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Justice Clarence Thomas
United States Supreme Court
1 First St. NE
Washington, DC 20543

October 1, 2021

Justice Thomas,

I realized after sending you the letter dated September 29, 2021, that my fear and anxiety over this situation resulted in a few typos, including not giving you the *full* address of my website where you could find the Petition denied by the Court. I've made some changes to the letter and also included a copy of the Petition and additional information about why it does not conform to the Court's rules. I appreciate your understanding.

I write with great concern for my safety and well-being, that of the American People, and our Country.

Please allow me to briefly explain the history of my case as it pertains to the fraud, deceit, and treason being perpetrated upon me by members of the judiciary of California and the United States as this will provide the context for my concern and reason for writing:

In 2017, I was maliciously prosecuted in California by private parties under the fraudulent pretense of a civil proceeding in equity for "disgorgement" for allegedly performing construction work without a license. Article V of the California Constitution vests the entirety of the executive power of California in the Governor, not private parties. No pleadings were filed by the District Attorney on behalf of the People of California to vest the Court with subject matter jurisdiction to prosecute me.

After being denied all of the heightened protections of criminal proceedings at "trial", including the assistance of counsel, I was then fined \$848,000 without any of the protections of the excessive fines clause.

Evidence of this "judgment" and all others referred to below, can be accessed online at www.thespiritoflaw.com under the "Procedural History" tab in the menu bar at the top of the page. In this instance, see Exhibit [A2] for the "judgment order". You'll notice the "judgment" is for "damages" despite the Minute Order, Exhibit [A1], reflecting a judgment for "disgorgement of funds paid". In addition to there being no evidence of any profits I made for the plaintiffs to sustain a claim for "disgorgement", there was also no evidence of any "damages".

After challenging the Court's jurisdiction numerous times to no avail, I appealed and was told my arguments had no merit. The Court of Appeal upheld the trial Court's judgment for

“disgorgement” even though there was nothing equitable whatsoever about the *ultra vires* proceedings. Exhibit [A16].

Despite never receiving a full, fair, and impartial trial or appeal by any lower Court with subject matter jurisdiction, the California Supreme Court refused to grant my Petition for Review. Exhibit [A27].

The US Supreme Court subsequently denied my Petition for Writ of Certiorari. See 18-1416.

There being no known Constitutional Court in California in which to obtain redress, I filed an Independent Action in Equity in the US District Court, Central District of California. The Court refused to appoint counsel (given the egregious miscarriage of justice that had occurred) and then refused to exercise the judicial power of the United States to vacate the judgment that was void on its face and upon which the presumptive validity had also been rebutted. See Exhibit [A31]- denial of counsel and Exhibit [A35]-dismissal with prejudice.

Following the USDC’s dismissal with prejudice, I filed an appeal in the Ninth Circuit. While my appeal was pending, the US Supreme Court issued its ruling in *Liu v. SEC* pertaining to the exact nature of “disgorgement”– the same issue raised in my appeal. Upon receiving the Supreme Court’s remand of *Liu*, the Ninth Circuit dismissed my appeal as “frivolous” despite having been subjected to a similar penal forfeiture disguised as “disgorgement” as the *Liu*’s. Exhibit [A42].

There being no other apparent judicial Constitutional Court in the entire Country in which I could obtain redress, I sent an “Emergency Petition for Writ(s) of Error and/or Non-Statutory Habeas Corpus” to be filed in the original jurisdiction of the US Supreme Court on September 18, 2021. The Petition was also a suit in equity against all 16 State and Federal “Judges” in their private capacities for either exercising the judicial power of California or the United States without subject matter jurisdiction or refusing to exercise the power of either to vacate the void judgments and protect my rights, liberty, and property. Exhibit [A43]. See also the homepage of www.thespiritoflaw.com for the certificate of service, motion for the appointment of counsel, and motion for leave to file.

On September 22, 2021, Deputy Clerk Levitan refused to file my Petition citing the Rules of the Court. Exhibit [A44]. Apparently Mr. Levitan interpreted my Petition as a *discretionary* extraordinary writ under Rule 20.2 which it clearly is not. It states “Non-Statutory Writ of Habeas Corpus.”

