving parent, corrected our own misbehavior Delaware. It is wrong to tell people they may not be served here, even under the guise of God or good.

We have the freedom to worship or not according to the dictates of our own conscience, without government sponsored public or private persecution.

I thought hard about the 13th Amendment, involuntary servitude, and truth clunked in my hard head. Business is not a right. Freedoms are not for sale. Business is not a religion. Business greed is not God.

Businesses should not be in business if they get to turn away certain segments of society. If your religion requires discrimination in the business, you may choose a different business.

Freedom is not for sale. The government misbehaves by endorsing the premise those who do not conform to the beliefs of businessmen, women or entities may be turned away. Will business greed under the guise of Godliness become the religion of many more? Jesus Christ says, "You cannot serve both God and money." Citing, Matthew 6:24. I choose to guide folks to love one another, not exploit others to serve their own for their love and trust in money, as God.

Should the Supreme Court declare the mark of the beast, business greed is God, Congress through the interstate commerce clause has the power to balance, correct the Supreme Court's misbehavior, by passing laws to prevent businesses from turning people away based on religion, or other factors under the guise of religion, such as race, or place of origin.

Thank you for allowing me to share my concerns.

No._____

_____

IN THE SUPREME COURT OF THE UNITED STATES

MEGHAN KELLY, PETITIONER

V.

THE UNITED STATES OF AMERICA, THE PRESIDENT OF THE UNITED STATES, PRESIDENT DONALD TRUMP, RESPONDENT

ON PETITION FOR A WRIT OF CERTIORARI TO

THE DELAWARE SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
Pro Se, not represented by counsel
meghankellyesq@yahoo.com
(302) 390-8266, limited minutes

QUESTIONS PRESENTED

I. Whether failure to serve anyone my Delaware Supreme Court Brief, after the Defendant, President Trump, was removed from office was fatal error, given no relief could be made by Defendant, Former President Trump, since only a sitting President can afford relief, and it was not ripe to move to substitute or serve President Biden without a favorable determination on standing.

II. Whether the Delaware Supreme Court erred in concluding Executive Order 13798 is Constitutional by misapplying arguments related to different executive orders Executive Orders 14015, 13831, 13559, 13198, 13199, 13279, 13342 and 13397, and by overlooking my argument that Executive Order No. 13798, is unconstitutional in violation of the Establishment clause by allowing religions, through churches, temples, mosques or other religious organizations to back government parties or government agents or potential government agents with money, donations, support or otherwise, giving the blasphemous backing of God and religions for the vanity of mere men in place of God, upsetting me with foreseeing physical manifestation of emotional distress including grinding of teeth, tears and at times increased heart pressure, in addition to establishing government religion which substantially burdens my free exercise of religion by those who adopt Trump-religious beliefs.

III. Whether the Delaware Supreme Court erred in concluding the exception, capable of repetition yet evading review did not apply to prevent this

matter to prevent it from being moot since former President Trump may become President, and since President Biden may be substituted for Former President Trump to dissolve government religion to reduce the substantial burden upon my free exercise of religion pursuant to *Religious Freedom Restoration Act*, 42 USCS § 2000bb (1-4), should standing be found.

IV. Pending a favorable determination on standing, whether I should be permitted to continue this suit, by seeking to substitute President Biden for former President Trump in this action to prevent the continued establishment of government-religion by President Biden's continued enforcement of Executive Order 13798 and passage of Executive Orders 14015, and enforcement of related Executive Orders 13831, 13559, 13198, 13199, 13279, 13342 and 13397.

V. Whether the Delaware Supreme Court erred in concluding I did not have standing to seek to enjoin former President Trump from establishing government-religion by overlooking the misconduct establishing government religion, and the causal link, the direct harm to me substantially burdening my free exercise of religion, speech and association, causing emotional distress resulting in physical symptoms by his conduct blaspheming my God, tears and, increased heart pressure, and attacks by strangers adopting government-religious beliefs and even by court agents and arms in this case, based on my perceived religious affiliation as anti-Trump- religion, but for the Presidents' misconduct, and the relief that would

afford me a remedy, personally, as a party of one, the enjoining of the President and future Presidents from continued establishment of government religion by inter alias enforcing certain Executive orders.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page. I sued President Trump in his official capacity, as the President of the United States, not in his individual capacity, per my Second Amended Complaint which was not accepted by the Chancery Court. He is no longer President. I do not seek to sue him as a private person, no longer President. Only a sitting President can grant the relief I seek. Should, a favorable determination on standing be given, I seek permission, not a guarantee to continue to seek to substitute President Biden for President Trump, in the Chancery Court below. It is not ripe to sue President Biden without the Chancery Court's authority.

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Appendix 1-a Constitutional and Statutory provisions involved

Appendix 1-b Docket, *Kelly v Trump,* Delaware Supreme Court Case No. 119, 2021

Appendix 1-c Docket *Kelly v Trump* Delaware Supreme Court Case No. 0809, 2020

Appendix A The Delaware Supreme Court opinion of which review is sought, *Kelly v. Trump*, No. 119, 2021, 2021 WL 2836635 (Del. July 7, 2021).

Appendix B The Delaware Supreme Court Order, denying a Rehearing, *Kelly v. Trump*, No. 119, 2021 (Del. July 19, 2021)

Appendix B-1 Petitioner's Unopposed Motion for a reheargument before the Delaware Supreme Court

Appendix C The Chancery Court's opinion overruling Appellant's Exceptions to Master's Final Report, *Kelly v. Trump*, No. 2020-0809-PWG, 2021 WL 1175423 (Del.Ch. Mar. 26, 2021)

Appendix C-1 Email from the Chancery Court staff confirming the opinion was not mailed to Defendant

Appendix D The unpublished Master's Final report recommending dismissal as legally frivolous for failure to allege standing, available at *Kelly v. Trump*, No. CV 2020-0809-PWG, 2020 WL 6392865 (Del. Ch. Nov. 2, 2020), report and recommendation adopted, (Del. Ch. 2021), aff'd, No. 119, 2021, 2021 WL 2836635 (Del. July 7, 2021)

Appendix E Petitioner's Supreme Court Brief

Exhibit A-4 to Appendix E *Appellant's Motion for the Delaware Supreme Court to rein in its arms through its agents from unlawfully pressuring appellant to forgo or impede her case to protect her free exercise of religion by relief it deems just,* and exhibits thereto, Exhibit 55 of the brief below, the December 1, 2020 letter regarding due process concerns to the Master, and the October 19, 2020 letter to the Master regarding the fact I am pro se, not represented by counsel, (Docket 89-90 also separately, Docket 54 and Docket 36)

Exhibit A-5 to Appendix E

Appendix F Petitioner's Chancery Court Brief, Plaintiff's Brief in Support of her exceptions to Special Master's final report, dated November 2, 2020

Exhibit A of Exhibit F Appellant's Initial Complaint (Docket 59-50)

Exhibit 1 to Appendix F Proof Meghan Kelly filed ODC Complaints against Justice Kavanaugh (Docket 60)

Exhibit 2 to Appendix F Plaintiff's Complaint against the Defendant Democratic Party, et al, in the Chancery Court for the State of Delaware based on requiring I disobey Jesus to run for office, Case Number 2020-0517 (Docket 60)

Exhibit 3 to Appendix F E-mails to Cathy Howard, requesting to affirm not swear into the admission of the bar which were ignored and denied (Docket 60)

Exhibit 4 to Appendix F Letters to the family Court regarding the practice of family law violates my religious beliefs (Docket 60)

Exhibit 5 to Appendix F Letter to the Honorable Justice Henry Dupont Ridgely, regarding concerns about the judiciary's appearance of bias against perceived outsiders. (Docket 60)

Exhibit 6 to Appendix F E-mail to Senator Carper regarding using God's name in vain inciting religious violence, and rewarding or funding such violence under the guise of charity (Docket 60)

Exhibit 7 to Appendix F The 5 separate articles of Impeachment I sent to federal legislators. (Docket 60)

Exhibit 8 to Appendix F A how to prevent oil drilling Appellant sent to federal law makers (Docket 63)

Exhibit 9 to Appendix F An Executive Order in issue on this appeal (Docket 63)

Exhibit 10 to Appendix F Article, The Hill, *Trump: Jews who vote Democrat show 'lack of knowledge or great disloyalty'*, by Brett Samuels, 08/20/19, 03:38 PM. (Docket 63)

Exhibit 11 to Appendix F MSNBC, *Trump calls for discrimination against Muslims,* By Jane C. Timm, 12/07/15 (Docket 63)

Exhibit 12 to Appendix F Article, The Hill, *Ivanka Trump will have an official White House position,* By Olivia Beavers, 03/29/17 (Docket 63)

Exhibit 13 to Appendix F Article, *The New York Times, The Long History Behind Donald Trump's 'America First' Foreign Policy*, By Lily Rothman, March 28, 2016 (Docket Exhibit 63)

Exhibit 14 to Appendix F Article, *The Hill Trump: I will always put America first*, By Max Greenwood, 09/19/17 (Docket 63)

Exhibit 15 to Appendix F The Federal Criminal laws I based the 5 articles of impeachment, to impeach President Trump on (Docket 63)

Exhibit 16 to Appendix F *On Russian bounties, what did Trump know and when did he know it?*, By Steve Benen, June 30, 2020, 8:00 AM EDT (Docket 63)

Exhibit 17 to Appendix F Article, NPR, 'You Can Do Anything': In 2005 Tape, Trump Brags About Groping, Kissing Women, By Jessica Taylor, October 7, 2016 (Docket 63)

Exhibit 18 to Appendix F Article, Business Insider, 11 insults Trump has hurled at women, by John Walsh, Oct 17, 2018 (Docket 63)

Exhibit 19 to Appendix F Article The Guardian, The Trump allegations A list of the sexual misconduct accusations made against Donald Trump. He has denied the allegations, by Lucia Graves and Sam Morris, November 6, 2019 (Docket 63)

Exhibit 20 to Appendix F Article, ABC News, Donald Trump Sells Chinese Goods Despite Accusing China of Stealing US Jobs, Trump says he's "obligated" to buy Chinese goods while China has U.S. jobs., By Susanna Kim, June 17, 2015 (Docket 61)

Exhibit 21 to Appendix F Article, CNN, Trump wants to create 10 million jobs in 10 months. Here's why that might be tricky, By Anneken Tappe, CNN Business, August 28, 2020 (Docket 62)

Exhibit 22 to Appendix F Article, USA TODAY, Fact check: President Donald Trump donates his salary, but he still makes money, by Molly Stellino, published July 11, 2020 (Docket 63)

Exhibit 23 to Appendix F Article, 'No Blame?' ABC News finds 54 cases invoking 'Trump' in connection with violence, threats, alleged assaults. President Donald Trump insists he deserves no blame for divisions in America, By, Mike Levine (Docket 64)

Exhibit 24 to Appendix F Article, Washington Post, The Trump administration said that militarizing the police reduces crime. Is that true, by Ayse Eldes and Kenneth Lowande, June 1, 2020 (Docket 71)

Exhibit 25 to Appendix F CBS News, "When the looting starts, the shooting starts": Trump tweet flagged by Twitter for "glorifying violence", May 29, 2020 (Docket 71)

Exhibit 26 to Appendix F copy of the web site worldometer, to show healthcare is the biggest global money maker and expense. (Docket 71)

Exhibit 27 to Appendix F The Hill, Trump eases ban on political activity by churches, By Jordan Fabian and Naomi and Jagoda, 05/04/17. (Docket 71)

Exhibit 28 to Appendix F Washington Post, *Paula White, Trump's key spiritual adviser, will join the White House,* By Sarah Pulliam Bailey November 1, 2019 (Docket 71)

Exhibit 29 to Appendix F National Catholic Reporter, The key evangelical players on Trump's advisory board, Sep 5, 2017, by Adelle M. Banks, Religion News Service (Docket 71)

Exhibit 30 to Appendix F Fox News, Trump responds to Milley apology for Lafayette Square photo op, By Brooke Singman, published June 12, 2020 (Docket 71)

Exhibit 31 to Appendix F article, The Hill, Trump targets Democrats over Pledge of Allegiance, By Tal Axelrod, 08/22/20 (Docket 65)

Exhibit 32 to Appendix F Article, HuffPost, Trump Claims COVID-19 Is God Testing Him After He Built 'Greatest Economy In History' The president described boasting to God about his economic successes before the coronavirus pandemic., By Carol Kuruvilla, 08/17/2020 (Docket 66)

Exhibit 33 to Appendix F Article, The Rolling Stone, Trump: People Are Saying 'Merry Christmas Again' Thanks to Him, By Peter Wade, Dec. 23, 2019 4:42 (Docket 67)

Exhibit 34 to Appendix F Article, Fox News, 'I hope it's true': Trump responds to claim he was chosen by God, By Caleb Parke, June 25 (Docket 68)

Exhibit 35 to Appendix F Article, Fox News, University professors say more church goers believe Trump is 'anointed by God', By Caleb Parke, May 13, 2020 (Docket 69)

Exhibit 36 to Appendix F Article, CBS NEWS, Trump tweets quote calling him the "second coming of God" to Jews in Israel, By Sophie Lewis, Aug. 21, 2019 (Docket 70)

Exhibit 37 to Appendix F Article, The Hill, Trump: 'We moved the capital of Israel to Jerusalem. That's for the evangelicals', By Aris Folley, 8/18/2020, (Docket 71)

Exhibit 38 to Appendix F CBS News, More than 12,000 Catholic churches in the U.S. applied for PPP loans – and 9,000 got them, By Christina Capatides, May 8, 2020 (Docket 72)

Exhibit 39 to Appendix F The Hill, Thousands of Catholic churches received PPP loans: report, By Lauren Vella, 05/08/20 (Docket 73)

Exhibit 40 to Appendix F BBC, What are the sexual allegations against Donald Trump?, dated June 25, 2019 (Docket 74)

Exhibit 41 to Appendix F Religious News Service, Paula White to head Trump's faith office, by Jack Jenkins and Adelle M. Banks, November 1, 2019 (Docket 75)

Exhibit 42 to Appendix F The Hill, Trump claims Biden is 'against God' and will 'hurt the Bible' By Brett Samuels, 08/06/20 (Docket 76)

Exhibit 43 to Appendix F Documents regarding healthcare including: 1.Coastal Point, Guest Column, *Representative candidate says health is wealth*, By Meghan Kelly, Esq., Candidate Delaware House of Representatives, 38th District, 2. Document, "Your Health is your Wealth You are Priceless. Not a price tag! Kelly seeks Federal Consideration of Health Care Proposal, 3. Meghan Kelly's teaching certificate, credibility, 4. Meghan Kelly's redacted law school transcript to show she took a course Health Care Finance and the course Law and Medicine while attending Duquesne School of Law, 5.Meghan Kelly's redacted undergraduate college transcript to show she took relevant courses related to: a. History of Western Medicine b. Economics, c. Medieval Philosophy, d. Psychology courses, 6.Evidence of surgery that requires I drink water, rest and eat so I do not faint or die due to dehydration when I have my period. I lose five pounds every month. This is still a challenge. I must assert my right to live because many people serve Satan by not wanting to be inconvenienced to care to adapt to safeguard my life, or the lives and health of others

Exhibit 44 to Appendix F Tweet by President Trump, "DEMS WANT TO SHUT DOWN CHURCHES PERMENANTLY. HOPE YOU SEE WHAT IS HAPPENING. VOTE NOW!" (Docket 78)

Exhibit 45 to Appendix F The New York Times, A Regulatory Rush by federal agencies to secure Trump's legacy, initially posted 10/16/2020, my copy is dated 10/17/2020. (Docket 79)

Exhibit 46 to Appendix F Article appellant drafted concerning 100s and thousands of dollars not getting into the Delaware coffers which could be easily corrected with the legislative pen, My comments to my corporate bar section, ignored, related to my concerns the baby boomers may be screwed out of their retirement and insurance if we do not make changes to care for them instead of what is easier and more profitable for us, the lawyers, and our potential clients, (Docket 80)

Exhibit 47 to Appendix F MSN, Daily News, Trump and aides attend indoor church rally in Vegas without masks, By Theresa Baine, 10/18/2020.

(Docket 81)

Exhibit 48 to Appendix F Withdrawn unsubmitted article concerning a recent US Supreme Court case. Freedoms are not for sale, business is not religion, business greed is not God (Docket 82)

Exhibit 49 to Appendix F The Hill, Eric Trump claims his father "literally saved Christianity, " By Celene Castronuovo, 10/7/20. (Docket 83)

Exhibit 50 to Appendix F Proof, documentation, Appellant sought a waiver to run for President and for Federal house of representatives without serving Satan by organized charity. (Docket 84)

Exhibit 51 to Appendix F Pamphlets sent out when I ran for local office referred in the brief, where I did not violate Jesus's teachings in Matthew 6:1-5 by organized fundraising or false charity (Docket 85)

Exhibit 52 to Appendix F Proof my health is affected by government religion (Docket 86)

Exhibit 53 to Appendix F BBC, *Trump inciting violence, warns election official*, 12/2/20 (Docket 87)

Exhibit 54 to Appendix F The Washington Post, Trump wants to change the libel laws. Here's how they came to be, By Patricia U. Bonomi, June 6, 2019 (Docket 88)

Appendix G Letter to the Supreme Court. Dated July 12, 2021, regarding a Chancery Court staff member directing me to cross out the address to the DE lawyer in order to prevent service, and the attached subpoenas, dated October 12, 2020

Appendix H Excerpts from Creature of Jeckyll Island, a Second look at the Federal Reserve, by Edward Griffin, 7th printing 1998, 3rd Ed., by American Media

TABLE OF AUTHORITIES

US Constitution

U.S. Cons. Amend. 1.....2, 5, 9, 12, 13, 23

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Ex. Or. No. 13198, 66 Fed. Reg. 8497, Jan. 29, 2001, as amended by Ex. Or. 14015, 86 Fed. Reg 10007, Feb. 14, 2021.....14, 18, 19, 22, 23, 30

Ex. Or. No. 13199, 66 FR 8497, Jan. 29, 2001, as revoked by Ex. Or No. 13831, 83 FR 20715, May 3, 2018.....14, 18, 19, 22, 23, 30

Ex. Or. No. 13279, 67 FR 77141, December 12, 2002, as amended by Exec. Or. No. 13559, 75 FR 71319, November 17, 2010.....14, 18, 19, 22, 23, 30

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Ex. Or. No. 13559, 75 Fed. Reg. 71319, Nov. 17, 2010.....14, 18, 19, 22, 23, 30

Executive Orders by President Trump

Ex. Or. No. 13798, 82 Fed. Reg. 21675, May 4, 2017.....12, 13, 14, 18, 19, 22, 23, 30

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IN THE SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

OPINIONS BELOW

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

The opinion of the highest state court, the Delaware Supreme Court, to review the merits appears at Appendix ("App.") A to the petition and is unpublished. The Order of the Delaware Supreme Court denying a Rehearing of their opinion, appears at App. B. The unpublished opinion by the Delaware Chancery Court appears at App. C. The unpublished Master's final report appears at App. D.

JURISDICTION

The date on which the highest state court decided my case was July 7, 2021. A copy of that decision appears at App. A. A timely petition for rehearing, (App. B-1), was thereafter denied on the following date, July 19, 2021, and a copy of the order denying rehearing appears at App. B. The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Pertinent statutory provisions are reprinted in the appendix to this brief, App 1a.

STATEMENT OF THE CASE

GOVERNMENT VIOLATIONS OF RFRA, IN RESPONSE TO FILING A CLAIM FOR RELIEF

Members of the government, including court staff members, purposely interfered to pressure me to forgo or impede this case to protect my free exercise of religion, which I specifically objected to, reserving the issues for appeal, based on Due Process, the First Amendment and the *Religious Freedom Restoration Act*, 42 USCS § 2000bb (1-4) ("RFRA") in an unaddressed, motion, *Appellant's Motion for the Delaware Supreme Court to rein in its arms through its agents from unlawfully pressuring appellant to forgo or impede her case to protect her free exercise of religion by relief it deems just* (Motion 1), reserving the issues for appeal. *Also See*, my *Motion for Reargument*. [1]

The Court made no ruling on Motion 1 or on my arguments relating to a fair trial, without Due Process violations in response to my arguments in either the Chancery Court or the Delaware Supreme Court briefs.[2]

The Delaware Supreme Court also did not address my *Motion for the Delaware Supreme to require the recusal of the Honorable Chief Justice Collins J. Seitz, on May 28, 2021* ("Motion 2"), which provides additional evidence of government suppression of my free exercise of religion, by impeding, seeking to obstruct my right to seek a judicial remedy to freely exercise my religion, based on the established government-religion, association or poverty, reserving objections against the Court in Motion 1, related to Motion 2, in violation of RFRA.[3]

[1] App. B-1, Ex. A-4 to App. E.
[2] App. B
[3] App. B, B-1, and Exhibits A-4 and A-5 to App. E

A Chancery Court staff member intentionally instructed me to cross off the Civil Process Clerk's address to prevent service on a subpoena to prevent the case from going forward based on her support for President Trump-("Trump") religious views.[4] This same Chancery Court staff member intentionally sought to sabotage my case by causing me to almost miss my deadline to appeal the *Master's Final Report* based on my religious-political views. She indicated her support for Trump and supports freedom of government servants, like President Trump, to share religion unabridged by the Constitutional limits on government agents, thereby opposing my view to dissolve government-religion. Her intent was based on seeking to suppress my religious beliefs in favor of Trump-religious beliefs, in violation of the RFRA. When I confronted her as to why she misled me not to come in to pick up the ruling, she snidely retorted it was available online.

Judge Clark, a Delaware Court of Common Pleas Judge and DE-Lapp, an arm of the Delaware Supreme Court also sought to obstruct, impede, interfere and prevent me from going forward in my case, which I specifically objected to in Motion 1. I have religious objections to healthcare and mental healthcare that De-Lapp provides.[5] Per my Motion 1, I informed the DE Supreme Court of some of my religious objections to alleged healthcare by stating:

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[4] App. G, and exhibits to App. G

[5] Ex. A-4 to App. E. I have religious objections against even physical examinations for trial or for routine check-ups by doctors who provide data, conclusions, as if they are God, or statistics for research money or for pay, which violate my beliefs concerning being numbered as data. See, 1 *Chronicles* 21:1, 1 *Chronicles* 27:24, *Samuel* 24:1, King David sinned against God for using his men as commodities, as mere numbers, not capable of reflecting the divine image of God, but to be used for war or wealth. Distinguish this from our use of the census, which must be used to care for, not exploit humanity. I am a child of God, priceless, not a price tag, to be sold for money. I am not a

> "…I certainly hope this Honorable (Delaware Supreme) Court did not instigate the abuse by its arms. If so, please desist. 26. DE-LAP was looking after its own interests, which conflicts from mine. 27. I am a Christian. I believe people go to hell for trusting in what psychologists, mental health professionals, psychiatrists and behavioral theorists teach, which often is focused on being happy or productive materially instead of being holy. The organization premises its existence on mental health theories which I believe harm people. I believe such theories teach patients to seek to fulfill their own material desires instead of doing what is right, thereby teaching people to reflect a little piece of hell on earth, the image of Satan by living for self, conditionally caring based on relationship, reward and avoidance of harm with no sacrificial unconditional love or God in them, teaching a lie that damns. See Isaiah 14 to understand how Satan wanted to be his own God, as high as God, to place self-first. I believe their thinking misleads patients to hell, especially BJ Skinner's theories, which most teachers, including myself learned. 28. These mental health professionals focus on misleading people to feel good, not be good, which is not good. I believe it is evil, misleading those they exploit for a paycheck to harm and hell."

My faith in God may appear crazy to others. Nevertheless, I have the freedom to believe by the dictates of my conscience, no matter what the government through its agents believes.[6] I am allowed to think differently instead of being conditioned to worship as the state's forced will of materialism, pursuit of money, and unholy charity that damns people to hell per Jesus, such as fundraising or organized charity. Jesus teaches people "have their reward," meaning they have no reward, no eternal life from God. *Matthew* 6:1. Organized charity, fundraising, pro bono, and volunteering is no small sin. It is not true charity, but damns people to

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human commodity to examine, to exploit for business greed by being a statistic or number. I believe our current healthcare destroys lives and eternal lives to serve wealth, not good. Please see my proposals to change our healthcare laws to care for people, not exploit them for profit. Ex. 43 to App F. Drugging up the sick and elderly in hospitals is their damnation in hell guaranteed should they die. Ecclesiastes 7:1, Matthew 24:13, Ezekiel 3:17-21. I believe you must use your mind, to think, to care to know, to love to be saved from certain doom. *Deuteronomy* 30:19, Sirach 15:11-20.

[6] *Cantwell v. State of Connecticut*, 310 U.S. 296, 60 S. Ct. 900, 84 L. Ed. 1213 (1940).

hell by teaching business, giving out of one hand to get out of another, is love. Love is unconditional. Business is not the sin. Teaching business is charity is the sin by driving love, God, out of the hearts of men replacing it with the love of money. Citing, *Matthew* 6:1-5; *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 682, 134 S. Ct. 2751, 2759. ("Courts have no business addressing whether sincerely held religious beliefs asserted in a RFRA case are reasonable."); *Employment Div., Dept. of Human Resources of Ore. v. Smith*, 494 U. S. 872, 887, 110 S. Ct. 1595 (1990). ("Repeatedly and in many different contexts, we have warned that courts must not presume to determine the place of a particular belief in a religion or the plausibility of a religious claim.").

I also confronted government agents with policies that violate my belief in Jesus's teachings, which may be a source of religious persecution by government agents to hide critiques on religious grounds.[7] For instance, I filed a law suit against the democrats in Delaware, seeking to run for office without buying a position in office by money, support or compromising signatures with inherent strings attached, but earning it by the freedom of the people to choose, by the vote. The vote should be the only manner to elect officials as the only equal, free and fair form of electing officials by free choice, not forced for sale bought choice. Money is not free speech, but bought speech, rendering unequal weight be given to those with more to barter or exchange, potentially violating the Equal Protections Clause by

[7] Exhibits 1-8, 15, 46, 52.

disparate treatment based on wealth, making the poor less free.[8] Officials should not be permitted to be bought in violation of the U.S. Const. Amend. XIII ("13th Amendment"), by essentially compromising the elected officials' ability to care for the people with all resources, not exploit the people by paying back individuals, and artificial entities without hearts, entities, organizations, businesses, religious organizations, charities and not for profits ("beasts"), for their support, who take more than government resources, through incentives, grants, tax breaks or favors to exploit need to serve greed for money, not love for humanity, they also take people's freedom through artificial debt creating forced servitude to pay back debt to feed the beasts who exist based on the love of money, not love of humanity. Only humans can love. Entities cannot. That makes each of you justices, individually more powerful than the court, by your free choice to choose to love humanity over money, by seeking justice over concern with business costs, convenience, and comfort.

Creation of manufactured forced jobs by use of tax breaks or tax dollars to feed beasts, and forced, not free labor in a take it or go without alternative, in violation of the 13th Amendment, stifles innovation that improves humanity's lives, through free thought and debate, even finding flaws to correct imperfect business proposals, in a forced, not free market where people across the board and

[8] Disparate treatment by the government's application of election laws based on economic class or affiliation with groups that give some classes of people greater position to buy and sell or market leaders, making others less free to freely chose leaders who are otherwise for sale puppets should violate the Equal Protections clauses through the Fourteenth Amendment applied to the state and the Fifth amendment component applied to the federal government. The vote, not money should determine who Americans freely choose as elected officials.

professions are forced to adhere to the narrow view across the profession, by conformed standards taught by continuing education classes and schools, not by the use of workers' free will, their brain, to freely care for the people, but only for the trained for profit narrow standards of those who create the jobs to exploit labor and consumers for profit.

Forced volunteer positions, required by mandate for food stamps, or forced pro bono by professions to feed beasts also violates the 13th Amendment.

I do not force my will or God's will upon others as that is sin. Not even God forces his will upon us, but we have free choice. So, I seek to protect the free choice of humanity from the forced choice of the few who diminish the freedom of conscience of the many by economic, physical or social persecution and force. Without the Court's protection of free choice, the freedom of conscience, none are free by the oppression of the forced choice of those with money, power and connections that force their will upon humanity, without constraint in the form of the rule of law or love written on hearts, namely the Constitutional limits on governments that grants us freedom from forced control, tyranny.[9] See *Jeremiah*

[9] Speaking of forced will, rendering us no longer free, this summer I discovered two books written by the World Economic Forum founder, *The Fourth Industrial Revolution*, by Klaus Schwab, 2016 version, excluding additional pages of the 2017 updated version, which may be found at https://www.academia.edu/38203483/The_Fourth_Industrial_Revolution_pdf?fbclid=IwAR1koMak7N-40mbSf9wSGt8XzdhAJgafnbmobfn70FB4nbqcafl_hsN-RnQ and *Covid-19:The Great Reset*, by Claus Schwab and Thierry Malleret, published 2020, https://carterheavyindustries.files.wordpress.com/2020/12/covid-19_-the-great-reset-klaus-schwab.pdf, alluding to the elimination of the dollar, and an economic crash with about 47 percent of Americans expected to be unemployed by 2026-2027. The Fourth Industrial revolution's plans to make profit a different conniving way, not improving the lives of humanity, exploiting humanity for the love of money differently. One of the jobs to be eliminated is lawyers, meaning the courts may be in jeopardy too. The books allude to, the dismantling of government by a takeover through the back doors to our electronic devices, and by government-private partnerships. Such partnerships allow

28 USC 201

the government to become powerless to enforce the rule of law against its own partners, private entities. Since governments collude with them. My goal to dissolve the bought, not free, or based on freedom. union of government-religion. This merely coincidentally is the first step to prevent the schemes to harm humanity for the profit of a few. The US Attorney Generals may seek to prevent the planned global economic crash by dissolving government-private partnerships, dissolving corruption within the government by the spend it or lose it provisions rewarding waste, prevent bail outs, incentives and tax breaks to entities as opposed to people, and by prohibiting the requirement of paying, fundraising, or gathering signatures or support in order to participate as candidates, possibly in violation of bribery or fiduciary laws. Allow the vote to be the only form to elect leaders. In addition, the Attorney General must also close the back door President Bush, Jr. opened up after 9-11 to our electronic devices to prevent the planned crash of the economy. Plan B, which should be done anyways, is for the government to take back the government coining power from the private sector, the Federal Reserve, and coin money without interest, and without debt to care for the people as both Presidents Lincoln and Kennedy chose to do. President Lincoln created debt free, interest free money by signing the Act of Feb. 25, 1862, ch. 33 § 1, 12 stat. 345.28. President Kennedy signed FR 5605, Exec. Order No. 11110, which also created money, without exploiting the masses to pay it back to those who do not earn it, but take it, essentially giving free lunches to those already fat, serving greed, not need, in violation of the 13th Amendment. See the *Creature of Jeckyll Island*, a Second look at the Federal Reserve, by Edward Griffin, 7th printing 1998, which may be found at https://ia802609.us.archive.org/14/items/pdfy--Pori1NL6fKm2SnY/The Creature From Jekyll Island.pdf, Also see Exhibit H. (See, how banks create money out of nothingness to profit off of indebting the people to interest and the federal government to pay interest on bonds. The government can coin money without creating debt and interest no matter what these conniving economists who seek self-gain sell you, at the cost of hurting others). Please note, I disagree with his theories premised on violating God's laws, there is a way to care for the sheep in a shepherd's pasture, not fatten them up and eat them with the wolves.

The Stock market is nothing but resold debt, which can be artificially increased the appearance of value, through stock buy backs, decreasing supply to increase demand, which artificially creates the appearance of prosperity. There is nothing there but I owe you's, same as the banks. Our economic model is built on a Ponzi scheme, selling what entities don't have at a profit, and reselling debt into infinity, until crashes occur by design, federally backing the banks, not the people. When all the entities finish manipulating truth to artificially inflate their own salaries, profits and bonuses transferred to people, within entities, who seek to be shielded from liability in entities by hiding money in offshore accounts, and the entities go into bankruptcy, the baby boomers will lose their retirements, pensions, and life savings, if no one asks the courts to save the day. We must not be blinded by money, but see the present harm ahead. I beg this Court to be our hero of not only the US, the world, but all of humanity, by preserving the rule of law, from the lawless mark of the beast, business greed, anything goes for the bottom line. "Justice in the courts is a command by God." *Amos* 5:15, a "greater command, along with mercy and faithfulness" per Jesus. Citing *Matthew* 23:23. You have the power to save life and eternal life by justice, or to destroy life and mislead people to harm and hell by choosing money and material gain as worth human sacrifice, injustice guaranteed. Please note, Presidents Bush Junior, Clinton, Trump, Obama, Vice President Biden and Trump's daughter all know or should know of the intended elimination of the dollar, economic crash, and dismantling of the rule of law, replaced with the reign of lawless, unrestrained business greed, the mark of the beast, the whore, the twice dead. They attended the World Economic Forum meetings. Please help us your honors. Our Presidents and Congress people misbehave and need your loving governing correction with mercy to tame them from behaving like beasts instead of men with hearts to sacrificially serve and care for the people. Please help us. Preserve the rule of law. You are our hope of a hero. Please restrain the unbalanced two limbs within the Constitutional rule of law, from selling our freedoms away to enslave us as serfs, should the World Economic Forum's plan remain unstopped. Our leaders are dumb and blind, blinded by money. *Sirach* 27:1 ("For the

31, The law of love is written on the hearts of all humanity with the death or resurrection of Jesus per *Jeremiah* 31, accessible to hall humanity, gentile or Jew, should they not choose to harden their hearts by giving into temptations, distractions, not to use our free will, brain, to think, to care, to know, to love in truth. See, Galatians 3:28.

The government agents acted based on retaliation of my exercise of religious objections to government conduct in violation of RFRA.

The First Amendment prohibits state officials, employees and agents from retaliating against claimants, such as myself, for exercising their right of access to the courts. "Retaliation by public officials against exercise of First Amendment rights is itself violation of the First Amendment." [10]

The retaliation by the court against me, for exercising the right to seek access to the courts to remedy grievances, evidences the established-government-religion directly caused harm, suppressing and impeding my freedom to worship and stand up for my faith to worship Jesus the Christ in court, and causing foreseeable reasonable infliction of mental distress, in violation of the RFRA.

I am permitted to believe differently than the government through its agents, even if what Jesus teaches seems foolish to the world. 1 *Corinthians* 1:18, 2:14-16.

I have the freedom to pursue justice in the courts, to protect my freedom to

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sake of profit, many sin, and the struggle for wealth blinds the eyes"), *Matthew* 13:13, *Deuteronomy* 29:4.

[10] *Zilich v. Longo*, 34 F.3d 359 (6th Cir. 1994), U.S.C.A. Const. Amend. 1.

worship by the dictates of my free will, not the forced will, not the dictates of the state through its agents to worship money, which I believe leads to damnation under the established government-religion. I believe business greed is the mark of the beast. Jesus teaches you cannot serve God and money. *Matthew* 6:24, 1 *Timothy* 6:10, I stand by God.

I. FAILURE TO SERVE THE BRIEF TO EJECTED DEFENDANT

My failure to serve anyone my Delaware Supreme Court Brief, after the Defendant, President Trump, was removed from office was not a fatal error, given no relief could be made by Defendant, Former President Trump, since only a sitting President can afford relief, and it was not ripe to move to substitute or serve President Biden without a favorable determination on standing for the continued.

I only served President Donald J. Trump, and the US Attorney General William Barr the Complaint together with the Amended Complaint. The Court did not grant me permission to serve the US Attorney General's Office for the District of Delaware yet. All process was halted pending an outcome on this issue, including all subpoenas for the Second Amended Complaint I filed on October 12, 2020, with a corrective complaint October 13, 2020.

On January 20, 2021, President Biden ("Biden") replaced President Trump. Trump is no longer President of the United States. I am seeking relief against the President in his official capacity, not in the president's personal capacity. Trump, in his personal capacity, is no longer a defendant in this action, as he cannot afford the relief only a sitting President, Biden, may afford.

William Barr, Esquire is no longer US Attorney General. William Barr, Esquire was replaced with U.S. Attorney General Merrick Garland. I have not amended my complaint to include the current President, President Biden yet. US Attorney General Merrick Garland is unable to represent former President Donald J. Trump or President Biden at this time. The Chancery Court did not send its March 26, 2021 Order Overruling my exceptions to the Master's Final report.[11] There was no defense counsel or Defendant to serve for the Delaware Supreme Court appeal. Pending a favorable review, I would be permitted to make a motion to amend my complaint, to substitute Trump with Biden to serve President Biden the amended complaint.

President Biden is not prejudiced, since I have not amended the complaint to make him a party, and his counsel, has every Document in this case and notice that I may file a claim against President Biden, should the courts grant me permission.

In the alternative, I pray your honors find service is excused for good cause in light of the unique facts in this case.

Should the Court affirm on the issue of serving the Delaware Supreme Court brief, I respectfully request your honors grant me dismissal with prejudice, to prevent res judicata from barring future claims on the same or similar alleged conduct.

[11] App. C-1.

Defendant former President Biden is not prejudiced, as I do not have a favorable ruling granting me permission to seek to continue this suit to potentially substitute him as a party. Substitution of parties is not automatic in the Delaware Chancery Court, unlike the US Supreme Court Rule 35.[12] I personally delivered a copy of every document I filed in this case to US Attorney General David Weiss in the District of Delaware, and mailed US Attorney General David Garland every document filed with the Delaware Supreme Court. They have every document in this case, albeit a new amended Complaint must be filed against President Biden before this case may continue, as not yet ripe, or in the alternative, I respectfully request your honors, dismiss this case with prejudice, preventing res judicata and collateral estoppel relating to these uniquely important claims.

II. EXECUTIVE ORDERS ESTABLISHING GOVERNMENT-RELIGION, BUT FOR CAUSING ME HARM, SOCIAL SUPRRESSION, ECONOMIC, FORGOING GOVERNMENT BENEFITS, HARM PHYSICAL BY EMOTIONAL DISTRESS CAUSED BY BOUGHT OR GOVERNMENT BACKED ESTABLISHED RELIGION, MONEY AS GOD, BLASPHEMING GOD'S NAME FOR THE VANITY OF SOULLESS ORGANIZATIONS INCAPABLE OF FREE WILL TO CHOOSE TO LOVE

The Delaware Supreme Court erred in concluding Executive Order 13798 ("E.O. 13798") is Constitutional by misapplying arguments related to different executive orders, and by overlooking my argument that Executive Order No. 13798,

[12] See, Chancery Court Rule 25

is unconstitutional in violation of the Establishment clause by allowing religions, through churches, temples, mosques or other religious organizations to back government parties or government agents or potential government agents with money, donations, support or otherwise, giving the blasphemous backing of God and religions for the vanity of mere men in place of God, without losing their tax exempt status, upsetting me with foreseeing physical manifestation of emotional distress including grinding of teeth, tears and at times increased heart pressure, in addition to establishing government-religion which substantially burdens my free exercise of religion by those who adopt Trump-religious beliefs.

Government servants are mere men, not God's anointed I believe Jesus is the savior, not mere men, not President Trump or President Biden. It is blasphemous to allow religion to back government with funding or otherwise, as opposed to individual religious people. Allowing religious entities to buy or barter for government power, influence with money, support, favors or otherwise, through donations to government candidates or government parties, as this executive order permits violates the Establishment Clause and RFRA by making me, and other Americans less free to worship by the dictates of our conscience, not the dictates of the dollars that force government-backed or bought religion.

The United States is a democracy, not a theocracy, with freedom of religion, not forced religion under the threat of government sponsored private and public economic, physical or social persecution, such government-religious-beliefs and

government-religious-parties inherently create. My God is not for sale for government gain.

Churches are now demonizing liberals and democrats, including me as anti-Christ with immunity E.O. 13798 gives them, inciting parishioners and others to do the same against me, causing emotional distress and the chilling of my free exercise of religion, speech and association.

Since I do not support Trump, and claim to be a democrat, people have accused me of not being a Christian, reasonably causing me to experience emotional distress and substantially burdening my free exercise of religion, speech and association by leaving it restrained and at times unexercised, but for Trump's incitement towards perceived, projected manufactured dissidents, including liberals like me, as antichrist. [13]

"The very adoption or passage of a policy that violates the Establishment Clause represents a constitutional injury."[14]

Presidents Trump, Bush Junior, Obama, and Biden also passed a series of additional executive orders, making us less free to worship freely, by buying the support of churches by paying them to perform government welfare duties, thereby, increasing waste by artificial entities without hearts, churches, organizations, not for profits and businesses ("beasts"), who seek to get as much as they can for as little as they can. Citing, Ex. Or. No. 14015, Feb. 14, 2021; Ex. Or. No. 13198, Jan. 29, 2001, as amended by Ex. Or. 14015, Feb. 14, 2021; Ex. Or. No. 13199, Jan. 29,

[13] Exhibit A 19, 20 to App. F
[14] Citing, *Kitzmiller v. Dover Area Sch. Dist.*, 400 F. Supp. 2d 707, 708, (2005)

2001, as revoked by Ex. Or No. 13831, May 3, 2018; Ex. Or. No. 13279, December 12, 2002, as amended by Exec. Or. No. 13559, November 17, 2010; Ex. Or. No. 13559, Nov. 17, 2010.; Ex Or. No. 13831, May 3, 2018; Ex. Or. No. 14015, Feb. 14, 2021, (Collectively "Executive Orders").

Beasts run on cold hard cash, not love, no matter the name of the entity, church or not for profit, when they seek to give to get under the illusion of charity, but in truth are paid money to perform government business by the government. See *Matthew* 6:1-5. The Executive Orders create inefficiencies, while increasing government debt for government gain, at the cost of making us all less free. Far worse, the Executive Orders encourage churches to supplement with alleged charity, by fundraising or otherwise, to serve business greed. I believe teaching business is charity damns the perpetrators and those they mislead to hell, causing economic harm here, and damnation in hell forever, by the bought or bartered for loyalty of churches to political parties, candidates to offices and government agents in an unholy bought or bartered for union of church and state, not free, but for sale. I believe the government should perform its own work instead of paying churches, or other organizations, government work for pay under the deception of charity.[15]

I believe people go to hell for volunteering, pro bono, organized charity and fundraising by ignorantly teaching giving to get, even recognition, or tax breaks, is charity, should they not repent. Jesus teaches to give unrecognized without giving

[15] Organizations and associations are dangerous, teaching people to reflect the image of Satan, the image of the beast, without hearts who run on cold hard cash as organizations do. The right of the individual to associate must be preserved, not the right of associations, and entities such as churches to consume, and eliminate, the rights of the individual, making them no longer free.

out of one hand to get out of the other when giving alms.[16] So, it is far worse when churches perform business under the deception of charity.

Since, I filed in forma pauperis, I am likely eligible or possibly was eligible in the past to receive government aid by churches who perform government welfare in exchange for government funding in part or in toto, including but not limited to my own Catholic Diocese. Yet, I refuse to ask for aid as it violates my belief in Jesus, since I believe such aid damns people to hell by teaching business is charity, driving out love from the hearts of man replaced with the love of money and material gain, the mark of the beast, business greed. *Matthew* 6:1-5. Jesus teaches they will not go to heaven or have eternal life. "(T)hey have their reward." *Matthew* 6:1.

My Diocese of Wilmington, accepts government funding in part, and in toto for alleged charity but in truth the business of government, thereby I believe violating Jesus's teachings in *Mathew* 6:1-5.

In *Trinity Lutheran Church of Columbia, Inc. v. Comer*, "Chief Justice Roberts, held that Missouri's anti-establishment provision "punished the free exercise of religion" by putting would-be aid recipients to the choice whether to give up the aid or give up their religious natures.'[17]

I too am similarly punished for free exercise of religion as a result of the Executive Orders' impact, as applied to me, by making me choose between serving Jesus, or compromising my belief in Jesus to receive government aid by churches.

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[16] Ex. A To App F, App F, App E.

[17] *Trinity Lutheran Church of Columbia, Inc. v. Comer,* 137 S. Ct. 2012, 198 L. Ed. 2d 551 (2017); Brendan T. Beery, *Free Exercise Standing: Extra-Centrality As Injury in Fact*, 93 St. John's L. Rev. 579, 598 (2019).

I chose not to ask for aid. I do not choose to disobey Jesus and mislead other people God loves to the thinking, the belief in a lie that will damn them to hell.

My religious beliefs prevent me from applying with my church for governmental funded services. "A community member should not be forced to forgo a government service to preserve his or her ability to challenge an allegedly unconstitutional religious display or activity."[18]

In order to receive government aid, I am forced to violate my religious beliefs, by applying for or accepting benefits from a religious organization. Thus, I go without potential aid, but for the establishment of government-religion, a union, a partnership based on pay, not freedom, which is not freely established but is established in a bought or bartered for union, making us all less free.[19]

"The Establishment Clause prohibits government from establishing a religion in the sense of sponsorship, financial support, or active involvement of the sovereign in religious activity."[20]

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[18] Citing, *Freedom from Religion Found. Inc v. New Kensington Arnold Sch. Dist.*, 832 F.3d 469, 479 (3d Cir. 2016).

[19] See, *Sherbert v. Verner*, 374 U.S. 398, 399, 83 S. Ct. 1790, 1791, also see, *Thomas v. Rev. Bd. of Indiana Emp. Sec. Div.*, 450 U.S. 707, 716, 101 S. Ct. 1425, 1431, 67 L. Ed. 2d 624 (1981), (" More than 30 years ago, the Court held that a person may not be compelled to choose between the exercise of a First Amendment right and participation in an otherwise available public program. A state may not 'exclude individual Catholics, Lutherans, Mohammedans, Baptists, Jews, Methodists, Non-believers, Presbyterians, or the members of any other faith, because of their faith, or lack of it, from receiving the benefits of public welfare legislation."' Citing, *Everson v. Board of Education*, 330 U.S. 1, 16, 67 S.Ct. 504, 511, 91 L.Ed. 711 (1947).

[20] *Kalman v. Cortes*, 723 F. Supp. 2d 766, 769, (2010).

The Government paid thousands of PPP loans to Catholic churches, making my God look like a God of greed not love, thereby misleading people to hell, but for the Executive Orders, and reasonably foreseeably causing me emotional distress.[21]

The Third Circuit held, "Neither a state nor the federal government can, openly or secretly, participate in the affairs of any religious organizations or groups and vice versa."[22] Here the executive orders allow both the state and the federal government to openly and in secret participate in the affairs of religious organizations, and vice versa, violating the Establishment Clause, through "partnerships" by pay.

The conduct I refer to herein, and the continued enforcement of E.O 13798 and the other Executive Orders by Biden, constitute excessive entanglement by establishing government-religious associations and beliefs, by the partnered paid, not for freedom, but for sale, union of church and state.

"The Establishment Clause prohibits government from establishing a religion in the sense of sponsorship, financial support, or active involvement of the sovereign in religious activity."[23]

The Executive Orders must be ruled unconstitutional, on their face. Religion is not a business by religious entities. If religion is a business, the entity sells goods and services based on a license, permission to provide goods or services,

[21] Exhibits 38-39 of App. F. See, *Doe v. Indian River Sch. Dist.*, 653 F.3d 256, 259, 2011
[22] *Doe v. Indian River Sch. Dist.*, 653 F.3d 256, 259.
[23] *Kalman v. Cortes*, 723 F. Supp. 2d 766, 769, (2010).

not based on freedom, with the ability to force religious views upon customers who may not be able to buy if they do not adopt the business religion with regards to this Court's decision in *Masterpiece Cakeshop, Ltd. v. Colorado C.R. Comm'n,* 138 S. Ct. 1719, 201 L. Ed. 2d 35 (2018), or sell with this court's decision *Burwell v. Hobby Lobby Stores, Inc.*, 573 U.S. 682, 134 S. Ct. 2751, 189 L. Ed. 2d 675 (2014), abrogating *Autocam Corp. v. Sebelius*, 730 F.3d 618, because it requires employees to adopt their business's religious exercise or go without employment, rending businesses government reinforced god-heads.

The Courts recent decisions give the illusion of freedom, but it is based on business which is not freedom but offering rights for sale.

In *Revelation* 13:17, scripture indicates "no one can buy and sell unless they have the mark of the beast," which I believe is business greed by barter or exchange.

These two decisions immunize what I believe is the mark of the beast, business greed, by entities and organization that have no power to do good by love, as protected from court interference, making people no longer free, but for sale slaves under entity and organization control who may force their will upon others under the threat of going without, under the lawless reign of their lusts.

Enjoining enforcement of the Executive Orders as unconstitutional, on their face, would prevent the Court from making similar decisions that eliminate free exercise of religion while teaching people the mark of the beast, business greed,

without restraint, in the form of laws or love, as lawful and encouraged, leading to harm and hell, should people not repent.[24]

III. CAPABLE OF REPETITION, YET EVADING REVIEW, SUBSTITUTION OF PARTY

The Delaware Supreme Court erred in concluding the exception, capable of repetition yet evading review did not apply to prevent this case from being moot since former Trump may be reelected, and since President Biden may be substituted for former President Trump to dissolve government-religion to reduce

[24] The Supreme Court is misguided by money saved or gained by entities who under the guise of freedom of religion, control people, forcing their religious views, by business greed again in *Little Sisters of the Poor Saints Peter & Paul Home v. Pennsylvania*, 140 S. Ct. 2367, 207 L. Ed. 2d 819 (2020). Here, "The Supreme Court… held that ACA authorized Health Resources and Services Administration (HRSA) to exempt or accommodate employers' religious or moral objections to providing no-cost contraceptive coverage." This arguably saves the employer more money in insurance costs, at the exchange of losing coverage for their employees, bartering away, selling other people's free choice, their souls, or freedoms, for the bottom line by forced choice, which is based on the mark of the beast, business greed, enslaving others to bend to your religious will, diminishing their free will, by economic force, potentially losing a job. The Supreme Court is bartering away people's freedoms to artificial entities without hearts without the ability to reflect the image of God, by love. Beasts run on cash. Jesus teaches you cannot serve God and Money. I choose God.
Money is not speech either. It is bought not free, not freedom of speech. If buying and bartering for a voice is free speech, only those with money power and connections, have the freedom to purchase a louder voice to be heard, in violation of the Equal protections clause, by disparate treatment based on poverty and wealth. Wealth does not make one more important, more worthy of being heard, creating unequal treatment and mistreatment of the poor.
This Court erred in *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010). This Court erred in the finding "Use of funds to support a political candidate is speech." *Austin v. Michigan Chamber of Com.*, 494 U.S. 652, 110 S. Ct. 1391, 108 L. Ed. 2d 652 (1990), overruled by *Citizens United v. Fed. Election Comm'n*, 558 U.S. 310, 130 S. Ct. 876, 175 L. Ed. 2d 753 (2010)
This Supreme Court also erred in *Our Lady of Guadalupe Sch. v. Morrissey-Berru*, 140 S. Ct. 2049, 207 L. Ed. 2d 870 (2020), rendering religious organizations to lawlessly do as they please, fire employees unjustly without remedy. It appears that if a religion allows an entity to discriminate, to do what is most advantageous for the bottom line regardless of the harm, so long as they use the name of God or religion, including non-religion, artificial entities without hearts will chose their own religion, including non-religion forcing people no longer free to bend their will to serve business greed, the mark of the beast, without discipline to sacrifice material gain to love humanity, in the form of the rule of law, or love written on humanity's hearts per Jeremiah 31.

the substantial burden upon my free exercise of religion pursuant to RFRA, should standing be found.

Trump is no longer President, yet, "(1) the challenged conduct action is in its duration too short to be fully litigated prior to its cessation or expiration, and (2) there is a reasonable expectation that the same complaining party will be subjected to the same action again."[25]

Trump, should he be re-elected, will likely persist in the same course of la0wless behavior establishing government-religious beliefs to glorify himself and dehumanize his dissidents, demonizing me, by identifying my political position as anti-Christ, misleading people to persecute me by unholy government-backed incitement, causing additional physical harm related to emotional distress and suppression of my free exercise of religion, speech and association.

I reasonably, foreseeably fear greater physical and Constitutional injury to me should Trump be reelected, without the Court's ability to restrain him. I pray this honorable court prevents res judicata from applying for my potential claims against Trump, since he will likely run in 2024, and become reelected. People have already been killed based on their political-religious beliefs in recent years, directly caused by and but for government incitement through former President Trump's Government-religion, or espoused or projected religious ordained beliefs.

[25] *United States v. Sanchez-Gomez*, 138 S. Ct. 1532, 200 L. Ed. 2d 792 (2018).

IV. LEAVE TO CONTINUE SHOULD BE GRANTED

Pending a favorable determination on standing, I should be permitted to continue this suit, by seeking to substitute President Biden for former President Trump in this action to prevent the continued establishment of government-religion by President Biden's continued enforcement of Executive Order 13798 and passage of Executive Orders 14015, and enforcement of related Executive Orders 13831, 13559, 13198, 13199, 13279, 13342 and 13397.[26]

V. STANDING

The Delaware Supreme Court erred in concluding I did not have standing to seek to enjoin former Trump from establishing government-religion by overlooking the President's misconduct establishing government-religion, including enforcement of the executive orders, and the causal link, the direct harm to me substantially burdening my free exercise of religion, speech and association, in violation of the First Amendment of the US Constitution, the Due process component of the fifth amendment, and RFRA, causing emotional distress resulting in physical symptoms, attacks by strangers adopting government-religious beliefs, foregoing on government benefits provided through religious organizations, and misconduct by court agents and arms in this case impeding my ability to freely bring this case, based on my perceived religious affiliation as anti-Trump-religion or party-religion and the relief that would afford me a remedy, personally, as a party of one, the

[26] See Chancery Court Rule 25 (d) and *ClubCorp, Inc. v. Pinehurst, LLC*, No. CIV.A. 5120-VCP, 2011 WL 5554944, at *5 (Del. Ch. Nov. 15, 2011), with regards to substitution of elected officials.

enjoining of the President and future Presidents from continued establishment of government-religion by inter alias enforcing the Executive orders, including E.O. 13798. *U.S. Cons. Amend.* 1, *U.S. Const. Amend.* V.[27]

A. TRUMP CONDUCT EXESSIVE ENTANGLEMENT ESTABLISHMENT GOVERNMENT-RELIGION BEYOND THE EXECUTIVE ORDERS

Trump further exacerbated the establishment of government-religion by glorifying himself or his party, as Godly, while demonizing dissidents as attacking God and encouraging violent, verbal or economic attacks against dissidents, based on religious-political association in violation of RFRA.[28]

Trump also excessively entangled his government duties with religion through collective behavior, taken as a whole establish government-religion, beyond the executive orders, including but not limited to:

1. appointing a personal spiritual advisor, and alleged Christian leaders to advise the President, creating the religious backing and the appearance of Godly guidance supporting Defendant's government authority;[29]
2. holding up a Bible in front of a church for a photo op after people were gassed in response to their Constitutional exercise of affiliation and speech at a protest;[30]

[27] App. F pgs. 13-66, App. E pgs. 4-21, Ex. 1-54 to App. F.
[28] App. E and F, and Ex. A to App. F, and Ex 1-44 to App. F.
[29] Exhibit A To App F at 293-298, Exhibits 28, 29, 41 to App F.
[30] See Exhibit A 299-319 to App. F, Exhibit 30 to App. F, *Matthew* 5:38-39, *Matthew* 26:52, *Genesis* 9:5-6, *Psalm* 11:5.

3. hypocritically claiming "Biden will hurt the Bible;"[31]

4. persecuting people who exercised their freedom to worship or not by the dictates of their own conscience, not government-religious commands, by demeaning those who omitted the word God in the pledge of the allegiance; [32]

5. improperly sharing his alleged prayer to God, while acting under the color of the law;[33]

6. creating the illusion there is a war on Christmas, by liberals like me;[34]

7. repeating the government-religious belief that he may be the chosen one by God, contributing to the government-religious belief Trump is anointed by God;[35]

8. moving the US embassy in Israel to Jerusalem for a religious group, Evangelicals; [36]

9. sponsoring and inciting private persecution towards liberals by churches and its parishioners, by buying loyalty by barter or exchange, even by praise, for a little something down the line, such as bailouts, or power to persuade politicians, at the cost of teaching some preachers and parishioners to persecute non-Trump supporting liberals like me, and including me;[37]

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[31] Exhibit A 320-321 to App F, Exhibit 42 to App. F.
[32] Exhibit A 322-328 of App. F, Exhibit 31 of App F.
[33] See Exhibit A, 329-335 to App. F, Exhibit 32 to App. F.
[34] Exhibit A 336-347 of App F, Exhibit 33 of App F.
[35] Exhibit A 348-353, Exhibit E, Exhibits 34, 35, 36.
[36] Exhibit A 354-355, Exhibit E, Exhibit 37.
[37] See Exhibit A 356-371 of App F, Exhibits 9,38-39 of App F.

10. tweeting fabrications making it appear democrats like me are attacking the church including the tweet. "DEMS WANT TO SHUT YOUR CHURCHES DOWN, PERMANTLY. HOPE YOU SEE WHAT IS HAPPENING. VOTE NOW;"[38]

11. signing another Executive Order, Ex. Or No. 13831, May 3, 2018, which increases the temptation for government employees, including the President, to back religions financially or otherwise, in hopes to receive their government backing and government support in return under E.O. 13798; and

12. using his son to glorify him as the savior of Christianity, when I believe Jesus the Christ is the savior under Christianity. Eric Trump said his "father 'literally saved Christianity…there is a full war on faith on the other side, (meaning my democrat side). (Eric continued), 'The Democrat Party, the far left, has become the party of atheists, and they want to attack Christianity"'[39]

B. SUBSTANTIALLY BURDENING FREE EXERCISE OF RELIGION, SPEECH, AND ASSOCIATION

President Trump established government-religion through his speech and conduct by inter alias, persecuting perceived religious-political affiliations or projected non-religious-political affiliates, while adopting or teaching religious-

[38] Exhibit 44 to App. F.
[39] Exhibit 49 to App. F.

beliefs or adopting religious partnerships' beliefs, while acting under the color of the law, in his official capacity as President. [40]

I am a Christian. I believe in God revealed to me through the father, Jesus and the holy spirit, including the holy spirit shown through people in the Bible who freely, willfully chose to do God's will above their own.

Since I do not support Trump, and claim to be a democrat, people have accused me of not being a Christian, reasonably causing me to experience emotional distress and substantially burdening my free exercise of religion, speech and association by leaving it restrained and at times unexercised, but for Trump's incitement towards perceived, projected manufactured dissidents, including liberals like me, as antichrist.[41]

C. EMOTIONAL DISTRESS RELATED TO PEOPLE GOING TO HELL, BUT FOR GOVERNMENT-RELIGION

Besides inciting others to substantially burden my free exercise of religion, speech, and association, and forgoing of government benefits distributed through religious private entities, Government-religion caused foreseeable infliction of emotional distress manifesting in tears, anxiety, clenching of teeth, and at times increased blood pressure. [42]

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[40] Ex. A of App. F at 34, 293-298, 352-433, Ex. 10, 11, 27-39, 41-42, 44, 47, 49 to App. F, and App. F.
[41] For examples of Trump inciting attacks against democrats like me, including me, and other projected dissidents to Trump based on religion please see, Ex 10, 11, 24, 25,30,31, 33, 53 to App. F
[42] Ex. 52 to App. F

While repeating claims he is God's chosen one or is saving Christianity and the bible, as if he is a God-head in government or the savior, I believe Trump reflected the image of the devil by serving greed, and his own desires, not good by love and by modeling other antichrist behavior, thereby misleading people I love who adopt his government-religion, to be twice dead, should they not repent, foreseeably causing infliction of emotional distress manifesting in physical symptoms.

I oppose mental healthcare and medical examinations on religious grounds. So, whether you find the physical harm to me concrete, directly established but for government-religion, will be based, on whether you believe me, not on outside expert opinions or treatises which I object to on religious grounds.

I care about others outside of my own. That does not make me crazy. It makes me a Christian. I do not want people to be misled to harm and hell under the Government-Religion's guise of godliness.

Trump exhibited Anti-Christ beliefs, by allowing the gassing of protesters in order to gain a photo shoot with the Bible. Jesus the Christ calls for love of our enemies, and turning the other cheek not use of violence to persuade dissidents to conform to your will by force. [43] Similarly, Trump exhibited Anti-Christ beliefs by inciting violence and called for militarization of police and for the use of violence

[43] Citing, Exhibits 10, 11, 24, 25, 30, 31, 44, 49, 53 to Appendix F, See, *Luke* 6:26-35, *Matthew* 5:39-48, *Romans* 12:20, *Proverbs* 25:21, *Exodus* 23:4-5, 2 *Kings* 6:22, 2 Chronicles 28:15, *Genesis* 9:5-6.

against perceived dissidents to Trump or Government-religion which is Anti-Christ, while claiming support of Christ and support of Christians. [44]

Trump reflects the image of the devil, the Anti-Christ by lies, by teaching the lie democrats made people less free to say Merry Christmas, accepting the propaganda praise of his son, Eric who indicated Trump saved Christianity, and by indicating Democrats are the enemies of the Church by tweeting Democrats want to eliminate churches.[45]

Trump reflects the image of the devil, not Christ, by teaching the sin of pride and putting himself first, his family first, and the illusion of America First, when Jesus the Christ teaches us the new command to love one another, love others as yourself, not love yourself more at the cost of ignoring the needs of others, even harming others to serve self.[46] Loving your kids or parents more is damnation guaranteed, per Jesus. *Matthew* 10:34-37.

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[44] Id.

[45] Exhibit A to Appendix F, Exhibit 49 to Appendix F. See, John 8:44.

[46] Citing, Exhibits 12-14 of Appendix F, See, *Isaiah* 14, *John* 13:34-35, "A new command I give you: Love one another. As I have loved you, so you must love one another. By this everyone will know that you are my disciples, if you love one another." *Mark* 12:30-31, "Love the LORD your God with all your heart and with all your soul and with all your mind and with all your strength.' The second is this: 'Love your neighbor as yourself.' There is no commandment greater than these." Jesus teaches people go to hell for putting parents or kids or self first, for loving self or your family more than others, and more than God. See, *Matthew* 10:34-37. Jesus teaches those who love mother and father more than Jesus, or son or daughter more than Jesus are not worthy of eternal life. In *Matthew* 25:1-13, the parable of the 10 virgins, all 10 had lamp oil. Five ran out and asked to borrow lamp oil from those who had some left. They said no, go buy their own. They left to buy their own, and were locked out of the marriage feast, meaning they went to hell. It is good to love others as yourself, but we love God more, and must live for God foremost not sacrificing our lives for mere men, in place of God to be damned to hell.

Trump reflects antichrist beliefs by demeaning women as sexual objects instead of people when Jesus teaches men will be thrown into hell should they even look at women with lust should they not repent. [47]

Trump reflects Ant-Christ behavior by business strategies that will destroy the earth when God will "destroy those who destroy the earth," meaning in hell on judgment day at the resurrection of the dead. [48]

Trump reflects the "lawless one" the image of Satan by disregarding the rule of laws to love humanity, with the lawless reign of likes, desires, wants without regard to others unless it affects him.[49]

Trump profanes my God's holy name for his vanity, foreseeably upsetting me by hurting my God and other people I love through religious mis-leadership.

