24-7138

IN THE

SUPREME COURT OF THE UNITED STATES

Steve Van Horne,
propria persona, in his natural capacity
Petitioner,

v.

Harriet Haag, Brandi Deremer, Brandy Maldonado,

Respondent.

Case Number: 24-10492, United States Court of Appeals for the Fifth Circuit
Case Numbers: 1:23-CV- 240, United States District Court for the Northern District of Texas

APPEAL FROM U.S. COURT OF APPEALS FOR THE FIFTH CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Steve Van Horne
3242 Beltway South
Abilene, Texas 79606
Phone #: 325.692.2481
Ahfl3242@aol.com
APPEARING *PRO PER, SUI JURIS*

A. QUESTIONS PRESENTED FOR REVIEW

1. WHETHER THE DISTRICT COURT ERRED IN IGNORING THE 1ST AMENDMENT AND 42 USC 21b § 2000bb IN DENYING PETITIONER'S NOTIFICATION OF RELIGIOUS OBLIGATION FILED ON 03/11/2024

2. WHETHER THE DISTRICT COURT ERRED IN DENYING PETITIONER'S MOTION TO RECONSIDER ORDER DENYING STAY, FILED ON 03/20/2024

3. WHETHER THE DISTRICT COURT ERRED IN SENDING PETITIONER ITS FINDINGS, CONCLUSIONS, AND RECOMMENDATIONS (FCR) OF THE MAGISTRATE JUDGE DURING THE TIME PERIOD THAT PETITIONER HAD ALREADY NOTIFIED THE COURT THAT HE WOULD NOT BE AVAILABLE DUE TO VERY IMPORTANT RELIGIOUS FUNCTIONS COMMANDED BY THE CREATOR, FILED ON 04/18/2024.

4. WHETHER THE DISTRICT COURT ERRED IN SENDING PETITIONER ITS ORDER ACCEPTING THE MAGISTRATE JUDGE'S FCR, AND DISMISSING HIS LAWSUIT DURING THE TIME PERIOD THAT PETITIONER HAD ALREADY NOTIFIED THE COURT THAT HE WOULD NOT BE AVAILABLE DUE TO VERY IMPORTANT RELIGIOUS FUNCTIONS COMMANDED BY THE CREATOR, FILED ON 05/06/2024.

5. WHETHER THE DISTRICT COURT ERRED IN REVOKING PETITIONER'S IFP STATUS WHILE HE WAS ENGAGED IN A COMMANDED RELIGIOUS OBSERVANCE AND NOT AVAILABLE TO RESPOND TO THE COURT'S FCR.

6. WHETHER THE DISTRICT COURT'S ACTIONS FORCED PETITIONER TO CHOOSE BETWEEN HIS CREATOR'S COMMANDMENTS AND THE COURT'S ORDER.

7. WHETHER THE APPEALS COURT ERRED BY NOT TAKING JUDICIAL NOTICE OF THE FACT THAT PETITIONER ANSWERED THE DISTRICT COURT'S FCR.

8. WHETHER THE APPEALS COURT ERRED BY DISMISSING THE CASE

9. WHETHER THE APPEALS COURT ERRED WHEN IT DENIED PETITIONER'S MOTION TO RECALL ITS MANDATE WHICH DECISION WAS BASED ON COURT JUDICIAL ERROR.

B. LIST OF PARTIES

The parties involved in this case are:

Harriett Haag
Brandi Deremer,
Brandy Maldonado
United States Court of Appeals for the Fifth Circuit
United States District Court for the Northern District of Texas

All parties appear in the caption of the case or on the cover page.

C. TABLE OF CONTENTS & CITED AUTHORITIES

1. TABLE OF CONTENTS

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APPENDIX: A

On October 17, 2024 the United States Court of Appeals dismissed Petitioner's appeal as frivolous stating that Petitioner "failed to meaningfully challenge any factual or legal aspect of the district court's reason for the dismissal of his complaint..."
Cause No. 24-10492

APPENDIX: B

On May 1, 2023 the United States District Judge dismissed Plaintiff's claims against the defendants with prejudice, warned that continued frivolous litigation may result in sanctions, and directed the Clerk of Court to close the case.
Cause No. 1:23-CV-240-H-BU.

APPENDIX: C

On November 19, 2024 the Petitioner received a letter from the United States Court of Appeals dated November 8, 2024. It rejected Petitioner's motion to reconsider as "out of time". Petitioner mailed his motion to the court on October 30, 2024,

APPENDIX: D

On December 1, 2024 Petitioner received a letter from the United States Court of Appeals dated November 25, 2024. It rejected Appellant's Petition to rehear as "out of time". Petitioner mailed his petition on November 20, 2024.

APPENDIX: E

On December 12, 2024 the Court of Appeals DENIED Appellant's "Motion to recall for Relief to Void Orders, and Judgment, and Reimburse" entered on September 12, 2024.

APPENDIX: F

Docket from 1:24-CV-00007-H-BU

APPENDIX: G
Docket from 1:23-cv-00240-H-BU and Related Exhibits

2. CITED AUTHORITIES

a. Cases

b. Statutes

c. Constitutions

d. Other Authorities

e. Scriptural Authorities

The Petitioner, Steve Van Horne, hereby **APPEAL AS OF RIGHT** pursuant to the First Amendment, requests that the Court issue its Writ of Certiorari to review, in equity, the judgment of the United States Court of Appeals 5th Circuit entered in this case on October 17, 2024, and reverse the denial of Petitioner's motion to recall issued on December 12, 2024. Petitioner also ask the court to reverse the United States District Court for the Northern District of Texas Certification and judgment entered on May 06, 2024.

D. CITATION TO OPINION BELOW

Steve Van Horne, Petitioner v. Haag, et,al, Defendant Appellee Cause Numbers: 24-10492, the United States Court of Appeals for the Fifth Circuit.

On October 17, 2024 the United States Court of Appeals for the Fifth Circuit dismissed Petitioner's appeal, stating that Petitioner did not respond to the District Court's FCR, and warning Petitioner of filing frivolous claims. (Appendix: A).

