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Docket No. 26-262

SUPREME COURT OF THE UNITED STATES

GEOFFREY M. YOUNG, *Petitioner*

versus

**ANDY BESHEAR, KENTUCKY DEMOCRATIC
PARTY, FAYETTE COUNTY DEMOCRATIC
PARTY, ANDY BARR, REPUBLICAN PARTY OF
KENTUCKY, REPUBLICAN PARTY OF FAYETTE
COUNTY, REPUBLICAN PARTY OF CLARK
COUNTY, KENTUCKY EDUCATIONAL
TELEVISION, and JEREMY MATTOX,
*Respondents***

**On Petition for Writ of Certiorari to the United
States Court of Appeals for the Sixth Circuit**

Petition for Writ of Certiorari

**Petitioner: Geoffrey M. Young, *pro se*
2430 Millbrook Drive
Lexington, Kentucky 40503
(859) 327-7218**

Counsel for Respondents:

**Mitchel T. Denham, Counsel of Record for Andy
Beshear, Kentucky Democratic Party, and Fayette
County Democratic Party**

**David E. Lycan and Joshua Ellis, Counsel for Andy
Barr (continued on page 56 of this booklet)**

QUESTIONS PRESENTED FOR REVIEW

1. Should this Court reverse its majority decision in *Bell Atl. Corp. v. Twombly*, 550 US 544, (2007) and declare that it is bad law?
2. Should this Court reverse its majority decision in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and declare that it is bad law?
3. May the U.S. District Court for the Eastern District of Kentucky dismiss a well-pleaded complaint, before discovery, for failure to state a claim without correctly applying any standard of review at all?
4. May the Sixth Circuit Court of Appeals deny an appellant's appeal and impose more sanctions against him without ever reviewing his latest amended complaint *de novo*?

Parties to the Proceeding and Related Cases

Petitioner : Geoffrey M. Young, *pro se*.

Respondents: Andy Beshear, Kentucky Democratic Party, Fayette County Democratic Party, Andy Barr, Republican Party of Kentucky, Republican Party of Fayette County, Republican Party of Clark County, Kentucky Educational Television, Jeremy Mattox.

Geoffrey M. Young v. Andy Beshear, et al., No. 3:23-cv-00024, U.S. District Court for the Eastern District of Kentucky. Judgment entered May 8, 2025.

Geoffrey M. Young v. Andy Beshear, et al., No. 25-5467, U.S. Court of Appeals for the Sixth Circuit. Judgment entered May 12, 2026.

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BASIS FOR JURISDICTION

The Court has the discretion to grant this petition for certiorari because the Sixth Circuit Court of Appeals entered final and appealable decisions on May 12, 2026, May 6, 2026 and December 22, 2025 that so far departed from the accepted and usual course of judicial proceedings, and also affirmed the same departures by the District Court for the Eastern District of Kentucky, as to call for a prompt and decisive exercise of this Court's supervisory power. See Supreme Court Rule 10.

* * * * *

STATEMENT OF THE CASE

I initiated this federal civil rights lawsuit, docket entry R.1, against one defendant, Governor Andy Beshear, on April 11, 2023 pursuant to USC 42 §1983: a civil action for deprivation of rights under

color of state law and custom. The original complaint was a ballot challenge filed pursuant to 42 USC § 1983 and Kentucky Revised Statute (KRS) 118.176. On April 19, 2023 I filed a procedural motion, R.6, for an evidentiary hearing to be held before April 28, 2023. On April 24, 2023, the district court entered an order, R.7, denying my motion for a prompt hearing.

As a result of that denial, I decided to amend my original complaint and convert it from a ballot challenge into a regular lawsuit against Andy Beshear and eight other named defendants. I therefore filed a first amended complaint against Andy Beshear, Kentucky Democratic Party, Fayette County Democratic Party, Andy Barr, Republican Party of Kentucky, Republican Party of Fayette County, Republican Party of Clark County, Kentucky

Educational Television, and state Circuit Judge Jeremy Mattox on September 27, 2023. It replaced my original complaint in its entirety.

Eleven months later on August 28, 2024, the district court entered a memorandum opinion and order (R.67, Appendix 6 herein) dismissing my first amended complaint with prejudice and ordering me to show cause within 30 days "as to why [Young] should not be placed on pre-filing restrictions." (Appendix 6 at a38-a56.) Of the six final and appealable orders included in the appendix, only Appendix 6 looks anything like a final and appealable order. The two other final orders entered by the district court and the three final orders entered by the Sixth Circuit panel look and read as if they had been written by a student who had flunked out of law school after one semester. None of the six

final orders have any legal merit whatsoever.

The district court wrote in Appendix 6:

A motion to dismiss pursuant to Rule 12(b)(6) tests the sufficiency of the plaintiffs' complaint. Fed. R. Civ. P. 12(b)(6). In reviewing a Rule 12(b)(6) motion, a court must "construe the complaint in the light most favorable to the plaintiff, accept its allegations as true, and draw all reasonable inferences in favor of the plaintiff." *Directv, Inc. v. Treesh*, 487 F.3d 471, 476 (6th Cir. 2007). However, a court "'need not accept as true legal conclusions or unwarranted factual inferences.'" *Id.* (quoting *Gregory v. Shelby Cnty.*, 220 F.3d 433, 446 (6th Cir. 2000)). "To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to 'state a claim that is plausible on its face.'" *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). In other words, "[t]he factual allegations, assumed to be true, must do more than create speculation or suspicion of a legally cognizable cause of action; they must show *entitlement* to relief." *League of United Latin Am. Citizens v. Bredesen*, 500 F.3d 523, 527 (6th Cir. 2007)

(emphasis in original) (citing *Twombly*, 550 U.S. at 555). Dismissal Order, Appendix 6 at a42-a43.

The majority of the Justices in *Ashcroft v.*

Iqbal (2009) instructed as follows:

The Court of Appeals considered *Twombly*'s applicability to this case. Acknowledging that *Twombly* retired the *Conley* no-set-of-facts test relied upon by the District Court, the Court of Appeals' opinion discussed at length how to apply this Court's "standard for assessing the adequacy of pleadings." 490 F. 3d, at 155. It concluded that *Twombly* called for a "flexible 'plausibility standard,' which obliges a pleader to amplify a claim with some factual allegations in those contexts where such amplification is needed to render the claim plausible." *Id.*, at 157–158. The court found that petitioners' appeal did not present one of "those contexts" requiring amplification. As a consequence, it held respondent's pleading adequate to allege petitioners' personal involvement in discriminatory decisions which, if true, violated clearly established constitutional law. *Id.*, at 174. *Ashcroft v. Iqbal* at 570.

