No. 25-6047

IN THE

SUPREME COURT OF THE UNITED STATES

PETER BORMUTH,

Petitioner,

v.

MICHIGAN DEPARTMENT OF ENVIRONMENT, GREAT LAKES, AND ENERGY (EGLE), AND CONSUMERS ENERGY

Respondent & Intervenor.

ON PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE STATE OF MICHIGAN

PETITION FOR A WRIT OF CERTIORARI

PETER CARL BORMUTH

DRUID

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QUESTIONS PRESENTED

Two questions are presented:

1. Does the 14th Amendment Due Process Clause require state administrative tribunals to follow their own clearly established precedent?

2. Do religious beliefs provide grounds for special interest or special damages for standing purposes?

LIST OF PARTIES

1. Peter Bormuth, *Druid*, Appellant and Petitioner

2. Michigan Department of Environment, Great Lakes, and Energy, Appellee and Respondent

3. Consumers Energy, Appellee and Intervenor

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Peter Bormuth respectfully submits this petition for a writ of certiorari to review the judgment of the Supreme Court of the State of Michigan.

OPINIONS AND ORDERS BELOW

The final order of the Michigan 4th Judicial Circuit Court in Case No. 23-1508 AA appears in Appendix A. The order of the EPRC in MOHAR Docket No. 22-024450 appears in Appendix B. The order of Administrative Judge Pulter, acting for MOHAR in Docket No. 22-024450, appears in Appendix C. The order of the Michigan Court of Appeals in Docket No. 370598 appears in Appendix D. The orders of the Michigan Supreme Court in Docket No.168019 appear in Appendix E.

STATEMENT OF JURISDICTION

The Michigan Supreme Court's final order was issued on July 25, 2025. Appellant invokes this Court's jurisdiction under 28 U.S.C. § 1257(a), having timely filed this petition for a writ of certiorari within ninety days of the Michigan Supreme Court's judgement.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fifth Amendment

No person shall...be deprived of life, liberty, or property without due process of law...

Fourteenth Amendment

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

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42 U.S.C. § 1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage of any State or Territory, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Michigan Constitution of 1963, Article I, § 2

No person shall be denied the equal protection of the laws; nor shall any person be denied the enjoyment of his civil or political rights or be discriminated against in the exercise thereof because of religion, race, color or national origin.

Michigan Constitution of 1963, Article I, § 17

No person shall...be deprived of life, liberty or property, without due process of law. The right of all individuals, firms, corporations and voluntary associations to fair and just treatment in the course of legislative and executive investigations and hearings shall not be infringed.

Michigan Constitution of 1963, Article IV, § 52

The conservation and development of the natural resources of the state are hereby declared to be of paramount public concern in the interest of the health, safety and general welfare of the people.

TREATIES INVOLVED

Treaty of Tripoli (1797), Article 11

As the Government of the United States of America, is not in any sense, founded on the Christian Religion;...

INTRODUCTION

This case raises two important due process issues regarding standing doctrine in Michigan. For the benefit of the Court, Petitioner provides a brief introduction to Michigan standing jurisprudence, which differs from federal law.

Michigan law traditionally embraced a limited prudential doctrine where a litigant has standing if they have a special injury or some substantial interest separate from the citizenry at large or if the statutory scheme implied that the Legislature intended to confer standing on the litigant. See *In re Critchell's Estate,* 361 Mich. 432, 105 N.W.2d 417 (1960).

That changed in 2001 when the majority of the Michigan Supreme Court chose to follow federal standing jurisprudence as articulated in *Lujan v Defenders of Wildlife*, 504 US 555, 578; 112 S Ct 2130; 119 L Ed 2d 351 (1992) holding that "to have standing on appeal, a litigant must have suffered a concrete and particularized injury." See *Lee v Macomb Co Bd of Comm'rs*, 464 Mich 726, 629 NW2d 900 (Mich 2001).

The Michigan Supreme Court followed up their decision in *Lee* with a trio of cases affirming the federal standing doctrine: *Nat'l Wildlife v. Cleveland Cliffs*, 471 Mich. 608, 684 N.W.2d 800 (Mich. 2004); *Federated Ins. Co. v. Oakland County Road Com'n,* 475 Mich. 286, 715 NW2d 846 (2006); and *Manuel v. Gill*, 481 Mich. 637, 753 NW 2d 48 (Mich 2008).

This situation changed in 2010 when the Michigan Supreme Court conducted a thorough review of Michigan standing jurisprudence in *Lansing Sch. Ed. Ass'n v. Lansing Bd. of Ed*, 487 Mich 349 (2010). The Court observed that the *Lee/Cleveland Cliffs/Gill* standing doctrine was at the expense of the public interest because it prevented litigants from enforcing public rights, despite the presence of adverse interests and parties (*Id* at 370) and concluded that **"*Lee* and its progeny should be overruled."** (*Id* at 372).