On May 06, 2024 the Petitioner's case Numbers: 1:23-CV- 240 in the United States District Court for the Northern District of Texas was dismissed by the district court while he was attending to his religious obligation, which he had previously notified the court of and was unavailable to respond to the court (Appendix: B).

E. BASIS FOR JURISDICTION

The date on which the United States Court of Appeals for the Fifth Circuit dismissed the case was October 17, 2024. A copy of that decision appears in Appendix: A.

The jurisdiction of the Court is invoked under Article III, Section II of the Constitution.

F. CONSTITUTIONAL PROVISIONS AND EQUITABLE PRINCIPLES INVOLVED

The U.S. Constitution Article III provides that the judicial power shall extend to all cases, and the U.S. Constitution Article VI states that the Constitution is the Supreme Law of the Land and judges are bound thereby.

The United States Constitution's First Amendment guarantees the right of the people to be free in the exercise of their religious beliefs, practice, and conscience. The founders understood this right to be natural and inalienable, meaning that the authority over religious worship and conscience was not and could not be granted to government authorities by the founders. This is echoed by Article 1, Sec. 6 of The Texas Constitution.

The U.S. Constitution Fifth Amendment provides for due process of law, which is process in accordance with the United States Constitution - Common Law. The U.S. 14th Amendment of the U.S. Constitution applies these protections to the States. Because the private rights protected by the Ninth Amendment are not specified, they are referred to as "un-enumerated." All rights which are not enumerated in the Constitution to the federal government and the states, remain with the people to decide how to protect lives, liberties, and the pursuit of what makes them happy.

"The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people." *U.S. Constitution 9th Amendment*

Un-enumerated rights include, but are not limited to, such important rights as the right to travel and transport one's property throughout the USA by the normal conveyance of the day without interference, the right to be secured in one's own property, the right to keep personal matters private, to make important decisions about one's religion, the right of conscience, which may dictate to separate from political ideologies or political civil societies which are intolerable to one's religious beliefs and conscience.

G. STATEMENT OF THE CASE

The Petitioner asks the Court to take judicial notice of the fact that he is without counsel, is not schooled in law and legal procedures, and is not licensed to practice law. The court noted that self-represented petitioners should be afforded "special solicitude." Rabin v. Dep't of State, No. 95-4310,1997 U.S. Dist. LEXIS 15718.

Further, Petitioner believes that the courts have a responsibility and duty to protect any and all constitutional protected natural rights. See Montgomery v. State 45 So. 879, 55 Fla. 97

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

Petitioner, on behalf of himself, hereby petitions for a writ of certiorari to review the judgments of the United States Court of Appeals for the Fifth Circuit and the United States District Court for the Northern District of Texas.

Petitioner is a minister whose only purpose for pursuing this matter before the court is to be able to worship his Creator according to what he understands to be necessary in accomplishing this duty. This duty has led to great opposition at the hand of state officials who has not taken kindly to me desiring to fulfill my obligation. The Petitioner believes that there has been abuse of discretion and no fair support for Petitioner's assertion of his rights or good faith determination in the district and appeals courts, in considering Petitioner's natural rights and legitimate claims. Instead the courts seem to take deliberate actions to deprive Petitioner of various protected rights including indifference to his religious freedom and due process to be heard. This is not the latest of what seem to be an ongoing effort to deprive Petitioner of his religious rights and religiously persecute him. The district court dismissed Petitioner's case last year while he was attending to a religious obligation which he had previously notified the court of.

1. FACTUAL BACKGROUND

Petitioner is a minister and member within an unincorporated/unsponsored, religious society. Petitioner does not receive an income for his ministerial duties and the religious society he belong to practices what we call "The Way" (see Acts

9:2; Acts 19:9,23; John 14:6) which is 100% peaceful and harmless to the secular civil political society. According to our faith we must be separated unto our Creator in order to be accepted as holy and received for His work (see Leviticus 20:26; 2 Corinthians 6:17-18). In order to fulfill our faith, which dictates our conscience, and obedience to our Creator, we do not accept benefits, privileges, or entitlements from the civil secular political government. This is part of the way we worship/serve our Creator and is 100% in accordance with the First Amendment, the ideal of the framers of this nation, and what this court has continuously upheld, that it is our right to be separate of state - *Separation of church and state*.

However, the civil secular political societal authorities have not taken very kindly to our right to serve our Creator without the state. Petitioner and members of the religious society he is a member of have been victimized for years by targeted systemic administrative corruption, judicial misconduct, and oppressive conduct, which refuse to allow the members, including Petitioner, to assert our constitutionally protected rights, of which all his natural rights are retained, according to natural law as held by his faith and conscience.

In a span of 3 years, Petitioner has filed four complaints in federal court against two judges (the Northern District of Texas, Abilene Division Nos.: 1:23-cv-00017-H-BU and 1:24-CV-00007-H-BU) who ignored his right to a trial by jury and

forced him into bench trials against his will, which subsequently led to his conviction after refusing to allow him to assert his right.

During the same time he filed a complaint in Federal Court against a DPS officers who arrested him during a traffic stop for not having a driver license and failure to identify himself while operating a privately registered and licensed automobile, and after Petitioner repeatedly stated his name to the officer and attempted to give the officer his religious society's issued ID (Case No. 1:21-CV-173).

This complaint arose as a result of redress of judicial procedures in Petitioner's trial in Judge Robert Bob Jones' justice court, in which he was denied the right to a trial by jury and manipulated into a bench trial to consequently be convicted of driving without a license, and appealed in the Taylor county Court of Law # 2 in Texas. However, the automobile he was operating was a privately registered, privately licensed, and privately insured automobile (Civil Action No. 1:23-cv-00017-H-BU), and is supported by the following:

c. PETITIONER'S APPEAL TO TAYLOR COUNTY COURT AT LAW No. 2

On April 21, 2021, Petitioner appealed the Justice of the Peace Precinct 2 Court's decision to Taylor County Court at Law No. 2, Presided over by Judge Harriett L. Haag. The Appeal Letter was clear that Petitioner was challenging the Justice Court's jurisdiction, which was ignored at the Justice Court level. If the County

Court had impartially reviewed the case, it would have been evident that Petitioner had challenged both courts' jurisdiction to bind any duty upon Petitioner.