REASONS FOR GRANTING THE PETITION

The Court must reverse course to prohibit the establishment of religion to protect us from government forced worship by economic, social or physical

[47] Citing, Exhibits 17-19, 23,40, to Appendix F. See, *Matthew* 5:27-29, "You have heard that it was said, 'You shall not commit adultery.' But I tell you that anyone who looks at a woman lustfully has already committed adultery with her in his heart. If your right eye causes you to stumble, gouge it out and throw it away. It is better for you to lose one part of your body than for your whole body to be thrown into hell."

[48] See, Exhibit A of Appendix F at 236-292, Exhibit 8 and Exhibit 45 of Appendix F, relating to the environment. Pursuant to *Genesis* 2:15, man is charged with the duty to care for the Earth. *Revelation* 11:18 teaches God will destroy those "who destroy the earth." I believe, meaning destroy in hell. It is wrong to teach folks the way to hell via unconcern towards the environment and towards one another for comfort, convenience or coins, under the guise of heaven.

[49] Exhibits of App F.

government supported pressure making us no longer free to worship by the dictates of our conscience with threat of government incited force.

The elimination of freedom to choose to worship or not according to the dictates of our conscience is the first step to eliminating true worship of God. Next, may be to tax the church to teach the gospel of the mark of the beast, business greed, as worship, should this court ignore the Constitution in preference to selling our religious liberties through mere Executive Orders to government-partnered-religious entities. Freedom is not for sale. If it is, none are free, but are slaves to those who tempt us, through government backing, to compromise our religion for business greed, essentially selling our souls for the bottom line or going without.

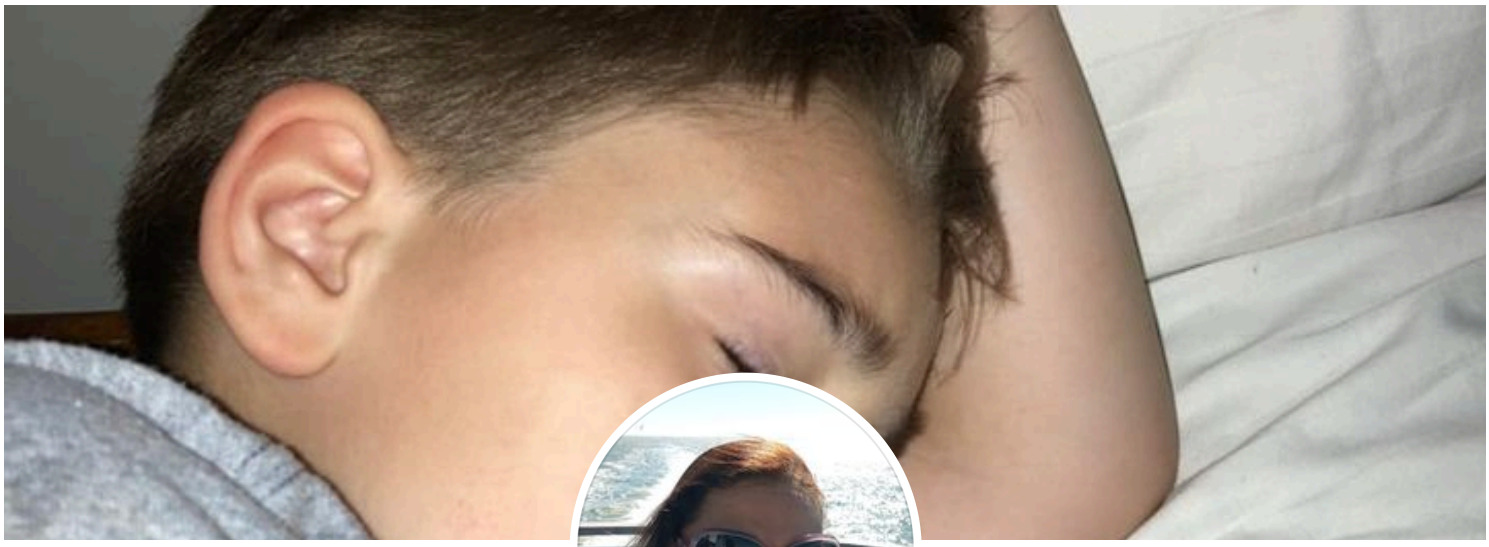
CONCLUSION The petition for a writ of certiorari should be granted.

Respectfully submitted.

Dated: August 23, 2021

Respectfully submitted,

/s/ Meghan Kelly
Meghan Kelly, Pro se
Not acting as an Attorney
34012 Shawnee Drive
Dagsboro, DE 19939
(Word Count 8999)

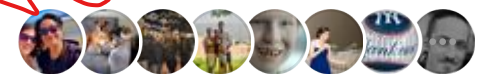


I hope she is alive

Remembering

Cheri Reason (Cheri Reason)

412 friends • 15 mutual



See Messages

Tributes Posts About Friends Photos Videos More

Remembering Cheri Reason

We hope people who love Cheri will find comfort in visiting her profile to remember and celebrate her life.

Learn more about the **legacy contact** setting and **memorialized accounts** on Facebook.

Intro

Went to Indian River High School

Joined February 2009

Friends

See all friends

412 (15 mutual)

Dave J. Bailey

Laura Brougn Harris

Cassie Daisey Queen

Angie Bunting Veith

Jonathan Watts

Maria Counts

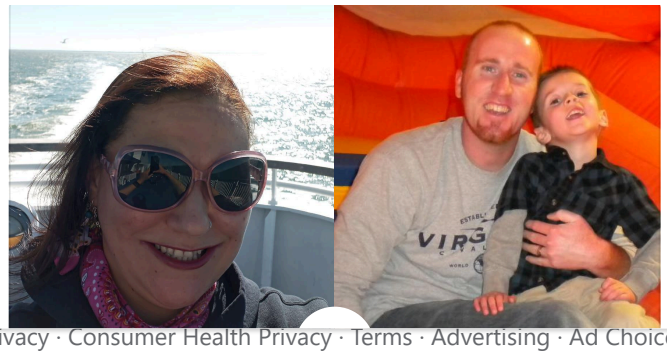
Ryan Shelton

Matthew Appling

Traves Snead

Life events

See all



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Tributes

Go to Posts

Tributes to Cheri

We hope this can be a place for Cheri's friends and family to remember and honor her.

Matt Joseph Russell is with **Luis Guzman** and **93 others** in **Cockeysville, MD**.
January 5, 2023 ·

Please share our youngest baby girl link she is beginning the fight of her life. https://gofund.me/17bb5ed5. Let keep this going

GOFUNDME.COM

Skyla, organized by Kristen Doty

My name is Kristen Doty, I have 3 beautiful nieces and on Christmas eve my sister was given the most...

Like Comment Share

View more comments

زكريا ديهوم
اللهم اشفيها

1y Like Reply See translation

Write a comment...

Sean Stanton wrote on **Cheri Reason**'s profile.
January 1, 2023 ·

This content isn't available right now
When this happens, it's usually because the owner only shared it with a small group of people, changed who can see it or it's been deleted.

Share

Elaine Watts ▶ **Cheri Reason**
September 8, 2022 ·

Who posted this morbid trash? I'm her mom! What kind of person does this? We are looking for her.

2 3

Share

View more comments

Nickk Neall
My heart dropped when I seen this I can't believe people do shit like this its so sad

1y

Courtney Dianne ▶ **Cheri Reason**
September 7, 2022 ·

If anyone has heard from Cheri in the last week please reach out and let us know via private message . No one has spoken with her in 5 days and her family is worried sick

1

Share

Kristi Parks
Please message me what is going on?? Why is her profile like this I know she has been missing all week but has something happened I don't know I ducking freaking out right now someone please get ahold of me

Nickk Neall Cheri Reason
August 3, 2022 ·

What happened to Cheri Reason?

1

Share

Elaine Watts
Who are you? Where is she? We are trying to find her. Who posted this morbid thing without any facts?

1y

Go to Posts

Cheri's Post

Elaine Watts Cheri Reason
September 8, 2022 ·

Who posted this morbid trash? I'm her mom! What kind of person does this? We are looking for her.

2 3 comments

Share

Chrissy Maine
I thought maybe she did it by mistake when she made her new page. But if someone else did it then thats HORRIBLE.

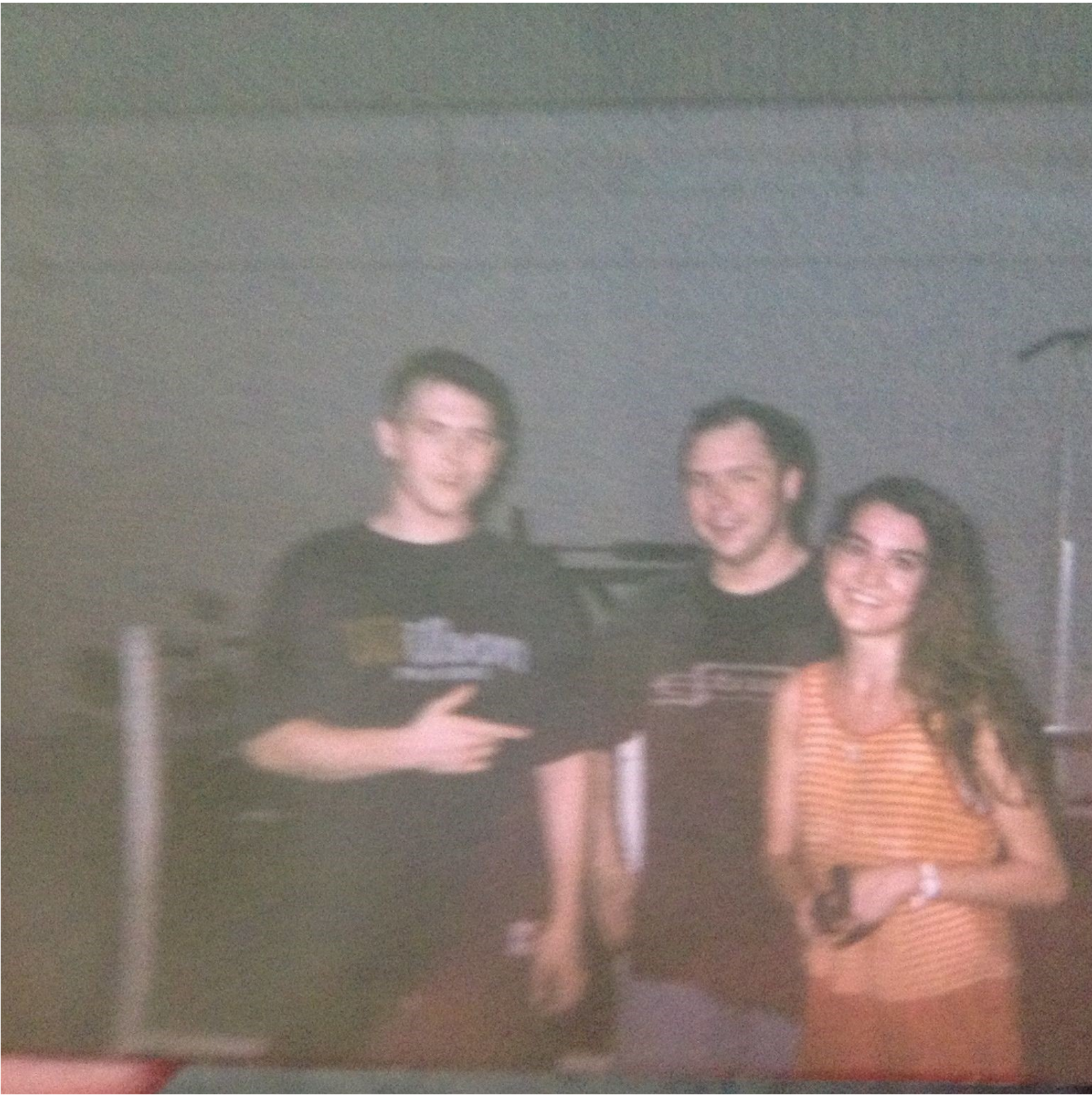
1y

Samantha Shaubach
What the hell is going on?!?!?

1y

Nickk Neall
My heart dropped when I seen this I can't believe people do shit like this its so sad

1y



UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF 210th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on May 20, 2024 had a true and correct copy of the above referenced document served to Defendants, through their counsel served electronically by email at zi-xiang.shen@delaware.gov and ryan.costa@delaware.gov.

The physical address c/o Ryan Costa

Kathleen Jennings, Delaware Attorney General
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

I served Defendants' counsel electronically by E-mail only.

Thank you.

Respectfully submitted,

Dated May 20, 2024

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: May 20, 2024

Meghan Kelly (printed)

Meghan Kelly (signed)

App 4

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B.	)	
Swartz, et.al	)	
Defendants.	)	

PLAINTIFF MEGHAN KELLY'S 215th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. Part of my case is safeguarding the people's legal check of petition coupled with fair opportunity to be heard before the government deprives claimants of Constitutional rights to life, liberty or property as punishment for the exercise of the right to petition based on viewpoint in speech.

2. The founders do not think as one. They had disagreements amongst themselves. Similarly, the court has disagreements amongst itself. That does not weaken the court but strengthens it by requiring they consider different points of view in order to discern what is true, what is just and what is fair as applied to each case at hand to uphold the constitution as law that restrains the government and private entities. When and if they get it wrong the people's check of petition coupled with due process affords the court an opportunity to correct mistakes to improve the administration of justice by distinguishing case law.

3. I believe the Court eliminates the people's check in the Constitution by immunity or by holding political question as I stated in my rejected petition before this court.

4. I repeat my beliefs herein. I could not fit everything in the appeal before the US Supreme Court. So, I incorporated it by reference in the rejected appeal.

"**QUESTIONS PRESENTED**

I Should this Court hear the appeal in a case and controversy **to allow the Courts**, **not Congress, or bureaucrats or Disciplinary Boards** by remanding the case below to consider the issues

1. whether judges may be disciplined or otherwise corrected within the purview of the Constitutional limits of 1. Case or controversy or 2. impeachment without violating Kelly's right to an impartial forum to petition not partial towards regulations or regulators instead of the impartial rule of law as applied to her by allowing me to amend the complaint to Constitutionally challenging Attorney and Judicial disciplinary proceedings
2. Kellys Constitutional challenges to certain Disciplinary Rules not limited to Rules 13-14, or the reporting requirements under rule 18 by compelling self-incrimination under the threat of punishment in contravention of the 5th Amendment in quasi-criminal proceedings and of this Court's decision in Spevack v. Klein, which courts like *Mississippi State Bar v. Attorney-Respondent in Disciplinary Proceedings*, 367 So. 2d 179, 183 (Miss. 1979 seems to void
3. Whether the Courts should consider the **numerous splits** between the state and circuits on what Constitutional rights attorneys and judges have, given Kelly's case is ripe to resolve a bunch of splits since she alleged facts the Defendants and Courts violated Constitutional rights not limited to the split in whether attorneys have the 6th Am right to cross examine their accuser or call witnesses. There are too many splits not limited to the split where one forum says attorneys have the right to gather evidence through discovery and Virginia says no attorneys have no right to perform discovery. **I assert my right to be heard first below fairly and fully before this US Supreme Cort resolves the splits which may apply to it should it deny my pleadings to prevent regulating this US Supreme Court by disciplinary proceedings too**. I was hoping this Court would resolve the split of one of the 6th Amendment issues in Richard Abbott's case in hopes he may possibly regain his license to represent me since I asserted the ADA in DE and PA disciplinary proceedings which they ignored. I believe people go to hell for trusting in healthcare, mental healthcare science, or even using people as products in experiments even with their consent, should they not turn away from sin. I attached the bad healthcare I received and asserted my right not to die or harm my health or be enslaved for the sinful vanity and profit of professional which were completely ignored. State attacked me again 3/5/24 by depriving me of access to the state of Delaware's law library in retaliation for asserting rights. People have threatened me with violence and shot two bullets through a friend's home based on gov incited private attacks for my religious-political beliefs, speech, perceived association, and petitioning under the 1st and 14th Amendments. I believe people go to hell for killing themselves. I have the same ideas as Lincoln and Kennedy in my Complaint. (DI 2) I do not want to die. I am scared. Please protect my right to petition at the imminent threat of capricious loss of life, liberty and property, even if you disagree. It matters more that the Court retains its authority than whether it

agrees with me in light of a plan to eliminate the courts as shown on the record below. See agenda to eliminate the rule of law attached hereto.

II. Given: The Constitution lawfully vests legal power in the governments' three branches and in the people themselves to place checks on the government to prevent the government from eliminating the law as applied to the government. May the Court remove the legal check of the people by removing the legal power of the people and me specifically to exercise the 1st Amendment right to petition and 5th and 14th Amendment due process opportunity to be heard by the government in consideration of petitions before maliciously capriciously depriving me of my asserted liberty interests in life, liberty or property rendering then government not bound by the law leaving the government unchecked and the United States no longer by and for the people but by and for the government's whims unrestrained by law.

III. Stating the issue more broadly to respectfully give the court room to disagree or agree since I know that I see things differently than this court or the world.

Given: **The United States is founded based on the Constitution as rule of law,** and is maintained and sustained by the rule of law. The power of the government and the power of the people including the 1st Amendment right to pet coupled with 5th and 14th Amendment right to fair opportunity to be heard is based on the rule of law, the Constitution, which sustains and maintains these United States. Petitioning is the only individual liberty that safeguards every other Constitutionally protected individual liberty and claim without compromise or vitiation for the collective representative interest by the vote. Whether the courts degrade the Constitution as rule of law that sustains these United States and threaten dissolution by the removal of the legal power of the people to restrain the government from violating law **by obstruction of the right to petition and due process asserted opportunity to fairly and meaningfully be heard as applied to me**, congressional decrees of immunity or case law granting immunity to government agents such as Presidents, including former President Trump. Whereby the courts threaten our national security by eliminating the people's check through the 1st Amendment right to petition coupled with the5th and 14th Amendment fair and meaningful opportunity to be head before capricious infringements of life, liberty or property. This Court may also consider the Constitutionality of the immunity Clause contained in the Constitution as applied to Congress with exceptions that should certainly apply to President Trump should it make a determination on this issue. Even the debate clause Article I, Section 6, Clause 1 excepts Congressional immunity "for "Treason, Felony and Breach of the Peace, be privileged from Arrest."

Given these United States are founded **NOT** based on the will of the people by the legal fiction, **the lie** representation by the founders or representation of the majority through the vote in the executive and legislative branches is consent to be governed and enslaved to compelled labor or to pay taxes by compelled involuntary servitude to be ruled by those who unjustly control the resources by government delegation by the lie representation of the majority, not the individual is consent to slavery to enrich private and foreign partners, especially in light of the manner is coined lawlessly by debt plus interest that cannot be paid back by design to allow slavery of the world through government backed economic, physical and social force if left unrestrained by the courts to safeguard the lives and liberties of the people the Constitution avers to protect. US Amend. I, V, XIII. See Preamble (See, *Clericis laicos* by Pop Bonefice 1296 and Third Council of the Lateran met in Rome in March 1179. Pope Alexander III presided and 302 bishops attended where they declared law including Canon 19 declaring excommunication for those who tried to tax churches and clergy without the consent of the bishop.); representation is

not consent to taxes to be enslaved to those who create money out of nothing and require interest which cannot be paid back by design and their private and foreign partners. There is a plan to label churches business to eliminate them by controlling them by credit debits in a system where the elimination of governments will occur. The deception of representation is consent to taxation, meaning to slavery to sin and death in hell by making money God is rooted in misguided men in my own church not merely on the tea party and conniving men like George Washington who was a terrible military mind. He causes the global war, the 7 years' war to allow for banks to enslave a no longer free but indentured people, and indentured US (and Europe too, we contributed to the Bank of England's enslavement of its own people) at the birth of this nation should the courts not secure freedom to sustain these US from a schemed overthrow after 2050. The bankruptcy remote entities I used to work on will likely be used with the criminal purpose to allow for the overthrow. Please help save not only me, but yourselves and the US as I outlined my belief of an actual schemed overthrow where only the courts can stop it, but cannot if they do not reverse its findings on the 14th Am and grant hear a case without presidential immunity)

Given the vote is a tool to eliminate individual rights under the legal fiction the people's participation by the vote is a collective compromise allowing for human sacrifice of life and liberty if unrestrained by the courts by the application of the Const to the rule of law to preserve the lives and liberties of the people and their property from infringement without Due Process.

Given the Enlightenment thinkers and founding father theorists are wrong in that the power of the Government and the People rests NOT in the will of the people by those who teach the vote is a collective social contract or compromised representative agreement and bartered for exchange for the souls of people to sell for government agents to pay for power and profit eliminating freedom by deception money is freedom when it is coined to enslave and whether the manner Presidents Lincoln, Kennedy I proposed to coin lawfully in accordance with the US Amend I, V, XIII, XIV may be used to sustain these Unites States while safeguarding not infringing on freedoms from schemed overthrow. Please see the 93rd Aff with regards to funding the courts please.

IV. Whether Younger does not require abstention to my case. Given the following: There is no state case to abstain from. The state case has concluded. There is no bar. Even if there was a case since this issue is capable of repetition yet evading review: 1. Younger does not apply to my claims for damages. The Court erred by dismissing instead of staying the case 2. Younger does not apply to federal const claims in the or ancillary claims I had no opportunity to assert on the state forum. For example, 42 U.S.C.A. §§§ 1983, 1985, 1988 3. Bad faith, harassment, or extraordinary circumstances have arisen in my case that make abstention inappropriate 4.The Court erred in denying my motion to amend the complaint to include procedural and substantive due process violations, equal protections violations, and other conduct and claims that required I add additional parties to my complaint on January 24, 2022. (DI 43, 58, 77-81) I should be granted leave to amend the complaint, to correct any defects or arguments relating to a Younger dismissal to prevent manifest injustice that shocks the conscience in terms of loss of fundamental rights, and government punishment for the exercise of my rights, including the right to petition. 5. The new and additional facts and arguments contained in my motions and pleadings must be considered to prevent abuse of discretion, clear error of law, clear error of fact and to prevent manifest injustice against me by denying me the opportunity to be heard to safeguard my exercise of First Amendment rights, creating loss of First Amendment rights and my interest in my ability to work in my profession. The new claims

arise for injuries sustained not only prior to the suit but after including relating to 6th and 14th Am structural error in denying me the right to self-represent for 20 days, only removing it fewer than 2 weeks before the proceeding causing me to foreseeably get shingles. I asserted my 1st Am right to religious belief in self-representation as a religious exercise, lack of notice, than defective notice prejudicial to me and in violation of the 20 days required by the rules which I did not waive at any time and made a special appearance at the hearing maintaining objections, and lack of meaningful opportunity to be heard by ignoring and not addressing motions, and addressing some 2 days before the alleged proceeding, rejecting my asserted right to call witnesses including a witness Defendants fired to conceal the elimination of material evidence and to deny me the opportunity to cross examine her despite the DE Rules stating I have a right, denial of access to the law library, obstruction to my access to petition and procedural due process asserted meaningful opportunity to prepare, perform discovery, call witness, present my case, objection to the hearing transcript which was too prejudicial and flawed to cure and had weird stuff in it. After the case was over, I discovered all of the members of the Supreme Court participated in inciting the attacks in Kelly v Trump and concealed evidence in my favor during the case to hide it from this Court on appeal and from the case they incite to demean me disabled to cover up its own misconduct. There are too many complaints to describe the claims here now. The Statute of limitations would expire on many claims relating to the disciplinary case potentially including the Constitutional challenges to the proceeding, certain rules and to resolve **numerous splits** as to what Constitutional protections judges and attorneys have in disciplinary proceedings.

V. Whether the Court erred as matter of law by not granting or even addressing motions to amend the complaint requiring this case must be remanded with grant for leave to amend the complaint interest of justice since the District Court allowed the additional injuries to be had against my person in bad faith. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). If my motion to amend the complaint to include the Court had been permitted, the Court would not be permitted to find Younger abstained my case. Because this District Court prevented service of the Complaint, I must be permitted fair opportunity to amend the Complaint after my appeal to the US Supreme Court to prevent manifest injustice against me, pursuant to Fed. R. Civ. P. 15 (a), and under other provisions of Fed. R. Civ. P. 15. I have a right to "amend without leave where no answer has been filed." Citing, De La Cruz-Saddul v. Wayne State University, E.D.Mich.1980, 482 F.Supp. 1388. The District Court allowed the additional injuries to be had against my person in bad faith. Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009)). Because this District Court prevented service of the Complaint, I must be permitted fair opportunity to amend it after my appeal to the US Supreme Court to prevent manifest injustice against me, pursuant to Fed. R. Civ. P. 15 (a), and under other provisions of Fed. R. Civ. P. 15. I have a right to "amend without leave where no answer has been filed." Citing, De La Cruz-Saddul v. Wayne State University, E.D.Mich.1980, 482 F.Supp. 1388 (Also see, Adams v. Quattlebaum, D.D.C.2004, 219 F.R.D. 195 "Plaintiff enjoys absolute right to amend complaint once at any time prior to responsive pleading or granting of motion to dismiss.")"Leave to file an amended complaint is not required, since defendant had not yet answered," and has not even been served yet. Cunard Line Ltd. v. Abney, S.D.N.Y.1982, 540 F.Supp. 657. I think it prudent to serve an amended complaint as opposed to an original, and provide my intent to file an amended complaint at a later time, all at once at the conclusion of my appeal of the Delaware disciplinary matter to the US Supreme Court. (See, Datastorm Technologies, Inc. v. Excalibur Communications, Inc.,

N.D.Cal.1995, 888 F.Supp. 112, "Complaint that has been amended pursuant to rule governing motions to amend suspends pleading it modifies, rendering original pleading void.")

VI. Whether this Court should remand this case with allowance to amend because this case presents unique important Constitutional questions as to whether a disciplinary proceeding brought to punish petitioner for the exercise of her 1st Amendment right to petition based on viewpoint, with favoritism to the government and disparate bias against claimant, in violation of the US Amend I right to petition, and right to speech, on subject matter grounds, and the Equal Protections Clause is subject to voidability, even if this Court finds it voidable due to lack of due process. Defendants seek to discipline Colleague Abbott for petitioning against the County and Courts. Are the courts above the law, or will this Court rule judges may be corrected within the purview of the Constitutional limits 1. Cases and controversies and impeachment, without vindictive retribution for correction. Richard Abbott is an attorney who makes the world more just and faire.

VII. Whether the evidence outlined on the record below concerning both Kelly v Trump and the DE Disciplinary show a high probability of procedural due process violations so great that I should be permitted to argue before the trial Court the Delaware District Court subject matter jurisdiction is void or voidable, especially since the statute of limitations would be tolled for claims relating to Kelly v Trump and for retaliation in response to my exercise of the 1st Amendment right to petition for exemption for bar dues.

VIII. Whether the Court committed reversible error in dismissing my complaint given Defendants indicate my religious beliefs and citations to the Bible contained in my speech in my petitions to alleviate a government substantial burden upon my religious exercise by Trump's establishment of government religion is in issue, as Defendants' reason for interfering with in an attempt to cause me to forgo Kelly v Trump and later after the conclusion of my Religious Freedom Restoration Act lawsuit Kelly v Trump, and after the filing of Kelly v Swartz, in bringing the disability proceeding in violation of my 1st Amendment rights to petition, speech, religious belief and exercise of belief applicable to the state pursuant to the 14th Amendment, which claims I may only be bring in the federal court for damages and nominal damages, given the State forum before the Board has no jurisdiction to grant monetary relief or nominal relief for the State's Constitutional, state and federal violations, and since it is highly probable the State DE Supreme Court incited the interference with the malicious purpose of chilling and eliminating my 1st Amendment rights to petition, speech, association, religion and religious exercise especially since the DE Supreme Court c/copied the Disciplinary Board administrator in a letter to me 10/21/20 in the open, concealed evidence in my favor during Kelly v Trump and fired two material witnesses, two court staff to prevent evidence in my favor during the disability proceeding while denying my right to call them as witnesses.

IX. Whether the Court abused its discretion for dismissing my initial complaint under Younger arising from Defendants, the Delaware Supreme Court and the arms of the Court's interference in my RFRA law suit against former President Donald J. Trump made with the intent to intimidate me to cause me to forgo my case based on the Defendants disdain for my religious-political beliefs contained in my speech, in my petitions, or poverty and my petitions to correct and stop Court misconduct in light of the admitted reason for discipline was the Defendants found my religious beliefs in the bible and Jesus incomprehensible, when I sued

Trump to alleviate a substantial burden upon my exercise of religious belief from the burden he caused by the establishment of government religious belief in a course of conduct not limited to executive orders Ex. Or. No. 13198, Jan. 29, 2001, as amended by Ex. Or. 14015, Feb. 14, 2021; Ex. Or. No. 13199, Jan. 29, 2001, as revoked by Ex. Or No. 13831, May 3, 2018; Ex. Or. No. 13279, December 12, 2002, as amended by Exec. Or. No. 13559, November 17, 2010; Ex. Or. No. 13559, Nov. 17, 2010; Ex Or. No. 13831, May 3, 2018, and Biden's enactment of Ex. Or. No. 14015, Feb. 14, 2021 that give churches money to perform government business under the lie of charity and another executive order E.O. 13798 which allows churches to take parishioner' donations to support or give the packing of government candidates or parties to give the blasphemous backing that God backed Trump which incited violence or threats of violence against me based on my apparent rejection of Trump religious belief.

X. Whether the Court erred in dismissing my claims against Defendants for retaliation to prevent the initiation of an unlawful proceeding brought in bad faith to cover up Court misconduct where Defendants unconstitutional sought to and did place my license to practice law on inactive disabled preventing me from buying and selling as a lawyer in violation of my 1st Amendment rights applicable to Defendants pursuant to the 14th Amendment based on disdain for my private exercise of the fundamental rights to petition, to religious beliefs contained in my protected speech, contained in my petition, essentially conditioning the elimination of fundamental rights for the active license to practice law since they find my religious beliefs repugnant or do not understand them. **Basically can a Court place an attorney on inactive disability because they find their religious beliefs illogical or repugnant even if they are genuinely held.**

XI. Whether the Court erred in dismissing the case under Younger given the numerous claims the Board whose subject matter jurisdiction under Rule 5 is limited to attorney discipline could not address, including but not limited to claims for damages, nominal damages and equitable relief for violations of 42 USC §§§ 1983, 1985, 1988, and harm to my reputation, claims for emotional distress, defamation, loss of employment opportunities, or other economic harm and for 1st Amendment rights to private petition, religious belief, speech, association and exercise of religious belief applicable to Defendants via the 14th, compelled violations of my religious belief, retaliation for the exercise of fundamental rights including but not limited to the right to petition, 5th Amendment right against self-incrimination by compelled incrimination required by the disciplinary rules, Constitutional arguments regarding a number of State Disciplinary rules, Constitutional arguments against the disciplinary proceeding, and by extension Constitutional arguments against federal judiciary disciplinary or disability proceedings and rules and the absence of life time appointments during good behavior for District and Appellate Court judges, Constitutional arguments to limit discipline or correction of Judges, including United States Supreme Court members to the purview of Constitutional limits of 1) cases and controversies and 2) impeachment by asking the court to find the US Supreme Court may not violate my 5th Amendment right as a party of one to Equal protection by a partial forum biased towards the regulations or regulators even by self-regulation instead of the impartial application of the Constitution to the rule of law, and by finding judges are above the law and above cases and controversy by depriving me of a forum for redressability for harm caused by members of the DE Courts who may not be a judge in their own case, denying me access to the record of a case where I am the accused No 341 to cover up additional deprivations

of my 14th Amendment right to be heard, sending Court of Common Pleas Judge Clark, DE-Lapp and Defendants to attack me during Kelly v Trump to cause me to forgo my petition, sealing evidence in my favor in Kelly v Trump to fix the outcome in Kelly v Trump and the future disciplinary case, firing witnesses necessary to my defense, than preventing me the opportunity to call them to cover up the DE Supreme Courts misconduct, Court staff writing on a praecipe and instructing me to cross off local counsel's address to prevent service and misleading me to miss a filing deadline in Kelly v Trump, denial of access to the law library, violations of my 6th Amendment rights applicable to Defendants via the 14th Amendment to self-represent, 6th Amendment right to call and confront witnesses in the Disciplinary Case, ancillary claims of loss of employment opportunities but for the threats incurred during Kelly v Trump which ended talks with my previous employer to start work but for the state's attacks against me during Kelly v Trump and other economic harm, and harm to my reputation, violations of procedural due process, substantive due process and equal protection under the 14th Amendment based on religious-political-poverty animus in both Kelly v Trump and the Disciplinary matter, bad faith harassment in the form Defendant Patricia Swartz lying to me to cause me to expend additional money or the case to be thrown out before the Boad, Defendants intimidating me by sending state agents to attack me or otherwise threaten me to cause me to forgo Kelly v Trump, and lack of notice, denial of opportunity to be heard, opportunity to prepare, perform discovery or call witnesses, and numerous other claims I reserve on the record.

XII. Whether the Delaware District Court's Orders (DI. ("District-Court"), (DI 16-17, 30-31, 59-60 (collectively, "District-Order")), is now in error as a matter of law and as a matter of fact, in light of with the passage of time the state proceeding has concluded. So, there is no case to abstain from under the Younger abstention doctrine. So they case should be remanded to be heard on the substance of the complaint and motions

XIII. Whether the District Court erred in applying Younger to dismiss my complaint and motions by overlooking I asked for damages and relief unavailable in the state forum. Whether the Court should have granted a stay as opposed to dismissal

XIV. Whether the District Court erred in applying Younger to dismiss my case, complaint, and motions when I had no adequate opportunity to raise my federal claims or ancillary claims for damages, equitable relief and nominal relief in state court.

XV. Whether the District Court erred in applying Younger when bad faith, harassment, or extraordinary circumstances have arisen in my case that make a Younger abstention inappropriate.

XVI. Whether the Court abused its discretion by denying leave to amend the Complaint, while applying the Younger abstention, when such amendments would certainly overcome a Younger abstention

XVII. Whether new and additional facts and arguments contained in my motions and pleadings must be considered to prevent abuse of discretion, clear error of law, clear error of fact and to prevent manifest injustice against me by denying me the opportunity to be heard to safeguard my exercise of First Amendment rights, creating loss of First Amendment rights and m

XVII Whether the Court should extend Brady violations to the Courts who intentionally conceal evidence in favor of the accused to prejudice the accused.

XIII. Whether the court deprived me of the 5th Amendment right to a fair proceeding or violated 28 U.S. Code §§ 144 and 455, 29 CFR § 2200.68, or other applicable law by failing to recuse Judge Phipps given Defendants attacks against me are based on my petitions against Trump, Trump twice placed Phipps on a list of nominees for US Supreme Court, and Trump will likely nominate Phipps' as Supreme Court justice should he be reelected and an opening occur considering the facts under objective standards, the probability of actual bias on the part of the Judge Phipps against me and in favor of Trump and my opponents is too high to be constitutionally tolerable.

XV. Whether the court deprived me of the 5th Amendment right to a fair proceeding or violated 28 U.S. Code §§ 144 and 455, 29 CFR § 2200.68, or other applicable law by failing to recuse Judge Scirica given the conflict-of-interest Judge Scirica chairs the Committee on Judicial Conduct and Disability ("Judicial rules"). (DI 149). I made Constitutional arguments against the judicial rules, against regulating the US Supreme Court by a Code of Conduct, self-discipline or disciplinary rules, and made arguments against the State disciplinary rules and proceedings that mirror the rules Judge Scirica is charged to revise and approve.

XVI. Whether the US Supreme Court errs as a matter of law by recognizing the deception of appearance of justice instead of actual justice as an important state objection somehow more important that the Constitutional application of the impartial rule of law by the wicked partial selfish interest of the state's own appearance, and if so whether this is not a legitimate reason for part of the statute or regulations of the judiciary under 28 U.S. Code §§ 144 and 455, 29 CFR § 2200.68, or otherwise. Since allowing partiality towards the state's appearance in light of fickle fads and popularity by the mob more than truth and justice creates a biased partial unfair forum in violation of the 5th Amendment procedural due process safeguards and equal protections component.

XVII Whether regulating the US Supreme Court by Congress or Disciplinary Rules in closed proceedings violates the people's rights to a public proceeding, to fair and impartial justices not partial towards regulations or regulators instead of the impartial rule of law and depriving petitioners from interpleading unfairly like I was deprived of interpleading in Richard Abbott's case in case he should represent me in this civil action. While I have religious objections to representation when I am brought to court based on my religious beliefs per Jesus Christ, I am bringing this case. So, it is distinguished."

5. On May 20, 2024, in *Green v Thomas*, Mississippi US District Court Judge, the Honorable Carlton Reeves denied qualified immunity and discussed why the doctrine violates Equal protections and is used as a license to violate the Constitution instead of aiding in upholding it.

6. I attach it and incorporate herein in full. Th is is relevant in that Presidents should not have a license of immunity to establish government religion unrestrained by the Constitution as the law as both Presidents Trump and Biden do by financial support given to my church to do government business teaching the parishioners to violate the teachings of Jesus Christ substantially burdening my religious exercise. US Amend I, RFRA.

7. I need to preserve the AG's check on the president by somehow arguing impeachment is ineffective. The five articles of impeachment I proposed against former President Trump and contacted all 541 Federal law makers on made no difference at all. The Courts make a difference. They should not have discretion to eliminate Constitutional rights for capricious whims that guarantee they will be violated with immunity especially Equal Protections. I attached the 5 articles of impeachment.

8. One Constitutional check does not displace other Constitutional checks by the executive branch through the appointment of US Attorney General to execute and uphold the law upon even itself and all other government officials. This can be likened by the Court finding two PA judges guilty of crime for wrongly convicting young black kids to make prison profit which I previously discussed on the docket with horror. The Court's check upon the President is made to protect the people, and the US Attorney General's check is to safeguard the government, especially from those prone to incite violence and attempted coups, especially President Trump.

9. It would be nice if an Attorney General stepped up against the House Judiciary committee to draw the line in the law by making the courts decide and find Senators may not incite the media or the US Supreme Court or abuse its subpoena power to unduly influence active law suits as it appears to be doing with Merrick Garland and Justice Alito. Couldn't the attorney generals step up to prevent interference with an election and interference with case law

by threats of contempt by those involved in active cases or whose departments are involved in active cases the Senators expressly seek to prejudice the outcome of in their favor, like Whitehouse and Durbin.

10. While I do want the Court to rule Trump is not above the law, nor is Biden, I want them to do so freely and impartially, not by threats of congress to control them. Do it in accord with due process fairly or send the case back to trial with more facts. It is okay for the US Supreme Court to change its mind in the Trump case, to remand it back and to require more consideration before deciding such a history truth based on truth, not partial to the whims of merely one election. This decision will affect many others. This way the court is preserved and we are granted more time to seek a way to protect the court from schemed dissolution.

11. The attached decision wisely states, "The power is simply exercised one dispute at a time, day after day, rather than on fixed election days."

12. The US Supreme Court is not stuck. It need not defer to the whims of bullies. It may remand the case back to get the required time it requires since more evidence concerning more cases relating to Trump may be gathered for a more full and fair and complete decision rather than one that benefits the apparent wrong doing party to the detriment of maintaining the impartial rule of law and security of the judiciary.

13. Near the end of the attached decision Judge Honorable Carlton Reeves appears to allude to an argument that the courts including the US Supreme Court eliminates the people's democratic participation in the courts through juries by depriving them of consideration of the facts before a ruling of law is made by ruling government immunity. I never thought about this other part of the people's check granted differently, even Alexander Hamilton recognized. I

commonly attribute the check of jurors to the accused but not the people. I need to digest his analysis. This is pretty profound.

14. I have been sitting on sending an email to US Attorney Generals where my draft says

> "Hello,
>
> There are lobbyists seeking to eliminate you, the enforcers of the rule of law, and petitioners' rights, also the enforcers of the rule of law, in order to eliminate the rule of law.
>
> I never thought about this until recently, but maybe I need to look up the history of impeachment and argue impeachments by horse and pony partial congressional forums eliminated impartiality required to uphold the equal protections of the people by threats by congress.
>
> I drafted 5 articles of impeachment, and contacted all 541 federal law makers with my proposed ideas.
>
> I made no difference. The rule of law was not as important to them as winning.
>
> What is your position on a supplemental brief regarding White house and Durkin's recent incitement of wrath against the US SC hypocritically seeking the court uphold the appearance of impartiality while destroying their appearance for self serving political whims.
>
> Looking at the founders, the only Supreme Court Justice impeached before was Chase for political whims not to uphold the impartial rule of law....
>
> Maybe you could draft your own Supplemental brief in light of outside influence affecting your current case to recommend the court remand it back below in the Trump v US case."

15. I don't have much time, but I alert you of my concerns. I attach a second opinion where Mississippi District Court Judge the Honorable CARLTON W. REEVES uses his words to correct misguided government officials in the criminal judicial system from discriminating against black people.

16. It is courageous to use your words as judges to do what is right instead of doing what people want giving into temptation to sin by the mass's lawless lusts for convenience and

productivity at the exchange of lives and liberties of citizens treated as chattel not a free people in unfair forums partial to the government by grant of immunity or the doctrine of political questions.

Thank you for your time, consideration and understanding.

Respectfully submitted,

Dated 5/28/2024

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: May 28, 2024

Meghan Kelly
(printed)

Meghan Kelly
(signed)

NO. 3:23-CV-126-CWR-ASH

DESMOND D. GREEN,

Plaintiff,

v.

DETECTIVE JACQUELYN THOMAS, ET AL.,

Defendants.

ORDER DENYING QUALIFIED IMMUNITY

Before CARLTON W. REEVES, *District Judge*.

For nearly two years, the State of Mississippi falsely accused Desmond Green of capital murder. A detective used a lying, drug-impaired jailhouse informant to lock Green up. The detective also steered the informant to select Green's face from a photo lineup. It was a horrifying wrong.

Compounding Green's suffering was another horror. The jail he was held in was full of violence, rodents, and moldy food. He says there was "constant yelling, fighting, and threats."

Green "often did not have a mattress, or even a pad, to sleep on, and slept on the floor." He "constantly feared for his life."

The informant eventually recanted. The State then dropped the charges. But the ordeal cost Green almost two years of his life.

Green filed this lawsuit to seek justice for those two wrongs—his prosecution and conditions of confinement. He has sued the detective who locked him up, her employer (the City of Jackson, Mississippi), and the operator of the Hinds County Detention Center (Hinds County, Mississippi).

Green is now on the precipice of being wronged a third time. Not by a rogue officer or jailer, but by the law itself. Because the detective says the legal doctrine of qualified immunity requires the Court to dismiss Green's claims against her.

Qualified immunity was invented by the Supreme Court in 1967. In plain English, it means persons wronged by government agents cannot sue those agents unless the Supreme Court previously found substantially the same acts to be unconstitutional. *See Mullenix v. Luna*, 577 U.S. 7, 11-12 (2015). A cynic might say that with qualified immunity, government agents are at liberty to violate your constitutional rights *as long as they do so in a novel way*.[1]

Most plaintiffs in this situation argue that the officer that wronged them isn't entitled to qualified immunity. Green does that. Unlike others, though, he has taken the next step and argued that qualified immunity is itself unlawful. He joins lawyers, professors, judges, and even Supreme Court

[1] It's actually worse. *See infra* p. 46 (citing *District of Columbia v. Wesby*, 138 S. Ct. 577, 591 n.8 (2018)).

Justices who have called for the doctrine's re-evaluation, if not its abolition.

The Court agrees with these calls for change. Congress's intent to protect citizens from government abuse cannot be overridden by judges who think they know better. As a doctrine that defies this basic principle, qualified immunity is an unconstitutional error. It is past time for the judiciary to correct this mistake.

The Court presents Green's allegations, the governing legal standards, and the substantive case law below. It concludes that the detective is not entitled to qualified immunity. Her actions violated clearly-established law. Even if this were not the case, the detective's quest would fail. For qualified immunity has no basis in law. It is an extra-constitutional affront to other cherished values of our democracy.

The detective's motion to dismiss is therefore denied.

I. Factual and Procedural History

The following allegations are drawn from Green's complaint, its attachments, and the documents it references. *Brand Coupon Network, L.L.C. v. Catalina Mktg. Corp.*, 748 F.3d 631, 635 (5th Cir. 2014). At this stage of litigation, his allegations must be taken as true. *Id.* at 634.

On February 13, 2020, someone shot Nicholas Robertson in Jackson, Mississippi. A wounded Robertson knocked on the door of Avery Forbes. The police report says Robertson was conscious and spoke to Forbes. By the time the police arrived, however, Robertson was unresponsive. He died in Forbes' home.

Two months later, law enforcement arrested Samuel Jennings for burglary and grand larceny. He was jailed at the Hinds County Detention Center. While there, Jennings provided a statement about the Robertson murder to Jackson Police Department (JPD) Detective Jacquelyn Thomas.

Jennings handwrote his statement on a JPD form. It read,

> *I had gotten out the hospital and was laying in the bed back in the Shed Desmond green [undecipherable] had walked in not know i was in there and started aplozing for what had happen to twon about him shooting Nick Robertson said him and Chris Martin and Brandon Simrall had took body from thresa to flower and dropped of the body Desmond green told me out Loud he shot nick Robertson (bubba)*
>
> *Samuel Jennings*
>
> *4-10-20*

Jennings and Detective Thomas signed the statement.[2]

The accusation came as a surprise to Green. He says he didn't know Robertson, much less shoot him and move his body. With this uncorroborated statement, however, in July 2020 Detective Thomas and local prosecutors got a grand jury to indict Green for capital murder.[3]

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[2] Part of Jennings' signature block is redacted. We do not know why.

[3] Because grand jury proceedings are secret, "allegations about what was presented or omitted in the grand jury room will in some sense be speculative." *Wilson v. Stroman*, 33 F.4th 202, 212 (5th Cir. 2022). This reality is discussed in detail below.

Green was arrested and detained in the Hinds County Detention Center. He remained there, awaiting trial, in an "inhumane" facility he claims was infested with rodents and snakes, where his cell mate was stabbed, where his food was moldy and stale, where he often had to sleep on the cell floor, and where he lived amidst constant violence, yelling, fighting, and fear. More than a year passed.

Jennings finally recanted in March 2022. He told public defenders and their investigator that he was drug-impaired when he accused Green of murder. He admitted that his statement was baseless, blamed his lie on meth abuse, and said he didn't know who killed Robertson.

A written statement memorialized Jennings' recantation. In it, Jennings swore under oath that he "never heard desmond" confess to murder. "I was just high and try to help myself get out of jail," he wrote. Jennings added, "I had origacally picked Photo 1 top left corner but the detectvive pointed to the 5th photo of lineup witch is bottom row middle photo but I didnt hear or know anything about this charge."

Jennings repeated this to members of the Hinds County District Attorney's Office the next month. He said he had taken "1½ shots" or "80-90 units" of meth shortly before he gave Detective Thomas the April 2020 statement.[4] He knew nothing about Robertson's murder and did not remember what he

[4] Jennings' drug habits are unknown, but his statement is consistent with using a 50ml syringe to inject meth one and one-half times. The record does not yet show what effect intravenous delivery of that amount of meth would have on a person, whether it resulted in visible marks on Jennings' body that Detective Thomas would have seen, or whether the detective otherwise knew or reasonably should have known of Jennings' drug use.

told the detective. Jennings added that he was in the hospital the day of the murder and suffers from a variety of mental health disorders.[5]

On April 14, 2022, the prosecutor moved to "remand" Green's case.[6] The State was "unable to meet its burden of proof."[7] The prosecutor attached Jennings' written recantation.

The presiding judge granted the motion and dismissed the case on April 21, 2022. Green was released from jail. He had been incarcerated in the Hinds County Detention Center for 22 months.[8]

This lawsuit followed in February 2023. In it, Green claims that Detective Thomas violated his rights under the Fourth Amendment, the Fourteenth Amendment, and Mississippi law to be free from "malicious prosecution and malicious

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[5] Again, we do not know whether Detective Thomas knew or reasonably should have known that Jennings suffered from mental health disorders. The issue will be explored during discovery.

[6] That is a formal way of saying the prosecution wanted to abandon the case.

[7] The motion to remand suggests that Jennings may have given statements to law enforcement in February and April 2020. *See* Docket No. 1-1. Green's pleading, however, refers to only one statement—the one Jennings made on April 10, 2020. The Court does not know the truth of the matter, but for present purposes must adopt Green's version of events.

[8] Green's complaint says he was incarcerated for two years and three months, but July 2020 to April 2022 is under two years. The parties may clarify the exact timeline in discovery.

arrest without probable cause."[9] Green says the detective withheld crucial evidence from the grand jury, including the police report stating that Robertson was conscious when he arrived at the Forbes residence, information that the informant was unreliable (as an addict and a criminal), and other police evidence indicating that Robertson had been with a man named Brandon Summerall (rather than Green) "shortly before" the shooting. Green attached to his complaint the informant's sworn statement about Detective Thomas manipulating the photo lineup.

As for the detective's employer, Green says the City of Jackson is liable for an unconstitutional custom or practice of failing to train its officers on probable cause and how to corroborate informants' statements. He says that custom or policy caused his injuries.

Green then claims Hinds County is liable for subjecting him to unconstitutional conditions of confinement. He observes that during his detention, the Hinds County Detention Center was under a federal Consent Decree that sought to address persistent understaffing and conditions deficiencies. *United States v. Hinds Cnty.*, No. 3:16-CV-489-CWR-RHWR, 2021 WL 5501442 (S.D. Miss. Nov. 23, 2021). All of Green's constitutional claims are brought by way of 42 U.S.C. § 1983.

[9] In Mississippi, the tort of "malicious arrest" is now called "false arrest." *City of Mound Bayou v. Johnson*, 562 So. 2d 1212, 1219 (Miss. 1990). Green later withdrew this state-law claim. Docket No. 18 at 13.

Now before the Court is Detective Thomas's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(6).[10] She says qualified immunity protects her from this suit.

II. Legal Standard

"To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to state a claim to relief that is plausible on its face." *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quotation marks and citation omitted). "A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Id.*

"On a Rule 12(b)(6) motion, a district court generally must limit itself to the contents of the pleadings, including attachments thereto." *Brand Coupon Network*, 748 F.3d at 635 (quotation marks and citation omitted). "The court may also consider documents attached to either a motion to dismiss or an opposition to that motion when the documents are referred to in the pleadings and are central to a plaintiff's claims." *Id.* (citations omitted).

Ultimately, the Court's task "is to determine whether the plaintiff has stated a legally cognizable claim . . . , *not to evaluate the plaintiff's likelihood of success*." *In re McCoy*, 666 F.3d 924, 926 (5th Cir. 2012) (citation omitted and emphasis added). Thus, the Court must accept all well-pleaded factual allegations as true and draw reasonable inferences in favor of the plaintiff. *See Lormand v. US Unwired, Inc.*, 565 F.3d 228, 232 (5th Cir. 2009).

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[10] The City of Jackson and Hinds County have also filed Rule 12 motions. Those will be taken up separately.

This same pleading standard applies to motions to dismiss based on qualified immunity. *See Terwilliger v. Reyna*, 4 F.4th 270, 279-80 (5th Cir. 2021).

III. The Ku Klux Klan Act and Qualified Immunity

A. The Origins of the Statute

After the Civil War, white supremacists unleashed waves of terrorism across the South. *See* Eric Foner, Reconstruction: America's Unfinished Revolution 1863-1877 (1988); Nicholas Lemann, Redemption: The Last Battle of the Civil War (2006). Lawlessness was the order of the day. *Pierson v. Ray*, 386 U.S. 547, 559 (1967) (Douglas, J., dissenting). Groups like the Ku Klux Klan carried out "thousands of beatings, lynchings, and incidents of torture and mutilation." Robin D. Barnes, *Blue by Day and White by (k)night: Regulating the Political Affiliations of Law Enforcement and Military Personnel*, 81 Iowa L. Rev. 1079, 1099 (1996). "These atrocities were inflicted with impunity because judges, politicians, and law enforcement officers were fellow Klansmen and loyal sympathizers." *Id.* White supremacy empowered them to kill Black men, women, and children without fear of consequences. *See* Tiffany R. Wright et al., *Truth and Reconciliation: The Ku Klux Klan Hearings of 1871 and the Genesis of Section 1983*, 126 Dickinson L. Rev. 685, 690-92, 702 (2022).

Congress responded with the Ku Klux Klan Act of 1871. *See Monroe v. Pape*, 365 U.S. 167, 172 (1961). It wanted "to provide a remedy for the wrongs being perpetrated" on Black folk. *Pierson*, 386 U.S. at 559 (Douglas, J., dissenting).

The Ku Klux Klan Act imposes liability upon any person who, acting under color of state law, deprives another of a federal

right. *See* 42 U.S.C. § 1983.[11] In other words, the statute guarantees "basic federal rights of individuals against incursions by state power." *Patsy v. Bd. of Regents of State of Fla.*, 457 U.S. 496, 503 (1982).

Because the law is codified at 42 U.S.C. § 1983—and because lawyers usually shy away from saying Ku Klux Klan—this law is often referred to as "Section 1983." This Court will refer to the law by its formal name as a reminder of why the Reconstruction Congress saw the need to enact it.

A person seeking damages for a constitutional violation does not have to cite or quote the Ku Klux Klan Act to get in the courthouse door. *Johnson v. City of Shelby, Miss.*, 574 U.S. 10, 11 (2014). Federal procedure is not that stingy. Whenever a person brings a constitutional claim, though, they invoke the Ku Klux Klan Act's authority. The statute is how Congress chose "to provide a remedy, to be broadly construed, against all forms of official violation of federally protected rights." *Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658, 700-01 (1978).

The "very purpose of § 1983 was to interpose the federal courts between the States and the people, as guardians of the people's federal rights—to protect the people from unconstitutional action under color of state law, whether that action be executive, legislative, or judicial." *Mitchum v. Foster*, 407 U.S. 225, 242 (1972) (quotation marks and citation omitted).[12]

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[11] "Liability" in this context means "damages," which is a formal way of saying *money*. This remedy "has coexisted with our constitutional system since the dawn of the Republic." *Tanzin v. Tanvir*, 592 U.S. 43, 52 (2020).

[12] Readers may be familiar with accounts of police officers and sheriff's deputies joining forces with the Klan to terrorize Black citizens. State

The Ku Klux Klan Act "established a new legal order that contemplated direct federal intervention in what had been considered to be state affairs, a system in which federal courts were to enforce newly created federal constitutional rights against state officials through civil remedies and criminal sanctions." Katherine A. Macfarlane, *Accelerated Civil Rights Settlements in the Shadow of Section 1983*, 2018 Utah L. Rev. 639, 660 (2018) (quotation marks and citation omitted).

B. The Invention of Qualified Immunity

The Ku Klux Klan Act created "a species of tort liability that on its face admits of no immunities." *Wyatt v. Cole*, 504 U.S. 158, 163 (1992) (quotation marks and citation omitted). It had "no exceptions" for government officers who violated federal law in purported good faith. Patrick Jaicomo & Anya Bidwell, *Recalibrating Qualified Immunity: How* Tanzin v. Tanvir, Taylor v. Riojas, *and* McCoy v. Alamu *Signal the Supreme Court's Discomfort With the Doctrine of Qualified Immunity*, 112 J. Crim. L. & Criminology 105, 119 (2022). Rather, "the historical rule of strict liability continued." *Id.*

The Supreme Court explained why in 1882:

> No man 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. It is the only supreme power in our

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judicial officials too enabled the savage violence. "[S]tate courts left the terrorism committed by various white militant groups seeking control in the South unchecked. . . . Local magistrates, judges, and grand juries refused or failed to act." Wright et al., 126 Dickinson L. Rev. at 701-02.

> system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives.

United States v. Lee, 106 U.S. 196, 220 (1882). In the decades to follow, the Supreme Court did not recognize good-faith immunity as a defense to suit. *See Baxter v. Bracey*, 140 S. Ct. 1862, 1863 (2020) (Thomas, J., dissenting from the denial of certiorari).

That all changed in *Pierson v. Ray*, a case arising out of Jim Crow Mississippi.

In *Pierson*, police officers in Jackson arrested and jailed peaceful ministers who entered a "White Only" waiting room in a bus terminal. 386 U.S. at 552-53. The ministers eventually beat the bogus criminal charges in Mississippi state court, then sued the police officers in federal court for violating their constitutional rights, as guaranteed by the Ku Klux Klan Act.

On appeal, the Supreme Court decided that the police officers could assert a form of immunity—a "[]qualified immunity"—by claiming that they acted in good faith when they arrested the ministers to prevent violence. *Id.* at 555. The Justices derived this immunity from good-faith and probable-cause defenses available to officers facing common law claims.

This was a strange conclusion, historically-speaking. Again, "lawsuits against officials for constitutional violations did not generally permit a good-faith defense during the early years of the Republic" or in the decades after the Ku Klux Klan Act. William Baude, *Is Qualified Immunity Unlawful?*, 106 Calif. L.

Rev. 45, 55, 57 (2018). In addition, "to the limited extent a good-faith defense did exist in some common-law suits, it was part of the elements of a common-law tort, not a general immunity." *Id.* at 55. Yet the Court "either ignored or misstated this history." *Dobbs v. Jackson Women's Health Org.*, 597 U.S. 215, 241 (2022).

Pierson was strange factually, too. The officers had no proof that the ministers were a threat to public safety. The true threat came from the menacing crowd of 25 to 30 bystanders "in a very dissatisfied and ugly mood," "mumbling and making unspecified threatening gestures," and "threatening violence." *Pierson*, 386 U.S. at 553. The officers never even claimed a good faith belief that the ministers had violated the law. *Id.* at 557. It was as if the officers had arrived at a hostage situation, protected the kidnappers, and arrested the hostages.[13]

And *Pierson* was strange legally, if you step back and consider it from a distance. The Justices took a law meant to protect freed people exercising their federal rights in Southern states after the Civil War, then flipped its meaning. In creating qualified immunity, the high Court protected the Southern

[13] This even happens today. In one recent case, police officers in Texas arrived at the scene of a car crash, let the drunk driver go, arrested the Good Samaritan who called 911, and charged the Good Samaritan with a felony. *Hughes v. Garcia*, --- F.4th ---, No. 22-20621, 2024 WL 1952868, at *1 (5th Cir. May 3, 2024). The Fifth Circuit was horrified. It thought it "insan[e]" and irrational[]" that the police officers sought qualified immunity for such "obviously" unlawful conduct, and expressed astonishment that their lawyers defended them. *Id.* at *1 and *10. But it is not clear that the Texas officers did anything *that* different from the Mississippi officers who arrested and jailed the ministers in *Pierson v. Ray*.

officials still violating those federal rights 100 years after the War ended. Southern trees bear strange fruit, indeed.

It is difficult to see qualified immunity's creation as anything other than a backlash to the Civil Rights Movement. Yet even as America has incorporated the lessons of that Movement into its dominant narrative—that of American progress—the law has retained this vestige. Since the 1960s, in fact, the Supreme Court has continued to shape, enforce, and expand qualified immunity, making it almost impossible to overcome.

C. Modern Qualified Immunity

Today, "[t]he doctrine of qualified immunity protects public officials from liability for civil damages insofar as their conduct does not violate clearly established statutory or constitutional rights of which a reasonable person would have known." *Ramirez v. Martinez*, 716 F.3d 369, 375 (5th Cir. 2013) (quotation marks and citation omitted). It is supposed to "balance[] two important interests—the need to hold public officials accountable when they exercise power irresponsibly and the need to shield officials from harassment, distraction, and liability when they perform their duties reasonably." *Pearson v. Callahan*, 555 U.S. 223, 231 (2009).

When a defendant asserts qualified immunity, the burden shifts to the plaintiff, who must overcome the defense. *See Newman v. Guedry*, 703 F.3d. 757, 761 (5th Cir. 2012). To do so at the motion to dismiss stage, the plaintiff must allege "that (1) the defendant violated the plaintiff's constitutional rights and (2) the defendant's actions were objectively unreasonable in light of clearly established law at the time of the violation."

Cowart v. Erwin, 837 F.3d 444, 454 (5th Cir. 2016) (quotation marks and citation omitted).

> A clearly established right is one that is sufficiently clear that every reasonable official would have understood that what he is doing violates that right. We do not require a case directly on point, but existing precedent must have placed the statutory or constitutional question beyond debate. Put simply, qualified immunity protects all but the plainly incompetent or those who knowingly violate the law.

Mullenix, 577 U.S. at 11-12 (cleaned up).

The "clearly established" requirement is unusual in the law. Other torts don't require it. If a surgeon accidentally leaves a sponge in your abdomen before stitching you up, you do not have to point to an existing appellate decision "clearly establishing" his error before proceeding with your claim. You simply state the facts and explain that the surgeon's conduct fell below the standard of care.

The clearly established requirement is nevertheless the governing standard in constitutional torts. Under this standard,

- Courts let correctional officers hold a person for six days in a frigid cell, covered in other persons' feces and forced to sleep naked in sewage, because it was only clearly established "that prisoners couldn't be housed in cells teeming with human waste for *months*

on end." *Taylor v. Stevens*, 946 F.3d 211, 222 (5th Cir. 2019) (emphasis added).[14]

- Courts let police officers steal $225,000 in cash and rare coins. *Jessop v. City of Fresno*, 936 F.3d 937, 940 (9th Cir. 2019). Although that was "morally wrong," the officers "did not have clear notice that it violated the Fourth Amendment." *Id.* at 942.
- Courts let correctional officers spray *some* chemical agent in a person's face "for no reason at all," because it was only clearly established that guards could not use "the *full* can of spray." *McCoy v. Alamu*, 950 F.3d 226, 232-33 (5th Cir. 2020).
- Courts let police officers who were *inside* a car kill a person who didn't warrant lethal force. The law clearly established only that an officer could not shoot a person from *outside* a car. *Stewart v. City of Euclid, Ohio*, 970 F.3d 667, 675 (6th Cir. 2020).

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[14] After media scrutiny, the Supreme Court reversed. *Taylor v. Riojas*, 592 U.S. 7 (2020) (per curiam). The Justices thought "no reasonable correctional officer could have concluded that, under the extreme circumstances of this case, it was constitutionally permissible to house Taylor in such deplorably unsanitary conditions for such an extended period of time." *Id.* at 8-9. The fact remains that the first four federal judges to hear Mr. Taylor's case all concluded that the correctional officers were entitled to qualified immunity. Equally sad is that the lower courts denied Mr. Taylor's plea to have a lawyer appointed to help him. The Court of Appeals found that Mr. Taylor's case did "not present exceptional circumstances requiring appointment of counsel." *Taylor v. Stevens*, 707 F. App'x 280, 281 (5th Cir. 2017).

- A court let five police officers shoot a man 22 times as he lay motionless on the ground, after tasing him four times, kicking him, and placing him in a chokehold. *Estate of Jones v. City of Martinsburg, W. Va.*, 961 F.3d 661, 663-64 (4th Cir. 2020). It was not clearly established that officers could not shoot a motionless person who possessed a knife. *Estate of Jones v. City of Martinsburg, W. Va.*, No. 3:13-CV-68, 2018 WL 4289325, at *5 (N.D.W. Va. Sept. 7, 2018).
- Courts let a correctional officer watch a suicidal detainee strangle himself to death with a telephone cord, after officials placed him in the cell, with the cord, knowing he was unstable and had repeatedly attempted suicide. *Cope v. Cogdill*, 3 F.4th 198, 202-03 (5th Cir. 2021). It was not clearly established that correctional officers who watch a person attempt suicide had to "call for emergency medical assistance." *Id.* at 209.
- And a court let a deputy sheriff shoot a 10-year-old child (from 18 inches away) while the deputy repeatedly tried to shoot a non-threatening family dog. *Corbitt v. Vickers*, 929 F.3d 1304, 1308 (11th Cir. 2019). No prior decision "clearly established" that act as unconstitutional. *Id.* at 1315.

