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# UNITED STATES DISTRICT COURT

FOR THE  
DISTRICT OF NEW MEXICO  
DIVISION #03

*Plaintiff*

Edward Russell Fish

-v-

*Defendants*

Occupational Health & Safety Admin.;  
New Mexico State University (N.M.S.U.),  
Ammu Devasthali,  
Dina Chacón-Reitzel,  
Arsenio Romero,  
Christopher T. Saucedo,  
Neal Bitsie,  
Mathew Madrid,  
Julia Parra,  
Joseph Almaguer,  
Roy Collins III,  
Lisa Warren,  
Scott Field,  
Mariah Ortiz,  
Stela Heredia,  
Demetria White,  
John Floros,  
Gena Jones,  
Dan Arvizu,  
James McAteer,  
Jamie Erickson.

Case No. \_\_\_\_\_

Jury Trial:     Yes             No

**COMPLAINT FOR VIOLATION OF CIVIL RIGHTS**  
(Non-Prisoner Complaint)

1        **I.     The Parties to This Complaint**

2            **A.     The Plaintiffs**

3                1.     Edward Fish

4            **B.     The Defendants**

5                1.     **Federal (United States)**

6                    a.     Occupational Health and Safety Administration

7                2.     **New Mexico State**

8                    a.     **New Mexico State University**

9                            (1)    **Board of Regents**

10                                    (a)    Ammu Devasthali, Chair;

11                                    (b)    Dina Chacón-Reitzel, Vice Chair;

12                                    (c)    Arsenio Romero, Secretary/Treasurer;

13                                    (d)    Christopher T. Saucedo, Regent;

14                                    (e)    Neal Bitsie, Regent;

15                                    (f)    Mathew Madrid, ASNMSU President;

16                                    (g)    Julia Parra, Faculty Senate Chair;

17                                    (h)    Joseph Almaguer, Employee Council Chair;

18                            (2)    **General Counsel Office**

19                                    (a)    Roy Collins III, General Counsel;

20                                    (b)    Lisa Warren, Associate General Counsel;

- 21 (c) Scott Field, Associate General Counsel;
- 22 (d) Mariah Ortiz, Assistant General Counsel;
- 23 (e) Stela Heredia, Legal and Executive Assistant;
- 24 (f) Demetria White, Administrative Assistant Sr.;

25 (3) **Other Administrative Agents**

- 26 (a) John Floros, University President;
- 27 (b) Gena Jones, Assistant Vice President (HR Svcs.);
- 28 (c) Dan Arvizu, Chancellor;
- 29 (d) James McAteer, Department Head;
- 30 (e) Jamie Erickson, Supervisor.

31 **II. Basis for Jurisdiction**

32 Under 42 U.S.C. § 1983, you may sue state or local officials for the “deprivation of  
33 any rights, privileges, or immunities secured by the Constitution and [federal  
34 laws].”

- 35 A. Are you bringing suit against:
- 36  Federal officials (a *Bivens* claim)
  - 37  State or local officials (a §1983 claim)

38 B. What federal constitutional or statutory rights do you claim is/are being  
39 violated by state or local officials?

40 42 USC §1983 is more broad than this form indicates, for it is not restricted

41 to State or local officials, but rather to “[e]very person who, under color of any  
42 statute, ordinance, regulation, custom, or usage, of any State or Territory or the  
43 District of Columbia, subjects, or causes to be subjected, any citizen of the United  
44 States or other person within the jurisdiction thereof to the deprivation of any rights,  
45 privileges, or immunities secured by the Constitution and laws, shall be liable to the  
46 party injured in an action at law, suit in equity, or other proper proceeding for  
47 redress[...]

— however, in order to prove that at least the members of the Board of  
48 Regents of New Mexico State University are State officials, I need only to refer to  
49 the Act of Congress titled “An act to enable the people of New Mexico to form a  
50 constitution and state government and be admitted into the union on an equal  
51 footing with the original states; and to enable the people of Arizona to form a  
52 constitution and state government and be admitted into the union on an equal  
53 footing with the original states”<sup>1</sup> and the Constitution of that State which in Article  
54 XII, Section 13 which in subsections A & D compels the State legislature to provide  
55 for the control and management, subsections C & D obliges the Governor to select  
56 “with the advice and consent of the [State] Senate” members of the Board of  
57 Regents, and subsection E says, in part: “Members of the board shall not be removed  
58 except for incompetence, neglect of duty or malfeasance in office.” (Emphasis

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<sup>1</sup> — *Enabling Act*, June 20, 1910; 36 Stat. 557, ch. 310  
<https://uscode.house.gov/statviewer.htm?volume=36&page=557>

59 added.)

60 Second, the issues at hand (“*deprivation of any rights, privileges, or*  
61 *immunities secured by the Constitution and laws*”) are incredibly broad when  
62 considering the fundamental, foundational, and pervasive violations of the so-  
63 called “vaccine mandates” upon more than seven hundred years of jurisprudence  
64 — given this, I beg the court’s indulgence in claiming that the ancient and  
65 foundational precepts of our Jurisprudence are undermined by these mandates and  
66 also that the Constitution and our [federal] laws secure these very rights,  
67 privileges, and immunities.