The *Lansing* Court then ordered that:

> We hold that Michigan standing jurisprudence should be restored to a limited, prudential doctrine that is consistent with Michigan's long standing historical approach to standing. Under this approach, a litigant has standing whenever there is a legal cause of action...Where a cause of action is not provided at law, then a court should, in its discretion, determine whether a litigant has standing. A litigant may have standing in this context if the litigant has a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large or if the statutory scheme implies that the Legislature intended to confer standing on the litigant.
>
> *Lansing* at 372

The historical limited prudential doctrine reestablished by *Lansing* repudiates the federal standing doctrine under *Lujan* where a litigant must have suffered "a concrete and particularized injury." Michigan standing jurisprudence grants standing to a litigant if "they have a special injury or right, or substantial interest, that will be detrimentally affected in a manner different from the citizenry at large."

STATEMENT OF THE CASE

A. Facts giving rise to the case

This Application For A Writ Of Certoroi involves a water withdrawal permit issued to Consumers Energy Company by a state agency, the Michigan Department of Environment, Great Lakes, and Energy (EGLE), under Part 327 of the Natural Resources and Environmental Protection Act (NREPA) on May 26, 2022.

On January 26, 2022 Consumers Energy Company submitted a water withdrawal permit application to EGLE under Part 327 of the Natural Resources and Environmental Protection Act, 1994 PA 451 as amended. (Stip Admin Rec, p. 0311). As required by subsection MCL 327.32723(4), EGLE invited a public comment period on the permit application from March 4, 2022 until April 20, 2022. (Stip Admin Rec, p. 0312). The Petitioner made public comments filed with EGLE on April 17, 2022 (Stip Admin Rec, p. 0312).

On May 26, 2022 EGLE issued the permit to Consumers Energy, a basis for decision statement and a response to public comments. (Stip Admin Rec, p. 0312). On July 25, 2022 the Petitioner filed a Sworn Petition for a Contested Case Hearing under MCL 324.32723(12) with EGLE. EGLE subsequently added a second date stamp to the petition (July 26, 2022) to make it look like the petition was filed a day late. Pursuant to MCL 324.1317(1), the contested case was assigned for final decision to an administrative law judge ("ALJ"), Daniel L. Pulter, on August 9, 2022. (Stip Admin Rec, pp. 0345-0348).

On September 11, 2022, Petitioner/Appellant filed with the ALJ an official status report electing to hold the contested case in abeyance for 60 days. (Stip Admin Rec, pp. 0341-0342). Consumers Energy moved to intervene in the proceedings as the permit holder of record, and was granted intervenor status by ALJ Pulter on December 12, 2022. (Stip Admin Rec, pp. 0334-0340). On February 22, 2023, Consumers filed its required Pre-Hearing Statement and a Motion for Summary Disposition Under MCR 2.116(C)(4), (5), and (8), and Incorporated Brief in Support. (Stip Admin Rec pp. 0293-0304). Petitioner filed a response to that motion on March 1, 2023 (Stip Admin Rec, pp. 0260-0272).

A pre-hearing video conference with all of the parties took place on March 7, 2023. EGLE took no position on Intervenor Consumers Energy's Motion for Summary Disposition based on standing. (Transcript of May 15, 2023 EPRC hearing, testimony of Chris Conn, p. 11, l. 22-25).

The Petition was denied by Administrative Law Judge (ALJ) Pulter on March 16, 2023 on the basis that the Petitioner was not an aggrieved person, and therefore lacked standing to contest the permit.

On April 3, 2023 Petitioner petitioned for review of the ALJ's Order to a panel of the Environment Permit Review Commission (EPRC) pursuant to MCL 324.1317(2). At that meeting Legal Counsel Maul and Crouch failed to perform their legal duty under MCL 324.1317(5) when they neglected to inform the EPRC panel of the definition of "aggrieved" previously adopted by the EPRC as precedent

in MOAHR Docket No. 20-026200. On May 26, the EPRC issued a written decision adopting in whole ALJ Pulter's Order pursuant to MCL 324.1317(4).

B. Jackson Circuit Court Proceedings

Petitioner filed a Petition for Review/Claim of Appeal/Motion to Present Proofs of Alleged Irregularity in 4th Circuit Court, County of Jackson on June 21, 2023. The case was assigned to Honorable Judge Thomas J. Wilson. On August 1, 2023 Hon. Judge Wilson held a hearing on Petitioner/Appellant's Motion to Present Proofs of Alleged Irregularity and denied the motion based on the arguments presented at the hearing. On March 29, 2024 Hon. Judge Wilson issued an opinion and final order AFFIRMING the ALJ's order denying standing in this case.