The majority of this Court wrote:

Rule 8 marks a notable and generous departure from the hypertechnical, code-pleading regime of a prior era, but it does not unlock the doors of discovery for a plaintiff armed with nothing more than conclusions...

In keeping with these principles a court considering a motion to dismiss can choose to begin by identifying pleadings that, because they are no more than conclusions, are not entitled to the assumption of truth. While legal conclusions can provide the framework of a complaint, they must be supported by factual allegations. When there are well-pleaded factual allegations, a court should assume their veracity and then determine whether they plausibly give rise to an entitlement to relief. *Id.* at 678-679.

The question arises: Did the district court in my case follow this procedure and apply it to all of the sets of allegations in my 105-page first amended complaint? The answer is no, the district court never followed the procedure and never applied it to any of

the sets of allegations in my complaint. That means that the district court's dismissal order dated August 28, 2024 is 100% unjust and is a nullity with no legal merit whatsoever. Carried away by his intense desire to banish me from his courtroom forever, District Judge Gregory F. Van Tatenhove repeatedly claimed that he applied the standard of review described in this Court's *Twombly* and *Iqbal* decisions, but in reality he did nothing of the kind.

The district court, in effect, unilaterally replaced Rule 8(e) — "Construing Pleadings. Pleadings must be construed so as to do justice." (1938), the *Conley* standard of review (1957), and the *Twombly* standard of review (2007) — with a new standard of review that could be called the Van Tatenhove standard of review (2024): "Trial courts in the Sixth Circuit may dismiss any complaint before

the discovery stage, with prejudice, any time they want to. In addition, the court may lie about what the plaintiff alleged and did not allege in his or her complaint." Clearly, that is not a valid or lawful standard of review at all, and it is guaranteed to lead to unjust outcomes.

I timely filed a motion to vacate the court's final and appealable dismissal and sanctioning order of August 28, 2024 (Appendix 6). I wrote as follows:

The Court wrote, "Mr. Young's Amended Complaint asserts 46 counts against the various defendants pursuant to 42 U.S.C. § 1983. [R.14.] Counts 1 to 41 allege election-rigging conspiracies occurring from 2014 to 2022. *Id.* at 1-90." Dismissal Order at 3.

That finding is a bald-faced lie. Since 2015, I have always alleged that there is only one ongoing, primary-election-rigging conspiracy against me.

I wrote:

260. Conclusion. All of the named Defendants conspired with other Defendants to illegally rig a number of Primary elections against me from March, 2014 to today. I am not alleging that they were all co-conspirators in March, 2014, but all of them joined the unlawful election-rigging conspiracy at some time between March, 2014 and the end of 2020. None of them ever quit the election-rigging conspiracy, which is still going on today. First Amended Complaint at 103.

Young's Motion to Vacate, R.68, 9/13/2024 at 1.

I wrote:

The first two sentences of Justice Manual 652 read as follows:

Conspiracy is a continuing offense. For statutes such as 18 U.S.C. § 371, which require an overt act in furtherance of the conspiracy, the statute of limitations begins to run on the date of the last overt act. *See Fiswick v. United States*, 329 U.S. 211 (1946); *United States v. Butler*, 792 F.2d 1528 (11th Cir. 1986). Federal Justice Manual 652, *Statute of Limitations for*

Conspiracy.

September 26 is only 133 days after May 16. 133 days is less than one year. When this Court wrote, "Counts 1 through 41 are time-barred," Order at 3, it was LYING. None of the 46 counts I alleged against the ongoing conspiracy that includes all nine of the named Defendants are time-barred. The Court's Dismissal Order must be vacated in its entirety. *Id.* at 2.

I wrote:

This Court quoted the US Supreme Court's decision in *West v. Atkins*, 487 U.S. 42, 48 (1988), as follows: "To state a claim under § 1983, a plaintiff must allege the violation of a right secured by the Constitution and laws of the United States, and must show that the alleged deprivation was committed by a person acting under color of state law." That is exactly what I alleged in all 46 of the counts in my First Amended Complaint. However, the very next sentence in this Court's totally unjust and frivolous Dismissal Order read as follows: "Accordingly, the Court will dismiss those counts [Counts #1 through #41] with prejudice." Order at 3-4. *Id.*

I wrote:

The First Amendment is part of the Constitution of the United States. And I clearly alleged that all of the violations committed against me by the ongoing conspiracy from March 11, 2014 to May 16, 2023 were committed by persons acting under color of state law and custom. *Id.*, throughout. This Court should have found that none of my allegations were time-barred, should have ordered that all of the Defendants' motions to dismiss must be denied with prejudice; and ordered all of the Defendants to file responsive pleadings within 14 days after the entry of the Court's denial order. See Rule 12(a)(4) (A). This Court's Argument A is so devoid of legal and logical merit that it renders the Court's entire Dismissal Order a nullity. *Id.* at 3.

In my Reply Brief in the Sixth Circuit's Appeal No. 25-5467, Document No. 33, which was entered on September 9, 2025, I wrote:

On pages 4 to 6 of my brief, I proved conclusively that I alleged that Defendant KET was a member of the ongoing election-rigging conspiracy in

February 2020 because it conspired with Defendant Andy Barr and Defendant Republican Party of Kentucky (RPK) to violate my **First Amendment rights to freedom of speech**, KRS 118.105(1) (that prohibits primary election-rigging), Section 6 of the Kentucky Constitution, and every Kentucky campaign finance law that requires the accurate and timely reporting to the Kentucky Registry of Election Finance of all in-kind donations. I also alleged in my brief that no member of the conspiracy has ever withdrawn from the ongoing conspiracy from 2014 to the present day, and that the conspiracy's violations continued into 2024. Young's Reply Brief at 2-3.

Thus, it is not true that I have ever argued that the statute of limitations started to run on some date in 2024. I argued that because no member of the conspiracy has ever withdrawn from it, the statute of limitations has never started to run at all. The Panel's entire Order is full of false and irrelevant statements like the one above, and the

Panel never construed all of the allegations in my Complaint in the light most favorable to the plaintiff. Blindly following the bad example set by the district court, the Panel never reviewed, *de novo*, the adequacy of my First Amended Complaint under the standards of review set forth in Federal Rule 8(e), *Conley v. Gibson*, 355 U.S. 41 (1957), or *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). There is no coherent *Ashcroft v. Iqbal* standard of review.