Approximately six months after Petitioner appealed he received a letter from Brandi DeRemer, the Court Administrator at the time for County Court at Law 2, dated October 11, 2021, addressing Pro Se Defendants and Counsel, which stated in the first paragraph:

> *"THERE ARE NEW RULES FOR THE JP & CITY APPEAL DOCKET. The JP & City Appeal Docket will be called by Judge Haag on FRIDAY, November 5, 2021 beginning at 8:30 a.m. There will several changes in the way we handle JP & City Appeals." (At Appendix G:* Exhibit: B *)*

On the fourth page of the listed cases, Petitioner's cases were listed (*Appendix G* Exhibit: B).

Petitioner responded with an affidavit of Special Appearance for the purpose of explaining to the court the matter was a case of the state's presumption and assumption of jurisdiction filed October 22, 2021. Petitioner also asked that the State and the Taylor County Court at law 2 prove their jurisdiction according to the laws of the land or dismiss cases: 2-284-21 & 2-285-21.

Petitioner did not receive a response from the County Court. Therefore, he went to court on November 5, 2021 as the letter had stated. While in the court room, before the proceedings began, Petitioner attempted to explain to the bailiff, that he was there for a special appearance. The bailiff told Petitioner to go over to an unidentified woman and explain to her what he was there for. As Petitioner

explained that he needed a special appearance, due to jurisdictional issues to the unidentified woman, the assistant district attorney who represented the state at the Justice Court trial (Mr. Tyler Cagel) called the unidentified woman over to him. After they spoke, the unidentified woman returned to Petitioner and told him that she had to take him to the court administrator to set another court date in order to accommodate Petitioner's request. She then walked Petitioner over to the court administrator's office, where she explained the matter to the court administrator who was Brandi Deremer. Petitioner asked the court administrator if he could get the date for the special appearance and the court administrator said when she rescheduled a hearing she would send it to him.

After this, Petitioner never received any documents from the court, and certainly no notification for a rescheduled court date. On January 5th 2022, Petitioner went to a separate justice court for an unrelated hearing. There he was arrested by Deputies Pippins and Bond of the Taylor County Constable's office, for failing to show up to the hearing at the Taylor County Court At Law No. 2, on December 17, 2021, and was held against his will.

Initially, Petitioner thought the arrest was for the November 5, 2021, court date, which he did attend, and had been awaiting a new court date. Therefore, he tried to explain the events that took place at the County Court on November 5, 2021 to the officers, reiterating that chain of events previously stated which mentions ADA

Tyler Cagel. However, later it became apparent that the County Court was claiming to have rescheduled a court date, sent notification, and claimed Petitioner failed to show up for court.

While Petitioner was handcuffed and being held against his will, the deputies (Pippins and Bond) explained to Petitioner that his choices were to either go through the process of paying the tickets, or go through the process of going to jail and having his private vehicle towed from the parking lot of the building he was arrested at.

Under duress, Petitioner told the constables deputies that he would pay the tickets. The deputies (Pippins and Bond) walked Petitioner down the street in handcuffs to another building. There, under duress, he involuntary, and against his will, paid for two citations by credit card, which were written to him, while he was exercising his personal liberty rights to use a privately registered and licensed automobile on the roadways in free ingress and egress in the normal course of the day protected by the US Constitution First and Ninth Amendment.

After his release (January 05, 2021), Petitioner called the county court and requested a copy of the letter which the court claimed to have sent for the rescheduled court date. Petitioner was told that he would have to call the county clerk for the letter. He contacted the County Clerk's office and asked for a copy of

the letter which was written to Petitioner from the county court, which notified him to appear before the court on December 17, 2021.

On January 13, 2022 Petitioner received an email from the County Clerk's office (*Appendix G* Exhibit: D). The email furnished two vague letters with Petitioner's address, dated November 9, 2021, which addressed a bondsman, cc'd to the county court clerk (*Appendix G* Exhibit: E). However, they were both filed by the county court clerk on January 05, 2022, the day Petitioner was arrested, which Petitioner saw for the first time that day on 01-13-22. The email included the Defendants' court order for Petitioner's arrest (*Appendix G:* Exhibit: F) and the documents Petitioner was fraudulently compelled to sign while under duress, signed by Judge Harriet Haag and prosecuting attorney Brandi Maldonado (*Appendix G:* Exhibit: G).

Exhibit: G documents a letter which:

1. *Was produced by the County Court at Law No. 2, signed by Court Administrator Brandi DeRemer, on Taylor County Court at Law 2 official letter head.*
2. *Was dated November 09, 2021 and carbon copied (cc'd) to the county clerk. However, it was not filed with the county clerk until January 05, 2022, the day Petitioner was arrested, and almost two months after the letter was supposedly produced, cc'd to the county clerk, and supposedly sent, that day it was produced or shortly after, to Petitioner. This indicates that the letter dated November 09, 2021 was not received by the county clerk until January 5th and could not have been sent on November 09, 2021 to the county court clerk or the Petitioner.*
3. *The letter addressed: "Dear Bondsman," not the Petitioner by name. This was confusing to Petitioner as he had no bondsman, did not guarantee a bond, and did not claim to be a surety in this case.*

If the letter had reached Petitioner the confusion would have prompted him to inquire in order to get clarity, but it was never sent.

It is Petitioner's belief that a notice was never meant to reach him, but that there was a conspiring effort, to entrap him into not showing up for a court date, by not notifying him, however, pretend as if the court sent notice, so he could later be arrested for not showing up to court, as a warrant was issued for his arrest on December 17, 2021, the day of the supposed scheduled hearing without sending Petitioner a letter.