These are just a handful of the cases demonstrating how a "lack of precisely-analogous controlling law can oftentimes sound the death knell to a § 1983 claim." *Stewart*, 970 F.3d at 681 (Donald, J., concurring in part and dissenting in part).

Such "thin distinctions . . . allow officers to evade accountability for excessive abuses, including killing people." Osagie K. Obasogie & Anna Zaret, *Plainly Incompetent: How Qualified Immunity Became an Exculpatory Doctrine of Police Excessive Force*, 170 U. Pa. L. Rev. 407, 412 (2022) (collecting cases). And we know which people disproportionately bear the brunt of the doctrine.

D. Qualified Immunity's Racial Consequences

Qualified immunity has obvious economic consequences. It discourages victims of misconduct from bringing lawsuits, and those who do file suit sometimes recover nothing because of it. Qualified immunity accomplishes this by preventing victims of government misconduct from using the discovery tools available to other litigants. *See Carswell v. Camp*, 54 F.4th 307, 312-13 (5th Cir. 2022).

Another obvious consequence of qualified immunity, though, is a perpetuation of racial inequality.

Research indicates that Black Americans are pulled over more often,[15] searched more often,[16] arrested more often,[17] imprisoned more often,[18] wrongfully convicted more often,[19] and killed by law enforcement more often than other Americans.[20,21] Qualified immunity then bars many of these

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[15] Emma Pierson et al., *A large-scale analysis of racial disparities in police stops across the United States*, 4 Nature Hum. Behav. 736, 737 (2020).

[16] *Id.* at 739 ("In these jurisdictions, stopped black and Hispanic drivers were searched about twice as often as stopped white drivers."); *see also* Sharad Goel & Cheryl Phillips, *Police Data Suggests Black and Hispanic Drivers are Searched More Often Than Whites*, Slate (June 19, 2017) ("Turning to the data, we found that searches of Hispanic drivers yield contraband at lower rates than searches of whites, and that searches of black drivers yield contraband at similar rates to searches of whites.").

[17] Lauren Nichol Gase et al., *Understanding Racial and Ethnic Disparities in Arrest: The Role of Individual, Home, School, and Community Characteristics*, 8 Race Soc. Probl. 296 at PDF pp.10-11 (2016).

[18] William J. Sabol et al., *Justice Systems Disparities: Black-White National Imprisonment Trends, 2000 to 2020* (Council on Crim. Just. Sept. 2022) ("in 2020, Black adults were imprisoned at 4.9 times the rate of White adults").

[19] Samuel R. Gross et al., *Race and Wrongful Convictions in the United States 2022*, Nat'l Registry of Exonerations (Sept. 2022) ("Judging from exonerations, innocent Black Americans are seven times more likely than white Americans to be falsely convicted of serious crimes.").

[20] Jeffrey Fagan & Alexis D. Campbell, *Race and Reasonableness in Police Killings*, 100 B.U. L. Rev. 951, 961 (2020) ("Black suspects are more than twice as likely to be killed by police than are suspects from other racial or ethnic groups, including shootings where there are no obvious reasonable circumstances.").

[21] Additionally, it is well-established that defendants are more likely to be sentenced to death if their murder victim was white. *See* Scott Phillips & Justin Marceau, *Whom the State Kills*, 55 Harv. C.R.-C.L. L. Rev. 585, 587 (2020); *McCleskey v. Kemp*, 481 U.S. 279, 287 (1987). New research indicates

individuals from securing justice, "shut[ting] the courthouse doors on a large portion of those black and brown citizens who plausibly allege that police officers targeted, surveilled, or stopped them because of their race." *Bey v. Falk*, 946 F.3d 304, 331 (6th Cir. 2019) (Clay, J., dissenting). America's "long history of racism . . . is unavoidably and inextricably enshrined in the doctrine." Katherine Enright & Amanda Geary, *Qualified Immunity and the Colorblindness Fallacy: Why "Black Lives [Don't] Matter" to the Country's Highest Court*, 13 Geo. J. of L. & Mod. Critical Race Persps. 135, 140 (2021).

With that essential background, the Court turns to analyze Green's causes of action.

IV. Discussion

Green's claims occasionally share elements or have overlapping analyses. For example, a lack of probable cause supports a Mississippi malicious prosecution claim, a Fourth Amendment malicious prosecution claim, and a Fourth Amendment false arrest claim. The same is sometimes true for Detective Thomas's defenses. She has invoked the "independent intermediary" doctrine as a defense to all of Green's claims.

The Court will do its best to analyze each claim and defense without unnecessary repetition.

A. State Law Malicious Prosecution Claim

The discussion begins with Green's malicious prosecution claim. Both parties identify essentially the same six elements of malicious prosecution under Mississippi law:

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that Black people on death row even suffer a "botched execution" more than twice as often as white people. Reprieve, *Lethal injection in the modern era: cruel, unusual and racist* at 4 (April 2024).

> (1) the institution of a criminal proceeding; (2) by, or at the instance of, the defendant; (3) termination of such proceedings in plaintiff's favor; (4) malice in instituting the proceeding; (5) want of probable cause for the proceeding; and (6) the plaintiff's suffering of injury or damage as a result of the prosecution.

Univ. of Miss. Med. Ctr. v. Oliver, 235 So. 3d 75, 83 (Miss. 2017) (quotation marks and citation omitted).

The parties agree that Detective Thomas caused criminal proceedings against Green; that those proceedings ended in Green's favor; and that Green was injured. They dispute elements (4) and (5): malice and want of probable cause. Each will be considered in turn.

1. Malice

Detective Thomas says Green has not met the "high bar" required to prove malice. Docket No. 10 at 10 (quoting *Oliver*, 235 So. 2d at 83). She argues that malice requires the defendant to have instigated the proceedings for "private advantage" such as extortion, debt collection, witness intimidation, and the like. *Id.*

A review of her supporting case does not bear this out. *Oliver* indicates that while one can certainly prove malice with evidence of such intentions, the list is merely illustrative. It does not establish the threshold for establishing malice.

Detective Thomas is on firmer footing when she argues that the malice element requires proof that the defendant instituted the prosecution "primarily for a purpose other than that of bringing an offender to justice." *Oliver*, 235 So. 3d at 83 (quotation marks and citations omitted). That is the language

used in a litany of Mississippi cases. *See id.* (collecting cases). The question then becomes, how does one prove the purpose an officer had in mind when they instituted a prosecution? Malice, after all, "is a mental state." *Owens v. Kroger Co.*, 430 So. 2d 843, 847 (Miss. 1983).

The Mississippi Supreme Court has provided the answer.

"The ordinary and popular meaning of malice is usually associated with anger, hatred, ill will, and the like," that court has written, "but malice in fact and malice in law are not to be confused." *Harvill v. Tabor*, 128 So. 2d 863, 864 (Miss. 1961). In the legal context, "[m]alice does not refer to mean or evil intent." *Strong v. Nicholson*, 580 So. 2d 1288, 1293 (Miss. 1991).

Instead, the Mississippi Supreme Court has consistently held that "[m]alice can be inferred from the fact that a defendant may have acted with reckless disregard for a plaintiff's rights." *Bankston v. Pass Rd. Tire Ctr., Inc.*, 611 So. 2d 998, 1006 (Miss. 1992) (citing *Strong*, 580 So. 2d at 1293); *see also Nassar v. Concordia Rod & Gun Club, Inc.*, 682 So. 2d 1035, 1046 (Miss. 1996); *Benjamin v. Hooper Elect. Supply Co.*, 568 So. 2d 1182, 1191 (Miss. 1990). The court tells us that "[m]alice may be and usually is shown by circumstantial evidence." *Strong*, 580 So. 2d at 1293 (collecting cases). And it "has emphasized that since the question of malice is a question of fact, it is to be *determined by the jury* unless only one conclusion may reasonably be drawn from the evidence." *Benjamin*, 568 So. 2d at 1191 (citations omitted and emphasis in original).

This definition is satisfied here. Green describes several ways in which Detective Thomas acted with reckless disregard for his rights. For one, she pointed out Green to Jennings in a photo lineup after Jennings had identified someone else as the

killer. Jennings made a sworn statement attesting to such. *See* Docket No. 1-1. Steering an informant to make a false identification could not have been in the interest of "bringing criminal offenders to justice." *Oliver*, 235 So. 3d at 83. In fact, courts have found identifications unduly suggestive when they "steer[] the witness to one suspect or another, independent of the witness's honest recollection." *Wilson v. Mitchell*, 250 F.3d 388, 397 (6th Cir. 2001) (citation omitted).

Green's claim is buttressed by other circumstantial evidence of reckless disregard. He says Detective Thomas ignored and failed to inquire into obvious inconsistencies between Jennings' statement and the police reports she had in hand. *See* Docket No. 18 at 6. It would be impossible, he says, to credit Jennings' statement that Green moved the victim's body *and* honor the police report indicating that the victim was alive when discovered. Detective Thomas then withheld from the grand jury the holes that cast doubt on Jennings' reliability and Green's culpability. These are "facts of the case" from which a jury can infer malice. *Benjamin*, 568 So. 2d at 1191 (citation omitted).

The order of events may also indicate malice. If the detective steered Jennings to make a false identification *before* she presented Jennings' evidence to the grand jury, her acts might be probative of an intent to mislead the grand jurors.

Granting reasonable inferences in Green's favor, as the Court must at this stage, Detective Thomas acted with reckless disregard for Green's rights and may be subjected to discovery on the malice element.

Green has alleged malice in yet another way, too. In Mississippi, "absence of probable cause for the prosecution is

circumstantial evidence of malice." *Id.* (citing *Royal Oil Co., v. Wells*, 500 So. 2d 439, 444 (Miss. 1986)); *see Brown v. Watkins*, 56 So. 2d 888, 891 (Miss. 1952). As that is a separate element of malicious prosecution, however, and mindful of the fact that an absence of probable cause can support multiple aspects of Green's claims, the Court now moves on to discuss that issue.

2. Lack of Probable Cause

Probable cause under Mississippi law requires the initiating law enforcement officer to concurrently have "(1) an honest belief on the guilt of the person accused, and (2) reasonable grounds for such belief." *Alpha Gulf Coast, Inc. v. Jackson*, 801 So. 2d 709, 722 (Miss. 2001) (quotation marks and citations omitted); *see also Royal Oil*, 500 So. 2d at 443. "Unfounded suspicion and conjecture are not proper bases for finding probable cause." *Benjamin*, 568 So. 2d at 1190 (citation omitted).

Detective Thomas does not identify how Green has failed to sufficiently plead one or both prongs of this standard. Instead, she reiterates that the grand jury's finding of probable cause forecloses this claim. *See* Docket No. 10 (raising the "independent intermediary" doctrine). The Court devotes much time to this objection below. *See infra* at Part IV.D. At this juncture, though, the Court assesses whether Green has sufficiently alleged a lack of probable cause under Mississippi law.

It is difficult to know what to do with the first element: the officer's "honest belief" in the accused's guilt. Green posits that Detective Thomas could not have believed in his guilt, because she steered a pliable informant to Green's face in the photo lineup. *See* Docket No. 18 at 9. On the other hand, maybe she steered the informant toward Green precisely

because she believed so deeply in Green's guilt. For her own part, Detective Thomas does not advance an argument regarding her "honest belief" in Green's guilt.

Even if we were to credit this element in her favor and assume that Detective Thomas genuinely believed Green was guilty, Green has alleged facts to proceed on the second element—that Detective Thomas's belief was objectively unreasonable. Green's allegations regarding the contradictions between Jennings' statement and the available evidence support an "absence of probable cause" by demonstrating that "a reasonable person would investigate further before instigating a proceeding." *Benjamin*, 568 So. 2d at 1191.

A final observation is owed here. A significant number of Mississippi cases concerning malice and probable cause are resolved at later stages of litigation, when courts can review the evidence. *See id.* at 1192 (ordering a new trial after considering evidence of "a senseless prosecution initiated . . . in a reckless manner"); *Royal Oil*, 500 So. 2d at 443 (affirming jury verdict finding malicious prosecution); *Owens*, 430 So. 2d at 844 (reinstating a jury verdict of malicious prosecution); *Oliver*, 235 So. 3d at 77 (considering the evidence gathered at summary judgment); *Harvill*, 128 So. 2d at 864 (vacating defense verdict and remanding for new trial). The weight of the authorities suggest that this Court should proceed with caution at the motion to dismiss stage and decline to make determinations that may be better resolved on the evidence.[22]

[22] For that matter, Mississippi Supreme Court cases suggest caution at the summary judgment stage, too. *See Benjamin*, 568 So. 2d at 1190 (vacating directed verdict and remanding for jury trial); *Brown v. Watkins*, 56 So. 2d

For these reasons, and subject to the independent intermediary defense to be discussed below, Green has sufficiently pled a malicious prosecution claim under Mississippi law.

B. Fourth Amendment Claims

The Fourth Amendment to the Constitution is one sentence long. It says:

> The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

U.S. Const. amend. IV. The Amendment is meant "to safeguard the privacy and security of individuals against arbitrary invasions by governmental officials." *Camara v. Mun. Ct. of City & Cnty. of San Francisco*, 387 U.S. 523, 528 (1967).

Green brings two kinds of Fourth Amendment claims. One is for malicious prosecution, and the other is for false arrest.

1. Malicious Prosecution

The Supreme Court recently reaffirmed that persons may bring a standalone Fourth Amendment malicious prosecution claim under the Ku Klux Klan Act. *See Thompson v. Clark*, 596 U.S. 36, 42 (2022) (collecting cases). The Court cited *Winfrey v. Rogers*, 901 F.3d 483, 492-93 (5th Cir. 2018) as an example of such a claim. Given *Winfrey*, it was clearly established in 2020

888, 891 (Miss. 1952) (endorsing trial court's decision to let jury determine malice and probable cause).

that Green had a right to be free from the initiation of wrongful criminal proceedings without probable cause.[23]

The *Thompson* decision clarified two minimum requirements of federal malicious prosecution claims. The first is that "the malicious prosecution resulted in a seizure of the plaintiff." 596 U.S. at 43 n.2 (citation omitted). The second is the "favorable termination" element of a common law malicious

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[23] The federal right to be free from malicious prosecution has a peripatetic history in this circuit. *See Gordy v. Burns*, 294 F.3d 722, 725 (5th Cir. 2002) (describing Fifth Circuit caselaw on this topic as "confused and confusing"). The Court documents its development briefly.

The Fifth Circuit used to formally recognize a federal malicious prosecution claim as "coextensive" with "the elements of the state-law tort of malicious prosecution." *Id.* (citation omitted). In 2003, though, the en banc court overruled this holding, finding that "malicious prosecution states no constitutional claim." *Castellano v. Fragozo*, 352 F.3d 939, 953 (5th Cir. 2003) (en banc).

Despite this headline, *Castellano* went on to say that "[t]he initiation of criminal charges without probable cause may set in force events that run afoul of explicit constitutional protection—the Fourth Amendment if the accused is seized and arrested, for example." *Id.* And later Fifth Circuit cases cited this language to recognize a right to be free from the wrongful initiation of criminal proceedings when they run in conjunction with an unreasonable seizure – sometimes even calling it or analogizing it to "malicious prosecution." *See Hernandez v. Terrones*, 397 F. App'x 954, 966 & n.5 (5th Cir. 2010); *Good v. Curtis*, 601 F.3d 393, 401 (5th Cir. 2010); *Winfrey*, 901 F.3d at 492-93; *Morgan v. Chapman*, 969 F.3d 238, 245-46 (5th Cir. 2020) ("In so far as the defendant's bad actions (that happen to correspond to the tort of malicious prosecution) result in an unreasonable search or seizure, those claims may be asserted under § 1983 as violations of the Fourth Amendment.").

Thus, no matter how it is labeled, there is a clearly established right in this circuit to be free from the wrongful initiation of criminal proceedings that result in a seizure.

prosecution claim, which has already been addressed above.[24] *Id.* at 44. "The Supreme Court did not, however, lay out a comprehensive list of the elements for a Fourth Amendment malicious prosecution claim, and largely left the question of elements to the lower courts." *Armstrong v. Ashley*, 60 F.4th 262, 278 (5th Cir. 2023).

Picking up on this instruction, the Fifth Circuit subsequently clarified the remaining elements of a federal malicious prosecution claim. *Id.* at 279. It decided to reinstate earlier circuit precedent and require plaintiffs to prove the traditional six elements of a common law malicious prosecution claim. *Id.*

The bottom line is, in this circuit, a plaintiff pleading a federal malicious prosecution claim under the Ku Klux Klan Act must now allege seven elements: the six traditional malicious prosecution elements used in Mississippi law, *id.*, and a seizure, *Thompson*, 596 U.S. at 43 n.2.

The parties agree that Green was seized when he was arrested and jailed. Docket No. 1 at 6. And we need not revisit Green's factual allegations in support of the six state-law malicious prosecution elements. Based on the resolution of those elements in his favor, and again subject to the discussion about independent intermediaries, Green has plausibly stated a federal malicious prosecution claim.

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[24] This element "does not require the plaintiff to show that the criminal prosecution ended with some affirmative indication of innocence. A plaintiff need only show that the criminal prosecution ended without a conviction." *Thompson*, 596 U.S. at 49.

2. False Arrest / Illegal Detention

Green alleges several times that Detective Thomas caused his "wrongful arrest" without probable cause. Docket No. 1 at 5-7. It is not clear whether he intends this as a separate cause of action, or if this is an allegation that goes toward his Fourth Amendment claim for malicious prosecution. Out of an abundance of caution, the Court turns to this claim now.

"There can be no doubt" that the right to be free from arrest absent probable cause was clearly established at the time of Green's arrest. *Alexander v. City of Round Rock*, 854 F.3d 298, 306-07 (5th Cir. 2017) (collecting cases); *see Mangieri v. Clifton*, 29 F.3d 1012, 1016 (5th Cir. 1994). The issue is whether Green has sufficiently pleaded facts showing that Detective Thomas violated this right.

"To prevail in a § 1983 claim for false arrest, a plaintiff must show that . . . the officers could not have reasonably believed that they had probable cause to arrest the plaintiff for any crime." *O'Dwyer v. Nelson*, 310 F. App'x 741, 745 (5th Cir. 2009) (cleaned up).[25] "Probable cause is established by facts and circumstances within the officer's knowledge that are sufficient to warrant a prudent person, or one of reasonable caution, in believing . . . that the suspect has committed, is committing, or is about to commit an offense." *Arizmendi v.*

[25] The Fifth Circuit has at times articulated this differently, writing that "plaintiffs must allege facts permitting an inference that defendants lacked arguable (that is, reasonable but mistaken) probable cause for the arrests." *Club Retro, L.L.C. v. Hilton*, 568 F.3d 181, 207 (5th Cir. 2009) (citations omitted). Green's false arrest claim survives either articulation of the standard.

Gabbert, 919 F.3d 891, 897 (5th Cir. 2019) (quotation marks and citation omitted).

As Green points out, the "totality-of-the-circumstances" test for probable cause requires considering the reliability, credibility, and value of an informant's tip. Docket No. 18 at 5-6 (quoting *Illinois v. Gates*, 462 U.S. 213 (1983)). The Supreme Court has "consistently recognized the value of corroboration of details of an informant's tip by independent police work" and "reasonabl[e] corroborat[ion] by other matters within the officer's knowledge." 462 U.S. at 241-42 (quoting *Jones v. United States*, 362 U.S. 257, 269 (1960)). Indeed, judges in this circuit instruct juries that testimony of an informant seeking money, immunity, or personal advantage "must always be examined and weighed by the jury with greater care and caution than the testimony of ordinary witnesses." Fifth Circuit Pattern Jury Instructions (Criminal Cases) 1.15 (2019). Jurors are advised that a defendant should never be convicted "upon the unsupported testimony of such a witness" unless that testimony is believed beyond a reasonable doubt. *Id*.

An eyewitness identification cannot establish probable cause if "there is an apparent reason for the officer to believe that the eyewitness was lying, did not accurately describe what he had seen, or was in some fashion mistaken regarding his recollection." *United States v. Burbridge*, 252 F.3d 775, 778 (5th Cir. 2001) (citations omitted). A Fourth Amendment false arrest and illegal detention claim is further buttressed if the officer has conducted a reckless investigation. *See Hernandez v. Terrones*, 397 F. App'x 954, 965-66 (5th Cir. 2010).

"Where a plaintiff makes no allegation that the subject defendant actually arrested or detained him, the defendant will only be liable if his allegedly wrongful action was causally

connected to the plaintiff's arrest and detention.'" *Mayhew v. Johnson*, No. 1:21-CV-141-SA-DAS, 2022 WL 3271087, at *7 (N.D. Miss. Aug. 10, 2022) (cleaned up). This is a common law proximate cause standard. *Id.*

Taking Green's allegations and the available evidence as true, Detective Thomas could not have relied on Jennings' statement or photo lineup identification to reasonably believe that probable cause existed.

Jennings' statement is at times incoherent and at other times inconsistent. If Green didn't know that Jennings was in the room, for example, Green could not have told Jennings that he shot Robertson. Green further urges the Court to reasonably infer that Detective Thomas's personal interactions with Jennings, his admittedly drug-impaired demeanor, and his known criminal history put her on alert about his unreliability. *See* Docket No. 18 at 5. Taking the facial incredulity of Jennings' statement together with these circumstances, it would be patently unreasonable for a prudent police officer or an officer of reasonable caution to end the probable cause inquiry there. Yet Detective Thomas didn't corroborate Jennings' information. When Jennings' statement was finally revealed to be a lie, in fact, presumably the prosecution had nothing else to stand on; thus the District Attorney's Office dismissed the indictment.

Detective Thomas asserts that Green's complaint is too vague. The "only allegation" about her in the complaint, she claims, "is that she obtained a statement from Jennings implicating

Plaintiff Green in the murder of Robertson," and therefore the grand jury's indictment protects her.[26] Docket No. 10 at 7.

Critically, however, Detective Thomas does not contend that Jennings' statement, either alone or in combination (or, as the case may be, in contradiction) with any of the other evidence available to the police at the time, was enough to establish probable cause. The allegations and available evidence indicate that it was not. The police already had evidence that the deceased's body had not been moved and that Green had not been with the deceased shortly before his death. Docket No. 1 at 3-4. This contradicted Jennings' statement, meaning it was not "reasonably corroborated by other matters within [Detective Thomas's] knowledge." *Jones*, 362 U.S. at 269. Yet Detective Thomas recklessly ignored the reliability and credibility of Jennings' statement, used it, and withheld contradictory evidence from the grand jury, Green contends, causing his false arrest and illegal detention. She is not eligible for qualified immunity on this claim. *Accord Hughes v. Garcia*, --- F.4th ---, No. 22-20621, 2024 WL 1952868, at *7 (5th Cir. May 3, 2024).

C. Fourteenth Amendment Claim

Green's complaint asserts that Detective Thomas violated the Fourteenth Amendment. Docket No. 1 at 7. As before, it is not entirely clear whether he intends this as a standalone cause of action or, perhaps, a backstop in the event his Fourth Amendment claims fail. In an attempt to unwind the different legal theories at stake, the analysis first addresses whether Green has sufficiently pled a Fourteenth Amendment violation,

[26] To reiterate, the Court discusses the independent intermediary doctrine below in Part IV.D.

before tackling whether, if so, Green can bring such a claim at this stage.

A long line of Fifth Circuit cases clearly establishes a due process right to be free from police misconduct—in the form of evidence fabrication, witness interference, or concealment of exculpatory evidence—that causes an unlawful arrest, detention, or conviction. For example, a police officer violates the Constitution if she "procures false identification by unlawful means or deliberately conceals exculpatory evidence." *Geter v. Fortenberry*, 882 F.2d 167, 170 (5th Cir. 1989) (quotation marks and citation omitted) [hereinafter *Geter II*]. A police officer also violates the Constitution if she knowingly "unlawfully influenc[es] witnesses." *Good v. Curtis*, 601 F.3d 393, 398 (5th Cir. 2010) (citations omitted). In keeping with these decisions, and after surveying its sister circuits, in 2015 the Fifth Circuit reaffirmed "a due process right not to have police deliberately fabricate evidence and use it to frame and bring false charges against a person." *Cole v. Carson*, 802 F.3d 752, 771 (5th Cir. 2015) [hereinafter *Cole I*], *vacated sub nom. Hunter v. Cole*, 580 U.S. 994 (2016), and *opinion reinstated in part*, 905 F.3d 334, 342 (5th Cir. 2018).

Given these cases, this Court is satisfied that the Fourteenth Amendment right allegedly violated by Detective Thomas was clearly established in 2020. It proceeds to assess whether Green's factual allegations on this claim are sufficient.

Again, Green alleges that Detective Thomas secured an unbelievable statement from a high, mentally-ill jailhouse informant; did not corroborate the informant's statement; withheld from the grand jury facts about that informant's impairments, criminal history, and incentives; withheld from the grand jury a police report with evidence about the victim's death that

contradicted the informant's statement; withheld from the grand jury evidence that another person had been with the victim before his death; and procured a false identification by pointing out Green's photo in the lineup to the informant, after the informant initially selected another person's photo.

These factual allegations echo those made in cases where a Fourteenth Amendment violation was stated. *See Geter II*, 882 F.2d at 170 (denying summary judgment where officer "prodd[ed] the witnesses to select another picture when they had chosen incorrectly" and concealed exculpatory evidence); *Good*, 601 F.3d at 398-400 (denying summary judgment where officer manipulated plaintiff's photo in a lineup to produce a false identification); *Burroughs v. City of Laurel, Miss.*, No. 2:19-CV-48-KS-MTP, 2019 WL 4228438, at *6-7 (S.D. Miss. Sept. 5, 2019) (denying motion to dismiss where officers allegedly "fabricated, misrepresented, and manipulated evidence and reports—including the intentional omission of exculpatory evidence—during their investigation and in their pursuit of an arrest warrant and indictment"). Given these cases, Green's allegations and attached evidence plead a Fourteenth Amendment due process violation that caused an unlawful arrest and detention. *See* Docket No. 1-1.

Now for the wrinkle. In *Cole I*, the Fifth Circuit seemed to suggest that Fourteenth Amendment claims based on evidence fabrication or withholding exculpatory evidence were limited to circumstances where the Fourth Amendment was "unavailing." 802 F.3d at 772. It is therefore not entirely clear whether Green can maintain a Fourteenth Amendment claim, since he has viable Fourth Amendment avenues of relief.

District courts have interpreted *Cole I* in different ways. Some have recognized a Fourteenth Amendment due process claim

for pretrial deprivation only when a Fourth Amendment claim was unavailable. *See McLean v. Davis*, No. 3:22-CV-33-DPJ-FKB, 2023 WL 1868192, at *4 (N.D. Miss. Feb. 9, 2023) (collecting cases). Others have allowed Fourteenth Amendment due process claims to proceed alongside Fourth Amendment false arrest or malicious prosecution claims. *See Thorpe v. WMS Gaming, Inc.*, No. 3:16-CV-147-NBB-RP, 2018 WL 4621906, at *4-5 (N.D. Miss. Sept. 26, 2018); *Ducksworth v. City of Laurel, Miss.*, No. 2:20-CV-114-KS-MTP, 2021 WL 4504692, at *6-8 (S.D. Miss. Oct. 1, 2021), *appeal dismissed sub nom. Ducksworth v. Landrum*, 62 F.4th 209 (5th Cir. 2023). Certainly, pre-*Cole I* courts allowed the differing Constitutional claims to proceed to trial, noting no conflict between them. *See Good*, 601 F.3d at 398-402.

This Court could not identify binding authority on how a district court should address these legal theories at the motion to dismiss stage. As Chief Judge Jordan put it in *McLean*,

> *Cole [I]* never says dismissal [of the Fourteenth Amendment claim] is appropriate if the plaintiff fails to plead facts showing the Fourth Amendment claim is unavailing. Instead, the court affirmed dismissal of the Fourth Amendment claim (because it failed to state a claim) and then allowed the Fourteenth Amendment claim to go forward because the Fourth Amendment claim was unavailing. The real question – and one *Cole [I]* does not address – is when a court must make that call.

2023 WL 1868192, at *5.

McLean involved factual circumstances resembling our case. There, the plaintiff alleged that the defendant either intentionally fabricated an autopsy report or recklessly prepared it in a way that caused the plaintiff's arrest and detention without probable cause, in violation of the Fourth and Fourteenth Amendments. *Id.* at *2. Chief Judge Jordan observed that Federal Rule of Civil Procedure 8 permits plaintiffs to set forth alternative theories of recovery. *Id.* at *5-6. He further considered *Morgan v. Chapman*, a Fifth Circuit case which allowed a plaintiff to plead both a Fourth Amendment and a Fourteenth Amendment claim. *Id.* (citing 969 F.3d 238, 250 (5th Cir. 2020)). Given these authorities, Chief Judge Jordan let the plaintiff move forward. *Id.*

Finding this reasoning persuasive, the Court concludes that Green can pursue alternative theories under the Fourth and Fourteenth Amendments.

D. Independent Intermediary Doctrine

Detective Thomas avers that the independent intermediary doctrine shelters her from liability on all of Green's claims.[27] Docket No. 10 at 6-9. Relying on *Craig v. Dallas Area Rapid Transit Authority*, 504 F. App'x 328 (5th Cir. 2012) and *Buehler v. City of Austin/Austin Police Department*, 824 F.3d 548 (5th Cir. 2016), she argues that the complaint lacks specific allegations regarding what was improperly presented to or misled the grand jury. *Id.* at 6-7. Green disagrees and illustrates various ways persons in this circuit overcame the insulation from

[27] *Good v. Curtis* applied (but expressly did not extend) the independent intermediary doctrine to Fourteenth Amendment claims. 601 F.3d at 400.

liability that results when an independent intermediary, such as a grand jury, finds probable cause. Docket No. 18 at 12.

"Under the independent-intermediary doctrine, if facts supporting an arrest are placed before an independent intermediary such as a magistrate or grand jury, the intermediary's decision breaks the chain of causation for the Fourth Amendment violation." *Winfrey*, 901 F.3d at 496 (cleaned up). The doctrine does not apply, however, "if it can be shown that the deliberations of that intermediary were in some way tainted by the actions of the defendant." *Caudra v. Hous. Indep. Sch. Dist.*, 626 F.3d 808, 813 (5th Cir. 2010) (cleaned up).[28]

A law enforcement officer taints grand jury deliberations when she "withhold[s] any relevant information." *Hand v. Gary*, 838 F.2d 1420, 1428 (5th Cir. 1988). "Any misdirection of the magistrate or the grand jury by omission or commission perpetuates the taint of the original official behavior." *Id.*

Plaintiffs in this situation must specifically allege that the officer "deliberately or recklessly provided false information to . . . the grand jury" or made "knowing and intentional omissions that result in a warrant being issued without probable cause." *Anokwuru v. City of Hous.*, 990 F.3d 956, 964 (5th Cir. 2021) (citations omitted). In *Wilson v. Stroman*, for example, plaintiffs sufficiently alleged "taint" when they stated that

[28] The independent intermediary doctrine is also the subject of criticism. One scholar argues that it "is not rooted in the history of civil rights law--proximate cause is--and therefore, is not a valid defense to a civil rights claim." Amanda Peters, *The Case for Replacing the Independent Intermediary Doctrine with Proximate Cause and Fourth Amendment Review in § 1983 Civil Rights Cases*, 48 Pepp. L. Rev. 1, 5 (2021) (citation omitted). Professor Peters collects cases from across the country endeavoring to apply the doctrine, and from them concludes that "this area of law is a mess." *Id.* at 8.

officials (1) made material omissions and misrepresentations to the grand jury, and (2) withheld from the grand jury video evidence that undermined probable cause. 33 F.4th 202, 212-13 (5th Cir. 2022).[29]

"At the pleading stage, mere allegations of taint may be adequate to survive a motion to dismiss where the complaint alleges other facts supporting the inference." *Id.* at 212 (cleaned up). The Fifth Circuit has explained its rationale in this way:

> Given that a general rule of secrecy shrouds the proceedings of grand juries, it is understandably difficult for a plaintiff to know what was said—or wasn't said—to the grand jury absent any form of discovery. While that reality doesn't excuse pleading requirements, it does mean that allegations about what was presented or omitted in the grand jury room will in some sense be speculative, which is why plaintiffs like the ones here will need to allege other facts supporting the inference of what they allege to have occurred in the grand jury room.

Id. (cleaned up); *see also Mayhew*, 2022 WL 3271087, at *10 n.7 ("a plaintiff may not at the initial stage of the litigation be privy to the facts supporting the taint exception, particularly when it involves secret grand jury proceedings.").

[29] Because there were nearly 100 plaintiffs in *Wilson*, the Fifth Circuit remanded the matter for the district court to determine which individual pleadings met this standard. 33 F.4th at 213.

Green satisfies this standard. Recall that his complaint specifically alleges that Detective Thomas maliciously[30] withheld from the grand jury facts about her jailhouse informant's impairments, criminal history, and circumstances; a police report with evidence about the victim's death that contradicted the informant's statement; and evidence that another person had been with the victim before his death—all of which would have undermined probable cause. Had she provided the grand jury with "full and complete information," Green alleges, he "would not have been indicted." Docket No. 1 at 3.

Green has more than allegations. As already discussed, the informant has sworn under oath that Detective Thomas procured a false identification by pointing to Green's photo in the lineup, after the informant had initially selected another person's photo. Docket No. 1-1. That evidence indicates that Detective Thomas intentionally and maliciously engaged in obvious misconduct in her pursuit of Green. If the false identification was secured prior to the grand jury's consideration, moreover, Detective Thomas gave the independent intermediary testimony from a man she knew to be untruthful.

To this, Detective Thomas advances the Fifth Circuit's decisions in *Craig* and *Buehler.* Neither case supports her point.

In *Craig*, the plaintiff had been arrested and indicted for tampering with evidence. 504 F. App'x at 331. After being acquitted at trial, she brought false arrest and malicious prosecution claims against the officers, claiming a violation of the Fourth Amendment, the Fourteenth Amendment, and Texas law. *Id.*

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[30] With this allegation, Green indicates that Detective Thomas's conduct was, at a minimum, reckless.

Although Craig succeeded in her criminal case, her Ku Klux Klan Act suit failed. The Fifth Circuit assumed that the defendants lacked probable cause to pursue her. *Id.* at 332. Even so, at the summary-judgment stage, Craig lacked evidence that they had tainted the grand jury proceedings. Her assertion that a defendant had a personal vendetta against her was nothing more than "conjecture." *Id.*

Craig might be more relevant to our case when we reach summary judgment. It does not, however, support the notion that Green has failed to state a claim of a tainted grand jury.

Detective Thomas fares no better with *Buehler*. There, after reviewing the evidence put forth at the summary-judgment stage, the trial and appellate courts found no proof that the defendants made "knowing misstatements or omissions" to the grand jury. 824 F.3d at 555. The grand jury had in fact heard from Buehler and other witnesses favorable to him, and still returned an indictment. *Id.* at 556. As with *Craig*, *Buehler* suggests waiting until the evidence is in before adjudicating this issue.

This Court does not know the truth of Green's claims. All we have are his allegations, one piece of material evidence, and a thin state-court record of the criminal proceedings. At this early point in the litigation, though, the legal standard requires this Court to take Green's allegations as true and make reasonable factual inferences in his favor. *See Iqbal*, 556 U.S. at 678. Under that standard, and consistent with the substantive law on this subject, Green has sufficiently alleged that Detective Thomas tainted the independent intermediary and caused his wrongful detention.

E. The Constitutionality of Qualified Immunity

If the Fifth Circuit disagrees and grants qualified immunity on any of these claims, Green advances an alternative argument for moving forward against Detective Thomas. He contends that "the qualified immunity doctrine is unsound law" and a "misreading of the Civil Rights Act of 1871."[31] Docket No. 18 at 14-15.

This Court has written on this topic previously. *See Jamison v. McClendon*, 476 F. Supp. 3d 386 (S.D. Miss. 2020). So it should come as little surprise that the Court finds these arguments compelling.

[31] The argument is foreclosed by existing law, but Green must urge it here if he wishes to preserve his objection for appellate review.

Justices,[32] judges,[33] advocates,[34] and scholars[35] have long found fault with qualified immunity. Several of the more compelling critiques are summarized below.

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[32] *See Anderson v. Creighton*, 483 U.S. 635, 668 (1987) (Stevens, J., dissenting) (criticizing the doctrine as "a double standard of reasonableness which unjustifiably and unnecessarily upsets the delicate balance between respect for individual privacy and protection of the public servants who enforce our laws"); *Wyatt*, 504 U.S. at 170 (Kennedy, J., concurring) ("In the context of qualified immunity . . . , we have diverged to a substantial degree from the historical standards."); *Crawford-El v. Britton*, 523 U.S. 574, 611 (1998) (Scalia, J., dissenting) ("our treatment of qualified immunity under 42 U.S.C. § 1983 has not purported to be faithful to the common-law immunities that existed when § 1983 was enacted"); *Ziglar v. Abbasi*, 582 U.S. 120, 159-60 (2017) (Thomas, J., concurring in part) ("Our qualified immunity precedents instead represent precisely the sort of freewheeling policy choices that we have previously disclaimed the power to make. . . . In an appropriate case, we should reconsider our qualified immunity jurisprudence."); *Kisela v. Hughes*, 584 U.S. 100, 121 (2018) (Sotomayor, J., dissenting) (lamenting the Court's "one-sided approach to qualified immunity" that "tells officers that they can shoot first and think later, and . . . tells the public that palpably unreasonable conduct will go unpunished").

[33] *See Zadeh v. Robinson*, 928 F.3d 457, 474 (5th Cir. 2019) (Willett, J., concurring in part and dissenting in part) ("the judge-made immunity regime ought not be immune from thoughtful reappraisal."); *Reich v. City of Elizabethtown, Ky.*, 945 F.3d 968, 991 (6th Cir. 2019) (Moore, J., dissenting) (opposing holding "Fourth Amendment plaintiffs . . . to an impossibly high standard, where they must dredge up a mirror-image case (that happened to arise in this circuit, and happened to result in a decision by this court) to have any hopes of surviving a qualified-immunity challenge at summary judgment"); *Horvath v. City of Leander*, 946 F.3d 787, 801 (5th Cir. 2020) (Ho, J., concurring in part and dissenting in part) ("[T]here is no textualist or originalist basis to support a 'clearly established' requirement in § 1983 cases."); *Estate of Jones*, 961 F.3d at 673 ("Although we recognize that our police officers are often asked to make split-second decisions, we expect them to do so with respect for the dignity and worth

of black lives."); *Stewart*, 970 F.3d at 678 (Donald, J., concurring in part and dissenting in part) (describing a "seemingly endless struggle with applying the doctrine"); *Cox v. Wilson*, 971 F.3d 1159, 1165 (10th Cir. 2020) (Lucero, J., dissenting from the denial of rehearing en banc) ("the profound issues with qualified immunity are recurring and worsening. . . . By continuing to await addressing deep and troubling qualified immunity issues brought to our attention time and again, we are complicit . . . ."); *Sampson v. Cnty. of Los Angeles*, 974 F.3d 1012, 1026 (9th Cir. 2020) (Hurwitz, J., concurring in part and dissenting in part) ("To be sure, the [Supreme] Court has reiterated that a prior case directly on point is not required, and that officials can still be on notice that their conduct violates established law even in novel factual circumstances. But much like Lucy of 'Charlie Brown' fame, the Court repeatedly yanks away the football when lower courts attempt to apply this language."); *Jefferson v. Lias*, 21 F.4th 74, 93 (3d Cir. 2021) (McKee, J., concurring) ("The paradox that has evolved is that the perceived need to defer to the split-second decisions of trained professionals that is endemic to the jurisprudence in [qualified immunity] has failed to recognize the collective judgments of those very professionals and their administrative and governing agencies."); *McKinney v. City of Middletown*, 49 F.4th 730, 758 (2d Cir. 2022) (Calabresi, J., dissenting) ("The Supreme Court should do away with this ill-founded, court-made doctrine"); *Manzanares v. Roosevelt Cnty. Adult Det. Ctr.*, 331 F. Supp. 3d 1260, 1293-94 & n.10 (D.N.M. 2018) ("Factually identical or highly similar factual cases are not, however, the way the real world works. Cases differ. Many cases have so many facts that are unlikely to ever occur again in a significantly similar way."); *Ventura v. Rutledge*, 398 F. Supp. 3d 682, 697 n.6 (E.D. Cal. 2019) ("[T]his judge joins with those who have endorsed a complete re-examination of the doctrine which, as it is currently applied, mandates illogical, unjust, and puzzling results in many cases."); *Estate of Smart v. Cty. of Wichita*, No. 14-2111-JPO, 2018 WL 3744063, at *18 n.174 (D. Kan. Aug. 7, 2018) ("[T]he court is troubled by the continued march toward fully insulating police officers from trial—and thereby denying any relief to victims of excessive force—in contradiction to the plain language of the Fourth Amendment."); *Thompson v. Clark*, No. 14-CV-7349, 2018 WL 3128975, at *13 (E.D.N.Y. June 26, 2018) ("Case precedent and policy rationale fail to justify an expansive regime of immunity that would prevent plaintiff from proving a serious

constitutional violation."); Hon. Stephen R. Reinhardt, *The Demise of Habeas Corpus and the Rise of Qualified Immunity: The Court's Ever Increasing Limitations on the Development and Enforcement of Constitutional Rights and Some Particularly Unfortunate Consequences*, 113 Mich. L. Rev. 1219, 1244 (2015) (criticizing "a series of decisions not compelled by statute or precedent that has had the harmful, practical effect of limiting the ability of all persons to receive the protections of the Constitution."); Hon. Jon O. Newman, *Here's a better way to punish the police: Sue them for money*, Wash. Post (June 23, 2016) ("the defense of qualified immunity should be abolished"); Hon. Lynn Adelman, *The Supreme Court's Quiet Assault on Civil Rights*, Dissent (Fall 2017) ("The fact is that there is no persuasive legal basis for the doctrine."); Hon. James A. Wynn, Jr., *As a judge, I have to follow the Supreme Court. It should fix this mistake*, Wash. Post (June 12, 2020) ("Eliminating the defense of qualified immunity would improve our administration of justice and promote the public's confidence and trust in the integrity of the judicial system.").

[34] *See, e.g.*, Brief of Cross-Ideological Groups Dedicated to Ensuring Official Accountability, Restoring the Public's Trust in Law Enforcement, and Promoting the Rule of Law as Amici Curiae in Support of Petitioner, Baxter v. Bracey, 140 S. Ct. 1862 (2020) (No. 18-1287) 2019 WL 2370285 (advancing arguments of the American Association for Justice, Americans for Prosperity, Due Process Institute, Law Enforcement Action Partnership, Roderick & Solange Mac Arthur Justice Center, NAACP Legal Defense & Educational Fund, Inc., National Association of Criminal Defense Lawyers, Public Justice, R Street Institute, and Reason Foundation); Jay Schweikert, *Qualified Immunity: A Legal, Practical, and Moral Failure*, Cato Inst. (Sept. 14, 2020); Ed Yohnka et al., *Ending Qualified Immunity Once and For All is the Next Step in Holding Police Accountable*, Am. Civ. Lib. Union (Mar. 23, 2021).

[35] *See, e.g.*, Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 Yale L.J. 2, 14 (2017); Baude, 106 Calif. L. Rev. at 45; Joanna C. Schwartz, *The Case Against Qualified Immunity*, 93 Notre Dame L. Rev. 1797 (2018); Karen M. Blum, *Qualified Immunity: Time to Change the Message*, 93 Notre Dame L. Rev. 1887 (2018); Joanna C. Schwartz, *Qualified Immunity's Boldest Lie*, 88 U. Chic. L. Rev. 605 (2021); Enright & Geary, 13 Geo. J. of L. & Mod. Critical Race Persps. at 135; Nyla Knox, *Qualified Immunity: Rectifying A*

1. The Textual Problem

"Congress alone has the institutional competence, democratic legitimacy, and (most importantly) constitutional authority to revise statutes in light of new social problems and preferences." *Wis. Cent. Ltd. v. United States*, 585 U.S. 274, 284 (2018). In 1871, Congress exercised this authority—confronting the persistent problem of violent white supremacy—when it passed into law the Ku Klux Klan Act.

Qualified immunity, however, does not appear in the text of the Ku Klux Klan Act. It is not found in any Constitutional provision or other statute. Nor does it "help give . . . life and substance" to the "specific guarantees in the Bill of Rights." *Griswold v. Connecticut*, 381 U.S. 479, 484 (1965) (citation omitted). The defense has the opposite effect. It nullifies the guarantees of the Bill of Rights.

The doctrine's components are similarly untethered to any authority. Justice Thomas has observed several times that the clearly established test "cannot be located in § 1983's text." *Hoggard v. Rhodes*, 141 S. Ct. 2421, 2421 (2021) (Thomas, J., respecting the denial of certiorari). An officer's right to immediately appeal the denial of qualified immunity was invented in 1985. *See Mitchell v. Forsyth*, 472 U.S. 511, 527 (1985). And the requirement that "existing precedent must have placed the statutory or constitutional question beyond debate"? The

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Detrimental Doctrine, 53 Ariz. St. L.J. 945 (2021); Fred O. Smith, Jr., *Beyond Qualified Immunity*, 119 Mich. L. Rev. Online 121, 123 (2021); Wright et al., 126 Dickinson L. Rev. at 717; Teressa Ravenell, *Unincorporating Qualified Immunity*, 53 Loy. U. Chi. L.J. 371 (2022); *see also* Joanna Schwartz, Shielded: How the Police Became Untouchable (2023).

Supreme Court came up with that in 2011. *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011).

Not long ago, a plaintiff could satisfy the clearly established requirement by pointing to "a consensus of cases of persuasive authority." *Wilson v. Layne*, 526 U.S. 603, 617 (1999). *Al-Kidd* changed that too. It required plaintiffs to identify a "robust" consensus of cases clearly establishing the law. 563 U.S. at 742. Today, it is not clear that a robust consensus is enough. The Supreme Court has suggested that only *its* precedent can establish the law. *See District of Columbia v. Wesby*, 138 S. Ct. 577, 591 n.8 (2018).[36]

Governments "deriv[e] their just powers from the consent of the governed." The Declaration of Independence para. 2 (U.S. 1776). But the People never enshrined qualified immunity in the Constitution. Our representatives in Congress never put it into the statute or voted for it. No President signed it into law. If anything, it represents a kind of "trickle-down" democratic legitimacy.

Some might say that every legal doctrine has this flaw. It is a fair point, so we should be precise about the critique.

Legal doctrines fall upon a spectrum of democratic legitimacy, rather than a binary. Some try to implement statutes

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[36] Professor Davidson spots another slight-of-hand in *al-Kidd*. He observes that "the Court altered the test from . . . 'a reasonable official would understand that what he is doing violates that clearly established right' to '*every* reasonable official would have understood that what he is doing violates that right.' Though the Court did not explain this alteration, later opinions have picked up on *al-Kidd*'s modification." Adam A. Davidson, *Procedural Losses and the Pyrrhic Victory of Abolishing Qualified Immunity*, 99 Wash. U.L. Rev. 1459, 1471 (2022) (cleaned up).

even-handedly. *See In re Volkswagen of Am., Inc.*, 545 F.3d 304, 313-15 (5th Cir. 2008) (en banc) (reconciling the public- and private-interest factors of *forum non conveniens* with 28 U.S.C. § 1404(a)). Others seek to promote democratic values: abstention promotes federalism, prudential standing is meant to enforce Article III of the Constitution, and so on.

Qualified immunity is different. It adjudicates cases—it ends them—rather than channel them into a better forum brought by parties with a more concrete stake in the outcome. It is so removed from the democratic process that it merits the most stringent scrutiny.

Legal doctrines have a role in the judiciary. As the Supreme Court has recognized in another doctrinal context, though, they should not be imposed at the cost of "shirking the solemn responsibility of the federal courts to guard, enforce, and protect every right granted or secured by the constitution of the United States." *Kusper v. Pontikes*, 414 U.S. 51, 55 (1973).[37] It is difficult to see how qualified immunity survives that logic.

2. The Counter-textual Problem

One of Green's more interesting arguments against qualified immunity lies at the intersection of the statute's textual and historical critiques.

Green points to new research suggesting that when Congress enacted the Ku Klux Klan Act, it "adopted explicit text that displaced common law defenses," making clear "that such a claim would be viable notwithstanding 'any such law, statute,

[37] For an important discussion of abstention's role in enforcing constitutional rights, *see* Fred O. Smith, Jr., *Abstention in the Time of Ferguson*, 131 Harv. L. Rev. 2283 (2018).

ordinance, regulation, custom, or usage of the State to the contrary.'" Alexander A. Reinert, *Qualified Immunity's Flawed Foundation*, 111 Calif. L. Rev. 201, 207 (2023) (quoting An Act to Enforce the Provisions of the Fourteenth Amendment to the Constitution of the United States, and for Other Purposes, 17 Stat. 13 (1871)). Professor Reinert says a government official omitted this text when he "published the first compilation of federal law in 1874." *Id.* If this is true, we've all been applying the wrong version of the statute.

Federal judges have taken note. In *Rogers v. Jarrett*, Judge Willett described this line of attack as a "game-changing argument[] . . . in this text-centric judicial era when jurists profess unswerving fidelity to the words Congress chose." 63 F.4th 971, 980 (5th Cir. 2023) (Willett, J., concurring). If Professor Reinert is correct, he added, it would "supercharge[] the critique that modern immunity jurisprudence is not just *a*textual but *counter*textual. That is, the doctrine does not merely *complement* the text—it brazenly *contradicts* it." *Id.* at 980-81.[38]

No decisive judgment has been returned on this line of inquiry. Hopefully the academic community will continue to investigate.

As we wait, it remains true that qualified immunity is the law of the land and commands respect under *stare decisis*. If the Supreme Court follows its most recent jurisprudence on that subject, though, qualified immunity might be with us for but a short time. The next section explains why.

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[38] Judges Dennis, Elrod, Graves, Higginson, Ho, and Douglas have also noted Professor Reinert's arguments. *See Villarreal v. City of Laredo, Tex.*, 94 F.4th 374, 408 n.14 (5th Cir. 2024); *Jimerson v. Lewis*, 94 F.4th 423, 431 (5th Cir. 2024).

3. The *Dobbs* Dilemma

In 2022, the Supreme Court upended 50 years of precedent and eliminated the Constitutional right to a pre-viability abortion. *Dobbs*, 597 U.S. at 215. Its reasoning in that case supports upending existing law here.

Opponents of qualified immunity advance many of the same kinds of arguments that opponents of abortion used. In both instances, the primary complaint was that the Supreme Court had disregarded authoritative texts and used "raw judicial power" to balance implied rights and interests. *Id.* at 268; *see Pierson*, 386 U.S. at 555. Opponents complained that the high Court "short-circuited the democratic process" and "necessarily declared a winning side" in a long-running social controversy. *Dobbs*, 597 U.S. at 269.

The arguments against qualified immunity are stronger than the arguments Petitioners presented in *Dobbs*. The People themselves already expressed the standards they expect of law enforcement when they ratified the Fourth Amendment and passed the Ku Klux Klan Act into law. "The very enumeration of the [constitutional] right takes out of the hands of government—even the Third Branch of Government—the power to decide on a case-by-case basis whether the right is *really worth* insisting upon." *District of Columbia v. Heller*, 554 U.S. 570, 634 (2008).[39] So it should be an easier leap of logic—

[39] This Court is fond of using this language in Second Amendment cases. *See McDonald v. City of Chicago, Ill.*, 561 U.S. 742, 791 (2010); *N.Y. State Rifle & Pistol Assoc., Inc. v. Bruen*, 597 U.S. 1, 23 (2022). Surely this principle has validity in other Constitutional cases, too. But to date, only Justice Thomas has wielded this language outside of Second Amendment cases. *See Luis v. United States*, 578 U.S. 5, 33 (2016) (Thomas, J., concurring).

and lesser expenditure of political capital—to conclude that qualified immunity "was egregiously wrong on the day it was decided." *Dobbs*, 597 U.S. at 268 (cleaned up).

One might argue that law enforcement officers are entitled to keep qualified immunity because they have planned their livelihoods around its existence. *See, e.g.*, Caroline Goggin, *NH police department under fire for listing 'qualified immunity' as job perk in recruitment post*, WHDH.com (Aug. 4, 2021). Judges and lawyers call this a "reliance interest." One judge has argued that because revisiting qualified immunity "would have significant consequences for state and local governments, . . . reliance interests recommend adherence to stare decisis." *McKinney v. City of Middletown*, 49 F.4th 730, 748 (2d Cir. 2022).

It was strange to see that argument after the Supreme Court's abortion decision, though, because *Dobbs* rejected precisely that kind of vague, "generalized assertion[] about the national psyche." 597 U.S. at 288. The Court instead thought voters should resolve reliance interests, not judges. After all, just like women, law enforcement officers and their unions "are not without electoral or political power,"[40] and may "seek to

[40] All understand the power and influence of the police. *See* Benjamin Levin, *What's Wrong with Police Unions?*, 120 Colum. L. Rev. 1333 (2020); Noam Scheiber et al., *How Police Unions Became Such Powerful Opponents to Reform Efforts*, N.Y. Times (June 6, 2020); Sam Blum, *Police Unions Wield Massive Power in American Politics—For Now*, Rolling Stone (July 7, 2020); Ross Barkan, *How Did Police Unions Get So Powerful?*, The Nation (July 2, 2020).

affect the legislative process by influencing public opinion, lobbying legislators, voting, and running for office." *Id.* at 288.[41,42]

Dobbs also reflects the Supreme Court's desire to remove itself from the center of a hot-button issue and return it to the electoral process. As one Justice remarked at oral argument in that

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[41] It was just a few years ago that the Justices told us that "[t]he fact that public-sector unions may view" a constitutional decision "as an entitlement does not establish the sort of reliance interest that could outweigh the countervailing interest that nonmembers share in having their constitutional rights fully protected." *Janus v. Am. Fed'n of State, Cnty., & Mun. Emps., Council 31*, 585 U.S. 878, 927 (2018) (cleaned up).

[42] Defenders of the status quo are then left to argue that "[s]tare decisis 'carries enhanced force' when, as in the case of qualified immunity under § 1983, the relevant precedent 'interprets a statute.'" *McKinney*, 49 F.4th at 748 (quoting *Kimble v. Marvel Ent., LLC*, 576 U.S. 446, 456 (2015)). But that doesn't go very far in a post-*Dobbs* world.

It is true that when the Court misinterprets a statute, Congress can step in and clarify the law. *E.g.*, *Ledbetter v. Goodyear Tire & Rubber Co.*, 550 U.S. 618 (2007), *overturned by* The Lilly Ledbetter Fair Pay Act of 2009, Pub. L. No. 111-2 (Jan. 29, 2009). Congress would be well within its rights to clarify or abolish qualified immunity.

The same fundamental principle was at stake in *Dobbs*, though. There, the Court could have deferred to the democratic process and let the voters overrule, amend, or expand *Roe v. Wade* through the passage of a Constitutional amendment. The Court nevertheless elected to fix its perceived mistake and overrule its interpretation of the law.

The point is this: the availability of a democratic remedy for qualified immunity doesn't stop the Supreme Court from taking responsibility for the problem it created. As Justice Thomas has written, "when we err in areas of judge-made law, we ought to presume that Congress expects us to correct our own mistakes—not the other way around." *Halliburton Co. v. Erica P. John Fund, Inc.*, 573 U.S. 258, 298 (2014) (Thomas, J., concurring).

case, when the Constitution is silent on such important interests, "why should this Court be the arbiter rather than Congress, the state legislatures, state supreme courts, the people being able to resolve this?" Transcript of Oral Argument at 107, Dobbs v. Jackson Women's Health Org., 597 U.S. 215 (2022) (No. 19-1392) (Kavanaugh, J.).

There is a certain appeal to this. Since the early 1970s, the Supreme Court issued more than 100 decisions referencing *Roe v. Wade*. Maybe that amount of controversy on issues of life and death, where passions run high, was too much for any person or institution to bear.

Over that same period of time, though, the Supreme Court has issued more than 200 decisions referencing qualified immunity. Many of those cases are also about life and death. *See Mullenix*, 577 U.S. at 9. Yet it has not yet seen fit to return this contested issue to the democratic process. It is not clear why.[43]

To all this, a layperson might wonder how such a shaky doctrine can be maintained. The next section will discuss the Justices' own explanations.

4. The Policy Justifications

The Supreme Court says qualified immunity exists to protect government officials from "the expenses of litigation, the diversion of official energy from pressing public issues, and the

[43] The current Court is certainly not shy about overruling precedent. "In 2018, *Janus v. AFSCME* overruled *Abood v. Detroit Board of Education*, 431 U.S. 209 (1977); in 2019, *Knick v. Township of Scott* overruled *Williamson County v. Hamilton Bank*, 473 U.S. 172 (1985); and in 2020, *Ramos v. Louisiana* overruled *Apodaca v. Oregon*, 406 U.S. 404 (1972)." *Jamison*, 476 F. Supp. 3d at 420. The category seems to grow every year. *See Students for Fair Admissions, Inc. v. President & Fellows of Harvard Coll.*, 600 U.S. 181 (2023).

deterrence of able citizens from acceptance of public office." *Harlow v. Fitzgerald*, 457 U.S. 800, 814 (1982). "[E]ven such pretrial matters as discovery are to be avoided if possible, as inquiries of this kind can be peculiarly disruptive of effective government." *Mitchell*, 472 U.S. at 526 (cleaned up).

Pause for a moment to observe how aberrant these justifications are. Emergency room physicians are critical in a real life-or-death sense. But when they are sued for negligence, we take for granted that they will have to respond and, perhaps, be subjected to discovery about their actions. The economy relies on banks to preserve, grow, and allocate resources. In the event a bank engages in fraud or facilitates a Ponzi scheme, though, its victims can come to court and ask to be made whole.

The same is true for just about every realm of life. The judicial process is how our democracy provides "tribunals for the peaceful resolution of *all* manner of disputes." Chief Justice John G. Roberts, Jr., 2015 Year-End Report on the Federal Judiciary at 2 (emphasis added). So it is odd for the judicial process to privilege government over every other industry. It's important to keep the public sector functioning, to be sure, but we also need functional hospitals, utilities, financial institutions, and supply chains. And in all of those systems, we accept the costs and distractions of litigation as necessary consequences of a fair dispute resolution system.

The Supreme Court nevertheless assumes that qualified immunity is necessary to privilege government operations over non-government operations. Yet little to no evidence supports the assumption.

Professor Schwartz's research indicates that "qualified immunity is not achieving its policy objectives" and "may, in fact, increase the costs and delays associated with constitutional litigation." Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 Yale L.J. 2, 11 (2017). One of her more galling findings reveals that officers are trained on "broad principles"—not the specific "factual scenarios" that appellate judges then insist were necessary predicates to liability. Joanna C. Schwartz, *Qualified Immunity's Boldest Lie*, 88 U. Chi. L. Rev. 605, 610 (2021). "Officers could never learn the facts and holdings of the hundreds or thousands of cases that clearly establish the law and, even if they learned about some of these cases, they would not reliably recall their facts and holdings while doing their jobs." *Id.* at 612. And the notion that a government employee will change their behavior out of fear of personal liability is not borne out by the evidence. Police officers are not held financially responsible for the vast majority of settlements and judgments against them. Joanna C. Schwartz, *The Case Against Qualified Immunity*, 93 Notre Dame L. Rev. 1797, 1806 (2018).

At the end of the day, the Court's policy-based defense of qualified immunity is simply a choice to privilege government officials over all others. The justifications are less than persuasive.

5. The Criminal Law Parallels

Our legal system believes that "no man shall be held criminally responsible for conduct which he could not reasonably understand to be proscribed." *Bouie v. City of Columbia*, 378 U.S. 347, 351 (1964) (quotation marks and citation omitted). We do not incarcerate a person unless a statute gives them

"fair warning" that a course of conduct is criminal. *Rogers v. Tennessee*, 532 U.S. 451, 457 (2001).

Qualified immunity is similar. The Supreme Court once admitted that "the 'clearly established' immunity standard . . . is simply the adaptation of the fair warning standard to give officials (and, ultimately, governments) the same protection from civil liability and its consequences that individuals have traditionally possessed in the face of vague criminal statutes." *United States v. Lanier*, 520 U.S. 259, 270-71 (1997).

Unfortunately, this reasoning reveals just how confused this doctrine is.

Criminal liability is *supposed to be* the most difficult form of accountability. That's because a criminal conviction results in loss of liberty—imprisonment—while civil liability results only in a transfer of money. Indeed, it's *supposed to be* harder to prove a violation of criminal law than it is to prove a civil claim. The Constitution protects you from criminal conviction unless there is *proof beyond a reasonable doubt of every fact* necessary to constitute the crime. *In re Winship*, 397 U.S. 358, 364 (1970); *see Mullaney v. Wilbur*, 421 U.S. 684, 701 (1975). In contrast, a civil judgment requires proof by only a preponderance of the evidence.

Given these distinctions, you can see that the Supreme Court never should have equated qualified immunity with criminal law. They are wholly different creatures.

But there is something else important going on. It concerns the level of generality at which the law holds people accountable.

In a criminal case, the government can convict and send you to prison even if no one had ever committed that crime in

quite the same way before. The prosecutor doesn't have to prove that the unlawfulness of your conduct was "beyond debate." You can lose your liberty for new and creative kinds of criming.[44] *See Lanier*, 520 U.S. at 268. Courts reject defendants' demands for advance notice of whether something is unlawful, because "it would not have been possible or practical for Congress to outline each of the many possible ways that a person might" commit a crime. *United States v. McCoy*, 539 F.2d 1050, 1058 & n.8 (5th Cir. 1976).

It's easy to see why. Society evolves, grows, changes. It makes sense for Congress to criminalize fraud no matter whether it's conducted via the Pony Express or Bitcoin. People are held accountable for violating a general principle: *don't defraud others*.

Qualified immunity turns this on its head. Under the doctrine, because "the clearly established law must be 'particularized' to the facts," we argue about whether precedent placed the unlawfulness of the officer's *specific factual scenario* "beyond debate." *White v. Pauly*, 580 U.S. 73, 79 (2017) (quotation marks and citation omitted). Time and time again, the Justices reverse lower courts for "fail[ing] to identify a case where an officer acting under similar circumstances as [the defendant] was held to have violated the Fourth Amendment." *Id.* The result is a world where courts let prison officials get away with putting someone in a feces-covered cell for six days, rather than hold them accountable for violating the general principle: *don't make people sleep in other people's feces*.

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[44] Merriam-Webster, *Words We're Watching: 'Criming'*, https://www.merriam-webster.com/wordplay/words-were-watching-criming-verb (last visited May 13, 2024).