68 1. **Article 4, Section 2** — Privileges and Immunities

69 While there is some debate on *what* the “Privileges and Immunities”  
70 are, it is reasonable to consider these to be the Common Law and  
71 Traditional Rights of Englishmen inherited by the newly formed United  
72 States upon the conclusion of our War for Independence; the Articles of  
73 Confederation has a textual link to *Privileges and Immunities* in its Article 4,  
74 and the Constitution has a direct reference to the Common Law within the  
75 Seventh Amendment, but even greater than these is simply to recognize  
76 that American jurisprudence did not originate in a vacuum or out of whole  
77 cloth, but rather the deep history and tradition inherited from England...  
78 and, of course, over the fact that the Common Law is common to all the

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

79 States of the United States (except Louisiana which inherited Civil Law).

80 a. **Common Law**

81 (1) **Mayhem**<sup>2</sup> — Inflicting grievous bodily harm.

82 (2) **Larceny**<sup>3</sup> — Taking of property to deprive another.

83 b. **Articles of Confederation**<sup>4</sup>

84 *Article IV. The better to secure and perpetuate mutual*  
85 *friendship and intercourse among the people of the different States in*  
86 *this Union, the free inhabitants of each of these States, [...] shall be*  
87 *entitled to all privileges and immunities of free citizens in the several*  
88 *States; [...] and shall enjoy therein all the privileges of trade and*  
89 *commerce, subject to the same duties, impositions and restrictions as*  
90 *the inhabitants thereof respectively, [...]*

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<sup>2</sup> — **MEYHEM:** A felony at common law. Required an intent to maim or do bodily harm accompanied by an act that either dismembered the victim or disabled her or her use of some part of the body that is useful for fighting. Abolished in some states. In some states, extended to include permanent disfigurement.

<https://www.law.cornell.edu/wex/mayhem>

<sup>3</sup> — **LARCENY:** A crime at common law. The illegal taking of the property of another with intent to deprive the owner thereof.

<https://www.law.cornell.edu/wex/larceny>

<sup>4</sup> — US Code, Front Matter, Organic Laws, Articles of Confederation:

<https://uscode.house.gov/view.xhtml?path=/frontmatter/organiclaws/confederation&edition=prelim>

91 c. **Magna Carta**<sup>5</sup>

92 (1) **Item #14**

93 *A freeman is not to be amerced for a small offence save*  
94 *in accordance with the manner of the offence, and for a major*  
95 *offence according to its magnitude, saving his sufficiency (salvo*  
96 *contentamento suo), and a merchant likewise, saving his*  
97 *merchandise, and any villain other than one of our own is to be*  
98 *amerced in the same way, saving his necessity (salvo waynagio)*  
99 *should he fall into our mercy, and none of the aforesaid*  
100 *ameracements is to be imposed save by the oath of honest and*  
101 *law-worthy men of the neighbourhood. Earls and barons are*  
102 *not to be amerced save by their peers and only in accordance*  
103 *with the manner of their offence.*

104 (2) **Item #29**

105 *No freeman is to be taken or imprisoned or disseised of*  
106 *his free tenement or of his liberties or free customs, or outlawed*  
107 *or exiled or in any way ruined, nor will we go against such a*  
108 *man or send against him save by lawful judgement of his peers*  
109 *or by the law of the land. To no-one will we sell or deny of delay*

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<sup>5</sup> — English Translation of the Magna Carta:  
<https://www.archives.gov/files/press/press-kits/magna-carta/magna-carta-translation.pdf>

110 *right or justice.*

111 d. **English Bill of Rights of 1688<sup>6</sup>**

112 *And thereupon the said Lords Spiritual and Temporal and*  
113 *Commons pursuant to their respective Letters and Elections being*  
114 *now assembled in a full and free Representative of this Nation taking*  
115 *into their most serious Consideration the best means for attaining the*  
116 *Ends aforesaid, Do in the first place (as their Ancestors in like Case*  
117 *have usually done) for the Vindicating and Asserting their ancient*  
118 *Rights and Liberties, Declare [...]*

119 (1) **Dispensing Power.**

120 *That the pretended Power of Suspending of Laws or the*  
121 *Execution of Laws by Regal Authority without Consent of*  
122 *Parliament is illegal.*

123 (2) **Late dispensing Power.**

124 *That the pretended Power of Dispensing with Laws or*  
125 *the Execution of Laws by Regal Authority as it hath been*  
126 *assumed and exercised of late is illegal.*

127 (3) **The said Rights claimed. Tender of the Crown.**

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<sup>6</sup> — Bill of Rights [1688]

<https://www.legislation.gov.uk/aep/WillandMarSess2/1/2>

128

**Regal Power exercised. Limitation of the Crown.**

129

*And they do Claim, Demand, and Insist upon all and*

130

*singular the Premises as their undoubted Rights and Liberties*

131

*and that no Declarations, Judgements, Doings, or Proceedings*

132

*to the Prejudice of the People in any of the said Premises*

133

*ought in any wise to be drawn hereafter into Consequence or*

134

*Example.*

135

(a) Restated: “The precedents during lawlessness do

136

not lawful precedent make.”