On January 15, 2022: Petitioner still thought that there had been a letter sent to him with a rescheduled court date but not received. So, he requested all the district court's correspondence to Steve Van Horne (*Appendix G*, Exhibit H), including:

a. the letter the district court sent to Mr. Van Horne on October 11, 2021 for court on November 5, 2021.

b. the letter the court sent to Steve Van Horne to notify him of a rescheduled court date of December 17, 2021.

On January 18, 2022, the county clerk responded to Petitioner's request for all the court's correspondence with 15 files (*Appendix G:* Exhibit: I).

- *File No. 1 is Exhibit: C.*
- *File No. 2 is the brief from Petitioner to the justice court, which was sent to the county clerk.*
- *File No. 3 is correspondence between Petitioner and the JP2 Court.*
- *File No. 4 is correspondence between Petitioner and the JP2 Court and that court's judgment.*
- *File No. 5 is all files from the JP2 Court.*
- *File No. 6 is correspondence between Petitioner and the JP2 Court.*
- *File No. 7 is Exhibit: C again.*
- *File No. 8 is the same as File No. 2.*
- *File No. 9 is correspondence between Petitioner and the JP2 Court.*

- *File No. 10 is correspondence between Petitioner and the JP2 Court and that court's judgment.*
- *File No. 11 is correspondence between Petitioner and the JP2 Court and that court's judgment.*
- *File No. 12 is Petitioner's affidavit to proceed in forma pauperis.*
- *File No. 13 is Exhibit: E (2-285-21 letter).*
- *File No. 14 is Exhibit: E (2-284-21 letter).*
- *File No. 15 is Exhibit: E (2-285-21 letter) again.*

Later on January 18, 2022, believing that he had still not received the letter from the county clerk to confirm the county court had sent notice to reschedule the hearing, Petitioner again sent another email informing the clerk that he still didn't receive that documents (*Appendix G:* Exhibit: J).

On January 18, 2022, the county clerk sent an email with three files (*Appendix G:* Exhibit: K):

The first file was (*Appendix G:* Exhibit: E (2-284-21 letter in 1:23-cv-00240-H-BU, DKT. 5).

The second file was ironically the same letter Petitioner received as (*Appendix G:* Exhibit: B), dated October 11, 2021, just as the original letter had been dated, except the first paragraph stated *"The JP & City Appeal Docket will be called by Judge Haag on* ***FRIDAY, December 17, 2021 beginning at 8:30 a.m.***"

Strangely the date for the *JP & City Appeal Docket* would be *called by Judge Haag on FRIDAY, December 17, 2021 (Appendix G: Exhibit: L), instead of FRIDAY, November 5, 2021(Appendix G: Exhibit: B).* Yet both letters bore a send date of October 11, 2021.

Petitioner did not receive Exhibit: L from the court, because the Defendants simply did not send it to the Petitioner, just as the Defendants did not send Petitioner a rescheduled date for court, yet had him arrested. For Exhibit: L to have been sent, Defendants would need to send Exhibit: B to Petitioner dated *October 11, 2021* for a *November 05, 2021* hearing. Then schedule a special setting Dated *November 09, 2021* for court on *December 17, 2021* as claimed in (*Appendix G:* Exhibit: E). Then go back in time to *October 11, 2021* to schedule a *JP & City Appeal Docket call* for *December 17, 2021, at 8:30 a.m.* (*Appendix G:* Exhibit: L), the same day they scheduled (at a future time) the special setting for Petitioner at 1:30 p.m. (*Appendix G:* Exhibit: E).

The third file was dated February 8, 2021 for a JP & City Appeal Docket to be called by Judge Haag on FRIDAY, June 25, 2021 beginning at 1:30 p.m. (Appendix: G, DKT. 5, Exhibit: M). The only problem there is that Petitioner did not appeal his case from the JP Court until on April 21, 2021, more than two months after the letter would have been sent (Appendix: G, DKT. 5, Exhibit: A).

After having received many emails in an attempt to satisfy his request, the Petitioner has received no document which the court sent, informing him to appear before the court for a special setting on a rescheduled date. Neither did Petitioner ever receive a letter informing him that he missed the rescheduled court date. Thus, it became clear that the court was not acting in good faith.

In another case (2-199-22 & 2-200-22) the same county court and judge refused to allow Petitioner to assert his right by refusing to allow him to introduce any evidence, not even the state's own statute, to exonerate himself while the court allowed the prosecutor to blatantly delete video evidence that would exonerate him.

d. THE DISTRICT COURT'S ERRED QUESTIONS PRESENTED FOR REVIEW # 1-6

Due to what Petitioner views as the open persecution and deprivation of his right to freely practice his religion and worship the Creator according to his faith and conscience, he began to file complaints in federal district court. However the federal district court has done everything in its power to deprive Petitioner of his religious rights and due process as well.

On December 26, 2023 Petitioner filed this original complaint under Title 42 U.S.C. Section 1983, 1985 and, 1986 against Judge Harriett Haag, Taylor County Court at Law No. 2, Brandy Maldonado, and Brandi DeRerner, for violations against personal and natural protections guaranteed to him by the First, Fifth, and Fourteenth Amendments of the U.S. Constitution. (APPENDIX: G, *DKT 1)*. He also filed an application to Proceed in forma pauperis (APPENDIX: G, *DKT 4)*.

On 01/04/2024, the District Court granted the application to proceed IFP and set an evidentiary hearing for 01-10-2024 (APPENDIX: G, DKT. 6)), in which Petitioner appeared in person.