Consistency suggests that one of these two systems must change. If we value liberty as much as we say we do, perhaps the criminal law should refuse to convict someone unless the unlawfulness of their "particularized" conduct had already been held to be "beyond debate" at the time they acted. *Id.* Or, if it is qualified immunity to yield, we should define Constitutional rights at a higher level of generality, recognizing that we will never be able "to outline each of the many possible ways that a person might be said to" violate the Constitution. *McCoy*, 539 F.2d at 1058 n.8. But the two systems cannot coexist with any honesty. *It cannot be true* that in America, it is easier to take away one's liberty than hold the government accountable for violating the very Constitution guaranteeing that liberty.

6. A More Democratic Vision[45]

This Judge has no say in the adjustment or abolition of qualified immunity. But having devoted several pages to critiquing the doctrine, I do feel some responsibility to spell out the principles I believe should guide any changes.

"We the People" elect the President—through the electoral college—every four years. We the People elect our Senators every six years and our Representatives every two years. And, although We the People don't vote on federal judges, we nevertheless exercise vast power in the judicial branch every day, through jury service.

Jurors are judges of the facts. They decide what happened, who's responsible, and whether there will be consequences.

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[45] To be crystal clear, "democratic" here means small-d democracy, *not* the political party. The above footnotes show in detail the cross-ideological nature of the calls for qualified immunity reform.

They decide who to believe a little bit and who not to believe at all. They weigh evidence by the *preponderance* standard, the *clear and convincing* standard, and the *beyond a reasonable doubt* standard. Juries decide damages awards in civil cases from car wrecks to discrimination claims to billion-dollar intellectual property disputes. They decide guilt and innocence in criminal cases. Sometimes they even "express the conscience of the community on the ultimate question of life or death." *Witherspoon v. Illinois*, 391 U.S. 510, 519 (1968).

To say that the judiciary is "undemocratic," then, is not the full story. The People enshrined in the Constitution the powers they would wield in the Third Branch.[46] Article III provides that "all crimes" shall be tried "by jury." The Sixth Amendment guarantees criminal defendants "the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed." And the Seventh Amendment declares that all common law claims exceeding $20 must be decided by a jury.[47] The power is simply exercised one dispute at a time, day after day, rather than on fixed election days.[48]

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[46] Note that while some amendments limit the power of judges, those limitations are not placed on juries. Akhil Reed Amar, *The Bill of Rights as a Constitution*, 100 Yale L.J. 1131, 1190 (1991).

[47] The Seventh Amendment also applies "to actions enforcing statutory rights, and requires a jury trial upon demand, if the statute creates legal rights and remedies, enforceable in an action for damages in the ordinary courts of law." *Curtis v. Loether*, 415 U.S. 189, 194 (1974).

[48] The role of the jury should not be surprising. Revolutionary Americans so objected to colonial administrators' "use of judge-tried cases to circumvent the right of civil jury trial" that all 13 original states provided for civil jury trials. Charles W. Wolfram, *The Constitutional History of the Seventh*

Judicial supremacy has too-often deprived the People of their proper role in deciding constitutional torts brought under the Ku Klux Klan Act. The doctrine of qualified immunity, as currently constructed, mistakenly lets judges quibble endlessly over whether a constitutional violation was "clearly established," "beyond debate," or "obvious."[49] All of this frustrates resolution by the People. The doctrine also errs in giving defendants unusual rights to take immediate appeals. These appeals not only deprive victims of their right to pursue evidence in the government's possession, but they allow more judges to perpetuate the tedious legal debate. It should not have taken more than seven years for Mr. Taylor—the Texas man housed in excrement—to secure judicial permission to take discovery from prison officials. But it did.

This area of law reflects a deep distrust of ordinary people. "The founders of our Nation considered the right of trial by jury in civil cases an important bulwark against tyranny and corruption, a safeguard too precious to be left to the whim of the sovereign, *or, it might be added, to that of the judiciary*." *Parklane Hosiery Co. v. Shore*, 439 U.S. 322, 343 (1979) (Rehnquist, J., dissenting) (emphasis added). Today, though, federal judges

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Amendment, 57 Minn. L. Rev. 639, 654-55 (1973). "[T]he nascent American nation demonstrated at virtually every important step in its development that trial by jury was the form of trial in civil cases to which people and their politicians were strongly attached." *Id.* at 656.

[49] As this Opinion was going to press, the Fifth Circuit released a decision denying qualified immunity to police officers who engaged in "obviously" unconstitutional acts. *Hughes*, 2024 WL 1952868, at *1. The decision is commendable. Among other things, it collects Supreme Court cases to articulate "a simple, clearly established rule that all officers should know at all times . . . : Do not lie." *Id.* at *6 n.1. Whether this holding will survive en banc review or a Supreme Court petition is unknown.

"are increasingly willing to take ostensibly speculative or implausible claims from the jury by granting summary judgment in complex actions, actions turning on state of mind, or in cases involving concealed wrongdoing—a trend that has far-reaching tentacles." Andrew S. Pollis, *The Death of Inference*, 55 B.C. L. Rev. 435, 454 (2014) (cleaned up). This simply need not be.

This Court has seated juries for quite a few years now. They pay close attention to the facts. Wanting to follow the law, they ask questions about the substantive legal instructions they receive. Their deliberations take time, which can be agonizing, but we wait because it is the fairest way to settle our disputes. And regardless of whether a judge agrees with the verdict, in our democracy it is the jury's decision to make. In the same way we trust the collective judgment of voters in elections, we must trust the judgment of jurors in deciding cases.

Law enforcement cases are no different. I have seated juries that have found for and against law enforcement officers. The jurors know the difference between those acting properly and those violating others' rights. Their work confirms that when it comes to fact-finding, "anything a judge can do a jury can do better." *Marchan v. John Miller Farms, Inc.*, 352 F. Supp. 3d 938, 947 (D.N.D. 2018). "It takes a special type of arrogance simply to conclude that American jurors cannot." *Id.*

In Ku Klux Klan Act cases, as elsewhere, all we need to do is tell jurors the truth. We should tell jurors that law enforcement officers must sometimes "make split-second judgments—in circumstances that are tense, uncertain, and rapidly evolving." *Graham v. Connor*, 490 U.S. 386, 397 (1989). We all know that. We should also tell jurors that officials who

engage in a pattern of misconduct or act in a "calculated fashion" despite "months to consult legal counsel" are entitled to less deference. *Villarreal v. City of Laredo, Tex.*, 94 F.4th 374, 408 (5th Cir. 2024) (Willett, J., dissenting). It's just common sense.

We should instruct jurors that federal law gives people the right to be free "from unconstitutional action under color of state law, whether that action be executive, legislative, or judicial." *Mitchum*, 407 U.S. at 242. At the same time, we should instruct them that unnecessary suits against public officers run the risk of diverting "energy from pressing public issues" and deterring "able citizens from acceptance of public office." *Harlow*, 457 U.S. at 814.

These principles are in tension. It is true. The Constitution is full of those tensions. Its authors in one breath declared all men to be created equal, and in the other calculated a slave to be worth three-fifths of a white person. Contradiction is in America's DNA.

The judiciary should permit the People to resolve those tensions and contradictions case by case, as the evidence dictates. Only with that democratic participation will we "reinforce[] a fundamental belief . . . that we are all created equal and assure[] citizens that in our society even the powerful and wealthy are subject to the scrutiny of average citizens." Hon. Kathleen M. O'Malley, *Trial by Jury: Why It Works and Why It Matters*, 68 Am. U. L. Rev. 1095, 1109 (2019).

V. Conclusion

Desmond Green has suffered two injustices. The judiciary should not impose a third. If qualified immunity would do that, closing the courthouse doors to his claims, then the doctrine should come to its overdue end.

The motion to dismiss is denied. This case is stayed so that Detective Thomas can exercise her right to an immediate interlocutory appeal. If she declines to timely appeal, the case will proceed into discovery as to this defendant.

SO ORDERED, this the 20th day of May, 2024.

s/ CARLTON W. REEVES
United States District Judge

EFiled: Sep 22 2020 12:57PM EDT
Transaction ID 65953103
Case No. 2020-0809-

EXHIBIT

7

SAVE FREE SPEECH ARTICLE OF IMPEACHMET

United States Code Annotated
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 11. Bribery, Graft, and Conflicts of Interest (Refs & Annos)

18 U.S.C.A. § 227

§ 227. Wrongfully influencing a private entity's employment decisions by a Member of Congress or an officer or employee of the legislative or executive branch

Effective: April 4, 2012

Currentness

(a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity--

(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(b) In this section, the term "covered government person" means--

(1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) an employee of either House of Congress; or

(3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code).

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IRSD: Bracelets at high school just a joke in 'poor taste'

Parents told they shouldn't be concerned

By Laura Walter
Staff Reporter

Indian River School District officials said this week that the blue bracelets making their way around Indian River High School on Sept. 19 were nothing more than a bad joke.

Several students were distributing blue rubber bracelets printed with the words "Kill yourself" and a swastika, according to district officials.

"I think there were three kids who ordered these things — like 200 of them. I think they were trying to be funny," said IRSD Assistant Superintendent Mark Steele.

The students reportedly dispersed bracelets to other classmates. Counselors and administrative staff members then spent several hours collecting the bracelets back. They also met with the students involved and their parents, Steele said.

"We wanted to make sure there was nothing deeper here than just a couple kids making a dumb mistake," he said.

There was "absolutely no meaning to it at all," Steele asserted, noting that the counselors spoke with the teenagers, just to be sure. Most students laughed it off as they turned the bracelets in, Steele said, and the day ended well.

"We don't have anything parents should be concerned about," he added. "They got ahead of it pretty quickly. I would refer to it as a poor-taste joke."

It can be frustrating for schools trying to promote a safe atmosphere, since "schools try to do everything possible, and then you just get companies that'll print anything," Steele said.

However, counselors are there for any student having trouble or feeling depressed.

"If there's anything there, anybody feels the need to talk to a counselor — by all means, talk to a counselor." Parents with questions or concerns are being encouraged to call their student's principal or an assistant principal.

Online resources are available by visiting www.irsd.net/home, selecting the "Parents and Students" tab, and clicking "Bullying and Suicide Prevention Resources."

DSP Explorers program to hold open house Sept. 27 at Central

The Delaware State Police Explorers program consists of young men and women who have an interest in law enforcement.

The group participates in fingerprinting young children at community events; works the missing children's area at the State Fair; and many more community events. They also offer opportunities for the National Law Enforcement Exploring Conference and the Federal Leadership Academies, as well as the Delaware State Police Cadet Program.

The Explorers program teaches a variety of police procedures, including fingerprinting, evidence collection and patrol procedures.

"We strive to lead them down the right path and stand as positive role models. We also plan to instill leadership, responsibility, integrity and commitment," DSP representatives noted.

Every Explorer Post is overseen and run by Delaware State Police troopers.

Minimum qualifications include a 2.0 grade point average, and Explorers must be mature, clean-cut, as well as clean-shaven, with no criminal convictions. This is not a discipline program. The age range is 14 to 20 and at least in ninth grade. The program consists of high school and college students.

Open houses for the program are planned at DSP troops statewide this month, with the local [illegible] Troop 4 (Georgetown) and Troop 7 (Lewes) at 6 p.m. on Tuesday, Sept. 27, at Sussex Central High School in Georgetown.

All interested students should be prepared to submit a $50 program registration fee at the open house. Checks or cash are accepted. They will also need a copy of last year's grades. For those younger than 18 [illegible]

Dining

Continued [illegible]

vegetables, and seven [illegible]

Guest Column

Kelly: Chilling free speech is not cool

By Meghan Kelly, Candidate
Delaware House of Representatives,
38th District

My name is Meghan Kelly. I am an attorney running for the House of Representatives in the 38th District's Tuesday, Nov. 6, 2018, election.

As I candidate for a state position, I have witnessed people in positions of authority misuse their authority to unconstitutionally chill the freedom of political speech. This is no small matter. An attorney can sue people to correct such chilling of 1st Amendment rights, but what will that do? They can take all of their possessions and money. None of that — not all the money in the world — is worth as much as the freedoms we have here in our nation.

Men fought wars for the freedoms we all hold dear. Mere money cannot buy their lives back. Men did not die for money. The American dream is not about finding a job, buying a home, providing for and raising a family. People all over the world aspire for that.

The American dream is much more than merely making money, providing for your family and surviving. What makes the United States of America the dream of so many is Americans' universal respect of other people's freedoms when they step foot on our land.

What makes America great is the people. What makes America great is Americans' universal respect for the freedoms of speech, assembly, religion and association, regardless of race, religion or place of origin.

When people in positions of authority choose not to behave like Americans by respecting the rights of others (emphasis intended), that is when America becomes less great. And yet, I have hope and faith that the people will courageously and kindly confront such behavior with correction, not with more bad behavior.

I am writing about one instance where my freedom of speech was quashed. I attended a celebration for a town. When I arrived beforehand, someone working the event said they knew who I was and talked politics, demeaning my party. I attempted to respond to the discussions, but the mayor and other agents of the Town requested that I didn't.

I told the mayor his request was unconstitutional, but I complied. I was instructed by those with the blanket of authority not to discuss politics at the party. They mentioned the other candidate could not attend.

A couple hours later, I attended the Town's party at the town hall — open to the public, thereby creating a limited public forum. Solicitors of various groups sat with pamphlets, including a church, at the celebration. I did not ask for a table or a place to sit with those handing out materials. I merely desired to respond to political statements and questions.

Yet, I complied with the mayor's request, making it clear that such request was not constitutional.

The mayor's position of authority made his personal requests to refrain from exercising American freedoms more dangerous than a normal citizen.

We all have limits to our freedom of speech, but people in government, and those with authority, have even more limits in exchange for such power, to preserve the freedoms of those they serve. Otherwise, unconstitutional government restraints may inhibit the freedoms of those they serve, by causing fear of persecution.

The constitutional rights and standards differ relating to the type of

See KELLY page A15

Kelly

Continued from page A14

forum where the speech is limited. Is it a private forum, public or limited public forum? Municipalities may use their police power to draft reasonable regulations for the public safety relating to private property. However, private property that is opened up to the public is converted to a limited public forum, where content based speech is not easily limited.

In 1980, the U.S. Supreme Court held that a large shopping store could not limit the freedom of speech, regardless of how disagreeable the speech was to the owner of the grocery store, under the facts of that case. In that case, a private forum was opened up to the public during certain hours, just like many stores are opened to the public. Thus it became a limited public forum where speech is under greater protection than a private forum.

My speech was quashed on public property, opened up to the public for a public event.

The constitutional standards differ not only with regards to the forum, where the freedom of speech may have been infringed upon, but it also differs concerning whether it was restrained by conduct-based restrictions or content-based restrictions.

Conduct-based speech may be limited in a limited public forum by time, place and manner restrictions under a relatively easier standard than the content-based restrictions. Content-neutral restrictions must advance important interests unrelated to the suppression of speech, and must not burden substantially more speech than necessary to further those interests.

In 2010, our Third Circuit ruled it was unconstitutional for a mall to discriminate against noncommercial speech in favor of commercial speech, as this was content-based not content-neutral speech.

Content-based restrictions are presumptively unconstitutional. The government must prove such restriction is necessary to serve a compelling state interest, and is narrowly drawn to achieve that end. Mere open debate concerning political speech does not meet that standard. The freedom to speak freely about politics and other important issues, such as religion, without persecution of the government, is why many people desire to come to America.

There are limits to our freedom of speech, such as false advertising, defamation and obscenity.

The fact Americans must respect (to an extent) the freedoms of others, and in turn others (even mayors), must do the same by honoring such limits makes us all more free.

I keep thinking to myself, men died for this freedom. No amount of money or power is as precious as those men's lives, and the freedoms they bravely fought for. If men are willing to die and kill for this, I should have the courage to confront and correct people in authority so as to honor those men, and to remind the world that they mattered, and to protect what they fought for, not money, but freedom. You can't buy that. It is priceless.

Thank you for honoring our brave by honoring the freedoms they fought for, including the freedom of speech.

IRSD: Bracelets at high school just a joke in 'poor taste'

Parents told they shouldn't be concerned

By Laura Walter
Staff Reporter

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All interested students should be prepared to submit a $50 program registration fee at the open house. Checks or cash are accepted. They will also need a copy of last year's grades. For those younger than 18, a [illegible]

Dining

Continued from

vegetables, and seven [illegible]

116 TH CONGRESS

1ST SESSION

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

_____, 2019

_____submitted the following resolution; which was referred to the _____

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

RESOLUTION

Resolved, That Donald J. Trump,

President of the United States, is impeached for high crimes and misdemeanors, and that the following Articles of Impeachment to be exhibited to the Senate:

Articles of Impeachment to be exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Donald J. Trump, President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

THE PRESIDENT'S VIOLATION OF CRIMINAL LAW PURSUANT TO TITLE 18 OF THE UNITED STATES CODE, SECTION 227

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional

obligation to preserve, protect, defend and obey the laws of the land, including the Federal Criminal Statute 18 U.S.C.A. § 227.

No one is above the law. No one is below the law.

Not even the President of the United States is free to willfully violate criminal laws without Constitutional justification.

The President by his words and/or deeds violated the criminal law Title 18 of the United States Code, Section 227.

Pursuant to 18 U.S.C.A. § 227,

"(a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity--

(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(b) In this section, the term "covered government person" means--

(1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) an employee of either House of Congress; or

(3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code)."

The President is specifically listed as a "covered government person" under this criminal law under 18 U.S.C.A. § 227(a), (b)(3).

The President withheld an "official act" to faithfully defend and protect the NFL Players' Constitutional freedom of speech against government persecution, as required under this statute.

The President not only "withheld an official act" to defend, protect and

obey the United States Constitution by defending the NFL Players' protected first amendment freedom, he also violated NFL Players' freedom from government persecution by actively persecuting, ridiculing and, or encouraging the ridicule and firing of the NFL players, and or the boycott of certain teams based solely on the Players' perceived, projected or manufactured political affiliation against Trump and/or Trump's base or alleged American political values. Citing, 18 U.S.C.A. § 227(a)(1).

The President's withholding of such official act and active violation of the same was made with "the intent to influence, solely on the basis of the perceived or projected partisan political affiliation of NFL players derived from their peaceful protest, an employment decision or employment practice of" private entities, NFL teams. Citing, 18 U.S.C.A. § 227 (a).

The President also, "influence(d), or offer(ed) or threaten(ed) to influence, the official acts of," others in his staff, government agents, troops, service men and women, and congressmen and congresswomen, as well as all Americans, when he encouraged others to persecute, ridicule, demean, or boycott the NFL players and teams for exercising their freedom of speech. Citing, 18 U.S.C.A. § 227 (a)(2).

The President's encouragement was made with "the intent to influence, solely on the basis of the perceived, or projected partisan political affiliation, against President Trump and/or his supporters and/or American values, an employment decision or employment practice of" private entities, NFL teams. Citing, 18 U.S.C.A. § 227 (a).

In September 2017 and thereafter, President Trump called for NFL Players, (herein also referred to as "NFL" and "Players"), to be fired for speech exhibited by kneeling during the national anthem before NFL football games to peacefully protest against the government's disparate mistreatment against black Americans in the criminal justice system and the government's use of lethal force against black Americans, including unarmed children (herein also referred to as "protest(s)" or "peaceful protest(s)"). [1]

[1] (See, The Tennessean, part of the USA Today Network, President Trump: NFL teams should fire players who protest national anthem, By Natalie Allison and Joel Ebert, Sept. 22, 2017, https://www.tennessean.com/story/news/2017/09/22/president-trump-nfl-teams-fire-players-protest-national-anthem/695666001/ ; also see, The Washington Post, Roger Goodell responds to Trump's call to fire, By, Jeremy Gottlieb Sept. 22, 2017, https://www.washingtonpost.com/news/early-lead/wp/2017/09/22/donald-trump-profanely-implores-nfl-owners-to-fire-players-protesting-national-anthem/?utm_term=.f6156e8f2075).

Certain NFL Players (also referred to as "Players" or "NFL") kneeled during the National anthem at football games to protest, in part, various individual policemen's shootings, killings and murders of unarmed black Americans, including black American children.

The conduct was not an attack on all police.

The peaceful protest was made, in part, against individual bad choices by individual policemen that cost the families, the community and our country the lives of little American children and Americans.

The peaceful protest was made to prevent future needless deaths of Black Americans and, including innocent children.

Our Constitution protects life, liberty and pursuit of happiness of all people, even little black children.

Trump gained support by those who became fearful, defensive and combative in response to the NFL player's peaceful protest.

Those people failed to recognize the peaceful nature of the protest.

Trump gained support of people who did not recognize the protest was not against police, whites, America, Trump or other people. The protest was made, in part, to show that the black Americans who died were worthy of love and life, and that no black American's life should be wrongfully taken.

The color of the American's skin does not make their deaths less tragic, and yet, there has been a surge of police ~~more~~ black Americans ~~than other Americans killed unlawfully~~ by government agents.

The black lives matter movement was created to show America that those black lives do matter. People of all colors are worthy of love and respect, and are inherently "created equal" in the eyes of our constitution.

Throughout the nation, we have seen attacks against the black lives matters movement with the all lives matter movement, the police lives matters movement, white lives matter movement and other movements, all of which are constitutionally protected.

Nevertheless, the nongovernment attacks against the peaceful protests and black lives matter movement have helped Trump gain support.

The teenagers gave them to Black kids in response to the Black lives matter bracelet.

Trump wants to win.

Trump recognizes he gains more support by attacking the peaceful Constitutionally protected protest of the NFL Players.

Trump's conduct was made solely on the "basis of partisan political affiliation" attributed to the NFL players peaceful protest by Trump and specific part of the base that supports Trump.

In September of 2016, at Indian River High School located in Delaware, teenagers brought in about 200 bracelets with the words "Kill yourself" next to a Nazi symbol. [2]

Such speech is not protected speech.

The use of violence by Neo Nazies, KKK, white supremacists and other people is unprotected.

The authority of a policeman's badge, or a military or national guard position cannot convert such violence into protected activity.

The peaceful protest by the NFL players is a beautiful Constitutionally protected way to protect innocent people against unconstitutional unprotected government speech and violent acts.

The NFL's peaceful protest is Constitutionally protected.

President Trump's speech persecuting, ridiculing the NFL players is not Constitutionally protected speech.

President Trump disobeyed the Constitution in order to garner more political support.

President Trump's behavior was based solely on serving himself by attributing the NFL player's peaceful protest to a partisan political affiliation against America and troops, despite the fact the freedom to peacefully protest is one the freedoms our beloved troops fought so bravely to preserve and defend.

The President not only violated the NFL Players first Amendment right of

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[2] See Coastal Point, IRSD : Bracelets at high school just a joke in poor taste, By Laura Walter, September 23. 2016.

speech, he also violated their perceived or projected freedom of association against the President and or his views.

Americans are more free to speak and share our views without fear of persecution by the government because of the First Amendment.

Americans are more free to speak and share our unique views without fear of persecution by the government.

Americans are free to protest despite their perceived or projected partisan political affiliation against the government.

What makes America great is Americans' universal respect for the freedom of speech, assembly, religion and association regardless of race, religion or place of origin.

The Players' first amendment freedom of speech affords them protection from government persecution for exercising their first amendment right to peacefully protest against government conduct.

Pursuant to the Supreme Court in McDonald v. Smith, 472 U.S. 479, 486–87, 105 S. Ct. 2787, 2791–92, Citing New York Times Co. v. Sullivan, 376 U.S. 254, 270, 84 S. Ct. 710, 721, 11 L. Ed. 2d 686 (1964),

> "The first amendment specifically protects speech against government acts and decisions citizens may disagree with. As with the freedoms of speech and press, exercise of the right to petition "may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials," and the occasionally "erroneous statement is inevitable." New York Times Co. v. Sullivan, supra, 376 U.S., at 270–271, 84 S.Ct., at 720–721. The First Amendment requires that we extend substantial " 'breathing space' " to such expression, because a rule imposing liability whenever a statement was accidently or negligently incorrect would *487 intolerably chill "would-be critics of official conduct ... from voicing their criticism." 376 U.S., at 272, 279, 84 S.Ct., at 721, 725.1"

When Trump accepted a position of government authority, under our Constitution, his Constitutional rights became more limited in order to uphold the Constitutional rights of those he serves, the American people.

The Constitution limits the power of the government in order to safeguard the freedom of those who reside in America.

Trump, as president, may not unconstitutional chill the NFL Players' speech based on perceived, projected political affiliation of the players based on

their protest.

The freedom of speech gives Americans the freedom to voice their disagreement with government actions and ideas, including the right to protest against government violence towards black Americans by government agents, and the right to protest the disparate treatment of black Americans by some specific instances of individual conduct while acting under the cloak of government authority including specific attorney generals, police and judges.

The United States Supreme Court held, "Criticism of (a government official) conduct does not lose its constitutional protection merely because it is effective criticism and hence diminishes their official reputations." New York Times Co. v. Sullivan, 376 U.S. 254, 272–73, 84 S. Ct. 710, 722, 11 L. Ed. 2d 686 (1964).

Trump is the President of the United States.

Trump represents through his deeds and words, the government in the executive branch.

The Government through Trump's deeds and words unconstitutionally persecuted the NFL Players for exercising their first amendment freedom.

Trump violated his oath to uphold the Constitution by actively disobeying the Constitution by persecuting the NFL Players for exercising their Constitutional right to peacefully protest.

Trump intended to cause the threat of economic harm to the NFL teams and against the players who participated in the peaceful protest.

Trump has called for the firing of NFL players for protesting.

Trump encouraged fans to walk out of a game if a player protested during the anthem.

Trump encouraged fans not to purchase NFL tickets when NFL players chose to kneel.

Trump has called for the boycott of the purchase of their teams' NFL tickets.

Trump caused economic damage, including but not limited to cancelled ticket sales, lost profit at concession stands and related NFL affiliated businesses, lost ratings on TV and, or other economic harm.

Trump's words and deeds chilled the NFL Players' protected speech.

Trump said "'Wouldn't you love to see one of these NFL owners, when somebody disrespects our flag, to say, 'Get that son of a b---- off the field right now. Out. He's fired. He's fired!'" Id.

Trump stated "'You know, some owner's going to do that,' Trump continued. 'He's going to say, 'That guy who disrespects our flag, he's fired.'" Id.

Trump stated, "'But you know what's hurting the game more than that?' Trump said. 'When people like yourselves turn on television and you see those people taking the knee when they are playing our great national anthem.'" Id.

Trump stated "'The only thing you could do better is if you see it, even if it's one player, leave the stadium, I guarantee things will stop. Things will stop. Just pick up and leave. Pick up and leave. Not the same game anymore anyway.'" Id.

"'The NFL policy says a club will be fined if team members on the field during the anthem do not stand, and that the commissioner 'will impose appropriate discipline on league personnel who do not stand and show respect for the flag and the anthem.'"[3]

"During Thursday's games, however, a few NFL players knelt during the anthem. Others raised their fists during the song or remained in the locker room." Id.

"The NFL said in a statement ...that it has agreed with the NFL Players Association to delay implementing work rules that could result in players being disciplined while discussions between the league and the union on issues around the anthem continue." Id.

On Aug. 10, 2018, the President tweeted, "'The NFL players are at it again - taking a knee when they should be standing proudly for the National Anthem. Numerous players, from different teams, wanted to show their "outrage" at something that most of them are unable to define. They make a fortune doing what they love.....'" Id.

On August 10, 2018, the President also tweeted, "'.....Be happy, be cool! A football game, that fans are paying soooo much money to watch and enjoy,

[3] (Citing, ABC News,Trump blasts NFL players for kneeling during anthem: 'Stand proudly .... or be suspended without pay, By Kelsey Walsh August 10, 2018, https://abcnews.go.com/Politics/trump-blasts-nfl-players-kneeling-national-anthem-suspended/story?id=57131857)

is no place to protest. Most of that money goes to the players anyway. Find another way to protest. Stand proudly for your National Anthem or be Suspended Without Pay!'" Id.

The President is misleading the nation as to what makes America great. It is not money and wealth, but freedoms that make America already great.

Men fought wars for the freedoms we all hold dear, including the freedom to peacefully protest. Mere money cannot buy their lives back. Men did not die for money.

The American dream is not about finding a job, buying a home, providing for and raising a family. People all over the world aspire for that.

The American dream is much more than merely making money, providing for your family and surviving. What makes the United States of America the dream of so many is Americans' universal respect of other people's freedoms when they step foot on our land.

What makes America great is the people. What makes America great is Americans' universal respect for the freedoms of speech, assembly, religion and association, regardless of race, religion or place of origin.

The freedom to speak freely about politics and other important issues such as religion, without persecution of the government, is why many people desire to come to America.

When people in positions of government authority choose not to behave like Americans by respecting the *rights of others* (emphasis intended), that is when America becomes less great.

Trump made America less great by chilling the exercise of freedoms of those he serves Americans, including the NFL players,

"After the NFL first announced the new policy in May, Trump told Fox & Friends that players who don't stand during the anthem 'shouldn't be playing' and maybe 'shouldn't be in the country."' Id.

The President's words chilled the NFL Players speech, and possibly other Americans to under the threat of economic persecution.

The lower Federal Courts recognize economic persecution as a form of government persecution. [1]

On May 24, 2018, The President tweeted, ""You have to stand proudly for the National Anthem. You shouldn't be playing, you shouldn't be there.

Maybe they shouldn't be in the country...the NFL owners did the right thing"' Id.

On Oct. 18, 2017, the President Trump tweeted, '"The NFL has decided that it will not force players to stand for the playing of our National Anthem. Total disrespect for our great country!"' [4]

"President Donald Trump praised an NFL policy banning kneeling during the 'The Star-Spangled Banner,' saying that 'maybe you shouldn't be in the country' if you don't stand for the anthem" [5]

In all of this, Donald J. Trump has violated the First Amendment freedom of speech against government persecution by willfully and knowingly persecuting those who exercised their freedom, Donald J.Trump.

In all of this, the President knowingly and willfully spoke and acted in a manner that violated the criminal law Title 18 of the United States Annotated Section 227.

In so doing he has undermined the integrity of his office, by violating federal criminal law and the freedoms under the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office ~~wherefore~~ Donald J. Trump, ~~by such conduct, warrants~~ impeachment and trial, and removal from office.

---

[4] The cases are limited to immigration cases, but the criminal statute Title 18 of the United States Code Annotated Section 227 extends government persecution by the President of the United States to economic persecution too. I applaud this branch of government for choosing to create a check on themselves and another branch of government.

[5] Citing, Associated Press, Trump suggests NFL players who kneel shouldn't be in US, By May 24, 2018, http://www.msn.com/en-us/sports/nfl/trump-lauds-nfl-policy-banning-kneeling-for-national-anthem/ar-AAxJHSz).

PREVENT WORLD WAR 3 ARTICLE OF IMPEACHMENT MEG DRAFT A COMPLETE DRAFT

Begin forwarded message:

From: Meghan Kelly <electmegkelly@icloud.com>
Date: 1/28/2020
To: us@justicedemocrats.com
Subject: Fwd: Impeachment articles and related docs by Meg Kelly

Please help!

Sent from my iPhone

Begin forwarded message:

From: Meghan Kelly <electmegkelly@icloud.com>
Date: January 5, 2020 at 8:15:50 PM EST
To: Meghan Kelly <electmegkelly@icloud.com>
Cc: League of Women Voters of De Of Women Voters Of Delaware <lwvde@comcast.net>, darin.mccann@coastalpoint.com, Jane Hovington <jehovahrohi@aol.com>, Glenn Rolphe <grolfe@newszap.com>, president@duq.edu, mbraden@bakerlaw.com, Mckayla Braden <mckayla.braden@gmail.com>, wchandler@wsgr.com, Stacie.burton@yahoo.com, house.jdems@mail.house.gov, mckayla.braden@gmail.com, arlet.adrahamian@mail.house.gov, michael.pender@mail.house.gov, tyrone.hankerson@mail.house.gov, janice.bashford@mail.house.gov, zoe.orick@mail.house.gov, zoe.orrick@mail.house.gov, carrick.heilferty@mail.house.gov, lieu.staff@mail.house.gov, andrea.anaya@mail.house.gov, sophie.bodlovich@mail.house.gov, brittan.robinson@mail.house.gov, alysa.buckler@mail.house.gov, brian.garcia2@mail.house.gov, Joe Neguse <emma.salas@mail.house.gov>, matthewkosiorek@comcast.net, Lucy Mcbeth <matthew.golden@mail.house.gov>, anneliese.israel@mail.house.gov, Veronica Escober <jaqueline.sanchez@mail.house.gov>, Doug Collins <sebastian.wigley@mail.house.gov>, steve.chabot@mail.house.gov, caralee.conklin@mail.house.gov, ohi0ima@mail.house.gov, brittany.yanick@mail.house.gov, caleb.culver@mail.house.gov, luke.mcknight@mail.house.gov, dawn.mcarble@mail.house.gov, hayden.hayes@mail.house.gov, kate.laborde@mail.house.gov, steve.koncar@house.mail.gov, john.zwaanstra@mail.house.gov, kyle.rush@mail.house.gov, rep.bencline@mail.house.gov, reginald.darby@mail.house.gov
Subject: Re: Impeachment articles and related docs by Meg Kelly

Good evening,

Attached, I started drafting another set of articles, but I am making you finish it.

I am disappointed in all of you for placing your interest above your duties, by focusing on your seats instead of serving the country. You must impeach on a second article and

impeach again, as needed. Combat lawlessness with the rule of law. Do not exploit it to serve yourselves.

Also attached, please find a couple of articles relating to war crimes. Get your shit together and serve your country. You have the power to prevent global war. You have the power to reflect humility and respect for the lives and property and intrinsic value of other human beings. This humility and act of peace can reconcile relations and prevent bloodshed.

Do not play games with our brave troops' lives to serve your own vanity. Shame on Trump and shame on you if you fail to act swiftly. Perfection NOT required. True leadership is.

Serve your country, not your seat. Impeach.

I expect no less.

Good night.
Meg Kelly, Esq.

cutting and pasting in case you choose not to open it.

116 TH CONGRESS

1ST SESSION

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

_____, 2019

_____submitted the following resolution; which was referred to the _____

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

RESOLUTION

Resolved, That Donald J. Trump,

President of the United States, is impeached for high crimes and misdemeanors, and that the following Articles of Impeachment to be exhibited to the Senate:

Articles of Impeachment to be exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Donald J. Trump, President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

THE PRESIDENT'S VIOLATION OF OATH OF OFFICE, PERJURY BY FAILING TO UPHOLD THE CONSTITUTION, AND LAWS OF THE LAND, INCLUDING THE ARTICLE II WARS POWERS ACT OF 1973

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional obligation to preserve, protect, defend and obey the laws of the land:

The President swore an oath to uphold the Constitutional laws, Federal laws, and international agreements.

The President has a duty to review, inform himself of such laws, in order to uphold the Constitution,

The President's ignorance is not innocence.

Ignoring the laws is not a defense in the President's violation of his oath of office to uphold the same.

No one is above the law. No one is below the law.

Not even the President of the United States is free to violate the law.

The President committed perjury by violating his oath to uphold the Constitution and Laws of the land by encouraging violation of the same under his policies at the border.

18 U.S.C.A. § 1621 provides:

"Whoever--

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States."

The President, through his policies relating to the strike that killed General Soleiman violated, Federal Law and/or International treaties and Law.

ARTICLE II WARS POWERS ACT OF 1973

On or about January ___, 2019, President trump ordered:

The President failed to give Congress notice within 48 hours of the strike.

A "Requirement of War Powers Resolution that President report to Congress within 48 hours if United States armed forces have been introduced into hostilities or imminent hostilities and that, 60 days after report is submitted or required to be submitted, President shall terminate use of armed forces unless Congress declares war or enacts specific authorization for use of armed forces or extends 60–day period for an additional 30 days does not contemplate court-ordered withdrawal when no report is filed, but rather, leaves open possibility for court to order that report be filed or, alternatively, withdrawal 60 days after report was filed or required to be filed by court or Congress." Citing, Crockett v. Reagan, 558 F. Supp. 893 (D.D.C. 1982), aff'd, 720 F.2d 1355 (D.C. Cir. 1983), War Powers Resolution, §§ 2–9, 50 U.S.C.A. §§ 1541–1548; U.S.C.A. Const. Art. 1, § 8, cl. 11.

ARTICLE II WARS POWERS ACT OF 1973

ARTICLE III VIOLATION OF INTERNATIONAL LAW

BY WAR CRIMES

The Strike destroyed

In all of this, Donald J. Trump has undermined the integrity of his office, by violating federal and international criminal law and the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office.

On January 5, 2020 at 1:00 PM, Meghan Kelly <electmegkelly@icloud.com> wrote:

Hi folks,
I sent you 4 separate articles of impeachment to swiftly impeach on while the senate tries the first articles.

Please prevent world war 3 and draft another set now to protect our troops from dying for trump's vanity.
Impeach on a new set on the following articles

1. Perjury not upholding his oath
2. Unauthorized use of force
3. International war crimes

Perfection not required. Swift leadership is. Do not be misled by hacked likes, false mob rule. Lead, do not be misled. Serve your country not yourself by focusing on seats.

Save our troops lives before it is too late and they kill and die for Trump's mere fancies.

God help us help them.

Good day.
Meg

Sent from my iPhone

On Aug 7, 2019, at 6:03 PM, Meghan Kelly <electmegkelly@icloud.com> wrote:

Attached, and below, please find an email list of the contact for each of the 41 Reps on the judiciary committee considering impeachment who provided an email contact.

You may be able to contact the members by their contact info on the web site at this link below too

Please work together united as Americans to serve your country.
https://judiciary.house.gov/about/members

Please feel free to give me a call on my cell regardless of your support at 302-727-2079. Thank you. Have a great night.

1. Chair, Hon Rep. Nadler. house.idems@mail.house.gov Char
2. [redacted]. RepMary Gay Scanlan. [Please forward message to her for consideration]
3. Rep. Zoe Lofren arlet.adrahamian@mail.house.gov
4. Rep. Sheila Jackson Lee michael.pender@mail.house.gov
5. [redacted] Rep. Steve Cohen [Please forward message to him for consideration]
6. Rep. Henry C. Johnson tyrone.hankerson@mail.house.gov
7. [redacted] Rep Ted. Deutch [Please forward message to him for consideration]
8. Rep. Karen Bass. janice.bashford@mail.house.gov
9. [redacted] Rep Cedric Richmond [Please forward message to him for consideration]
10. Rep. Hakeem S. Jaffries zoe.orick@mail.house.gov
11. [redacted] Rep Eric Swalwell [Please forward message to him for consideration]
12. Rep. David N Cicilline Carrick.heilferty@mail.house.gov
13. Rep. Red Lieu lieu.staff@mail.house.gov Sophie is the contact
14. Hon Rep Jamie Raskin andrea.anaya@mail.house.gov
15. Hon Rep. Pramila Jayapal sophe.bodlovich@mail.house.gov
16. Hon Rep. Val Butler brittan.robinson@mail.house.gov
17. Hon J. Luis alysa.buckler@mail.house.gov
18. Rep. Sylvia brian.garcia2@mail.house.gov
19. Joe Neguse emma.salas@mail.house.gov
20. Lucy Mcbeth matthew.golden@mail.house.gov
21. Greg Stanton laura.munozlopez@mail.house.gov
22. Rep Madeliene Dean anneliese.israel@mail.house.gov
23. Debbie Mucarsel Jessica.valdes@mail.house.gov
24. Veronica Escober Jaqueline.sanches@mail.house.gov
25. Doug Collins Sebastian.wigley@mail.house.gov
26. [redacted] Rep Sensebrenner
27. Rep.Steve Chabot Steve.chabot@mail.house.gov
28. Rep. Louie Gohmert caralee.conkline@mail
29. Rep. Jim Jordan ohi0ima@mail.house.gov
30. Rep Ken Buck brittany.vanick@mail.house.gov
31. Rep John Ratcliffe caleb.culver@mail.house.gov
32. Rep. Martha Roby luke.mcknight@mail.house.gov

33. Rep Matt Gaetz dawn.mcarble@mail.house.gov
34. Rep Mike Johnson hayden.hayes@mail.house.gov
35. Rep Andy Biggs kate.laborde@mail.house.gov
36. Rep Tom McClintock steve.koncar@mail.house.gov
37. Rep Debbie Lesko john.zwaanstra@mail.house.gov
38. Rep. Guy Reschenthale kyle.rush@mail.house.gov
39. Rep. Ben Cline rep.bencline@mail.house.gov
40. 40. [redacted] Rep. Kelly Armstrong (Please forward message to him for consideration)

Rep Greg Stuebe reginald.darby@mail.house.gov

On August 7, 2019 at 2:52 PM, Meghan Kelly <electmegkelly@icloud.com> wrote:

Good afternoon,

This is Meg Kelly, Esq., an attorney from Delaware.

I am resending the three articles of impeachment, and related documents, I emailed yesterday to 34 of the 41 members on the House judiciary committee since not all members received it.

In addition, attached, please find additional documents relating to kidnapping, false imprisonment and perjury, excluded on the email I sent yesterday.

Per my teleconference:

Game plan:

Impeach on 5 (five) separate articles of impeachment presented separately to protect

1. Freedom of speech, the NFL article of impeachment relating to the attached criminal law, 18 USC section 227
2. Freedom of the press under criminal law, 18 USC section 227
3. Due process violations at the border. While the Supreme Court allows detention during deportation hearings, the conditions at the border are so heinous that they should be considered punishment without procedural due process under the 5th amendment. Argue substantive due process if you want. The border policies of the President also violate the crimes of kidnapping under 28 USCA section 1201 and false imprisonment under federal common law.

4 obstruction of justice. Please continue your work on this

5 porn star impeachment no further investigations needed.

Porn star impeachment crimes

26 USCA 7206

26 USCA 7202

26 USCA 7201

26 USCA 7207

No investigations needed the porn star payoffs and two checks from improper accounts are enough circumstantial evidence to deem the president guilty of these crimes without further records. You can pull the records, but he delays strategically. His sister was a Federal Judge in my circuit, the third circuit. The President knows what he is doing. In addition, the President has much experience with law suits. I looked up 1000 plus cases related to Trump at the law library. He may the law better than an attorney with all his court experience. (had to laugh, better than crying)

The records are not necessary.

You *win* by doing the right thing, upholding the laws that grant us the freedoms we all hold dear. Without them we are not free.

Stand united together as Americans to serve your country not your seat. Impeach.

Lawlessness must be combated with the impartial rule of law via impeachment, not exploited to win elections at the country's expense.

Please act swiftly.

Perfection not required.

Leadership is required.

Different times require different measures. The 400 failed attempt to impeach Clinton will not work against President Trump.

Please serve your country. Do not exploit the President's lawlessness to serve election seats at the expense of the country. We have everything to lose, especially since elections will likely be hacked.

Thank you❤

Please feel free to call me on my cell if you have any questions.

Have a good night.

Thank you and best regards,

Meg Kelly, Esq.

Licensed DE, DC, PA, US Supreme Court

34012 Shawnee Drive

Dagsboro, DE 19939

(302)727-2079

Begin forwarded message:

From: Meghan Kelly <electmegkelly@icloud.com>
Date: 8/7/2019

To: Meghan Kelly <electmegkelly@icloud.com>
Subject: Impeachment articles and related docs by Meg Kelly

SAVE THE PRESS ARTICLE OF IMPEACHMENT

United States Code Annotated
Title 18. Crimes and Criminal Procedure (Refs & Annos)
Part I. Crimes (Refs & Annos)
Chapter 11. Bribery, Graft, and Conflicts of Interest (Refs & Annos)

18 U.S.C.A. § 227

§ 227. Wrongfully influencing a private entity's employment decisions by a Member of Congress or an officer or employee of the legislative or executive branch

Effective: April 4, 2012

Currentness

(a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity--

(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both; and may be disqualified from holding any office of honor, trust, or profit under the United States.

(b) In this section, the term "covered government person" means--

(1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) an employee of either House of Congress; or

(3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code).

CREDIT(S)

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116 TH CONGRESS

1ST SESSION

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

_____, 2019

_____submitted the following resolution; which was referred to the _____

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

RESOLUTION

Resolved, That Donald J. Trump,

President of the United States, is impeached for high crimes and misdemeanors, and that the following Articles of Impeachment to be exhibited to the Senate:

Articles of Impeachment to be exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Donald J. Trump, President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

THE PRESIDENT'S VIOLATION OF CRIMINAL LAW PURSUANT TO TITLE 18 OF THE UNITED STATES CODE, SECTION 227

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional

obligation to preserve, protect, defend and obey the laws of the land, including the Federal Criminal Statute 18 U.S.C.A. § 227.

No one is above the law. No one is below the law.

Not even the President of the United States is free to willfully violate criminal laws without Constitutional justification.

The President by his words and/or deeds violated the criminal law Title 18 of the United States Code, Section 227.

Pursuant to 18 U.S.C.A. § 227,

"(a) Whoever, being a covered government person, with the intent to influence, solely on the basis of partisan political affiliation, an employment decision or employment practice of any private entity--

(1) takes or withholds, or offers or threatens to take or withhold, an official act, or

(2) influences, or offers or threatens to influence, the official act of another,

shall be fined under this title or imprisoned for not more than 15 years, or both, and may be disqualified from holding any office of honor, trust, or profit under the United States.

(b) In this section, the term "covered government person" means--

(1) a Senator or Representative in, or a Delegate or Resident Commissioner to, the Congress;

(2) an employee of either House of Congress; or

(3) the President, Vice President, an employee of the United States Postal Service or the Postal Regulatory Commission, or any other executive branch employee (as such term is defined under section 2105 of title 5, United States Code)."

The President is specifically listed as a "covered government person" under this criminal law under 18 U.S.C.A. § 227(a), (b)(3).

The President withheld an "official act" to faithfully defend and protect the Press's Constitutional freedom of the press from government persecution, as required under this statute.

The President not only "withheld an official act" to defend, protect and

obey the United States Constitution by failing to defend the Press's protected first amendment freedom, he also violated the Press's freedom from government persecution by actively persecuting, ridiculing and, or encouraging the ridicule and boycott of certain news sources, and or outlets based solely on the news reporter's and/or station or paper's (herein also referred to as the "Press," above and below, collectively or individually) perceived, projected or manufactured political affiliation against Trump and/or Trump's base or alleged American political values. Citing, 18 U.S.C.A. § 227(a)(1).

The President's withholding of such official act and active violation of the same was made with "the intent to influence," solely on the basis of the perceived or projected partisan political affiliation of news reporter(s) and/or station(s) or paper(s), "an employment decision or employment practice of private" entities, news outlet(s) (also referred herein as the "news"). Citing, 18 U.S.C.A. § 227 (a).

The President also, "influence(d), or offer(ed) or threaten(ed) to influence, the official acts of," others in his staff, government agents, troops, service men and women, and congressmen and congresswomen, as well as all Americans, when he encouraged others to persecute, ridicule, demean, and/or boycott the Press for exercising their freedom of the press. Citing, 18 U.S.C.A. § 227 (a)(2).

The President's encouragement was made with "the intent to influence, solely on the basis of the perceived, or projected partisan political affiliation, against President Trump and/or his supporters and/or American values, an employment decision or employment practice of" private entities, the news outlets. Citing, 18 U.S.C.A. § 227 (a).

Trump persuading some Americans to boycott the news based on his comments, including, but not limited comments to, such as "fake news" about the Press.

Trump gained support by those who chose to remain uninformed concerning the news.

Trump offered an excuse some Americans adopted for their decision not to be concerned with the world beyond their own community.

Trump eliminated the guilt of people who chose not to inform themselves by the news.

Trump encouraged ignorance, ignoring news concerning others, and

indifference, an atmosphere of unconcern for people outside of our own.

With the busyness of life, it took away the guilt of many citizens for their decision to remain uninformed.

Trump offered an excuse to feel smart for not watching, reading or listening to the news.

In fact, part of American society began to say those who watched the news and read the papers were foolish or not smart.

Throughout the nation, we have seen an unusual trend of people repeating the President's comment, "fake news."

This trend caused droppings in ratings and ending of subscriptions of the Press based on the President's comments.

This "fake news" trend has helped Trump gain support by those who reject or refuse to listen, read or watch certain news.

Trump wants to win.

Trump recognizes he gains more support by attacking sources part of his base refuse to watch, read or listen to.

Trump's comments were made solely on the "basis of partisan political affiliation" attributed to the Press for exercising their Constitutional freedom of the Press.

The President also intended "to cause an employment decision or employment practice of (a) private entity" by his persecution of the Press

1. to garner more favorable news from the Press,
2. and/or to prevent/chill the news from reporting on certain disfavorable news concerning himself, his policies and information relating to evidence and facts concerning political views, (chilling the Press's freedom of the Press and freedom of speech),
3. and or to diminish the reputation of the news to force them to state information in a light more favorable towards the President.

The President desires more favorable news by the Press to help him win.

The President claims he likes winning.

Winning is not most important. Doing the right thing is more important

than winning.

Violating the rules of law to win is not winning. It is cheating and destroying the laws that safeguard our freedoms that make our country already great.

America is a nation of laws, including Constitutional laws that uphold the freedom of the American citizens against persecution by the government, for lawfully exercising their freedoms.

Lawlessness is the problem. Lawlessness is not the solution. The impartial and fair administration of the rule of law is the solution.

The President's speech persecuting the Press is not protected speech.

The Press is Constitutionally protected.

The Press's freedom of speech is also Constitutionally protected.

President Trump's speech persecuting, threatening and ridiculing the Press for exercising their freedom of the Press and freedom of speech (herein referred to as "speech") is not Constitutionally protected speech.

Trump's speech is lawless violating both Constitutional law and Criminal law.

President Trump disobeyed the Constitution by persecuting, instead of protecting the Press, in order to garner and/or keep political support for the President.

The President violated the criminal law 18 USCA section 227 and the Constitutional laws safeguarding the freedom of the Press, as described herein, in an attempt to "keep winning."[1]

President Trump's behavior was based solely on serving himself by attributing to the Press a partisan political affiliation against America, against Trump and/or against Trump's base.

The President's violations of the first Amendment freedom of the Press created unsafe conditions for members of the Press.

The President did not display any concern about the safety of the Press or the foreseeable violent persecution against them based on some supporters' loyalty towards the President.

[1] CBS News clip found at (https://www.youtube.com/watch?v=ol54UPdNdhE)(Published, Jun 20, 2018).

The President's persecution, ridicule, demeaning and disparaging of the Press has led some supporters of the President to foreseeably, violently persecute and attempt to kill members of the Press in the United States of America, in an apparent defense of the President.

The President's persecution has led some Americans through his misleadership, to persecute the Press by words and deeds, exacerbating the chilling effect, and the mass threat of persecution to members of the Press by words or deeds.

In February 2019, Journalist Andrew Resticcia's article pointed out, "(m)ore than 24 hours after news broke that a Coast Guard officer — an avowed white nationalist — was allegedly plotting to kill Democratic politicians and journalists, Trump has, at least so far, not said a word."[2]

"'It's irresponsible and dangerous,' said Alexandra Ellerbeck, the North America program coordinator at the Committee to Protect Journalists. 'When we talk to journalists, they feel less safe than they used to.'" Id.

"Scarborough and others have noted that news of the alleged plot to kill Democratic politicians and journalists broke just hours after New York Times publisher A.G. Sulzberger chastised Trump for calling the Times the "enemy of the American people" after it published an account of the president's efforts to undercut the investigations encircling him." Id.

"'The phrase 'enemy of the people' is not just false, it's dangerous. It has an ugly history of being wielded by dictators and tyrants who sought to control public information. And it is particularly reckless coming from someone whose office gives him broad powers to fight or imprison the nation's enemies,' Sulzberger wrote. 'As I have repeatedly told President Trump face to face, there are mounting signs that this incendiary rhetoric is encouraging threats and violence against journalists at home and abroad.'" Id.

"Since 2016, Acosta has become one of the press corps' most high-profile (Press) members, regularly sparring with administration officials, such as Sanders and White House senior policy adviser Stephen Miller. For Trump — who repeatedly vents his anger at the press and CNN in particular — Acosta is a convenient foil. But the reporter's bulldog

[2] Politico, Trump stays silent on media-hating Coast Guard office, By Andrew Resticcia, dated February, 21, 2019, https://www.politico.com/story/2019/02/21/trump-coast-guard-officer-1179749. Also see, The Hill, Trump declares New York Times 'enemy of the people', By Brett Samuels, February 20, 2019.

reporting style has made him a household name." [3]

The White House suspended Mr. Acosta's Press credentials. Id.

Mr. Acosta said, "'I probably receive more death threats than I can count,'...'I get them basically once a week.'" Id.

The First Amendment freedom of the Press against government persecution protects the Press from speech by the President, and those who work or serve under the cloak of government authority, from government persecution for their exercise of their first Amendment freedoms.

Government persecution, persecution by the President, mis-leads some Americans as a command to obey and persecute those the President persecutes too.

The President has more limited freedoms in exchange for his position of government authority. He may not misuse his authority by violating the Constitution to voice his opposition and active persecution to any American who thinks differently.

The President is creating a threat of physical danger to the Press.

He has failed to safeguard, uphold, and defend the Press, and their Constitutional freedom.

The President failed to speak up and defend and safeguard the Press when members were attacked and or killed.

A journalist "Khashoggi was murdered on October 2, 2018, sometime after he entered the Saudi consulate in Istanbul, Turkey. A kill squad of Saudi agents carried out the operation, cutting the journalists body into pieces with a bone saw. Saudi leaders initially denied knowing the whereabouts of Khashoggi, but after intense international backlash, finally admitted that he had been killed inside the diplomatic facility." [4]

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[3] Washington Post, How CNN's Jim Acosta became the reporter Trump loves to hate, By Kyle Swenson, Dated November 8, 2018, https://www.washingtonpost.com/nation/2018/11/08/how-cnns-jim-acosta-became-reporter-trump-loves-hate/?noredirect=on&utm_term=.ef2ec2711731

[4] Newsweek, Trump Defends Saudi Arabia's Murder of Journalist Jamal Khashoggi by Saying Iran Kills People Too, By Jason Lemon, Dated June 23, 2019, https://www.newsweek.com/trump-defends-saudi-arabia-jamal-khashoggi-iran-kills-people-1445430

Also see, New York Times, One Killing, Two Accounts: What We Know About Jamal Khashoggi's Death, By Ben Hubbard, Oct. 20, 2018, https://www.nytimes.com/2018/10/20/world/middleeast/khashoggi-turkey-saudi-

"(A) fter intelligence investigations strongly suggested that Saudi Arabia's Crown Prince Mohammed Bin Salman was likely behind the murder of Khashoggi, Trump insisted the kingdom was a 'great ally." He also criticized Iran, saying the U.S. relied on the Saudis to counter the Persian Gulf nation, buy American weapons and keep oil prices low." Id.

In June 28, 2018, a gunman shot and killed five journalists at a newspaper office in Annapolis Maryland, the Capitol. [5]

The threat of violence as a means to force suppression, chill, the Press's publication of unfavorable content is real.

The President encourages such lawlessness by his words and deeds.

The President not only violated the Press's first Amendment freedom of the Press, he also violated their first Amendment freedom of speech.

The Press's first amendment freedoms of the Press and speech affords them protection from government persecution for exercising their first amendment right to speak negatively about government conduct.

Pursuant to the Supreme Court in McDonald v. Smith, 472 U.S. 479, 486–87, 105 S. Ct. 2787, 2791–92, Citing New York Times Co. v. Sullivan, 376 U.S. 254, 270, 84 S. Ct. 710, 721, 11 L. Ed. 2d 686 (1964),

> "The first amendment specifically protects speech against government acts and decisions citizens may disagree with. As with the freedoms of speech and press, exercise of the right to petition "may well include vehement, caustic, and sometimes unpleasantly sharp attacks on government and public officials," and the occasionally "erroneous statement is inevitable." New York Times Co. v. Sullivan, supra, 376 U.S., at 270–271, 84 S.Ct., at 720–721. The First Amendment requires that we extend substantial "'breathing space' " to such expression, because a rule imposing liability whenever a statement was accidentally or negligently incorrect would *487 intolerably chill "would-be critics of official conduct ... from voicing their criticism." 376 U.S., at 272, 279, 84 S.Ct., at 721, 725.1"

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narratives.html

[5] Citing, NBC News, Capital Gazette shooting: Suspect charged after 5 killed at Maryland newspaper, By Phil Helsel, Tom Winter and Jonathan Dienst, June 28, 2018, Updated June 29, 2018
https://www.nbcnews.com/news/us-news/multiple-people-reported-shot-maryland-newspaper-office-n887526; BBC, Annapolis journalists killed in 'targeted attack' on Capital Gazette, June 29, 2018
29 June 2018, https://www.bbc.com/news/world-us-canada-44645986

When Trump accepted a position of government authority, under our Constitution, his Constitutional rights became more limited in order to uphold the Constitutional laws that protect the freedoms of those he serves, the American people.

The Constitution laws limit the power of government agents in order to safeguard the freedoms of those who reside in America from persecution under the cloak of government authority.

Trump, as president, may not unconstitutionally chill the Press's speech and their freedom of the Press based on perceived, projected or manufactured political affiliation derived from the Press's exercise of their first amendment freedoms.

The freedom of the Press gives the Press the freedom to voice their disagreement with government actions and ideas, including the right to criticize the President.

The United States Supreme Court held, "Criticism of (a government official) conduct does not lose its constitutional protection merely because it is effective criticism and hence diminishes their official reputations." New York Times Co. v. Sullivan, 376 U.S. 254, 272–73, 84 S. Ct. 710, 722, 11 L. Ed. 2d 686 (1964).

Trump is the President of the United States.

Trump represents through his deeds and words, the government in the executive branch.

The Government through Trump's deeds and words unconstitutionally persecuted the Press for exercising their first amendment freedom.

Trump violated his oath to uphold the Constitution by actively disobeying the Constitution by persecuting the Press for exercising their Constitutional freedom of the Press.

Arguably, the President committed perjury under 18 U.S.C.A. § 1621, for lying under oath to uphold the Constitution and laws by actively knowingly violating the same, and/or refusing to read them in order that he may uphold the same.

Trump intended to cause the threat of economic harm and/or social harm and/or physical harm to the Press and against members of the Press who participated in the exercise of their freedom of the speech and the Press.

Trump has called for the boycott of the Press for exercising their

freedom.

On June 3, 2019, "President Donald Trump, in a tweet Monday morning, encouraged customers of AT&T to boycott the company to force it to make editorial changes at the CNN news network, which it owns." [6]

"The president wrote as he was preparing to meet Queen Elizabeth II at the start of a three-day state visit to the UK." Id.

"He said the only US news network he could find to watch after landing was CNN, which he found too negative in its coverage of the US." Id.

On June 3, 2019, the President tweeted, ""Just arrived in the United Kingdom, ""The only problem is that @CNN is the primary source of news available from the U.S. After watching it for a short while, I turned it off. All negative & so much Fake News, very bad for U.S. Big ratings drop. Why doesn't owner @ATT do something?" Id.

The President tweeted "I believe that if people sto(p)ed using or subscribing to @ATT, they would be forced to make big changes at @CNN, which is dying in the ratings anyway. It is so unfair with such bad, Fake News! Why wouldn't they act. When the World watches @CNN, it gets a false picture of USA. Sad!" Id.

On July 7, 2019 the President Tweeted, "Watching @FoxNews weekend anchors is worse than watching low ratings Fake News @CNN, or Lyin' Brian Williams (remember when he totally fabricated a War Story trying to make himself into a hero, & got fired. A very dishonest journalist!) and the crew of degenerate....." [7]

On July 7, 2019 Trump said Fox "network 'forgot the people who got them there.' He griped Fox News was 'loading up with Democrats' and complained it was citing The New York Times as 'a 'source' of information,' an apparent reference to the newspaper's Sunday article about disease, hunger and overcrowding at a Texas center holding migrant children." Id.

On July 11, 2019, in an article by the Fox news network, LLC, called Trump rails against 'Fake News' in bizarre tirade, warns industry will fold

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[6] Citing, Business Insider, Trump tells people to boycott CNN parent AT&T to force more positive coverage of his administration, By Tim Porter, June 3, 2019. https://www.businessinsider.com/trump-encourages-att-boycott-over-cnn-coverage-2019-6?fbclid=IwAR2aerXjC1P2P9UOXBBfJZx1yl4-c7Vju2_A3OJB2XAYbxuRXscJ1ExyMPo

[7] Newsweek, TRUMP DEFENDS SAUDI ARABIA'S MURDER OF JOURNALIST JAMAL KHASHOGGI BY SAYING IRAN KILLS PEOPLE TOO, By James Lemon, dated June 23, 2019, https://www.newsweek.com/trump-defends-saudi-arabia-jamal-khashoggi-iran-kills-people-1445430

when he leaves office, by Brooke Sigmund states: "President Trump teed off on the news media in a bizarre Twitter rant Thursday morning ahead of a big social media summit at the White House slated for later in the day. [8]

"The string of tweets attacked the news media and claimed the industry would go out of business when he leaves office, even suggesting outlets would be forced to endorse him this cycle for the sake of their own survival." Id.

"He went on to alternately praise himself, lob insults at familiar targets in the 2020 Democratic field and even joke about serving more than two terms." Id.

On January 11, 2017, in a news's conference, President persecuted the Press, diminishing the confidence in their news by stating "this political witch hunt by some in the media is based on some of the most flimsy reporting and is frankly shameful and disgraceful." [9]

On February 17, 2018, Trump tweeted "Funny how the Fake News Media doesn't want to say that the Russian group was formed in 2014, long before my run for President. Maybe they knew I was going to run even though I didn't know!" [10]

"Trump entered the election on June 16, 2015, after the Russian organization was formed — a fact that, contrary to Trump's Twitter musings, was reported by many news organizations." Id.

The President asserted facts that were not true. Id.

Yet, since he encourages Americans not to watch the news by calling it fake news, many believed Trump's false, misleading and deceiving allegations as truth. Id.

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[8] Citing, Fox news network, LLC, Trump rails against 'Fake News' in bizarre tirade, warns industry will fold when he leaves office, By Brooke Sigmund, July 11, 2019. August 10, 2018, https://www.foxnews.com/politics/trump-rails-against-fake-news-in-bizarre-tirade-warns-industry-will-fold-when-he-leaves-office?fbclid=IwAR3um59LQ4S2GxajidPEPoSUdil099OYEhjGVsUu3T1jdb7lq4rtysQj7oY

[9] New York Times, Donald Trump's News Conference: Full Transcript and Video, January 11, 2017, https://www.nytimes.com/2017/01/11/us/politics/trump-press-conference-transcript.html

[10] Citing, USA Today, Trump scolds 'Fake News Media' over reporting of Russian meddling in 2016 election, By Michael Collins, February 17, 2018.

https://www.usatoday.com/story/news/politics/onpolitics/2018/02/17/trump-scolds-fake-news-media-over-reporting-russian-meddling-2016-election/348356002/

On April 1, 2017, April Fool's Day "Mr. Trump fired off two tweets Saturday, first asking when Todd, (a specific newsman) and NBC will stop covering any Russian government ties to the White House, then vilifying NBC as the same network that perpetuated the theory he had "no path to victory" before the election. Mr. Trump dubbed NBC's coverage a 'total scam.' Todd discussed Russia Friday on NBC's 'Nightly News.'" [11]

The President tweeted, "It is the same Fake News Media that said there is "no path to victory for Trump" that is now pushing the phony Russia story. A total scam!" Id.