137

**2. US Constitution, Article 6, Paragraph 2**

138

*This Constitution, and the Laws of the United States which*

139

*shall be made in Pursuance thereof; and all Treaties made, or which*

140

*shall be made, under the Authority of the United States, shall be the*

141

*supreme Law of the Land; and the Judges in every State shall be bound*

142

*thereby, any Thing in the Constitution or Laws of any State to the*

143

*Contrary notwithstanding.*

144

a. The so-called “vaccines” are forms of gene-therapy.

145

b. Gene-therapy is an experimental technology.

146

(1) mRNA “vaccines” (Pfizer, Moderna) are a gene therapy.

147

(2) Viral vector “vaccines” (J&J) are also gene therapy.

148 (3) These three so-called “vaccines” are the only three  
149 which are recognized under the EUA.

150 c. Therefore, all applications of the “vaccine” are experimental.

151 d. Forced medical experimentation is prohibited by treaty.

152 e. Therefore the treaty-clause is relevant.

153 3. **1<sup>ST</sup> Amendment**

154 *Congress shall make no law respecting an establishment of*  
155 *religion, or prohibiting the free exercise thereof; or abridging the*  
156 *freedom of speech, or of the press; or the right of the people peaceably*  
157 *to assemble, and to petition the Government for a redress of*  
158 *grievances.*

159 a. Central to these mandates is the question ‘Who owns your  
160 body?’ — There are several possible answers, such as:

161 (1) the government,

162 (2) society,

163 (3) the person themselves, or

164 (4) the God Who Created the Person.

165 b. The mandates are predicated on an answer of #1 or #2;

166 c. But if ‘society’ is the answer, then its exercise would be  
167 realized through the codification of laws and thus, over time,

- 168                                    become indistinguishable from #1, the government.
- 169                                    d.     Christianity holds the human Body is the Temple of God<sup>7,8</sup>,
- 170                                    owned by God, purchased from Death and Sin by the work of
- 171                                    Jesus on the Cross<sup>9</sup> and integral to worship<sup>10</sup>.
- 172                                    e.     Thus there exists a fundamental conflict between the
- 173                                    mandates, even of testing, and Religious freedom.
- 174                                    f.     To hold that the “*Occupational Safety and Health Act of 1970*”<sup>11</sup>
- 175                                    allows requiring such irreversible operations upon the body of

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<sup>7</sup> — **John 2:19–21**, (KJV)

Jesus answered and said unto them, “Destroy this temple, and in three days I will raise it up.” Then said the Jews, “Forty and six years was this temple in building, and wilt thou rear it up in three days?”

But he spake of the temple of his body.

<sup>8</sup> — **1 Corinthians 3:16–17**, (NRSV)

Do you not know that you are God’s temple and that God’s Spirit dwells in you? If anyone destroys God’s temple, God will destroy that person. For God’s temple is holy, and you are that temple.

<sup>9</sup> — **1 Corinthians 6:19–20**, (NRSV)

Or do you not know that your body is a temple of the Holy Spirit within you, which you have from God, and that you are not your own? For you were bought with a price; therefore glorify God in your body.

<sup>10</sup> — **Romans 12:1**, (NRSV)

I appeal to you therefore, brothers and sisters, by the mercies of God, to present your bodies as a living sacrifice, holy and acceptable to God, which is your spiritual worship.

<sup>11</sup> — Occupational Safety and Health Act of 1970

<https://www.congress.gov/bill/91st-congress/senate-bill/2193>

176 the worker is thus asserting that Congress may indeed insert  
177 itself into the realm of Religion, mandating or proscribing it.

178 g. Also to note, if #1 or #2 are held to be true, then  
179 fundamentally the Nuremberg Trials were illegitimate: for if  
180 'government' or 'society' owns the body, how can it be that  
181 the systematic extermination of a people by its own  
182 government/society could be considered criminal? Are we not  
183 free to do with as we please those things which are ours?

184 4. **4<sup>TH</sup> Amendment**

185 *The right of the people to be secure in their persons, houses,*  
186 *papers, and effects, against unreasonable searches and seizures, shall*  
187 *not be violated, and no Warrants shall issue, but upon probable cause,*  
188 *supported by Oath or affirmation, and particularly describing the*  
189 *place to be searched, and the persons or things to be seized.*

- 190 a. Note that the right to be secure in “persons, houses, papers,  
191 effects” is against unreasonable search and seizure,  
192 b. Note that there is no provision for ‘public health emergency’,  
193 or any other sort of “exigent circumstance”.  
194 c. Note that a Warrant must “particularly” describe the place to  
195 be searched or person/thing to be seized.

- 196 d. The requirement to present medical records directly, via the  
197 vaccine record/card, or indirectly via a “vaccine passport” is  
198 obviously unreasonable and violating the security of ‘papers’.

