25-432

ORIGINAL

NO. 25A89

IN THE SUPREME COURT OF THE UNITED STATES

Carl Puckett et., al.
Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se"

PETITIONERS,

V.

Jabbar, et., al.

RESPONDENT,S

PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS FOR THE SIXTH CIRCUIT NO.24-5282, 24-5537

Carl Puckett "Pro-Se" Petitioner
Marcella Puckett "Pro-Se" Petitioner
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QUESTIONS PRESENTED

United States Supreme court precedent has determined that a party affected by the appellate circuit decision of what they believe to be an improper judicial quorum has standing to challenge its validity *Nguyen v. United States 539 U.S. 69; United States v. American-Foreign S.S. Corp., 363 U.S. 685 (1960)* even prior to the consideration of the merits.

1. Whether in the absence of clear informed consent by President Biden for use of the auto pen for his signature on judicial nominations and commissions, including the Panel Judge Bloomkatz render them null and void and constitute an improper quorum?

2. Whether President Biden's delegated use of the auto pen for his signature must clearly be based upon informed consent and specifically identify the individual to which the duty is delegated as discussed in the Scalia and Rhinequist memorandum (Appendix H Vol I p. 64), and be properly documented and recorded in the Federal Registry in accordance with 3 U.S.C. 301, regarding judicial nominations and commissions to establish lawful validity, without which are void and therefore did the judge on the panel with the invalid nomination and commission through autopen use not in accordance with 3 U.S.C. 301 constitute and improper quorum?

3. Whether the statutory executive branch

authority of the President to nominate a successor to fill a **vacancy** of a judge who claims retirement under 28 U.S.C. 371 is unconstitutional if exercised prior to an actual vacancy and therefore null and void and the Panel including Judge Bloomkatz was therefore an improper quorum?

4. Whether senior judges are unconstitutional and violate the appointment clause of the United states constitution and the panel including two senior judges was an improper quorum?

5. Whether judge Gibbons had an independent sua sponte duty to recuse herself from this case where her impartiality could reasonably be questioned, even if no party involved in the case files a motion for recusal, in order for her to comply with the purpose of the duty to protect the integrity of the judicial system and ensure public confidence in the fairness of the courts?

6. Whether lower court judges who refuse to apply the binding Supreme Court precedent which is deemed the constitutional standard to apply , then violate their oath of office to uphold the constitution and the Supreme law of the land rendering their rulings null and void and bars their ability to continue to sit only during times of good behavior as required by the U.S. Constitution?

7. Whether the lower courts must address a party's claims of fraud upon the court by the opposing party to ensure a fair and equal opportunity to be heard as required under the 5th and 14th amendment of the U.S. Constitution?

8. Whether judges have discretion not to comply

with the language of the statute imposing a duty upon the court to act and protect the constitutional rights of a party to be given the opportunity to be fully and fairly heard?

PARTIES TO THE PROCEEDINGS

Pursuant to Rule 14.1(b) of the Supreme Court Rules the parties to the Proceedings below whose judgment is sought to be reviewed are;

Petitioners, Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se" are co-owners operating as post transaction merchants for Etsy, Inc., under the fictitious business name Devildogstreasure

Respondent/Defendant Kareem Abdul Jabbar is an individual DBA the sole shareholder and operator of corporation identified as Ain Jeem Inc incorporated in Delaware and domiciled in California with its principal place of business in California and registered to conduct INTRASTATE commerce,

ADDITIONAL PARTIES NOT IDENTIFIED WITHIN THE CAPTION

The defendants below are the remaining defendants listed as parties and parties to the appeal.

1. Ain Jeem, Inc -defendant
2. Axenics Inc. -defendant
3. Brickell Ip Group PLLC defendant
4. Covington, Virginia Hernandez judge defendant
5. Etsy, Inc defendant
6. Fernandez, Alejandro Attorney defendant
7. Fundore, Nicole Attorney defendant
8. Guerra, Richard defendant attorney
9. Iconomy Inc- Defendant
10. Kramer, Jessica Attorney defendant
11. Milbrath ,Stephen Attorney Defendant
12. Morales, Deborah - Defendant

13. National Basketball Assoc Properties Inc., (NBA)- defendant

14. Porcelli, Anthony magistrate defendant

15. Weaver, Arthur attorney-defendant

CORPORATE DISCLOSURE STATEMENT

Petitioners, Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se" operating under the fictitious business name Devildogstreasure have no parent corporation or any publicly held corporation that owns 10% or more of their stock.

RELATED PROCEEDINGS

United States District Court For The Southern District of Florida (Miami Division)

1. Ain Jeem, Inc. V. The Individuals, Partnerships, and Unincorporated Associations Identified on Schedule A NO. 1:21-cv-20963 (S.D. Florida 2021)

United States District Court For The Middle District of Florida (Tampa Division)

2.*Ain Jeem, Inc. V. The Individuals, Partnerships, and Unincorporated Associations Identified on Schedule A NO. 8:21-cv-01082 (M.D. FL 2022)*

3.Ain Jeem, Inc. V. The Individuals, Partnerships, and Unincorporated Associations Identified on Schedule A NO. 8:21-cv-01261 (M.D. FL 2022)

4.Ain Jeem, Inc. V. The Individuals, Partnerships, and Unincorporated Associations Identified on Schedule A NO. 8:21-cv-01331 (M.D. FL, 2024)

United States District Court for the Western District of Tennessee, Eastern Division

5.*Puckett et., al. v Jabbar et al, no. 1:23cv01143 judgment entered on(W.D. TN, 2024)*

United States Court of Appeals for the Sixth Circuit

6.*Puckett, et al., v Jabbar et. al., No. 24-5282, 24-5537 judgment entered on*
Petition for rehearing denied on

United States Court of Appeals for the Eleventh Circuit:

7. *Ain Jeem, Inc. v. Carl Puckett, Jr. NO. 21-12634 Judgment entered February 3rd, 2022*
8.Ain Jeem, Inc. v. Carl Puckett, Jr.,et. Al., NO. 22-12572 Judgment entered October 13th, 2022
9.Ain Jeem, Inc. v. Carl Puckett, Jr.,et. Al., NO. 22-12368 Judgment entered December 14th,2022
10. Ain Jeem, Inc. v. Carl Puckett, Jr.,et. Al., NO. 23-12267 Judgment entered September 24th 2024
11.Ain Jeem, Inc. v. Carl Puckett, Jr.,et. Al., NO 23-13380 Pending
12.In Re: Marcella Puckett JUDICIAL COMPLAINT NO.11-23-90101
13. In Re: Marcella Puckett JUDICIAL COMPLAINT NO.11-23-90102
14. In Re: Marcella Puckett petition to the judicial council for review of complaint no.11-23-90119

Supreme Court of the United States:

1. Carl Puckett, et ux., Petitioners v. Ain Jeem, Inc. NO. 22-7013 United States Supreme Court judgment entered May 22nd 2023
2. Carl Ellen Puckett, Jr., et ux., Applicants v. Ain Jeem, Inc. 24A654 now 25-62 pending

There are no other proceedings in state or federal courts, or in this Court, directly related to this case within the meaning of this court's Rule 14(b)(1).