Two months after the hearing Petitioner notified the court in a letter dated March 7, 2024 that he had a religious obligation to attend to from March 20 to May 15, 2024, which the court filed on 03-11-2024. (APPENDIX: G, DKT. 9). In spite of notifying the court of Petitioner's religious obligation, the court, having not moved the case any further to that point, the court refused to hold communication on the case until Petitioner's days of religious obligation were complete and ordered a denial of stay for Petitioner's notification of religious obligation on 03-14-2024 stating that Petitioner should dismiss the case and refile later if able. However, he would not be able to refile a timely complaint if he dismissed the case. The court also stated that Petitioner "*has failed to support his request that he be excused from court-related requirements with anything more than a vague reference to those beliefs and has not explained how either his beliefs or his religious functions require him to have no contact with the Court for two months*". (APPENDIX: G, DKT 10)

In a letter dated March 18, 2024, filed on 03-20-2024, Petitioner, in good faith, asked the court to reconsider its denial and to address what the court felt was a vague reference, petitioner explained in great detail the importance of his commanded religious obligation as a heavenly command and why he needed that much time (APPENDIX: G, DKT. 11). Petitioner then went on to attend to his obligation. However, the District Court responded on March 21, 2024, the day

after Petitioner began his religious obligations, and was not available to respond, with a denial of the reconsideration of stay (APPENDIX: G, DKT. 13).

On April 18, 2024, the court filed its Findings, Conclusions, and Recommendations (APPENDIX: G, DKT. 14). The FCR went unanswered due to the fact that Petitioner was attending to a commanded observance of the Most High. While Petitioner was still unavailable, the court also adopted the FCR, ordered a final judgment and certified *"that any appeal of this action would not be taken in good faith"* on May 6, 2024 (APPENDIX: G, DKT. 16,17).

Not only did the court force Petitioner to act due to his conscience to choose between following the command of the Creator and the demands of the court, the court failed to honor the First Amendment to allow Petitioner to freely practice his religion and the founding father's standing on religious duties:

> ***It is the duty*** *of every man to render to the Creator such homage and* ***such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society*** ***(At 1).*** *"Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison",*

...And failed to honor the US Supreme Court's consistent ruling on the matter:

> ***"in the forum of conscience, duty to a moral power HIGHER THAN THE STATE HAS ALWAYS BEEN MAINTAINED." United States v. Seeger, 380 U.S. 163, 171 (1965)***

> ***"both morals and sound policy require that the state should NOT violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it WORTHY OF PRESERVATION at the hands of the state.*** Ibib.

> ***"THERE IS A HIGHER LOYALTY than loyalty to this country, LOYALTY TO GOD."*** Ibib.

*"**religious training and belief," which Congress has defined as "belief in a relation to a Supreme Being involving duties superior to those arising from ANY human relation."*** Ibib.

The right of religious freedom embraces not only the right to worship God according TO THE DICTATES OF ONE'S CONSCIENCE, but also THE RIGHT "TO DO, OR FORBEAR TO DO, ANY ACT, FOR CONSCIENCE SAKE, *the doing or forbearing of which, is not prejudicial to the public weal (harm)". Chief Justice Gibson in Commonwealth v. Lesher, 17 Serg. & R., Pa., 155. Emphasis added.*

Clearly Petitioner's participating in a commanded religious obligation is not prejudicial to the public weal. Not to mention that the court is also bound by 42 USC 21b § 2000bb.

To acquiesce to the court's assertion of its power would have interfered with Petitioner's observance of his ancient faith and violated his conscience.

Should the state assert power to change the statute requiring conformity to ancient faith and doctrine *to one establishing a different doctrine,* ***the invalidity would be unmistakable****. The opinion radiates, however, a spirit of freedom for religious organizations,* ***an independence from secular control or manipulation, in short, power to decide for themselves, free from state interference, matters of church government as well as those of faith and doctrine.*** *Kedroff* v. *Saint Nicholas Cathedral of Russian Orthodox Church in North America, 344 U. S. 94, 116 (1952).*

After Petitioner religious obligation was over he saw that the court had dismissed his case with prejudice. Therefore, sent his appeal dated May 29th to the District court. It was filed on May 31, 2024 (APPENDIX: G, DKT. 17) and the district court denied Petitioner's motion for leave to appeal in forma pauperis (IFP) *the very same day*, stating that any appeal of this action is frivolous and not taken in good faith in light of the ***uncontested findings*** in the FCR filed on April 18, 2024 (APPENDIX: G, DKT. 19).

However, the court was notified that Petitioner would not be able to respond to any communication from the court due to prior scheduled religious obligation from March 20 to May 15, 2024 (see Appendix G: DKT. 9 and 11) and could not have possibly believed that his ***"uncontested findings"*** in the FCR was in bad faith. It had to be obvious to the court that Plaintiff would not have responded.

In Petitioner's faith and law, Petitioner must worships the Father in Spirit and truth, as this is a requirement.

> *But a time is coming and has now come when **the TRUE WORSHIPERS will worship the Father in spirit and in truth,** for the Father is seeking such as these to worship Him. YHWH is Spirit, and His worshipers must worship Him in spirit and in truth." John 4:23-24*

Petitioner's ancient faith's doctrine requires that to be a ***TRUE WORSHIPPER*** of the Creator he must worship via Truth. The scriptural definition of Truth (our law) is:

> ***"The entirety of Your word is truth**, and all Your righteous judgments endure forever." Psalm 119:160*
>
> *"Sanctify them by the truth; **Your word is truth**." John 17:17*

TRUE WORSHIPERS must worship the Creator according to the ***entirety of His word, which is truth***. Part of the ***entirety of His word, which is truth,*** commands the Petitioner to present himself before the Creator:

> *"Three times in the year **all your males shall appear before YHWH your Heavenly Father**." Exodus 23:17; Exodus 34:23; Deuteronomy 12:5*
>
> *"**When you come to appear before Me**." Isaiah 1:12*
>
> *One day **the sons of YHWH came to present themselves before YHWH and Satan also came with them**. Job 1:6*

*But **you have come to Mount Zion and to the city of the living Father, the heavenly Jerusalem, to an innumerable company of angels**, to the general assembly and body of the firstborn who are registered in heaven, to YHWH the Judge of all, and **to the spirits of just men** made perfect, Hebrews 12:22-23*

*After six days **Yahshua took with him Peter, James and John the brother of James, and led them up a high mountain** by themselves. **There he was transfigured** before them. His face shone like the sun, and his clothes became as white as the light. Just **then there appeared before them Moses and Elijah, talking with Yahshua**... While he was still speaking, a bright cloud covered them, and **a voice from the cloud said, "This is my Son, whom I love; with him I am well pleased. Listen to him!"** When the disciples heard this, they fell facedown to the ground, terrified. But Yahshua came and touched them. "Get up," he said. "Don't be afraid." When they looked up, they saw no one except Yahshua.* Matthew 17:1-8

In Petitioner's religious faith and law, one must not only believe to make this appearance. There must be a sense of duty to the Most High and to deny this duty, if one can at all present them self, is to deny his responsibility and sear his conscience.

