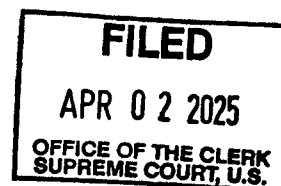


No. _____

ORIGINAL

24-7039

IN THE



SUPREME COURT OF THE UNITED STATES

The United States of America
ex Rel Danilo Augusto Feliciano — PETITIONER
(Your Name)

Nancy Ruth Landry, Dominion Voting Systems, et al.
vs. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US District of Appeals for the District of Columbia
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Danilo Augusto Feliciano
(Your Name)

400 Burgundy St
(Address)

New Orleans, LA 70112
(City, State, Zip Code)

202-505-1841
(Phone Number)

QUESTION(S) PRESENTED

1. Is the United States of America the same as the United States in the context of Federal Rules of Appellate Procedure, Rule 40(a)(1)(A)?
2. Should the United States Court of Appeals for the District of Columbia Circuit have considered the United States a party when it affirmed the United States' Motion for Summary Affirmance for issuing the Mandate?

PARTIES TO THE PROCEEDING AND RELATED PROCEEDINGS

A. PARTIES

The parties in the district court include the Petitioner-Appellant Danilo A. Feliciano and the Defendant-Appellees, Robert Kyle Ardoin, former Secretary of State for the State of Louisiana, and Dominion Voting Systems Corporation, Dominion Voting Systems Inc., and Dominion Voting Systems International Corporation. The parties before the Appeal Court include Petitioner-Appellant Danilo A. Feliciano and the United States Department of Justice.

Disclosure Statement: No Disclosure Statement under Federal Rule of Appellate Procedure 26.1 or under Circuit Rule 26.1 is necessary, as Petitioner-Appellant is not a corporation or similar entity, but a free, living man, veteran and one of the people.

B. RULINGS UNDER REVIEW

The parties are before this Court on appeal from the 4 February 2025 Order of the United States Court of Appeal for the District of Columbia Circuit, *United States of America ex rel. Danilo Feliciano v. Robert Ardoin, et al*, No. 24-7134 and the mandate issued on 14 March 2025.

C. RELATED CASES

There are no current related cases being litigated.

CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, relator affirms that he is not a corporation and he does not issue stock.

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TO THE HONORABLE JUSTICES OF THE SUPREME COURT

INTRODUCTION

“We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.” Did the framers and founders of our country intentionally mean different things between the “United States” and the “United States of America”? In a related sense, can the United States District Court of Appeals for the District of Columbia Circuit consider that the Plaintiff-Appellant, the *United States of America ex. Rel. Danilo Augusto Feliciano*, and the Intervenor-Appellee, the United States of America (as represented by the United States Department of Justice), are not the same as the “United States” in the context of Federal Rules of Appellate Procedure (hereinafter “Fed. R. App. P”, Rule 40 (a)(1)(A)?

OPINIONS BELOW

The United States District Court of Appeals issued an *Order* on 4 February 2025 and a *Mandate* was issued by the Clerk on 14 March 2025. This is 40 days after initial *Order* and less the 45-day window required when the United States is a party to the proceedings pursuant to Federal Rules of Appellate Procedure, Rule 40 (a)(1)(A).

JURISDICTION

Petitioner seeks review of the order dated February 4, 2025 by the United States Court of Appeals for the District of Columbia Circuit in Case No 24-7134. This Court has jurisdiction to resolve this application under the Rules of the Supreme Court, Rule 13.1 and 28 U.S.C. § 1254.

STATEMENT OF THE ISSUES ON APPEAL

1. Is the United States of America the same as the United States in the context of Federal Rules of Appellate Procedure, Rule 40 (a)(1)(A)?

2. Should the United States Court of Appeals for the District of Columbia Circuit have considered the United States a party when it affirmed the *United States' Motion for Summary Affirmance* for issuing the mandate?

STATEMENT OF THE CASE

On 17 November 2023, on behalf of the United States of America, Dañilo Augusto Feliciano (hereinafter the “relator” or “advocate”) filed a false claim action under seal (hereinafter, the “action”) in the United States District Court for the District of Columbia (hereinafter, the “lower court”). On 29 July 2024, the lower court issued an *Order* dismissing the case without comment or an accompanying memorandum of opinion at the suggestion of the United States Attorney. On 23 August 2024, the advocate submitted a *Motion to Reconsider* to the lower court. On 4 September 2024, while the *Motion to Reconsider* was still pending, the advocate filed a *Notice of Appeal* of the 29 July 2024 order, thirty-six days after the order was filed. On 16 September 2024, the lower court issued a minute order denying the *Motion to Reconsider*. On 17 September 2024, the lower court docketed the appeal and forwarded the record to the United States Court of Appeals for the District of Columbia Circuit (hereinafter, the “appeals court”).

On 6 November 2024, Intervenor-Appellee the United States of America (as represented by the United States Department of Justice) filed a document entitled *United States' Motion for Summary Affirmance*. On 4 February 2025, the appeals court issued an *Order* affirming the lower court opinion. Forty days later, on 14 March 2025, the appeals court issued a *Mandate* affirming the order of 4 February

2025 according to Fed. R. App. P Rule 41. It should be noted that the advocate mailed a *Petition for a Rehearing En Banc* on 5 March 2025 and then again on 11 March 2025. Due to an incorrect zip code, the United States Postal Service delivered the copy of the *Petition for a Rehearing En Banc* mailed 5 March 2025 on 19 March 2025. The *Petition for a Rehearing En Banc* mailed on 11 March 2025 (which had the correct zip code) was delivered on 31 March 2025 for an unknown reason, despite paying for 3 day service for both mailings. The advocate seeks a recall of the *Mandate* and a reopening of the forty-five day window to file the *Petition for a Rehearing En Banc*.

