

NO. 26-_____

IN THE SUPREME COURT OF THE UNITED STATES

IN RE LA VERNE KOENIG, *Petitioner*

ON PETITION FOR A WRIT OF MANDAMUS TO THE
UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

APPENDIX TO PETITION FOR WRIT OF MANDAMUS

LA VERNE KOENIG
15520 HIGHWAY 200A SE
BLANCHARD NORTH DAKOTA 58009-9326
(701)430-0096
IN PROPRIA PERSONA

APPENDIX A

A

Decision of Panel of Eighth Circuit Court, No. 25-3156

Denying Requested relief, dated November 06, 2025.

[RELEVANCE] No legal reasons given. Contrary to *Will v. United States*.

Other filings to Supplement the record that the requested Injunctive Relief, that the district court abate from entering any Orders in the case pending the Eighth Circuits decision being ignored by the District Court judges]

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 25-3156

In re: La Verne Koenig

Petitioner

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:25-cv-00206-PDW)

JUDGMENT

Before SHEPHERD, KELLY, and STRAS, Circuit Judges.

Petition for writ of mandamus has been considered by the court and is denied. Mandate shall issue forthwith.

November 06, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 25-3156

In re: La Verne Koenig

Petitioner

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:25-cv-00206-PDW)

MANDATE

In accordance with the judgment of November 6, 2025, and pursuant to the provisions of Federal Rule of Appellate Procedure 41(a), the formal mandate is hereby issued in the above-styled matter.

November 06, 2025

Clerk, U.S. Court of Appeals, Eighth Circuit

25-3156 In re: La Verne Koenig

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 11/10/2025

Case Name: In re: La Verne Koenig

Case Number: 25-3156

Docket Text:

DOCUMENT FILED - Motion for Leave to File a Supplemental Petition or to Submit Additional Evidence, Motion to Take Judicial Notice, and Motion for Equality filed by La Verne Koenig w/service by USCA8 11/14/2025. No action taken. Crossed in mail with judgment. [5578222] [25-3156]

The following document(s) are associated with this transaction:
Document Description: Motions

Notice will be mailed to:

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

Notice will be electronically mailed to:

25-3156 In re: La Verne Koenig

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 11/18/2025

Case Name: In re: La Verne Koenig

Case Number: 25-3156

Docket Text:

PETITION for en banc rehearing and also for rehearing by panel filed by Petitioner La Verne Koenig, w/service by USCA8 11/19/2025. [5580160] [25-3156]

The following document(s) are associated with this transaction:

Document Description: Petition for Rehearing

Notice will be mailed to:

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

Notice will be electronically mailed to:

25-3156 In re: La Verne Koenig

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 11/20/2025

Case Name: In re: La Verne Koenig
Case Number: 25-3156

Docket Text:

MOTION for injunctive relief, filed by Petitioner La Verne Koenig w/service 11/21/2025.
[5580822] [25-3156]

The following document(s) are associated with this transaction:

Document Description: Motion for Injunctive Relief

Document Description: Attachment 1: Order

Document Description: Attachment 2: Notice of Objections

Notice will be mailed to:

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

Notice will be electronically mailed to:

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 25-3156

In re: La Verne Koenig

Petitioner

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:25-cv-00206-PDW)

ORDER.

Petitioner's motion for injunctive relief is denied.

November 24, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

APPENDIX B

B

Decision of En Banc Court, Eighth Circuit Court,
denying relief Dated December 09, 2025.

Renewed Motion for Appointment of Legal
Counsel, dated December 05, 2025;

Letters from Clerk of Courts, returning Papers re:
Refusing to File Petition for Reconsideration of
En Banc Decision, Dated January 05; 12 and 14, 2026.

RELEVANCE: Circuit Court Local Rules inflexibly
used to deny pro se litigants relief without giving
Legal reasoning, for the issues presented, raising
Due Process and Equal Protection constitutional
issues as set forth in the Petition.

UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

No: 25-3156

In re: La Verne Koenig

Petitioner

Appeal from U.S. District Court for the District of North Dakota - Eastern
(3:25-cv-00206-PDW)

ORDER

The petition for rehearing en banc and also for rehearing by panel is denied as overlength.
The motion to supplement the record is denied.

