IN THE SUPREME COURT OF THE UNITED STATES

In re HURRICANEOFLIES	)	Case No. 22-__

PETITION FOR A WRIT OF PROCEDENDO, OR A WRIT OF MANDAMUS

Petitioner HurricaneofLies respectfully petitions this honorable Court for a writ of procedendo and/or mandamus to the Hon. SHOCKULAR, Chief Justice of the United States, in the case *In re Executive Order 13995*, Case No. 21-07, pursuant to Supreme Court Rule 7 governing petitions for extraordinary writs.

Procedendo is a common law writ "to compel the exercise of discretion when there [is] a duty to act but without indicating how the discretion should be exercised." *N.L.R.B. v. Interstate Dress Carriers, Inc.*, 1978 U.S. Dist. LEXIS 14324, *21, fn. 4 (D.N.J. 1979).

Jurisdiction

This petition for a writ of procedendo is statutorily authorized by 28 U.S. Code § 1361, which authorizes the federal courts to entertain actions "in the nature of mandamus to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the plaintiff." An action for a writ of procedendo is in the nature of mandamus. *See*, *Interstate Dress Carriers*, *supra*.

In the alternative, this petition is authorized by the All Writs Act, 28 U.S. Code § 1651. The All Writs Act provides that this Court "may issue all writs necessary or appropriate in aid of [its] [...] jurisdiction and agreeable to the usages and principles of law." The writ of procedendo is an ancient writ long known to the common law, *cf.* 3 William Blackstone, *Commentaries on the Laws of England* 129 (1768), and historical practice recognizes the inherent authority of this Court to issue such a writ to control refusals and delays by a court to come to judgment. *See*, *e.g.*, *U.S. v. Fremont*, 59 U.S. 30 (1856).

Arguments

1. **Nothing in the law prevents a writ to be directed against the Chief Justice.**

The Chief Justice is an officer of the United States. "Judges of the supreme Court" are within the enumeration of the Appointments Clause that concludes with "all other Officers of the United States." U.S. Const., art. II, § 2, cl. 2. Furthermore, he is commissioned by the President, *cf. In re Presidential Succession Act*, 20-18 M.S.Ct. 16, 17 (2020), he is subject to impeachment, *id.*, and his office is incompatible with membership of the Congress. *Id.*

As an officer of the United States, the Chief Justice is within the textual scope of the federal mandamus statute.

2. **Petitioner is entitled to a writ of procedendo.**

"A writ of procedendo is appropriate when a court has either refused to render a judgment or has unnecessarily delayed proceeding to judgment." *State ex rel. Weiss v. Hoover*, 705 N.E.2d 1227 (Ohio 1999). "In order to be entitled to a writ of procedendo, a relator must establish a clear legal right to require that court to proceed, a clear legal duty on the part of the court to proceed, and the lack of an adequate remedy in the ordinary course of law." *State ex rel. Miley v. Parrott*, 77 Ohio St.3d 64, 65 (1996).

Petitioner has a clear right to the reasonably speedy consideration of Case No. 21-07 as he seeks a declaratory judgment in that case to correct a constitutional wrong pursuant to 5 U.S. Code § 702 and to the Court's inherent equitable jurisdiction. If this Court fails to hear the case, Petitioner would have no recourse or ability to pursue a Section 2201 action, an outcome which is both unconscionable, *cf*. *Richards v. Jefferson County*, 517 U.S. 793, 798 (1996) (observing the existence of a "deep-rooted historic tradition that everyone should have his own day in court.") (internal quotation marks omitted), and violative of the well-established equitable maxim that no wrong is without remedy. *See*, *KellinQuinn v. MyHouseIsOnFire*, (2021) Atl. 03, 9 ("Because the adjudication of constitutional violations implicates important equitable interests, we are reminded of the maxim that equity will suffer no wrong to be without remedy. The vindication of constitutional rights against the government cannot depend on [state-imposed delays].").

The Supreme Court owes a duty to Petitioner to render a judgment on Case No. 21-07. The Federal Rules of Civil Procedure, adopted by the Supreme Court itself, instruct federal courts "to secure the just, *speedy*, and inexpensive determination of every action and proceeding." Fed. R. Civ. P. 1 (emphasis added). Furthermore, as the official filing information of the Court states, "[i]f the Court grants a Writ of Certiorari, it will hear arguments and render a decision." Supreme Court Submission Guide at ¶ 1. As the administrative head of the Supreme Court who is by longstanding custom vested with the authority to assign the writing of opinions, the Chief Justice has a magisterial duty to ensure that the Court render judgments on cases where it has granted a writ of certiorari. Under Rule 10, the maximum briefing period between the grant of a writ of certiorari and the submission of the case is only of 13 days (i.e., five days for the answering brief, four days for the reply, and four days for the sur-reply). Indeed, in this case, despite the fact that all briefing in the case was completed on March 21, 2022 after certiorari was granted on February 28—a 21 day duration—the Court has not come to a decision after a 197 day delay. This decision far exceeds the delays incurred in all recent cases, and undoubtedly constitutes an "unnecessar[y] delay[]" in proceeding to judgment. *Hoover*, *supra*.

Finally, Petitioner has no adequate remedy at law. As the apex of the federal judicial hierarchy, no court controls the discretion of the Supreme Court, nor is there a civil procedure equivalent of the Speedy Trial Act, 93 Stat. 328, that imposes statutory time limits on the consideration of a case.

Conclusion

For the foregoing reasons, a writ of procedendo and/or mandamus should issue to the Hon. SHOCKULAR, Chief Justice of the United States, compelling the speedy adjudication of Case No. 21-07, *In re Executive Order 13995*, and the issuance of the mandate in the same case.