Petitioner's actions are dictated by matters of conscience on whether Petitioner put the Creator's command before all else or put the court's demands before the Creator's command. Petitioner must always be faithful to the commands of His Heavenly Father even under the contrarian stance of the district court's threats.

"Get yourself ready! Stand up and say to them whatever I command you. Do not be terrified by them, or I will terrify you before them. Jeremiah 1:17

The district court further erred by choosing to act in an even more unfair manner which prejudiced plaintiff and denied him due process by certifying that *"any appeal of this action would not be taken in good faith"*, and ordered a final judgment on May 6, 2024, with prejudice, because of the uncontested FCR, which

was due to Petitioner's attending to a commanded religious function which the district court was given notice about and fully aware of.

c. THE APPEALS COURT'S ERROR QUESTIONS PRESENTED FOR REVIEW # 7-9

On October 24, 2024 Petitioner received the Appeals Court order from October 17, 2024 (***six days after the order was issued***). The court denied Petitioner's motion to proceed IFP and dismissed his appeal. The court stated reason for its actions was:

> *Van Horne fails to address the district court's reasons for dismissal of his complaint on grounds that his allegations of poverty were untrue under § 1915(e)(2)(A).* (See Appendix: A 2nd page, 3rd para., lines 4-6 of the appeals court's opinion)

However, Petitioner did address the district court's reasons for dismissal of his complaint. On May 23, 2024, the district court issued a FCR of the MJ for the *Dean* suit (Civil Action No. 1:24-CV-00007-H-BU, Appendix F: Dkt. 11). On pg. 2, para. 2, lines 1-3 of that FCR, it stated:

> *"Because Van Horne's IFP application in this case is identical to the one he filed in Haag, the undersigned adopts here the findings made in connection with the IFP application in Haag...(Petitioner documented this fact in Appendix: B of Plaintiff –Appellant's Motion To Reconsider, Vacate, or Modify Denial of IFP and Dismissal of Appeal to the Appeals court).*

In other words, the FCR for Civil Action No. 1:24-CV-00007-H-BU (*Dean*) is identical to the FCR for Civil Action No. 1:23-CV-00240-H-BU (*Haag).* On June 3, 2024, Petitioner addressed both cases in his objection to the MJ's FCR for Civil Action No. 1:24-CV-00007-H-BU (Appendix F: Dkt. 12) in *Appendix: C of Plaintiff –Appellant's Motion To Reconsider, Vacate, or Modify Denial of IFP and Dismissal of Appeal to the Appeals court.* Furthermore he stated this fact in the

footnote on page 14 of his Appellant's brief for the Civil Action No. 24-10492 (1:23-CV-00240-H-BU (*Haag*)) to the Appellate Court. However, the court failed to take notice of it.

Therefore, on October 30, 2024 (six days after he received the court's letter) Petitioner mailed his motion to the Court to reconsider, vacate, or modify its Order entered on October 17, 2024, DENYING Plaintiff-Appellant's motion to proceed IFP and DISMISSING his appeal that he may proceed IFP in his appeal.

On November 19, 2024 Petitioner received 2 letters from the appeals court dated November 08, 2024. Both were post marked on the Nov. 12, and Nov. 14, (11 days after the court's issued the letter). In one letter the appeals court stated that Petitioner's Motion to reconsider, vacate, or modify its Order was out of time. His Motion was delivered to the court on November 04 (The tracking # 9589 0710 5270 0762 5383 36 showed his motion being delivered 5 days after its mailing), 2024. Petitioner thought he had 10 days after receiving the order in the mail to respond. However, later, it seem to appear that he had 28 days to get his motion in the court from the date of the order according to (Rule 4 (a) (4) (vi)) which would make his motion in time. The fact remains that Petitioner is unfamiliar with the court's rules and his unfamiliarity should have been an excusable neglect.

On November 20, 2024, Petitioner mailed a petition for rehearing *panel and/or en banc* to the court, arguing that the court's decision conflicts with a decision of

On November 20, 2024, Petitioner mailed a petition for rehearing *panel and/or en banc* to the court, arguing that the court's decision conflicts with a decision of the United States Supreme Court or of the court to which the petition addressed mainly excusable neglect.

Excusable neglect is associated with legal proceedings that include inadvertence, mistakes, carelessness, oversight, or any other intervening circumstances beyond a party's control. A court has the discretion to allow a party to file a motion after the deadline if it finds excusable neglect. In this case it is the court's own excusable neglect in its oversight of the fact that Petitioner answered the district court's FCR which led to Petitioner's possible out of time filing.

In determining whether the neglect is excusable, courts take a flexible approach and consider all relevant circumstances. For example, oversight, such as in this case, where the Plaintiff-Appellant's answer to the district court's FCR was overlooked by the appeals court, though noted in the footnote on page 14 of his Appellant's brief, which consequently led to court's entry of Denial of Plaintiff – Appellant's IFP and Dismissal of his Appeal, has been considered excusable by the supreme and appeals courts in the past.