How can a Clerk can exercise the judicial power of the United States to deny rights secured by the Constitution using rules that have the force and effect of law that have never been approved by Congress or the President, or to my knowledge, submitted to the People for comment? As the Court declared in *Miranda v. Arizona*, and *Nashville, C. & St. Louis Ry. Co. v. Wallace*:¹

“Where rights secured by the Constitution are involved, there can be no rulemaking which would abrogate them.”

“But the Constitution does not require that the case or controversy should be presented by traditional forms of procedure, invoking only traditional remedies.

¹ *Miranda v. Arizona*, 384 U.S. 436, 491(1966). *Nashville, C. & St. Louis Ry. Co. v. Wallace*, 288 U.S. 249, 264 (1933).

The judiciary clause of the Constitution defined and limited judicial power, not the particular method by which that power might be invoked."

Feeling there was some miscommunication, I called Mr. Levitan on the telephone in the hopes of resolving the issue. Levitan told me that my Petition would not be filed unless it conformed to the rules of the Court. He also admitted that none of the Justices (including you) had received the Petition before he issued the refusal to file. I shared with him the Court's holdings in *Miranda* and *Nashville* to no avail.

There being no other apparent immediate course of action, I filed suit in the USDC, Central District of California against Clerk Scott S. Harris on September 27, 2021. I requested an emergency injunction ordering Harris to file the Petition and to cease exercising the judicial power of the United States to deny rights secured by the Constitution. Within several hours of filing suit, it was denied as "frivolous" and without merit. Exhibit [A46].

I am in great fear of my safety as a result of the fraud, deceit, and treason being perpetrated against me to steal my rights, liberty, and property under color of law. Consequently, I have filed complaints with State and Federal law enforcement in an effort to obtain redress. Of the two executive agencies I complained to in California, both refused to intervene or protect me and my property. At the Federal level, while attempting to make a complaint over the phone, the FBI told me my rights weren't being violated and hung up on me. Fortunately I was able to make a complaint on a subsequent call but have not received any apparent redress, including any known intervention or protection. For further details about these complaints see pp.137-145 of the Petition, Exhibit [A43].

What are We the People supposed to do when there is no judicial Constitutional Court in our State or the lower Courts of the Nation to obtain redress and the Clerk of the United States Supreme Court refuses to file a complaint citing rules that apparently overrule or supersede the Constitution?

My Petition does not conform to the Court's rules for a number of substantive reasons. First, because of the number and gravity of the issues raised (including treason to the Constitution), I do not feel I can condense it to the Court's word count rule. Second, I specifically am not filing a statutory *discretionary* writ on the appellate side of the Court's jurisdiction for the reasons found in the case of *Ex Parte McCardle*. Third, I am raising each and every one of the issues because I want them to be fully addressed by the Court and not disposed of (along with my rights) pursuant to the Court's "Ashwander doctrine".

I am very interested in this case being a rational, competent vehicle to address a lot of issues "We the People" have with our Courts and government, including how we are not truly being heard. I have raised many of these issues in the Petition for this reason.

I am willing to work with the Court in any way necessary to be part of a peaceful heart-centered solution that embraces our diverse humanity and the rights to life, liberty, equality, and justice for all.

Please provide the means of obtaining redress so I can file this complaint so we can restore peace and confidence in our Constitutionally established Lawful Republican forms of State and National government and I can receive a full, fair, and impartial judicial determination of my rights.

Sincerely,

Adam Bereki

P.S. If the Court allows me to file the Petition, please also allow me to send an amended version to be filed as the opening pleading. I will send the Court ten copies as required by the Rules.

Money-back Guarantee: If the mailer submits an item at a designated USPS® Priority Mail Express® acceptance location on or before the specified deposit time, the Postal Service will deliver or attempt delivery to the addressee or agent before the applicable delivery date and time. Mailer may request the addressee's signature from the addressee upon delivery of the item by checking the "signature required" box at the time of mailing. If the Postal Service does not deliver or attempt delivery by the specified time and the mailer files a valid claim for a refund, the Postal Service will refund the postage, unless an exception applies. See *Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM®) 604.9.5.5* which is available at pe.usps.com.