C. Michigan Court of Appeals Proceedings

Petitioner filed a Claim of Appeal under MCR 7.203(A)(1) on April 12, 2024. The Court of Appeals dismissed this claim on April 19, 2024 for lack of jurisdiction. On April 22, 2024 the Petitioner filed a delayed Application for Leave to Appeal under MCR 7.205(A)(4)(b)(i)(ii). On December 19, 2024 the Court of Appeals issued an Order denying the Petitioner's Delayed Application for Leave to Appeal for lack of merit in the grounds presented.

D. Michigan Supreme Court Proceedings

On January 15, 2025 the Petitioner filed a notice of appeal and application for leave to appeal with the Michigan Supreme Court, Docket No. 168019. On May 22, 2025 the Michigan Supreme Court issued an order denying the Petitioner's

application for leave to appeal. On June 11, 2025 the Petitioner filed a motion for reconsideration with the Michigan Supreme Court. On July 25, 2025 the Michigan Supreme Court issued a final order denying the Petitioner's motion for reconsideration.

REASONS FOR GRANTING THE PETITION

The question of whether State Administrative Agencies must follow clearly established precedent or violate 42 U.S.C. § 1983 is an important question of law that this Court should answer.

The question of whether Michigan Courts have denied a Pagan the same rights as Christians to due process of law is a pressing question this Court must answer. Supreme Court Rule 10(c) is violated when a state court has decided an important federal question in a way that conflicts with the relevant decisions of this Court.

I. REVIEW IS WARRANTED TO DETERMINE WHETHER DUE PROCESS RIGHTS ARE VIOLATED WHEN ADMINISTRATIVE AGENCIES DO NOT FOLLOW CLEARLY ESTABLISHED PRECEDENT.

A. The ALJ violated Petitioner's right to due process

On page 5 of his March 16, 2023 Order, ALJ Pulter writes: "The controlling question in this case is whether Petitioner has suffered "special damages" different from the citizenry at large." (Stip Admin Rec, p. 0015). When discussing Petitioner's claim that a central tenet and belief of his Pagan religion is "Water is Life" and that Petitioner took a sacred oath to protect surface and underground waters, Pulter writes: "Religious affiliation does not provide grounds for special

damages." (Stip Admin Rec, p. 0018). Pulter concludes by saying "Because Petitioner has failed to establish that he will suffer special damages that are different and apart from the citizenry at large, Permittee's Motion for Summary Disposition is GRANTED and this contested case is DISMISSED." (March 16, 2023 Order, p. 8-9) (Stip Admin Rec, p. 0018).

The problem with this analysis is threefold: it does not follow Michigan standing jurisprudence as articulated by the Michigan Supreme Court in *Lansing Sch. Ed. Ass'n v. Lansing Bd. of Ed*, 487 Mich 349 (2010); it does not follow Michigan administrative law precedent as articulated by MOAHR Docket No. 20-026200, *Petition of Wayne County Conservation District,* and; it does does not follow either the Michigan Supreme Court or this Court's precedent with regard to whether violations of sincerely held religious beliefs may be grounds for special damages and standing.

In Michigan, ALJ's no longer have final authority over environmental hearings. Because EGLE approves 97% of the permit applications it receives, denying only .4% (the rest are withdrawn), the Legislature responded by creating the Environmental Permit Review Commission ("EPRC") pursuant to MCL 324.1317(2) to provide more review of the permitting process. In doing so the Legislature gave the EPRC final authority to adopt, remand, modify or reverse, in whole or in part a final order or decision of an Administrative Law Judge (ALJ) under MCL 324.1317(4). The EPRC decisions are the final word in the administrative process

and thus precedential and binding on an Administrative Law Judge under MCL 324.1317. MCL 324.1317(4) states:

> An environmental permit panel may adopt, remand, modify, or reverse, in whole or in part, a final decision and order described in subsection (1). The panel shall issue an opinion that becomes the final decision of the department and is subject to judicial review as provided under the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328, and other applicable law.

The crux of the first issue presented is what definition of "aggrieved" is to be applied. Petitioner claims the due process right to the definition set by the EPRC in MOAHR Docket No. 20-026200, *Petition of Wayne County Conservation District.* MCL 324.32723(12) states:

> (12) A person who is aggrieved by a determination of the department under this section related to a water withdrawal permit may file a sworn petition with the department setting forth the grounds and reasons for the complaint and asking for a contested case hearing on the matter pursuant to the administrative procedures act of 1969, 1969 PA 306, MCL 24.201 to 24.328...