December 09, 2025

Order Entered at the Direction of the Court:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Susan E. Bindler

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH JUDICIAL CIRCUIT

In Re La Verne Koenig,
Petitioner,

No. 25-3156

MOTION TO TAKE JUDICIAL NOTICE AND TO RECONSIDER EN BANC DECISION

1. This Court on December 9, 2025, denied Petitioner's Petition for Rehearing En Banc for the alleged reason that the Petition was overlength.
2. Petitioner received notice thereof on December 18, 2025, via United States Mail.
3. It is clear that Petitioner did in fact draft a Motion for Leave to File an Over Length Petition for En Banc Review, pursuant to FRAP, Rule 32. This motion somehow got inadvertently missed in the filing of the Petition for En Banc review. **See** attached Copy Exhibit A.
4. The United States Supreme Court has long held that cases should be decided on their facts, not on procedural technicalities. **See e.g., Brown v. Allen**, 334 U. S. 443 (1953). Which means this Court should focus on Substance, not sweep the issues under the rug by "procedural hurdles." **Cf. Hanna v. Plumer**, 380 U.S. 460 (1965) ("cases should be decided on their facts, not upon procedural technicalities." ***The purpose of the court rules is to ensure a just outcome on the merits of the case, not to be used as a technical obstacle to justice***) **See also, Marbury v. Madison**, 5 U.S. 137 1803)(cases should be decided on their facts, not on procedural technicalities) [Emphasis added]
5. Petitioners pro se petition being two pages overlength, is just another "procedural hurdle or technicality" which this Appellate Court utilized as a tool to deny Petitioner of the Constitutionally mandated relief, requested therein, **and not for the purpose** of ensuring "a just outcome on the merits of the case."
6. This Court has on many occasions remanded cases to the district courts for additional fact findings, legal arguments, without regards to court rules, of which this Court could have instructed the clerk upon the filing of the Petition for En Banc Review, to advise Petitioner pro se that his En Banc Petition exceeded the fifteen page limit, advising him that he needed to file a motion to submit an over length petition for the court to consider the En Banc Review consistent with ***Brown*** and ***Hanna supra***, and the Due Process and Equal Protection Clauses of the United States Constitution.

RECEIVED

DEC 29 2025

U.S. COURT OF APPEALS
EIGHTH CIRCUIT

7. The Court's Panel initially denying the Petition, not only violated Petitioner's First Amendment Rights, but also his Due Process and Equal Protection Rights guaranteed by the Fourteenth Amendment. Every person is entitled to know the reasons for any and all decisions that affect their rights. Denied without argument or reasons implies it was an arbitrary unconscious decision. This can be interpreted as a "bias that mars the integrity of the judicial system." Edmondson v. Leesville Concrete Co., 111 U. S. 2077, 2085 (1991).
8. Simply put, you don't support due process or equality under the law, even though you took a solemn oath to support, defend and faithfully execute the United States Constitution and laws. A U.S. District Court Judge violates the U.S. Constitution and federal statutes on a regular basis, but you would rather close your eyes to his corruption, yet hold a pro se party to a "higher standard of knowledge or accountability" of the "procedural technicality" page limitation for En Banc Petitions. A "waivable technicality" which this Court has a history of granting a waiver thereof.
9. The clerk of the Courts could have simply called Petitioner, advising of the fact the Petition was over length per the appellate rules and he needed to submit a Motion for Leave to File an Over-length Petition for En Banc review, and if necessary pointing out any other procedural flaws, such as failing to notice service of a copy on a party.
10. Petitioner only discovered he had failed to serve said motion for leave to file the overlength Petition, upon receipt of this Courts En Banc denial thereof.
11. Each member of this Appellate Court took a sworn oath: To support, defend and faithfully execute the United States Constitution and its laws. This sworn oath functions like a solemn, binding promise or contract, creating a direct commitment to uphold the nation's founding document, even though it's a unique type of pledge, not a commercial contract. It's a personal vow of allegiance and duty.
12. On the other hand, procedural rules are not sworn to declarations. They are never elevated to the level of the Constitution or become the Supreme Law of the Land, but it is clear, it was **ONLY** the United States Constitution which you swore to support, defend and faithfully execute. Your actions, reflect you support for the elevation of the Rules over the Due Process and Equal Protection Clauses of the Fourteenth Amendment breaching your contract with the People of this Nation and our United States Constitution. Shame on your fraudulent actions and false swearing.
13. It has also been said, that "it's hard to judge the faults of others, without having your fingers on the scale." Need I point out cases to prove how often you fail to comply with "procedural rules"? For example: Raising issues *sua sponte* that were not raised by the parties in the appeal or district court. Hamner v. Burls, 973 F. 3d 1171 (8th Cir. 2019)(qualified immunity); *Cf. Harlow v. Fitzgerald*, 457 U. S. 800, 815 (1982) (*Sua sponte* raising a qualified immunity, 'an affirmative defense that must be pleaded by a defendant official.'