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I. PETITION FOR WRIT OF CERTIORARI

Petitioners Carl Puckett "Pro-Se" and Marcella Puckett "Pro-Se" respectfully petitions for a writ of certiorari to review whether the three judge panel constituted a proper quorum of the United States Court of Appeals for the Sixth Circuit even prior to any determination on the merits. Whether both the district court and Appellate circuit court's intentional and improper suppression of documented facts in the Appendix A and B of exhibits attached to the complaint pursuant to FRCP 10(c) and refusal to take notice under Federal Rules of evidence constitutes tacit complicity after the fact.

II. OPINIONS BELOW

The Sixth Circuit's unpublished opinion denied Petitioner's appeal on February 11th 2025 is attached as Appendix A. The Sixth Circuit's unpublished opinion dated 3-5-2025 is attached as appendix B. Petitioner's Petition for rehearing filed on 3-20-2025 is attached as Appendix C. The Sixth Circuit's unpublished opinion vacating its prior mandate on 3-27-2025 is attached hereto as appendix D. Its unpublished Order denied petition for rehearing on June 5, 2025 is attached as Appendix E.

III. JURISDICTION

The Sixth Circuit denied Petitioner's appeal on February 11th 2025 and denied petition for rehearing on June 5, 2025 . This petition is timely filed pursuant to Supreme Court Rule 13.3 and upon the extension that was granted by this court for a deadline of November 2nd 2025. This Court has jurisdiction under 28 U.S.C. § 1254(1).

IV. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Article I section 7 which requires, among other things, that legislation passed by Congress be presented to the President for his signature or veto before it can become law

Article II Appointments Clause, which addresses the respective roles of the President and Congress in the appointment of federal officials

Article III, Section I *The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour.*

5th Amendment Due Process rights

25th Amendment "determined by two-thirds vote of both Houses that the President is unable to discharge the powers and duties of his office, the Vice President shall continue to discharge the same as Acting President;

Separation of Powers Under the Constitution 7.2 As discussed in the *Constitution Annotated*, the Court's decisions in separation-of-powers cases often—but not exclusively—address the relationships that the first three Articles of the Constitution establish among the branches of government. Some key constitutional provisions that have served as sources of modern separation-of-powers disputes include Article I,II, and III.

INTRODUCTION

This case is of urgent public interest of the people's confidence and trust of the judiciary, whether its ability to remain independent has been compromised by judges whose appointments are invalid under *3 U.S.C. 301* and whether immediate relief is required. It pertains to the continued violation of the separation of powers act 7.2 by the judiciary against both the legislative and executive branches.

Moreover, at the core of this case, is the issue of the lower court's defiance of the established Supreme Court precedent in *Bell v. Hood, 327 U.S. 678 (1946) and Hagans v. Lavine, 415 U.S. 528, 536-37 (1974).* with an intentional disregard for the law it is mandated to apply under FRCP 10(c) and Federal Rules of Evidence 201, which ruthlessly violated the Petitioner's 5th Amendment due process constitutional rights. Only the Supreme court can maintain and exercise its supervisory duties over the lower courts"[1] Absent this Court's intervention, the will of the people will be susceptible to unlawful usurpation and undue influence of the executive branch of government by forms of unidentified shadow governments subverting the statutes of the legislative branch through a direct attack on our constitution and the rights of citizens defined within it.

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[1] *The Supervisory Power of the Supreme Court" Columbia Law Review,106(2) 324-387 (2006)* http://www.jstor.org/stable/4099494,

Moreover, the senior judge statute 28 U.S.C 371 and its politically motivated misuse is unconstitutionally destroying the independence of the judiciary, mimicking a repeat of history similar to the Judiciary Act act of 1801 also known as the Midnight judges Act, in an attempt to influence political control through avenues of the judiciary by one party over the other. The Act of 1801 represents a pivotal moment in U.S. history, highlighting the intense political rivalry between the Federalists and Democratic-Republicans and the ongoing struggle for control over the federal judiciary. The actions taken during this period had lasting implications for the balance of power within the U.S. government and the development of judicial authority. At present time, a former presidents non compos mentus and the validity and authority of judicial autopen nominations and the constitutionality of judges claiming senior status for political motives while remaining active are also at issue and of great public importance.

The petitioners were wrongfully denied lawful and constitutional review of their issues, and in this case, the Court of Appeals acted in violation of the separation of powers act, and had "so far departed from the accepted and usual course of judicial proceedings as to call for an exercise of this Court's supervisory powers." The three judge panel was an improper quorum.

STATEMENT OF THE CASE

Petitioners Carl Puckett and Marcella Puckett "Pro-Se", doing business under the fictitious business

name devildogstreasure had met with the U.S. Attorney's office in Jackson Tennessee On November 8th, 2022 with assistant U.S. Attorney Vic (now retired) and assistant U.S. Attorney Matt Wilson, to review their civil RICO complaint and extensive exhibits of evidence (Appendix Vol II p.93-109) involving high profile individuals, in order to obtain permission for its filing which was granted after over an hour of review.

The complaint filed on July 21st, 2023, in the Western District of Tennessee Jackson Eastern Division which was assigned case no 1:23-cv-01143.alleges the defendants are engaged in (not a singular) but a repeated mass action litigation scheme, involving a conspiracy to commit fraud enacted by using plaintiff lack of standing fraud, fraudulently claiming rights to trademarks that had been dead canceled or abandoned, subordination of perjury declarations through wire fraud, the creation of false documents with a false US NIST authentication feature by unlicensed foreign actors, labeled evidentiary screenshots,(copies of which were provided as exhibits attached to the petitioner's complaint pursuant to FRCP 10(c), and through an abuse of judicial process by fraudulently invoking the counterfeiting statutes of the Lanham Act 15 U.S.C. 1116, in order to seek an immediate nationwide injunction of a TRO seizure and freeze on all financial accounts without any notice or hearing as prescribed by 15 U.S.C. 1116.