Courts also particularly look to:

1. The danger of prejudice to the nonmoving party;
2. The length of the delay and its potential impact on judicial proceedings;
3. The reason for the delay; and

The Petitioner is not an attorney, did not go to law school, and is still in the process of learning the procedures and rules of the Texas court system. If the court can reasonably read the submissions, it should do so despite failure to cite proper legal authority, confusion of legal theories, poor syntax and sentence construction or **litigant's unfamiliarity with rule requirements**. *See Boag v. MacDougall, 454 U.S. 364; Estelle v. Gamble, 429 U.S. 97, 106; Conley v. Gibson, 355 U.S. 41, 45-46; Haines v. Kerner, 404 U.S. 519*. Holding Pro Se petitions cannot be held in same standards as pleading drafted by attorneys. The courts provide Self-represented parties wide latitude when construing their pleadings and papers. When interpreting Self-represented parties papers, the Court should use common sense to determine what relief the party desires. Courts have special obligation to construe Pro Se litigants' pleadings liberally.

The Petitioner's Motion to Reconsider, Vacate, or Modify of Denial of IFP and Dismissal of Appeal to the appeals court was in good faith, as Petitioner believed he had 10 days after receiving service of the court's order to respond. The fact that the court's order took 5 business days after its mailing to be delivered (7 total), and Petitioner's misunderstanding of the rules, led him to believe that he had 10 days from the time he was served to respond. However, that act, though taken in good faith was received out of time according to the court.

However, Rule 4 (a) (4) (vi) seems to allow 28 days to get a motion in the court from the date of the order. That would make Petitioner's motion in time. In any event the issue is due to the court's oversight of Petitioner's answer to the district court's FCR and Petitioner's *unfamiliarity with rule requirements,* and the sometimes confusing wording of the rules.

Petitioner's action was an excusable neglect, as the reason for the possible delay was due to Petitioner's *unfamiliarity with rule requirements* and was in good faith. Petitioner's action was not prejudicial to the nonmoving party and had no little to no impact on the judicial proceedings of the court.

The appeals court has held that "a motion to amend should be freely granted when justice requires and absent justification for refusal." *See, e.g., U.S. ex rel. Willard v. Humana Health Plan of Texas Inc.*, 336 F.3d 375,386 (5th Cir. 2003).

Justice is clearly required in this case and there is no real justification to deny Petitioner's motion to vacate or modify the court's order, being that if Petitioner's filing is out of time it would be due to his unfamiliarity with the rule requirements of the court.

The appeals court has also held that a motion to amend findings of fact and conclusions of law must be predicated on the need to correct manifest errors of law or fact. *Fontenot v. Mesa Petroleum Co.*, 791 F.2d 1207, 1219 (5th Cir. 1986). A ... court should correct its findings and conclusions when its judgment is not

guided by sound legal principles such as: 1) when a court relies on clearly erroneous fact findings; 2) relies on erroneous conclusions of law; or 3) misapplies its factual or legal conclusions. *Alcatel U.S.A., Inc. v. DGI Techs, Inc.*, 166 F.3d 772, 790 (5th Cir. 1999). However, the court's action was based upon on clearly erroneous fact findings.

The appeals court clearly missed Petitioner's statement that he had answered the FCR of the district court. The appeals court's oversight directly influenced its decision in denying Petitioner's motion to proceed IFP and dismissing his appeal. Federal Courts are allowed to revisit their judgments (Rule 60(b)(1)) should excusable neglect be found. Under Rule 60(b)(1), a federal court may set aside a default judgment if it resulted from excusable neglect by considering:

1. *Whether the party's default was willful;*
2. *Whether setting the judgment aside would prejudice the opposing party; and*
3. *Whether a meritorious defense is presented.*

In the *Pioneer Investment Services Co. v. Brunswick Associates, Ltd. Partnership*, 507 U.S. 380, 395 (1992) case, the U.S. Supreme Court has provided guidance on what constitutes excusable neglect:

*(1) Whether granting the delay will prejudice [**any party**]; **(Emphasis added)***
(2) The length of the delay and its impact on efficient court administration;
(3) Whether the delay was beyond the reasonable control of the person whose duty it was to perform;
*(4) Whether the [**Petitioner**] acted in good faith; **(Emphasis added)** and*

*(5) Whether [**Petitioner**] should be penalized for [**an excusable**] mistake or neglect."* ***Emphasis added in order to relate to this case.***

One of the underlying premises of the excusable neglect doctrine is that it exists to prevent victories by default. *Newgen, LLC. v. Safe Cig, LLC*, 840 F.3d 606, 616 (9th Cir. 2016) (observing that it is *"the general rule that default judgments are ordinarily disfavored*). And that ("*Cases should be decided upon their merits whenever reasonably possible.*" *Eitel* , 782 F.2d at 1472.)

The Court then looked to the following factors:

(1) The possibility of prejudice to the plaintiff,
(2) The merits of plaintiff's substantive claim,
(3) The sufficiency of the complaint,
(4) The sum of money at stake in the action;
(5) The possibility of a dispute concerning material facts;
(6) Whether the default was due to excusable neglect, and
(7) The strong policy underlying the Federal Rules of Civil Procedure favoring decisions on the merits.

Consequently, cases should, in the main, be decided *on the merits*, not on technicalities. *Rodriguez v. Village Green Realty, LLC*, 788 F.3d 31, 47 (2d. Cir. 2015) (citing *Cargill, Inc. v. Sears Petroleum & Transp. Corp.*, 334 F. Supp. 2d 197, 247 (NDNY 2014) and observing that there is a strong preference for resolving disputes on the merits).

The district and the appeals court did not abide by the US Supreme Court's guidance in regard to excusable neglect and the appeals court did not follow to its

own past opinions and guidance. Both courts have now acted in a manner that is prejudicial to Petitioner.

d. THE APPEALS COURT'S DECISION CONFLICTS WITH THE RECORD PRESENTED

In effect the district court's rulings and appeals court's judgment and mandate so far, conflicts with the record presented. If held, the position of these courts would "inappropriately penalize" Petitioner for his excusable inability to file a timely response to the district court's FCR due to the fact that he was practicing his religion. It would disregard the Founding Father's intention for freedom of religious practice, the U.S. Supreme Court's rulings, and the very law which U.S. courts are guided by.