I wrote:

The Court wrote, “But to the extent Counts 42 and 43 address non-time barred complaints, those claims are barred by immunity...none of the exceptions to Eleventh Amendment immunity apply.” Order at 4-5.

In its decision in *Arkansas Ed. Television Comm'n v. Forbes*, 523 U.S. 666, 671 (1998), the US Supreme Court instructed as follows:

Sitting en banc, the [Eighth

Circuit] Court of Appeals affirmed the dismissal of Forbes' statutory claim, holding that he had failed to exhaust his administrative remedies. The court reversed, however, the dismissal of Forbes' First Amendment claim.

Observing that AETC is a state actor, the court held Forbes had "a qualified right of access created by AETN's sponsorship of a debate, and that AETN must have [had] a legitimate reason to exclude him strong enough to survive First Amendment scrutiny." *Forbes v. Arkansas Ed. Television Network Foundation*, 22 F.3d 1423, 1428 (CA8), cert. denied, 513 U.S. 995 (1994), 514 U.S. 1110 (1995). Because AETC had not yet filed an answer to Forbes' complaint, it had not given any reason for excluding him from the debate, and the Court of Appeals remanded the action for further proceedings.

What the Eighth Circuit Court of Appeals did not do was to uphold the federal district court's dismissal of all of Mr. Forbes' claims on the grounds that the Arkansas Educational Television Commission ("AETC") had absolute

Eleventh Amendment immunity simply because it is a state agency. This Court is attempting to extend the Eleventh Amendment from the fifty states to all state agencies and to all state employees acting in their official capacities. **This Court is attempting to nullify 42 U.S.C. § 1983, the Ku Klux Klan Act of 1871, if a defendant is a state agency or a state employee acting in his or her official capacity. *Id.* at 3-4.**

I wrote:

This Court wrote, "But as the Sixth Circuit, this Court, and Kentucky Courts have repeatedly explained to Young, Kentucky Revised Statute § 118.105(1) "merely directs that political parties nominate all of their candidates." Order at 6.
That statute reads as follows:

(1) Except as provided in subsections (3) and (4) of this section and in KRS 118.115, every political party shall nominate all of its candidates for elective offices to be voted for at any regular election at a primary held as provided in this chapter, **and the governing authority of any political party**

**shall have no power to
nominate any candidate for
any elective office or to
provide any method of
nominating candidates for any
elective office other than by a
primary as provided in this
chapter. [Emphasis added.]**

The notion that KRS 118.105(1) merely directs that political parties nominate all of their candidates renders the bolded clause entirely irrelevant. In *United States v. Menasche*, 348 U.S. 528, 538-539 (1955), the US Supreme Court instructed as follows:

The Government's contention that § 405(a) does not apply to any phase in the processing of naturalization petitions would defeat and destroy the plain meaning of that section. "The cardinal principle of statutory construction is to save and not to destroy." *Labor Board v. Jones Laughlin Steel Corp.*, 301 U.S. 1, 30. It is our duty "to give effect, if possible, to every clause and word of a statute," *Montclair v. Ramsdell*, 107 U.S. 147, 152, rather than to emasculate an entire section, as the Government's

interpretation requires. [emphasis added]

Every court that has held that KRS 118.105(1) merely directs that political parties nominate all of their candidates has knowingly and intentionally defeated and destroyed the plain meaning of the last clause of that statute and violated a fundamental principle of statutory construction. This Court's Arguments B.2 and B.3 are nullities on their face, and its Dismissal Order must be vacated in its entirety. *Id.* at 6-7.

I wrote:

The Court wrote, "Finally, Count 46 states that KET participated in a 'conspiracy to rig the 2023 Democratic Primary for Governor against me.'" However, Count 46 was 1,227 words long, contained dozens of specific allegations, and easily met the standard of review set forth in *Bell Atlantic v. Twombly*, 550 U.S. 544, 555-556 (2007). When this Court summarized the 1,227 words of Count 46 in the following 15 words—"KET participated in a conspiracy to rig the 2023 Democratic Primary for Governor against me"—it maliciously misrepresented my

allegations against KET and committed a massive violation of the rules of judicial conduct. This violation alone invalidates the Court's Dismissal Order in its entirety. *Id.* at 7.

I wrote:

The Court wrote: "Again, KET is entitled to immunity." *Id.* That statement is false on its face because KET is not entitled to immunity at all if I can prove to the jury that it joined a conspiracy to violate my First Amendment rights in order to rig several primaries against me. *Id.* at 7.

This Court wrote, "In any event, these allegations again fail to state a claim." *Id.* In any event, the Court again maliciously and unethically refused to apply the *Twombly* standard of review that all courts in America must apply when deciding whether to grant a motion to dismiss for failure to state a claim upon which relief can be granted. That single ethical violation alone invalidates the Court's Dismissal Order in its entirety. *Id.* at 7-8.

The Court wrote, "And to the extent Count 46 purports to sue Governor Beshear and the KDP, the

(sic) Young does not explain how these defendants were involved in the purported conspiracy.” *Id.* However, Count 46 included the following two sentences:

I hereby allege that the main reason KET included Criterion (3) was to rig the entire 2023 Democratic primary election for Governor in favor of the wealthy, extremely well-funded, extremely well-known, Establishment incumbent, Respondent Andy Beshear, and against Peppy Martin and me. KET has been illegally rigging elections against me in this way since 2019. Complaint at 101. *Id.* at 8.

Because Andy Beshear was the main beneficiary of KET's violation of my First Amendment rights in 2023, I obviously alleged that Beshear was involved in the ongoing conspiracy. This Court's “finding” that I didn't explain that was another bald-faced LIE. *Id.* at 8.