199 5. **5<sup>TH</sup> Amendment**

200 *No person shall [...] be compelled in any criminal case to be a*  
201 *witness against himself, nor be deprived of life, liberty, or property,*  
202 *without due process of law [...]*

- 203 a. The 5<sup>TH</sup> Amendment protects against the deprivation of  
204 liberty without due process of law.
- 205 b. Among due process of law is the ability to ensure that things  
206 are correct, in law as well as the process/application, hence  
207 why Constitutionality may be challenged in court, and why  
208 Appeals Courts are established to hear appeal.
- 209 c. Traditionally part of “Life & Liberty” is the ability to at least  
210 try to make a living, protection of this right is the origin of the  
211 basis for Common Law’s *Tortious Interference*.
- 212 d. Therefore, the causing of the termination of contracts by  
213 government using unlawful justification is an issue  
214 concerning the fifth amendment.
- 215 e. Furthermore, the compelling of employees to reveal medical

216 records/information (in violation of the 4<sup>TH</sup> Amendment), for  
217 transitively breaking the law establishing such “vaccine  
218 mandate” (granting, for argument, a lawful basis) must needs  
219 be the compelling of one to witness against themselves.

220 6. **14<sup>TH</sup> Amendment**

221 *No State shall [...] deprive any person of life, liberty, or*  
222 *property, without due process of law; nor deny to any person within its*  
223 *jurisdiction the equal protection of the laws. [...]*

- 224 a. The due process argument for the 5<sup>TH</sup> Amendment also  
225 applies to the 14<sup>TH</sup> Amendment’s guarantee of due process;  
226 which the State is specifically prohibited from denying.
- 227 b. As observed, the patent unlawfulness of the institution of the  
228 OSHA mandate certainly pierces and shreds the entire  
229 concept of the equal protection of laws, namely to  
230 disadvantage and destroy employees and employers who  
231 refuse, but also to force disemployment from employees who  
232 refuse, as employers institute requirements of a newly hired  
233 employee to be “fully vaccinated” out of fear for the mandates.

234 7. **42 USC §2000ff-1**<sup>12</sup> — Employer practices

235 This law prohibits discrimination based upon “genetic  
236 information” —

237 a. Subsection (a) (1) prohibits discharging an employee based on  
238 genetic information.

239 b. Subsection (a) (1) also prohibits discriminating in the  
240 conditions or privileges of employment due to genetic  
241 information.

242 c. Subsection (a) (2) prohibits using genetic information “*to*  
243 *limit, segregate, or classify the employees of the employer in*  
244 *any way that would deprive or tend to deprive any employee of*  
245 *employment opportunities*”, and

246 (1) Such as termination, labeled “for cause” in the issue of  
247 refusing illegal policies causing poor reviews during  
248 reference-checks when applying for new employment.

249 (2) Such as forcing an employee into a job market where  
250 companies are being extorted into requiring a “fully  
251 vaccinated” status, given that there are no recognized

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<sup>12</sup> — From 42 U.S. Code Chapter 21F — Prohibiting Employment Discrimination on the Basis of Genetic Information

252 “vaccines” for COVID-19 which are not gene-therapies  
253 available in the U.S.

254 (3) Such as labeling those refusing to comply with this  
255 compulsory gene-therapy as the politically-charged  
256 slur of “anti-vaxer”.

257 8. **42 USC §1985** — Conspiracy to interfere with civil rights

258 A further basis for the jurisdiction of this court may be found  
259 in 42 USC §1985, which explicitly allows for the recovery of damages  
260 against any “one or more” of the conspirators; as the above has  
261 shown with the mandates violating seven centuries of Jurisprudence,  
262 the attempt to deprive the whole class of persons rejecting the  
263 “vaccine mandate” of many rights and privileges and the equal  
264 protection of law, on its face this law is applicable.

265 Subsection (2) says, in part “*or if two or more persons conspire*  
266 *for the purpose of impeding, hindering, obstructing, or defeating, in*  
267 *any manner, the due course of justice in any State or Territory, with*  
268 *intent to deny to any citizen the equal protection of the laws, or to*  
269 *injure him or his property for lawfully enforcing, or attempting to*  
270 *enforce, the right of any person, or class of persons, to the equal*  
271 *protection of the laws;”*

272 Subsection (3) says, in part, “*in any case of conspiracy set forth*  
273 *in this section, if one or more persons engaged therein do, or cause to*  
274 *be done, any act in furtherance of the object of such conspiracy,*  
275 *whereby another is injured in his person or property, or deprived of*  
276 *having and exercising any right or privilege of a citizen of the United*  
277 *States, the party so injured or deprived may have an action for the*  
278 *recovery of damages occasioned by such injury or deprivation, against*  
279 *any one or more of the conspirators.*”

280 9. **42 USC §2000e-2**

281 This law is part of the subchapter EQUAL EMPLOYMENT  
282 OPPORTUNITIES, and protects against discharging an employee based  
283 upon either religion or national origin, both of which are arguable  
284 with these mandates: the discrimination against religion by the  
285 violating of their temples, and/or the discrimination against national  
286 origin by the simple fact that these mandates are imposed on those  
287 people originating in the US while illegal immigrants are not.