The ex parte TRO with seizure provisions did not seek to seize the alleged counterfeit items for which

15 U.S.C. 1116 was enacted, but sought only the business records and the take down of the victims stores, in order to determine an amount they can extort from those engaged in lawful interstate commerce, while holding their businesses hostage similar to the scheme noted in a similar case as cited within the Petitioner's complaint[2] .Because of the seriousness and potential criminal liability of defendants which includes a network of attorneys [3], and federal judges[4] acting without complete jurisdiction.

The Pucketts' complaint contained the same facts they previously presented in the U.S. Attorney's Office in their Appendix A and B (Appendix BB Vol II. P. 93),consisting in part of Court records, Federal Agency Records, Senate Bills and statutes incorporated as part of their complaint. The documented facts within the Appendix are readily capable of accurate determination by sources whose accuracy cannot reasonably be questioned in accordance with the Federal Rules of Evidence 201 (Appendix Vol II p.93-109) . This court has held that *"A district court could dismiss a complaint as factually frivolous only if the allegations conflicted with judicially noticeable facts, that is, facts "'capable of accurate and ready determination by resort to sources whose accuracy cannot reasonably be questioned"* [5]

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[2]Weifang Tengyi Jewelry Trading Co. Ltd v. The Partnerships and Unincorporated Associations Identified on Schedule "A", No. 1:2018cv04651 - Document 274 (N.D. Ill. 2019)).

[3] Reves v. Ernst & Young, 507 U.S. 170 (1993)

[4] Hobbs Act 18 U.S.C. 1951

[5] *Denton v. Hernandez | 504 U.S. 25 (1992).*

The Petitioner's complaint was supported by these facts which both the district and appellate court refused to take judicial notice of. despite formal request by the Petitioners. The Pucketts also cited supporting case law within their complaint in addition to over 86 Exhibits in their appendices attached to the complaint at the time of filing and properly docketed as document 1-1 and 1-1.(Appendix Vol II p.93-109) which substantiated the allegations within their complaint as facts. Fed. R. Civ. P. 10(c) specifically states *"A copy of any written instrument which is an exhibit to a pleading is a part thereof for all purposes."*(Appendix Vol II p. 104).

Puckett's appearing pro-se and not pro-per on 7-24-23, filed a motion for appointment of counsel in a complex civil litigation. The magistrate applied the "exceptional circumstances tests" which is a three factor test used by the 6th circuit[6] (Appendix Vol II p.89) . Where the first factor is whether the litigant's claims are frivolous in part "to weed out at an early stage frivolous claims", and if so no determination as to consider the ability of the litigant to represent themselves and the complexity of the case is necessary and would be rendered as moot (Id.).. Appointment of counsel pursuant to 28 U.S.C. § 1915(d) is not appropriate when a pro se litigant's claims are frivolous the magistrate made no finding of the complaint as frivolous and then considered the

[6] see Lavado v. Keohane, 992 F 2d. 601, 605 (6th Cir. 1993)

complexity of the case and found the Plaintiffs to have the ability to represent themselves(Appendix Vol II p.89).

The court continued to exercise jurisdiction in granting several attorneys ad hoc vice applications for various defendants through 12-06-23. Petitioners filed multiple motions to extend time for service of summons for defendants evading service which the court did not answer. The appearing defendants all filed motions to dismiss the complaint as frivolous, intentionally misrepresenting the actual facts of the complaint and contradicting the exhibits attached thereto. Petitioners filed a motion for leave to amend the complaint and a motion for sanctions against defendants presenting intentional misrepresentations and committing fraud upon the court. These motions also went unanswered.

On 12-11-23, the defendant judges were represented by the Memphis U.S. attorney's office by U.S. assistant attorney Calkins and U.S. Attorney Kevin Ritz, who petitioners were unaware of at the time had also served as the legal clerk for the 6th circuit appellate judge Gibbons from 2004-2005. On 12-18-23 petitioners filed a renewed motion for appointment of counsel based upon conflicting interest in that the U.S. attorney's office who gave them permission to file their complaint after reviewing it and the exhibits of evidence attached thereto, was now representing the defendant judges in the case. The court continued to exercise jurisdiction in granting several attorney ad hoc vice

applications for various defendants through 1-12-24 and did not respond to the petitioner's renewed motion for appointment of counsel.

Petitioners were unaware that U.S. attorney Ritz had been nominated in March 2024 to replace appellate judge Gibbons who expressed an intent to claim senior status once Ritz, her former law clerk, was actually confirmed. Ritz made no attempt at substitution or withdrawal from representation for the defendant judges in petitioner's case where Ritz continued to attach his name to legal pleadings. (Appendix Vol II p.105).

On 1/24/24 the magistrate issued a second alleged sua sponte R & R quoting the language and intentional misrepresentations made by the defendants in their motions to dismiss petitioners complaint as frivolous, without reference to the numerous exhibits which substantiated the facts as actually stated within the complaint and was properly attached under FRCP 10(c) as supporting evidence attached to the complaint which the court refused to acknowledge.In an act to intentionally suppress the properly attached Appendix A and B of exhibits, the court also refused or take judicial notice of as required under Federal Rules of evidence 201.

The petitioners objected on that basis to the R & R and that it conflicted with the first R&R that did not make a finding of the complaint as frivolous or adopt the misrepresentations from defendant motions in rendering its opinion. The second conflicting R&R using the exact language of the

defendants intentional misrepresentations, recommended the court make a finding sua sponte dismissal for lack of subject matter jurisdiction FRCP 12(1) of petitioner's complaint as being wholly fictitious under the standard set in Apple v. Glenn, 183 F.3d 477 (6th Cir. 1999) and specifically omitting any proper reference to the numerous exhibits, courts cases and records cited and referred to within the complaint.required under Federal Rules of evidence 201, and F.R.C.P. 10(c).

On 1-26-24, the defendant judges represented by the U.S. attorney Ritz, filed a motion to dismiss based upon complete judicial immunity, and several defendants, including the judges represented by the U.S. attorney Ritz office, requested the court to place filing restrictions on the petitioners if the dismissal was without prejudice (Appendix V Vol II. P. 25).

On 3-5-24 the DC judge adopted the magistrates second report and recommendations that contained the specific misrepresentations from the defense motions contrary to the factual exhibits petitioners had properly attached and filed as part of their complaint, with additional exhibits attached to their opposition to those motions proving the intentional misrepresentations. The Judge also threatened filing restrictions against the petitioners as requested by the U.S. Attorney Ritz Office which the petitioners deemed as improper inducement based upon the conflict of interest argument raised with their pending renewed motion for appointment of counsel which was acknowledged by the magistrate within

the second conflicting R&R but was rendered moot.