I wrote:

This Court began its frivolous, null-and-void, Memorandum Opinion

and Order with the following two sentences: "Geoffrey Young has filed a litany of *pro se* lawsuits alleging conspiracies to rig elections against him. Now, he is back with another federal complaint." *Id.* at 1. Judge Gregory F. Van Tatenhove thereby announced that he is extremely biased against me. Unsupported personal slurs like that should never appear in any order entered by any trial court in America. *Id.*

Appendices 5 and 4, both of which were entered on May 8, 2025, are the district court's response to my motion to vacate its dismissal order of August 28, 2024. The first two pages of Appendix 4, Section I, are lifted almost verbatim from the court's dismissal and sanctioning order of August 28, 2024. Nothing in Appendix 4 (R.69) or 5 (R.70) constituted the application of this Court's two-step procedure set forth in *Ashcroft v. Iqbal* and reproduced on page 5 above. The district court

merely asserted that it had made no errors in its dismissal order and that my motion to vacate was therefore denied.

We can now add a corollary to the Van Tatenhove standard of review: "If the plaintiff dares to file a motion to vacate a court's dismissal order, the court may misrepresent or ignore every argument the plaintiff made therein, threaten to make the plaintiff pay all of the defendants' legal costs, and order the plaintiff to seek permission from the Court before filing any future litigation, demonstrating that the claims he intends to assert are not frivolous and that the suit is not brought for an improper purpose. This clever maneuver will enable the district court to keep the vexatious litigant out of its courtroom forever."

I appealed the district court's three meritless

and frivolous dismissal and sanctioning orders to the Sixth Circuit Court of Appeals.

Appendix 3 is the order entered by a three-judge panel ("the Panel") of the Sixth Circuit Court of Appeals which affirmed the district court's dismissal and prefiling restriction orders of August 28, 2024 and May 8, 2025 and added monetary sanctions that even the vindictive, Rule 8-violating, biased district court had not imposed against me.

In my appellant's brief, filed on July 8, 2025, I had written as follows:

On May 8, 2025, the trial court wrote, "He [the Plaintiff] further erroneously asserts that the Court failed to apply the *Twombly* standard. However, the Court did apply the *Twombly* standard, *see, e.g.*, [R. 67 at 3], and Young provides no reason to reconsider its previous ruling." Page ID# 1,971. No one reading that sentence, even an experienced judge or justice, would have any idea what legal

arguments I had made in support of my motion to vacate [R.68] the court's dismissal order entered on August 28, 2024 [R.67]. The district court did not in fact apply the standard of review set forth in detail in *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) in R.67 but only mentioned it in passing. Page ID# 1,867. The court quoted one sentence from *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) and one sentence from *League of United Latin Am. Citizens v. Bredesen*, 500 F.3d 523 (6th Cir. 2007), never mentioned "the *Twombly* standard" again, and certainly never applied it to my first amended complaint [R.67]. Young's Brief at 2.

In its order affirming the district court's orders, the Panel wrote:

We review de novo Young's arguments that the district court erred in dismissing his amended complaint under Rule 12(b)(6). Appendix 3 at a13.

However, that is not what the Rules of Appellate Procedure required the Court of Appeals to do. The Sixth Circuit Panel should have reviewed

my First Amended Complaint *de novo* in order to determine whether I had made enough allegations to give all of the defendants fair notice of what my claims against them are and the grounds upon which my allegations rest. The Panel reviewed the wrong documents, and it did not actually review anything *de novo*.

The Panel wrote:

The district court granted the defendants' motions to dismiss under Federal Rule of Civil Procedure 12(b)(6), rejecting Young's first 41 claims as time-barred and the remaining five because they failed to state a claim. *Id.* at a13.

...But the district court "accept[ed] [Young's] allegations as true...and determined that claim 34, along with 40 other claims, were barred by the one-year statute of limitations for § 1983 claims in Kentucky...Thus, Young fails to show that the district court used incorrect standards or inadequately explained its decision. *Id.* at a15.

The Panel did nothing more than repeat the district court's unsupported, meritless and frivolous conclusions of law and assume that all of them were valid. The Panel recalcitrantly refused to do its job and acted as a mere rubber stamp for the district court, not as a real appellate court.

The Panel wrote:

Young also argues that the district court incorrectly dismissed those 41 claims as time-barred. He argues that he alleged a conspiracy and thus the statute of limitations runs from the last overt act of the conspiracy. Because his allegations include matters from 2023, Young concludes that his claims originating from as far back as 2014 are timely. *Id.* at a15-a16.

If the Panel had done its job and had carefully reviewed my first amended complaint *de novo*, it would immediately have noticed that I made the following allegations, none of which were mere legal

conclusions couched as factual allegations or naked assertions devoid of further factual enhancement:

260. Conclusion. All of the named Defendants conspired with other Defendants to illegally rig a number of Primary elections against me from March, 2014 to today. I am not alleging that they were all co-conspirators in March, 2014, but all of them joined the unlawful election-rigging conspiracy at some time between March, 2014 and the end of 2020. None of them ever quit the election-rigging conspiracy, which is still going on today. Complaint at 103.

When I alleged that the conspiracy first formed in 2014, kept adding co-conspirators over the years and is still in existence today, I thereby alleged that the statute of limitations has never yet started to toll. I proved that all of the district court's conclusory findings of law about my supposedly time-barred allegations were and are unsupported and meritless.

The Panel wrote:

But Young has "not plausibly alleged" a conspiracy—"an agreement between two or more persons to injure [him] by unlawful action"—connecting the claims dismissed as untimely to those about matters within the one-year limitations period. *Id.* at a16.

If the Panel had done its job and analyzed my First Amended Complaint in an unbiased way, however, it would have realized that all 46 counts connected at least two of the alleged election-rigging conspirators to each other in acts that violated my constitutional rights under color of state law and custom. For the purposes of the following nine paragraphs, I will label Andy Beshear Defendant A, the Kentucky Democratic Party B, the Fayette County Democratic Party C, Andy Barr D, the Republican Party of Kentucky E, the Republican Party of Fayette County F, the Republican Party of

Clark County G, Kentucky Educational Television H,
and state Circuit Judge Jeremy Mattox Defendant I.

On pages 1-6 of my first amended complaint, I
alleged that the ongoing conspiracy to rig primary
elections against me first formed in 2014 when
Defendants B and C plus future witness Steve
Beshear rigged the Democratic primary against me
in Kentucky's Sixth Congressional District by
violating KRS 118.105(1), the bylaws of the KDP and
the bylaws of the FCDP under color of state law and
custom.