The dismissal of petitioner's claims as frivolous under such circumstances would not only be prejudicial to him, by allowing the obvious violation of his protected rights, but sends a message that if the people hold to and assert their religious rights the courts will not hear them but allow their oppression and violation to continue.

The district court has not displayed ***fundamental fairness and substantial justice*** in this case, and neither has the appeals court, which has only added to the perceived religious persecution of Petitioner.

e. A COURT'S OVERSIGHT DOES NOT TRUMP FINDINGS OF FACT ESTABLISHED IN THE RECORD

The district court has not exhibited ***fundamental fairness or substantial justice*** toward the Petitioner in this case or any of the cases brought before it by Petitioner. The district court has consistently acted in bad faith toward Petitioner. The district court forced the conditions which led to its FCR, rushed adaptation of the FCR, and dismissal of his complaint on grounds that his allegations of poverty were untrue under § 1915(e)(2)(A), when, in bad faith, it denied Petitioner's right to freely practice his religion. The district court did the very same thing in the Jones case approximately one year earlier when Petitioner notified the court of the very same religious obligation. After acknowledging that Petitioner was away on a religious obligation the court sent an FCR. When the FCR went unanswered for obvious reasons the district court dismissed his case. (See 1:23-cv-00017-H-BU; DKT. 11, through DKT. 14 footnotes).

However, Petitioner's answer to the *Haag/Dean* FCR on June 3, 2024, (See 1:23-cv-00017-H-BU DKT.) which addressed the district court's reasons for dismissal, is a matter of record. The appeals court received notification of that record in Petitioner's brief and overlooked or chose not to pay attention to the facts of that record.

The Supreme Court had declared that when indisputable record facts contradict or otherwise render an opinion unreasonable it cannot be supported. *Brooke Group,* 509 U.S. at 242; *Accord Concord Boat*, 207 F.3d at 1057; *Morgenstern*, 29

F.3d at 1297. Thus, the appeals court's position that Petitioner did not address the district court's reasons for dismissal, which led to its judgment and mandate, contradicts the record and cannot be supported.

H. REASONS FOR GRANTING THE WRIT

1. To determine whether fundamental constitutionally protected Rights such as religious person's right to worship the Creator according to the dictates of their conscience to withdraw consent to being governed by oppressive government which continually encroaches on their right.

The Petitioner has relied on documents of the founding fathers in hopes of peacefully seeking his ideal in serving his Creator. Yet time and time again, Petitioner and other religious persons, including those of his faith, are forcibly prosecuted by state personnel who manipulate away their constitutionally protected rights while the courts join the oppression in burdening and enslaving unincorporated/unsponsored religious persons.

This is the fourth time that the Petitioner has petitioned this court for relief along these lines. The Petitioner believes the U. S. Supreme Court should grant this petition because throughout the United State of America millions of citizens are stripped of their common right to worship the Creator without government interference and/or burdened by the very governments that swore on oath to watch out for encroachments and protect those very rights. Moreover, tens of thousands of religious persons, who, due to matters of their conscience, cannot accept certain

state privileges, are forced to maintain their ministries against their will and conscience. This is intolerable.

For the more than fifteen thousand followers of Petitioner's faith throughout the USA, it is very clear that we ***MUST*** keep the covenant with our Heavenly Father. Part of that covenant demands that we make no compacts with policies which deprive us of truly worshipping the Creator. This includes secular governments.

However, we are discouraged, as we are continually burdened and manipulated by government administration and the justice system which appear to be part of a concerted effort to deprive us of exercising the common right of worshipping our Creator according to His commandments. This is persecution and it is intolerable!

It has reached a constitutional crisis at this point, as we see courts systematically deprive children of those who fought for their liberties of the very liberties and rights their forefathers fought and died for them to have. Those who took oath to protect their liberties and rights are the very ones who persecute them if they dare exercise those liberties and rights.

The Supreme Court could grant relief to millions including tens of thousands of religious persons, members of Petitioner's faith, and Petitioner to make this great wrong, right. The Court could provide direction and reaffirmation so clear that there is no opportunity for oppressive governments to manipulate the people without consequences.

The Supreme Court could also providing direction by reaffirming the right of religious persons to exit oppressive governments and exercise their right to form peaceful government which is 100 % harmless to the public right and will protect religious persons' right of conscience.

This is a violation of the inalienable rights of the people which are guaranteed to be protected by the United States Constitution.

I. CONCLUSION

This is a case of deprivation of right to exercise religious freedom, and the separation of unincorporated/unsponsored religion and state as commanded by the Creator and recognized by the framers of this nation. Petitioner and millions more are essentially being compelled to uphold our ministries in a manner which is against our conscience. Basically we are being persecuted by the administrative, and judiciary, as we are deprived of worshipping our Creator according to His Commands and the dictates of our conscience which demands separation of religion and state.

It is apparent that the Federal and state justice system located in Taylor County Texas has engaged in the blatant systematic deprivation of Petitioner's rights and his oppression under color of law. Therefore, the Supreme Court should review this case void the judgments and certification of the trial court, recall the mandate of the appellate court, and remand this case back to the district court for trial. The

court could also reaffirm the principle that due process of law and the rights that the founders of this nation fought for are freely entitled to the people who desire to live by them.

The Petitioner requests that the Court grant this Petition for Writ of Certiorari based upon the foregoing argument.

Respectfully submitted on March 06, 2025
via Certified mail # 9589 0710 5270 2582 9042 78:

By: /s/ *Steve Van Horne*
Steve Van Horne
3242 Beltway South
Abilene, Texas 79606
325 692 2481
Ahfl3242@aol.com
Pro Per Petitioner, Sui Juris

CERTIFICATE OF SERVICE

I hereby certify that as of March 6, 2025 there is no evidence that this case has been served to the defendants. Therefore, a true and correct copy of the foregoing was not furnished to an attorney of record for the defendants.