288  
289 Third, while there is no doubt the temptation to deny standing over the  
290 following claims, or for the defense to claim executive privilege (or some other  
291 tradition, like qualified immunity) for to avoid accountability, in order that this

292 suit should not be properly considered “in the name of political expediency” and  
293 thus to dismiss my claims, I must beg the court to remember its noble and ancient  
294 heritage such as exemplified by Lord Chief Justice Edward Coke (01 Feb 1552 – 03  
295 Sep 1634) who “successfully upheld this common law in the courts and in  
296 Parliament, against the church, the admiralty, and the dangerous claims of royal  
297 prerogative”<sup>13</sup> and to quote Lord Justice Alfred Denning (23 Jan 1899 – 05 Mar 1999)  
298 on the subject: “To every subject of this land, however powerful, I would use  
299 Thomas Fuller’s<sup>14</sup> words over three hundred years ago, ‘Be ye never so high, the law  
300 is above you.’”<sup>15</sup> — for if the God of Justice is for you, who can be against you?<sup>16</sup>

301

302 C. If you are suing under *Bivens*, what constitutional right(s) do you claim  
303 is/are being violated by federal officials?

304 As above, those Constitutional rights are also at issue on the Federal  
305 level with such mandates as OSHA had attempted to impose.

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<sup>13</sup> — Sir Edward Coke (English jurist)  
<https://www.britannica.com/biography/Edward-Coke>

<sup>14</sup> — Thomas Fuller (English scholar, preacher, and author)  
<https://www.britannica.com/biography/Thomas-Fuller>

<sup>15</sup> — Gnomologia: adagies and proverbs; wise sentences and witty sayings, ancient and modern, foreign and British (1732)  
#943 “Be ye never so high, the Law is above you.” (Page 35)  
<https://archive.org/details/gnomologiaadagiooconggooog/page/n47/mode/2up>

<sup>16</sup> — **Romans 8:31**, (ESV)  
“What then shall we say to these things? If God is for us, who can be against us?”

306

1. **Article 4, Section 2, Clause 1**

307

a. Just as above, I assert that contained within ‘privileges and immunities’ is the foundational jurisprudence and ancient precepts of our Common Law.

308

309

310

2. **Article 6, Paragraph 2**

311

a. ICCPR<sup>17</sup> Treaty Violation.

312

(1) **Article 7:** *No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.*

313

314

*In particular, no one shall be subjected without his free*

315

*consent to medical or scientific experimentation.*

316

(2) **Article 17:** *1. No one shall be subjected to arbitrary or*

317

*unlawful interference with his privacy, family, home or*

318

*correspondence, nor to unlawful attacks on his honour*

319

*and reputation. 2. Everyone has the right to the*

320

*protection of the law against such interference or*

321

*attacks.*

322

3. **1<sup>ST</sup> Amendment** — Congressional Limitations

323

a. As above; imposition of the “vaccine mandates” is a violation

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<sup>17</sup> — International Covenant on Civil and Political Rights  
<https://www.ohchr.org/EN/ProfessionalInterest/Pages/CCPR.aspx>

324 of the prohibition against Congress' passage of laws either  
325 establishing a religion or prohibiting exercise thereof.

326 4. **4<sup>TH</sup> Amendment** — Security of Persons/Papers/Effects

327 a. As above, the security of papers/effects to be secure from  
328 unreasonable search and seizure.

329 b. As above, the security of the person against search or seizure.

330 c. As above, the “mandate” violates the requirement of a warrant  
331 which particularly describes the person or item in question.

332 5. **5<sup>TH</sup> Amendment** — Protection Against Self-Incrimination

333 6. **5<sup>TH</sup> Amendment** — Protection of Due Process

334 a. As stated above, due process also includes the validity and  
335 legitimacy of the process; the so-called alternative of “testing”  
336 violates this in multiple ways:

337 (1) The PCR tests were, and may be again, easily run in a  
338 manner to force a result of ‘positive’ given the nature of

339 PCR — which is exponential growth on each cycle;

340 (2) There appears to be no isolated, purified, certified

341 SARS-CoV-19 material available for reference and

342 calibration, at least at the time of the tests’

343 manufacturing;

- 344 (3) Lacking the physically isolated, purified, certified  
345 SARS-CoV-19 reference, they instead simulated it “*in*  
346 *silico*”, meaning in a computer model/simulator;
- 347 (4) If the above model is incorrect, and it likely is given the  
348 combinatoric explosion and probable transcription  
349 errors in transmission, then obviously the test cannot  
350 be testing for the correct thing;
- 351 (5) THEREFORE, it is unreasonable — even if we grant the  
352 proposition that demanding the test is legitimate —  
353 precisely because the purpose of detection is **not**  
354 served.
- 355 (6) W.R.T. imposing the testing requirement, this is:
- 356 (a) a retroactive alteration of the employment  
357 contract.
- 358 (b) a violation of bodily autonomy.
- 359 (c) a form of extortion, the ultimate object of which  
360 is to impose the application of the gene-therapy.