On pages 6-8, I clearly alleged that Defendant
C conspired with Bob Layton, Josh Mers, Bob
McNulty, Elisabeth Jensen and Defendant B to
violate my First Amendment rights to freedom of
speech and freedom of association, the bylaws of the
KDP, the bylaws of the FCDP, and *Robert's Rules of*

Order for the purpose of illegally rigging the 2014 Democratic primary for the US House of Representatives against me, under color of state law and custom.

On pages 49-59, I clearly alleged that future witnesses Adam Edelen, the New Kentucky Project, Amy McGrath, and Mike Shugart conspired to have Mike Shugart assault and batter me on September 8, 2018 to keep me from exercising my First Amendment rights to freedom of speech and freedom of assembly.

On pages 60-62, I clearly alleged that:

Scott County Circuit Judge Jeremy Mattox [Defendant I] joined the unlawful conspiracy to rig primary elections against me when he dismissed my 2018 ballot challenge against Amy McGrath without ever having had any lawful jurisdiction to hear the case at all.

I also alleged as follows:

In 2018, KRS 118.176(2) included the sentence, "If the Circuit Judge of the circuit in which the proceeding is filed is disqualified or absent from the county or is herself or himself a candidate, the proceeding may be presented to, heard and determined by the Circuit Judge of any adjoining judicial circuit." **Jeremy Mattox was a candidate [for Judge] in 2018.** Upon reading the statute, Judge Mattox should have realized within a day or two that he was legally prohibited from taking jurisdiction over the case because he was a candidate in November, 2018. Although the General Assembly amended Section (2) in 2021, that sentence was not changed. Although I didn't realize it at the time, Chief Judge Jeremy Mattox never had any jurisdiction over my 2018 ballot challenge against Amy McGrath (D). All of his actions with regard to Scott Circuit Civil Action No. 18-CI-0541 were unlawful and actionable against him personally. [Emphasis in original.]

147. In its decision in *Bradley v. Fisher*, 80 U.S. 335, 336 (1871), the US Supreme Court instructed as follows...

On pages 69-72 I clearly alleged that KET

[Defendant H] conspired with Defendants B and A, and Adam Edelen to violate KRS 118.105(1) and to illegally rig the Democratic Primary for Governor in 2019 against me.

On pages 72-74 I clearly alleged that Defendant H conspired with Defendants E and D in 2020 to violate KRS 118.105(1) and thereby to illegally rig the 2020 Republican Primary for the US House of Representatives against me and Chuck Eddy and in favor of the entrenched incumbent, Andy Barr.

On pages 74-79 I clearly alleged as follows:

The Republican Party of Clark County [Defendant G], Tim Janes, J. McCauley ("Mac") Brown, and the RPK [Defendant E], under color of state law and custom, violated KRS 118.105(1) and illegally rigged the 2020 Primary for the US House of Representatives in KY-6 in favor of the incumbent, Defendant D, and against Chuck Eddy (R) and me.

I therefore linked all nine named Defendants —A, B, C, D, E, F, G, H and I—with each other and with other persons not named as defendants as members of the primary-election-rigging conspiracy that formed in 2014, continued adding members over the last twelve years, and never saw any of its members withdraw from the conspiracy.

The Panel wrote:

The district court's dismissal of his amended complaint was clearly correct, and his appellate arguments are groundless. Yet Young continues to litigate these same issues over and over again without success. Appendix 3 at a22.

Here, the Panel assumed, without having done an impartial investigation of any of my past lawsuits, much less all of them, that I have been allowed to litigate lots and lots of issues in the past. That assumption is false. From 2014 to today, all of

my civil actions and all of the issues I have raised in them have been dismissed at the initial motion-to-dismiss stage before discovery has taken place and before any defendant has been ordered to file a responsive pleading. Every trial court I have ever filed a complaint in has applied the Van Tatenhove standard of review and has dismissed my entire complaint without ever adjudicating a single contested issue of fact or law. No claim I have ever made has actually been litigated or adjudicated. While it is true that I have never won a civil lawsuit, it's also true that I've never lost one either. To have filed all of those civil actions from 2014 to today without ever having lost one is a pretty impressive record of success for a *pro se* litigant.

In effect, the Sixth Circuit Panel added a corollary to the Van Tatenhove standard of review I

described on pages 7-8 above: "If a plaintiff has the effrontery to appeal a district court's dismissal order, the appellate court may focus on documents other than the plaintiff's most recently-amended complaint, never apply any standard of review to the complaint, simply assume that the district court made no serious errors of law, "find" and declare that the appellant raised no issues worthy of consideration, and impose more sanctions against the appellant for filing a frivolous appeal."

Appendices 2 and 1 contain no analysis at all and are nothing but demands that the appellant pay whatever the appellees' lawyers say their legal costs were. Appendix 1 was the circuit court's final order.

REASONS WHY CERTIORARI SHOULD BE GRANTED

In the context of Rule 12(b)(6) motions to

dismiss, the highest-level standard of review that exists is Rule 8(e): "Pleadings must be construed so as to do justice." (1938) Kentucky Civil Rule (CR) 8.06 reads: "All pleadings shall be so construed as to do substantial justice." In my opinion, CR 8.06 provides clearer guidance to all Kentucky judges because it includes the word "substantial." The addition of that word makes it clear that all civil actions in Kentucky should be decided on the relative merits if at all possible.

Both Rule 8(e) and Kentucky's version of it are directed solely at judges.

According to Justia Legal Dictionary, a pleading is "a formal statement provided by each party involved in a legal process, which outlines their respective claims, affirmations, allegations, denials, or defenses."

On May 21, 2007, seven Justices of this Court issued their majority opinion in *Bell Atl. Corp. v. Twombly*, 550 US 544; and on May 18, 2009, a razor-thin five to four majority issued the Court's opinion in *Ashcroft v. Iqbal*, 556 U.S. 662. From 1938 to 2007, the standard of review that all courts in America were required to apply whenever a Rule 12(b)(6) motion to dismiss is made had been extremely clear and extremely lenient to the plaintiff. The new standard of review discussed at length in the *Twombly* and *Iqbal* decisions was very unclear and anything but lenient to plaintiffs.