In adopting the magistrates second conflicting R & R, containing the specific language of the intentional misrepresentations from the defendant's motions,which petitioners had requested the court take action for fraud upon the court, the judge refused to address the petitioner's request and added a finding that the complaint was wholly fictitious on the basis that judges have complete immunity ignoring petitioner's argument and submission of facts showing the judges acted without complete jurisdiction, the sole exception to the judicial immunity doctrine.

The judge stated " *Plaintiffs' allegation that two federal judicial officers took part in the supposed RICO conspiracy is even more untenable. Judges have absolute judicial immunity from suits against them" Pierson v. Ray, 386 U.S. 547, 553–54 (1967); Burnham v. Friedland, No. 21-3888, 2022 WL 3046966, at *1–2 (6th Cir. Aug. 2, 2022) (affirming the dismissal sua sponte of a claim against a judge as frivolous and implausible).*" The subsequent finding of the court that Petitioner's complaint was wholly fictitious pursuant to the standard set forth in *Apple v. Glenn, 183 F.3d 477 (6th Cir. 10 1999*) and dismissed under FRCP 12(1) for lack of jurisdiction (Appendix V Vol II p. 25), while refusing to take the required judicial notice under Federal Rules of evidence 201 of the exhibits which established their allegations as fact that the immunity exemption applied where the judges were

acting without complete jurisdiction, was an abuse of discretion and denial of Petitioners due process rights.

"dismissal on these grounds is appropriate 'only in the rarest of circumstances[7]*.The accuracy of calling these dismissals jurisdictional has been questioned by this Supreme Court* [8]*... and if the allegations have any foundation in truth, the plaintiffs' legal rights have been ruthlessly violated"*[9]*and reviewable under both the abuse of discretion standard and the clearly erroneous standard..Too often courts describe issues as jurisdictional when they are really merits based. "The doctrine of Judicial immunity isn't a jurisdictional doctrine; it's an affirmative defense that goes to the merits.* [10]*The Supreme Court has made it clear that in that situation no purpose is served by indirectly arguing the merits in the context of federal jurisdiction. The problem arises because, conceptually, the court cannot rule on the merits if it has no jurisdiction* [11]*There appears to be no justification for such a ruling under the Federal Rules of civil procedure as issues of fact must be decided after, and not before, the court has assumed jurisdiction over the controversy".*

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[7] *Hagans v. Lavine, 415 U.S. 528, 536-37 (1974))*

[8] *see Fair v. Kohler Die & Specialty Co., supra, 228 U.S. at page 25, 33 S.Ct. at page 411, 57 L.Ed. 716 Bell v. Hood, 327 U.S. 678, 66 S. Ct. 773, 90 L. Ed. 939 (1945)*

[9] *Bell v. Hood, 327 U.S. 678 (1946)T*

[10] *Burnham v. Friedland, No. 21-3888, 2022 WL 3046966, at*1-2 (6th Cir. Aug. 2, 2022).*

[11] *DENTON v. HERNANDEZ 504 U. S. 25 (1992) " Id., at 1426 (quoting Fed. Rule Evid. 201)*

On 3-15-24, the petitioners filed a motion for reconsideration within the district court addressing the conflict of interest with the U.S. attorney's office who had met with and extensively viewed the petitioners complaint and giving them permission to file as was raised in their pending renewed motion for appointment of counsel. With the defendant judges now represented by the U.S. Attorney Ritz, the petitioners now viewed the prior approval for filing as an improper inducement and requested their reimbursement for costs. The court ruled that the petitioners were making this argument for the first time and were therefore barred from making it in their motion for reconsideration despite the fact that petitioners were not making this argument for the first time and raised it in their renewed motion for appointment of counsel that the magistrate acknowledged as pending within the second conflicting R & R using the language and misrepresentations taken from the defendants motions requesting petitioners renewed motion for appointment of counsel be rendered as moot.

Petitioners were still unaware that the U.S. Ritz, representing the defendant judges, was going through senate confirmation hearings after a void auto pen nomination in violation of 3 U.S.C. 301, provided by President Biden's staff, for confirmation to the 6th circuit court of appeals, at the time of petitioner's filing of appeal and during its pendency. While the petitioners were unaware at the time, Judge Gibbons was aware that her former law clerk and U.S. attorney Ritz was going through the

confirmation process to replace her vacancy left by her electing to take senior status only upon his actual confirmation.

On 3-28-24, the Pucketts filed an appeal pro-se and Judge Gibbons was one of the judges on the panel to take the appeal despite her knowing that Attorney Ritz represented the defendant judges, that he was her former law clerk and was now being confirmed to replace her seat on the bench. Attorney Ritz did not withdraw or properly substitute from his representation of the defendant judges. Judge Gibbons was under a mandatory duty to recuse herself and her participation constituted an improper quorum.

Judge Ronald Lee Gilman assumed senior status on November 21, 2010 and petitioners claim the senior judge presiding over their appeal as unconstitutional and constituted an improper quorum as 28 U.S.C 44 permits 16 justices to serve the cases brought before the 6th circuit while senior judges are required to take on other duties and assignments to prevent violating the requirements of 28 U.S.C. 44, 28 U.S. Code § 294, and the constitution. The third judge on the panel was Judge Bloomkatz who was another void autopen nomination and commission under 3 U.S.C. 301 which also constituted an improper quorum.

In September of 2024 U.S. attorney Ritz resigned from the U.S. attorney's office but did not withdraw as counsel representing the defendant judges Attorney Ritz was confirmed to the bench

replacing Judge Gibbons on the 6th circuit court of appeals but still did not withdraw as counsel for the defendant judges in the Pucketts pending appeal.

On 2-11-25, The court denied the petitioner's appeal after applying the wrong standard of review, refusal to take judicial notice of the exhibits, and adopting the arguments and intentional misrepresentations from now judge Ritz pleading on behalf of defendant judges, and defying the Supreme court precedent set forth by the Petitioners within their appeal.. In an effort to "sweep the case under the rug" the appellate court joined the lower DC court in intentionally and improperly suppressing the Appendixes of Exhibits that were properly attached to the Petitioner's complaint and refused to comply with the petitioners request for the appellate court to take judicial notice of. And immediately dismissed their appeal. In an additional effort "sweep the case under the rug" the improper quorum panel immediately and prematurely issued a mandate on the dismissal in violation of its own FRAP 40(d)(1) permitting a petition for rehearing to be filed which permits the time within which a party may seek a Petition for reconsideration is extended when any party is an employee of the United States. At least two parties are United States Employees. Petition for rehearing Rules of Appellate Procedure 40 (d)(1) time any petition for rehearing must be filed within 14 days after judgment But in a civil case, the petition may be filed by any party within 45 days after entry of judgment if one of the parties is: (D) a current United States officer or employee sued in an

individual capacity in which the United States represents that person when the court of appeals' judgment is Entered.