"Aggrieved" is not defined within the statute. The common dictionary definition of "aggrieved" is "feeling resentment at having been unfairly treated." Counsel for Consumers argues "aggrieved" is a legal term of art. But all parties agree that the Legislature has the power to define aggrieved, and in creating the EPRC, the Legislature delegated that power to the EPRC.

On December 15, 2021, a panel of the EPRC utilized this power delegated by the Legislature to define "aggrieved" in MOAHR Docket No. 20-026200, *Petition of Wayne County Conservation District.* The Petition involved a permit given to Waste

Management, and the ALJ ruled that under MCL 324.30319(2) Wayne County Conservation District was not "aggrieved" utilizing the exact same legal logic and case law as the ALJ in this case. The ALJ required Wayne County Conservation District to have "suffered special damages or harm distinct from the citizenry at large." The EPRC panel disagreed with the ALJ and defined *"aggrieved"* as it is used in Part 303 to mean ***"having a special interest in something that can be negatively impacted."***

MOAHR Docket No. 20-026200, *Petition of Wayne County Conservation District* was not appealed by the parties and therefore is a final decision or order of an administrative agency. It is binding on the ALJ, MOAHR, and EGLE under MCL 324.1317(4).

Under established Michigan law administrative agencies like EGLE or MOHAR have a duty to follow their own duly promulgated administrative rules and decisions unless those rules or decisions have been overturned on judicial review. *Micu v. City of Warren,* 147 Mich.App. 573, 382 N.W.2d 823 (1985). Once decided, the rules or decisions made by an agency to govern its activity cannot be violated or waived by the agency. See *De Beaussaert v Shelby Twp,* 122 Mich. App. 128, 129; 333 N.W.2d 22 (1982). "An agency's interpretation of its own regulation is of controlling weight unless it is plainly erroneous or inconsistent with the regulation." *In re Petition of Attorney General for Investigative Subpoenas,* 274 Mich App 696 (2007)

The legal reason for this is obvious. EGLE and MOEHR must be consistent in applying their rules and decisions. They cannot vary their definition of "aggrieved" on a case by case basis, or due process, which requires the same legal standards to be applied to each petitioner, is violated. The essence of the right of due process is the principle of fundamental fairness. *In re Adams Estate,* 257 Mich.App. 230, 233-234, 667 N.W.2d 904 (2003). "Due process requires fundamental fairness, which is determined in a particular situation first by `considering any relevant precedents...'" *In re Brock,* 442 Mich. 101, 111, 499 N.W.2d 752 (1993), quoting *Lassiter v. Durham Co. Dep't of Social Services,* 452 U.S. 18, 25, 101 S.Ct. 2153, 68 L.Ed.2d 640 (1981).

42 U.S.C. § 1983 offers redress when state agencies fail to follow due process of law. In *Monroe v. Pape,* 365 U. S. 167 (1961) this Court explained that:

> [i]t is abundantly clear that one reason the legislation was passed was to afford a federal right in federal courts because, by reason of prejudice, passion, neglect, intolerance or otherwise, state laws might not be enforced and the claims of citizens to the enjoyment of rights, privileges and immunities guaranteed by the Fourteenth Amendment might be denied by the state agencies.

The two essential elements to a § 1983 action are present: (1) the conduct complained of was committed by ALJ Pulter, a state actor and (2) this conduct deprived the Petitioner of due process of law secured by the Constitution of the United States. The ALJ's denial of the contested case hearing under MCL 324.32723(12) (when prior agency precedent in MOAHR Docket No. 20-026200 granted Petitioner Wayne County Conservation District a contested case hearing

based on the definition of "aggrieved" as *"having a special interest in something that can be negatively impacted"*) is a failure to provide due process and certainly constitutes a deprivation. Petitioner is a "person" who was "aggrieved" under that definition and state law MCL 324.32723(12) gives such persons a right to a contested case hearing.[1]

B. The Circuit Court Violated Petitioner's Right To Due Process

The Circuit Court's Order of March 29, 2024 cites *Federated Ins. Co. v. Oakland County Road Com'n,* 475 Mich. 286, 291-92 (2006) for the proposition that: "To have standing on appeal, a litigant must have suffered a concrete and particularized injury." (Order, 4/29/24, p.2, n.3). But the Michigan Supreme Court in *Lansing Sch. Ed. Ass'n v. Lansing Bd. of Ed,* 487 Mich 349 (2010) ruled that **"*Lee* and its progeny should be overruled."** (*Id* at 372). *Federated Ins. Co.* was overruled. It is actually Justice Weaver's dissent in *Federated* that reflects current Michigan law.[2]