In their dissents in the case of *Ashcroft v. Iqbal*, 556 U.S. 662, Justice Souter, with whom Justice Stevens, Justice Ginsburg, and Justice Breyer joined, wrote as follows:

This case is here on the uncontested

assumption that *Bivens v. Six Unknown Fed. Narcotics Agents*, 403 U.S. 388 (1971), allows personal liability based on a federal officer's violation of an individual's rights under the First and Fifth Amendments, and it comes to us with the explicit concession of petitioners Ashcroft and Mueller that an officer may be subject to *Bivens* liability as a supervisor on grounds other than *respondeat superior*. The Court apparently rejects this concession and, although it has no bearing on the majority's resolution of this case, does away with supervisory liability under *Bivens*. The majority then misapplies the pleading standard under *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), to conclude that the complaint fails to state a claim. I respectfully dissent from both the rejection of supervisory liability as a cognizable claim in the face of petitioners' concession, and from the holding that the complaint fails to satisfy Rule 8(a)(2) of the Federal Rules of Civil Procedure. *Ashcroft v. Iqbal*, 556 U.S. 662, 687-688.

Without acknowledging the parties' agreement as to the standard of supervisory liability, the Court asserts that it must *sua sponte* decide the scope

of supervisory liability here. *Ante*, at 675–677. I agree that, absent Ashcroft and Mueller’s concession, that determination would have to be made; without knowing the elements of a supervisory liability claim, there would be no way to determine whether a plaintiff had made factual allegations amounting to grounds for relief on that claim. See *Twombly*, 550 U.S., at 557–558. But deciding the scope of supervisory *Bivens* liability in this case is uncalled for. There are several reasons, starting with the position Ashcroft and Mueller have taken and following from it. *Id.* at 691.

First, Ashcroft and Mueller have, as noted, made the critical concession that a supervisor’s knowledge of a subordinate’s unconstitutional conduct and deliberate indifference to that conduct are grounds for *Bivens* liability. Iqbal seeks to recover on a theory that Ashcroft and Mueller at least knowingly acquiesced (and maybe more than acquiesced) in the discriminatory acts of their subordinates; if he can show this, he will satisfy Ashcroft and Mueller’s own test for supervisory liability. See *Farmer, supra*, at 842 (explaining that a prison official acts with “deliberate indifference” if “the official acted or

failed to act despite his knowledge of a substantial risk of serious harm”). We do not normally override a party’s concession, see, e.g., *United States v. International Business Machines Corp.*, 517 U.S. 843, 855 (1996) (holding that “[i]t would be inappropriate for us to [e]xamine in this case, without the benefit of the parties’ briefing,” an issue the Government had conceded), and doing so is especially inappropriate when, as here, the issue is unnecessary to decide the case, see *infra*, at 694. I would therefore accept Ashcroft and Mueller’s concession for purposes of this case and proceed to consider whether the complaint alleges at least knowledge and deliberate indifference.

Second, because of the concession, we have received no briefing or argument on the proper scope of supervisory liability, much less the full-dress argument we normally require. *Mapp v. Ohio*, 367 U.S. 643, 676–677 (1961) (Harlan, J., dissenting). We consequently are in no position to decide the precise contours of supervisory liability here, this issue being a complicated one that has divided the Courts of Appeals. See *infra*, at 693–694. This Court recently remarked on the danger of “bad decisionmaking”

when the briefing on a question is “woefully inadequate,” *Pearson v. Callahan*, 555 U. S. 223, 239 (2009), yet today the majority answers a question with no briefing at all. The attendant risk of error is palpable. *Id.* at 692.

Finally, the Court’s approach is most unfair to Iqbal. He was entitled to rely on Ashcroft and Mueller’s concession, both in their petition for certiorari and in their merits briefs, that they could be held liable on a theory of knowledge and deliberate indifference. By overriding that concession, the Court denies Iqbal a fair chance to be heard on the question.

B

The majority, however, does ignore the concession. According to the majority, because Iqbal concededly cannot recover on a theory of respondeat superior, it follows that he cannot recover under any theory of supervisory liability. *Ante*, at 677. The majority says that in a *Bivens* action, “where masters do not answer for the torts of their servants,” “the term ‘supervisory liability’ is a misnomer,” and that “[a]bsent vicarious liability, each Government official, his or her

title notwithstanding, is only liable for his or her own misconduct.” *Ibid.* Lest there be any mistake, in these words the majority is not narrowing the scope of supervisory liability; it is eliminating *Bivens* supervisory liability entirely. The nature of a supervisory liability theory is that the supervisor may be liable, under certain conditions, for the wrongdoing of his subordinates, and it is this very principle that the majority rejects. *Ante*, at 683 (“[P]etitioners cannot be held liable unless they themselves acted on account of a constitutionally protected characteristic”). *Id.* at 693.

...The majority says that all of the allegations in the complaint that Ashcroft and Mueller authorized, condoned, or even were aware of their subordinates’ discriminatory conduct are “conclusory” and therefore are “not entitled to be assumed true.” *Ante*, at 681. As I explain below, this conclusion is unsound... *Id.* at 694.

...II

Given petitioners’ concession, the complaint satisfies Rule 8(a)(2). Ashcroft and Mueller admit they are liable for their subordinates’ conduct if

they “had actual knowledge of the assertedly discriminatory nature of the classification of suspects as being ‘of high interest’ and they were deliberately indifferent to that discrimination.” Brief for Petitioners 50. *Id.* at 694-95.

...*Twombly* does not require a court at the motion-to-dismiss stage to consider whether the factual allegations are probably true. We made it clear, on the contrary, that a court must take the allegations as true, no matter how skeptical the court may be. See 550 U.S., at 555 (a court must proceed “on the assumption that all the allegations in the complaint are true (even if doubtful in fact)"); *id.*, at 556... The sole exception to this rule lies with allegations that are sufficiently fantastic to defy reality as we know it: claims about little green men, or the plaintiff's recent trip to Pluto, or experiences in time travel. That is not what we have here. *Id.* at 696.

...Here, by contrast, the allegations in the complaint are neither confined to naked legal conclusions nor consistent with legal conduct. The complaint alleges that FBI officials discriminated against Iqbal solely on account of his

race, religion, and national origin, and it alleges the knowledge and deliberate indifference that, by Ashcroft and Mueller's own admission, are sufficient to make them liable for the illegal action. Iqbal's complaint therefore contains "enough facts to state a claim to relief that is plausible on its face." *Id.*, at 570. *Id.* at 696-97.