Petitioners had submitted their petition for rehearing (Appendix Vol I p. 17) and requesting an en banc review (Appendix Vol 1 p. 23) not realizing that U.S. Attorney Ritz still representing the defendant judges had been confirmed and was now sitting as an active judge that would vote on en banc review. Petitioner's motion for rehearing was returned unfiled by the court on 3-20-25, and petitioner immediately filed a motion to recall the mandate prematurely issued by the court in conflict with its own FRAP 40(d)(1).

On 3-27-25 the court recalled its mandate and accepted the petitioner's petition for rehearing en banc (Appendix Vol I p. 23) as filed.(Appendix Vol I p. 43. On 6-5-25, The petition for rehearing was denied by the same improper quorum three judge panel and in a continued effort to keep the case swept under the rug, the docket was later edited to read that the Petitioner's petition was **petitioning to be heard by the same three judge panel** (Appendix F Vol. I p. 62) and the request for stay to seek review by writ of certiorari was not ruled upon. The petitioners are therefore before this court seeking relief through their Petition for Writ of Certiorari

I.PANEL OF THREE JUDGES WAS AN IMPROPER QUORUM

(a) President's non compos mentis renders the legal documents, nominations, and commissions signed as void.

On June 4, 2025, President Donald J. Trump signed a Presidential Memorandum directing an investigation into who ran the United States while President Biden was in office.[12]

1. The Memorandum directs an investigation into whether certain individuals conspired to deceive the public about Biden's mental state and unconstitutionally exercise the authorities and responsibilities of the President.The Memorandum also mandates an investigation into the circumstances surrounding Biden's purported execution of the numerous executive actions during his final years in office, examining policy documents signed with an autopen, who authorized its use, and the validity of the resulting Presidential policy decisions.*The combined nature of* Biden's documented cognitive decline and the repeated use of an autopen raises serious concerns about the legitimacy of his actions. Reports indicate that, for years, Biden suffered from serious cognitive decline. For example, although the Department of Justice found that Biden had violated the law by willfully retaining and disclosing classified materials, it ultimately concluded that Biden was unfit to stand trial given his incompetent mental state.

Biden's cognitive issues and apparent mental decline were reportedly even "worse" in private, with those closest to him attempting to conceal it from the

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[12] *The White House*
https://www.whitehouse.gov › fact-sheets › fact-sheet-pre

public. Biden's advisors severely restricted his news conferences and media appearances, scripting his conversations with lawmakers, government officials, and donors. Despite Biden's cognitive deficiencies, the White House issued over 1,200 Presidential documents, appointed over 235 judges to the Federal bench, and issued more pardons and commutations than any Administration in U.S. history. Just two days before Christmas in 2024, Biden commuted the sentences of 37 of the 40 most vile and monstrous criminals on Federal death row, including several child killers and mass murderers.The authority to take these executive actions is constitutionally reserved for the President, yet the Biden White House used an autopen to execute the vast majority of Biden's executive actions, particularly during the second half of his Presidency(Id).

Moreover, Independent Counsel Robert Hur issued a report (Appendix R VOL II p1). Related excerpts) regarding Mr. Biden's diminished mental capacity since 2017. While Mr. Biden's personal counsel and White House Counsel strenuously objected demanding the references by Special Counsel Hur to Mr. Biden;s non compos mentis be removed on the basis they alleged Special Counsel Hur was not qualified to render such a determination (Appendix T Vol II p. 13), The U.S.DOJ Prosecutor's manual in determining reasons not to prosecute section (7) authorizes special prosecutors to make such determinations (Appendix S Vol II p12.) Special Counsel Hur was extremely conservative in his

remarks regarding Mr. Biden's non compos mentis considering the extent to which his condition was exposed within the actual transcripts,[13]

While the 25th amendment provides a political remedy for removing a President who is non compos mentis it requires two thirds of Congress to approve. With the political parties seemingly so equally divided and politically partisan it has been proven an ineffective measure by which citizens can hold their elected officials accountable.

However, a legal remedy is still available as Mr. Biden was well into his 80's and the principals under elder law do apply. In a somewhat similar case, the persons closest to the elder subject of the case went through great lengths to hide the diminished mental capacity and late stage dementia, claiming the elderly person with diminished mental capacity to be *"as sharp as a tack"* in order to maintain their undue influence over the subject and their decision making. *However their continued claims of sharp mental acuity did not conform to reality.* The doctor refused to be forthcoming and had to be subpoenaed which still did not result in obtaining any records. The court in that case determined that while medical records are the most desirable records to have in these cases they are not always available so direct

[13] *see Free State Reporting Inc Court Reporting Transcript D.C. Area 301-261-1902 October 8, 2023 Interview Date DOJ-HJC-HUR 0000033-0000191 and October 9th 2023 Interview Date DOJ-HJC-HUR 0000192-0000281*

witness testimony can be relied upon[14]. The court specifically found the opposing party was withholding information regarding medical and mental health conditions in order to continue and benefit from their undue influence over the subject. Moreover, the court found that a layperson opinion testimony admissible to establish mental capacity, who has had the opportunity to observe and talk to the person with diminished mental capacity and may form impressions of their capacity and may cite examples for the fact finders consideration especially in cases where medical records are unavailable or withheld. In this case the factfinders themselves are witnesses as they can be seen front and center at the State of the Union addresses where Mr. Biden stumbled over his words and had difficulty forming complete sentences and many other facts as stated by Special Counsel Hurr within the Hurr report finding Mr. Biden had diminished mental capacity since (2017) (Appendix R Vol. II p.1).

Due to Mr. Biden's non compos mentis as early as 2017 to present he was unable to give informed independent consent to delegate his authority in his actions as President and renders his Executive orders, bills commissions and appointments including judicial, and the final onslaught of pardons null and void. For this reason Judge Bloomkatz was inappropriately commissioned, rendering an improper quorum in the Petitioners case

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[14] *unpublished Opinion Rebecca L Clemence Revocable Trust, STate of Michigan Court of Appeals (Oct., 2017) No. 332099 Wayne Probate Court LC. No, 14-798903-TV*

(b). Delegation of autopen use on judicial nominations and commissions did not comply with the requirements of 3 U.S.C. 301 in order to constitute their validity, they are not voidable but void.

Even when a President is compos mentis, the delegation of any of his duties that are properly delegable must comply with 3 U.S.C. 301 which requires the delegation be made in writing, identifying to whom the duty is being delegated, and the written record be maintained in the White House and recorded within the federal register (Id).
3 U.S.C. 301 STATES;

The President of the United States is authorized to designate any official thereof who is required to be appointed by and with the advice and consent of the Senate(1) any function which is vested in the President by law, Such designation and authorization shall be in writing, shall be published in the Federal Register (Id.).