Trump compromised the Press's integrity by claiming the Press would reward the fruits of unlawful during a news conference in July 2016 when he stated. [12]

"Russia, if you're listening, I hope you're able to find the 30,000 emails that are missing," with regards to Mrs. Clinton's deleted emails. "I think you will probably be rewarded mightily by our press." Id.

On-May 4, 2017, Trump tweeted "The Fake News media is officially out of control. They will do or say anything in order to get attention - never been a time like this!" "[13]

On January 11, 2017 Trump tweeted, "I win an election easily, a great "movement" is verified, and crooked opponents try to belittle our victory with FAKE NEWS. A sorry state!" Id.

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[11] Citing, CBS News, Trump calls "Fake Trump/Russia story" a "total scam" as investigations ramp up, By Kathryn Watson, Dated April 1, 2017,

https://www.cbsnews.com/news/trump-calls-fake-trump-russia-story-a-total-scam-as-investigations-ramp-up/

[12] Citing, New York Times, Donald Trump Calls on Russia to Find Hillary Clinton's Missing Emails, July 27, 2016

https://www.nytimes.com/2016/07/28/us/politics/donald-trump-russia-clinton-emails.html

[13] Citing, Axios, Everything Trump has called "FAKE NEWS", By Haley Britzky, Jul 9, 2017, https://www.axios.com/everything-trump-has-called-fake-news-1513303959-6603329e-46b5-44ea-b6be-70d0b3bdb0ca.html, Citing, President Donald Trump's twitter account (This article contains direct links to President Trump's twitter account.)

"FAKE NEWS media, which makes up stories and "sources," is far more effective than the discredited Democrats - but they are fading fast!"

On Jan 11, 2017 Trump tweeted, "We had a great News Conference at Trump Tower today. A couple of FAKE NEWS organizations were there but the people truly get what's going on" Id.

On January 13, 2017, Trump tweeted, "Totally made up facts by sleazebag political operatives, both Democrats and Republicans - FAKE NEWS! Russia says nothing exists. Probably..." Id.

On February 16, 2017, Trump tweeted, " FAKE NEWS media, which makes up stories and "sources," is far more effective than the discredited Democrats - but they are fading fast!" Id.

On February 24, 2017 Trump tweeted, " FAKE NEWS media knowingly doesn't tell the truth. A great danger to our country. The failing @nytimes has become a joke. Likewise @CNN. Sad!" Id.

On June 6, 2017 Trump tweeted, "Sorry folks, but if I would have relied on the Fake News of CNN, NBC, ABC, CBS, washpost or nytimes, I would have had ZERO chance winning WH" Id.

January 12, 2017, Trump tweeted, ".@CNN is in a total meltdown with their FAKE NEWS because their ratings are tanking since election and their credibility will soon be gone!" Id.

On June 27, 2017, Trump tweeted, "Fake News CNN is looking at big management changes now that they got caught falsely pushing their phony Russian stories. Ratings way down!" Id.

On June 28, 2017, Trump tweeted, "The failing @nytimes writes false story after false story about me. They don't even call to verify the facts of a story. A Fake News Joke!" Id.

On June 28, 2017, Trump tweeted, "The #AmazonWashingtonPost, sometimes referred to as the guardian of Amazon not paying internet taxes (which they should) is FAKE NEWS!" Id.

On June 30, 2017, Trump tweeted, "Watched low rated @Morning_Joe for first time in long time. FAKE NEWS. He called me to stop a National Enquirer article. I said no! Bad show." Id.

In all of this the President underminded the integrity of the Press as an integral part of a free society.

The Freedom of the Press and the Freedom of speech makes America more free. The dissemination of information allows people to see different views, ideas and perspectives instead of the narrow view of the few with money, power and connections who, if allowed, would buy our eyes and ears to

profit off of our ignorance.

The freedom of the Press, and speech must be safeguarded from persecution at the behest of those with power.

The common man is made equal under the law by the laws safeguarding the freedom of the Press and speech. That is quite beautiful. The powerful must give up power. The lowly have laws that lift them higher by granting them more power than those in positions of authority. The common man is somehow more equal with the powerful by the Constitutional laws safeguarding the freedom of the Press and speech.

That humility and respect for the dignity of other people regardless of their station in life mandated by our Constitution is worth fighting against those few with evil, self serving, greedy, gluttonous interests. Those loveless creatures who seek to enslave and to be served as opposed to serve are rooted out by the Constitutional laws that make this country already great.

Trump made America less great by chilling the exercise of freedoms of those he serves Americans, including the members of the Press.

The President's words chilled the freedom of the Press and/or speech, and possibly other Americans' freedoms under the threat of economic persecution.

The lower Federal Courts recognize economic persecution as a form of government persecution. [14]

In all of this, Donald J. Trump has violated the First Amendment freedom of the Press against government persecution by willfully and knowingly persecuting those who exercised their freedom, Donald J.Trump.

In all of this, the President knowingly and willfully spoke and acted in a manner that violated the criminal law Title 18 of the United States Annotated Section 227.

In so doing he has undermined the integrity of his office, by violating federal criminal law and the freedoms under the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

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[14] The cases are limited to immigration cases, but the criminal statute Title 18 of the United States Code Annotated Section 227 extends government persecution by the President of the United States to economic persecution too. I applaud this branch of government for choosing to create a check on themselves and another branch of government.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office.

SAVE DUE PROCESS AND PREVENT KIDNAPPING BABIES AT THE BORDER

ARTICLE OF IMPEACHMENT

116 TH CONGRESS

1ST SESSION

Add the 4th charged for the p/12-3 please 2 SU doc

Use Gov. doc as Exhibit to Art. 1 Witness execution BABY.

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

_____, 2019

_____ submitted the following resolution; which was referred to the _____

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

RESOLUTION

Resolved, That Donald J. Trump,

President of the United States, is impeached for high crimes and misdemeanors, and that the following Articles of Impeachment to be exhibited to the Senate:

Articles of Impeachment to be exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Donald J. Trump, President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

THE PRESIDENT'S VIOLATION OF OATH OF OFFICE, PERJURY BY FAILING TO UPHOLD THE CONSTITUTION, AND LAWS OF THE LAND, INCLUDING THE 5TH AMENDMENT DUE PROCESS CLAUSE

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the

United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional obligation to preserve, protect, defend and obey the laws of the land:

The President swore an oath to uphold the Constitutional laws.

The President has a duty to review, inform himself of such Constitutional laws, in order to uphold the Constitution,

The President's ignorance is not innocence.

Ignoring the Constitutional laws is not a defense in the President's violation of his oath of office to uphold the same.

No one is above the law. No one is below the law.

Not even the President of the United States is free to ~~willfully~~ violate the Constitution.

The President committed perjury by violating his oath to uphold the Constitution and Laws of the land by encouraging violation of the same under his policies at the border.

18 U.S.C.A. § 1621 provides:

"Whoever–

(1) having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, willfully and contrary to such oath states or subscribes any material matter which he does not believe to be true; or

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribes as true any material matter which he does not believe to be true;is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States."

The President, through his policies at the Border, has encouraged the punishment of people in this country in violation of the 5th

Amendment due process of law, in total disregard of his oath to uphold the Constition, including the 5th Amendment.

The US Supreme Court held:"Fifth Amendment entitles aliens to due process of law in deportation proceedings, and detention during such proceedings is constitutionally valid aspect of deportation process." U.S.C.A. Const.Amend. 5th Demore v. Kim, 538 U.S. 510, 123 S. Ct. 1708, 155 L. Ed. 2d 724 (2003).[1]

While detention is permitted at detention centers, the conditions at detention centers are so heinous must be considered punishment, not mere detention, without a hearing or trial, in deprivation of the detainees' substantive due process "right to bodily integrity," Citing, Albright v. Oliver,-510 U.S. 266, 114 S. Ct. 807, 127 L. Ed.

"Since pretrial detainees ... are similarly restricted in their ability to fend for themselves, (the Government) owes a duty to both groups that effectively confers upon them a set of constitutional rights that fall under court's rubric of "basic human needs." Hare v. City of Corinth, Miss., 74 F.3d 633 (5th Cir. 1996).

The absence of tooth paste, soap, beds, food, water and other basic needs for detainees at detention centers is unconscionable.

"Detainees described overcrowding so severe that 'it was difficult to move in any direction without jostling and being jostled.' The water provided them was foul, 'of a dark color, and an ordinary glass would collect a thick sediment.' The 'authorities never removed any filth.' A detainee wrote that the 'only shelter from the sun and rain and night dews, was what we could make by stretching over us our coats or scraps of blanket.' As for the food, 'Our ration was in quality a starving one, it being either too foul to be touched or too raw to be digested.'"[2]

"(C)hildren at a facility in Clint, Texas, were sleeping on concrete floors and being denied soap and toothpaste. (Observers) described children as young as 7 and 8, many of them wearing clothes caked with snot and tears ... 'caring for infants they've just met.' A visiting

[1] I. Reno v. Flores, 507 U.S. 292, 113 S. Ct. 1439, 123 L. Ed. 2d 1 (1993) ("Fifth Amendment entitles aliens to due process of law in deportation proceedings. U.S.C.A. Const.Amend. 5.")

[2] A Crime by Any Name. The Trump administration's commitment to deterring immigration through cruelty has made horrifying conditions in detention facilities inevitable. By Adam Serwer, July 3, 2019, https://www.theatlantic.com/ideas/archive/2019/07/border-facilities/593239/.

Evidence Attach Exhibits Please or Footnotes

Please Add info on payments per day attach & gov docs

doctor called the detention centers 'torture facilities.' At least seven children have died in U.S. custody in the past year, compared with none in the 10 years prior. More than 11,000* children are now being held by the U.S. government on any given day. As if these conditions were insufficiently punitive, the administration has canceled recreational activities..." Id.

"At a processing center in El Paso, Texas, 900 migrants were 'being held at a facility designed for 125. In some cases, cells designed for 35 people were holding 155 people,' Id.

"The New York Times reported. One observer described the facility to Texas Monthly as a 'human dog pound.'" Id.

"The government's own investigators have found detainees in facilities run by Immigration and Customs Enforcement being fed expired food at detention facilities, 'nooses in detainee cells,"' "'inadequate medical care,' and 'unsafe and unhealthy conditions.'Id.

"An early-July inspector-general report found "dangerous overcrowding" in some Border Patrol facilities and included pictures of people crowded together like human cargo." Id.

"Some of the people detained by the U.S. government have entered the United States illegally or overstayed their visas; some are simply seeking to exercise their legal right to asylum." Id.

"Chilling first-hand reports of migrant detention centers highlight smell of 'urine, feces,' overcrowded conditions." [3]

'"Children at three of the five Border Patrol facilities we visited had no access to showers ... [and] limited access to a change of clothes.'" Id.

In all of this, Donald J. Trump has undermined the integrity of his office, by violating federal criminal law and the freedoms under the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and justice and

[3] Government officials and pediatricians who have toured border facilities give first-hand accounts of conditions. USA TODAY compiled their words. By, James Sergent, Elinor Aspegren, Elizabeth Lawrence and Olivia Sanchez, USA TODAY, Updated 10:32 a.m. EDT July 17, 2019
https://www.usatoday.com/indepth/news/politics/elections/2019/07/16/migrant-detention-centers-described-2019-us-government-accounts/1694638001/

to the manifest injury of the people of the United States.

ARTICLE II CRIME OF KIDNAPPING

The allegations contained in paragraphs above and are repeated and realleged as though fully set forth herein.

The President encouraged, aided and abetted and, or conspired with the kidnapping of individuals under implementation of his border policies.

18 U.S.C.A. § 1201, the federal kindapping statute provides:

" (a) Whoever unlawfully seizes, confines, inveigles, decoys, kidnaps, abducts, or carries away and holds for ransom or reward or otherwise any person, except in the case of a minor by the parent thereof, when--

(1) the person is willfully transported in interstate or foreign commerce, regardless of whether the person was alive when transported across a State boundary, or the offender travels in interstate or foreign commerce or uses the mail or any means, facility, or instrumentality of interstate or foreign commerce in committing or in furtherance of the commission of the offense;

(2) any such act against the person is done within the special maritime and territorial jurisdiction of the United States;

(3) any such act against the person is done within the special aircraft jurisdiction of the United States as defined in section 46501 of title 49;

(4) the person is a foreign official, an internationally protected person, or an official guest as those terms are defined in section 1116(b) of this title; or

(5) the person is among those officers and employees described in section 1114 of this title and any such act against the person is done while the person is engaged in, or on account of, the performance of official duties,

shall be punished by imprisonment for any term of years or for life and, if the death of any person results, shall be punished by death or life imprisonment.

(b) With respect to subsection (a)(1), above, the failure to release the victim within **twenty-four hours** after he shall have been unlawfully seized, confined, inveigled, decoyed, kidnapped, abducted, or carried away shall create a rebuttable presumption that such person has been transported in interstate or foreign commerce. Notwithstanding the

preceding sentence, the fact that the presumption under this section has not yet taken effect does not preclude a Federal investigation of a possible violation of this section before the 24-hour period has ended.

(c) If two or more persons conspire to violate this section and one or more of such persons do any overt act to effect the object of the conspiracy, each shall be punished by imprisonment for any term of years or for life.

(d) Whoever attempts to violate subsection (a) shall be punished by imprisonment for not more than twenty years.

(e) If the victim of an offense under subsection (a) is an internationally protected person outside the United States, the United States may exercise jurisdiction over the offense if (1) the victim is a representative, officer, employee, or agent of the United States, (2) an offender is a national of the United States, or (3) an offender is afterwards found in the United States. As used in this subsection, the United States includes all areas under the jurisdiction of the United States including any of the places within the provisions of sections 5 and 7 of this title and section 46501(2) of title 49. For purposes of this subsection, the term "national of the United States" has the meaning prescribed in section 101(a)(22) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(22)).

(f) In the course of enforcement of subsection (a)(4) and any other sections prohibiting a conspiracy or attempt to violate subsection (a)(4), the Attorney General may request assistance from any Federal, State, or local agency, including the Army, Navy, and Air Force, any statute, rule, or regulation to the contrary notwithstanding.

(g) Special Rule for Certain Offenses Involving Children.--

(1) To whom applicable.--If--

(A) the victim of an offense under this section has not attained the age of eighteen years; and

(B) the offender--

(i) has attained such age; and

(ii) is not--

(I) a parent;

(II) a grandparent;

(III) a brother;

(IV) a sister;

(V) an aunt;

(VI) an uncle; or

(VII) an individual having legal custody of the victim;

the sentence under this section for such offense shall include imprisonment for not less than 20 years.

(h) As used in this section, the term "parent" does not include a person whose parental rights with respect to the victim of an offense under this section have been terminated by a final court order."

The President encouraged Americans and aliens to be recklessly placed in detention centers without probable cause or legal justification, in utter disregard to the rule of law.

Sorting them out later is unlawful imprisonment in violation of 18 U.S.C.A. § 1201. Due Process requires legal justification, probable cause, before detention.

In all of this, Donald J. Trump has undermined the integrity of his office, by violating federal criminal law and the freedoms under the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office.

Save children Please

Do the right thing mother

You are awaine even if you do NOT succeed at first. You win by not Giving up life matters more than $ will still love you. Thanks Mark.

Porn Star

impeachment

I copied and pasted

from the NY AG's

Complaint

You must include the

2 checks

STORMY DANIELS AND THE MISPAID DOLLARS ARTICLE OF IMPEACHMENT

116 TH CONGRESS

1ST SESSION

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

_____, 2019

_____submitted the following resolution; which was referred to the _____

Impeaching Donald J. Trump, President of the United States, of high crimes and misdemeanors.

RESOLUTION

Resolved, That Donald J. Trump,

President of the United States, is impeached for high crimes and misdemeanors, and that the following Articles of Impeachment to be exhibited to the Senate:

Articles of Impeachment to be exhibited by the House of Representatives of the United States of America in the name of itself and all of the people of the United States of America, against Donald J. Trump, President of the United States, in maintenance and support of its impeachment against him for high crimes and misdemeanors.

ARTICLE I

THE PRESIDENT'S VIOLATION OF CAMPAIGN FINANCE LAW

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional obligation to preserve, protect, defend and obey the laws of the land,

including the Criminal Statutes under the Internal Revenue Code.

Back Ground

A Campaign Finance Violations

The Federal Election Campaign Act of 1971, as amended, Title 52, United States Code, Section 30101, et *seq.*, (the "Election Act"), regulates the influence of money on politics. At all times relevant to the Information, the Election Act set forth the following limitations, prohibitions, and reporting requirements, which were applicable to President Donald J. Trump, and his campaign:

(a) Individual contributions to any presidential candidate, including expenditures coordinated with a candidate or his political committee, were limited to $2,700 per election, and presidential candidates and their committees were prohibited from accepting contributions from individuals in excess of this limit.

(b)Corporations were prohibited from making contributions directly to presidential candidates, including expenditures coordinated with candidates or their committees, and candidates were prohibited from accepting corporate contributions.

On or about June 16, 2015, President Donald J. Trump (hereinafter also "Trump") began his presidential campaign.

While MICHAEL COHEN, continued to work at the Company and did not have a formal title with the campaign, he had a campaign email address and, at various times, advised the campaign, including on matters of interest to the press, and made televised and media appearances on behalf of the campaign.

At all times relevant to this Information, Corporation-1 was a media company that owns, among other things, a popular tabloid magazine ("Magazine-1").

In or about August 2015, the Chairman and Chief Executive of Corporation-1 ("Chairman-1"), in coordination with Michael Cohen ("Cohen"), and one or more members of the campaign, offered to help deal with negative stories about Donald J. Trump's relationships with women by, among other things, assisting the campaign in identifying such stories so they could be purchased and their publication avoided. Chairman-1 agreed to keep Cohen apprised of any such negative stories.

Consistent with the agreement described above, Corporation-1 advised MICHAEL COHEN, the defendant, of negative stories during the course of

the campaign, and COHEN, with the assistance of Corporation-1, was able to arrange for the purchase of two stories so as to suppress them and prevent them from influencing the election.

First, in or about June 2016, a model actress and Playboy Playmate Karen McDougal (McDougal) began attempting to sell her story of her alleged extramarital affair with Donald J. Trump that had taken place in 2006 and 2007, knowing the story would be of considerable value because of the election. Woman-1 retained an attorney ("Attorney-1"), who in turn contacted the editor-in-chief of Magazine-1 ("Editor-1"), and offered to sell McDougal's story to Magazine-1. Chairman-1 and Editor-1 informed Cohen, the defendant, of the story. At COHEN's urging and subject to Cohen's promise that Corporation-1 would be reimbursed, Editor-1 ultimately began negotiating for the purchase of the story.

On or about August 5, 2016, Corporation-1 entered into an agreement with McDougal) to acquire her "limited life rights" to the story of her relationship with "any then-married man," in exchange for $150,000 and a commitment to feature her on two magazine covers and publish over one hundred magazine articles authored by her. Despite the cover and article features to the agreement, its principal purpose, as understood by those involved, including Cohen, and Trump, was to suppress McDougal's story so as to prevent it from influencing the election.

Between in or about late August 2016 and September 2016, MICHAEL COHEN, the defendant, agreed with Chairman-1 to assign the rights to the non-disclosure portion of Corporation-1's agreement with McDougal to COHEN for $125,000. COHEN incorporated a shell entity called "Resolution Consultants LLC" for use in the transaction. Both Chairman-1 and COHEN ultimately signed the agreement, and a consultant for Corporation-1, using his own shell entity, provided COHEN with an invoice for the payment of $125,000. However, in or about early October 2016, after the assignment agreement was signed but before COHEN had paid the $125,000, Chairman-1 contacted COHEN and told him, in substance, that the deal was off and that COHEN should tear up the assignment agreement. COHEN did not tear up the agreement, which was later found during a judicially authorized search of his office.

Second, on or about October 8, 2016, an agent for an adult film actress Stephanie Clifford, also known as Stormy Daniels ("Clifford") informed Editor-1 that Clifford was willing to make public statements and confirm on the record her alleged past affair with Trump. Chairman-1 and Editor-1 then contacted Cohen, the defendant, and put him in touch with Attorney-1, who was also representing Clifford. Over the course of the next few days, Cohen negotiated a $130,000 agreement with Attorney-1 to himself purchase Cohen's silence, and received a signed confidential settlement agreement and a separate side letter agreement from Attorney-1.

MICHAEL COHEN, the defendant, did not immediately execute the agreement, nor did he pay Clifford. On the evening of October 25, 2016, with no deal with Clifford finalized, Attorney-1 told Editor-1 that Clifford was close to completing a deal with another outlet to make her story public. Editor-1, in turn, texted

COHEN, the defendant, that "[w]e have to coordinate something on the matter [Attorney-1 is] calling you about or it could look awfully bad for everyone." Chairman-1 and Editor-1 then called COHEN through an encrypted telephone application. COHEN agreed to make the payment, and then called Attorney-1 to finalize the deal.

The next day, on October 26, 2016, MICHAEL COHEN emailed an incorporating service to obtain the corporate formation documents for another shell corporation, Essential Consultants LLC, which COHEN had incorporated a few days prior. Later that afternoon, COHEN drew down $131,000 from a fraudulently obtained HELOC, and requested that it be deposited into a bank account COHEN had just opened in the name of Essential Consultants. The next morning, on October 27, 2016, COHEN went to Bank-3 and wired approximately $130,000 from Essential Consultants to Attorney-1. On the bank form to complete the wire, COHEN falsely indicated that the "purpose of wire being sent" was "retainer." On or about November 1, 2016, COHEN received from Attorney-1 copies of the final, signed confidential settlement agreement and side letter agreement.

Trump through his agent Cohen, caused and made the payments described herein in order to influence the 2016 presidential election. In so doing, he coordinated with one or more members of the campaign, including through meetings and phone calls, about the fact, nature, and timing of the payments.

at the request of Trump

As a result of the payments solicited and made by Cohen, ~~the defendant~~, neither McDougal nor Clifford spoke to the press prior to the election.

In or about January 2017, Cohen, the defendant, in seeking reimbursement for election-related expenses, presented executives of the Company with a copy of a bank statement from the Essential Consultants bank account, which reflected the $130,000 payment Cohen had made to the bank account of Attorney-1 in order to keep Woman-2 silent in advance of the election, plus a $35 wire fee, adding, in handwriting, an additional "$50,000." The $50,000 represented a claimed payment for "tech services," which in fact related to work Cohen had solicited from a technology company during and in connection with the campaign. Cohen added these amounts to a sum of $180,035. After receiving this document, executives of the Company "grossed up" for tax purposes Cohen's requested reimbursement of $180,000 to $360,000, and then added a bonus of $60,000 so that Cohen would be paid $420,000 in total. Executives of the Company also

determined that the $420,000 would be paid to Cohen in monthly amounts of $35,000 over the course of twelve months, and that Cohen should send invoices for these payments.

On or about February 14, 2017, Cohen, the defendant, sent an executive of the Company ("Executive-1") the first of his monthly invoices, requesting "[p]ursuant to [a]retainer agreement,. payment for services rendered for the months of January and February, 2017." The invoice listed $35,000 for each of those two months. Executive-1 forwarded the invoice to another executive of the Company ("Executive-2") the same day by email, and it was approved. Executive-1 forwarded that email to another employee at the Company, stating: "Please pay from the Trust. Post to legal expenses. Put 'retainer for the months of January and February 2017' in the description."

Throughout 2017, Cohen, sent to one or more representatives of the Company monthly invoices, which stated, "Pursuant to the retainer agreement, kindly remit payment for services rendered for" the relevant month in 2017, and sought $35,000 per month.

The Company accounted for these payments as legal expenses. In truth and in fact, there was no such retainer agreement, and the monthly invoices COHEN submitted were not in connection with any legal services he had provided in 2017. During 2017, pursuant to the invoices described above, Cohen, the defendant, received monthly $35,000 reimbursement checks, totaling $420,000. At all times Cohen acted on behalf of, at the request of or under the instruction of President Trump.

In so doing Trump violated campaign finance law.

B (Causing an Unlawful Corporate Contribution)

The allegations contained in paragraphs above and below are repeated and realleged as though fully set forth herein.

From in or about June 2016, up to and including in or about October 2016, in the Southern District of New York and elsewhere, Trump through his agent, Cohen, the defendant, knowingly and willfully caused a corporation to make a contribution and expenditure, aggregating $25,000 and more during the 2016 calendar year, to the campaign of a candidate for President of the United States, to wit, Cohen caused Corporation-1 to make and advance a $150,000 payment to Playboy Playmate Karen McDougal, including through the promise of reimbursement, so as to ensure that Playboy Playmate Karen McDougal did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

(Excessive Campaign Contribution)

The allegations contained in paragraphs above and are repeated and realleged as though fully set forth herein.

On or about October 27, 2016, in the Southern District of New York and elsewhere, Cohen, knowingly and willfully made and caused to be made a contribution to Trump, a candidate for Federal office, and his authorized political committee in excess of the limits of the Election Act, which aggregated $25,000 and more in calendar year 2016, and did so by making and causing to be made an expenditure, in cooperation, consultation, and concert with, and at the request and suggestion of one or more members of the campaign, to wit, Cohen made a $130,000 payment to porn star Stormy Daniels, whose real name is Stephanie Clifford to ensure that she did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

Upon information and belief Pres. Trump directed Cohen to commit a crime by paying two women for the principal purpose of influencing an election.

Cohen's lawyer Lanny Davis told the press, Donald Trump directed Cohen to commit a crime by paying payments to two women for the principal purpose of influencing an election.

Cohen also testified under oath at Capital Hill that Donald Trump directed Cohen to commiy a crime by paying payments to two women for the purpose of influencing an election.

During his testimony on Capital hill in February 2019, President Trump's attorney Michael Cohen submitted copies of checks that Trump, his son Donald Trump Jr. and the COO of the Trump Organization made to him — evidence intended to support Cohen's claim that the president engaged in possible criminal conduct while in office

Cohen provided a copy of a check that he says was personally signed by Trump in 2017 to reimburse him for paying off Stormy Daniels, an adult-film actress who had alleged having an affair with Trump.

Cohen testified, "I am providing a copy of a $35,000 check that President Trump personally signed from his personal bank account on Aug. 1 of 2017 — when he was President of the United States — pursuant to the cover-up, which was the basis of my guilty plea, to reimburse me — the word used by Mr. Trump's TV lawyer — for the illegal hush money I paid on his behalf. This $35,000 check was one of 11 check installments that was paid throughout the year, while he was President," according to Cohen at a House Committee on Oversight and Reform hearing.

Cohen advised, "The President of the United States thus wrote a personal check for the payment of hush money as part of a criminal scheme to violate campaign finance laws. You can find the details of that scheme,

directed by Mr. Trump, in the pleadings in the U.S. District Court for the Southern District of New York."

Cohen also provided a second check ("Trust check") to Congress on Capitol Hill, from the Donald J. Trump- Revocable Trust Account to Cohen in the amount of $35.000 check, dated March 17, 2017.

The Trust Check was signed by Donald Trump Jr. and Trump organization chief operating officer Allen Weisselberg — "to reimburse me for the hush money payments," Cohen told the committee.

In all of this, Donald J. Trump has violated campaign finance law.

Criminal Violations under the Internal Revenue Code

The allegations contained in paragraphs above and are repeated and realleged as though fully set forth herein.

In his conduct while President of the United States, Donald J. Trump (herein also referred to as "President" or "Trump"), in violation of his constitutional oath to faithfully execute the office of President of the United States and, to the best of his ability, preserve, protect, defend and obey the Constitution of the United States, as well as his constitutional obligation to preserve, protect, defend and obey the laws of the land, including the Criminal Laws under the Internal Revenue Code.

Upon information and belief, Trump failed to report the payments made to Cohen, referred to above, to the Federal Election Commission.

Upon information and belief Trump directed payment to Cohen from an improper account in an attempt to influence an election.

It is not a lawful permitted purpose of any trust to make an unlawful payment out of a trust account, including the Donald J. Trump - Revocable Account.

Cohen accepted a payment in the amount of $35,000.00 from the Donald J. Trump - Revocable Account.

It is not a lawful, permitted, purpose to make an unlawful payment out of Trump's personal account.

Cohen accepted an unlawful payment from Trump's personal account in the amount of $35,000.00.

Upon information and belief Trump directed his agents to make unlawful payments to McDougal and Clifford in an attempt to influence an election.

Upon information and belief the payments to McDougal, Clifford and Cohen were not paid out of the campaign account required by the Federal Election Commission.

As aforementioned the payments to McDougal and Clifford exceeded lawful campaign limits.

The payments were not accurately reported with the Federal Elections Commission.

Since improper payments were made out of improper accounts, in unlawful amounts, Trump misstated information on tax forms relating to his campaign and possibly other entities.

The tax forms are signed under oath.

In doing so, upon information and belief, Trump violated the following criminal provisions of the internal revenue code.

A.

Pursuant to 26 U.S.C.A. § 7206. relating to fraud and false statements, "Any person who--

> (1) **Declaration under penalties of perjury.**--Willfully makes and subscribes any return, statement, or other document, which contains or is verified by a written declaration that it is made under the penalties of perjury, and which he does not believe to be true and correct as to every material matter; or
>
> (2) **Aid or assistance.**--Willfully aids or assists in, or procures, counsels, or advises the preparation or presentation under, or in connection with any matter arising under, the internal revenue laws, of a return, affidavit, claim, or other document, which is fraudulent or is false as to any material matter, whether or not such falsity or fraud is with the knowledge or consent of the person authorized or required to present such return, affidavit, claim, or document; or

3) **Fraudulent bonds, permits, and entries.**--Simulates or falsely or fraudulently executes or signs any bond, permit, entry, or other document required by the provisions of the internal revenue laws, or by any regulation made in pursuance thereof, or procures the same to be falsely or fraudulently executed, or advises, aids in, or connives at such execution thereof; or

(4) **Removal or concealment with intent to defraud.**--Removes, deposits, or conceals, or is concerned in removing, depositing, or concealing, any goods or commodities for or in respect whereof any tax is or shall be imposed, or any property upon which levy is authorized by section 6331, with intent to evade or defeat the assessment or collection of any tax imposed by this title; or

(5) **Compromises and closing agreements.**--In connection with any compromise under section 7122, or offer of such compromise, or in connection with any closing agreement under section 7121, or offer to enter into any such agreement, willfully--

(A) **Concealment of property.**--Conceals from any officer or employee of the United States any property belonging to the estate of a taxpayer or other person liable in respect of the tax, or

(B) **Withholding, falsifying, and destroying records.**--Receives, withholds, destroys, mutilates, or falsifies any book, document, or record, or makes any false statement, relating to the estate or financial condition of the taxpayer or other person liable in respect of the tax; shall be guilty of a felony and, upon conviction thereof, shall be fined not more than $100,000 ($500,000 in the case of a corporation), or imprisoned not more than 3 years, or both, together with the costs of prosecution."

B

Pursuant to 26 U.S.C.A. § 7202. § 7202. Willful failure to collect or pay over tax

"Any person required under this title to collect, **account for,** and pay over any tax imposed by this title who willfully fails to collect or **truthfully account for** and pay over such tax shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than $10,000, or imprisoned not more than 5 years, or both, together with the costs of prosecution." (emphasis intended).

Trump did not account for payments out of the campaign account for payments made to influence the election because he allowed, permitted or directed payments to be made out of different accounts.

The intent was in part to conceal the fact the payments exceeded campaign limits permitted since Trump did not want to get into trouble.

Upon information and belief, Trump has access to a former Circuit Court Judge, his sister and other attorneys.

Upon information and belief, Trump knew, or should have known, his conduct was improper, unlawful and or wrong.

C.

Pursuant to 26 U.S.C.A § 7201. Attempt to evade or defeat tax

Any person who willfully attempts in any manner to **evade** or defeat any tax imposed by this title or the payment thereof shall, in addition to other penalties provided by law, be guilty of a felony and, upon conviction thereof, shall be fined not more than $100,000 ($500,000 in the case of a corporation), or imprisoned not more than 5 years, or both, together with the costs of prosecution. (emphasis intended).

Trump willfully sought to evade reporting improper payments with the Federal Election Commission.

Trump willfully permitted payments out of an improper account with the intent, in part, to influence an election.

D.

Pursuant to 26 U.S.C.A § 7207.Fraudulent returns, statements, or other documents

"Any person who willfully delivers or discloses to the Secretary any list, return, account, statement, or other document, known by him to be **fraudulent** or to be **false** as to any material matter, shall be fined not more than $10,000 ($50,000 in the case of a corporation), or imprisoned not more than 1 year, or both. Any person required pursuant to section 6047(b), section 6104(d), or subsection (i) or (j) of section 527 to furnish any information to the Secretary or any other person who willfully furnishes to the Secretary or such other person any information known by him to be fraudulent or to be false as to any material matter shall be fined not more than $10,000 ($50,000 in the case of a corporation), or imprisoned not more than 1year, or both." (emphasis intended).

Upon information and belief, Trump failed to report all payments made and or accepted with an intent to influence an election on his tax forms.

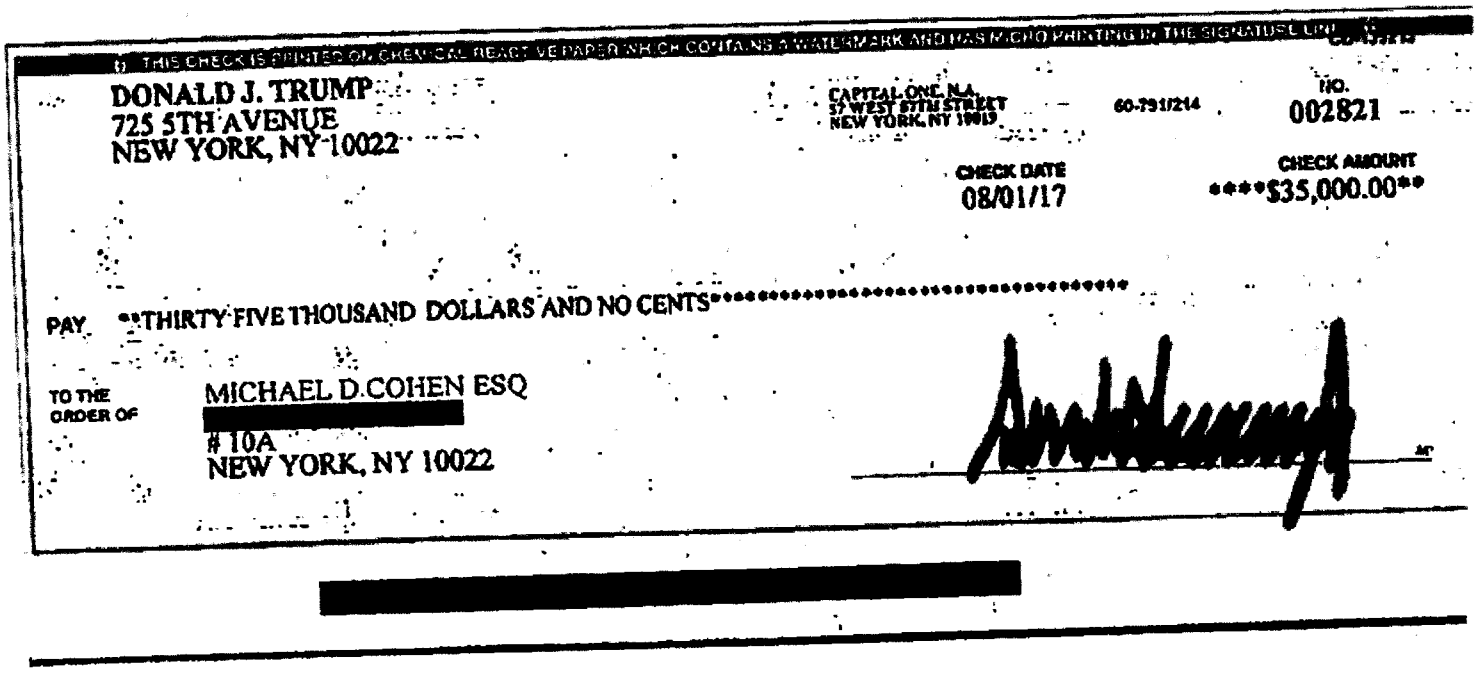
The fact payments were made from improper accounts is circumstantial evidence that Trump failed to report the money in proper accounts as required by the Federal Elections Commission.

In all of this, the President knowingly and willfully spoke and acted in a manner that violated the criminal laws under the Internal Revenue Code.

In so doing he has undermined the integrity of his office, by violating federal criminal law and the Constitution, and brought disrepute on the Presidency, and betrayed his trust as President in a manner subversive of constitutional government, to the great prejudice of the cause of law and

justice and to the manifest injury of the people of the United States.

Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office ~~Wherefore Donald J. Trump, by such conduct, warrants impeachment and trial, and removal from office~~



THIS CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER WHICH CONTAINS A WATERMARK AND HAS MICRO PRINTING IN THE SIGNATURE LINE

DONALD J. TRUMP
725 5TH AVENUE
NEW YORK, NY 10022

CAPITAL ONE, N.A.
57 WEST 57TH STREET
NEW YORK, NY 10019

60-791/214

NO. 002821

CHECK DATE
08/01/17

CHECK AMOUNT
****$35,000.00**

PAY **THIRTY FIVE THOUSAND DOLLARS AND NO CENTS**********

TO THE ORDER OF
MICHAEL D.COHEN ESQ
[redacted]
10A
NEW YORK, NY 10022

[redacted]

THIS CHECK IS PRINTED ON CHEMICAL REACTIVE PAPER WHICH CONTAINS A WATERMARK AND HAS MICROPRINTING IN THE SIGNATURE LINE

DONALD J. TRUMP - REVOCABLE TRUST ACCOUNT
725 5TH AVENUE
NEW YORK, NY 10022

CAPITAL ONE, N.A.
51 WEST 57TH STREET
NEW YORK, NY 10019

56-791/214

NO 000147

CHECK DATE 03/17/17

CHECK AMOUNT ****$35,000.00**

PAY **THIRTY FIVE THOUSAND DOLLARS AND NO CENTS**********

TWO SIGNATURES NEEDED ON AMTS OVER $10,000.

TO THE ORDER OF MICHAEL D COHEN ESQ
[redacted]
10A
NEW YORK, NY 10022

[redacted]

State of Delaware
Secretary of State
Division of Corporations
Delivered 01:14 PM 09/30/2016
FILED 01:14 PM 09/30/2016
SR 20166016733 - File Number 6168356

STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION

RESOLUTION CONSULTANTS LLC

First: The name of the limited liability company is Resolution Consultants LLC.

Second: The address of its registered office in the State of Delaware is 160 Greentree Drive, Suite # 101 in the City of Dover, County of Kent, Zip code 19904. The name of its registered agent at such address is National Registered Agents, Inc.

In Witness Whereof, the undersigned has executed this Certificate of Formation this 30th day of September, 2016.

By: /s/ Michael Cohen
Authorized Person

Name: Michael Cohen

State of Delaware
Secretary of State
Division of Corporations
Delivered 10:21 AM 10/17/2016
FILED 10:21 AM 10/17/2016
SR 20166222994 - File Number 6185135

STATE *of* DELAWARE
LIMITED LIABILITY COMPANY
CERTIFICATE *of* FORMATION

ESSENTIAL CONSULTANTS LLC

First: The name of the limited liability company is Essential Consultants LLC.

Second: The address of its registered office in the State of Delaware is 160 Greentree Drive, Suite # 101 in the City of Dover, County of Kent, Zip code 19904. The name of its registered agent at such address is National Registered Agents, Inc.

In Witness Whereof, the undersigned has executed this Certificate of Formation this 17th day of October, 2016.

By: /s/ Michael Cohen
Authorized Person

Name: Michael Cohen

ORIGINAL

Judge Pauley

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

- x

UNITED STATES OF AMERICA :

- v. - :

MICHAEL COHEN, :

Defendant. :

- x

INFORMATION

18 Cr. __ (WHP)

18 CRIM 602

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: AUG 21 2018

The United States Attorney charges:

Background

The Defendant

1. From in or about 2007 through in or about January 2017, MICHAEL COHEN, the defendant, was an attorney and employee of a Manhattan-based real estate company (the "Company"). COHEN held the title of "Executive Vice President" and "Special Counsel" to the owner of the Company ("Individual-1").

2. In or about January 2017, COHEN left the Company and began holding himself out as the "personal attorney" to Individual-1, who at that point had become the President of the United States.

addition to working for and earning income from

ll times relevant to this Information, MICHAEL

nt, owned taxi medallions in New York City and

lions of dollars. COHEN owned these taxi

I copied
and pasted
the text from
this AG letter
[illegible]

Campaign Finance Violations

The United States Attorney further charges:

24. The Federal Election Campaign Act of 1971, as amended, Title 52, United States Code, Section 30101, *et seq.*, (the "Election Act"), regulates the influence of money on politics. At all times relevant to the Information, the Election Act set forth the following limitations, prohibitions, and reporting requirements, which were applicable to MICHAEL COHEN, the defendant, Individual-1, and his campaign:

a. Individual contributions to any presidential candidate, including expenditures coordinated with a candidate or his political committee, were limited to $2,700 per election, and presidential candidates and their committees were prohibited from accepting contributions from individuals in excess of this limit.

b. Corporations were prohibited from making contributions directly to presidential candidates, including expenditures coordinated with candidates or their committees, and candidates were prohibited from accepting corporate contributions.

25. On or about June 16, 2015, Individual-1 began his presidential campaign. While MICHAEL COHEN, the defendant, continued to work at the Company and did not have a formal title with the campaign, he had a campaign email address and, at various times, advised the campaign, including on matters of interest to

the press, and made televised and media appearances on behalf of the campaign.

26. At all times relevant to this Information, Corporation-1 was a media company that owns, among other things, a popular tabloid magazine ("Magazine-1").

27. In or about August 2015, the Chairman and Chief Executive of Corporation-1 ("Chairman-1"), in coordination with MICHAEL COHEN, the defendant, and one or more members of the campaign, offered to help deal with negative stories about Individual-1's relationships with women by, among other things, assisting the campaign in identifying such stories so they could be purchased and their publication avoided. Chairman-1 agreed to keep COHEN apprised of any such negative stories.

28. Consistent with the agreement described above, Corporation-1 advised MICHAEL COHEN, the defendant, of negative stories during the course of the campaign, and COHEN, with the assistance of Corporation-1, was able to arrange for the purchase of two stories so as to suppress them and prevent them from influencing the election.

29. First, in or about June 2016, a model and actress ("Woman-1") began attempting to sell her story of her alleged extramarital affair with Individual-1 that had taken place in 2006 and 2007, knowing the story would be of considerable value because

of the election. Woman-1 retained an attorney ("Attorney-1"), who in turn contacted the editor-in-chief of Magazine-1 ("Editor-1"), and offered to sell Woman-1's story to Magazine-1. Chairman-1 and Editor-1 informed MICHAEL COHEN, the defendant, of the story. At COHEN's urging and subject to COHEN's promise that Corporation-1 would be reimbursed, Editor-1 ultimately began negotiating for the purchase of the story.

30. On or about August 5, 2016, Corporation-1 entered into an agreement with Woman-1 to acquire her "limited life rights" to the story of her relationship with "any then-married man," in exchange for $150,000 and a commitment to feature her on two magazine covers and publish over one hundred magazine articles authored by her. Despite the cover and article features to the agreement, its principal purpose, as understood by those involved, including MICHAEL COHEN, the defendant, was to suppress Woman-1's story so as to prevent it from influencing the election.

31. Between in or about late August 2016 and September 2016, MICHAEL COHEN, the defendant, agreed with Chairman-1 to assign the rights to the non-disclosure portion of Corporation-1's agreement with Woman-1 to COHEN for $125,000. COHEN incorporated a shell entity called "Resolution Consultants LLC" for use in the transaction. Both Chairman-1 and COHEN ultimately signed the agreement, and a consultant for Corporation-1, using

his own shell entity, provided COHEN with an invoice for the payment of $125,000. However, in or about early October 2016, after the assignment agreement was signed but before COHEN had paid the $125,000, Chairman-1 contacted COHEN and told him, in substance, that the deal was off and that COHEN should tear up the assignment agreement. COHEN did not tear up the agreement, which was later found during a judicially authorized search of his office.

32. *Second*, on or about October 8, 2016, an agent for an adult film actress ("Woman-2") informed Editor-1 that Woman-2 was willing to make public statements and confirm on the record her alleged past affair with Individual-1. Chairman-1 and Editor-1 then contacted MICHAEL COHEN, the defendant, and put him in touch with Attorney-1, who was also representing Woman-2. Over the course of the next few days, COHEN negotiated a $130,000 agreement with Attorney-1 to himself purchase Woman-2's silence, and received a signed confidential settlement agreement and a separate side letter agreement from Attorney-1.

33. MICHAEL COHEN, the defendant, did not immediately execute the agreement, nor did he pay Woman-2. On the evening of October 25, 2016, with no deal with Woman-2 finalized, Attorney-1 told Editor-1 that Woman-2 was close to completing a deal with another outlet to make her story public. Editor-1, in turn, texted

MICHAEL COHEN, the defendant, that "[w]e have to coordinate something on the matter [Attorney-1 is] calling you about or it could look awfully bad for everyone." Chairman-1 and Editor-1 then called COHEN through an encrypted telephone application. COHEN agreed to make the payment, and then called Attorney-1 to finalize the deal.

34. The next day, on October 26, 2016, MICHAEL COHEN, the defendant, emailed an incorporating service to obtain the corporate formation documents for another shell corporation, Essential Consultants LLC, which COHEN had incorporated a few days prior. Later that afternoon, COHEN drew down $131,000 from the fraudulently obtained HELOC, discussed above in paragraphs 19 through 21, and requested that it be deposited into a bank account COHEN had just opened in the name of Essential Consultants. The next morning, on October 27, 2016, COHEN went to Bank-3 and wired approximately $130,000 from Essential Consultants to Attorney-1. On the bank form to complete the wire, COHEN falsely indicated that the "purpose of wire being sent" was "retainer." On or about November 1, 2016, COHEN received from Attorney-1 copies of the final, signed confidential settlement agreement and side letter agreement.

35. MICHAEL COHEN, the defendant, caused and made the payments described herein in order to influence the 2016

presidential election. In so doing, he coordinated with one or more members of the campaign, including through meetings and phone calls, about the fact, nature, and timing of the payments.

36. As a result of the payments solicited and made by MICHAEL COHEN, the defendant, neither Woman-1 nor Woman-2 spoke to the press prior to the election.

37. In or about January 2017, MICHAEL COHEN, the defendant, in seeking reimbursement for election-related expenses, presented executives of the Company with a copy of a bank statement from the Essential Consultants bank account, which reflected the $130,000 payment COHEN had made to the bank account of Attorney-1 in order to keep Woman-2 silent in advance of the election, plus a $35 wire fee, adding, in handwriting, an additional "$50,000." The $50,000 represented a claimed payment for "tech services," which in fact related to work COHEN had solicited from a technology company during and in connection with the campaign. COHEN added these amounts to a sum of $180,035. After receiving this document, executives of the Company "grossed up" for tax purposes COHEN's requested reimbursement of $180,000 to $360,000, and then added a bonus of $60,000 so that COHEN would be paid $420,000 in total. Executives of the Company also determined that the $420,000 would be paid to COHEN in monthly amounts of $35,000 over the course of

twelve months, and that COHEN should send invoices for these payments.

38. On or about February 14, 2017, MICHAEL COHEN, the defendant, sent an executive of the Company ("Executive-1") the first of his monthly invoices, requesting "[p]ursuant to [a] retainer agreement, . . . payment for services rendered for the months of January and February, 2017." The invoice listed $35,000 for each of those two months. Executive-1 forwarded the invoice to another executive of the Company ("Executive-2") the same day by email, and it was approved. Executive-1 forwarded that email to another employee at the Company, stating: "Please pay from the Trust. Post to legal expenses. Put 'retainer for the months of January and February 2017' in the description."

39. Throughout 2017, MICHAEL COHEN, the defendant, sent to one or more representatives of the Company monthly invoices, which stated, "Pursuant to the retainer agreement, kindly remit payment for services rendered for" the relevant month in 2017, and sought $35,000 per month. The Company accounted for these payments as legal expenses. In truth and in fact, there was no such retainer agreement, and the monthly invoices COHEN submitted were not in connection with any legal services he had provided in 2017.

40. During 2017, pursuant to the invoices described above, MICHAEL COHEN, the defendant, received monthly $35,000 reimbursement checks, totaling $420,000.

COUNT 7

(Causing an Unlawful Corporate Contribution)

The United States Attorney further charges:

41. The allegations contained in paragraphs 1 through 3, and 24 through 40 are repeated and realleged as though fully set forth herein.

42. From in or about June 2016, up to and including in or about October 2016, in the Southern District of New York and elsewhere, MICHAEL COHEN, the defendant, knowingly and willfully caused a corporation to make a contribution and expenditure, aggregating $25,000 and more during the 2016 calendar year, to the campaign of a candidate for President of the United States, to wit, COHEN caused Corporation-1 to make and advance a $150,000 payment to Woman-1, including through the promise of reimbursement, so as to ensure that Woman-1 did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

(Title 52, United States Code, Sections 30118(a) and 30109(d)(1)(A), and Title 18, United States Code, Section 2(b).)

COUNT 8
(Excessive Campaign Contribution)

The United States Attorney further charges:

43. The allegations contained in paragraphs 1 through 3, and 24 through 40 are repeated and realleged as though fully set forth herein.

44. On or about October 27, 2016, in the Southern District of New York and elsewhere, MICHAEL COHEN, the defendant, knowingly and willfully made and caused to be made a contribution to Individual-1, a candidate for Federal office, and his authorized political committee in excess of the limits of the Election Act, which aggregated $25,000 and more in calendar year 2016, and did so by making and causing to be made an expenditure, in cooperation, consultation, and concert with, and at the request and suggestion of one or more members of the campaign, to wit, COHEN made a $130,000 payment to Woman-2 to ensure that she did not publicize damaging allegations before the 2016 presidential election and thereby influence that election.

(Title 52, United States Code, Sections 30116(a)(1)(A), 30116(a)(7), and 30109(d)(1)(A), and Title 18, United States Code, Section 2(b).)

Begin forwarded message:

From: Meghan Kelly <megkellyesq@yahoo.com>
Date: 2/21/2020
To: Kenneth Mcdowell <kennetha.mcdowell@state.de.us>,Anthony J Albence <anthony.albence@delaware.gov>,erikjschramm@gmail.com,Jesse Chadderdon <jesse@deldems.org>,Meghan Kelly <electmegkelly@icloud.com>,coe_campaignfinance@state.de.us,Meghan Kelly <megkellyesq@yahoo.com>
Subject: Bo/ is awesome even though this decision is not

Hi Bo and good morning Mr. Albence, Jesse and Honorable Chairman,

My waiver relates solely on religious reasons.

Even if I had the money, it would still violate my belief in Jesus's teachings since the money may be used to pay people to support or buy support for candidate's giving into the temptation of voting for whoever buys you. " owe nothing to anyone but to love them"

Candidates should not be bought, bartered by those who can afford to pay folks to create the illusion of popularity when in truth it is mere deep pockets.

In addition such money may be used to contribute to Matthew 6 violations leading many to harm and hell by teaching them to worship the mark of the beast.

This is no small matter for me Bo. I actually believe Jesus Christ and understand the Bible as the Holy Spirit was reflected out of certain people who laid down their will, their desires, by choosing God's will, God's purpose, despite the hardships it caused.

Bo, I do not want to attach checks on public record and thus compromise the accounts.

So I think I will include such payments on my pleading. So do not perform unnecessary legal research Attorney generals office or democrats.

I will show the fact that I paid the filing fee in the past and the Democratic contributions in the past, and will explain how I grew to understand this too violates Jesus's teachings.

I do not want to disobey Jesus and serve Satan by violating his teachings thereby misleading others to believe such evil is good. You are not the enemy despite disagreeing on me on the important issue. Injustice is the enemy.

I did not know it was evil. (It is possible that even adults like myself can learn and grow). I learned it was, as I discovered corruption even by our own party, Yipes. I do not want to compromise my soul by contributing to such corruption.

Bo, I might send you an email to confirm I have the dates right. (Bo is a Saint. He is like an angel sent by God. He patiently helped me with most of all the filings in 2018. This potential

law suit is not a reflection upon his kind efforts. It is a reflection upon the bad choice of those with the power to choose to persecute me based on my faith in Jesus Christ)

I am so happy to look through emails to see how kind you have been to me Bo. ♡ It is not your fault those in power made an unlawful decision Bo.

Thank you♡

No. 3:16-CV-595-CWR-LRA

CLARENCE JAMISON,

Plaintiff,

v.

NICK MCCLENDON,
In his individual capacity,

Defendant.

ORDER GRANTING QUALIFIED IMMUNITY

Before CARLTON W. REEVES, *District Judge*.

Clarence Jamison wasn't jaywalking.[1]

He wasn't outside playing with a toy gun.[2]

[1] That was Michael Brown. *See* Max Ehrenfreund, *The risks of walking while black in Ferguson*, WASH. POST (Mar. 4, 2015).

[2] That was 12-year-old Tamir Rice. *See* Zola Ray, *This Is The Toy Gun That Got Tamir Rice Killed 3 Years Ago Today*, NEWSWEEK (Nov. 22, 2017).

He didn't look like a "suspicious person."[3]

He wasn't suspected of "selling loose, untaxed cigarettes."[4]

He wasn't suspected of passing a counterfeit $20 bill.[5]

He didn't look like anyone suspected of a crime.[6]

He wasn't mentally ill and in need of help.[7]

He wasn't assisting an autistic patient who had wandered away from a group home.[8]

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[3] That was Elijah McClain. *See* Claire Lampen, *What We Know About the Killing of Elijah McClain*, THE CUT (July 5, 2020).

[4] That was Eric Garner. *See* Assoc. Press, *From Eric Garner's death to firing of NYPD officer: A timeline of key events*, USA TODAY (Aug. 20, 2019).

[5] That was George Floyd. *See* Jemima McEvoy, *New Transcripts Reveal How Suspicion Over Counterfeit Money Escalated Into The Death Of George Floyd*, FORBES (July 8, 2020).

[6] That was Philando Castile and Tony McDade. *See* Andy Mannix, *Police audio: Officer stopped Philando Castile on robbery suspicion*, STAR TRIB. (July 12, 2016); Meredith Deliso, *LGBTQ community calls for justice after Tony McDade, a black trans man, shot and killed by police*, ABC NEWS (June 2, 2020).

[7] That was Jason Harrison. *See* Byron Pitts et al., *The Deadly Consequences When Police Lack Proper Training to Handle Mental Illness Calls*, ABC NEWS (Sept. 30, 2015).

[8] That was Charles Kinsey. *See Florida policeman shoots autistic man's unarmed black therapist*, BBC (July 21, 2016).

He wasn't walking home from an after-school job.[9]

He wasn't walking back from a restaurant.[10]

He wasn't hanging out on a college campus.[11]

He wasn't standing outside of his apartment.[12]

He wasn't inside his apartment eating ice cream.[13]

He wasn't sleeping in his bed.[14]

He wasn't sleeping in his car.[15]

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[9] That was 17-year-old James Earl Green. *See* Robert Luckett, *In 50 Years from Gibbs-Green Deaths to Ahmaud Arbery Killing, White Supremacy Still Lives*, JACKSON FREE PRESS (May 8, 2020); *see also* Robert Luckett, *50 Years Ago, Police Fired on Students at a Historically Black College*, N.Y. TIMES (May 14, 2020); Rachel James-Terry & L.A. Warren, *'All hell broke loose': Memories still vivid of Jackson State shooting 50 years ago*, CLARION LEDGER (May 15, 2020).

[10] That was Ben Brown. *See* Notice to Close File, U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIV. (Mar. 24, 2017), *available at* https://www.justice.gov/crt/case-document/benjamin-brown-notice-close-file; *see also* Jackson State Univ., Center for University-Based Development, *The Life of Benjamin Brown, 50 Years Later*, W. JACKSON (May 11, 2017).

[11] That was Phillip Gibbs. *See* James-Terry & Warren, *supra*.

[12] That was Amadou Diallo. *See Police fired 41 shots when they killed Amadou Diallo. His mom hopes today's protests will bring change.*, CBS NEWS (June 9, 2020).

[13] That was Botham Jean. *See* Bill Hutchinson, *Death of an innocent man: Timeline of wrong-apartment murder trial of Amber Guyger*, ABC NEWS (Oct. 2, 2019).

[14] That was Breonna Taylor. *See* Amina Elahi, *'Sleeping While Black': Louisville Police Kill Unarmed Black Woman*, NPR (May 13, 2020).

[15] That was Rayshard Brooks. *See* Jacob Sullum, *Was the Shooting of Rayshard Brooks 'Lawful but Awful'?*, REASON (June 15, 2020).

He didn't make an "improper lane change."[16]

He didn't have a broken tail light.[17]

He wasn't driving over the speed limit.[18]

He wasn't driving under the speed limit.[19]

No, Clarence Jamison was a Black man driving a Mercedes convertible.

As he made his way home to South Carolina from a vacation in Arizona, Jamison was pulled over and subjected to one hundred and ten minutes of an armed police officer badgering him, pressuring him, lying to him, and then searching his car top-to-bottom for drugs.

Nothing was found. Jamison isn't a drug courier. He's a welder.

Unsatisfied, the officer then brought out a canine to sniff the car. The dog found nothing. So nearly two hours after it started, the officer left Jamison by the side of the road to put his car back together.

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[16] That was Sandra Bland. *See* Ben Mathis-Lilley & Elliott Hannon, *A Black Woman Named Sandra Bland Got Pulled Over in Texas and Died in Jail Three Days Later. Why?*, SLATE (July 16, 2015).

[17] That was Walter Scott. *See* Michael E. Miller et al., *How a cellphone video led to murder charges against a cop in North Charleston, S.C.*, WASH. POST (Apr. 8, 2015).

[18] That was Hannah Fizer. *See* Luke Nozicka, *'Where's the gun?': Family of Sedalia woman killed by deputy skeptical of narrative*, KANSAS CITY STAR (June 15, 2020).

[19] That was Ace Perry. *See* Jodi Leese Glusco, *Run-in with Sampson deputy leaves driver feeling unsafe*, WRAL (Feb. 14, 2020).

Thankfully, Jamison left the stop with his life. Too many others have not.[20]

The Constitution says everyone is entitled to equal protection of the law – even at the hands of law enforcement. Over the decades, however, judges have invented a legal doctrine to protect law enforcement officers from having to face any consequences for wrongdoing. The doctrine is called "qualified immunity." In real life it operates like absolute immunity.

In a recent qualified immunity case, the Fourth Circuit wrote:

> Although we recognize that our police officers are often asked to make split-second decisions, we expect them to do so with respect for the dignity and worth of black lives.[21]

This Court agrees. Tragically, thousands have died at the hands of law enforcement over the years, and the death toll continues to rise.[22] Countless more have suffered from other

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[20] *See, e.g.*, Mike Baker et al., *Three Words. 70 cases. The tragic History of 'I Can't Breathe.'*, N.Y. TIMES (June 29, 2020) (discussing the deaths of Eric Garner, George Floyd, and 68 other people killed while in law enforcement custody whose last words included the statement, "I can't breathe.").

[21] *Estate of Jones v. City of Martinsburg, W. Virginia*, 961 F.3d 661, 673 (4th Cir. 2020), *as amended* (June 10, 2020).

[22] Mark Berman et al., *Protests spread over police shootings. Police promised reforms. Every year, they still shoot and kill nearly 1,000 people.*, WASH. POST (June 8, 2020) ("Since 2015, police have shot and killed 5,400 people."); *see also* Alicia Victoria Lozano, *Fatal Encounters: One man is tracking every officer-involved killing in the U.S.*, NBC NEWS (July 11, 2020), ("As of July 10, Fatal Encounters lists more than 28,400 deaths dating to Jan. 1, 2000. The entries include both headline-making cases and thousands of lesser-known deaths.").

forms of abuse and misconduct by police.[23] Qualified immunity has served as a shield for these officers, protecting them from accountability.

This Court is required to apply the law as stated by the Supreme Court. Under that law, the officer who transformed a short traffic stop into an almost two-hour, life-altering ordeal is entitled to qualified immunity. The officer's motion seeking as much is therefore granted.

But let us not be fooled by legal jargon. Immunity is not exoneration. And the harm in this case to one man sheds light on the harm done to the nation by this manufactured doctrine.

As the Fourth Circuit concluded, "This has to stop."[24]

I. Factual and Procedural Background[25]

On July 29, 2013, Clarence Jamison was on his way home to Neeses, South Carolina after vacationing in Phoenix, Arizona. Jamison was driving on Interstate 20 in a 2001 Mercedes-Benz CLK-Class convertible. He had purchased the vehicle 13 days before from a car dealer in Pennsylvania.

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[23] *See, e.g.*, Jamie Kalven, *Invisible Institute Relaunches The Citizens Police Data Project*, THE INTERCEPT (Aug. 16, 2018) (discussing "a public database containing the disciplinary histories of Chicago police officers . . . . It includes more than 240,000 allegations of misconduct involving more than 22,000 Chicago police officers over a 50-year period."); Andrea J. Ritchie, *How some cops use the badge to commit sex crimes*, WASH. POST (Jan. 12., 2018) ("According to a 2010 Cato Institute review, sexual misconduct is the second-most-frequently reported form of police misconduct, after excessive force.").

[24] *Estate of Jones*, 961 F.3d at 673.

[25] The facts are drawn from the parties' depositions.

As Jamison drove through Pelahatchie, Mississippi, he passed Officer Nick McClendon, a white officer with the Richland Police Department, who was parked in a patrol car on the right shoulder.[26] Officer McClendon says he decided to stop Jamison because the temporary tag on his car was "folded over to where [he] couldn't see it." Officer McClendon pulled behind Jamison and flashed his blue lights. Jamison immediately pulled over to the right shoulder.[27]

As Officer McClendon approached the passenger side of Jamison's car, Jamison rolled down the passenger side window. Officer McClendon began to speak with Jamison when he reached the window. According to McClendon, he noticed that Jamison had recently purchased his car in Pennsylvania, and Jamison told him that he was traveling from "Vegas or Arizona."

Officer McClendon asked Jamison for "his license, insurance, [and] the paperwork on the vehicle because it didn't have a tag." Jamison provided his bill of sale, insurance, and South Carolina driver's license. Officer McClendon returned to his car to conduct a background check using the El Paso Intelligence Center ("EPIC"). The EPIC check came back clear immediately. Officer McLendon then contacted the National Criminal Information Center ("NCIC") and asked the dispatcher to run a criminal history on Jamison as well as the VIN on his car.

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[26] That night, Officer McClendon was working in Pelahatchie pursuant to an interlocal agreement between the Richland and Pelahatchie Police Departments.

[27] Jamison testified that there were two other officers on the scene. The record does not contain any evidence from these individuals.

According to Officer McClendon, he walked back to the passenger side of Jamison's car before hearing from NCIC.[28] He later admitted in his deposition that his goal when he returned to Jamison's car was to obtain consent to search the car. Once he reached the passenger side window, Officer McClendon returned Jamison's documents and struck up a conversation without mentioning that the EPIC background check came back clear. Thinking he was free to go after receiving his documents, Jamison says he prepared to leave.