The majority says that these are "bare assertions" that, "much like the pleading of conspiracy in *Twombly*, amount to nothing more than a 'formulaic recitation of the elements' of a constitutional discrimination claim" and therefore are "not entitled to be assumed true." *Ante*, at 681 (quoting *Twombly, supra*, at 555). The fallacy of the majority's position, however, lies in looking at the relevant assertions in isolation. The complaint contains specific allegations that, in the aftermath of the September 11 attacks, the Chief of the FBI's International Terrorism Operations Section and the Assistant Special Agent in Charge for the FBI's New York Field Office implemented a policy that discriminated against Arab Muslim men, including Iqbal, solely on account of their race, religion, or national origin. See Complaint ¶¶ 47-53, *supra*, at

164a–165a. Viewed in light of these subsidiary allegations, the allegations singled out by the majority as “conclusory” are no such thing. *Id.* at 698.

...By my lights, there is no principled basis for the majority’s disregard of the allegations linking Ashcroft and Mueller to their subordinates’ discrimination.

I respectfully dissent. *Id.* at 699.

In other words, by pretending that Iqbal never made any allegations in his complaint that were not mere unsupported legal conclusions, the majority of Justices and this Court itself in *Ashcroft v. Iqbal*, 556 U.S. 662 (2009) in effect adopted the unjust Van Tatenhove standard of review.

In his dissent in the case of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007), Justice John Paul Stevens, with whom Justice Ruth Bader Ginsburg joined except as to Part IV, wrote as follows:

[T]his is a case in which there is no dispute about the substantive law. If the defendants acted independently, their conduct was perfectly lawful. If, however, that conduct is the product of a horizontal agreement among potential competitors, it was unlawful. The plaintiffs have alleged such an agreement and, because the complaint was dismissed in advance of answer, the allegation has not even been denied.

Why, then, does the case not proceed? Does a judicial opinion that the charge is not “plausible” provide a legally acceptable reason for dismissing the complaint? I think not. Dissent at 571.

...Under rules of procedure that have been well settled since well before our decision in *Theatre Enterprises*, a judge ruling on a defendant’s motion to dismiss a complaint “must accept as true all of the factual allegations contained in the complaint.”

Swierkiewicz v. Sorema N. A., 534 U. S. 506, 508, n. 1 (2002); see *Overstreet v. North Shore Corp.*, 318 U.S. 125, 127 (1943). But instead of requiring knowledgeable executives such as Notebaert to respond to these allegations by way of sworn depositions or other limited discovery—and indeed

without so much as requiring petitioners to file an answer denying that they entered into any agreement—the majority permits immediate dismissal based on the assurances of company lawyers that nothing untoward was afoot. The Court embraces the argument of those lawyers that “there is no reason to infer that the companies had agreed among themselves to do what was only natural anyway,” *ante*, at 566; that “there was just no need for joint encouragement to resist the 1996 Act,” *ibid.*; and that the “natural explanation for the noncompetition alleged is that the former Government-sanctioned monopolists were sitting tight, expecting their neighbors to do the same thing,” *ante*, at 568.

The Court and petitioners’ legal team are no doubt correct that the parallel conduct alleged is consistent with the absence of any contract, combination, or conspiracy. But that conduct is also entirely consistent with the *presence* of the illegal agreement alleged in the complaint. And the charge that petitioners “agreed not to compete with one another” is not just one of “a few stray statements,” *ante*, at 564; it is an allegation describing

unlawful conduct. As such, the Federal Rules of Civil Procedure, our longstanding precedent, and sound practice mandate that the District Court at least require some sort of response from petitioners before dismissing the case. *Id.* at 572-73.

...Stateside, David Dudley Field developed the highly influential New York Code of 1848, which required “[a] statement of the facts constituting the cause of action, in ordinary and concise language, without repetition, and in such a manner as to enable a person of common understanding to know what is intended.” An Act to Simplify and Abridge the Practice, Pleadings and Proceedings of the Courts of this State, ch. 379, § 120(2), 1848 N. Y. Laws pp. 497, 521. Substantially similar language appeared in the Federal Equity Rules adopted in 1912. See Fed. Equity Rule 25 (requiring “a short and simple statement of the ultimate facts upon which the plaintiff asks relief, omitting any mere statement of evidence”). A difficulty arose, however, in that the Field Code and its progeny required a plaintiff to plead “facts” rather than “conclusions,” a distinction that proved far easier to say than to apply. As commentators have noted,

“it is virtually impossible logically to distinguish among ‘ultimate facts,’ ‘evidence,’ and ‘conclusions.’ Essentially any allegation in a pleading must be an assertion that certain occurrences took place. The pleading spectrum, passing from evidence through ultimate facts to conclusions, is largely a continuum varying only in the degree of particularity with which the occurrences are described.”

Weinstein & Distler, Comments on Procedural Reform: Drafting Pleading Rules, 57 Colum. L. Rev. 518, 520–521 (1957). *Id.* at 574.

Petitioners have not requested that the *Conley* formulation be retired, nor have any of the six *amici* who filed briefs in support of petitioners. I would not rewrite the Nation’s civil procedure textbooks and call into doubt the pleading rules of most of its States without far more informed deliberation as to the costs of doing so. Congress has established a process—a rulemaking process—for revisions of that order. See 28 U.S.C. §§ 2072–2074 (2000 ed. and Supp. IV).

Today’s majority calls *Conley*’s “no set of facts” language “an

incomplete, negative gloss on an accepted pleading standard: once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint.” *Ante*, at 563. This is not and cannot be what the *Conley* Court meant. First, as I have explained, and as the *Conley* Court well knew, the pleading standard the Federal Rules meant to codify does not require, or even invite, the pleading of facts. The “pleading standard” label the majority gives to what it reads into the *Conley* opinion—a statement of the permissible factual support for an adequately pleaded complaint—would not, therefore, have impressed the *Conley* Court itself. Rather, that Court would have understood the majority’s remodeling of its language to express an evidentiary standard, which the *Conley* Court had neither need nor want to explicate. Second, it is pellucidly clear that the *Conley* Court was interested in what a complaint *must* contain, not what it *may* contain. In fact, the Court said without qualification that it was “appraising the *sufficiency* of the complaint.” 355 U.S., at 45 (emphasis added). It was, to paraphrase today’s majority, describing “the minimum standard of adequate pleading to govern

a complaint's survival," *ante*, at 563.
Id. at 579-580.