As discussed in MEMORANDUM OPINION FOR THE COUNSEL TO THE PRESIDENT July 7, 2005 Whether the President May Sign a Bill by Directing That His Signature Be Affixed to It (Appendix H Vol. I p. 64) which includes the Rehnquist Memorandum and Scalia memorandum, 3 U.S.C. 301 also applies to the presidential delegation of his signature through use of the autopen for the documents to be valid (Id..).

At present no records have been found published in the federal register as required by 3 U.S.C. 301 and President Biden's former staffers who used the

autopen, were not appointed with the advice and consent of the Senate also required by 3 U.S.C. 301.,, the statute is clear on the proper legal procedure that was required to be exercised for any legal document for which the President delegated his signature authority to be valid which did not occur, which includes judicial nominations and commissions rendering them void. As a result Judge Bloomkatz participation on the panel in the petitioner's case resulted in an improper quorum and relief is warranted as to all void commissions identified in Appendix EE Vol II P..107.

SENIOR JUDGES ARE UNCONSTITUTIONAL

(a) The Separation of Powers Act

Separation of Powers Under the Constitution 7.2 was enacted to serve as a checks and balances measure among our three forms of government, the legislative, the executive and the judiciary (Id.). For instance, the Court has held that Congress may not encroach upon the President's power by exercising an effective veto power over the President's removal of an Executive officer. see *Myers v. United States, 272 U.S. 52 (1926).* When ruling on whether one branch has usurped the authority of another in separation of powers cases, the Court has sometimes adopted a *formalist* approach to constitutional interpretation, which closely adheres to the structural divisions in the Constitution[15] and, at other times, has embraced a *functionalist* approach, which examines the core functions of each of the branches and asks whether an overlap in these functions upsets the equilibrium that the Framers sought to maintain.(Id.). Some key

[15] *(see72 CORNELL L. REV. 488, 489 (1987)*

constitutional provisions that have served as sources of modern separation-of-powers disputes include Article I, Section 7, Article II's Vesting Clause, Article II's Appointments Clause, which addresses the respective roles of the President and Congress in the appointment of federal officials; Article III's Vesting Clause, Congress may from time to time ordain and establish.

The "proper role of the judiciary" is "to apply, not amend, or modify the work of the People's representatives."[16] This court has routinely ruled that every word within a statute is there for a purpose and should be given its due diligence "*where congress includes particular language in a section of the statute it is generally presumed Congress acts intentionally and purposely in its inclusion*" [17]

The language of the statute 28 U.S.C. 371 (d) is clear "(d)The President shall appoint, by and with the advice and consent of the Senate, a successor to a justice or judge who retires under this section. The statute does not state" a justice or judge WHO EXPRESSES AN INTENT TO RETIRE, it states who retires. It is clear the executive branch has no authority to nominate or appoint until the judge actually retires.

Moreover, in *Booth v. United States 291 U.S. 339(1934)* the court stated *"In light of the evident purpose of the act, that a retiring judge shall continue to hold office and perform official duties, it;s*

[16] *Henson v. Santander Consumer USA Inc., 137 S. Ct. 1718, 1726 (2017).*

[17] *Russello V. United States, 464 US 16, 23,78 L. Ed. 2d 17, 104 S. Ct 296 (1983).*

*provision for the appointment of a successor cannot be construed as vacating the office".*Currently there are 68 U.S. Supreme Court JUstices, Appellate circuit judges, federal district court judges and 1 united states tax court judges who were nominated prior to the existence of an actual vacancy which must exist prior to the constitutional authority to invoke the power of the executive branch and at least 4 of the judges were serving concurrently with the judge they were alleged to be replacing in clear violation of the appointment clause Including Kevin Ritz former law clerk and replacement for panel judge Julia Smith Gibbons of the 6th circuit.The unconstitutional exercise of allowing the statute to be based upon a justice or judges expressing their intent to retire has resulted in an unlawful and unconstitutional manipulation of the statute violating the separation of powers act and permitting a political parties undue influence and control within the judiciary similar to that of the Judiciary Act of 1801.

For instance, Judge Julia Smith Gibbons had been eligible to take senior status under 28 U.S.C. 371 since 2015 but did not take senior status during the Trump presidency because she did not want President Trump nominating her replacement. In August of 2023 Judge Gibbons sent a letter to president Biden's Office, announcing she would claim senior status once her replacement was nominated and confirmed and in March of 2024 her prior law clerk Kevin Ritz was nominated. On the ninth circuit Judge Johnnie Rawlinson informed the Biden administration they could be persuaded to

take senior status if one of the former law clerks were nominated for the replacement. On the Seventh Circuit, Judge Michael Kanne withdrew his senior status announcement when President Trump did not nominate his former clerk. The 28 U.S.C. 371 statute cannot be used to constrain the President's sole decision and appointment power of federal judges, this unlawful usurpation and undue influence by the judiciary over the executive branch continues through the unconstitutional application of 28 U.S.C. 371.. This violates Article II in which annotation states "the "nomination" of the candidate by the President alone"

The Supreme court itself, who has the supervisory power over the lower court's and is to lead their self regulating branch of government by example, does not have clean hands in this matter. As witnessed by the public in President Biden's second state of the union address where Justice Breyer announced his intent to retire IN THE FUTURE, and upon his announcement of his intent to do this future act, his former law clerk Ketanji Brown Jackson was nominated on 2-28-2022 while President Biden was absent from the White House on vacation,(a matter of public record), and confirmed on April 7 2022 through the use of autopen. She was later announced publicly by President Biden on the White House lawn where in his diminished mental capacity he referred to Vice President Harris as the president as he did numerous times in other televised public events.

However Justice Breyer did not retire until June 30 2022 which created the actual vacancy and

invoked the executive power to then nominate and appoint. The nomination and appointment of Judge Ketanji Brown Jackson is void and made without statutory executive branch authority as well as 67 other judges.As a result of the issues in this case being directly related to Justice Ketanji Brown Jackson, petitioners submitted a request for her recusal in this action.

By taking senior status, even if maintaining a full caseload, a judge creates a vacancy on the court, to be filled by the nomination and confirmation process for Article III judges.. *Needless to say that until the justice or judge actually retires no vacancy is actually created. Vacancy is defined as* The textual question is when does a vacancy "happen?"A vacancy in an office, like a vacancy in a motel room, can be understood to "happen" either at the moment that the prior occupant left, or to "happen" the entire time that the office or room is unoccupied.