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[1] Petitioner notes that the aggrieved standard created by the EPRC in *Petition of Wayne County Conservation District* is functionally identical to the standard created by the Michigan Supreme Court in *Lansing Sch. Ed. Ass'n v. Lansing Bd. of Ed,* 487 Mich 349 (2010). The EPRC held that to be "aggrieved" a petitioner must have "a special interest in something that can be negatively impacted." *Lansing* held that to be "aggrieved" a litigant must have a "substantial interest, that will be detrimentally affected in a manner different from the citizenry at large."

[2] Justice Weaver wrote in dissent: "Yet by reference to inapplicable federal law, the majority redefines who is an "aggrieved party," stating: [T]o have standing on appeal, a litigant must have suffered a concrete and particularized injury." *Federated Ins. Co. v. Oakland County Road Com'n,* 475 Mich. 286, (2006) at 853. After noting that in *Nat'l Wildlife v. Cleveland Cliffs,* 471 Mich. 608 (Mich. 2004), the same majority superimposed the same inapplicable federal constitutional constraints on the standing of Michigan citizens in state court actions, Justice Weaver concluded that: "[T]he majority's redefinition of "aggrieved party" to require a "concrete and particularized injury" imposes a higher threshold than this Court's previous articulations of "aggrieved party." *Id* at 861.

Petitioner's claim of a due process violation by the ALJ was dismissed by the Circuit Court, as Hon. Judge Wilson accepted the fallacious argument of the appellee that Legal Counsel Maul and Crouch had no legal responsibility under MCL 324.1317(5) to inform Petitioner's EPRC panel of the definition of "aggrieved" previously adopted by the EPRC on December 15, 2021: "Lastly, Appellant claims that the dismissal of his claim by the ALJ and the subsequent adoption of that decision by the EPRC was a violation of his due process rights. As Appellee correctly points out in their brief, Appellant fails to show such a violation." (Order, 4/29/24, p.3). However, the Petitioner clearly showed a Due Process violation under 42 U.S.C. § 1983. The Circuit Court's egregious decision necessitates review by this Court.[3]

II. REVIEW IS WARRANTED TO DETERMINE WHETHER THE FIFTH & FOURTEENTH AMENDMENT RIGHTS TO DUE PROCESS ENCOMPASS CITIZENS OF MINORITY RELIGIOUS BELIEFS.

A. Petitioner's religious beliefs and status

The Petitioner claims a substantial interest separate from the citizenry at large based on his sincerely held religious beliefs as a Pagan. Pagan comes from the Latin *paganus*, connoting a "non-christian" or "follower of a polytheistic religion"

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[3] Petitioner notes that Hon. Judge Wilson has come under some scrutiny for his actions while performing his duties. Perhaps the fact that his cousin, Michael Wilson, is Assistant General Counsel at Consumers Energy contributed to this egregious decision.

https://www.clickondetroit.com/news/local/2025/09/18/alcohol-sexual-comments-conflicts-a-deep-dive-into-accusations-against-michigan-judge/

https://www.mlive.com/news/jackson/2025/10/embattled-jackson-judge-given-extension-to-respond-to-misconduct-claims.html

but the word "has recently evolved to become a general term for the followers of magical, shamanistic, and polytheistic religions which hold a reverence for nature as a central characteristic of their belief system." Pagans reject the Christian god of the theologians who exists outside of nature. Pagans believe that nature is god(s). Druids remember the old Testament god that Abraham took with him when he left the Chaldean city of Ur as one of the sons of EL, the high god of the Canaanites. Pagans absolutely reject the New Testament jesus story, though acknowledging that the mythic structure is plagiarized from the Egyptian Osiris/Horus myth,[4] while christian morality is derived from the Essenes.[5] Pagan are polytheists who worship nature and reject jesus christ.

According to a 2014 Pew Research Center study only 0.4% of Americans identify as Pagan or Wiccan, so the Petitioner belongs to a subset of the population that is clearly distinguished from the citizenry at large.

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[4] On the walls of the temple of Luxor (1800 BC) are images of the conception, birth, and adoration of the divine child god Horus with Thoth announcing to the virgin (unmarried) Isis that she will conceive Horus with Kneph, the Holy Ghost impregnating the virgin, and with the infant being attended by three kings or magi bearing gifts. The Egyptians knew that the three wise men were the stars Mintaka, Anilam, and Alnitak in the belt of Orion but the star wisdom that is the basis of the story fails to be transferred into the Christian myth. Everything else is plagiarized.