...In light of *Leimer*, *Continental Collieries*, and *Dioguardi*, *Conley's* statement that a complaint is not to be dismissed unless "no set of facts" in support thereof would entitle the plaintiff to relief is hardly "puzzling," *ante*, at 562-563. It reflects a philosophy that, unlike in the days of code pleading, separating the wheat from the chaff is a task assigned to the pretrial and trial process. *Conley's* language, in short, captures the policy choice embodied in the Federal Rules and binding on the federal courts. *Id.* at 583.

...The majority rejects the complaint in this case because—in light of the fact that the parallel conduct alleged is consistent with ordinary market behavior—the claimed conspiracy is "conceivable" but not "plausible," *ante*, at 570. I have my doubts about the majority's assessment of the plausibility of this alleged conspiracy. See Part III, *infra*. But even if the majority's speculation is correct, its "plausibility" standard is irreconcilable with Rule 8 and with our governing precedents. As we made clear in *Swierkiewicz* and *Leatherman*, fear of the burdens of

litigation does not justify factual conclusions supported only by lawyers' arguments rather than sworn denials or admissible evidence. *Id.* at 586.

This case is a poor vehicle for the Court's new pleading rule, for we have observed that "in antitrust cases, where 'the proof is largely in the hands of the alleged conspirators,' ...dismissals prior to giving the plaintiff ample opportunity for discovery should be granted very sparingly." *Hospital Building Co. v. Trustees of Rex Hospital*, 425 U.S. 738, 746 (1976) (quoting *Poller v. Columbia Broadcasting System, Inc.*, 368 U.S. 464, 473 (1962)); see also *Knuth v. Erie-Crawford Dairy Cooperative Assn.*, 395 F. 2d 420, 423 (CA3 1968) *Id.* at 586-87.

But the plaintiffs allege in three places in their complaint, ¶¶ 4, 51, 64, App. 11, 27, 30, that the ILECs did in fact agree both to prevent competitors from entering into their local markets and to forgo competition with each other. And as the Court recognizes, at the motion to dismiss stage, a judge assumes "that all the allegations in the complaint are true (even if doubtful in fact)." *Ante*, at 555. *Id.* at 589.

The majority circumvents this obvious

obstacle to dismissal by pretending that it does not exist. The Court admits that “in form a few stray statements in the complaint speak directly of agreement,” but disregards those allegations by saying that “on fair reading these are merely legal conclusions resting on the prior allegations” of parallel conduct. *Ante*, at 564. The Court’s dichotomy between factual allegations and “legal conclusions” is the stuff of a bygone era, *supra*, at 574–576. That distinction was a defining feature of code pleading, see generally Clark, *The Complaint in Code Pleading*, 35 *Yale L. J.* 259 (1925–1926), but was conspicuously abolished when the Federal Rules were enacted in 1938. See *United States v. Employing Plasterers Assn. of Chicago*, 347 U. S. 186, 188 (1954) (holding, in an antitrust case, that the Government’s allegations of effects on interstate commerce must be taken into account in deciding whether to dismiss the complaint “[w]hether these charges be called ‘allegations of fact’ or ‘mere conclusions of the pleader’ ”); *Brownlee v. Conine*, 957 F. 2d 353, 354 (CA 1992) (“The Federal Rules of Civil Procedure establish a system of notice pleading rather than of fact pleading,...so the happenstance that a complaint is ‘conclusory,’ whatever exactly that

overused lawyers' cliché means, does not automatically condemn it"); *Walker Distributing Co. v. Lucky Lager Brewing Co.*, 323 F. 2d 1, 3–4 (CA9 1963) ("[O]ne purpose of Rule 8 was to get away from the highly technical distinction between statements of fact and conclusions of law..."); *Oil, Chemical & Atomic Workers Int'l Union v. Delta*, 277 F. 2d 694, 697 (CA6 1960) ("Under the notice system of pleading established by the Rules of Civil Procedure, ...the ancient distinction between pleading 'facts' and 'conclusions' is no longer significant"); Wright & Miller § 1218, at 267 ("[T]he federal rules do not prohibit the pleading of facts or legal conclusions as long as fair notice is given to the parties"). "Defendants entered into a contract" is no more a legal conclusion than "defendant negligently drove," see Form 9; *supra*, at 575–576. Indeed it is less of one. *Id.* at 589–590.

This is a case in which the intentions of the drafters of three important sources of law—the Sherman Act, the Telecommunications Act of 1996, and the Federal Rules of Civil Procedure—all point unmistakably in the same direction, yet the Court marches resolutely the other way. Whether the

Court's actions will benefit only defendants in antitrust treble-damages cases, or whether its test for the sufficiency of a complaint will inure to the benefit of all civil defendants, is a question that the future will answer. But that the Court has announced a significant new rule that does not even purport to respond to any congressional command is glaringly obvious. *Id.* at 596.

I submit that the Court's actions in the *Twombly* and *Iqbal* opinions, seized upon and made even more hostile to plaintiffs by countless civil defense attorneys and lower court judges, have prevented tens of thousands of plaintiffs, including me, from receiving an atom of justice in the years between 2007 and 2026. These two unnecessary and poorly-defended majority opinions have given rise to the use of the Van Tatenhove standard of review and the Sixth Circuit corollary to it in hundreds of federal and state courts across our nation. See pages

7-8, 21, and 33-34 above. The sooner those two decisions are reversed and the sooner the standard of review reverts back to Rule 8(e) (1938) and the explication of Rule 8(e) in the *Conley v. Gibson*, 355 U.S. 41 (1957) opinion, the sooner the likelihood of justice will once again exist in America's federal and state courts.

WHEREFORE, I respectfully request that this Court grant this petition for certiorari, report to the American people how all nine Justices voted re the certiorari decision, and allow both sides to present briefs on the four questions presented for review on page i above.

Respectfully signed on August 21, 2026 by:

Geoffrey M. Young

Geoffrey M. Young, *pro se*
2430 Millbrook Drive
Lexington, KY 40503

Cell phone: (859) 327-7218
Email: energetic22@yahoo.com

* * * * *

Counsel for the Respondents
(continued from front cover)

Cory J. Skolnick and William B. Decker, III, Counsel
of Record for Republican Party of Kentucky

Mary Sky Fortune, Counsel for Republican Party of
Fayette County and Republican Party of Clark
County

Christopher W. Brooker, Counsel of Record for
Kentucky Educational Television

Melissa Norman Bork, Counsel of Record for Jeremy
Mattox.