361 7. **8<sup>TH</sup> Amendment** — Cruel and Unusual Punishment Prohibited

362 *Excessive bail shall not be required, nor excessive fines*  
363 *imposed, nor cruel and unusual punishments inflicted.*

- 364 a. The coercive nature of the mandate, causing employers with  
365 more than 100 employees to implement as policy a “vaccine”  
366 requirement is imposing a cruel and unusual punishment  
367 upon those who reject the gene-therapy, in the continual  
368 nose-rape, inconvenience, and pressure to compliance.
- 369 8. **8<sup>TH</sup> Amendment** — Prohibition of excessive fines
- 370 a. The precedent most-cited on upholding vaccination mandates  
371 is *Jacobson v. Massachusetts*, however the issue in that case  
372 was with the fine, which was \$5.
- 373 b. The federal minimum wage is \$7<sup>25</sup>/Hr; so less than an hour if  
374 that pricing was held today, but...
- 375 c. Adjusted for inflation<sup>18</sup>, this \$5 fine is \$158<sup>41</sup> in today’s money.
- 376 d. Time of work to pay the (adjusted) fine:
- 377 (1)  $\$158^{41} \div \$7^{25}/\text{Hr} \approx 21.85 \text{ Hrs.}$
- 378 (2)  $21.85 \div 8 \approx 2.7 \text{ Work Days. (With 8 hour work days.)}$
- 379 e. The fines in the OSHA mandate were \$14,502 and \$145,027, for  
380 a ‘standard’ violation, and a willful violation, respectively.<sup>19</sup>

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<sup>18</sup> — CPI Inflation Calculator

<https://www.in2013dollars.com/us/inflation/1905?amount=5>

<sup>19</sup> — 29 Code of Federal Regulations §1903.15 – Proposed penalties.

<https://www.osha.gov/laws-regs/regulations/standardnumber/1903/1903.15>

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

- 381 f.  $\$145,027 \div \$7^{25}_{/Hr} \approx 20,004$  Hrs.
- 382 g.  $20,004$  Hrs.  $\div 8 \approx 2,500.47$  Work Days.
- 383 h.  $2,500 \div 5 \approx 500$  Work Weeks.
- 384 i.  $500 \div 52 \approx 9.62$  Work Years. (Assuming no vacation.)
- 385 j. So, almost a year's work for the lesser-fine of \$14,502, which
- 386 would certainly not be the fine for those asserting rights—
- 387 THEREFORE, this is a clear violation of the 8<sup>TH</sup> Amendment.

388 9. **9<sup>TH</sup> Amendment** — Enumeration of Rights is Non-Exhaustive

389 *The enumeration in the Constitution, of certain rights, shall*

390 *not be construed to deny or disparage others retained by the people.*

391 a. Implementation of the mandates violate many of our Ancient

392 rights and oldest jurisprudential tradition, as codified in:

- 393 (1) The Declaration of Independence,
- 394 (2) The Articles of Confederation,
- 395 (3) The 1688 English Bill of Rights,
- 396 (4) The Magna Carta.

397 b. The Declaration of Independence<sup>20</sup>, organic law of these

398 United States, declares (in part) the following:

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<sup>20</sup> — US Code, Front Mater, Organic Laws, Declaration of Independence:  
<https://uscode.house.gov/view.xhtml?path=/frontmatter/organiclaws/independence&edition=prelim>

399                   *We hold these truths to be self-evident, that all men are created*  
400                   *equal, that they are endowed by their Creator with certain unalienable*  
401                   *Rights, that among these are Life, Liberty and the pursuit of*  
402                   *Happiness. That to secure these rights, Governments are instituted*  
403                   *among Men, deriving their just powers from the consent of the*  
404                   *governed,—That whenever any Form of Government becomes*  
405                   *destructive of these ends, it is the Right of the People to alter or to*  
406                   *abolish it, and to institute new Government, laying its foundation on*  
407                   *such principles and organizing its powers in such form, as to them*  
408                   *shall seem most likely to effect their Safety and Happiness.*

409                   It is intuitively obvious that seeking gainful employment  
410                   without undue burdens falls under pursuit of Happiness, and that  
411                   such odious and injurious lawlessness as these mandates obstruct  
412                   such seeking, and also that the unlawful dismissal at the instigation  
413                   of government interferes with the right to life — these issues are tied  
414                   to the legitimacy and continuation of government itself by our  
415                   Declaration, and it is therefore *why* this his court should consider  
416                   these issues with utmost care to see Justice done: for to allow  
417                   injustice to stand delegitimizes the foundation of the court and  
418                   shows it the utmost contempt. — For this reason we pray in the

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

419 Name of God, Jesus, that the court first and foremost seeks Justice, as

420 Justice Louis D. Brandeis' dissent in *Olmstead v. United States*<sup>21</sup> said:

421 *Decency, security and liberty alike demand that government*  
422 *officials shall be subjected to the same rules of conduct that are*  
423 *commands to the citizen. In a government of laws, existence of*  
424 *the government will be imperilled if it fails to observe the law*  
425 *scrupulously. Our Government is the potent, the omnipresent*  
426 *teacher. For good or for ill, it teaches the whole people by its*  
427 *example. Crime is contagious. If the Government becomes a*  
428 *lawbreaker, it breeds contempt for law; it invites every man to*  
429 *become a law unto himself; it invites anarchy. To declare that*  
430 *in the administration of the criminal law the end justifies the*  
431 *means—to declare that the Government may commit crimes in*  
432 *order to secure the conviction of a private criminal—would*  
433 *bring terrible retribution. Against that pernicious doctrine this*  
434 *Court should resolutely set its face.*