[5] This Jewish splinter group had a strong presence in cities and separate communities throughout the Holy Land. Jesus was reputed to have studied with them, while Paul borrowed liberally from their texts. Their ideas show strong traces of Zoroastrian dualism, which the Jews absorbed during the Captivity in Babylon, and brought back with them when they returned from Exile. The Essenes hated matter and sexuality, believed the soul to be eternal, reviled women, thought pleasure evil, idealized work, charity & poverty, had a ritual of baptism & common meals, and believed they were the last generation before the Judgment when the Children of Light would be separated from the Children of Darkness. Naturally they identified themselves with the Children of Light who would be saved while the Children of Darkness would perish and suffer eternal damnation. You can go to any fundamentalist church today and hear the same doctrines propounded.

Central tenets of the Pagan faith are that "the Earth is a living conscious deity" and that "Water is Life." Pagans reject the Old Testament morality of "dominion over nature" and believe humans are part of the web of life. Pagans reject the New Testament morality of "forgiveness of sins" and believe in responsibility for actions, especially actions affecting nature and the environment.

Pagan morality is ecological, not sexual. Christian morality condemns as sinful practices such as contraception, abortion, homosexuality, and same-sex marriage. Pagan morality leaves all those decisions to the individual, condemning none.[6] What is "sinful" in Pagan morality is poisoning the air or water or harming the environment and other creatures by taking more resources than you need. As a Druid, Petitioner's religious and spiritual role is to protect water (and air), Druids are responsible for mediating between the living conscious environment and the human community.

Another important religious concept for Pagans is to have a word. Fulfilling an oath is a religious responsibility. When Petitioner completed his 19 year course of study as a Druid, he took a sacred religious oath to protect water. This Court must accept the Petitioner's good-faith characterization that his activity is grounded in religious belief because "[i]t is not within the judicial ken to question the centrality of particular beliefs or practices to a faith, or the validity of particular litigants'

[6] Artemis is a Pagan deity of the Moon, Mistress of mountains, Mistress of wild creatures, and Goddess of childbirth. The ancient law of Artemis states that: "She who gives birth, may terminate." Thus Pagan women may claim a religious right to contraception and abortion.

interpretations of those creeds." *Hernandez v Comm'r of Internal Revenue,* 490 US 680; 109 S Ct 2136; 104 L Ed 2d 766, 786 (1989).

Petitioner has repeatedly demonstrated his substantial religious interest in water by making public comments before administrative agencies like the United States Dept. of State, the United States EPA, MDEQ, EGLE, WDNR, and by filing cases such as *Bormuth v. West Bay*, 869 N.W.2d 604 (2015); *Bormuth v. MDOT & Kirk Stuedle, Director,* Civil No: 15-205-MZ (Mich. COC, 2015); *Bormuth v. GREAT & Kenny Price*, Case No. 321865 (Mich. COA, 2016); *Bormuth v. WDNR & Enbridge Energy,* Appeal No: 2014-AP-2590 (Wis. COA, 2014); *Bormuth v. EAB*, No. 13-4411 (6th Cir. 2015) proving the sincerity of Petitioner's religious beliefs. The Petitioner's motivation in defending the water is religious, not secular in nature, which distinguishes him from other environmentalists.

B. The ALJ and the Circuit Court deny religious standing

In the hearings below Petitioner argued that his religious status as a Druid with a special religious responsibility for protecting water distinguished him from other members of the community and made him "aggrieved" under MCL 324.32723(12) and therefore conferred standing.

The ALJ responded to this argument by writing:

> Religious affiliation does not provide grounds for special damages. Petitioner simply fails to demonstrate how Druids are different from any other religious or non-religious environmentally conscious members

> of the public. Each religious or environmental group is equally affected by the issuance of the permit. (Order of March 16, 2023, p. 8)

The Circuit Court responded by holding:

> Appellant claims he has standing based on his religious status as a Pagan Druid, which distinguishes him from the citizenry at large. This Court affirms the ALJ's finding that Appellant's religious belief regarding water conservation is insufficient to demonstrate a concrete injury that is different from other environmentally conscious members of the general public. (Order of March 29, 2024. p.2)

The first thing to notice about these respective statements is that they are unsupported by citation. Both the ALJ and the Circuit Court have just pulled this concept out of thin air. Petitioner asks this Court to examine Michigan and Federal case law where standing has been granted when sincerely held religious beliefs are violated by the government.