EJ 808 926 273 US

3. The Postal Service insures "nonnegotiable documents" (as defined by postal indemnity regulations) against loss, damage, or missing contents up to \$100 per mailpiece for document reconstruction, subject to additional limitations for multiple pieces lost or damaged in a single catastrophic occurrence. Document reconstruction insurance provides reimbursement for the reasonable costs incurred in reconstructing duplicates of nonnegotiable documents mailed. Document reconstruction insurance coverage above \$100 per mailpiece is not available. The mailer should not attempt to purchase additional document insurance, because additional document insurance is void.
4. The Postal Service insures "negotiable items" (defined by postal regulations as items that can be converted to cash without forgery), currency, or bullion up to a maximum of \$15 per mailpiece.
5. The Postal Service does not provide coverage for consequential losses due to loss, damage, or delay of Priority Mail Express items or for concealed damage, spoilage of perishable items, and articles improperly packaged or too fragile to withstand normal handling in the mail. Coverage, terms, and limitations are subject to change. For additional limitations and terms of coverage, consult the DMM, which is available at pe.usps.com.

Note: The Postal Service does not offer money-back guarantee for military or DPO shipments delayed due to customs inspections or the item was destined for an APO/FPO/DPO that was closed on the intended day of delivery or the delay was caused by one of the situations in DMM 604.9.5.5. Consult USPS.com® or your local Post Office for information on delivery commitments and Priority Mail Express Military Service (PMEMS). For details, see DMM 703.2.6, which is available at pe.usps.com.

When a mailer submits a Priority Mail Express item requiring a signature and the Postal Service cannot deliver the item on the first attempt, the Postal Service leaves a notice for the addressee. If the addressee does not claim the item within 5 calendar days, the Postal Service returns the item to the sender at no additional charge.

Insurance coverage: The Postal Service provides insurance only in accordance with postal regulations in the DMM, which is available at pe.usps.com. The DMM sets forth the specific types of losses that are covered, the limitations on coverage, terms of insurance, conditions of payment, and adjudication procedures. Certain items are not insurable. The DMM consists of federal regulations, and USPS personnel are not authorized to change or waive these regulations or grant exceptions. A mailer who requires information on Priority Mail Express insurance may contact the Postal Service before submitting an item. Limitations prescribed in the DMM provide, in part, that:

1. Insurance coverage extends to the actual value of the contents at the time of mailing or the cost of repairs, not to exceed the insured limit for the item.
2. The Postal Service insures the contents of Priority Mail Express "merchandise" items (with "merchandise" defined by postal regulations) against loss, damage, or missing contents. The Postal Service includes coverage up to \$100 per mailpiece at no additional charge. Additional merchandise insurance up to \$5,000 per mailpiece may be available for purchase. Additional insurance for Priority Mail Express items is not available unless a signature is required.

Indemnity Claims (Loss, Damaged or Missing Contents): Either the mailer or the addressee may file an indemnity claim for loss, damaged or missing contents. The claimant may submit the claim online at usps.com, or by mail; for more information see Publication 122, *Domestic Claims, Customer Reference Guide*. The timelines for claims are as follows: claims for loss – no sooner than 7 days but no later than 60 days after the date of mailing; claims for damage or missing contents – immediately but no later than 60 days from the date of mailing. Retain the original USPS retail receipt or eReceipt/electronic receipt for claims purposes. For claims involving damage or missing contents, also retain the article, container, and packaging for Postal Service inspection when requested.

Refund of Postage and Fees (Service Performance): If delivery of a Priority Mail Express (PME) item does not meet the scheduled delivery commitment(s), online and commercial customers may submit a refund request by visiting USPS.com. Retail customers may submit a refund request either online at USPS.com or at retail locations. Refund requests for postage must be submitted no sooner than 2 days and no later than 30 days from the date of the mailing; Extra Services fees refund requests must be submitted no sooner than 30 days and no later than 60 days from the date of mailing. Each tracking number can only be submitted once for all applicable refunds. Refund requests for PME or PME with Extra Services must be combined into a single submission.

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Product	Qty	Unit Price	Price
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PM Express 1-Day	1		\$26.50
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Legal Env

Washington, DC 20543

Flat Rate

Signature Waiver

Scheduled Delivery Date

Sat 10/02/2021 06:00 PM

Money Back Guarantee

Tracking #:

EJ808926273US

Insurance

\$0.00

Up to \$100.00 included

Total			\$26.50
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Grand Total:			\$26.50
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Credit Card Remitted			\$26.50
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Card Name: VISA

Account #: XXXXXXXXXXXX8829

Approval #: 01645D

Transaction #: 580

AID: A0000000031010

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