435 10. **Article 1, Section 7, Clause 1**

436 *All Bills for raising Revenue shall originate in the House of*

437 *Representatives; but the Senate may propose or concur with*

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<sup>21</sup> — OLMSTEAD ET AL. V. UNITED STATES, 277 U.S. 438 (1928)  
<https://tile.loc.gov/storage-services/service/l1/usrep/usrep277/usrep277438/usrep277438.pdf>

438 *Amendments as on other Bills.*

- 439 a. Whereas the fines mentioned above violate the 8<sup>TH</sup>  
440 Amendment, the application of these fines, which would  
441 undoubtedly be the larger figure, to such a large class of  
442 persons (those employed by employers with more than 100  
443 employees), the result of applying such fines would be so as to  
444 raise revenue; consider:
- 445 b. To reiterate: each instance of “willful violation” — which  
446 includes any person asking ‘*Quo Warranto?*’ — would be  
447 finable at \$145,027 *per instance*.
- 448 c. Given that the President, in ‘*Remarks on the COVID-19*  
449 *Response and National Vaccination Efforts*’<sup>22</sup>, declared that  
450 “the vaccine requirements in my plan will affect about 100  
451 million Americans, two-thirds of all workers”, we can set the  
452 upper-limit at 100,000,000 willful violations;
- 453 d. In monetary terms, this is \$14,502,700,000,000 — spoken as  
454 Fourteen Trillion Five-Hundred and Two Billion, Seven-  
455 Hundred Million Dollars — as threat and/of punishment

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<sup>22</sup> — Remarks on the COVID-19 Response and National Vaccination Efforts  
<https://www.govinfo.gov/content/pkg/DCPD-202100725/pdf/DCPD-202100725.pdf>

456 against employers\*-as-a-class. (\* With 100 or more workers.)

457 (1) Note that even if 1% of the '100 Million' were to refuse  
458 compliance with this unlawful imposition, the result  
459 would be: \$145,027,000,000 — One-Hundred Forty-  
460 Five Billion Twenty-Seven Million Dollars.

461 e. Thus the 'Occupational Safety and Health Act of 1970', a  
462 Senate Bill<sup>23</sup>, becomes both a method for raising revenue and  
463 an instrument of extortion.

464 11. **10<sup>TH</sup> Amendment** — Limitation of Federal Powers.

465 *The powers not delegated to the United States by the*  
466 *Constitution, nor prohibited by it to the States, are reserved to the*  
467 *States respectively, or to the people.*

468 a. As per the preamble to the Bill of Rights: "*The Conventions of*  
469 *a number of the States, having at the time of their adopting the*  
470 *Constitution, expressed a desire, in order to prevent*  
471 *misconstruction or abuse of its powers, that further*  
472 *declaratory and restrictive clauses should be added: And as*  
473 *extending the ground of public confidence in the Government,*  
474 *will best ensure the beneficent ends of its institution.*"

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<sup>23</sup> — S.2193 — 91st Congress (1969-1970)

- 475 b. Thus the public confidence of [Federal] Government is  
476 recognized as tied to its restrictions and limitations.
- 477 c. The imposition of these mandates are the ultimate  
478 repudiation of the limitation of powers of government with  
479 respect to the Citizenry — for if the government can claim the  
480 bodily autonomy of the Citizen, then there is nothing they  
481 cannot do to the injury of the Person, because this is the  
482 reduction of the citizen to property of the government: under  
483 this sick and twisted calculus there is not governmental theft,  
484 no malfeasance, no abuse of public funds, no accountability  
485 (except to those higher in governmental authority) precisely  
486 because of the reduction of the Citizens to non-personhood  
487 and therefore lacking any standing themselves to sue against  
488 their new “owners” (slavemasters).

489 12. **2<sup>ND</sup> Amendment** — National Security.

490 *A well regulated Militia, being necessary to the security of a*  
491 *free State, the right of the people to keep and bear Arms, shall not be*  
492 *infringed.*

493 The Second Amendment clearly associates the militia with the  
494 “security of a free State”, or as we would say now “National Security”,

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

and given the far-reaching applicability of the OSHA mandates —

“two-thirds of all workers” —

a. Title 10 U.S.C. §246<sup>24</sup> defines the militia as:

*The militia of the United States consists of all able-bodied males at least 17 years of age and [...] under 45 years of age [...] and of female citizens of the United States who are members of the National Guard.*

b. Conjoined with the medical & religious exemptions being

severely restricted and/or denied altogether within the

military<sup>(25, 26, 27, 28)</sup>, there is a real danger to national security:

c. Any negative effects of the forced application of gene-therapy

will apply to most of the fighting personnel who defend the

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<sup>24</sup> — 10 USC §246. Militia: composition and classes

<https://uscode.house.gov/view.xhtml?req=granuleid:USC-prelim-title10-section246&num=0&edition=prelim>

<sup>25</sup> — Army hasn't approved any of the 2,128 religious vaccine exemptions requested

<https://americanmilitarynews.com/2022/01/army-hasnt-approved-any-of-the-2128-religious-vaccine-exemptions-requested/>

<sup>26</sup> — Navy Servicemembers Seeking COVID-19 Vaccine Mandate Religious Exemptions Handed Favorable Ruling