This is where the two men's recounting of the facts diverges. According to Officer McClendon, he asked Jamison if he could search his car. Jamison asked him, "For what?" Officer McClendon says he responded, "to search for illegal narcotics, weapons, large amounts of money, anything illegal," and that Jamison simply gave his consent for the search.

According to Jamison, however, as he prepared to leave, Officer McClendon put his hand over the passenger door threshold of Jamison's car and told him to, "Hold on a minute." Officer McClendon then asked Jamison – for the first time – if he could search Jamison's car. "For what?" Jamison replied. Officer McClendon changed the conversation, asking him what he did for a living. They discussed Jamison's work as a welder.

Officer McClendon asked Jamison – for the second time – if he could search the car. Jamison again asked, "For what?" Officer McClendon said he had received a phone call reporting

[28] This part of Officer McClendon's testimony is undisputed. Jamison testified that he did not know if Officer McClendon heard back from NCIC prior to returning to Jamison's car.

that there were 10 kilos of cocaine in Jamison's car.[29] That was a lie. Jamison did not consent to the search.

Officer McClendon then made a third request to search the car. Jamison responded, "there is nothing in my car." They started talking about officers "planting stuff" in people's cars.

At this point, Officer McClendon "scrunched down," placed his hand into the car, and patted the inside of the passenger door. As he did this, Officer McClendon made his fourth request saying, "Come on, man. Let me search your car." Officer McClendon moved his arm further into the car at this point, while patting it with his hand.

As if four asks were not enough, Officer McClendon then made his fifth and final request. He lied again, "I need to search your car . . . because I got the phone call [about] 10 kilos of cocaine."

Jamison would later explain that he was "tired of talking to [Officer McClendon]." Jamison kept telling the officer that there was nothing in the car, and the officer refused to listen.

Officer McClendon kept at it. He told Jamison that even if he found a "roach,"[30] he would ignore it and let Jamison go. The conversation became "heated." Jamison became frustrated and gave up. He told Officer McClendon, "As long as I can see what you're doing you can search the vehicle."

Officer McClendon remembers patting Jamison down after he exited the car. Both agree that Officer McClendon directed Jamison to stand in front of the patrol car, which allowed

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[29] Officer McClendon denies saying such a thing.

[30] "A 'roach' is what remains after a joint, blunt, or marijuana cigarette has been smoked. It is akin to a cigarette butt." *United States v. Abernathy*, 843 F.3d 243, 247 n.1 (6th Cir. 2016) (citation omitted).

Jamison to see the search. As Jamison walked from his vehicle to the patrol car parked behind, he remembers asking Officer McClendon why he was stopped. Officer McClendon said it was because his license plate – a cardboard temporary tag from the car dealership – was "folded up." In his deposition, the Officer would later explain, "When you got these two bolts in and you're driving 65 miles an hour down the highway, it's going to flap up where you can't see it." Jamison testified, however, that it was not curled up and "had four screws in it."[31]

Officer McClendon later testified that he searched Jamison's car "from the engine compartment to the trunk to the undercarriage to underneath the engine to the back seats to anywhere to account for all the voids inside the vehicle."

As he started the search, NCIC dispatch called and flagged a discrepancy about whether Jamison's license was suspended. Officer McClendon told the dispatcher to search Jamison's driving history, which should have told them the status of Jamison's license. NCIC eventually discovered that Jamison's license was clear, although it is not apparent from the record when Officer McClendon heard back from the dispatcher.

According to Jamison, Officer McClendon continued speaking to Jamison during the search. He brought up "the 10 kilos of cocaine," asserted that the car was stolen, asked Jamison how many vehicles he owned, and claimed that Jamison did not have insurance on the car. Jamison kept saying that there was nothing in his car. At one point, Jamison heard a "pow"

[31] When Officer McClendon was shown the cardboard tag during his deposition, it showed no signs of being creased. The officer claimed that it either could have folded without creasing or that someone had ironed out the crease.

that "sounded like a rock" coming from inside the car, so he walked up to the car to see what had caused the noise. Officer McClendon told him to "Get back in front of my car." During the search, Jamison also requested to go to the bathroom several times, which Officer McClendon allowed.

Officer McClendon admitted in his deposition that he did not find "anything suspicious whatsoever." However, he asked Jamison if he could "deploy [his] canine." Jamison says he initially refused. Officer McClendon asked again, though, and Jamison relented, saying "Yes, go ahead." Officer McClendon "deployed [his] dog around the vehicle." The dog gave no indication, "so it confirmed that there was nothing inside the vehicle."

Before leaving, Officer McClendon asked Jamison to check his car to see if there was any damage. He gave Jamison a flashlight and told Jamison that he would pay for anything that was damaged. Jamison – who says he was tired – looked on the driver's side of the car and on the backseat, told Officer McClendon that he did not see anything, and returned the flashlight within a minute.

In total, the stop lasted one hour and 50 minutes.[32]

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[32] This explains why he was tired. Here he was, standing on the side of a busy interstate at night for almost two hours against his will so Officer McClendon could satisfy his goal of searching Jamison's vehicle. In that amount of time, Dorothy and Toto could have made it up and down the yellow brick road and back to Kansas. *See* Lee Pfeiffer, *The Wizard of Oz*, ENCYCLOPEDIA BRITANNICA (Mar. 19, 2010) (noting the 101-minute run time of the 1939 film). If Jamison was driving at 70 MPH before being stopped, in the 110 minutes he was held on the side of the road he would have gotten another 128 miles closer to home, through Rankin, Scott, Newton, and Lauderdale counties and more than 40 miles into Alabama.

Jamison subsequently filed this lawsuit against Officer McClendon and the City of Pelahatchie, Mississippi. He raised three claims.

In "Claim 1," Jamison alleged that the defendants violated his Fourth Amendment rights by "falsely stopping him, searching his car, and detaining him." Jamison's second claim, brought under the Fourteenth Amendment, stated that the defendants should be held liable for using "race [as] a motivating factor in the decision to stop him, search his car, and detain him." Jamison's third claim alleged a violation of the Fourth Amendment by Officer McClendon for "recklessly and deliberately causing significant damage to Mr. Jamison's car by conducting an unlawful search of the car in an objectively unreasonable manner amounting to an unlawful seizure of his property."

Jamison sought actual, compensatory, and punitive damages against Officer McClendon. He testified that he received an estimate for almost $4,000 of physical damage to his car. He described the damage as requiring the replacement of the "whole top" of the car and re-stitching or replacement of his car seats. In his deposition, Jamison said he provided pictures and the estimates to Officer McClendon's counsel.

Jamison also sought damages for the psychological harm he sustained. During his deposition, he described the emotional toll of the traffic stop and search in this way:

> When I first got home, I couldn't sleep. So I was up for like – I didn't even sleep when I got home. I think I got some rest the next day because I was still mad just thinking about it and then when all this killing and stuff come on TV, that's like a flashback. I said, man, this could

> have went this way. It had me thinking all kind of stuff because it was not even called for. . . .
>
> Then I seen a story about the guy in South Carolina, in Charleston, a busted taillight. They stopped him for that and shot him in the back,[33] and all that just went through my mind . . . .
>
> I don't even watch the news no more. I stopped watching the news because every time you turn it on something's bad.

On December 1, 2017, the defendants filed a motion for summary judgment. The motion said it would explain "why all claims against all defendants should be dismissed as a matter

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[33] Given the timeline – Jamison filed this suit in 2016 – he may be referring to the 2015 killing of Walter Scott by former South Carolina policeman Michael Slager. A bystander captured video of Slager shooting Scott in the back as he ran away, leading to "protests across the U.S. as demonstrators said it was another example of police officers mistreating Blacks." Meg Kinnard, *South Carolina officer loses appeal over shooting conviction*, ASSOC. PRESS (Jan. 8, 2019). Another news source noted that Scott was shot in the back five times. Meredith Edward & Dakin Andone, *Ex-South Carolina Cop Michael Slager gets 20 years for Walter Scott Killing*, CNN (Dec. 7, 2017). "At the time of the shooting, Scott was only the latest black man to be killed in a series of controversial officer-involved shootings that prompted 'Black Lives Matter' protests and vigils." *Id.* Slager pleaded guilty to federal criminal charges that he deprived of Scott of his civil rights and was sentenced to serve 20 years in prison. State murder charges were dropped. The fact that Slager was convicted is an anomaly; law enforcement officers are rarely charged for on-duty killings, let alone convicted. *See generally* Janell Ross, *Police officers convicted for fatal shootings are the exception, not the rule*, NBC NEWS (Mar. 13, 2019); Jamiles Lartey et al., *Former officer Michael Slager sentenced to 20 years for murder of Walter Scott*, THE GUARDIAN (Dec. 7, 2017).

of law." The motion, however, failed to provide an argument as to Jamison's third claim.

Prior to the completion of briefing on the motion, the parties agreed to dismiss the City of Pelahatchie from the case.

On September 26, 2018, the Court entered an order granting in part and deferring in part the motion for summary judgment.[34] The Court found that Officer McClendon had shown he was entitled to summary judgment as to Jamison's Fourteenth Amendment claim for a racially-motivated stop.[35] The Court also found that Officer McClendon was protected by qualified immunity as to Jamison's claims that Officer McClendon did not have reasonable suspicion to stop him. However, after a hearing, the Court requested supplemental briefing to "help . . . determine if McLendon is entitled to qualified immunity on Jamison's lack of consent and prolonged stop claims." The present motion followed.

II. Legal Standard

Summary judgment is appropriate when "the movant shows that there is no genuine dispute as to any material fact and the movant is entitled to judgment as a matter of law."[36] A dispute is genuine "if the evidence supporting" the non-movant, "together with any inferences in such party's favor that the evidence allows, would be sufficient to support a verdict in

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[34] Docket No. 62.

[35] Jamison provided no evidence of comparative discriminatory treatment of those among similarly-situated individuals of different classes. *See id* at 7–8.

[36] Fed. R. Civ. P. 56(a).

favor of that party."[37] A fact is material if it is one that might affect the outcome of the suit under the governing law.[38]

A party seeking to avoid summary judgment must identify admissible evidence in the record showing a fact dispute.[39] That evidence may include "depositions, . . . affidavits or declarations, . . . or other materials."[40]

When evaluating a motion for summary judgment, courts are required to view all evidence in the light most favorable to the non-moving party and must refrain from making credibility determinations.[41]

III. Historical Context

In accordance with Supreme Court precedent, we begin with a look at the "origins" of the relevant law.[42]

A. Section 1983: A New Hope

Jamison brings his claims under 42 U.S.C. § 1983, a statute that has its origins in the Civil War and "Reconstruction," the brief era that followed the bloodshed. If the Civil War was the only war in our nation's history dedicated to the proposition that Black lives matter, Reconstruction was dedicated to the proposition that Black futures matter, too. "Reconstruction was the

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[37] *St. Amant v. Benoit*, 806 F.2d 1294, 1297 (5th Cir. 1987) (citation omitted).

[38] *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248 (1986).

[39] Fed. R. Civ. P. 56(c)(1).

[40] *Id.* at 56(c)(1)(A).

[41] *Strong v. Dep't of Army*, 414 F. Supp. 2d 625, 628 (S.D. Miss. 2005).

[42] *Ramos v. Louisiana*, 140 S. Ct. 1390, 1394 (2020).

essential sequel to the Civil War, completing its mission."[43] During Reconstruction, the abolitionists and soldiers who fought for emancipation sought no less than "the reinvention of the republic and the liberation of blacks to citizenship and Constitutional equality."[44]

The Reconstruction-era Congress passed "legislation to protect the freedoms granted to those who were recently enslaved."[45] One such piece of legislation created the Freedman's Bureau, a War Department agency that educated the formerly enslaved, provided them with legal protection, and "relocate[ed] them on more than 850,000 acres of land the federal government came to control during the war."[46] Another successful legislative effort was the passage of the Thirteenth, Fourteenth, and Fifteenth Amendments, also known as the "Reconstruction Amendments."[47]

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[43] RON CHERNOW, GRANT 706 (2017); *see also* Stephen Cresswell, *Enforcing the Enforcement Acts: The Department of Justice in Northern Mississippi 1870-1890*, 53 J. S. HIST. 421, 421 (Aug. 1987), http://www.jstor.org/stable/2209362 (describing the era as Mississippi's first civil rights struggle and noting that the federal government sought to "secure black civil and political equality in the years after the Civil War.").

[44] DAVID W. BLIGHT, RACE AND REUNION: THE CIVIL WAR IN AMERICAN MEMORY 2 (2001).

[45] Katherine A. Macfarlane, *Accelerated Civil Rights Settlements in the Shadow of Section 1983*, 2018 UTAH L. REV. 639, 660 (2018) (citation omitted); *see* BLIGHT, *supra* at 47.

[46] CHERNOW, *supra* at 562.

[47] *United States v. Cannon*, 750 F.3d 492, 509 (5th Cir. 2014) (Elrod, J., concurring).

The Thirteenth Amendment "represented the Union's deep seated commitment to end the 'badges and incidents of servitude,' [and] was an unadulterated call to abandon injustices that had made blacks outsiders in the country they helped build and whose economy they helped sustain."[48] The Fourteenth Amendment reversed *Dred Scott v. Sanford*.[49] While the amendment was "unpassable as a specific protection for black rights,"[50] it made all persons born in the United States citizens of this country and guaranteed due process and equal protection of the law. "The main object of the amendment was to enforce absolute equality of the races."[51] President Grant called the Fifteenth Amendment "the most important event that has occurred[] since the nation came into life . . . the realization of the Declaration of Independence."[52] "Each Amendment authorized Congress to pass appropriate legislation to enforce it."[53] Taken together, "Reconstruction would mark a revolutionary change in the federal system, with the national

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[48] Alexander Tsesis, *The Problem of Confederate Symbols: A Thirteenth Amendment Approach*, 75 TEMP. L. REV. 539, 542 (2002) (quotations and citation omitted).

[49] 60 U.S. 393 (1857).

[50] DERRICK A. BELL, JR., RACE, RACISM, AND AMERICAN LAW 47 (6th ed. 2008).

[51] Margaret Bush Wilson and Diane Ridley, *The New Birth of Liberty: The Role of Thurgood Marshall's Civil Rights Contribution*, 6 NAT'L BLACK L.J. 67, 75 n.26 (1978)

[52] CHERNOW, *supra* at 685–86.

[53] THE OXFORD GUIDE TO THE SUPREME COURT OF THE UNITED STATES 442 (Kermit L. Hall et al. eds., 2d ed. 2005).

government passing laws forcing the states to fulfill their constitutional responsibilities."[54]

For the first time in its history, the United States saw a Black man selected to serve in the United States Senate (two from Mississippi, in fact – Hiram Revels and Blanche K. Bruce),[55] the establishment of public school systems across the South,[56] and increased efforts to pass local anti-discrimination laws.[57] It was a glimpse of a different America.

These "emancipationist" efforts existed alongside white supremacist backlash, terror, and violence.[58] "In Mississippi, it

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[54] *Id*.

[55] ERIC FONER, RECONSTRUCTION: AMERICA'S UNFINISHED REVOLUTION 1863-1877 353–57 (1988). Black Mississippians were also elected to local, state, and federal posts. John R. Lynch, a former slave, would serve as Speaker of the House in the Mississippi Legislature and would later represent Mississippi in Congress. *See* JOHN R. LYNCH, REMINISCENCES OF AN ACTIVE LIFE: THE AUTOBIOGRAPHY OF JOHN ROY LYNCH xii–xv (1970). James Hill, also formerly enslaved, would too serve as Speaker of the House and was later elected as Mississippi's Secretary of State. *See* GEORGE A. SEWELL & MARGARET L. DWIGHT, MISSISSIPPI BLACK HISTORY MAKERS 48 (2d ed. 1984).

[56] FONER, *supra* at 365–67. During this period, Mississippi's Superintendent of Education was Thomas Cardozo, a Black man. *See History*, THOMAS CARDOZO MIDDLE SCHOOL, https://www.jackson.k12.ms.us/domain/616 (last visited July 10, 2020).

[57] FONER, *supra* at 368–71.

[58] The chasm between these two visions of America was embodied by President Johnson, who in his official capacity led a nation founded in the belief "that all men are created equal," yet in his individual capacity "side[d] with white supremacists," "privately referred to blacks as 'nig-

became a criminal offense for blacks to hunt or fish,"[59] and a U.S. Army General reported that "white militias, with telltale names such as the Jeff Davis Guards, were springing up across" the state.[60] In Shreveport, Louisiana, more than 2,000 black people were killed in 1865 alone.[61] "In 1866, there were riots in Memphis and New Orleans; more than 30 African-Americans were murdered in each melee."[62]

"The Ku Klux Klan, formed in 1866 by six white men in a Pulaski, Tennessee law office, 'engaged in extreme violence against freed slaves and Republicans,' assaulting and murdering its victims and destroying their property."[63] The Klan "spread rapidly across the South" in 1868,[64] orchestrating a "huge wave of murder and arson" to discourage Blacks from voting.[65] "[B]lack schools and churches were burned with impunity in North Carolina, Mississippi, and Alabama."[66]

The terrorism in Mississippi was unparalleled. During the first three months of 1870, 63 Black Mississippians "were

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gers,'" and had "a morbid fascination with miscegenation." CHERNOW, *supra* at 550; *see generally* FONER, *supra* at 412–59; NICHOLAS LEMANN, REDEMPTION: THE LAST BATTLE OF THE CIVIL WAR (2006).

[59] CHERNOW, *supra* at 563.

[60] *Id.*

[61] *Id.* at 568.

[62] *See, well*, *Moore v. Bryant*, 205 F. Supp. 3d 834, 840 (S.D. Miss. 2016) (citation omitted).

[63] Macfarlane, *supra* at 660.

[64] CHERNOW, *supra* at 588.

[65] *Id.* at 621.

[66] *Id.* at 571, 703.

murdered . . . and nobody served a day for these crimes."[67] In 1872, the U.S. Attorney for Mississippi wrote that Klan violence was ubiquitous and that "only the presence of the army kept the Klan from overrunning north Mississippi completely."[68]

Many of the perpetrators of racial terror were members of law enforcement.[69] It was a twisted law enforcement, though, as it prevented the laws of the era from being enforced.[70] When the Klan murdered five witnesses in a pending case, one of Mississippi's District Attorneys complained, "I cannot get witnesses as all feel it is sure death to testify."[71] White suprema-

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[67] *Id.* at 703.

[68] Cresswell, *supra* at 426.

[69] *See* Robin D. Barnes, *Blue by Day and White by (k)night: Regulating the Political Affiliations of Law Enforcement and Military Personnel*, 81 IOWA L. REV. 1079, 1099 (1996); Randolph M. Scott-McLaughlin, *Bray v. Alexandria Women's Health Clinic: The Supreme Court's Next Opportunity to Unsettle Civil Rights Law*, 66 TUL. L. REV. 1357, 1371 (1992); Alfred L. Brophy, *Norms, Law, and Reparations: The Case of the Ku Klux Klan in 1920s Oklahoma*, 20 HARV. BLACKLETTER L.J. 17, 24–25 (2004); *see also* SHERRILYN A. IFILL, ON THE COURTHOUSE LAWN: CONFRONTING THE LEGACY OF LYNCHING IN THE 21ST CENTURY 77–84 (2007); FONER, *supra* at 434 ("Much Klan activity took place in those Democratic counties where local officials either belonged to the organization or refused to take action against it.").

[70] *See* Barnes, *supra* at 1094.

[71] CHERNOW, *supra* at 702; *see also* Cresswell, *supra* at 432 ("Attorneys, marshals, witnesses and jurors suffered abuse and assault, were ostracized by the white community, and some were even murdered.").

cists and the Klan "threatened to unravel everything . . . Union soldiers had accomplished at great cost in blood and treasure."[72]

Professor Leon Litwack described the state of affairs in stark words:

> How many black men and women were beaten, flogged, mutilated, and murdered in the first years of emancipation will never be known.[73] Nor could any accurate body count or statistical breakdown reveal the barbaric savagery and depravity that so frequently characterized the assaults made on freedmen in the name of restraining their savagery and depravity – the severed ears and entrails, the mutilated sex organs, the burnings at the stake, the forced drownings, the open display of skulls and severed limbs as trophies.[74]

"Congress sought to respond to 'the reign of terror imposed by the Klan upon black citizens and their white sympathizers in the Southern States.'"[75] It passed The Ku Klux Act of 1871,

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[72] CHERNOW, *supra* at 707.

[73] At least 2,000 Black women, men, and children were killed by white mobs in racial terror lynchings during Reconstruction. *See Reconstruction in America*, EQUAL JUST. INITIATIVE, https://eji.org/report/reconstruction-in-america/ (last visited July 16, 2020). "Thousands more were assaulted, raped, or injured in racial terror attacks between 1865 and 1877." *Id.*

[74] LEON F. LITWACK, BEEN IN THE STORM SO LONG: THE AFTERMATH OF SLAVERY 276–77 (1979).

[75] *Baxter v. Bracey*, 140 S. Ct. 1862 (2020) (Thomas, J., dissenting from the denial of certiorari) (quoting *Briscoe v. LaHue*, 460 U.S. 325, 337 (1983)).

which "targeted the racial violence in the South undertaken by the Klan, and the failure of the states to cope with that violence."[76]

The Act's mandate was expansive. Section 2 of the Act provided for civil and criminal sanctions against those who conspired to deprive people of the "equal protection of the laws."[77] "Sections 3 and 4 authorized the use of federal force to redress a state's inability or unwillingness to deal with Klan or other violence."[78] "The Act was strong medicine."[79]

Section 1 of the Ku Klux Act, now codified as 42 U.S.C. § 1983, uniquely targeted state officials who "deprived persons of their constitutional rights."[80] While the Act as a whole "had the Klan 'particularly in mind,'" Section 1 recognized the local officials who created "the lawless conditions" that plagued "the South in 1871."[81] Thus, the doors to the courthouse were opened to "any person who ha[d] been deprived of her federally protected rights by a defendant acting under color of state

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[76] Macfarlane, *supra* at 661 (quotations and citations omitted); *see also Monroe v. Pape*, 365 U.S. 167, 172–83 (1961), *overruled on other grounds by Monell v. Dep't of Soc. Servs. of City of New York*, 436 U.S. 658 (1978).

[77] Theodore Eisenberg, *Section 1983: Doctrinal Foundations and an Empirical Study*, 67 CORNELL L. REV. 482, 485 (1982) (citations omitted).

[78] *Id.*

[79] *Id.*

[80] *Id.*

[81] *Monroe*, 365 U.S. at 174.

law."[82] The Act reflected Congress's recognition that – to borrow the words of today's abolitionists – "the whole damn system [was] guilty as hell."[83]

Some parts of the Act were fairly successful. Led by federal prosecutors at the Department of Justice, "federal grand juries, many interracial, brought 3,384 indictments against the KKK, resulting in 1,143 convictions."[84] One of Mississippi's U.S. Senators reported that the Klan largely "suspended their operations" in most of the State.[85] Frederick Douglass proclaimed that "peace has come to many places," and the "slaughter of our people have so far ceased."[86]

Douglass had spoken too soon. "By 1873, many white Southerners were calling for 'Redemption' – the return of white supremacy and the removal of rights for blacks – instead of Reconstruction."[87] The federal system largely abandoned the emancipationist efforts of the Reconstruction Era.[88] And the violence returned. "In 1874, 29 African-Americans were massacred in Vicksburg, according to Congressional investigators. The next year, amidst rumors of an African-American

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[82] Zach Lass, *Lowe v. Raemisch: Lowering the Bar of the Qualified Immunity Defense*, 96 DENV. L. REV. 177, 180 (2018) (citation omitted).

[83] @ignitekindred, TWITTER (Apr. 25, 2016, 6:39 PM) https://twitter.com/ignitekindred/status/724744680878039040.

[84] CHERNOW, *supra* at 708.

[85] *Id.* at 710.

[86] *Id.* at 709.

[87] *Reconstruction vs. Redemption*, NAT'L ENDOWMENT HUMAN. (Feb. 11, 2014); *see also* BLIGHT, *supra* at 101–02.

[88] BLIGHT, *supra* at 137–39.

plot to storm the town, the Mayor of Clinton, Mississippi gathered a white paramilitary unit which hunted and killed an estimated 30 to 50 African-Americans."[89] And in 1876, U.S. Marshal James Pierce said, "Almost the entire white population of Mississippi is one vast mob."[90]

Federal courts joined the retreat and decided to place their hand on the scale for white supremacy.[91] As Katherine A. Macfarlane writes:

> In several decisions, beginning with 1873's *Slaughter-House Cases*, the Supreme Court limited the reach of the Fourteenth Amendment and the statutes passed pursuant to the power it granted Congress. By 1882, the Court had voided the Ku Klux Act's criminal conspiracy section, a provision "aimed at lynchings and other mob actions of an individual or private nature."

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[89] *Moore*, 205 F. Supp. 3d at 840 (quotations, citations, and brackets omitted).

[90] Cresswell, *supra* at 429.

[91] That is not surprising since many of these judges were members of the Klan, supporters of the Confederacy, or both. *See Barnes*, *supra* at 1099 ("judges, politicians, and law enforcement officers were fellow Klansmen"); PETER CHARLES HOFFER ET AL., THE FEDERAL COURTS: AN ESSENTIAL HISTORY 193 (2016) ("a near majority" of Article III judges appointed in the wake of Reconstruction were former Confederates). L.Q.C. Lamar, the only Mississippian to ever serve on the Supreme Court, was on the side of these renegades. *See generally* DENNIS J. MITCHELL, A NEW HISTORY OF MISSISSIPPI 199–200 (2014). As an attorney, Lamar was noted for "wielding a chair" in open court and attacking a U.S. Marshal, "breaking a small bone at the cap of the [Marshal's] eye." Creswell, *supra* at 434.

> As a result of the Court's narrowed construction of both the Fourteenth Amendment and the civil rights statutes enacted pursuant to it, the Ku Klux Act's "scope and effectiveness" shrunk. The Court never directly addressed Section 1 of the Act, but those sections of the Act [were] left "largely forgotten."[92]

For almost a century, Redemption prevailed. "Lynchings, race riots and other forms of unequal treatment were permitted to abound in the South and elsewhere without power in the federal government to intercede."[93] Jim Crow ruled, and Jim Crow meant that "[a]ny breach of the system could mean one's life."[94] While Reconstruction "saw the basic rights of blacks to citizenship established in law," our country failed "to ensure their political and economic rights."[95] Our courts' "involvement in that downfall and its consequences could not have been greater."[96]

Though civil rights protection was largely abandoned at the federal level, activists continued to fight to realize the broken promise of Reconstruction. The Afro-American League, the Niagara Movement, the National Negro Conference (later renamed the NAACP) and other civil rights groups formed to

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[92] Macfarlane, *supra* at 661–62 (citations omitted).

[93] *Id.* at 662.

[94] *Id.*

[95] BELL, *supra* at 48.

[96] *Id.* at 49.

challenge lynching and the many oppressive laws and practices of discrimination.[97] One group's efforts – the Citizens' Committee – led to a lawsuit designed to create an Equal Protection Clause challenge to Louisiana's segregationist laws on railroad cars. Unfortunately, the ensuing case, *Plessy v. Ferguson,* resulted in the Supreme Court's decision to affirm the racist system of "separate but equal" accommodations.[98] Despite this setback, civil rights activism continued, intensifying after the Supreme Court's *Brown v. Board* decision and resulting in many of the civil rights laws we have today.[99]

It was against this backdrop that the Supreme Court attempted to resuscitate Section 1983.[100] In 1961, the Court decided *Monroe v. Pape*, a case where "13 Chicago police officers broke into [a Black family's] home in the early morning, routed them from bed, made them stand naked in the living room, and ransacked every room, emptying drawers and ripping mattress covers."[101] The Justices held that Section 1983 provides a remedy for people deprived of their constitutional rights by state officials.[102] Accordingly, the Court found that

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[97] Macfarlane, *supra* at 663.

[98] 163 U.S. 537, 552 (1896) (Harlan, J., dissenting), *overruled on other grounds by Brown v. Bd. of Ed. of Topeka*, 347 U.S. 483 (1954).

[99] *See generally* Macfarlane, *supra* at 665.

[100] Sheldon Nahmod, *Section 1983 Discourse: The Move from Constitution to Tort*, 77 GEO. L.J. 1719, 1722 (1989).

[101] 365 U.S. at 169.

[102] *Id.* at 187.

the Monroe family could pursue their lawsuit against the officers.[103]

Section 1983's purpose was finally realized, namely "'to interpose the federal courts between the States and the people, as guardians of the people's federal rights.'"[104] The statute has since become a powerful "vehicle used by private parties to vindicate their constitutional rights against state and local government officials."[105]

Section 1983 provides, in relevant part:

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress . . . .[106]

Invoking this statute, Jamison contends that Officer McClendon violated his Fourth Amendment right to be free from unreasonable searches and seizures.

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[103] *Id.*

[104] *Haywood v. Drown*, 556 U.S. 729, 735 (2009) (quoting *Mitchum v. Foster*, 407 U.S. 225, 242 (1972)).

[105] Jack M. Beermann, *The Unhappy History of Civil Rights Legislation, Fifty Years Later*, 34 CONN. L. REV. 981, 1002 (2002).

[106] 42 U.S.C. § 1983.

B. Qualified Immunity: The Empire Strikes Back

Just as the 19th century Supreme Court neutered the Reconstruction-era civil rights laws, the 20th century Court limited the scope and effectiveness of Section 1983 after *Monroe v. Pape*.[107]

The doctrine of qualified immunity is perhaps the most important limitation.

Although Section 1983 made no "mention of defenses or immunities, '[the Supreme Court] read it in harmony with general principles of tort immunities and defenses rather than in derogation of them.'"[108] It reasoned that "[c]ertain immunities were so well established in 1871[109] . . . that 'we presume that Congress would have specifically so provided had it wished to abolish' them."[110]

On that presumption the doctrine of qualified immunity was born, with roots right here in Mississippi. In *Pierson v. Ray*, "15 white and Negro Episcopal clergymen . . . attempted to

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[107] *See* John Valery White, *The Activist Insecurity and the Demise of Civil Rights Law*, 63 LA. L. REV. 785, 803 (2003) (noting that we "have witnessed the restriction of rights developed during" the Civil Rights Movement, including Section 1983).

[108] *Ziglar v. Abbasi*, 137 S. Ct. 1843, 1870 (2017) (Thomas, J., concurring) (quoting *Malley v. Briggs*, 475 U.S. 335, 339 (1986)).

[109] Several scholars have shown that history does not support the Court's claims about qualified immunity's common law foundations. *See, e.g.*, Joanna C. Schwartz, *The Case Against Qualified Immunity*, 93 NOTRE DAME L. REV. 1797, 1801 (2018) [hereinafter *The Case Against Qualified Immunity*].

[110] *Ziglar*, 137 S. Ct. at 1870 (citations omitted).

use segregated facilities at an interstate bus terminal in Jackson, Mississippi, in 1961."[111] The clergymen were arrested and charged with violation of a Mississippi statute – later held unconstitutional – that made it a misdemeanor "to congregate[] with others in a public place under circumstances such that a breach of the peace" may occur and to "refuse[] to move on when ordered to do so by a police officer."[112] The clergymen sued under Section 1983. In their defense, the officers argued that "they should not be liable if they acted in good faith and with probable cause in making an arrest under a statute that they believed to be valid."[113]

The Supreme Court agreed. It held that officers should be shielded from liability when acting in good faith – at least in the context of constitutional violations that mirrored the common law tort of false arrest and imprisonment.[114]

Subsequent decisions "expanded the policy goals animating qualified immunity."[115] The Supreme Court eventually characterized the doctrine as an "attempt to balance competing values: not only the importance of a damages remedy to protect the rights of citizens, but also the need to protect officials who are required to exercise discretion and the related public

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[111] 386 U.S. 547, 549 (1967).

[112] *Id.*

[113] *Id.* at 555.

[114] *Id.* ("A policeman's lot is not so unhappy that he must choose between being charged with dereliction of duty if he does not arrest when he has probable cause, and being mulcted in damages if he does.").

[115] Joanna C. Schwartz, *How Qualified Immunity Fails*, 127 YALE L.J. 2, 14 (2017) (citations omitted).

interest in encouraging the vigorous exercise of official authority."[116]

A review of our qualified immunity precedent makes clear that the Court has dispensed with any pretense of balancing competing values. Our courts have shielded a police officer who shot a child while the officer was attempting to shoot the family dog;[117] prison guards who forced a prisoner to sleep in cells "covered in feces" for days;[118] police officers who stole over $225,000 worth of property;[119] a deputy who body-slammed a woman after she simply "ignored [the deputy's] command and walked away";[120] an officer who seriously burned a woman after detonating a "flashbang" device in the bedroom where she was sleeping;[121] an officer who deployed a dog against a suspect who "claim[ed] that he surrendered by raising his hands in the air";[122] and an officer who shot an

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[116] *Harlow v. Fitzgerald*, 457 U.S. 800, 800 (1982).

[117] *Corbitt v. Vickers*, 929 F.3d 1304, 1323 (11th Cir. 2019), *cert. denied*, No. 19-679, 2020 WL 3146693 (U.S. June 15, 2020).

[118] *Taylor v. Stevens*, 946 F.3d 211, 220 (5th Cir. 2019).

[119] *Jessop v. City of Fresno*, 936 F.3d 937, 942 (9th Cir. 2019), *cert. denied* No. 19-1021, 2020 WL 2515813 (U.S. May 18, 2020).

[120] *Kelsay v. Ernst,* 933 F.3d 975, 980 (8th Cir. 2019), *cert. denied*, No. 19-682, 2020 WL 2515455 (U.S. May 18, 2020).

[121] *Dukes v. Deaton*, 852 F.3d 1035, 1039 (11th Cir. 2017).

[122] *Baxter v. Bracey*, 751 F. App'x 869, 872 (6th Cir. 2018), *cert. denied*, 140 S. Ct. 1862 (2020).

unarmed woman eight times after she threw a knife and glass at a police dog that was attacking her brother.[123]

If Section 1983 was created to make the courts "guardians of the people's federal rights,'" what kind of guardians have the courts become? [124] One only has to look at the evolution of the doctrine to answer that question.

Once, qualified immunity protected officers who acted in good faith. The doctrine now protects all officers, no matter how egregious their conduct, if the law they broke was not "clearly established."

This "clearly established" requirement is not in the Constitution or a federal statute. The Supreme Court came up with it in 1982.[125] In 1986, the Court then "evolved" the qualified immunity defense to spread its blessings "to all but the plainly incompetent or those who knowingly violate the law."[126] It further ratcheted up the standard in 2011, when it added the

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[123] *Willingham v. Loughnan*, 261 F.3d 1178, 1181 (11th Cir. 2001), *cert. granted, judgment vacated*, 537 U.S. 801 (2002).

[124] *Haywood*, 556 U.S. at 735 (citation omitted).

[125] *See Harlow*, 457 U.S. at 818; *see also* William Baude, *Is Qualified Immunity Unlawful?*, 106 CAL. L. REV. 45, 81 (2018). Previously, the Court had used "clearly established" as an explanatory phrase to better understand good faith. *See, e.g.*, *Wood v. Strickland*, 420 U.S. 308, 322 (1975) (finding compensatory damages "appropriate only if the school board member has acted with such an impermissible motivation or with such disregard of the student's clearly established constitutional rights that his action cannot reasonably be characterized as being in good faith.").

[126] *Malley*, 475 U.S. at 341; *see also* Pamela S. Karlan, *Foreword: Democracy and Disdain*, 126 HARV. L. REV. 1, 61 (2012). *Malley* was also the first time "objectively unreasonable" appeared in a Supreme Court qualified immunity decision.

words "*beyond debate.*"[127] In other words, "for the law to be clearly established, it must have been 'beyond debate' that [the officer] broke the law."[128] An officer cannot be held liable unless *every* reasonable officer would understand that what he is doing violates the law.[129] It does not matter, as the Fifth Circuit has explained, "that we are morally outraged, or the fact that our collective conscience is shocked by the alleged conduct . . . [because it] does not mean necessarily that the officials should have realized that [the conduct] violated a

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[127] *Ashcroft v. al-Kidd*, 563 U.S. 731, 741 (2011) (citations omitted) (emphasis added).

[128] *McCoy v. Alamu*, 950 F.3d 226, 233 (5th Cir. 2020) (citation omitted). That leads us to another rabbit hole. A district court opinion doesn't clearly establish the law in a jurisdiction. *Id*. at 233 n.6 (citation omitted). Nor does a circuit court opinion, if the judges designate it as "unpublished." *Id.* Only *published* circuit court decisions count. *See id.* Even then, the Supreme Court has "expressed uncertainty" about whether courts of appeals may ever deem constitutional law clearly established. *Cole*, 935 F.3d at 460 n.4 (Jones, J., dissenting) (collecting cases).

[129] *al-Kidd*, 563 U.S. at 741. As Professor John Jeffries explains, "[t]he narrower the category of cases that count, the harder it is to find a clearly established right." John C. Jeffries, Jr., *What's Wrong with Qualified Immunity?*, 62 FLA. L. REV. 851, 859 (2010) [hereinafter *What's Wrong with Qualified Immunity?*]. This restrictive approach bulks up qualified immunity and makes its protections difficult to penetrate. When combining the narrow view of relevant precedent to the demand for "extreme factual specificity in the guidance those precedents must provide, the search for 'clearly established' law becomes increasingly unlikely to succeed, and 'qualified' immunity becomes nearly absolute." *Id*.

constitutional right."[130] Even evidence that the officer acted in bad faith is now considered irrelevant.[131]

The Supreme Court has also given qualified immunity sweeping procedural advantages. "Because the defense of qualified immunity is, in part, a question of law, it naturally creates a 'super-summary judgment' right on behalf of government officials. Even when an official is not entitled to summary judgment on the merits – because the plaintiff has stated a proper claim and genuine issues of fact exist – summary judgment can still be granted when the law is not reasonably clear."[132]

And there is more. The Supreme Court says defendants should be dismissed at the "earliest possible stage" in the proceedings to not be burdened with the matter.[133] The earliest possible stage may include a stage in the case before any discovery has been taken and necessarily before a plaintiff has obtained all the relevant facts and all (or any) documents.[134] If a court denies a defendant's motion seeking dismissal or summary judgment based on qualified immunity, that decision is

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[130] *Foster v. City of Lake Jackson*, 28 F.3d 425, 430 (5th Cir. 1994) (quotations and citation omitted).

[131] *See Mullenix v. Luna*, 136 S. Ct. 305, 316 (2015) (Sotomayor, J., dissenting) ("an officer's actual intentions are irrelevant to the Fourth Amendment's 'objectively reasonable' inquiry") (citing *Graham v. Connor*, 490 U.S. 396, 397 (1989)).

[132] Mark R. Brown, *The Fall and Rise of Qualified Immunity: From Hope to Harris*, 9 NEV. L.J. 185, 195 (2008).

[133] *Saucier v. Katz*, 533 U.S. 194, 200–01 (2001).

[134] *See Bosarge v. Mississippi Bureau of Narcotics*, 796 F.3d 435, 443 (5th Cir. 2015) (citation omitted) ("[o]ne of the most salient benefits of qualified immunity is protection from pretrial discovery, which is costly, time-consuming and intrusive."); *see also* Lass, *supra*, at 188.

also immediately appealable.[135] Those appeals can lead all the way to the United States Supreme Court even before any trial judge or jury hears the merits of the case. Qualified immunity's premier advantage thus lies in the fact that it affords government officials review by (at least) four federal judges before trial.[136]

Each step the Court has taken toward absolute immunity heralded a retreat from its earlier pronouncements. Although the Court held in 2002 that qualified immunity could be denied "in novel factual circumstances,"[137] the Court's track record in the intervening two decades renders naïve any judges who believe that pronouncement.[138]

Federal judges now spend an inordinate amount of time trying to discern whether the law was clearly established "beyond debate" at the time an officer broke it. But it is a fool's errand to ask people who love to debate whether something is debatable.

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[135] *See Elder v. Holloway*, 510 U.S. 510, 516 (1994).

[136] Brown, *supra* at 196.

[137] *Hope v. Pelzer*, 536 U.S. 730, 741 (2002).

[138] *See generally Baude, supra* at 83 ("[A]ll but two of the [Supreme] Court's awards of qualified immunity reversed the lower court's denial of immunity below. In other words, lower courts that follow Supreme Court doctrine should get the message: think twice before allowing a government official to be sued for unconstitutional conduct."); *see also Mullenix*, 136 S. Ct. at 310 (reversing and reminding lower courts that the Supreme Court "has thus never found the use of deadly force in connection with a dangerous car chase to violate the Fourth Amendment, let alone to be a basis for denying qualified immunity"); *White v. Pauly*, 137 S. Ct. 548, 552 (2017) (per curiam) (reversing and chastising the appellate court for "misunderst[anding] the 'clearly established' analysis").

Consider *McCoy v. Alamu*, a 2020 case in which a correctional officer violated a prisoner's Constitutional rights when he sprayed a chemical agent in the prisoner's face, without provocation.[139]

The Fifth Circuit then asked if the illegality of the use of force was clearly established beyond debate. The *prison* didn't think the use of force was debatable: it found the spraying unnecessary and against its rules. It put the officer on three months' probation.[140] Yet the appellate court disregarded the warden's judgment and held for the officer. The case involved only a "single use of pepper spray," after all, and the officer hadn't used "the full can."[141] Based on these factual distinctions, the court concluded that "the spraying crossed that line. But it was not *beyond debate* that it did, so the law wasn't clearly established."[142]

These kinds of decisions are increasingly common. Consider another Fifth Circuit case, this time from 2019, in which Texas prisoner Trent Taylor claimed that the conditions of his prison cells violated the Constitutional minimum:

> Taylor stayed in the first cell starting September 6, 2013. He alleged that almost the entire surface—including the floor, ceiling, window, walls, and water faucet—was covered with "massive amounts" of feces that emitted a

[139] 950 F.3d at 231.

[140] *Id.*

[141] *Id.* at 233.

[142] *Id.* A dissent argued that the majority was stretching qualified immunity to rule for the officer, since it was already clearly established that correctional officers couldn't use their fists, a baton, or a taser to assault an inmate without provocation. *Id.* at 234–35 (Costa, J., dissenting).

"strong fecal odor." Taylor had to stay in the cell naked. He said that he couldn't eat in the cell, because he feared contamination. And he couldn't drink water, because feces were "packed inside the water faucet." Taylor stated that the prison officials were aware that the cell was covered in feces, but instead of cleaning it, [Officers] Cortez, Davison, and Hunter laughed at Taylor and remarked that he was "going to have a long weekend." [Officer] Swaney criticized Taylor for complaining, stating "dude, this is Montford, there is shit in all these cells from years of psych patients." On September 10, Taylor left the cell.

A day later, September 11, Taylor was moved to a "seclusion cell," but its conditions were no better. It didn't have a toilet, water fountain, or bunk. There was a drain in the floor where Taylor was ordered to urinate. The cell was extremely cold because the air conditioning was always on. And the cell was anything but clean.

Taylor alleged that the floor drain was clogged, leaving raw sewage on the floor. The drain smelled strongly of ammonia, which made it hard for Taylor to breathe. Yet, he alleged, the defendants repeatedly told him that if he needed to urinate, he had to do so in the clogged drain instead of being escorted to the restroom. Taylor refused. He worried that, because the drain was clogged, his urine would spill onto the already-soiled floor, where he had to sleep because he lacked a bed. So, he held his urine

> for twenty-four hours before involuntarily urinating on himself. He stayed in the seclusion cell until September 13. Prison officials then tried to return him to his first, feces-covered cell, but he objected and was permitted to stay in a different cell.[143]

Taylor spent a total of six days in feces-covered cells.[144] To make matters worse, the trial court found that Taylor "was not allowed clothing and forced to endure the cold temperatures with nothing but a suicide blanket."[145]

The correctional officers didn't submit much to contradict Taylor's evidence of filth.[146] Yet they were granted qualified immunity because it "wasn't clearly established" that "only six days" of living in a cesspool of human waste was unconstitutional.[147] The Fifth Circuit reasoned, "[t]hough the law was clear that prisoners couldn't be housed in cells teeming with human waste for months on end, we hadn't previously held that a time period so short violated the Constitution. . . .

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[143] *Taylor*, 946 F.3d at 218–19 (brackets and footnotes omitted).

[144] *Id.* at 218 & n.6.

[145] *Taylor v. Williams*, No. 5:14-CV-149-BG, 2016 WL 8674566, at *3 (N.D. Tex. Jan. 22, 2016), *report and recommendation adopted,* No. 5:14-CV-149-C, 2016 WL 1271054 (N.D. Tex. Mar. 29, 2016), *aff'd in part*, *vacated in part*, *remanded*, 715 F. App'x 332 (5th Cir. 2017).

[146] *Taylor*, 946 F.3d at 219.

[147] *Id.* at 222.

It was therefore not 'beyond debate' that the defendants broke the law."[148]

Never mind the 50 years of caselaw holding that "[c]ausing a man to live, eat and perhaps sleep in close confines with his own human waste is too debasing and degrading to be permitted."[149] Never mind the numerous[150] Fifth[151] Circuit[152] decisions[153] concluding that prisoners who live in "filthy, sometimes feces-smeared, cells" can bring a Constitutional claim.[154] Never mind that in other states, it is clearly established that

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[148] *Id.* (citations omitted). It would appear that correctional officers in this Circuit can now just put inmates in feces-covered cells for *five* days or less and escape liability.

[149] *LaReau v. MacDougall*, 473 F.2d 974, 978 (2d Cir. 1972).

[150] *Bienvenu v. Beauregard Par. Police Jury*, 705 F.2d 1457, 1460 (5th Cir. 1983) ("Bienvenu's statements that the defendant . . . intentionally subjected him to a cold, rainy, roach-infested facility and furnished him with inoperative, scum-encrusted washing and toilet facilities sufficiently alleges a cause of action cognizable under 42 U.S.C. § 1983.")

[151] *Palmer v. Johnson*, 193 F.3d 346, 352 (5th Cir. 1999) (concluding that plaintiff stated a Constitutional claim when "his only option was to urinate and defecate in the confined area that he shared with forty-eight other inmates").

[152] *Gates v. Cook*, 376 F.3d 323, 338 (5th Cir. 2004) (affirming injunction where "cells were 'extremely filthy' with crusted fecal matter, urine, dried ejaculate, peeling and chipping paint, and old food particles").

[153] *Cowan v. Scott*, 31 F. App'x 832, at *2 (5th Cir. 2002) (finding that prisoner stated a Constitutional claim when he alleged that "he was forced to lie in feces for days without access to a shower").

[154] *Harper v. Showers*, 174 F.3d 716, 717 (5th Cir. 1999).

only *three* days of living in feces-covered cells is unconstitutional.[155] And never mind that the Supreme Court had acknowledged warmth as an "identifiable human need" and that "a low cell temperature at night combined with a failure to issue [a] blanket[]" may deprive an inmate of such.[156] None of that mattered after 2011, the year the Supreme Court ratchetted up the standard to require that the unlawfulness be "beyond debate."[157]

Fifth Circuit Judge Don Willett has succinctly explained the problem with the clearly established analysis:

> Section 1983 meets Catch-22. Plaintiffs must produce precedent even as fewer courts are producing precedent. Important constitutional questions go unanswered precisely because no one's answered them before. Courts then rely on that judicial silence to conclude there's no

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[155] *See, e.g.*, *McBride v. Deer*, 240 F.3d 1287, 1291 (10th Cir. 2001); *Sperow v. Melvin*, 182 F.3d 922 (7th Cir. 1999); *see also Fruit v. Norris*, 905 F.2d 1147, 1151 (8th Cir. 1990) (holding that "forcing inmates to work in a shower of human excrement without protective clothing and equipment" for as little as 10 minutes stated a claim). Judge Wilson of the Eleventh Circuit once wrote that "there is remarkably little consensus among the United States circuit courts concerning how to interpret the term 'clearly established.'" Charles R. Wilson, *"Location, Location, Location": Recent Developments in the Qualified Immunity Defense*, 57 N.Y.U. ANN. SURV. AM. L. 445, 447 (2000). "One has to work hard to find some doctrinal consistency or predictability in the case law and the circuits are hopelessly conflicted both within and among themselves." Karen M. Blum, *Section 1983 Litigation: The Maze, the Mud, and the Madness*, 23 WM. & MARY BILL RTS. J. 913, 925 (2015) (collecting cases).

[156] *Wilson v. Seiter*, 501 U.S. 294, 304 (1991).

[157] *al-Kidd*, 563 U.S. at 741.

> equivalent case on the books. No precedent = no clearly established law = no liability. An Escherian Stairwell. Heads government wins, tails plaintiff loses.[158]

To be clear, it is unnecessary to ascribe malice to the appellate judges deciding these terrible cases. No one wants to be reversed by the Supreme Court, and the Supreme Court's summary reversals of qualified immunity cases are ever-more biting.[159] If you've been a Circuit Judge since 1979—sitting on the bench longer than any current Justice—you might expect a more forgiving reversal.[160] Other appellate judges see these decisions, read the tea leaves, and realize it is safer to find debatable whether it was a clearly established Constitutional violation to force a prisoner to eat, sleep, and live in prison cells swarming in feces for six days.

It is also unnecessary to blame the doctrine of qualified immunity on ideology. "Although the Court is not always unanimous on these issues, it is fair to say that qualified immunity has been as much a liberal as a conservative project on the Supreme Court."[161] Judges disagree in these cases no matter which President appointed them.[162] Qualified immunity is

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[158] *Zadeh v. Robinson*, 928 F.3d 457, 479–80 (5th Cir. 2019) (Willett, J., concurring in part and dissenting in part).

[159] *See, e.g.*, *White*, 137 S. Ct. at 552 (per curiam) (chastising the appellate court for "misunderst[anding] the 'clearly established' analysis"). Professor Baude says the Court has been on a "crusade." Baude, *supra* at 61.

[160] *See White*, 137 S. Ct. at 552.

[161] Samuel R. Bagenstos, *Who Is Responsible for the Stealth Assault on Civil Rights?*, 114 MICH. L. REV. 893, 909 (2016).

[162] *See, e.g.*, *Pratt v. Harris Cty., Tex.*, 822 F.3d 174, 186 (5th Cir. 2016).

one area proving the truth of Chief Justice Roberts' statement, "We do not have Obama judges or Trump judges, Bush judges or Clinton judges."[163]

There are numerous critiques of qualified immunity by lawyers,[164] judges,[165] and academics.[166] Yet qualified immunity is the law of the land and the undersigned is bound to follow its terms absent a change in practice by the Supreme Court.

Here is the exact legal standard applicable in this circuit:

> There are generally two steps in a qualified immunity analysis. "First, a court must decide whether the facts that a plaintiff has alleged or shown make out a violation of a constitutional

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[163] Adam Liptak, *Chief Justice Defends Judicial Independence After Trump Attacks 'Obama Judge'*, N.Y. TIMES (Nov. 21, 2018).

[164] *See, e.g.*, Brief of Cross-Ideological Groups Dedicated to Ensuring Official Accountability, Restoring the Public's Trust in Law Enforcement, and Promoting the Rule of Law as Amici Curiae in Support of Petitioner, *Baxter v. Bracey*, 140 S. Ct. 1862 (2020) (No. 18-1287), 2019 WL 2370285.

[165] *See, e.g., Horvath v. City of Leander*, 946 F.3d 787, 795 (5th Cir. 2020) (Ho, J., concurring in part and dissenting in part); *Zadeh*, 928 F.3d at 474 (Willett, J., concurring in part and dissenting in part); *Manzanares v. Roosevelt Cty. Adult Det. Ctr.*, 331 F. Supp. 3d 1260, 1293 n.10 (D.N.M. 2018); *Estate of Smart v. City of Wichita*, No. 14-2111-JPO, 2018 WL 3744063, at *18 n.174 (D. Kan. Aug. 7, 2018); *Thompson v. Clark*, No. 14-CV-7349, 2018 WL 3128975, at *10 (E.D.N.Y. June 26, 2018); *Baldwin v. City of Estherville*, 915 N.W.2d 259, 283 (Iowa 2018) (Appel, J., dissenting); James A. Wynn, Jr., *As a judge, I have to follow the Supreme Court. It should fix this mistake*, WASH. POST (June 12, 2020).

[166] *See, e.g., The Case Against Qualified Immunity*, *supra*; Baude, *supra*; Fred O. Smith, Jr., *Abstention in the Time of Ferguson*, 131 HARV. L. REV. 2283, 2305 (2018); *What's Wrong with Qualified Immunity?*, *supra*; Christina Brooks Whitman, *Emphasizing the Constitutional in Constitutional Torts*, 72 CHI.-KENT L. REV. 661, 678 (1997).

> right. Second . . . the court must decide whether the right at issue was clearly established at time of the defendant's alleged misconduct." However, we are not required to address these steps in sequential order.
>
> In Fourth Amendment cases, determining whether an official violated clearly established law necessarily involves a reasonableness inquiry. In *Pearson*, the Supreme Court explained that [an] officer is "entitled to qualified immunity where clearly established law does not show that the conduct violated the Fourth Amendment," a determination which "turns on the objective legal reasonableness of the action, assessed in light of the legal rules that were clearly established at the time it was taken." However, "a reasonably competent public official should know the law governing his conduct." In general, "the doctrine of qualified immunity protects government officials from . . . liability when they reasonably could have believed that their conduct was not barred by law, and immunity is not denied unless existing precedent places the constitutional question *beyond debate*."[167]

The Court will now consider Jamison's claims under these two steps.

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[167] *Heaney v. Roberts*, 846 F.3d 795, 801 (5th Cir. 2017) (citations and brackets omitted).

IV. Qualified Immunity Analysis

A. Violation of a Statutory or Constitutional Right

The Court has already determined that Officer McClendon is entitled to qualified immunity for his decision to pull over Jamison.[168] The Court now turns to the stop itself.

1. Physical Intrusion

"In a valid traffic stop, an officer may request a driver's license and vehicle registration and run a computer check."[169] Officers are also permitted "to require passengers to identify themselves," and "[w]hile waiting for the results of computer checks, the police can question the subjects of a traffic stop even on subjects unrelated to the purpose of the stop."[170]

Officers are not allowed to unreasonably intrude into a person's vehicle. "While the interior of an automobile is not subject to the same expectations of privacy that exist with respect to one's home, a car's interior as a whole is nonetheless subject to Fourth Amendment protection from unreasonable intrusions by the police."[171] It follows that an "officer's intrusion into the interior of [a] car constitute[s] a search."[172]

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[168] *See* Docket No. 62.

[169] *United States v. Estrada*, 459 F.3d 627, 631 (5th Cir. 2006) (citation omitted).

[170] *United States v. Spence*, 667 F. App'x 446, 447 (5th Cir. 2016) (citations omitted).

[171] *New York v. Class*, 475 U.S. 106, 114–15 (1986).

[172] *United States v. Pierre*, 958 F.2d 1304, 1309 (5th Cir. 1992); *see also United States v. Ryles*, 988 F.2d 13, 15 (5th Cir. 1993).

"[T]he intrusiveness of the search is not measured so much by its scope as by whether it invades an expectation of privacy that society is prepared to recognize as 'reasonable.'"[173] Accordingly, "the key inquiry" in these cases is whether the officer "acted reasonably" when he intruded.[174] The question is highly dependent on the facts of each case.[175]

Here, Jamison argues that Officer McClendon "physically prevent[ed] Mr. Jamison from resuming his travel by placing his arm inside Mr. Jamison's automobile."[176] Viewing the evidence in the light most favorable to the non-movant, the Court must conclude for present purposes that the stop happened in this way. Officer McClendon's insertion of his arm into Jamison's vehicle is an "intru[sion] inside a space that, under most circumstances, is protected by a legitimate expectation of privacy."[177] The Court must therefore consider whether Officer McClendon acted reasonably when he intruded.

In *United States v. Pierre*, Border Patrol Agent Lonny Hillin stopped a GMC Jimmy at a fixed checkpoint in Texas.[178] The Jimmy was a "two-door vehicle . . . equipped with tinted fixed rear windows."[179] The defendant, Pierre, "was lying down in

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[173] *Pierre*, 958 F.2d at 1309 (citation omitted).

[174] *Id.*

[175] *See id.*

[176] Docket No. 68 at 21.

[177] *Ryles*, 988 F.2d at 15 (citations omitted).

[178] *Pierre*, 958 F.2d at 1307.

[179] *Id.*

the back seat."[180] During the stop, Agent Hillin "ducked his head in the window to get a clear view of the back seat and to talk to Pierre about his citizenship."[181] The Fifth Circuit considered the following to determine if the agent's intrusion was reasonable: (1) whether the officer intruded upon an area for which there is a reasonable expectation of privacy; (2) whether the officer's "actions were no more intrusive than necessary to accomplish his objective"; and (3) whether the intrusion was reasonable to ensure the safety of the officer.[182]

As to the first consideration, the Fifth Circuit found that "passengers of vehicles at fixed checkpoints near the border of the United States do not have a reasonable expectation of privacy in not being stopped and questioned about their citizenship."[183] The court reasoned that "occupants of a vehicle stopped at a checkpoint have no expectancy that they will not be required to look an agent in the eye and answer questions about their citizenship."[184] In *Pierre*, the "physical features of the Jimmy made it difficult for Agent Hillin to speak with Pierre and verify his citizenship."[185] These considerations weighed toward finding that the agent's intrusion – in this case, sticking his head into the car – was reasonable.[186]

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[180] *Id.*

[181] *Id.* (quotations and brackets omitted).

[182] *Id.* at 1309–10.

[183] *Id.* at 1309.

[184] *Id.* at 1310.

[185] *Id.* at 1309.

[186] *Id.* at 1310.

The Fifth Circuit also found that the sole purpose of Agent Hillin's intrusion was to ask about the passenger's citizenship. Again, the Court noted that vehicle's physical features did not allow Agent Hillin "to see and communicate with Pierre."[187] The court observed that "Agent Hillin's action in sticking his head in the driver's window was certainly less intrusive than requiring Pierre to get out of the vehicle."[188]

Finally, "in evaluating the reasonableness of the search," the Fifth Circuit "considered the safety of the officer."[189] It held that "[a]n agent at a checkpoint, for his own safety, would have good reason to position himself so he could see the person with whom he is speaking."[190]

Here, Jamison had no reasonable expectation of privacy as to being questioned during a lawful stop.[191] However, there is no evidence that the physical features of Jamison's car or any other circumstance made it difficult for Officer McClendon to question Jamison. Accordingly, this first consideration weighs against finding that Officer McClendon acted reasonably when he put his arm into Jamison's car.

Turning to the second consideration, Officer McClendon admitted that his objective was to get Jamison's consent to search the car. He had no reason to physically put his arm into

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[187] *Id.*

[188] *Id.*

[189] *Id.* (citation omitted).

[190] *Id.*

[191] *See Spence*, 667 F. App'x at 447.

the car to accomplish that objective. This situation is inapposite to *Pierre*, where the agent had to intrude in to the car to "see and communicate with Pierre."[192]

As to the third consideration, the same principle discussed in *Pierre* obviously applies here: officers have good reason to see the person they have pulled over. Officer McClendon, however, could already see Jamison. There was no reason to put his arm into Jamison's car to request that he consent to a search, and nothing in this record or the parties' briefs attempts to support that view.

In *Pierre*, the Fifth Circuit emphasized that officers do not have "carte blanche authority" to intrude into vehicles.[193] All of the considerations discussed in *Pierre* point toward a finding that Officer McClendon acted unreasonably.

For these reasons, Officer McClendon's physical intrusion into Jamison's car was an unreasonable search in violation of the Fourth Amendment.

2. Subsequent Vehicle Search

Officer McClendon then argues that Jamison consented to the search of his car. Jamison concedes that he "consented" but argues that his consent was involuntary.

"Consent is valid only if it is voluntary."[194] "Furthermore, if an individual gives consent after being subject to an initial un-

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[192] *Pierre*, 958 F.2d at 1310.

[193] *Id.*

[194] *United States v. Gomez-Moreno*, 479 F.3d 350, 357 (5th Cir. 2007) (citation omitted), *overruled on other grounds by Kentucky v. King*, 563 U.S. 452 (2011).

constitutional search, the consent is valid only if it was an independent act of free will, breaking the causal chain between the consent and the constitutional violation."[195] Factors that inform whether the consent was an independent act of free will include the "temporal proximity of the illegal conduct and the consent," whether there were any intervening circumstances, and "the purpose and flagrancy" of the misconduct.[196]

The Court has found a constitutional violation in Officer McClendon's intrusion into Jamison's vehicle. Jamison's "consent to search . . . was contemporaneous with the constitutional violation, and there was no intervening circumstance."[197] Viewing the evidence in the light most favorable to Jamison, as the legal standard requires, he relented and agreed to the search only after Officer McClendon escalated his efforts and placed his arm inside the car. Officer McClendon's intrusion into Jamison's car was a purposeful and unreasonable entry into an area subject to Fourth Amendment protection. "Thus, under the circumstances of this case, the consent to search was not an independent act of free will, but rather a product of" an unconstitutional search.[198]

Even absent the initial constitutional violation, there is a factual dispute as to whether Jamison's consent was voluntary.

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[195] *Id.* (quotations and citation omitted).

[196] *United States v. Hernandez*, 279 F.3d 302, 307 (5th Cir. 2002) (citation omitted).

[197] *United States v. Santiago*, 310 F.3d 336, 343 (5th Cir. 2002) (citations omitted).

[198] *Id.*

"The voluntariness of consent is a question of fact to be determined from the totality of all the circumstances."[199] To determine whether a person's consent was voluntary, the Court considers six factors: "(1) the voluntariness of the suspect's custodial status; (2) the presence of coercive police procedures; (3) the nature and extent of the suspect's cooperation; (4) the suspect's awareness of his right to refuse consent; (5) the suspect's education and intelligence; and (6) the suspect's belief that no incriminating evidence will be found."[200] "In this analysis, no single factor is determinative" [201] and courts consider other factors relevant to the inquiry.[202]

Viewing the evidence in the light most favorable to Jamison, three factors weigh toward finding voluntary consent. Jamison was aware of his right to refuse consent; he refused to give consent after being asked four times by Officer McClendon. Jamison graduated from high school and there is nothing in the record showing that he "lack[ed] the requisite education or intelligence to give valid consent to the search."[203] Finally, Jamison believed – rightly so – that no incriminating evidence would be found.

The remaining factors weigh against finding voluntary consent. Jamison's custodial status was not voluntary: he was not

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[199] *United States v. Shabazz*, 993 F.2d 431, 438 (5th Cir. 1993) (quotations and citation omitted).

[200] *United States v. Escamilla*, 852 F.3d 474, 483 (5th Cir. 2017) (citation omitted).

[201] *United States v. Macias*, 658 F.3d 509, 523 (5th Cir. 2011) (citation omitted).

[202] *United States v. Tompkins*, 130 F.3d 117, 122 (5th Cir. 1997) (citation omitted).

[203] *United States v. Cooper*, 43 F.3d 140, 148 (5th Cir. 1995).

free to leave. Jamison was also polite but unwilling to let Officer McClendon search his car the first four times the Officer asked. It is difficult to accept that Jamison truly wanted to give consent, since the exchange became "heated." Moreover, when Officer McClendon brought out his canine, Jamison says that he initially refused to consent to the dog sniff.