14. See also, Stone v. Harry, 364 F. 3d 912 (8th Cir. 2004) (Stone was alleged to have raised issues on appeal that were not raised in the district court) **compare with Story v. Foote**, 782 F. 3d 968 (8th Cir. 2015) (This Appellate court raised Issues on behalf of the Foote defendants, that were not raised in the district court).
15. Isn't that Discrimination? What procedural rule allows this Appellate Court to engage in the practice of discrimination? Something seriously is afoul with the Equal Protection Clause and this Court's interpretation thereof resulting in illegal and unconstitutional actions.
16. In this case, Petitioner suffers an "injury in fact" denial of a judge that is fair, impartial, conflict free, unbiased, non prejudicial, has no actual interest in the outcome and capable of being a witness. Caperton v. Massey Coal Co., 556 U. S. 868 (2009) Supreme Court's Due Process Clause holding mandates recusal. Cf. Spokeo, Inc. v. Robins, 578 U.S. ____ (2016) (holding an invasion of a legally protected interest" that was "concrete.") The Supreme Court reversed the Ninth Circuit decision to decide "whether the particular procedural violations alleged in the case entail a degree of risk sufficient to meet the concreteness requirement.")
17. Petitioner's En Banc Petition was 17 pages, the rules provided for a 15 page limit, of which Petitioner prepared a Motion for leave to file the overlength petition, but inadvertently failed to file with the Petition, of which the Court may waive upon request. As noted, Exhibit A, Petitioner had anticipated it may be up to three pages overlength.
18. Is this a sufficient "injury in fact" upon this Court, to deny Petitioner the right to have his Petition fairly and impartially addressed, that of disqualifying judges who have "conflicts of interest" since no reasonable person would want them to preside over their cases either? Other than the ultimately page and a half or two extra pages to read, are you seriously injured? Or does "strict procedural compliance only apply to the people, the pro se and indigent citizens, not those of you who swore to uphold the Constitution, wear robes instead of crowns, believing that you can do no wrong?
19. The Due Process Clause incorporated the common-law rule requiring recusal when a judge has "a direct, personal, substantial, pecuniary interest" in a case. Tumey v. Ohio, 273 U. S. 510, 523 (1927).
20. By failing to waive the procedural overlength issue, which the Court has the authority to do, and has done in the past, this Appellate Court has **sub silentio** overruled every United States Supreme Court decision regarding recusal of judges and every Federal Statute that grants the PEOPLE RIGHTS—THE RIGHT TO A FAIR AND IMPARTIAL JUDGE, violating our rights of Due Process and Equal Protection of the Law under the Fourteenth Amendment. Because you have a duty to protect your kind—judges-- at the expense of the people's right to the fair administration of justice in the courts.

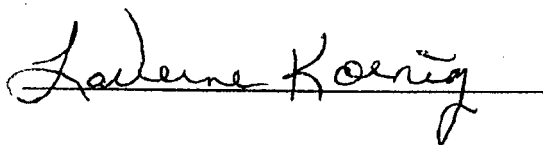
21. Your Solemn Oath wasn't to uphold procedural rules, not a single word in your oath references anything other than to support, defend and faithfully execute the United States Constitution, yet your actions proves your words were falsely made, you have elevated the Rules to be the Supreme Law of the Land, at the expense of the United States Constitutionally mandated guarantees.
22. As I noted in my Motion dated December 17, 2025, it's worth noting that both Magistrate Alice Senechal and Presiding Judge Peter D. Welte are "shareholders" in the Vogel Law Firm, the "Vogel Law Firm" is a defendant in the underlying cause of action, disqualification should have been automatic without request. Obviously, any reasonable person would request disqualification knowing those circumstances. Could there be anything more "direct, personal, substantial pecuniary interest" in a case than that, contrary to *Tumey*?
23. By denying the Petitioner relief on some "procedural technicality" is how "illegitimate and unconstitutional practices get their first footing, through silent approaches and slight deviations of normal modes of procedure." Boyd v. United States, 116 U. S. 611 (1886).
24. The actions plead herein, are actions "took with the intention to cause a deprivation of constitutional rights or other injury." Wood v. Strickland, 420 U. S. 308, 420 U.S. at 322 Ftn.30 (1975). Since the conduct alleged does violate clearly established statutory and constitutional rights of which a reasonable person would have known. *Id.*, 457 U.S. 815-819. See Procunier v. Navarette, 434 U. S. 555, 565 (1978).
25. The right to notice of an assigned magistrate and the right disqualify a magistrate is well established by federal law; the right to a fair and impartial judge is well established by U.S. Supreme Court precedent, set forth *supra*. The right to notice of any decision, adverse or otherwise is well established, by the Due Process Clauses (Fifth and Fourteenth Amendments) Cf. Jones v. Flowers, 547 U.S. 220 (2006).
26. Fairness and Review: Providing legal reasoning ensures a fundamentally fair and orderly judicial proceeding. Interested parties must be able to understand why a decision was made to determine if it was lawful or if there are grounds for an appeal.
27. Appellate Review: Higher courts need a clear explanation of the lower court's reasoning (the findings of fact and conclusions of law) to conduct a thorough and efficient review of the decision.
28. Rule of Law: Decisions must be based on established law and evidence, not arbitrary factors or personal bias. A judge's opinion explains how the law and legal precedents (prior court decisions) were applied to the specific facts of the case, promoting consistency and predictability in the legal system. In sum, the requirement for a decision to have supporting legal reasons is a deeply embedded principle of U.S. law, derived from the constitutional guarantee of due process and necessary for the judiciary to function effectively under the rule of law.