C. Michigan case law

In *People v. DeJonge*, 442 Mich. 266, 501 N.W.2d 127 (Mich 1993) the Michigan Supreme Court upheld the religious rights of Mark and Chris DeJonge to teach their children at home without complying with a state mandated certification requirement because they wished to provide for their children a "Christ-centered education." The DeJonges believed that utilizing a state-certified teacher was sinful under their christian beliefs. The Michigan Supreme Court ruled that: "Their faith, although unusual, may not be challenged or ignored." *Id at 283.* The

Michigan Supreme Court specifically noted that religious orthodoxy was not necessary to obtain the protection of the Free Exercise Clause.

> Religious belief and conduct need not be endorsed or mandated by a religious organization to be protected. *Emmanuel Baptist Preschool*, supra at 392 (CAVANAGH, J., concurring). Indeed, because popular religious beliefs are rarely threatened by elected legislators, the Free Exercise Clause's major benefactors are religious minorities or dissidents whose beliefs and worship are suppressed or shunned by the majority. To hold otherwise would be to deny that "Religion ... must be left to the conviction and conscience of every man...." See also *Smith*, supra at 887; *Emmanuel Baptist Preschool*, supra at 392 (CAVANAGH, J., concurring). *DeJonge* at 285

Despite Michigan's deeply rooted commitment to education, the Michigan Supreme Court ruled for the DeJonges, and citing this Court, held: "[F]reedom of worship ... is not limited to things that do not matter much. That would be a mere shadow of freedom. The test of its substance is the right to differ as to things that touch the heart of the existing order." [*West Virginia Bd of Ed v Barnette*, 319 US 624, 638, 642; 63 S Ct 1178; 87 L Ed 2d 1628 (1943).

This precedent has existed in Michigan since 1993 and yet it was not applied by the ALJ or the Circuit Court to the Petitioner. The petitioner can find no subsequent case that overturned this principle of law. For the Michigan Supreme Court to deny review of such a blatant due process violation undermines the rights of all religious minorities to due process. Christians were accorded this right. Why is a Pagan denied his religious right to differ as to things that touch the heart of the existing order?

D. Federal case law

Since Chief Justice Roberts was appointed in 2005, this Court has decided numerous cases dealing with religion. In *Hein v. Freedom From Religion Foundation*, 551 U.S. 587 (2007) this Court ruled that the creation of the White House Office of Faith-based and Community Initiatives, as well as eight Cabinet-level offices of faith-based initiatives was legal because federal taxpayers do not have the right to challenge executive branch violations not explicitly authorized by the legislative. In *Pleasant Grove City v. Summum*, 555 U.S. 460 (2009) this Court ruled that placing a monument with the ten commandments in a public park is government speech, so it is not controlled by the First Amendment. In *Arizona Christian School Tuition Organization v. Winn,* 563 U.S. 125 (2011), this Court denied Arizona taxpayers the right to challenge, under the Establishment Clause, tax credits for tuition payments to a parochial school.. In *Snyder v. Phelps*, 131 S. Ct. 1207 (2011), christians from the homosexual hating Westboro Baptist Church were allowed to display placards such as "You're going to hell", "God hates you", "Fag troops", "Semper fi fags" and "Thank God for dead soldiers" during the funeral service of deceased U.S. Marine, Matthew Snyder. This Court's ruling in *Hosanna Tabor Evangelical Lutheran Church & Sch. v. EEOC*, 132 S. Ct. 694 (2012) gave sweeping deference to churches and abandoned the longtime practice of balancing the interest in the free exercise of religion against important government interests like protection against workplace bias or retaliation. In *Burwell v. Hobby Lobby,* 573 U.S. 682 (2014), this Court ruled that christians Hahns and Greens had

standing because of their sincere religious belief that life begins at conception and allowed the christian-led for-profit corporation to restrict female employees' access to contraceptives or abortion. In *Town of Greece, N.Y. v. Galloway,* 134 S. Ct. 1811 (2014) this Court allowed sectarian legislative prayers by chaplains or lay persons. In *Trinity Lutheran Church of Colombia v. Corner,* 137 S. Ct. 2012 (2017) this Court allowed state taxpayer funds to be used to resurface a private religious school's playground, thus opening the door to government funding of private religious institutions. In *Masterpiece Cakeshop v. Colorado Civil Rights Commission*, 584 U.S. 617 (2018) this Court ruled that the Colorado Civil Rights Commission's conduct in evaluating a cake shop owner's reasons for declining to make a wedding cake for a same-sex couple violated the Free Exercise Clause, even though all comments made by the Commissioners were historically true. In *American Legion v. American Humanist Association*, 588 U.S. ___ (2019), this Court ruled that a Latin cross could remain on public land because the passage of time has given it historical and cultural significance. In *Espinoza v. Montana Department of Revenue*, 591 U.S. 464 (2020), this Court held that a provision of the Montana Constitution barring government aid to any school "controlled in whole or in part by any church, sect, or denomination" violated the Free Exercise Clause because it prohibited families from using otherwise available scholarship funds at religious schools. In *Kennedy v. Bremerton School District* 597 U.S. 507 (2022), this Court affirmed a football coach's right to unquestionably public religious expression after games, holding that it was private. In *Carson v. Makin,* 596 US