The parties disagree about whether Officer McClendon's actions were coercive. Jamison mainly points to Officer McClendon's intrusion into the car and repeated requests for consent. Officer McClendon, on the other hand, points to a number of cases where (he claims) other courts cleared officers who used greater restraints on a person's freedom.[204]

Jamison also points to "promises" and other "more subtle forms of coercion" that might have affected his judgment.[205] The existence of a promise indeed constitutes a relevant factor in the Court's determination.[206]

There is a genuine factual dispute about whether Officer McClendon's actions amount to coercive procedures. There is evidence of omissions, outright lies, and promises by the officer: he did not inform Jamison that the EPIC check had come back clear, he lied about a call saying Jamison was transporting drugs, and he promised Jamison that he would allow him to leave if he found a roach in the car. A jury could reasonably conclude that Officer McClendon's lies reasonably caused Jamison to fear that the officer would plant drugs in his car, or worse. McClendon's statement to "Hold on a minute" and

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[204] *See, e.g.*, *Tompkins*, 130 F.3d at 122; *United States v. Olivarria*, 781 F. Supp. 2d 387, 395 (N.D. Miss. 2011).

[205] *United States v. Hall*, 565 F.2d 917, 921 (5th Cir. 1978).

[206] *See United States v. Fernandes*, 285 F. App'x 119, 124 (5th Cir. 2008).

his physical intrusion into the interior of Jamison's car, while separately a constitutional violation, had the effect of physically expressing to Jamison that he was not free to leave – even though Jamison reasonably believed he could go after Officer McClendon returned his documents.

For these reasons, the Court finds a genuine factual dispute about whether Jamison voluntarily consented to the search.

A reader would be forgiven for pausing here and wondering whether we forgot to mention something.[207] When in this analysis will the Court look at the elephant in the room—how race may have played a role in whether Officer McClendon's actions were coercive?[208]

Jamison was a Black man driving through Mississippi, a state known for the violent deaths of Black people and others who fought for their freedom. Pelahatchie is an hour south of Philadelphia, a town made infamous after a different kind of traffic stop resulted in the brutal lynching of James Chaney, Michael Schwerner, and Andrew Goodman.[209] Pelahatchie is

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[207] *Cf.* Cynthia Lee, *Reasonableness with Teeth: The Future of Fourth Amendment Reasonableness Analysis*, 81 MISS. L.J. 1133, 1151 n.81 (2012) (identifying cases in which the Supreme Court failed to recognize the potential impact of race and racism).

[208] *Cf. United States v. Mendenhall*, 446 U.S. 544, 558 (1980) (noting that the race, gender, age, and education of a young Black woman who "may have felt unusually threatened by the officers, who were white males" were all relevant factors in determining whether the woman voluntarily consented to a seizure).

[209] U.S. DEP'T OF JUSTICE, CIVIL RIGHTS DIV., INVESTIGATION OF THE 1964 MURDERS OF MICHAEL SCHWERNER, JAMES CHANEY, AND ANDREW GOODMAN 7–8 (2018), *available at* https://www.justice.gov/crt/case-document/file/1041791/download.

also less than 30 minutes east of Jackson, where on June 26, 2011, a handful of young white men and women engaged in some old-fashioned Redemption and murdered James Craig Anderson, a 47-year old Black, gay man.[210] Pelahatchie is also in Rankin County, the same county the young people called home. Only a few miles separate the two communities.

For Black people, this isn't mere history. It's the present.

By the time Jamison was pulled over, more than 600 people had been killed by police officers in 2013 alone.[211] Jamison was stopped just 16 days after the man who killed Trayvon Martin was acquitted.[212] On that day, Alicia Garza wrote a Facebook post that said, "Black people. I love you. I love us. We matter. Our lives matter, Black lives matter."[213] And that week, "thousands of demonstrators gathered in dozens of cities" to commemorate Martin "and to add their voices to a debate on race

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[210] Albert Samaha, *"This Is What They Did For Fun": The Story Of A Modern-Day Lynching*, BUZZFEED NEWS (Nov. 18, 2015); *see also* Press Release, U.S. Dep't of Justice, Three Brandon, Miss., Men Plead Guilty for Their Roles in the Racially Motivated Assault and Murder of an African-American Man (Mar. 22, 2012) *available at* https://www.justice.gov/opa/pr/three-brandon-miss-men-plead-guilty-their-roles-racially-motivated-assault-and-murder-african.

[211] *See* MAPPING POLICE VIOLENCE, https://mappingpoliceviolence.org/ (last accessed June 15, 2020).

[212] Lizette Alvarez & Cara Buckley, *Zimmerman Is Acquitted in Trayvon Martin Killing*, N.Y. TIMES (July 13, 2013).

[213] Elazar Sontag, *To this Black Lives Matter co-founder, activism begins in the kitchen*, WASH. POST (Mar. 26, 2018); *see also* Garrett Chase, *The Early History of the Black Lives Matter Movement, and the Implications Thereof*, 18 NEV. L.J. 1091, 1095 (2018).

that his death . . . set off."[214] A movement was in its early stages that would shine a light on killings by police and police brutality writ large – a problem Black people have endured since "states replaced slave patrols with police officers who enforced 'Black codes.'"[215]

Jamison's traffic stop cannot be separated from this context. Black people in this country are acutely aware of the danger traffic stops pose to Black lives.[216] Police encounters happen regardless of station in life or standing in the community; to Black doctors, judges, and legislators alike.[217] United States

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[214] Channing Joseph & Ravi Somaiya, *Demonstrations Across the Country Commemorate Trayvon Martin*, N.Y. TIMES (July 21, 2013).

[215] Hannah L.F. Cooper, *War on Drugs Policing and Police Brutality*, 50 SUBSTANCE USE & MISUSE 1188, 1189 (2015); *see also* Elizabeth Hinton & DeAnza Cook, *The Mass Criminalization of Black Americans: A Historical Overview*, 1 ANN. REV. CRIMINOLOGY 2.1, 2.3 (forthcoming 2021); Katheryn Russell-Brown, *Making Implicit Bias Explicit: Black Men and the Police*, in POLICING THE BLACK MAN 139–40 (Angela J. Davis ed., 2018); Brandon Hasbrouck, *The 13th Amendment Could End Racist Policing*, SLATE (June 5, 2020).

[216] *See, e.g.*, Ron Stodghill, *Black Behind the Wheel*, N.Y. TIMES (July 14, 2020); Helen Sullivan et al., *Thousands continue protesting across US as Minneapolis vows to dismantle police department – as it happened*, THE GUARDIAN (June 12, 2020). "There's a long history of black and brown communities feeling unsafe in police presence." *United States v. Curry*, No. 18-4233, 2020 WL 3980362, at *13 (4th Cir. July 15, 2020) (Gregory, C.J., concurring).

[217] *See* Crystal Bonvillian, *Video: Black Miami doctor who tests homeless for COVID-19 handcuffed, detained outside own home*, KIRO 7 (Apr. 14, 2020); David A. Harris, *Racial Profiling: Past, Present, and Future?*, ABA CRIM. JUSTICE MAG. (Winter 2020) (recounting the suit and settlement achieved by Robert Wilkins, U.S. Circuit Judge for the D.C. Circuit); Louis Nelson, *Sen. Tim Scott reveals incidents of being targeted by Capitol Police*, POLITICO (July 13, 2016).

Senator Tim Scott was pulled over seven times in one year—and has even been stopped while a member of what many refer to as "the world's greatest deliberative body."[218] The "vast majority" of the stops were the result of "nothing more than driving a new car in the wrong neighborhood or some other reason just as trivial."[219]

In a moving speech delivered from the Senate floor just last month, Senator Scott said,

> As a black guy, I know how it feels to walk into a store and have the little clerk follow me around, even as a United States Senator. I get that. I've experienced that. I understand the traffic stops. I understand that when I'm walking down the street and some young lady clutches on to her purse and my instinct is to get a little further away because I don't want any issues with anybody, I understand that.

See U.S. Senator Tim Scott, Senator Tim Scott Delivers Fiery Speech on Senate Floor After Senate Democrats Stonewall Legislation on Police Reform Across America (June 24, 2020), *available at* https://www.scott.senate.gov/media-center/press-releases/senator-tim-scott-delivers-fiery-speech-on-senate-floor-after-senate-democrats-stonewall-legislation-on-police-reform-across-america.

[218] Tim Scott, *GOP Sen. Tim Scott: I've choked on fear when stopped by police. We need the JUSTICE Act.*, USA TODAY (June 18, 2020).

[219] Nelson, *supra* ("Scott also shared the story of a former staffer of his who drove a Chrysler 300, 'a nice car without any question, but not a Ferrari.' The staffer wound up selling that car out of frustration after being pulled over too often in Washington, D.C., 'for absolutely no reason other than for driving a nice car.' He told a similar story of his brother, a command sergeant major in the U.S. Army, who was pulled over by an officer suspicious that the car Scott's brother was driving was stolen because it was a Volvo. . . . Scott pleaded in his remarks that the issues African-Americans face in dealing with law enforcement not be ignored.").

The situation is not getting better. The number of people killed by police each year has stayed relatively constant,[220] and Black people remain at disproportionate risk of dying in an encounter with police.[221] It was all the way back in 1968 when Nina Simone famously said that freedom meant "no fear! I mean really, no fear!"[222] Yet decades later, Black male teens still report a "fear of police and a serious concern for their personal safety and mortality in the presence of police officers."[223]

In an America where Black people "are considered dangerous even when they are in their living rooms eating ice cream, asleep in their beds, playing in the park, standing in the pulpit of their church, birdwatching, exercising in public, or walking home from a trip to the store to purchase a bag of Skittles,"[224] who can say that Jamison felt free that night on the side of Interstate 20? Who can say that he felt free to say no to an armed Officer McClendon?

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[220] *See, e.g.*, John Sullivan et al., *Four years in a row, police nationwide fatally shoot nearly 1,000 people*, WASH. POST (Feb. 12, 2019).

[221] Niall McCarthy, *Police Shootings: Black Americans Disproportionately Affected [Infographic]*, FORBES (May 28, 2020) ("Black Americans . . . are shot and killed by police [at] more than twice . . . the rate for white Americans.").

[222] Adam Shatz, *The Fierce Courage of Nina Simone*, N.Y. REV. OF BOOKS (Mar. 10, 2016).

[223] Smith Lee & Robinson, *That's My Number One Fear in Life. It's the Police": Examining Young Black Men's Exposures to Trauma and Loss Resulting From Police Violence and Police Killings*, 45 J. BLACK PSYCH. 143, 146 (2019) (citation omitted).

[224] *Curry*, 2020 WL 3980362, at *14 (Gregory, C.J., concurring).

It was in this context that Officer McClendon repeatedly lied to Jamison. It was in this moment that Officer McClendon intruded into Jamison's car. It was upon this history that Jamison said he was tired. These circumstances point to Jamison's consent being involuntary, a situation where he felt he had "no alternative to compliance" and merely mouthed "pro forma words of consent."[225]

Accordingly, Officer McClendon's search of Jamison's vehicle violated the Fourth Amendment.

B. Violation of Clearly Established Law

The Court must now determine whether Officer McClendon "violated clearly established constitutional rights of which a reasonable person would have known."[226]

"A clearly established right is one that is 'sufficiently clear that every reasonable official would have understood that what he is doing violates that right.'"[227] "Clearly established law must be particularized to the facts of a case. Thus, while a case need not be directly on point, precedent must still put the underlying question beyond debate."[228] District courts in this Circuit have been told that "clearly established law comes from holdings, not dicta."[229] We "are to pay close attention to

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[225] *United States v. Ruigomez*, 702 F.2d 61, 65 (5th Cir. 1983).

[226] *Samples v. Vadzemnieks*, 900 F.3d 655, 662 (5th Cir. 2018) (quotations, citations, and ellipses omitted).

[227] *Mullenix*, 136 S. Ct. at 308 (citation omitted).

[228] *Id.* (quotations and citation omitted).

[229] *Morrow v. Meachum*, 917 F.3d 870, 875 (5th Cir. 2019) (citations omitted).

the specific context of the case" and not "define clearly established law at a high level of generality."[230]

"It is the plaintiff's burden to find a case in his favor that does not define the law at a high level of generality."[231] To meet this high burden, the plaintiff must "point to controlling authority—or a robust consensus of persuasive authority—that defines the contours of the right in question with a high degree of particularity."[232]

It is here that the qualified immunity analysis ends in Officer McClendon's favor.

Viewing the facts in the light most favorable to Jamison, the question in this case is whether it was clearly established that an officer who has made five sequential requests for consent to search a car, lied, promised leniency, and placed his arm inside of a person's car during a traffic stop while awaiting background check results has violated the Fourth Amendment. It is not.

Jamison identifies a Tenth Circuit case finding that an officer unlawfully prolonged a detention "after verifying the temporary tag was valid and properly displayed."[233] That court wrote that "[e]very temporary tag is more difficult to read in

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[230] *Anderson v. Valdez*, 913 F.3d 472, 476 (5th Cir. 2019) (quotations and citations omitted).

[231] *Rich v. Palko*, 920 F.3d 288, 294 (5th Cir. 2019) (quotations and citation omitted).

[232] *McLin v. Ard*, 866 F.3d 682, 696 (5th Cir. 2017) (quotations and citation omitted).

[233] Docket No. 68 at 20 (citing *United States v. Edgerton*, 438 F.3d 1043, 1051 (10th Cir. 2006)).

the dark when a car is traveling 70 mph on the interstate. But that does not make every vehicle displaying such a tag fair game for an extended Fourth Amendment seizure."[234] Aside from the fact that a Tenth Circuit case is not "controlling authority" nor representative of "a robust consensus of persuasive authority,"[235] the case is unavailing here since Officer McClendon was awaiting NCIC results when he began to question Jamison. As discussed above, questioning while awaiting results from an NCIC check is "not inappropriate."[236] Officer McClendon's initial questioning was not in and of itself a Fourth Amendment violation.

As to Officer McClendon's "particular conduct" of intruding into Jamison's vehicle, making promises of leniency, and repeatedly questioning him, Jamison primarily argues that "a genuine issue of material fact exists regarding the voluntariness of Mr. Jamison's alleged consent to allow the Defendant McLendon to search his car."[237] He contends that a grant of "qualified immunity [is] inappropriate based on those factual conflicts."[238]

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[234] *Edgerton*, 438 F.3d at 1051.

[235] *Palko*, 920 F.3d at 294.

[236] *United States v. Zucco*, 71 F.3d 188, 190 (5th Cir. 1995).

[237] Docket No. 68 at 23.

[238] *Id.* at 24 (citing *Jordan v. Wayne Cty., Miss.*, No. 2:16-CV-70-KS-MTP, 2017 WL 2174963, at *5 (S.D. Miss. May 17, 2017)).

To prevail with this argument, Jamison must show that the factual dispute is such that the Court cannot "settl[e] on a coherent view of what happened in the first place."[239] Further, "[Jamison's] version of the violations [should] implicate clearly established law."[240] That is not the case here.

While Jamison and Officer McClendon's recounting of the facts differs, the Court is able to settle on a coherent view of what occurred based on Jamison's version of the facts.[241] Considering the evidence in a light "most favorable" to Jamison,"[242] Jamison has failed to show that Officer McClendon acted in an objectively unreasonable manner. An officer's "acts are held to be objectively reasonable unless all reasonable officials in the defendant's circumstances would have then known that the defendant's conduct violated the United States Constitution or the federal statute as alleged by the plaintiff."[243]

While Jamison contends that Officer McClendon's intrusion was coercive, Jamison fails to support the claim with relevant precedent. He cites to this Court's opinion in *United States v. Alvarado*, which found it unreasonable to detain a person on the side of the highway for an hour "for reasons not tied to reasonable suspicion that he had committed a crime or was

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[239] *Lampkin v. City of Nacogdoches*, 7 F.3d 430, 435 (5th Cir. 1993); *see also Mangieri v. Clifton*, 29 F.3d 1012, 1016 (5th Cir. 1994).

[240] *Johnston v. City of Houston, Tex.*, 14 F.3d 1056, 1061 (5th Cir. 1994).

[241] *Contra Lampkin*, 7 F.3d at 435 ("The facts leading up to these mistakes are not consistent among various officers' testimony and affidavits.").

[242] *Id.*

[243] *Thompson v. Upshur Cty., TX*, 245 F.3d 447, 457 (5th Cir. 2001).

engaged in the commission of a crime."[244] However, this Court's opinions cannot serve as "clearly established" precedent.[245] Moreover, the facts of that case are distinguishable since the defendant in *Alvarado* was unlawfully held after background checks came back clear.[246]

The cases the Court cited above regarding physical intrusions – *United States v. Pierre* and *New York v. Class* – are also insufficient. While it has been clearly established since at least 1986 that an officer may be held liable for an unreasonable "intrusion into the interior of [a] car,"[247] this is merely a "general statement[] of the law."[248] "[C]learly established law must be particularized to the facts of the case."[249]

In *Pierre*, the officer could not see into the suspect's back seat and had to put his head inside to speak to the suspect. In *Class*, the suspect had been removed from his car and the officer put his hand inside to move papers so that he could see the car's VIN. Neither case considered a police officer putting his arm inside a car while trying to get the driver to consent to a search. Both cases also found the officer's conduct to be reasonable, thus not providing "fair and clear warning" of what constitutes an unreasonable intrusion into a car.

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[244] *United States v. Alvarado*, 989 F. Supp. 2d 505, 522 n.21 (S.D. Miss. 2013).

[245] *See McCoy*, 950 F.3d at 233 n.6.

[246] *Alvarado*, 989 F. Supp. 2d at 522.

[247] *Pierre*, 958 F.2d at 1309; *see also Class*, 475 U.S. at 114–15.

[248] *White*, 137 S. Ct. at 552 (quotations and citation omitted).

[249] *Id.* (quotations and citation omitted).

Given the lack of precedent that places the Constitutional question "beyond debate," Jamison's claim cannot proceed.[250] Officer McClendon is entitled to qualified immunity as to Jamison's prolonged detention and unlawful search claims.

V. Jamison's Seizure of Property & Damage Claim

Jamison's complaint pleads a separate claim for the "reckless[] and deliberate[]" damage to his car he alleges occurred during Officer McClendon's search. Jamison points out, however, that although Officer McClendon sought summary judgment as to all claims and an entry of final judgment, neither his original nor his renewed motion for summary judgment provided an argument as to this third claim.

Jamison is correct. Officer McClendon's failure to raise the argument in his motions for summary judgment means he has forfeited its resolution at this juncture.[251] And his attempt to shoehorn it into his reply in support of his renewed motion for summary judgment was too late, since "[a]rguments

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[250] *Id.* at 551 (quotations and citation omitted).

[251] *See Bank of Am. Nat'l Ass'n v. Stauffer*, 728 F. App'x 412, 413 (5th Cir. 2018). The situation is inapposite to the cases in Officer McClendon's reply brief. Both *Vela v. City of Houston*, 276 F.3d 659 (5th Cir. 2001), and *Hargrave v. Fibreboard Corp.*, 710 F.2d 1154, 1156 (5th Cir. 1983), concerned cases in which a party argued for summary judgment on claims and the opposing party failed to address at least one of the theories of recovery in its response. In such cases, the Fifth Circuit held that the nonmoving party "abandoned its alternative theories of recovery [or defenses] by failing to present them to the trial court." *Vela*, 276 F.3d at 678–79. Here, however, Officer McClendon failed to raise an argument in his original brief as to Jamison's third claim.

raised for the first time in a reply brief are waived."[252] The question of whether to grant or deny summary judgment as to Jamison's "Seizure of Property & Damage Claim" is simply not before the court. Accordingly, the claim will be set for trial.

VI. The Return of Section 1983

Our nation has always struggled to realize the Founders' vision of "a more perfect Union."[253] From the beginning, "the Blessings of Liberty" were not equally bestowed upon all Americans.[254] Yet, as people marching in the streets remind us today, some have always stood up to face our nation's failings and remind us that "we cannot be patient."[255] Through their efforts we become ever more perfect.

The U.S. Congress of the Reconstruction era stood up to the white supremacists of its time when it passed Section 1983. The late Congressman John Lewis stared down the racists of his era when he marched over the Edmund Pettus Bridge. The Supreme Court has answered the call of history as well, most famously when it issued its unanimous decision in *Brown v.*

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[252] *Dixon v. Toyota Motor Credit Corp.*, 794 F.3d 507, 508 (5th Cir. 2015); *see also Dugger v. Stephen F. Austin State Univ.*, 232 F. Supp. 3d 938, 957 (E.D. Tex. 2017) (collecting cases demonstrating that "courts disregard new evidence or argument offered for the first time in the reply brief").

[253] U.S. CONST. pmbl.

[254] *Id.*

[255] John Lewis, Speech at the March on Washington (Aug. 28, 1963), *available at* https://voicesofdemocracy.umd.edu/lewis-speech-at-the-march-on-washington-speech-text/.

Board of Education and resigned the "separate but equal" doctrine to the dustbin of history.

The question of today is whether the Supreme Court will rise to the occasion and do the same with qualified immunity.

A. The Supreme Court

That the Justices haven't acted so far is perhaps understandable. Not only would they likely prefer that Congress fixes the problem, they also value *stare decisis*, the legal principle that means "fidelity to precedent."[256]

S*tare decisis*, however, "isn't supposed to be the art of methodically ignoring what everyone knows to be true."[257] From TikTok[258] to the chambers of the Supreme Court, there is increasing consensus that qualified immunity poses a major problem to our system of justice.

Justice Kennedy "complained"[259] as early as 1992 that in qualified immunity cases, "we have diverged to a substantial degree from the historical standards."[260] Justice Scalia admitted that the Court hasn't even "purported to be faithful to the

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[256] *See June Med. Servs. L.L.C. v. Russo*, No. 18-1323, 2020 WL 3492640, at *22 (U.S. June 29, 2020) (Roberts, C.J., concurring).

[257] *Ramos*, 140 S. Ct. at 1405 (citation omitted).

[258] *See, e.g.*, @thekaranmenon, TIKTOK (June 7, 2020), https://vm.tiktok.com/JLVfBkn/.

[259] That's Professor Baude's word, not mine. Baude, *supra* at 61.

[260] *Wyatt v. Cole*, 504 U.S. 158, 170 (1992) (Kennedy, J., concurring).

common-law immunities that existed when § 1983 was enacted."[261] Justice Thomas wrote there is "no basis" for the "clearly established law" analysis[262] and has expressed his "growing concern with our qualified immunity jurisprudence."[263] Justice Sotomayor has noted that her colleagues were making the "clearly established" analysis ever more "onerous."[264] In her view, the Court's doctrine "tells officers that they can shoot first and think later, and it tells the public that palpably unreasonable conduct will go unpunished."[265] It remains to be seen how the newer additions to the Court will vote.[266]

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[261] *Crawford-El v. Britton*, 523 U.S. 574, 611 (1998) (Scalia, J., joined by Thomas, J., dissenting) (citation omitted).

[262] *Baxter*, 140 S. Ct. at 1864 (Thomas, J., dissenting from the denial of certiorari).

[263] *Ziglar*, 137 S. Ct. at 1870 (Thomas, J., concurring in part).

[264] *Kisela v. Hughes*, 138 S. Ct. 1148, 1158 (2018) (Sotomayor, J., joined by Ginsburg, J., dissenting); *see also Mullenix*, 136 S. Ct. at 316 (Sotomayor, J., dissenting).

[265] *Id.* at 1162.

[266] According to one analysis, Justice Gorsuch's record on the Tenth Circuit signaled that he "harbors a robust—though not boundless—vision of qualified immunity" and "is sensitive to the practical concerns qualified immunity is meant to mollify—namely, the realities of law enforcement." Shannon M. Grammel, *Judge Gorsuch on Qualified Immunity*, 69 STAN. L. REV. ONLINE 163 (2017). On the Court of Appeals, however, those were the concerns then-Judge Gorsuch was supposed to honor. The genius of the law is that, as now-Justice Gorsuch observed in 2019, "[t]he Court bows to the lessons of experience and the force of better reasoning, recognizing that the process of trial and error, so fruitful in the physical sciences, is appropriate also in the judicial function." *Gamble v. United States*, 139 S. Ct. 1960, 2006 (2019) (Gorsuch, J., dissenting) (quoting Justice Brandeis).

Even without a personnel change, recent decisions make it questionable whether qualified immunity can withstand the *stare decisis* standard.[267] In 2018, *Janus v. AFSCME* overruled *Abood v. Detroit Board of Education*; in 2019, *Knick v. Township of Scott* overruled *Williamson County v. Hamilton Bank*; and in 2020, *Ramos v. Louisiana* overruled *Apodoca v. Oregon*. Perhaps this Court is more open to a course-correction than its predecessors.

So what is there to do?

I do not envy the Supreme Court's duty in these situations. Nor do I have any perfect solutions to offer. But a Fifth Circuit case about another Reconstruction-era statute, 42 U.S.C. § 1981, suggests vectors of change. The case has been lost to the public by a fluke of how it was revised. I share its original version here to give a tangible example of how easily legal doctrine can change.

Sometimes our understanding of words changes, too, as we glean new insight into the meaning of an authoritative text. *See, e.g.*, *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731 (2020). Justice Gorsuch's majority opinion in *Bostock* emphasized that "no court should ever" dispense with a statutory text "to do as we think best," adding, "the same judicial humility that requires us to refrain from adding to statutes requires us to refrain from diminishing them." *Id.* at 1753. Yet that is exactly what the Court has done with § 1983.

[267] *See Janus v. AFSCME, Council 31*, 138 S. Ct. 2448, 2481 (2018); *June Med. Servs.*, 2020 WL 3492640, at *22 (Roberts, C.J., concurring).

B. Section 1981 and Mr. Dulin

Section 1981 "prohibits racial discrimination in making and enforcing contracts."[268] It reads,

> All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other.[269]

You don't need a lawyer to understand this statute. The language is simple and direct. It calls for "full and equal benefit of all laws and proceedings" regardless of race.

A few years ago, George Dulin invoked this law in a suit he brought against his former employer. Dulin was a white attorney in the Mississippi Delta. He had represented the local hospital board for 24 years. When he was replaced by a Black woman, Dulin claimed that the Board had discriminated against him on the basis of race. He said that no Board member had complained about his job performance, some of the

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[268] *White Glove Staffing, Inc. v. Methodist Hosps. of Dallas*, 947 F.3d 301, 308 (5th Cir. 2020) (citation omitted).

[269] 42 U.S.C. § 1981(a). "[W]hile the statutory language has been somewhat streamlined in re-enactment and codification, there is no indication that § 1981 is intended to provide any less than the Congress enacted in 1866 regarding racial discrimination against white persons." *McDonald v. Santa Fe Trail Transp. Co.*, 427 U.S. 273, 296 (1976).

Board members had made racist remarks, and he was better qualified than his replacement.[270]

Despite being simply stated, Section 1981 is not simply enforced. In Section 1981, as with its cousin Section 1983, federal judges have invented extra requirements for plaintiffs to overcome before they may try their case before a jury.

In Dulin's case, the trial judge and two appellate judges thought he couldn't overcome those extra hurdles. Specifically, the Fifth Circuit majority explained that although some evidence showed that no one *complained* about Dulin's job performance, other evidence revealed that the Board was *silently* dissatisfied with his work.[271] They held that Dulin's evidence of racist remarks was from too long ago—it failed the "temporal proximity" requirement.[272] Then they found that his evidence of superior qualifications could not overcome a legal standard which says that "differences in qualifications are generally not probative evidence of discrimination unless those disparities are of such weight and significance that no reasonable person, in the exercise of impartial judgment, could have chosen the candidate selected over the plaintiff for the job in question."[273] For the moment, Dulin had lost.

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[270] *Dulin v. Bd. of Comm'rs of Greenwood Leflore Hosp.*, 586 F. App'x 643, 645-46 (5th Cir. 2014).

[271] *See George Dulin v. Bd. of Comm'rs of Greenwood Leflore Hosp.*, No. 10-60095, slip op. at 6 (5th Cir. July 8, 2011).

[272] *Id.* at 7.

[273] *Id.* at 11 (quotations and citation omitted). This standard is awfully subjective.

To be clear, these judges in the majority hadn't "gone rogue." They were simply attempting to follow precedent that had long since narrowed the scope of Section 1981.

Judge Rhesa Barksdale filed a 22-page dissent. He argued that the many factual disputes should be resolved by a jury, given the Seventh Amendment right to jury trials.[274] He wrote that the temporal proximity test was too stringent since a savvy Board could have "*purposely* waited a year to terminate Dulin in order for that decision not to appear to be motivated by race."[275] He noted the evidence suggesting that the Board was lying about its motives, since "the Board never discussed Dulin's claimed poor performance."[276] Judge Barksdale then flatly disagreed that the court "must apply the superior-qualifications test," given evidence that the Board never cared to even discuss the qualifications of Dulin's replacement.[277] He "urged" the full court to rehear the case en banc.[278]

Judges err when we "impermissibly substitute[]" a jury determination with our own—the Seventh Amendment tells us so.[279] We err again when we invent legal requirements that are untethered to the complexity of the real world.[280] The truth is,

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[274] *Id.* at 13-14 (Barksdale, J., dissenting).

[275] *Id.* at 26.

[276] *Id.* at 30.

[277] *Id.* at 32–33.

[278] *Id.* at 34.

[279] *Reeves v. Sanderson Plumbing Prod., Inc.*, 530 U.S. 133, 153 (2000); *see also Vance v. Union Planters Corp.*, 209 F.3d 438, 442 n.4 (5th Cir. 2000).

[280] The most confounding made-up standard might have been from the Eleventh Circuit. For years, that court held that a plaintiff could prove discrimination based on her superior qualifications "only when the disparity

Section 1981 doesn't have a "temporal proximity" requirement. It says everyone in this country has "the same right . . . to the full and equal benefit of all laws and proceedings for the security of persons and property." We should honor it.

Judge Barksdale's powerful defense of the Seventh Amendment eventually persuaded his colleagues. They withdrew their opinion and issued in its place a two-paragraph, per curiam order directing the district court to hold a full trial on Dulin's claims.[281] Dulin subsequently presented his case to a jury of his peers, and the judiciary didn't collapse under a flood of follow-on litigation.[282] That he won his trial hardly matters: the case affirmed Judge Browning's point that "jury trials are the most democratic expression" of which official acts are reasonable and which are excessive.[283, 284]

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in qualifications is so apparent as virtually to jump off the page and *slap you in the face*." *Ash v. Tyson Foods, Inc.*, 546 U.S. 454, 456-57 (2006) (emphasis added) (quotations and citation omitted). The Supreme Court eventually rejected the standard as "unhelpful and imprecise." *Id.* at 457.

[281] *See Dulin v. Bd. of Comm'rs of Greenwood Leflore Hosp.*, 657 F.3d 251, 251 (5th Cir. 2011).

[282] We have many tools at our disposal to stop frivolous suits at any stage of litigation. *See, e.g.*, 28 U.S.C. § 1915; Fed. R. Civ. P. 11, 12, 37, and 56; *Link v. Wabash R. Co.*, 370 U.S. 626, 629 (1962). Even after a jury has reached a verdict, a judge may set aside the decision or take other corrective actions if the judge believes a reasonable jury could not have reached the decision. *See, e.g.*, Fed. R. Civ. P. 50, 59 and 60. And where the trial court errs, the appellate court is given the opportunity to correct.

[283] *Manzanares*, 331 F. Supp. 3d at 1294 n.10.

[284] The Court recognizes that juries have not always done the right thing. As the Supreme Court noted in *Ramos*, some states created rules regarding jury verdicts that can be "traced to the rise of the Ku Klux Klan and efforts to dilute 'the influence of racial, ethnic, and religious minorities'" on their

I have told this story today because of its obvious parallels with § 1983. In both situations, judges took a Reconstruction-era statute designed to protect people *from the government*, added in some "legalistic argle-bargle,"[285] and turned the statute on its head to protect the government *from the people*. We read § 1983 against a background of robust immunity instead of the background of a robust Seventh Amendment.[286] Then we added one judge-made barrier after another. Every hour we spend in a § 1981 case trying to parse "temporal proximity" is a distraction from the point of the statute: to determine if there was unlawful discrimination. Just as every hour we spend in a § 1983 case asking if the law was "clearly established" or "beyond debate" is one where we lose sight of why

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juries. 140 S. Ct. at 1394. As other courts have noted, "racial discrimination remains rampant in jury selection." *State v. Saintcalle*, 178 Wash. 2d 34, 35 (2013), *abrogated on other grounds by City of Seattle v. Erickson*, 188 Wash. 2d 721 (2017). Like any actor in our legal system, juries may succumb to "unintentional, institutional, or unconscious" biases. *Id.* at 36. However, the federal courts' adoption and expansion of qualified immunity evinces an obvious institutional bias in favor of state actors. With its more diverse makeup relative to those of us who wear the robe, a jury is best positioned to "decide justice." Paul Butler, *Racially Based Jury Nullification: Black Power in the Criminal Justice System*, 105 YALE L.J. 677, 701-02 (1995) (citation omitted); *see also* Danielle Root et al., *Building a More Inclusive Federal Judiciary*, CTR. FOR AM. PROGRESS (Oct. 3, 2019) ("Today, more than 73 percent of sitting federal judges are men and 80 percent are white. Only 27 percent of sitting judges are women . . . . while Hispanic judges comprise just 6 percent of sitting judges on the courts. Judges who self-identify as LGBTQ make up fewer than 1 percent of sitting judges.") (citations omitted).

[285] *United States v. Windsor*, 570 U.S. 744, 799 (2013) (Scalia, J., dissenting).

[286] Afterall, "[q]uite simply, jurors are the life's blood of our third branch of government." *Marchan v. John Miller Farms, Inc.*, 352 F. Supp. 3d 938, 947 (D. N.D. 2018) (citation omitted).

Congress enacted this law those many years ago: to hold state actors accountable for violating federally protected rights.

There is another, more difficult reason I have told this story, though. When the Fifth Circuit withdrew its first opinion, Westlaw deleted it and the accompanying dissent. Other attorneys and judges have thus never had the benefit of Judge Barksdale's analysis and defense of the Seventh Amendment—one forceful enough to persuade his colleagues to reverse themselves.[287] That is a loss to us all.

And, although the panel in *Dulin* ultimately permitted the case to proceed to a jury trial, this fell short of equal justice under the law. Instead of seeking en banc review to eliminate the judge-created rules that prohibited Mr. Dulin's case from moving forward, the panel simply decided his case would be an exception to the rules. They provided no explanation as to why an exception, rather than a complete overhaul, was appropriate. The "temporal proximity" requirement still applies to § 1981 claims in the Fifth Circuit today. *Dulin* shows us an example of judges recognizing the inconsistencies and impracticalities of an invented doctrine, but not going far enough to correct the wrong.

In *Dulin*, federal judges decided that a Reconstruction-era law could accommodate the claims of an older, white, male attorney. They had the imagination to see how their constricting view of § 1981 harmed someone who shared the background of most federal judges. That same imagination must be used to resuscitate § 1983 and remove the impenetrable shield of protection handed to wrongdoers.

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[287] Fortunately, the dissent is readily found on Google searches and an official copy was preserved on the District Court's docket.

Instead of slamming shut the courthouse doors, our courts should use their power to ensure Section 1983 serves all of its citizens as the Reconstruction Congress intended. Those who violate the constitutional rights of our citizens must be held accountable. When that day comes we will be one step closer to that more perfect Union.

VII. Conclusion

Again, I do not envy the task before the Supreme Court. Overturning qualified immunity will undoubtedly impact our society. Yet, the status quo is extraordinary and unsustainable. Just as the Supreme Court swept away the mistaken doctrine of "separate but equal," so too should it eliminate the doctrine of qualified immunity.

Earlier this year, the Court explained something true about wearing the robe:

> Every judge must learn to live with the fact he or she will make some mistakes; it comes with the territory. But it is something else entirely to perpetuate something we all know to be wrong only because we fear the consequences of being right.[288]

Let us waste no time in righting this wrong.

Officer McClendon's motion is **GRANTED**, and the remaining claim in this matter will be set for trial in due course.

SO ORDERED, this the 4th day of August, 2020.

s/ CARLTON W. REEVES
United States District Judge

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[288] *Ramos*, 140 S. Ct. at 1408.

App 5

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B.	)	
Swartz, et.al	)	
Defendants.	)	

PLAINTIFF MEGHAN KELLY'S 212th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. Defendant Kathleen Vavala was appointed as a Superior Court per the attached email.

2. It seems like Defendants are rewarded for the cover up lawlessness by the state causing injustice to serve the partial appearance of the state unrestrained by the Constitutional limits and in violation of Equal Protections.

3. Justice is a matter of truth not expert or professional opinion partial towards business. I believe partiality towards business which eliminates freedom.

4. The rule of law is not a business. While it is important to address why the government provisions relating to borrowing money should be deemed unConstitional as enslaving the people to pay back what is made out of nothingness to private partners who receive unjust gains, now is not the time. US Amend I, V, XIII, XIV.

5. Justice is a matter of truth not barter or exchange leaving those with something to barter influence, power, riches or connections able to unjustly buy their will be done and leaving the poor with nothing but their own souls which is not for sale by a free not slave people.

6. Justice is not a popularity contest where judges must bend to the fickle fads of those who entice the masses to passion to attack judges by mob threat or warrantless

impeachments to control a no longer free or impartial but controlled court incapacitated to fairly rule.

7. Justice Alito has been criticized in news lately for his alleged wife's spat with a neighbor whereby she hung an upside-down United States flag up which appeared to support one political party. See the attached articles.

8. Justice Alito's New Jersy beach house allegedly also adorned a political flag.

9. There is no rule that the family members of judges lose their Constitutional freedom of speech or affiliation by relational status with a judge. US Amend I, V, XIV.

10. Half the nation appears to lean towards President Biden. Half the nation or perhaps even more than half the nation leans towards President Trump.

11. I make a side note. This Court is aware I made the argument the vote is a tool of slavery to representative mob rule if not restrained by the courts to protect individuals and individual liberties from sacrifice under the lie of the collective welfare.

12. The alleged right to vote includes the right not to vote. I am not voting for either of these two misbehaving men, but I seek to protect the right to petition the courts when a President violates the law affecting my fundamental rights personally in this case. I am persecuted but for suing Trump to dissolve a course of conduct creating the establishment of government religion which substantially burdened my exercise of religious beliefs. I do not even go to mass at St Anne's Catholic Church often because of what the Presidents (both) have done to change my church specifically with regards to executive orders. What is worshipped has changed. The Church unashamedly and more openly encourages the type of sin that damns people to hell based on the executive orders passed by Trump and endorsed and worsened by Biden. I do not want to talk about this now because it upsets me.

13. Nevertheless, I protect people's freedom to disagree with me. Love cares for and does not control and order with the limit other people are not free to oppress, and enslave others or commit human sacrifice. The Constitution protects life and liberty, neither of which should be sacrificed under the lie of serving the country. People serve their country best by living, making the world a little bit better by being in it, not dying. The people are the treasure especially their power to criticize to help us improve or to correct misunderstandings their own or ours.

14. Accordingly, we protect Justice Alito's wife 1st Amendment right to disagree with others. We protect his wife's First Amendment right to speech, association, and vote. I do not need to agree with it. I obviously don't need to agree with her point of view. I don't, but I do need to protect her freedom to criticize because that is more valuable than money and what makes our nation richer. It helps humble us learn from one another and improve. None of the presidents are God. None of the US Supreme Court justices are God either. The petition is the people's tool coupled with due process to correct even the highest court not to destroy them but to improve the administration of justice fairly and maintain the Constitution as the rule of law that unites these United States to prevent schemed dissolution.

15. The man I love most Matthew Kosoriek who decided not to marry me said something brilliant that stuck with me and should be attributed to him not me. He lamented he did not understand why jurors who opposed the death penalty were kicked off while only pro kill people stayed on. On a side note, I believe people sin for even supporting the death penalty which violates the express tenants of the Constitutional's protections of life and liberty by satanic human sacrifice and servitude to the devil who has power over death as against my religious beliefs as a party of one. See, Hebrews 2:14. ("Since the children have flesh and blood, he too

shared in their humanity so that by his death he might break the power of him who holds the power of death—that is, the devil— “)

16. Half the nation may oppose the death penalty. Half the nation supports it. Only one part represents the jury.

17. Similarly, more than half the nation supports Trump than Biden. Do we kick off judges based on their political affiliation? This is distinguishable from my recusal request of Judge Phipps since he has a financial and positional interest in Trump getting elected to become a member of the US Supreme Court. It is different because he has a personal stake in dismissing my case to protect my right to sue Trump without punishment.

18. I also need to think about the Constitutionality of impeachment itself in a horse and pony partial forum ruling over judges and presidents who are no longer free and independent but ruled by fear and threat creating impartial forums for petitioners.

19. So I know from 2021 until 2024 I have argued that judges may only be corrected within the purview of the Constitutional limits of 1. A case and controversy even at appeal, and 2 impeachment.

20. However, after reading through the double-talking founders thinking and feeling so yucky, I think we should look at how or whether impeachment serves Plato’s republic which eliminates freedom and individual rights for representative mob rule, or whether it serves a democratic republic which protects the expressed provisions of the Constitution of life and liberty by restraining representative mob rule to safeguard individuals and individual liberty by preventing human sacrifice.

21. I have not considered the issue as to whether impeachment proceedings will be used to destroy freedoms and aid in the scheme of dissolving these United States to place in issue

are they constitutional as applied or at all… I need to set this aside, but welcome critique that they prevent the courts from being eliminated as I have argued is an intentional scheme.

22. My aim is not to insult, but to safeguard my rights while protecting those who disagree with me with love, despite my diverse beliefs.

23. I am pretty scared. I do not want to be taken out for my faith in Jesus. Kathleen Vavala's move to the Superior Court eliminates the prospect for me to a fair or impartial forum as I foresee, I will be attacked again if the federal courts do not uphold my freedoms no matter how repugnant they find my private religious beliefs and religious exercise of beliefs are. I am not safe by Mark Vavala and Kathleen Vavala's recent moves caused to set me up to fall unwillingly.

24. On a side note, my pretty mom fractured bones including her coccyx and requires a wheel chair. In order to prevent permanent disability by pain it is important to immobilize injured people when they break bones. Even kids have casts around broken arms and legs. You cannot do that around your trunk part of the body. Sadly, doctors drug people up so they increase the fracture and worsen the future pain instead of allowing the pain to guide the patient as if God was guiding them to not move and allow bones to heal together. Certain pain drugs prevent healing too. Doctors don't care. They gain more money if they sustain the pain to sustain the profit streams and the standards defer to harming patients to sustain business by the profiteering disciplinary boards judges defer to.

25. My mother has helped me by BJs gas gift cards in the past and may no longer even sit up for the next three months. So, I do not know how I will sustain the cases. I do not give up willingly on my right to petition coupled with due process. I merely acknowledge the substantial burden poverty created by government force which prevents me from working at my

former law firm creates. The state's order prevents me from working at the job of my choice and I assert the 13th Amendment against involuntary servitude.

26. I note the US Supreme Court held a historical decision yesterday, 5/23/24 in Case No. 22-807 *Alexander v. South Carolina State Conference of the NAACP* which allowed gerrymandering that discriminated against blacks as applied based on political grace. While I cried at reading the opinion, I note the vote is a tool of slavery to eliminate individual liberty by collective representative mob rule under the lie of the devil of a contract for the souls of men by the legal fiction, a lie John Locke spewed as a social contract. So, it is the courts who make us freer. The people and the Attorney Generals through their petitions coupled with due process also makes us freer not only by granting courts Art III authority but by also giving the people the Constitutionally granted legal authority and checks on all three branches. I suspect lobbysists will incite mass unrest regarding the vote. So, I place the historical decision on the docket. I disagree with it and oppose the case law that allows politicians to grant favors based on politics, but in order to defend the courts to show why they grant us a democracy and freedom I need to combat perceived threat with words, not money, mob numbers or might like a naughty lawless mobster-like man like Alexander Hamilton.

27. I need time to investigate whether impeachment eliminates the express intent of the Constitution by eliminating the right of the people to Equal Protections and Due process in impartial forums.

Thank you for your time, consideration and understanding.

Dated 5/24/2024

Respectfully submitted,
Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under religious protest as declaring and swearing violates God's teachings in the Bible, I declare, affirm that the foregoing statement is true and correct.

Dated: May 24, 2024

Meghan Kelly (printed)

Meghan Kelly (signed)

[DSBA] NOTICE OF VACANCY AT ODC

From: Karl Randall (krandall@dsba.org)

To: dsba@delawlist.org

Date: Thursday, May 23, 2024 at 08:53 AM EDT

NOTICE OF VACANCY AT ODC

As a result of Kathleen Vavala having been confirmed by the Delaware Senate to succeed Mary Johnston on the Superior Court, the Office of Disciplinary Counsel, an Arm of the Delaware Supreme Court, has an opening for the position of Deputy Disciplinary Counsel. **The application closing date is Monday, June 3, 2024 at 11:59:00 pm.**

The Essential Job Functions, Job Requirements, Conditions of Hire, Salary and Benefits, Selection Process, Accommodations and Job Application are all listed at: www.StateJobs.Delaware.gov. **NOTE**: the Job is listed under the **Exempt-Non Merit** Tab on the **Search Open Jobs** page. The Job Title is listed as **"Staff Attorney."**

_____
Sent via the Delaware State Bar Association's DSBA mailing list
DSBA@barlist.delawlist.org
https://www.dsba.org

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M Meg Kelly
meghankellyesq@yahoo.com
Manage your account
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The New York Times

Lawmakers Dial Up Pressure on Alito to Recuse From Elections Cases

Zach Montague
Fri, May 24, 2024 at 7:34 AM EDT · 4 min read

1.9k

From second to right: Associate Justice Clarence Thomas; his wife, Virginia Thomas; Associate Justice Samuel Alito; and Associate Justice Sonia Sotomayor attend the funeral of Justice Sandra Day O

WASHINGTON — A growing number of Democratic lawmakers called for Justice Samuel Alito to recuse himself from cases related to Jan. 6, 2021, and demanded new ethics rules for the Supreme Court after revelations that flags carried by rioters at the Capitol were flown outside his homes.

With the Supreme Court just weeks away from issuing decisions on two

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In an interview Thursday, Rep. Steve Cohen, D-Tenn. who has introduced a resolution to censure Alito, said Congress needed to take the firm position that the justice's actions were a violation of judicial propriety.

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"He's not going to resign, he's not going to recuse himself, and I don't think Justice Roberts is going to be able to influence him in that regard," he said, referring to Chief Justice John Roberts. "So the best we can do is to kind of put a scarlet letter on him."

The outcry over Alito comes amid fears about whether the American public will regard the court's rulings about Jan. 6 and Trump as fair as the November election approaches, with President Joe Biden and Trump locked in a tight race. Still, the prospect of any legislative action is slim while Republicans hold a small majority in the House.

The calls for Alito's recusal began after The New York Times reported last week that an upside-down American flag — a symbol associated with 2020 election deniers and used by supporters of Trump at the Jan. 6 riot — had been hung outside Alito's house in Virginia just over a week after the insurrection.

Wednesday, the Times reported that another provocative symbol had been displayed at his vacation house in New Jersey last summer: the "Appeal to Heaven" flag, which is associated with the movement for a more Christian government and was also carried by rioters at the Capitol.

Alito has not responded to questions about the beach house flag, but he has said the flag at his Virginia home was raised by his wife during a clash with a neighbor. A spokesperson for the court did not immediately respond to a request for comment.

Sen. Dick Durbin, D-Ill., the chair of the Judiciary Committee, said Alito must step aside from cases involving the 2020 election and its aftermath.

"For the good of our country and the court, Alito must recuse himself immediately from cases related to the 2020 election and the Jan. 6 insurrection," Durbin said after the latest report. "And the chief justice must see how this is damaging the court and immediately enact an enforceable code of conduct."

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Committee, and Sen. Bill Cassidy, R-La., have both questioned the justice's decision making and conceded that the display of the upside-down flag invited scrutiny.

And Democrats in Congress have seized on the revelations to drum up support for legislation that would require Supreme Court justices to adopt a binding code of conduct and create a mechanism to investigate possible violations.

Such a law would go beyond the code of ethics the court adopted last year that commits the justices to disqualifying themselves from ruling on cases in which their impartiality might reasonably be questioned.

Last week, more than three dozen Democratic members of Congress penned a letter calling on Alito to step away from the election-related cases. Another group of Democrats that included Reps. Adam Schiff of California and Hank Johnson of Georgia, both members of the House Judiciary Committee, announced the creation of a task force to advance the legislation.

Thursday, Johnson's office said he and other members of Congress would send a second letter to Alito on Friday demanding that he recuse himself in light of the Times' reporting.

"The public is rapidly losing faith in the Supreme Court, which is dangerous to our very democracy," Johnson said in an emailed statement. "I fear for the rule of law when every day, it becomes more apparent that a Supreme Court justice has publicly advocated for a particular candidate and for the movement to overturn a lawful election."

A number of judicial ethics experts and former federal judges have said the flags could be interpreted as political statements that reflect poorly on the court as it prepares to issue potentially divisive opinions that could directly affect the 2024 election.

"This does not only reflect partiality, it reflects the impunity of this court," said Nancy Gertner, a lecturer at Harvard Law School and a former federal judge. "The public's concerns about their partiality don't seem to matter to them."

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ANALYSIS

Alito and His Upside Down Flag Make the Case for Supreme Court Term Limits

Pool/Getty

The justice's contempt for ethical standards demonstrates the poisonous effects of too much power for too long.

Michael Waldman

May 22, 2024

Strengthen Our Courts

Promote Fair Courts

SCOTUS & Federal Courts

You're reading The Briefing, *Michael Waldman's weekly newsletter. Click* ***here*** *to receive it in your inbox.*

In January 2021, the upside down American flag had become a banner for Donald Trump's effort to block the peaceful transfer of power. Armed insurrectionists carried it into the U.S. Capitol on January 6. Eleven days later, even as National Guard troops still guarded the Capitol and the Supreme Court building itself, Justice Samuel Alito flew the insurrectionists' flag outside his Virginia home.

This was far more than an act of indiscreet partisanship, troubling though that might have been. We've had those before, from **Sandra Day O'Connor** backing George W. Bush to **Ruth Bader Ginsburg** mocking Trump. Justices are human and sometimes they slip up.

No, this was not a gaffe. It was a senior government official hoisting the banner of a violent insurrectionist movement devoted to overturning a core constitutional principle. At the time, there were numerous cases before the Court in which the justices swatted away Trump's false claims of a stolen election.

And now this term alone, three major cases have been argued that go straight to the misconduct that marked the "Stop the Steal" effort. Already Alito joined the majority in rejecting Colorado's effort to keep Trump off the ballot because he had engaged in an insurrection. The Court is considering a challenge to the use of federal criminal law that could toss the convictions of 350 insurrectionists who stormed the Capitol.

And of course, Alito is part of the Supreme Court's most egregious intervention on Trump's behalf — its refusal to allow the timely federal prosecution of the former president. Special Counsel Jack Smith asked for a ruling confirming that Trump is not immune from prosecution in December 2023. Instead, Alito and his colleagues scheduled arguments for the last hour of the term and seemed to make up a doctrine of wide immunity for some criminal misconduct on the spot. Stop the steal? Start the stall.

Alito has long been inscrutably angry, unwaveringly dogmatic, and the most predictably **partisan** of all justices. But his growing brazenness still shocks. Judges are **required** to "act at all times in a manner that promotes public confidence in the integrity and impartiality of the judiciary." There is simply no question that Alito has breached the rules. Of course he should recuse himself from consideration of the Trump immunity case and the other cases dealing with January 6. Of course he won't.

So in the face of this kind of brazenness, what to do?

To start, Congress must finally **pass a binding code of conduct** for the justices. The current code, which the Court announced in November, is vague and toothless. It was always a bid to forestall congressional action.

Last year, Alito told the *Wall Street Journal*, "I know this is a controversial view, but I'm willing to say it. No provision in the Constitution gives [Congress] the authority to regulate the Supreme Court — period." That's silly. As my colleagues Jennifer Ahearn and Michael Milov-Cordoba recently documented in a well-timed **law review article**, Congress has a major role to play in enforcing Supreme Court ethics. Congress can, and repeatedly has, expanded and shrunk the size of the Court. It can change the Court's jurisdiction. It has set rules for recusal and financial disclosure. Congress even wrote the justices' first mandatory oath of office way back in 1789. As Justice Elena Kagan wisely **responded last year**, "It just can't be that the court is the only institution that somehow is not subject to checks and balances from anybody else. We're not imperial."

Congress can also demand that Alito answer questions under oath, rather than hiding behind incomplete press releases (and his wife). Maybe it can do more.

A breach of this magnitude — in a case that implicates the health of our democratic institutions, by a justice that hasn't shown a single shred of contrition — is a fit topic for robust political intervention.

And, as we've said before, it's **time for term limits**. In response to the latest scandal, Alito has shrugged.

That is a powerful demonstration of the dangerously emboldening effects of lifetime power. Nobody should hold too much power for too long.

And where is Chief Justice John Roberts? He often purports to be an institutionalist and tries to curate the credibility of the Court. He knows that public approval for the high court has plunged to nearly its lowest level ever recorded in polls. That goes beyond a reaction to *Dobbs* and other activist rulings — it reflects wide public dismay with what has become a partisan institution.

Ultimately, this kind of power grab should be a part of the national debate in our national election. Where is President Biden? He seems reluctant to engage, clinging to an outdated reverence many liberals still have for the Court as an institution. But as conservatives taught us for decades, it is entirely appropriate for the Supreme Court, its actions, and its impact, to be a major part of public debate.

The **U.S. Flag Code** instructs that the upside down flag should not be flown "except as a signal of dire distress in instance of extreme danger to life or property." Today it is our constitutional system that is in extreme danger — but not in the way Alito and his allies believe. If Alito won't voluntarily do the bare minimum to protect our democracy, the coequal branches should do everything they can to force him to do so.

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UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	))))))	Civil Action No.: 1:21-1490 (CFC)

PLAINTIFF MEGHAN KELLY'S 216th Affidavit

Comes now Plaintiff Meghan Kelly, I declare and affirm that the foregoing statement is true and correct.

1. I sent the attached emails. I apologize for my typos.

2. Justice Alito responded to congress with the attached two letters.

3. Justice Alito did not give into temptation to be set up to be controlled to be eliminated by congress. We have to protect judges right to plead the 5th too instead of the argument separation of powers which is not derived from the Constitution, simply plead the 5th.

4. There are dumb questions. In the Bible in 2 Tim 2:23, "Don't have anything to do with foolish and stupid arguments, because you know they produce quarrels."

5. Lawyers routinely object to trick questions, "misleading", "assumes a fact not proven" and such. It is prudent for the Court to plead the 5th Amendment to avoid subpoenas against it with intent to incriminate it to avoid contempt proceedings too. This is proper whereas a separation of powers argument is an unconstitutional means to evade Constitutional checks.

6. Tomorrow is a funeral for my schoolmate's dad. I think he killed himself after being forced to sell a farm where he has to look across the street where ugly treeless condos and buildings are allegedly schemed to be built. His life's work destroyed, but he is the gift not his material works.

7. It was tragic that Justin another neighbor found him dead as he walked his dog on May 18, 2024.

8. Exactly what I tried to prevent is happening in Sussex County DE.

9. Farmers got hoodwinked to take money under the lie the state would preserve farms by granting easements above and below the farm soil to the state in exchange for money. The purported feigned intent was to protect the farmers. Yet I went to the meeting concerning that at Sussex County council where a pretty lady spilled the beans during intermission talking on the stars of the chicken poultry's use below the soil to spray the fields with chicken waste. I was there in real life.

10. So, the easements were created to benefit private partners, not limited to the poultry business, but the gas, sewer and other businesses too.

11. Loans are expensive. Other farmers are struggling with increased costs. Other farmers cannot afford to buy the land. So, the state gets it for cheap and by the doctrine of merger may sell it for any purpose it desires. There is a giant farm on the way from the beach to Georgetown, DE that was possessed by the state. The state had signs no trespassing, state property. It looks like it may have switched hands. The purpose of the money to preserve farms was not met. I do not believe the intent was ever to save farms despite the express provisions.

12. Now farmers who have farmed for generations face losing their farms and giving into temptation to harm themselves like my dead neighbor killed by a self-inflicted gun wound.

13. This loss is irreplaceable. This harm allows men like Bill Gates to buy farms for cheap in order to patent unnatural foods to control the food supply to control governments to eliminate them down the line as a partner with WEF who partnered with the UN to allegedly be

shielded by diplomatic immunity should there not be a case or controversy to stop government partners from aiding in the overthrow after 2050.

Thank you for your time, consideration and understanding.

Dated 5/29/2024

Respectfully submitted,

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com
oo

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: May 29, 2024

Meghan Kelly

(printed)

(signed)

Re: 23-7360/Alito talking outside of case or controversy instead of not giving into temptation by those who use or say anything to control Court by congress horse and pony ploys/Please even if you disagree with him think of protecting the integrity of the court and USAG Garland by a case and controversy argument regarding interefernence in No and

From: Meg Kelly (meghankellyesq@yahoo.com)

To: supremectbriefs@usdoj.gov

Cc: david.weiss@usdoj.gov; ryan.costa@delaware.gov; meghankellyesq@yahoo.com; zi-xiang.shen@delaware.gov

Date: Wednesday, May 29, 2024 at 04:43 PM EDT

I write to apologize for the typos.

Judges make things worse by not pleading the 5th but getting defensive to potentially be set up.

Can you please think of a supplemental brief to protect supreme court judges from undue influence by congressional threats of impeachment to affect the outcome and US Garland even if you disagree with them.

AOC was sending facebook posts to impeach Thomas and Alito.

Other congress people incite the wraths of moms unjustly, including my mom who are misled into controlling a no longer impartial court by lobbying to end life-time terms, impeachment and such.

If the Court wrongly grants Trump immunity, guess what the right to petition may correct the courts error. We are not stuck. The Court may reopen the case sua sponte per past case law.

Yet, we cannot undo destruction of the court or disempowering its enforcers US AGs. Please think of a way to protect AGs and the Court by protecting equal protections to the petition and due process as a means to correct not destroy or dismantle the court. US Amend I, V.

Justice Alito rejects demands that he step aside from Jan. 6 cases because of flags (msn.com)

MSN

Thank you,

Meg

23-7360/How do we protect US AGs from being eliminated by valuing their authority?/ impeachment Constitutionally deficient/or possibly impeachment violates constitution by creating partial biased courts/meg needs to look at Constitutional challenges to impeachment to protect your check on presidents

From: Meg Kelly (meghankellyesq@yahoo.com)

To: supremectbriefs@usdoj.gov

Cc: david.weiss@usdoj.gov; ryan.costa@delaware.gov; meghankellyesq@yahoo.com

Date: Wednesday, May 29, 2024 at 11:50 AM EDT

Hello,

There are lobbyists seeking to eliminate you, the enforcers of the rule of law, and petitioners' rights, also the enforcers of the rule of law, in order to eliminate the rule of law.

I never thought about this until recently, but maybe I need to look up the history of impeachment and argue impeachments by horse and pony partial congressional forums eliminated impartiality required to uphold the equal protections of the people by threats by congress.

I drafted 5 articles of impeachment, and contacted all 541 federal law makers with my proposed ideas.

I made no difference. The rule of law was not as important to them as winning.

What is your position on a supplemental brief regarding White house and Durkin's recent incitement of wrath against the US SC hypocritically seeking the court uphold the appearance of impartiality while destroying their appearance for self serving political whims.

Looking at the founders, the only Supreme Court Justice impeached before was Chase for political whims not to uphold the impartial rule of law....

Maybe you could draft your own Supplemental brief in light of outside influence affecting your current case to recommend the court remand it back below in the Trump v US case.

On an aside. attached please find letters from whitehouse.

Also attached please find an obituary. My childhood schoolmate's dad shot himself. His body was found by another person in my development while walking his dog. I think he killed himself because of plans Sussex County and DE had where farmers were tricked to accept money in exchange for the lie of preserving farms by granting the state an easement above and below the land under the facade of preserving farms.

The farm across the street from the decedent's home is sold to have ugly skeletal condos or homes with no trees since there are no trees on a farm.

No one will buy farms accept farmers who are all struggling and cannot afford the expensive loans to make purchases when you cannot build above or below it. This depreciates the value forcing farmers to sell to the state who by the doctrine of merger owns the land fuller. The state resells to their partners for cheap for favors or support even if they did not partake in the scheme. Why? Other farms are taken over like the big one previously state owned on the way from the beach towards Georgetown DE.

There used to be signs state property, no trespassing. That giant farm appears resold already. This aligns with the plans for partners to recoup resources to control the resources to control the gov to eliminate the gov after 2050.

We need to protect the right to petition misguided presidents who allow for the schemed overthrow to bear fruition regardless of last name.

Dissolving the union of private and public sector by business eliminating people's freedom is one way to prevent the overthrow.

Protecting your pay as to prevent eliminating the enforcers of the rule of law also helps. See 93rd affidavit in 21-1490 not attached

Preventing 30 percent of our land from being controlled by those who unjustly take it under diplomatic immunity is important too under the 30 30 plan Biden signed an executive order on that. Science means make what was natural unnatural to patent to control or otherwise profitize upon it in the 30 30 agenda many global leaders support by selling what is not for sale the country and soon enslavement of the country's people through carbon credit debit Digitial slavery system.

Trump's plan to eliminate US AG's and FBI by reducing pay in a military state must be reined in too.

You see how both sides give into temptation of part of the scheme to overthrow the rule of law that sustains these US to allow for the schemed dissolution after 2050. Lobbyists write books like Club of Rome's 2054. I sit up straight and take their agendas seriously in need of the government them not the other way around.

Attached please find an affidavit another affidavit. Please forgive the typos. I was really touched by Judge Clarence Reeves arguments against immunity. Maybe US AGs can use similar arguments to rebut Presidential immunity? I am sued because I sued Trump. Presidents should not have a license to violate the Constitution. There should be no discretion.

I have been thinking of drafting a supplemental brief in the Eastern District case regarding the new and additional information regarding Whitehouse.

Should we consider the issue that impeachment is not effective in upholding the law.

England did away with it.

I need to look up the history of impeachment and argue impeachments by horse and pony partial congressional forums eliminated impartiality required to uphold the equal protections of the people by threats by congress.

I drafted 5 articles of impeachment, and contacted all 541 federal law makers with my proposed ideas.

I made no difference. The rule of law was not as important to them as winning.

Can the US Attorney Generals stop lawmakers from abusing their power to 1. affect elections or 2. influence the outcomes in US Supreme Court cases.

The threats against Merrick Garland and Alito are made to affect the outcome of case law, Hunter's case and Trump case.

Can any US Attorney General ask the courts to say what the limit of the law is and that influencing court cases by threatening people to affect the outcome is wrong by injunctive or declaratory not monetary relief.

Can you please think of a way to safeguard courts by protecting the impartiality of the judges in face of threats to affect the outcome or their enforcers like attorney Garland.

You guys are smart and have more resources than I. Even if the USSC takes me out as unworthy of rights you can save this United States. You can be our hero by persuading the court to save equal protections of the rule of law.

I did not draft a supplemental brief yet.