SUMMARY OF THE ARGUMENT

The United States of America is the same as the United States in the context of Federal Rules of Appellate Procedure, Rule 4 (a)(1)(B) and Federal Rules of Appellate Procedure, Rule 40 (a)(1). Both the lower court and the appeals court recognized this when the appeal was docketed and the appeals court should recognize this now. The appeals court erred in issuing the 14 March 2025 *Mandate*, forty days after the 4 February 2025 *Order*. The advocate argues that the appeals court should recall the mandate and reopen the forty-five day window for filing a *Petition for Rehearing En Banc* pursuant to the Federal Rules of Appellate Procedure, Rule 40 (a)(1).

ARGUMENT

I. The Appeal Was Accepted Under Fed. R. App. P Rule 4(a)(1)(B)

When filing the appeal, the advocate sought an order reversing the decision issued on 29 July 2024 by the lower court. The advocate filed a timely *Notice of Appeal* to the lower court on 4 September 2024, thirty-six days after the 29 July 2024 *Order*. This was then docketed on 17 August 2024 in the appeals court. Both the lower court and appeals court recognized that the 60-day window was allowed under Fed. R. App. P Rule 4(a)(1)(B) because the United States was, and is, a party to the proceedings. Because of this, the expanded time frame of forty-five days, as authorized under Federal Rules of Appellate Procedure, Rule 40 (a)(1), should have been observed by the appeals court in issuing the mandate.

II. FCA Cases Are Considered As Brought For The United States

Government

31 U.S.C. §3730 (b)(1) states “A person may bring a civil action for a violation of section 3729 for the person and for the United States Government. The action shall be brought in the name of the Government.” “*An Act to Prevent and punish Frauds upon the Government of the United States*” passed by Congress on 2 March 1863, 12 Stat. 696 (hereinafter, the “Lincoln’s Law”) states “Such suit may be brought and carried on by any person, as well for himself as for the United States; the same shall be at the sole cost and charge of such person, and shall be in the name of the United States”. While the caption reads, the “*United States of America ex rel Danilo Augusto Feliciano*”, the laws under which the action was brought state that the case

is to be considered as for the "United States Government" by the text of 31 U.S.C. §3730 (b)(1) or in the name of the "United States" according to Lincoln's Law. Thus, Fed. R. App. P Rule 40 (a)(1)(A) applies to this action.

III. Courts Recognize the United States of America as the United States

Courts have recognized the United States of America as being the United States. In *Smartmatic Int'l Corp. v. Dominion Voting Sys. Int'l Corp.*, C.A. No. 7844-VCP, 14 (Del. Ch. May. 1, 2013), Vice-Chancellor Parsons saw the two as without difference, writing:

"Black's Law Dictionary defines the **United States** as "a federal republic formed after the War of Independence and made up of 48 coterminous states, plus the state of Alaska and the District of Columbia in North America, plus the state of Hawaii in the Pacific." Webster's New World Dictionary provides that the **United States of America** is a "country made up of the N[orth] American area extending from the Atlantic Ocean to the Pacific Ocean between Canada and Mexico, together with Alaska & Hawaii." Similarly, the New Oxford American Dictionary defines the **Unites States** as "a country that occupies most of the southern half of North America as well as Alaska and the Hawaiian Islands.'" (Emphasis Added)

However, Black's Law Dictionary did not always contain a definition for the United States. The second edition of Black's Law Dictionary, released in 1910, contains neither a definition for the United States or the United States of America. The fourth edition of Black's Law Dictionary, released in 1968, does not mention the United States of America, but defines the United States as follows:

"This term has several meanings. It may be merely the name of a sovereign occupying the position analogous to that of other sovereigns in family of nations, it may designate territory over which sovereignty of United States extends, or it may be collective name of the states which are united by and under the Constitution." *Hooven &*

Allison Co. v. Evatt, U.S. Ohio, 324 U.S. 652, 65 S.Ct. 870, 880, 89 L.Ed. 1252.

The Eighth Edition of Black's Law Dictionary, released in 2005, includes no definition for the United States, but defines the United States of America as "[A] federal republic formed after the War of Independence and made up of 48 conterminous states, plus the state of Alaska and the District of Columbia in North America, plus the state of Hawaii in the Pacific." The Ninth Edition of Black's Law Dictionary, issued in 2010, includes an entry for the United States that directs the reader to look up the entry for United States of America, which maintains the definition from the eighth edition. Thus, Fed. R. App. P Rule 40 (a)(1)(A) applies to this action.

PRAYER

Wherefore, for the foregoing reasons, the advocate respectfully prays that this court affirm that the United States of America is the same as the United States, order the appeals court to recall the mandate and reopen the forty-five day window for the advocate to file a *Petition for A Rehearing En Banc*, and what other relief the court may find appropriate.

Dated: 2 April 2025

Respectfully submitted,



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in propria persona