767 (2022), this Court ruled that states cannot exclude religious schools from tuition assistance programs. In *303 Creative v. Elenis,* 600 US 570 (2023), this Court ruled that christian Lorie Smith had standing to bring her case because of her sincere christian belief that marriage is between a man and a woman. In *Groff v. DeJoy,* 600 US 447 (2023) this Court clarified employer requirements to accommodate a christian employee's religious practices under Title VII. In *Mahmoud v. Taylor*, 606 U.S. ___ (2025) this Court gave standing to conservative Islamic and Christian (Catholic & Orthodox) parents to opt their children out of certain LGBTQ+ curriculum readings based on their sincerely held religious beliefs. This Court has deliberately and consciously elevated the Free Exercise Clause and demolished the Establishment Clause.

The Petitioner cited several of these cases in his briefs below and directly asked the Michigan Court of Appeals and the Michigan Supreme Court to consider his religious claims under the federal jurisprudence interpreting the free exercise clause in *303 Creative v. Elenis*, *Burwell v. Hobby Lobby*, *Hile v. State of Michigan* (6th Cir.), and *Braidwood Mgmt., Inc. v. Becerra* (5th Cir.), but the Michigan Court of Appeals and the Michigan Supreme Court remained contumacious and denied review. Clearly these cases establish the principle in our federal law that religious beliefs can be grounds for standing. Supreme Court Rule 10(c) is violated when a state court has decided this important federal question in a way that conflicts with relevant decisions of this Court.

We have reached a point in this country where only christians (or conservative adherents of other Abrahamic religions) are being accorded their religious and due process rights. An impartial observer might suggest this is being done intentionally by the courts. Does this Court intend to overthrow our pluralistic Jeffersonian religious tradition along with the Establishment Clause? It is a question of enormous public interest and importance. Pagans, Wiccans, Buddhists, Hindus, Sikhs, Taoists, Confucians, Zoroastrians, and even Muslims and Jews, all wonder if this Court is going to uphold their religious due process rights or whether they will soon be placed in detention camps because they do not believe in jesus christ.

CONCLUSION

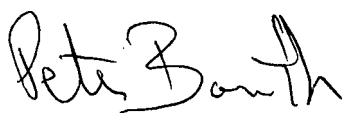
The Michigan Courts have deliberately denied a Pagan the same rights they have previously given to christians. Certiorari must be granted to preserve the due process rights of citizens who follow minority religions. In 1776 the Virginia Legislature passed Thomas Jefferson's Statute on Religious Freedom with the wise and unrelenting assistance of James Madison. An amendment was proposed to insert the words 'Jesus Christ' in the preamble so that it would read "coercion is a departure from the plan of Jesus Christ, the holy author of our religion." Jefferson noted, "the insertion was rejected by a great majority, in proof that they meant to comprehend, within the mantle of its protection, the Jew and the Gentile, the Christian and the Mohometan, the Hindoo, and infidel of every description."[7]

[7] The Works of Thomas Jefferson. Collected and edited by Paul Leicester Ford. Federal Edition. 12 vols. New York and London: G. P. Putnam's Sons, 1904--5.

Like the Petitioner, Thomas Jefferson also expressed his disbelief in "artificial systems invented by ultra-Christian sects" such as the doctrines of "the immaculate conception of Jesus, his deification, the creation of the world by him, his miraculous powers, his resurrection & visible ascension, his corporeal presence in the Eucharist, the Trinity, original sin, atonement, regeneration, election orders of Hierarchy etc."[8]

WHEREFORE this Pagan infidel respectfully requests that this Court grant this petition for a writ of certiorari and uphold every American citizen's free exercise rights, regardless of faith. The 1797 Treaty of Tripoli, Article 11 clearly states that: "...the Government of the United States of America, is not in any sense, founded on the Christian Religion;"

Respectfully submitted,



Dated: October 15, 2025

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[8] Thomas Jefferson - Letter to William Short, October 31, 1819, The Writings of Thomas Jefferson (ed. A. A. Lipscome and A. E. Bergh) Volume XV (Washington DC: The Thomas Jefferson Memorial Association 1905 pp. 219-224).