If I ever sue to save your pay by suing a president even trump it is not to hurt you, but to care for you and the courts. Without you there is no rule of law, So, even if you are my opponent I uphold the Constitution that limits the gov by law to preserve and not sacrifice the lives and liberty of the people by protecting you.

Trump's 2025 plan appears to defund you. :(

Thank you,

Meg

3 Obituary _ George W. Wingate, Jr. of Dagsboro, Delaware _ Melson Funeral Services.pdf
6.2MB

4 Letter by Senators Whitehouse Durben May 23 causing trouble Alito.pdf
3.2MB

5 2024-05-23-Letter-to-CJ-Roberts without Meg notes.pdf
292.8kB

1 215 affidavit.pdf
151.1kB

2 declaration.pdf
221.4kB

3 green-v-thomas.pdf
764.1kB

4 Exhibit 7 to App F Five separate articles of impeachment to impeach President Trump Petitioner drafted and sent to congress.pdf
3.9MB

5 Jamison-v-McClendon.pdf
562.8kB

6 Cert of Service.pdf
651.2kB

Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SAMUEL A. ALITO, JR.

May 29, 2024

Hon. Henry C. "Hank" Johnson, Jr.
Hon. Dan Goldman
Hon. Adam B. Schiff
Hon. Jamie Raskin
Hon. Madeleine Dean
Hon. Jasmine Crockett
Hon. Jan Schakowsky
Hon. Bonnie Watson Coleman
Hon. Eric Swalwell
Hon. Raúl M. Grijalva
Hon. Jesús G. "Chuy" García
Hon. Becca Balint
Hon. Nikema Williams
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Hon. Danny K. Davis
Hon. Betty McCollum
Hon. Kevin Mullin
Hon. Gerald E. Connolly
Hon. Earl Blumenauer
Hon. Troy Carter
House of Representatives
Washington, D. C. 20515

Dear Members:

This is in response to your letters of May 21 and May 24, 2024, requesting that I recuse in two pending cases—*Trump* v. *United States*, No. 23-939; and *Fischer* v. *United States*, No. 23-5572—as well as certain other cases that might come before the Court. In those letters, you claim that two incidents involving the flying of flags created an appearance of impropriety that requires my recusal.

The applicable provision of our Code of Conduct states as follows:

"B. DISQUALIFICATION.

> (1) A Justice is presumed impartial and has an obligation to sit unless disqualified.
>
> (2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties." Code of Conduct for Justices of the Supreme Court of the United States, Canon 3(B)(1)–(2).

The two incidents you cite do not meet the conditions for recusal set out in (B)(2), and I therefore have an obligation to sit under (B)(1).

The first incident cited in your letter concerns the flying of an upside-down American flag outside the house in Virginia where my wife and I reside. In considering whether this event requires recusal, an unbiased and reasonable person would take into account the following facts. As I have stated publicly, I had nothing whatsoever to do with the flying of the flag. I was not even aware of the upside-down flag until it was called to my attention. As soon as I saw it, I asked my wife to take it down, but for several days, she refused.

My wife and I own our Virginia home jointly. She therefore has the legal right to use the property as she sees fit, and there were no additional steps that I could have taken to have the flag taken down more promptly.

My wife's reasons for flying the flag are not relevant for present purposes, but I note that she was greatly distressed at the time due, in large part, to a very nasty neighborhood dispute in which I had no involvement. A house on the street displayed a sign attacking her personally, and a man who was living in the house trailed her all the way down the street and berated her in my presence using foul language, including what I regard as the vilest epithet that can be addressed to a woman.

My wife is a private citizen, and she possesses the same First Amendment rights as every other American. She makes her own decisions, and I have always respected her right to do so. She has made many sacrifices to accommodate my service on the Supreme Court, including the insult of having to endure numerous, loud, obscene, and personally insulting protests in front of our home that continue to this day and now threaten to escalate.

I am confident that a reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases

would conclude that the facts recounted above do not meet the applicable standard for recusal. I am therefore required to reject your request.

The second incident concerns a flag bearing the legend "An Appeal to Heaven" that flew in the backyard of our vacation home in the summer of 2023. I recall that my wife did fly that flag for some period of time, but I do not remember how long it flew. And what is most relevant here, I had no involvement in the decision to fly that flag.

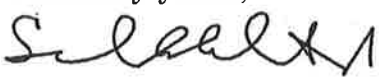
My wife is fond of flying flags. I am not. She was solely responsible for having flagpoles put up at our residence and our vacation home and has flown a wide variety of flags over the years. In addition to the American flag, she has flown other patriotic flags (including a favorite flag thanking veterans), college flags, flags supporting sports teams, state and local flags, flags of nations from which the ancestors of family members came, flags of places we have visited, seasonal flags, and religious flags.

I was not familiar with the "Appeal to Heaven" flag when my wife flew it. She may have mentioned that it dates back to the American Revolution, and I assumed she was flying it to express a patriotic and religious message. I was not aware of any connection between that historic flag and the "Stop the Steal Movement," and neither was my wife. She did not fly it to associate herself with that or any other group, and the use of an old historic flag by a new group does not necessarily drain that flag of all other meanings.

As I said in reference to the other flag event, my wife is an independently minded private citizen. She makes her own decisions, and I honor her right to do so. Our vacation home was purchased with money she inherited from her parents and is titled in her name. It is a place, away from Washington, where she should be able to relax.

A reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude this event does not meet the applicable standard for recusal. I am therefore duty-bound to reject your recusal request.

Sincerely yours,



Supreme Court of the United States
Washington, D. C. 20543

CHAMBERS OF
JUSTICE SAMUEL A. ALITO, JR.

May 29, 2024

Hon. Richard J. Durbin
Hon. Sheldon Whitehouse
United States Senate
Washington, D. C. 20510

Dear Senators Durbin and Whitehouse:

This is in response to your letter of May 23 to the Chief Justice requesting that he take steps to ensure that I recuse in *Trump v. United States*, No. 23-939, and any other cases "related to the 2020 presidential election" or "the January 6th attack on the Capitol."[1] As the Court has pointed out, "[i]ndividual Justices, rather than the Court, decide recusal issues."[2] I am therefore responding directly to your letter. In it, you claim that two incidents involving the flying of flags created an appearance of impropriety that requires my recusal.

The applicable provision of our Code of Conduct states as follows:

"B. DISQUALIFICATION.

> (1) A Justice is presumed impartial and has an obligation to sit unless disqualified.
>
> (2) A Justice should disqualify himself or herself in a proceeding in which the Justice's impartiality might reasonably be questioned, that is, where an unbiased and reasonable person who is aware of all relevant circumstances would doubt that the Justice could fairly discharge his or her duties." Code of Conduct for Justices of the Supreme Court of the United States, Canon 3(B)(1)–(2).

The two incidents you cite do not meet the conditions for recusal set out in (B)(2), and I therefore have an obligation to sit under (B)(1).

The first incident cited in your letter concerns the flying of an upside-down American flag outside the house in Virginia where my wife and I reside. In

[1] Letter from R. Durbin & S. Whitehouse to C. J. Roberts (May 23, 2024).

[2] Attachment to letter from THE CHIEF JUSTICE to R. Durbin (Apr. 25, 2023); Commentary to Code of Conduct for Justices of the Supreme Court of the United States 11 (Nov. 13, 2023).

considering whether this event requires recusal, an unbiased and reasonable person would take into account the following facts. As I have stated publicly, I had nothing whatsoever to do with the flying of that flag. I was not even aware of the upside-down flag until it was called to my attention. As soon as I saw it, I asked my wife to take it down, but for several days, she refused.

My wife and I own our Virginia home jointly. She therefore has the legal right to use the property as she sees fit, and there were no additional steps that I could have taken to have the flag taken down more promptly.

My wife's reasons for flying the flag are not relevant for present purposes, but I note that she was greatly distressed at the time due, in large part, to a very nasty neighborhood dispute in which I had no involvement. A house on the street displayed a sign attacking her personally, and a man who was living in the house at the time trailed her all the way down the street and berated her in my presence using foul language, including what I regard as the vilest epithet that can be addressed to a woman.

My wife is a private citizen, and she possesses the same First Amendment rights as every other American. She makes her own decisions, and I have always respected her right to do so. She has made many sacrifices to accommodate my service on the Supreme Court, including the insult of having to endure numerous, loud, obscene, and personally insulting protests in front of our home that continue to this day and now threaten to escalate.

I am confident that a reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude that the events recounted above do not meet the applicable standard for recusal. I am therefore required to reject your request.

The second incident concerns a flag bearing the legend "An Appeal to Heaven" that flew in the backyard of our vacation home in the summer of 2023. I recall that my wife did fly that flag for some period of time, but I do not remember how long it flew. And what is most relevant here, I had no involvement in the decision to fly that flag.

My wife is fond of flying flags. I am not. My wife was solely responsible for having flagpoles put up at our residence and our vacation home and has flown a wide variety of flags over the years. In addition to the American flag, she has flown other patriotic flags (including a favorite flag thanking veterans), college flags, flags supporting sports teams, state and local flags, flags of nations from which the ancestors of family members came, flags of places we have visited, seasonal flags, and religious flags. I was not familiar with the "Appeal to Heaven" flag when my wife flew it. She may have mentioned that it dates back to the American Revolution, and I assumed she was flying it to express a religious and patriotic message. I was not aware of any connection between this historic flag and the "Stop the Steal Movement,"

and neither was my wife. She did not fly it to associate herself with that or any other group, and the use of an old historic flag by a new group does not necessarily drain that flag of all other meanings.

As I said in reference to the other flag event, my wife is an independently minded private citizen. She makes her own decisions, and I honor her right to do so. Our vacation home was purchased with money she inherited from her parents and is titled in her name. It is a place, away from Washington, where she should be able to relax.

A reasonable person who is not motivated by political or ideological considerations or a desire to affect the outcome of Supreme Court cases would conclude that this event does not meet the applicable standard for recusal. I am therefore duty-bound to reject your recusal request.

Sincerely yours,

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly Plaintiff, v. Disciplinary Counsel Patricia B. Swartz, et.al Defendants.	)	Civil Action No.: 1:21-1490 (CFC)

CERTIFICATE OF SERVICE OF 216th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on May 29, 2024 had a true and correct copy of the above referenced document served to Defendants, through their counsel served electronically by email at zi-xiang.shen@delaware.gov and ryan.costa@delaware.gov.

The physical address c/o Ryan Costa

Kathleen Jennings, Delaware Attorney General
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

I served Defendants' counsel electronically by E-mail only.

Thank you.

Respectfully submitted,

Dated May 29, 2024

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankelly.esq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: May 29, 2024

Meghan Kelly
(printed)

(signed)

App 7

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490 (CFC)
	)	
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B. Swartz, et.al	)	
	)	
Defendants.	)	

PLAINTIFF MEGHAN KELLY'S 224th AFFIDAVIT

Plaintiff, Meghan M. Kelly, pro se, declares and avers as follows:

1. I have two new arguments to provide in a supplemental brief that alter the arguments I have stated for years.

2. For years I have requested the courts limit correction/discipline of federal judges including the US Supreme Court to the purview of the Constitutional limits of 1. Cases and controversies and 2. Impeachments without waiver to preserve the people's and my right to an impartial fair forum not partial towards appeasing regulators instead of upholding the impartial application of the Constitution to the rule of law. US Amend. I also asserted other Constitutional arguments to prevent regulation of the US Supreme Court.

3. I now have to make Constitutional arguments on the Constitutionality of the impeachment power which diminishes the purpose of the Constitution and/or arguments to limit the scope of Congressional authority to use its impeachment power to influence the outcome of Trump v US which foreseeably interferes and prejudice two arguments and my underlying assertion of liberty and property interests in my case unfairly by threats against the forum court the US Supreme Court.

4. I am aware of no case that requires we or the court call law makers as witnesses when we Constitutionally contest their rules, regulations or statutes.

5. I contested the rules and the procedures Judge Scirica works or has worked on as the Chair of its Committee on Judicial Conduct and Disability.

6. The Courts may possibly have the power to call him in as a witness under Federal Rules of Evidence 614, but no Court has ever afforded law makers like Judge Scirica the privilege of arguing before the court when plaintiffs bring claims for accommodations or other relief concerning laws or statutes unconstitutional as applied or per se.

7. The reason why I thought I would suggest the Court use its power to call witnesses under FRE 614 because the law makers exceed the bounds of decency and the Constitutional limits of their legislative and impeachment authority by threatening the court to affect and influence the outcome of a case which also prejudices the outcome of my case. If the Court calls congress people while allowing opposing counsel to question them or not, the court may use testimony against Congress or may limit their behavior and threats in my case to set precedent in other cases.

8. Federal Rules of Evidence Rule 614, 28 U.S.C.A. provides:

> **"(a) Calling.** The court may call a witness on its own or at a party's request. Each party is entitled to cross-examine the witness.
>
> **(b) Examining.** The court may examine a witness regardless of who calls the witness.
>
> **(c) Objections.** A party may object to the court's calling or examining a witness either at that time or at the next opportunity when the jury is not present."

9. In my supplemental brief I may suggest the US Supreme Court may call in congress people under FRE 614 to reduce threats to them thereby reducing threats to my right to a fair case not threatened but for impermissible interreference by congress people acting outside of the Constitutional limits as to dimmish Constitutional rights of claimants. The Court may limit congressional acts that interfere and impede with my due process rights and fair opportunity to

petition and be heard on two issues Congress seeks to commandeer the court to rule against me on. It is not fair to me.

10. What remedy does the court have when congress people hypocritically state they care about the appearance of the court, while they demean and attack the appearance of the court to create potential legal issues that would not exist but for intentional design to influence and commandeer the outcome in US Supreme Court cases by threat of impeachment, sanctions, or inciting mob unrest to attack judges or their wives in private which exceeds the bounds of decency in a civil society.

11. That is why I thought I would give the Court a tool to gain power to limit the impermissible attacks and threats to influence and affect the outcome of cases before its US Supreme Court foreseeably impeding upon my Constitutional legal power of petition and fair opportunity to be heard.

12. I foresee Congress will continue threats which I should preserve on the record.

13. I constitutionally challenge the laws I contest even the laws I use to defend myself by asking the court to consider whether Due Process and Equal Protections arguments are sufficient to require recusal in my appeal before the Court for Kelly v Swartz.

14. I averred in my USSC appeal in Kelly v Swartz case still pending before the Court the court may find not only judicial disciplinary rules unconstitutional but also the rules outlined under 28 U.S. Code §'s 144, 351-358, 455 and 29 CFR § 2200.68 unconstitutional. I argued:

> "It is unfair to require judges recuse themselves as to admit before the world they cannot be fair in light of certain apparent interests as opposed to require the entire ct or a panel to make a determination similar to the above rational based on DP and Equal Protections grounds where there is favoritism towards one party as opposed to another. Judges may be unconsciously defensive to attacks so as to unjustly not recuse themselves because

they care more about appearance instead of truth.[1] Other times attacks concerning recusal are unwarranted like the ones in the news against the USSC members for relationships that are common to all men, where recusal would deprive the public of diverse judicial views which gives the ct clearer vision of the bigger picture to resolve issues fairly. Similarly, judges become partial and biased towards regulators and regulations which inhibit their ability to uphold the impartial application of the Const[2] to the rule of law. Accordingly, I request the ct consider on remand or herein ruling fed judges may only be disciplined within the purview of const limits of 1. Cases and controversies or 2. Impeachment without waiver in order not to violate my rt to a fair impartial proceeding as applied to me. Thus 28 U.S. Code §'s 144, 351-358, 455 and 29 CFR § 2200.68 are unconstitutional.[3] *State ex rel. Frieson v. Isner*, 168 W. Va. 758, 777 (W. Va. 1981) ("It cannot be questioned that the **Legislature** cannot restrict or **impair the power of the judiciary to regulate the practice of law** by enacting a statute permitting or authorizing laymen to practice law") This Sup Ct reconfirmed a holding in *Mistretta v. United States*, 488 U.S. 361, 387 (1989), "Congress has undoubted power to regulate the practice and procedure of fed cts, and may exercise that power by delegating to this or other fed cts authority to make rules not inconsistent with the statutes or const of the United States." The Disc proceedings are inconsistent with the const law that safeguards individual rts of judges and attorneys. Consider a case and controversy the means to discipline, correct and safeguard justice and the members who partake in upholding it from insidious attacks like the attacks against me, and the new attack 3/5/24. I will be selectively attacked again unless the fed cts restrain the state from infringing on my asserted Const rt to pet to secure freedom to worship Jesus without gov persecution. I have been attacked by the state through the Cts and its private and public partners for about 20 years as outlines in the footnotes. Even if this Ct should find my rel beliefs repugnant or disagree with my ideas I am still protected under the 1st Am to rel beliefs that does not conform to the accepted doctrines of the majority. On 4/14/23 this USSC issued a unanimous opinion holding that fed Dist cts can consider const challenges to administrative proceedings before such agencies issue final rulings. *Axon Enter. v. Fed. Trade Comm'n*, 143 S. Ct. 890, 894 (2023). Since the state's most recent attack against me occurred in March, I am going to be attacked and harmed more by additional disc proceedings in retaliation for exercising my asserted Const rts unless this Ct safeguards my freedoms. I prefer this Ct also safeguard itself and the freedoms of other professionals who like me may be prevented from buying and selling but for their rel beliefs or exercise of other rts.

This Ct should also consider the numerous splits after remand. Cts are split on whether judges and lawyers give up a number of Const rts in exchange for the license to practice law in Board proceedings. For example in *In re Paulson*, 346 Or. 676, 705 (Or. 2009) protects "an accused lawyer in a disciplinary proceeding is entitled to seek discovery through requests for admission, production of documents, and the use of

[1] See, *John* 7:24 ("Do not judge by appearances, but judge with rt judgment."

[2] Constitution, Constitutional, Constitutionality or Constitutionally (herein referred to as ("Const")

[3] This Ct may reopen that case sua sponte to save itself regardless as to whether it agrees or disagrees with me. I believe the cts are in trouble, without you there is no rule of law that safeguards our freedoms. In *United States v. Ohio Power Co*., 353 U.S. 98 (1957) ("Certiorari denied October 17, 1955. Rehearing denied December 5, 1955. Rehearing again denied May 26, 1956. Order denying rehearing vacated June 11, 1956. Rehearing and certiorari granted and case decided April 1, 1957)

depositions." Whereas in Virginia there is no rt to perform discovery.[4] There will be disparate treatment of this USSC should it succumb to pressures to allow judicial members to be ruled over by bureaucratic boards in disc proceedings resulting in injustice. At least consider remanding the case below to allow me to go through different splits this honorable Ct may resolve instead of disc boards who care more about maintaining their appearance and positions by potentially sacrificing their peers than doing what is rt. If not, this Ct may address the question whether disc rules, violate the Const as applied to the USSC Justices and remand as to my arguments as applied to me as a party of one and to the profession per se. I also seek to eliminate disc proceedings as applied to attorneys and fed judges but have unique special concern about this Ct I should be able to pet on below. I also brought const challenges against the certain rules and Const challenged the proceedings themselves as applied to me, and generally as applied to all lawyers. Nevertheless, it is important to point this out to the ct since I have alleged facts on the record that there is an attack against the judiciary to eliminate it, to eliminate the Const law that founded this country and the laws maintain and sustain these United States. In recent times the USSC has been under attack by congress and lobbyists who seek to pressure to control them through regulating them in disc proceedings I oppose. Please consider the arguments I made and preserved on the record below. I have a number of Const challenges to 1. the attorney/judicial proceedings, 2. a number of specific disc rules, and 3. other Const challenges based on splits in the jurisdiction concerning what Const rts lawyers and attorneys have. The cts are all over the place on whether Const rts apply to lawyers and judges or **whether their own rules apply to me and Richard Abbott.**

DE Disc Rules provides the accused's rts in its rules. Yet the State deprived Abbott and I of rts under the state's Disc Rules.[5] Then in opinions DE Sup Ct members fraudulently cite the rules offered protections to hold those rts were so protected in both Abbott and my case when they were not. For example, Disc R 9 (d)(3) Dis R Provides:

> "The Administrative Assistant shall serve a notice of hearing upon the ODC and the respondent, identifying the members of the Board assigned to the matter, and the date and place of the hearing. The notice shall be given at least **20 days** in advance of the date of the hearing. The notice of hearing shall state that the respondent is entitled to be represented by a lawyer at the respondent's expense, to **cross-examine** witnesses, and to present evidence."

Both Abbott and I filed motions to gather and present evidence. We asserted rt to equal protections and DP and our 6th Am rt to call witnesses and to cross examine our accusers and other witnesses in quasi-criminal proceedings. All pets were rejected in violation of DP. We both were deprived of rts under Rule 9(d)3, and other rules' and Const asserted protections. We were denied the asserted rt to perform

[4] *Gunter v. Virginia State Bar, ex rel*, 241 Va. 186, 187 (Va. 1991) held "An attorney has no DP rt to discovery in a disc proceeding."

[5] Richard Abbott has an appeal before this USSC. I filed the attached App to Alito to stay this case pending a determination of Richard's matter. While I have rel objections when lawsuits are brought against me. I do not necessarily object when I am the Plaintiff so as not to violate Jesus's teachings. It is distinguished. On 3/5 the law librarian removed my research privileges. Poverty causes a burden to my access to research to meaningful assert my 1st Am rt to Pet and 5th Am. DP rt to be heard fairly and meaningfully. I pray this ct overturns his matter at 23-855 and grants my petition so he may possibly represent me.

discovery, call witnesses and cross examine our accusers because the Ct fired them in my case and hid that fact, and I had no idea Abbott had 17 or so subpoenas quashed. Richard and I not only have a rt under Dis R 9, but a 6th Am rt app to the state via the 14th Am. to cross examine witnesses and a 1st Am rt to pet via the 14th, and 14th Am. state rt to a meaningful oppty to prepare and present our case. Our rts were violated by DE. Other attorneys are similarly deprived of a fair proceeding in other states capriciously by the whims of professional bureaucrat's partial towards business as opposed to the impartial application of the const to the rule of law which prevents freedoms from being sacrificed for business. There are **splits** between the cts and Circuits as to whether lawyers have the 6th Am rt to cross examine their accused in disc proceedings. [6] I did not know there was a split in jurisdictions where some cts say hey lawyers you do not have a 6th Am rt to cross examine witnesses until I saw the similarity in Abbott's case which caused me to look and to reach out to him. For eg., Conn. grants lawyers this rt, but the 9th Cir. does not. Id. I think it imperative for the USSC to resolve the split so professionals including lawyers are not deprived of Const freedoms for business of boards who sacrifice them to market their positions to maintain profit streams at the cost of human sacrifice of lives and liberties for the bottom line, unrestrained by the just rule of law unless this Ct steps in. When the cts deem business preempts freedom, or business is freedom, there is no freedom. Everything is for sale. Lives and feigned liberties are bought, and the Const is a lie not enforceable by the gov when gov officials wrongly hold they are immune to the law and above the law like Former President Donald Trump appears to do. It is folly to say the cts have no competence to judge whether the other branch violated the Const for security reasons. That makes Presidents' rulers, not servant leaders safeguarding liberties. Cts eliminate liberties when they hold the other branches or their own branch are above the Const laws that safeguard the people from the gov enslaving or sacrificing them for moth and rust. [7] While gov is not above the Const law, even Trump, the gov is not below

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[6] This ct grants rt to confrontation under the 6th Am. "Both the disc counsel and the respondent "shall be entitled to examine or cross-examine witnesses." *Cerame v. Bowler*, Civ. 3:21-cv-1502 (AWT), at *4 (D. Conn. Aug. 29, 2022); *In re Discipline of Harding*, 104 P.3d 1220, 1225 (Utah 2004), held, "These measures are adequate, given the nature of lawyer discipline proceedings, to ensure DP to a lawyer accused of misconduct. **Direct and cross-examination of the witnesses is not required in the quasi-administrative setting of the screening panel**. As a result, we find no DP deficiencies in Harding's case."

The 9th Cir is terrible it eliminates a number of Cons rts not merely the 6th Am rt to confrontation. See, *Rosenthal v. Justices of the S. Ct. of Calif*, 910 F.2d 561, 565 (9th Cir. 1990) ("We reject Rosenthal's confrontation cl claim. The confrontation cl is a criminal law protection. Therefore, it does not apply to a disbarment case."); Id at 564 ("The principle of presumption of innocence is a creature of a criminal proceeding; and hence, does not apply in a lawyer disbarment proceeding. ");

[7] I disagree with this ct's decision by delegating its power to say what the rule of law is with regards to permitting congress a political partial biased unjust forum who constantly degrades the law with horse and pony shows based on partiality to their own seats and the people that place them there instead of the impartial rule of law in the Colorado ballot case. Yet the rt to petition is the people's check. Should this Ct err and another threat of insurrection incited by a president occurs a petitioner my come forward to distinguish the case and ask this US Sup Ct to be our hero by preserving the Const rule of law that maintains these United States from Dissolution. We are not stuck because the law grants people the power to place checks on the gov when it makes mistakes too. Do not feel stuck. The Ct grants us a democracy in our democratic republic by safeguarding the people's legal check of pet and DP to fairly be heard on petitions before deprivation of rts. This Ct violates the Const when it grants the President and the gov immunity for violations of individual rts and crim laws instead of using an abuse of discretion standard. The Const applies to no one, and means nothing if it does not apply to private people's and the gov for

> the law either. The Const protects fed judges and members of the USSC too. There are more splits on other Const rts attorneys have in disc proceedings. This Ct must examine the Cts holding lawyers **and judges** below the Const laws that protect the rts of all professionals which should not be eliminated in exchange for a license especially the freedom of rel belief in my case. [8] I have Const challenges to state Disc rules like 13-14, 18 and other Const challenges I did not have an oppty to pleading full by amending my complaint despite moving Dist Ct to consider the same once as a matter of rt on remand at DI 58 and elsewhere. I request oppty to argue it below first before it is decided in this ct. So I am not deprived of a fair oppty to pet and present my case in accordance with DP. US Am 1, 5th, 14th."

15. Congress may draft rules regarding impeachment and procedures they may bind congress to consider, but they may not require the court violate the people's rights of a fair and impartial forum not partial towards avoiding discipline impeding on the impartial application of the Constitution to the rule of law. Nor may congress draft rules or require disciplinary code as violating judges' 5th Amendment right against self-incrimination by requiring all judges by compelled force not free waiver self-discipline by internal disciplinary rules that are set up to be used as ammunition to threaten, impeach and control a no longer free or impartial forum.

16. Congress and third parties who control Congress intentionally scheme to use congressional threats and intentional use of ammunition from disciplinary proceedings to eliminate or commandeer judges who impede on congressional agendas.

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official conduct. Liberty is a lie, and none are free if liberties do not restrain the gov to protect the people's liberties from the gov's whims and capricious discretion to vitiate it.

[8] The ct in *Mississippi State Bar v. Attorney-Respondent in Disc Proceedings*, 367 So. 2d 179, 183 (Miss. 1979) seeks to eliminate USSC holding in *Spevack* extending 5th Am protections against self-incrimination to lawyers in disc cases. *People v. Harfmann*, 638 P.2d 745, 747-46 (Colo. 1981) held, "We disagree with the respondent's contention that disc proceedings, which are sui generis, must be afforded the same const safeguards which are provided to an accused in a criminal case. *People v. Harfmann*, 638 P.2d 745, 747 n.6 (Colo. 1981) held, "We conclude that the exclusionary rule should not be extended to provide a shield to a lawyer charged in a disc complaint." But some cts grant DP like *Phelps v. Kansas Sup Ct*, 662 F.2d 649, 650 (10th Cir. 1981) appear to do unless they simply cite the rule under the guise the rule was followed when it was not upheld like was violated in Richard and my case.

18. Remember I ran for office back in 2018 because non lawyers were lawyering harming the people messing up the chain of title at the recorder of deeds taking advantage of my deceased esteemed former colleague and friend Dick Goll and other attorneys and the system.

19. That is when I learned of the agenda to eliminate people judges, people courts, and more recently people petitioners by the scientifically condition by peer pressure control the "Karen agenda" to demean anyone petitioning in accordance with the 1st Am right. The intentional schemed Karen agenda uses temptation like the devils or snake in the garden in Genesis 3 of the Bible control not care for people.

20. The Courts must allow petitioners to petition to correct judges without retaliation against me by outside attacks as the DE Courts permitted and colluded to interfere with and cause me to forgo my petition in an active case Kelly v Trump through Court of Common Pleas Judge Kenneth S. Clark, DE-Lapp and the ODC.

21. The courts must allow petitioners to petition against the Court's infringements of fair access to safeguard petitioners right to petition and fair opportunity to be heard without punishing them and depriving them, me of that right by sealing my petitions as attachments to DE motion for a rehearing in the disciplinary case A-4 and A-5 and separately as motions, 1. *Kelly's Motion to the Delaware Supreme Court to rein in its arms from unlawfully pressuring me to forgo or impede my case to protect my free exercise of religion, and exhibits thereto,* including December 1, 2020 letter to Master Patricia Griffin of the Chancery Court regarding my belief I received disparate treatment by the court's staff based on religious belief, political association or poverty; emails, Internal Exhibit, Oct 19, 2020 letter to Patricia Griffin regarding I am acting as a party not as an attorney, DE-Lapp threatening email, Internal Exhibit, letter dated May 21, 2020, and 2. *Kelly's motion for the Delaware Supreme Court to require the recusal of the Honorable*

Justice Collins J. Seitz, and related exhibits thereto, proof of payment of bar dues, emails to Mark Vavala confirming he did not incite the investigation, Internal Exhibit Letter from the Court in response to my request for exemption of bar dues for all attorneys facing hardship, dated February 5, 2021; attachment relating my concerns relating to recent US Supreme Court cases I disagreed with. (3DI-121-1)

23. Remember I believe Judge Scirica's hard work is unconstitutional. I seek to eliminate the disciplinary rules and proceedings and argue the people's check and attorney generals check are sufficient. I seek to change past case law as wrong, simply wrong. Past case law impermissibly empowers Congress and the President to commandeer the courts by regulating them as puppets unchecked by the people's Constitutional legal authority should the Court render the Constitution not the law by stating it only applies to government but does not apply to government by immunity making lawless whims of partiality the rule.

24. The courts need to examine the Constitutionality of official and unofficial acts of the president and law makers to uphold the Constitution limits which allegedly applies to the government but should apply to all to prevent human sacrifice of life and liberty of others to serve selfish material gain of a few under the law of the common welfare or good.

25. The scope of Congress's power to impeach must be more limited in terms of drafting rules regarding impeachment not unconstitutionally requiring the Supreme Court to violate the 5th Amendment right to self-incriminate by compelled waiver of other judges' Constitutional rights, and impermissible vitiation of the people's right to an impartial forum not partial towards avoiding judicial sanctions and impeachments.

26. I alleged the issues that I seek to amend in my petition for more time in the Eastern District of PA case by stating:

"8. This case arises based on a reciprocal proceeding in the state of Delaware brought to discipline me for the exercise of my private First Amendment rights to religious-political belief, exercise of religious belief speech, association, petition and to cover up years of Court misconduct I petitioned to correct. I risk irreparable injury in terms of loss to my First Amendment right to religious belief in Jesus forever without government incited persecution should I not successfully petition this Court to appeal on the dismissal in the civil rights case. I also may face a needless law suit in PA should I not overturn the PA appeal scheduled for conference in September where PA Supreme Court's rules do not grant it jurisdiction to try me as not ripe should I not overturn the case.

9. I incorporate herein by reference in its entirety the Motion for reagument on denial of a stay at Third Circuit Docket Item (hereinafter "3DI") 3DI 56 below in its entirety and attach it hereto as an exhibit herein. In the exhibits I outline about 20 years of the Delaware judges and Courts violations of my First Amendment rights.

10. I sought to include the Delaware Supreme Court and members as Defendants in the civil rights case that must be appealed by October 20, 2023. Citing 3DI-57, not attached. I placed records of the civil rights case on the appellate case below as they are relevant to motions in Appellate Court.

11. Time is required to give me a fighting chance in the civil rights case relating to Kelly v Swartz to prevent vitiation of my 1st Amendment rights and other claims. The loss of First Amendment freedoms, for even minimal periods of time, unquestionably constitutes irreparable injury." Mullin v. Sussex County, 861 F. Supp. 2d 411, 415, 2012 U.S. Dist. LEXIS 67571, *1

12. I require time to afford me the First Amendment right to petition and the 5th Amendment fair opportunity to be heard in the civil rights case and in this case on appeal to this court in hopes to prevent 6 new law suits too.

13. This Court does not have any important justification necessary to uphold a compelling interest in denying time somehow more important than my exercise of the First Amendment right to petition to safeguard the exercise of fundamental rights and other interests in another case. I respectfully time be granted in order that I may attempt to effectively appeal the civil rights case and in this case.

14. I also need time to consider how to ask this US Supreme Court to please be our hero by preventing the schemed regulation of this US Supreme Court that will be used to eliminate this court to eliminate the rule of law that protects the Constitutional freedoms we all hold dear from elimination by entities who enslave, oppress, kill, steal and destroy without restraints in the form of love written on their hearts or the just rule of law should this Court not stop it.

15. I do not know how I will be able to afford to appeal everything. I previously attempted to file a variety of motions with this Court my case manager rejected including permission to file electronically without paper copies. I also considered asking this Court to waive an in person hearing and grant this court authority to render an order on the papers, given my poverty creates a substantial burden upon my access to the courts. Additionally, the compelled poverty based on Delaware preventing me from returning to the profession of my choice has caused a strain on my ability to care for my health, work out and drink water given my special needs due to a surgery which forever

weakened me in my youth. I cannot afford a membership to the gym where I could more easily drink a gallon of water. I will have the same phone number, but I do not think I can afford to keep my phone on this month as of August 15, 2023. When my brother was in an accident during my first year of law school, I similarly had no phone. Debt is against my religious beliefs. I refuse to buy things I cannot afford for the convenience and profit of others as against my religious belief in Jesus as God not money as God. Matthew 6:24. I believe people go to hell for seeking money as savior and master, and I am not going to exchange my soul to gain the world only to lose it in hell. Duquesne Law School's representative said I could go to the hospital and take my civil proceeding exam later. The School changed its mind. I found out the day before the exam. I found a note in the law school box. I got the worst grade in that exam civil procedure. That day, I learned how unjust and cold people were to serve convenience and costs at the exchange of other people's lives, health and liberty creating injustice to serve what I believe to be the mark of the beast discussed in the Bible business greed. I believe judges can save lives and eternal lives by restraining businesses and entities from oppressing, enslaving, killing, stealing and destroying human life, liberty or health for the bottom line. Jesus teaches justice is a greater command. (Matthew 23:23) In Amos 5:15 "justice in the courts is a command." I wanted to erase that mark of the beast and uphold justice by safeguarding people and their free will as the treasures not to be sacrificed for moth and rust. In order to do so I must safeguard people judges and people staff in the courts. Without you there is no individual liberty just automated standardized compelled conduct. The equality under this new economic system is not equal protection, but after 2050 it will be compelled conformity and sameness by those who control the resources needed to sustain life.

16. Justice Alito recently spoke in the news indicating the US Supreme Court may not be regulated. While I agree with Justice Alito, I think the better way to place a check on the other two branches is within the Supreme Court's power in cases and controversies. Art III.

17. Two of my cases that may be rejected or accepted before this Court Kelly v Swartz et al and this case relate to the question as to whether the United Supreme Court and judges in general should be corrected within the purview of the Constitution limits of 1) cases and controversies and 2) impeachment without waiver of their 5th Amendment right against self-incrimination by self-regulation or congressional or third party regulations that make them partial to those who control their seats instead of the impartial application of the constitutional protections to the rule of law, which violates the 5th Amendment Equal Protections component as applied to me a party of one with unique religious beliefs in impartiality and against attorney and judicial regulation I outlined Constitutional arguments in the case below and in the civil rights case.

18. It is more effective for the court to let their opinions speak for themselves than to allow judges, even Supreme Court justices to give into temptations of the fickle fads to present mere advisory opinions of whoever buys the spot light by defending the court against regulations in public or by the press. My cases should be used for the court to save itself or not. Let the opinions speak for themselves.

19. The courts are the only branch that safeguard individuals and individual liberty from being sacrificed by the mob under the vote or otherwise

20. Protecting the impartiality of the courts from the temptation to be partial towards regulations as opposed to the impartial application of the Constitutional law violates the 5th Amendment Equal protections Clause towards claimants like myself as applied to me as a party of one in both Federal/State Judicial and Lawyer Disability or disciplinary proceedings should be extended to the US Supreme Court to prevent the end of life-time limits and to prevent regulation. I seek to extend this based on my unique religious beliefs on required impartiality and justice in the courts as a party of one.

21. Safeguarding the impartiality of the courts means correcting the courts when they violate the laws to serve their own personal interests as the Delaware Supreme Court violated my First Amendment rights when I filed petitions regarding the courts' own procedural due process violations and violations of my First Amendment private rights to petition, religious belief, exercise of belief, and association via the 14th Amendment when it sealed the attached documents hereto to cover up its own misconduct. 3DI 46-Ex B, C, D.

22. I have Constitutional arguments contesting the Constitutionality of disciplinary proceedings and certain Delaware Disciplinary rules based on my unique religious beliefs that may give me standing to extend the same to my opposition of regulating Federal judges outside the purview of Constitutional limits, including but not limited to arguments contained in motions on the record. I reserve leave to make additional Constitutional arguments against the Disciplinary proceedings and rules. 3DI-43-8 through 3DI 43-10.

23. On the record below in this case and the civil rights case I moved to recuse Judge Phipps and Scirica per the attached motions and amended Motion and caveats I attach hereto and incorporate herein. (3DI-43 attached hereto as Petitioner Meghan Kelly moves this Court to recuse Four Judges, Judge Hardiman, Judge Phipps, Judge Honorable Montgomery-Reeves, and Judge Scirica.) (3DI-44 See, Petitioner Meghan Kelly motion for a caveat to her Motion for this Court to recuse Judge Scirica and Motion for Judge Scirica for judicial consideration of drafting laws to prevent non-lawyers and non-judges from practicing law or taking the place of people judges without government authority. (3D-49, not attached 3DI-50, not attached, Motion for reagument on denial of recusal and required affidavit.)

20. In the motions I alerted the Court below I seek to move the Court to not only declare certain Delawar Disciplinary Rules and the proceedings unconstitutional, but also argued against regulating federal judges including the US Supreme Court. My main arguments for recusing Judge Scirica relate to the fact I seek to move the court to declare judicial federal rules he drafts and attorney rules unconstitutional, and the state rules which mirror the rules he chairs unconstitutional. I placed affidavits on the record from my civil rights case in the case below to show I have continuously objected to regulating the US supreme Court or ending life time appointments during good behavior. 3DI-58, not attached hereto as too voluminous.

21. I believe the courts are being set up to fall by those who entice the judges with attacks. I have particular concern that Justice Kavanaugh is specifically in danger. 83 complaints against him were published on the 10th Circuit's web site. Should regulations be compelled upon this court the same as those forced upon lawyers and state judges, ex post facto Constitutional arguments would likely not apply to character of judges. They do not apply in other disciplinary proceeding. All of those 83 arguments

will likely be used against Justice Kavanaugh and regulations will be used to control a no longer free or impartial court. I believe all of the Supreme Court justices are schemed to fall. Once the head is cut off the body, the District and Appellate courts will fall too. (Not attached 3DI-)

22. I believe the courts are in danger. That means we are all in danger since the court is the only branch that protects individual liberties and individuals from being sacrificed to the apparent majority's whims of the majority through the vote.

23. My cases may allow the courts to prevent the danger with particular flexibility in this case to come up with a solution since there is no opposing counsel. The Appellant is the Eastern District Court of PA in name only. This Court may disagree with some of my arguments including my arguments against federal judges politicking, but you may use the fact you disagree to create law binding on all of us including Congress. This case gives you the authority within the law not mere ever changing fickle public opinion or perception to preserve these United States.

24. While I seek to preserve the courts to preserve the rule of law, I require time to narrow my voluminous claims and asserted rights in this case. I need time to figure it out, and may need the court to use this very case to prevent regulation of the US Supreme Court to sustain the rule of law from schemed lawlessness down the line. I should not forgo my own claims merely to argue how to preserve the courts by preventing judicial regulation.

25. I do not seek to cause the danger to the courts by seeking to sue the members of the Delaware Supreme Court, and the arms of the Delaware Supreme Court in my civil rights case, nor do I seek to destroy the courts when I petition against mistakes or misconduct. Instead, I seek to uphold the integrity of the courts by requiring they uphold Constitutionally asserted rights to uphold the rule of law from schemed overthrow.

26. "Congress, the Executive, and the Judiciary all have a duty to support and defend the Constitution." Salazar v. Buono, 559 U.S. 700, 130 S. Ct. 1803, 176 L. Ed. 2d 634 (2010)

27. Attorneys must be permitted to petition the courts to safeguard the Constitutional rule of law by breach of even the judiciary within the purview of the Constitution of 1. Cases and controversies such as mine or 2. Impeachment without retaliation for upholding the rule of law.

28. I have to ask you what you may not want to do to please allow lawyers to correct the three branches of government within cases or controversies without reprisal for exercising the First Amendment right to petition. Otherwise, how may this Court give an opinion on regulating the US Supreme Court, federal courts and attorneys if they will not hear attorneys, including me, petitioning the court to do so on Constitutional grounds.

29. Judges must not give into temptations to be controlled by those who entice their desires for security by attacks by presenting advisory opinions in the news that will likely be twisted to be used against them. Please allow opinions to speak for themselves with binding authority upon the other two branches.

30. I need time to ask you to exercise your authority to draft such an opinion. I am scared I may run out of stamps and money to petition only to allow the courts to be eliminated down the line. I ran for office in 2018 since out of state title

companies practiced law without a license and messed up the chain of deeds and took advantage of my esteemed deceased colleague Dick Goll, Esq . I learned there is a real plan to eliminate people judges and people staff by unelected lobbyists who control the other ignorant or indifferent branches. We need your help to save the world by saving your own seats the correct way lawfully. That means I must argue judges must be corrected by lawyers in court at times to safeguard the impartial application of the rule of law that we all respect from degeneration.

31. Per the Motion to reopen the case below, not attached hereto, the courts retaliated against me for petitioning against judicial mistakes including placing pleadings in another case not only on my civil rights case but another pro se claimant's medical records on my Eastern District of PA case too. I have unique standing to argue the courts must be corrected within the purview of the Constitutional requirements of cases and controversies like mine to preserve not destroy the courts.

32. Since I petitioned the Court against judicial mistakes or misconduct in this case and the civil rights case, argued against judicial regulation, seek to sue the Delaware Supreme Court members my two cases may be used to determine and limit correction of the US Supreme Court and inferior courts to the purview of the Constitution.

33. There really are lobbyists who seek to eliminate the courts to eliminate the rule of law that restrains businesses and entities from enslaving, killing, stealing or destroying life, health or liberty under the guise of the common good. See, Exhibit A and B for example. The digital economy is a mere transitionary step in a far more sinister plan. Upon information and belief, economic conditions will worsen by intentional design to allow Central banks and banks to recoup real estate, cars and property upon default of loans, and the new carbon credit debt scheme. Once entities the government owes recoup resources, the entities who control most resources will control governments to eliminate the governments by eliminating the rule of law down the line.

34. I need time not only to ask you to save my liberty, licenses, life and potential eternal life from temptations, I also need time to ask you to save the rule of law by saving the courts without waiving my arguments to save myself. "

27. I did not know why my petition in 23-7360 was scheduled for 9/30/2024. I thought the court was granting me time to afford me fair opportunity to be heard.

28. I was wrong. On Tuesday, June 18, 2024, I called US Supreme Court case manager Lisa Nesbett to thank her for affording me time and to check on the status of any paper notice of conference.

29. Lisa kindly indicated she did not grant me time, and 9/30/2024 was the automatic date of the conference. She also indicated I would not receive notice by mail of conference date.

30. I reviewed the attached schedule of conference dates and discovered Lisa was in fact correct, and all cases submitted to conference from June 12, 2024 through September 12, 2024 were all submitted for the September 30, 2024 conference. So, my concerns the civil rights conference would be conducted before the Eastern District Court's Conference was unwarranted,

31. I have not slept. I was panicking the past few days for nought eagerly seeking to assert on the record ways to prevent the schemed overthrow to defend my life, liberties and eternal life especially my freedom to worship Jesus from government substantial burdens through persecution but for defending my religious belief. I was so scared I would receive reduced time since 23-7360's filing deadline was May 31, 2024, and the deadline for Kelly v Swartz was June 3, 2024. I am relieved the soonest either will be heard is September 30, 2024.

32. I also had misplaced hope because I thought the US Supreme Court was actually considering the merits of my case since it appeared to grant me time before June 30, 2024. I was wrong. The automatic date for docketing is September 30, 2024.

33. I became worried about being prejudiced for the court's failure to file the brief in accordance with Rule 15.5's requirements. Per the attached web page of USSC outlining Clerk's distribution time frame required under Rule 15. It appears the appeal for the present case should be no more than14 days from June 3, 2024, which was yesterday June 18, 2024. It is too late to distribute the cases on May 31, 2024 and June 3, 2024 for which I am grateful since the court cannot go back in time and distribute it on a date it did not in fact distribute it. If the court did this, I would have lost time. So, in a way the court helped me even if inadvertently. Since it appears the Rule 15 may have required that date as distribution too.

34. Nevertheless, the attached distribution sheet indicated June 20, 2024 as the next date for IFP distribution dates, tomorrow.

35. I was scared the filing was lost or may have inadvertently not been filed. I assert and do not waive my Constitutional rights and other claims. So, I left a message and followed up with an email.

36. I attach the email where I state:

"Thank you for clarification on Matter No 23-7360/Could you please distribute the petitions for No23-7372 for conference per Supreme Court Rule 15.5
From:Meg Kelly (meghankellyesq@yahoo.com)
To:lnesbitt@supremecourt.gov
Cc:meghankellyesq@yahoo.com; ryan.costa@delaware.gov; david.weiss@usdoj.gov; supremectbriefs@usdoj.gov; jbickell@supremecourt.gov
Date:Tuesday, June 18, 2024 at 03:36 PM EDT
Hi Lisa,

Thank you for letting me know the Court was not granting me time by delaying conference until September 30, 2024 for Matter No 23-7360 when I thanked you for time. I see the distribution date from opposing counsels deadline date of June 12, 2024 through September 12, 2024 are all scheduled for September 30, 2024 per the attached Distribution Schedule.

Could you please distribute the petitions for matter No. 23-7372 per US Supreme Court Rule 15.5 since it exceeds 14 days from the time opposing counsel had to respond?

US Supreme Court Rule 5.5 provides:
"5. The Clerk will distribute the petition to the Court for its consideration upon receiving an express waiver of the right to file a brief in opposition, or, if no waiver or brief in opposition is fled, upon the expiration of the time allowed for fling. If a brief in opposition is timely fled, the Clerk will distribute the petition, brief in opposition, and any reply brief to the Court for its consideration no less than 14 days after the brief in opposition is fled, unless the petitioner ex-pressly waives the 14-day waiting period."

The time opposing counsel's brief or waiver in Matter No 23-7372 was due was June 3, 2024. Today is June 18, 2025, 15 days after the deadline, 1 day exceeding the distribution date the rule requires.

Distributing the documents within the time frame of the rule affords the Supreme Court more of an opportunity to review the petitions foreseeably to also be scheduled on 9/30/2024.

I was panicking wrongly believing the conference for the civil rights case may be set first affording me less opportunity to file a supplemental brief.

I do not understand why the Supreme Court Rule requires the clerk to distribute the petitions within no fewer than 14 days, but the schedule seems to require longer for the IFP June 20, 2024 deadline.

I am scared my petition may have been overlooked and placed later prejudicing me with fewer time for the court to carefully review the voluminous documents.

Thank you for your understanding, clarification and help as I fight for my life, liberty, eternal life and my property interests in my licenses from unconstitutional deprivations without due process and to punish me for exercising fundamental Constitutional rights.

Have a great day.

Very truly,…"

37. I also believe the US Supreme Court is misguided based on past case law into supporting the lie that the people have the right to overthrow a government that no longer serves the people through violence. When the government enslaves or sacrifices individuals or individual liberty the people and attorney general's constitutional legal power of the 1st Amendment right to petition fairly in accordance with the 5th Amendment with equal protections not diminished based on view point of the speech towards government representatives, agents, partners, Presidents, congress and such should be asserted.

38. The lawful way to contest a government officials' violation of Constitutional liberties is the petition in open court, not with violence.

39 No agency should adjudicate people's claims. Professionals sustain pain to sustain profit streams, positions and power. This gluts up appellate courts for the intentional problems that maintain professionals' positions by worsening the world not through beautiful criticism which improves the world. Standardized uniform stagnated subpar care causes injustice and increases needless law suits by glutting up the courts.

40. Deregulating is not eliminating the law but dismantling agencies who rule instead of serve in a fixed, not fair slave market unrestrained by the checks placed on elected law makers as above the law where they collude with scientists and professionals not govern them.

41. The Constitution should be law restraining everyone, but the Court has interpreted the Constitution to be the law limiting and restraining the government and private people performing government functions. However, the US Supreme Court holds indirectly the

Constitution is not the law when it grants President's immunity or violates the 5th Amendment Equal Protections by granting the government favored treatment not equal to an accused or a pleading plaintiff. The constitution is not the law but is a lie that must be reproved should this remain the case through the petition to uphold the Constitution. The Constitution as the rule of law not the will of the people is what founded these United states, maintains and sustains these United States from dissolution. The Courts hands are dirty when they violate the Constitution's purpose to sustain the whims of temporary people in government positions.

42. It is not the people in government positions the courts swear an oath to uphold, but the Constitution as rule of law preempting all federal, state, agency and local laws that conflict to uphold the life and liberties of the people, not sacrifice them for the vanity of those who rule and do not serve.

43. I am a Christian. So, I believe killing people we disagree with or threatening them with death or economic reward or harm to get your will be done eliminates freedom by military might or within the criminal judicial system eliminates freedom. I believe this even if those in the military believe in the lie, they fight for freedom when in truth they are deceived into enslaving others by violent or economic or social force. This deception is used to cause debt to allow banks and private partners charities and business to profit by creating harm to sell and profit off of solutions. It is a type of lawlessness of those who are controlled by the devil not free from death in hell, including Alexander Hamilton.

44. Now neighbors are talking about a right to bear arms and a right to an overthrow when that is wrong. I do not want to take guns away, but I do not want people to believe killing those they may disagree with is right either.

45. People are misguided. I believe people go to hell for caring more about comfort, convenience of their own than the lives and liberties of others if unrestrained by love or the just rule of law to prevent human sacrifice of life or liberty for material gain under the lie of common good or welfare.

46. Human sacrifice or harm towards others is NOT AN INHERENT RIGHT. Self defense with violence is not a God given right but is antichrist violating the teachings of Jesus Christ. Matthew 5:38-48.

47. In my development I have faced threats. One July 4, someone rear ended me causing fractures throughout my body.

48. Neighbors Bonnie and Dick threw bamboo in my yard. I performed back breaking work with an already fractured back. It exacerbated injuries I sustained in the accident and caused allergic reactions. Attached, please find pictures of the bagged bamboo I dug up and disposed of with great difficulty specially.

49. These neighbors threw bamboo in my yard without permission from my parents or anyone. I asked them not to and posted no trespassing signs up years ago when they did not desist. In retaliation, I received anonymous threats in my mail box.

50. Bonnie and Dick complained about the trespassing signs. So, I took them down. They built a white fence.

51. Yet, years later they come on our yard side of it and place trees and brush which I still clean up.

52. Attached is a picture from a video of Dick in 2020 throwing stuff from their yard on my yard in 2020. I sent the complete video to opposing counsel to show my neighbor in action.

53. Bonnie and Dick continue to throw yard waste on our vacant lot.

54. I cleaned up the trees they placed on our lot this 2024 on June 16, 2024 per the attached pictures. I have been mowing the yard since the adjacent empty lot was built on making ours more open for weeds. I have been pulling out the weeds, cleaning it up, and planting some flowers the past few weeks.

55. It is hard since there are fewer and fewer empty lots for neighbors to place their yard waste in. They get irritated by the building boom. Yet, it is not a license by necessity to trash and destroy other people's property for selfish whims and convenience. I avoid these neighbors. The last time I saw Dick. He told me to "Go to hell." as he placed brush on a different neighbor's vacant lot when he saw me working on mine. The lot he dumped on is now cleared with a home on it.

56. I thought about calling the police by harassment of the neighbors who curse me out and always talk about shooting people on their property. We have a lot of neighbors like that in Sussex.

57. I just turned the other cheek, but I think that sometimes the petition and the courts may save the souls of wrong doers.

58. The enlightenment thinkers, and the courts are wrong when they repeat a lie that there is a right of violence or self-defense against the government.

60. I am getting nervous because other neighbors I love are speaking of violence if the government or the development takes their property through easement or otherwise without just compensation. That is the wrong way. I tell people if they do that, they commit they may go to jail for crimes. I would rather use the courts to protect their life and liberty from enslavement from paying those who rule and do not serve.

61. Thankfully, the development Black Water Village voted down the sewer project, where the County violates the Constitution to protect lives and liberty and acts as an exploiting business-man eliminating liberty by sustaining pain to sustain profit streams, positions, and power by taking property to store human waste at the front of the development, a building for waste storage subjecting the development up to law suits for disposal of harmful substances.

62. Every government representative and official who seeks to raise money or create jobs enslaves people in a forced slave market with subpar care and services to sustain problems to sell solutions. They violate the express purpose of the Constitution to protect life and liberty.

63. Every government official who seeks to raise money or create jobs exploits and do not serve the people. Not knowing that money is created to enslave people to unjust gains of the private and foreign partners who control the market by slavery debt does not remove the lawlessness, a type that seals people in government and in private to the second death in hell without repentance. People go to hell for not knowing. Courts can help them know to prevent human sacrifice of life and liberty under the lie of the devil of the welfare or common good of the world.

64. There is harm schemed misleading people to harm and hell. It will not be okay unless the courts restrain the government and the private people by Constitutional limits to protect life and liberty.

65. It is the petition not violence which permits us to defend our life and liberty from both the public and government backed private sector from infringements.

66. We need the courts help to teach the people the petition is protected as the civilized way, the American way to resolve problems to prevent violence, gangster-like bribes,

bought loyalty or extortion or mob incitement by both government and private people from eliminating human life or liberty without due process of law.

Thank you for your time and consideration.

June 19, 2024

Respectfully submitted,
Meghan Kelly

_____

Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: June 19, 2024

Meghan Kelly (printed)

Meghan Kelly (signed)

CASE DISTRIBUTION SCHEDULE (Summer) – OCTOBER TERM 2024

DISTRIBUTION DATE	SUMMER LIST	CONFERENCE DATE
June 12, 2024	SL 1 (PAID)	September 30, 2024
June 13, 2024	SL 2 (IFP)	September 30, 2024
June 18, 2024	SL 3 (PAID)	September 30, 2024
June 20, 2024	SL 4 (IFP)	September 30, 2024
June 26, 2024	SL 5 (PAID)	September 30, 2024
June 27, 2024	SL 6 (IFP)	September 30, 2024
July 2, 2024	SL 7 (PAID)	September 30, 2024
July 3, 2024	SL 8 (IFP)	September 30, 2024
July 10, 2024	SL 9 (PAID)	September 30, 2024
July 11, 2024	SL 10 (IFP)	September 30, 2024
July 17, 2024	SL 11 (PAID)	September 30, 2024
July 18, 2024	SL 12 (IFP)	September 30, 2024
July 24, 2024	SL 13 (PAID)	September 30, 2024
July 25, 2024	SL 14 (IFP)	September 30, 2024
July 31, 2024	SL 15 (PAID)	September 30, 2024
August 1, 2024	SL 16 (IFP)	September 30, 2024
August 7, 2024	SL 17 (PAID)	September 30, 2024
August 8, 2024	SL 18 (IFP)	September 30, 2024
August 14, 2024	SL 19 (PAID)	September 30, 2024
August 15, 2024	SL 20 (IFP)	September 30, 2024
August 21, 2024	SL 21 (PAID)	September 30, 2024
August 22, 2024	SL 22 (IFP)	September 30, 2024
August 28, 2024	SL 23 (PAID)	September 30, 2024
August 29, 2024	SL 24 (IFP)	September 30, 2024
September 4, 2024	SL 25 (PAID)	September 30, 2024
September 5, 2024	SL 26 (IFP)	September 30, 2024

DISTRIBUTION DATE	LIST	CONFERENCE DATE
September 11, 2024	SL 27 (PAID)	September 30, 2024
September 12, 2024	SL 28 (IFP)	September 30, 2024
September 18, 2024	LIST 1 (PAID)	October 11, 2024
September 19, 2024	LIST 2 (IFP)	October 11, 2024
September 25, 2024	LIST 3 (PAID)	October 11, 2024
September 26, 2024	LIST 4 (IFP)	October 11, 2024
October 2, 2024	LIST 1 (PAID)	October 18, 2024
October 3, 2024	LIST 2 (IFP)	October 18, 2024
October 9, 2024	List 1 (PAID)	November 1, 2024
October 10, 2024	List 2 (IFP)	November 1, 2024

Case Distribution Schedule

casedistributionschedule2024summer.pdfThe Case Distribution Schedule identifies the dates on which petitions for writs of certiorari, along with corresponding briefs in opposition and reply briefs, will be distributed to the Justices. It also identifies the dates on which those petitions are scheduled to be considered by the Justices at conference, although this schedule is subject to change.

"Paid" lists include cases in which the petitioner pays the filing fee under Rule 38(a); those cases have a docket number from 1 to 5000 following the prefix for the Term (*e.g.*, No. 20-325). "*Ifp*" lists include cases in which the petitioner has submitted the petition along with a motion for leave to proceed *in forma pauperis* under Rule 39; those cases have a docket number above 5000 following the prefix for the Term (*e.g.*, No. 20-5754).

The timing for placing petitions on a conference list and distributing them to the Justices is governed by Rule 15.5. It provides as follows:

> The Clerk will distribute the petition to the Court for its consideration upon receiving an express waiver of the right to file a brief in opposition, or, if no waiver or brief in opposition is filed, upon the expiration of the time allowed for filing. If a brief in opposition is timely filed, the Clerk will distribute the petition, brief in opposition, and any reply brief to the Court for its consideration no less than 14 days after the brief in opposition is filed, unless the petitioner expressly waives the 14-day waiting period.

Additional information about the scheduling of cases for consideration at conference may be found in the Clerk's Office's Guidance on Scheduling. Other questions about the application of this rule in particular cases may be directed to the Clerk's Office.

In most cases, the disposition of a petition discussed at a particular conference will be announced in an order list that is issued at 9:30 am on the Monday after that conference.

Case Distribution Schedule -- 2023 (PDF)

Case Distribution Schedule -- Summer 2024 (PDF)

Thank you for clarification on Matter No 23-7360/Could you please distribute the petitions for No23-7372 for conference per Supreme Court Rule 15.5

From: Meg Kelly (meghankellyesq@yahoo.com)

To: lnesbitt@supremecourt.gov

Cc: meghankellyesq@yahoo.com; ryan.costa@delaware.gov; david.weiss@usdoj.gov; supremectbriefs@usdoj.gov; jbickell@supremecourt.gov

Date: Tuesday, June 18, 2024 at 03:36 PM EDT

Hi Lisa,

Thank you for letting me know the Court was not granting me time by delaying conference until September 30, 2024 for Matter No 23-7360 when I thanked you for time. I see the distribution date from opposing counsels deadline date of June 12, 2024 through September 12, 2024 are all scheduled for September 30, 2024 per the attached Distribution Schedule.

Could you please distribute the petitions for matter No. 23-7372 per US Supreme Court Rule 15.5 since it exceeds 14 days from the time opposing counsel had to respond?

US Supreme Court Rule 5.5 provides:
"5. The Clerk will distribute the petition to the Court for its consideration upon receiving an express waiver of the right to file a brief in opposition, or, if no waiver or brief in opposition is fled, upon the expiration of the time allowed for fling. If a brief in opposition is timely fled, the Clerk will distribute the petition, brief in opposition, and any reply brief to the Court for its consideration no less than 14 days after the brief in opposition is fled, unless the petitioner expressly waives the 14-day waiting period."

The time opposing counsel's brief or waiver in Matter No 23-7372 was due was June 3, 2024. Today is June 18, 2025, 15 days after the deadline, 1 day exceeding the distribution date the rule requires.

Distributing the documents within the time frame of the rule affords the Supreme Court more of an opportunity to review the petitions foreseeably to also be scheduled on 9/30/2024.

I was panicking wrongly believing the conference for the civil rights case may be set first affording me less opportunity to file a supplemental brief.

I do not understand why the Supreme Court Rule requires the clerk to distribute the petitions within no fewer than 14 days, but the schedule seems to require longer for the IFP June 20, 2024 deadline.

I am scared my petition may have been overlooked and placed later prejudicing me with fewer time for the court to carefully review the voluminous documents.

Thank you for your understanding, clarification and help as I fight for my life, liberty, eternal life and my property interests in my licenses from unconstitutional deprivations without due process and to punish me for exercising fundamental Constitutional rights.

Have a great day.

Very truly,
Meg
Meghan Kelly
34012 Shawnee Drive

Dagsboro, DE 19939

3 casedistributionschedule2024summer.pdf
18.9kB

Sewer Vote Results

From: Blackwater Village Homeowners' Association Inc. (bvvillagevoice@47097473.mailchimpapp.com)

To: meghankellyesq@yahoo.com

Date: Thursday, June 6, 2024 at 08:15 PM EDT

Sewer Vote FAILED

The Vote Count is in!
225 Opposed to Revised Assessment.
26 In Favor of Revised Assessment

Copyright © 2024 Blackwater Village Association, Inc., All rights reserved.
You are receiving this email because you are a property owner in Blackwater Village.

Our mailing address is:
Blackwater Village Association, Inc.
31275 Mohican Dr
Dagsboro, DE 19939-4157

Add us to your address book

Want to change how you receive these emails?
You can update your preferences or unsubscribe from this list.

UNITED STATES DISTRICT COURT IN THE DISTRICT OF DELAWARE

Meghan Kelly	)	Civil Action No.: 1:21-1490
	)	(CFC)
Plaintiff,	)	
v.	)	
Disciplinary Counsel Patricia B. Swartz, et.al	)	
	)	
Defendants.	)	

CERTIFICATE OF SERVICE OF 224th Affidavit

I, Meghan M. Kelly, Esquire, hereby certify on June 19, 2024 had a true and correct copy of the above referenced document served to Defendants, through their counsel served electronically by email at zi-xiang.shen@delaware.gov and ryan.costa@delaware.gov.

The physical address c/o Ryan Costa

Kathleen Jennings, Delaware Attorney General
Delaware Department of Justice
820 North French Street
6th Floor
Wilmington, DE 19801

I served Defendants' counsel electronically by E-mail only.

Thank you.

Respectfully submitted,

Dated June 19, 2024

Meghan M. Kelly
Meghan Kelly, Esquire
34012 Shawnee Drive
Dagsboro, DE 19939
meghankellyesq@yahoo.com

Under Religious objection I declare, affirm that the foregoing statement is true and correct

Dated: June 19, 2024

Meghan Kelly (printed)

(signed)