In *Booth v. United States, 291 U.S. 339 (1934)*the court found "in light of the evident purpose of the Act that a retiring judge shall continue to hold office and perform official duties, its provision for the appointment of a "successor" cannot be construed as vacating the office".*and violates* The Appointments Clause in Article II, Section 2 of the Constitution. Moreover, 28 U.S.C. 294 states; *(d) designation and assignment to a court of appeals shall be made upon the presentation of a certificate of necessity by the Chief Judge of the circuit. The certificate serves as a legal document that supports the request for the judges assignment and is essential to be valid and*

enforceable (e) no retired judge shall perform judicial duties except when designated and assigned. The section does not provide for public notice and there are no checks and balances to ensure the assignments are not based upon political motivation.

Regardless, the "proper role of the judiciary" is "to apply, not amend, or modify the work of the People's representatives." [18]. The statute is clear that the executive power to nominate and confirm is not invoked until the justice or judge retires which serves as a checks and balances measure from the judicial branch from manipulating or unduly influencing that executive power in the proper application of the statute. The judge and justices who were nominated and appointed prior to the executive branch statutorily having proper authority to do so is therefore null and void.

Moreover, Art II of the U.S. constitution does not recognize senior judges as a separate class of judges for the purposes of the appointment clause especially where the constitution states that judges may only sit during times of good behavior, whereas the statute which deems senior judges in a separate class, which does not count towards the active judge count; limits within the courts permits senior judges to sit upon a different standard that being that they may sit as long as they are willing and able omitting the obligation to sit only during times of good behavior and rendering senior judges unconstitutional.

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[18] *Henson v. Santander Consumer USA Inc., 137 S. Ct. 1718, 1726 (2017).*

The Judiciary Act of 1801 — also known as the "Midnight Judges Act" — was passed at the end of the administration of President Adams,, the move has been viewed as an attempt to retain power in the wake of the election of Jefferson to the presidency. The Federalists were concerned about how much power they would lose once Jefferson and other -Republicans took office. In an effort to maintain some control over the nation's direction, the Federalists passed — the Judiciary Act of 1801. The provisions of the act significantly altered the size and scope of the Supreme Court and made changes to the circuit court system that required the nomination and appointment of new judges. Adams mainly appointed friends and members of the Party to the new positions. As a result, the judges he appointed are known as the "Midnight Judges." The revised court system and subsequent appointments were controversial and the act was repealed and replaced in 1802. The Judiciary Act of 1801 is important to United States History because it eventually led to Marbury v. Madison 5 U.S. 137 (1803). The case established the concept of Judicial Review, which gave the Supreme Court the power to overrule federal laws if they are unconstitutional — in conflict with the Constitution, which would include 28 U.S.C 371 The controversy over the Judiciary Act of 1801 is also an example of how the early divide between political parties affected the course of the nation.
The statute 28 U.S.C. 371 is therefore unconstitutional and is being manipulated and used

as a method for assisting a party in political control through undue influence over the executive branch to appoint senior status prior to an actual vacancy. Moreover, even if a pardon or other presidential legal document such as a judicial commission is signed and sealed, it is void and cannot be enforced if the law allowing for its issuance, in this case 3 U.S.C. 301 has been violated.

SENIOR JUDGES HAVE THE SAME OBLIGATION OF INDEPENDENT RECUSAL IN CASES WHERE THEIR IMPARTIALITY MAY REASONABLY BE QUESTIONED

A "judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned."[19] This includes circumstances where the judge has "a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding." Recusal is appropriate if "a reasonable person with knowledge of all the facts would conclude that the judge's impartiality might reasonably be questioned." 28 U.S.C. 455 The fact that a former law clerk now works for a law firm that represents a party in a matter before the court does not, without more, provide a basis for recusal,[20] However, this case presents more in that the former law clerk was nominated and confirmed to replace the judge in addition to the other facts as stated in this case[21]. Judge Julia Smith Gibbons participation

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[19] *Roberts v. Bailor 625 F.2d 125 (6th Cir. 1980)*

[20] . *See Omni Innovations LLC v. Smartbargains.com LP*, No. C06-1129JCC, 2009 WL 3248084, at (W.D. Wash. Oct. 9, 2009)

[21] *Liteky V. U.S. 114 S. Ct. 1147,1162 (1994)*

on the panel therefore constituted an improper quorum as Judge Gibbons was ethically required to recuse herself from the case and her impropriety and is cause for reversal even prior to a determination upon the merits.

II. LOWER COURT JUDGES DO NOT HAVE AUTHORITY TO DEFY SUPREME COURT PRECEDENT AND STATUTORY ACTIONS REQUIRED BY THE COURT

(a)Violation of Oath of Office to Uphold the Constitution

This court recently declared "Lower court judges may sometimes disagree with this Court's decisions, but they are never free to defy them. [22]"[U]nless we wish anarchy to prevail within the federal judicial system, a precedent of this Court must be followed by the lower federal courts no matter how misguided the judges of those courts may think it to be." [23]. when this Court issues a decision, it constitutes a precedent that commands respect in lower courts" [24]. All these interventions should have been unnecessary, but together they underscore a basic tenet of our judicial system: Whatever their own views, judges are duty-bound to respect "the hierarchy of the federal court system created by the Constitution and

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[22] *Department of Ed. v. California, 604 U. S. ___ (2025) (per curiam) cited in National Institutes of Health v. American Public Health Assn. 606 U. S. ____ (2025)*

[23] *Hutto v. Davis, 454 U. S. 370, 375 (1982) (per curiam)*

[24] *Ramos v. Louisiana, 590 U. S. 83, 104 (2020) (opinion of GORSUCH, J.); see also Bucklew v. Precythe, 587 U. S. 119, 136 (2019)*

Congress." Hutto, 454 U. S., at 375." [25]

At the very core of the Petitioner's case like many other cases is the lower court's refusal to apply the precedent set by the Supreme Court.

Judges, like other public officials, are expected to uphold the integrity and impartiality of the judiciary, promoting public confidence and acting without bias or self-interest. The federal judiciary's stated values include accountability and good stewardship of public funds. The failure of the lower courts to uphold this precedent is also a breach of fiduciary duty to be good stewards of public funds, and their defiance is at the public's expense which can not be considered as good behavior. The constitution is clear a judge may sit only in times of good behavior, it bears the question whether there is also a breach of fiduciary duty to the public for the judiciary as an independent body to regulate and discipline itself when its actions are against the public and unnecessary expense of the funds that support them. This is especially clear where judges have used 28 U.S.C. 371 for political motives and to exert undue influence and exercise a usurpation over the executive branch in violation of the appointment clause. The lower court's openly defied this court's precedence in . Even more disturbing is the lower court's refusal to apply the law the court has a duty imposed by congress to apply pursuant to FRCP 10(c) and the Federal Rules of Evidence 201.and a willingness to defy their own

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[25] *See also"The Supervisory Power of the Supreme Court" Columbia Law Review,106(2) 324-387 (2006)*http://www.jstor.org/stable/4099494

rules of court FRAP 40(d)(1) quickly to sweep cases under the carpet they have personal or political motives against. When confronted judges are cavalier and brazenly tout their complete immunity doctrine even for acts done maliciously[26] as they claimed in Petitioner's case (Appendix V Vol II P.40-41).