29. The decision of the original panel, violates every element of the Due Process and Equal Protection Clauses of the Fourteenth Amendment. It made no reference to anything of which an appellate court would know the reasoning thereof.
30. The decision of the En Banc Court that "petitioners brief was overlength, thus denied" violates the United States Constitution, by the En Banc Court elevating the Procedural Rules as the Supreme Law of the land, contrary to the United States Constitution. Which actions constitutes an "abuse of discretion" warranting this Court to Stay any decision pending Petitioner's Appeal to the United States Supreme Court.
31. Petitioner request this Court to further consider this Motion to Reconsider the En Banc Decision also Judicially Notice the attached Exhibit A, The Motion to Leave to File an Overlength Brief, with retroactive application as if it had been filed with the Petition for En Banc Review, previously filed and the filings therein and thereafter filed.
32. Whereas, in the interest of justice, Petitioner submits there is good cause for this Court to Reconsider En Banc its decision to deny the Petition for Mandamus Relief, the public interest in the integrity of the judicial system, in view of the above legal argument, that this Appellate Court does not consistently comply with Supreme Court precedent, the decision should be based upon the merits of the case not based upon a "procedural flaw or technicality" of which, is not technically relevant to the underlying merits of the case.

WHEREFORE

Petitioner respectfully moves this Court to Vacate its Order dated December 09, 2025, and Reconsider the Petition for Mandamus Relief, granting the Motion for Leave to file an overlength brief, with retroactive application to the time of filing the Original En Banc Petition thereafter rendering an decision setting forth adequate legal argument based on United States Supreme Court precedence, adverse or otherwise to Petitioner's pleadings and further, if necessary, Staying said decision pending an Appeal to the United States Supreme Court, whereas the pleadings have a widespread effect upon the integrity of the judicial system and the rights of the People to their entitlement to disqualify a judge or magistrate judge and the Rights provided by Federal Statute in their exercise of those Rights under the United States Constitutions Due Process and Equal Protection Clauses guarantees.

Respectfully Submitted, this 19th of December, 2025.



La Verne Koenig
15520 Hwy 200A SE
Blanchard, ND 58009-9326
(701) 430-0096

CERTIFICATE OF SERVICE

I, the undersigned hereby certify that a true and correct copy of MOTION TO RECONSIDER EN BAN DECISION and the inadvertently missed filing of Motion For Leave To File an Overlength Petition, Exhibit A, in the above entitled matter was duly served by United States Mail first class postage prepaid upon the following:

Clerk of the United States Court of Appeals
For the Eighth Judicial Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Rm. 24.329
St. Louis, MO 63102

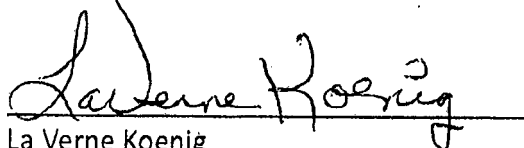
And upon:

Presiding Judge Peter D. Welte
Presiding Judge U.S. District Court
District of North Dakota
655 1st Avenue North, Ste 405
Fargo, North Dakota 58102-4932

And upon:

Magistrate Judge Alice Senechal
District of North Dakota
655 1st Avenue North, Ste 440
Fargo, North Dakota 58102-4952

On this 19 day of December, 2025.



La Verne Koenig
15520 Hwy 200A SE
Blanchard, North Dakota 58009-9326

IN THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH JUDICIAL CIRCUIT

In re La Verne Koenig,

No. 25-3156

Petitioner

MOTION FOR LEAVE TO FILE AN OVER LENGTH PETITION FOR EN BANC REVIEW

Petitioner, Pro Se, pursuant to the Federal Rules of Appellate Procedure, specifically Rule 32 request permission to file an over-length Petition for En Banc Review of the Decision of the Panel of this Court.