FRAUD UPON THE COURT

(a) Duty to take Judicial Notice under Federal Rules of Evidence 201

Fraud upon the court, which involves deceitful conduct that compromises the court's impartiality, is a grave offense that undermines the integrity of the entire judicial system.Court's inherent authority: The Courts possess the inherent power and a strong responsibility to uphold the integrity of their proceedings and address any acts of fraud that may have impacted the court's ability to render a fair and impartial judgment. In United States v. Throckmorton, 98 U.S. 61 (1878), this Court held that *"There is no question of the general doctrine that fraud vitiates judgments."* The question presented is Does a District Court Judge and Circuit Judge engage in tacit complicity after the fact, in a Fraud Upon The Court by participating in the improper suppression of the necessary parts of the Petitioner's complaint under FRCP(10)(c)in their Motion To Amend the Complaint, and opposition to defendants motions with additional appendix of exhibits attached proving fraud during the proceedings, where the Judge adopting the misrepresentations from defendants motions, intentionally

[26] Pierson v, Ray 386 U.S. 547 (1967)

misrepresents the official record in the Final Order, covering up for the improper suppression of facts supporting the complaint submitted pursuant to FRCP 10(c).

The question presented is Has Due Process been denied when the Magistrate and District Court Judge, intentionally and improperly suppress the facts they are required to take judicial notice of to obstruct and deny Petitioner's verified complaint as frivolous, while adopting the misrepresentations from the defendants motions in rendering a decision, thereby effectively denying a Petitioner the right to Due Process. Review Is Warranted Because theCourt Proceedings Undermine The Fifth Amendment And Are A Blueprint For Injustice By Embracing And Enabling A Culture Of Corruption. The core precept of the Fifth Amendment is the right to due process. In [27]Almost as alarming as the fraud in the District Court proceedings, are the Appellate Court proceedings where the United States Court of Appeals For The Sixth Circuit, also refused to take judicial notice under Federal Rules of evidence in reviewing the arguments presented, affirming the District Court decision due to an extension of the corruption from the fraud upon the court in the district court proceedings. The process employed by the Sixth Circuit is broken, undermines the Fifth Amendment Due Process Clause, runs afoul of this Court's longstanding precedent and well settled case law, and disregards congressional appeals court

[27] Burrs v. United Techs. Corp., 2018 U.S. Dist. LEXIS 187929,

creators intent for increased uniformity and reliability in the fields of national law.

.III. REASONS FOR GRANTING THE WRIT

The noncompliance with 3 U.S.C. 301 in the delegation of the president's duty to sign renders the documents including judicial nominations and commissions as void which resulted in an improper quorum in the Petitioners case which is reversible error even prior to a determination upon the merits. As a citizen and taxpayer petitioners are requesting relief before additional cases are decided by those whose judicial commissions are void and form an improper quorum.

While this court recently stated "[U]nless we wish *anarchy to prevail within the federal judicial system a precedent of this Court must be followed*[28] *However,* voicing frustration without disciplinary action only contributes to the public's erosion of thrust and confidence in the judiciary as an independent separate co-equal branch of government upholding the law and protecting the constitution. This is especially clear where judges have used 28 U.S.C. 371 for political motives and to exert undue influence and exercise a usurpation over the executive branch in violation of the appointment clause. Even more disturbing is the lower court's refusal to apply the law the court has a duty imposed by congress to apply and a willingness to defy their own rules of court to sweep cases they have personal or political

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[28] *Department of Ed. v. California, 604 U. S. ___ (2025) (per curiam) cited in National Institutes of Health v. American Public Health Assn. 606 U. S. ____ (2025)*

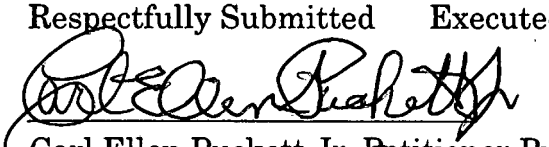
motives against quickly under the carpet and when confronted judges are cavalier and brazenly tout their complete immunity doctrine even for acts done maliciously Pierson v, Ray. Moreover, the judicial complaint process has become ineffective and the judicial council to whom complaints are submitted consists most often of the judges being complained of and they too like the cases they unconstitutionally subvert are quickly buried and rarely acted upon While declaring senior judges unconstitutional would wreak havoc on the federal courts, calling into question the legitimacy of thousands of previous decisions in which senior judges participated by invalidating the statute, it would prevent the political non-independent destruction of the judiciary and the tacit complicity in a continuing constitutional violation taking place right under the public's noses and restore the constitutional purpose of the courts. See U.S. CONsT. art. III, § 1. See U.S. CONsT. art. II, § 2, cl. 2.Article II, Section 2, Clause 2:

CONCLUSION

Wherefore the Petitioner respectfully prays that this court find that this case requires reversal based upon improper quorum without the need to address the remaining merits. This case also warrants the requested relief with regard to 68 Justices and judges nominated in violation of the appointment clause, 46 judges who were nominated while the President was overseas and unable to personally make the nomination which is under his

constitutional authority alone, as well as 12 judges nominated while President Biden was on vacation and unable to personally make the nomination which is under his constitutional authority alone and all a matter of public record. Moreover, due to advanced mental incapacity, Mr. Biden was unable to give informed consent regarding the delegation of his duties and that all judicial commissions are void for non-compliance with the requirements of 3 U.S.C. 301 which governs a president's delegable authority and requirements for its documentation and record in the Federal Register in order to be valid. Moreover, lower courts are required to comply with and apply the law as defined in FRCP 10(c) and Federal Rules of Evidence 201. If the court addresses the merits , the court require the proper application of its precedents, and the appendix A and B of the exhibits which substantiated the petitioner's complaint as factual and not fictitious, must be given proper consideration as required by law and petitioners be given leave to amend their complaint. Lastly, due to judicial impropriety the case be reassigned on reversal and remand.

Respectfully Submitted Executed Sept., 7th 2025



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