Petitioner is aware that the Courts want adequate briefing on the issues involved in the case at hand, both factual and legal argument.

Petitioner is aware that failure to adequately brief an or any issues may be construed as an abandonment thereof, of which, Petitioner has no intention of abandoning any issue.

Petitioner has a lack of resources, a very limited access to legal research materials and an inability to obtain the assistance of legal counsel, to assist and or perfect this Petition for En Banc Review and meet any and all requisite filing deadlines and other requirements.

Petitioner is not fluently skilled to present his argument with the brevity needed to comply with the page restrictions requirements of the Rules of Appellate Procedure.

Petitioner has no assistance from anyone to help in making sure all the Procedural Rules have been complied with.

As this Court may Judicially Notice, Petitioner has discovered, upon additional research matters that would have been raised in the original pleading, and has moved to supplement the record with the same.

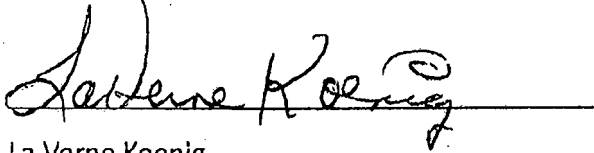
It fully appears to Petitioner that this En Banc Petition will exceed the fifteen page (15) limit by one and a half to two pages, and potentially three pages. Thus it is unclear and unknown what the word count may end up being.

Petitioner makes this Motion in good faith, not intended to delay or cause any other form of problems associated therewith.

WHEREFORE, Petitioner prays this Court Grant this Motion to file an Over-length Petition for En Banc Review of the decision of the panel of this Court dated November 06, 2025.

Respectfully Submitted,

this 16 day of November, 2025.

A handwritten signature in cursive script, reading "La Verne Koenig", is written over a horizontal line.

La Verne Koenig

15520 Hwy 200A SE

Blanchard, North Dakota 58009-9326

(701)430-0096

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Susan E. Bindler
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

January 05, 2026

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

RE: 25-3156 In re: La Verne Koenig

Dear La Verne Koenig:

I am returning your Motion to Take Judicial Notice and to Reconsider En Banc Decision, which has been construed as a successive petition for rehearing, unfiled. An order denying your previously-filed petition for rehearing was entered on December 9, 2025.

Pursuant to 8th Circuit Local Rule 40A(c), successive petitions for rehearing are not allowed. The clerk will accept only one petition for rehearing from any party to an appeal and will not accept any motion to reconsider the court's ruling on a petition for rehearing or rehearing en banc.

If you wish to proceed with your appeal to the U.S. Supreme Court, you may contact the clerk at the address below.

Scott S. Harris, Clerk
Supreme Court of the United States
1 First Street N.E.
Washington DC 20543
(202) 479-3009

Susan E. Bindler
Clerk of Court

Enclosure(s)

cc:

District Court/Agency Case Number(s): 3:25-cv-00206-PDW

25-3156 In re: La Verne Koenig

Eighth Circuit Court of Appeals

PRO SE Notice of Docket Activity

The following was filed on 01/12/2026

Case Name: In re: La Verne Koenig

Case Number: 25-3156

Docket Text:

DOCUMENT FILED - "Renewed Motion for Injunctive Relief and to Take Judicial Notice"
filed by La Verne Koenig. [5597211] [25-3156]

The following document(s) are associated with this transaction:

Document Description: "Renewed Motion for Injunctive Relief and to Take Judicial Notice"

Notice will be mailed to:

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

Notice will be electronically mailed to:

United States Court of Appeals
For The Eighth Circuit
Thomas F. Eagleton U.S. Courthouse
111 South 10th Street, Room 24.329
St. Louis, Missouri 63102

Susan E. Bindler
Clerk of Court

VOICE (314) 244-2400
FAX (314) 244-2780
www.ca8.uscourts.gov

January 14, 2026

La Verne Koenig
15520 Highway 200A, S.E.
Blanchard, ND 58009-9326

RE: 25-3156 In re: La Verne Koenig

Dear La Verne,

This letter acknowledges receipt of your documents on January 12, 2026. In your Case No. 25-3156, the judgment was entered on November 6, 2025. Your petition for rehearing was denied and the mandate was issued. The court's consideration of the matter has concluded. Your case is closed, and no further action will be taken on your documents.

Susan E. Bindler
Clerk of Court

HAG

District Court/Agency Case Number(s): 3:25-cv-00206-PDW

**Additional material
from this filing is
available in the
Clerk's Office.**