<https://www.shorenewsnetwork.com/2022/01/04/navy-servicemembers-seeking-covid-19-vaccine-mandate-religious-exemptions-handed-favorable-ruling/>

<sup>27</sup> — Zero Religious Exemptions Granted for COVID Vaccines in Air Force, As Deadline Passes

<https://www.defenseone.com/threats/2021/11/zero-religious-exemptions-granted-covid-vaccines-air-force-deadline-passes/186601/>

<sup>28</sup> — Obtaining the unattainable: Religious exemptions for military vaccine mandate hard to come by

<https://www.washingtonexaminer.com/policy/defense-national-security/obtaining-the-unattainable-religious-exemptions-for-military-vaccine-mandate-hard-to-come-by>

507 nation... thus if there is any mistake or malice, we are  
508 dooming our very defenders by introducing such a single-  
509 point-of-failure.

510 (1) If malice, then this certainly was a bioweapon, which  
511 danger was already known: ***“Approving a vaccine,***  
512 ***utilizing novel RNA technology without extensive***  
513 ***testing is extremely dangerous. The vaccine could***  
514 ***be a bioweapon and even more dangerous than the***  
515 ***original infection.”***<sup>29</sup>

516 (a) If a genetic-targeting/-activated bioweapon,  
517 then, in addition to these rights being violated,  
518 at least the following laws are violated as well:

- 519 i) 18 U.S.C. §1091  
520 ii) 18 U.S.C. §1111  
521 iii) 18 U.S.C. §1872

522 (2) Even if mistake, the myocarditis risk is non-trivial:  
523 *“Non-fulminant active myocarditis has a mortality rate*  
524 *of 25% to 56% within 3 to 10 years, owing to progressive*  
525 *heart failure and sudden cardiac death, especially if*

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<sup>29</sup> — COVID-19 RNA Based Vaccines and the Risk of Prion Disease (February 2021)  
<https://scivisionpub.com/pdfs/covid19-rna-based-vaccines-and-the-risk-of-prion-disease-1503.pdf>

526 *symptomatic heart failure manifests early on.”<sup>30</sup>*  
527 (3) This paper notes: “*Among the 1372 reports of*  
528 *myocarditis in persons younger than 30 years of age,*  
529 *1305 were able to be adjudicated, with 92% meeting the*  
530 *CDC’s case definition. Of these, chart abstractions or*  
531 *medical interviews were completed for 69%. The*  
532 *symptoms commonly reported in the verified cases of*  
533 *myocarditis in persons younger than 30 years of age*  
534 *included chest pain, pressure, or discomfort and*  
535 *dyspnea or shortness of breath. Troponin levels were*  
536 *elevated in 98% of the cases of myocarditis.”<sup>31</sup>*

537 13. **29 U.S.C., Chapter 15, §655 (b) (4)**

538 *Nothing in this chapter shall be construed to supersede or in*  
539 *any manner affect any workmen’s compensation law or to enlarge or*  
540 *diminish or affect in any other manner the common law or statutory*  
541 *rights, duties, or liabilities of employers and employees under any law*  
542 *with respect to injuries, diseases, or death of employees arising out of,*

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<sup>30</sup> — PMC3370379  
[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370379/pdf/Dtsch\\_Arztebl\\_Int-109-0361.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3370379/pdf/Dtsch_Arztebl_Int-109-0361.pdf)

<sup>31</sup> — Myocarditis cases reported after mRNA-Based COVID-19 Vaccination in the US from December 2020 to August 2021  
<https://jamanetwork.com/journals/jama/fullarticle/2788346>

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*or in the course of, employment.*

a. Note that the explicit restriction in statute to the whole chapter of the U.S. Code against the diminishing (or abrogating, which would be applying an ‘affect’) the common law directly corroborates the jurisdiction of the court in this matter: the deprivation of rights and reduction thereof, just as all of the foregoing claims, albeit indirectly.

14. **42 U.S.C. §1983** — Civil Action for Deprivation of Rights

15. **42 U.S.C. §1985** — Conspiracy to Interfere with Civil Rights

a. Subsection (2) states: “[...] *or if two or more persons conspire for the purpose of impeding, hindering, obstructing, or defeating, in any manner, the due course of justice in any State or Territory, with intent to deny to any citizen the equal protection of the laws, or to injure him or his property for lawfully enforcing, or attempting to enforce, the right of any person, or class of persons, to the equal protection of the laws;*”

b. Subsection (3) states: “[...] *in any case of conspiracy set forth in this section, if one or more persons engaged therein do, or cause to be done, any act in furtherance of the object of such conspiracy, whereby another is injured in his person or*

563 *property, or deprived of having and exercising any right or*  
564 *privilege of a citizen of the United States, the party so injured*  
565 *or deprived may have an action for the recovery of damages*  
566 *occasioned by such injury or deprivation, against any one or*  
567 *more of the conspirators.”*

568 16. **18 U.S.C. §1964** — Civil Remedies (Chapter 96: RICO)

569 a. Subsection (a) states: *“The district courts of the United States*  
570 *shall have jurisdiction to prevent and restrain violations of*  
571 *section 1962 of this chapter [...]”*

572 b. Subsection (c) states: *“Any person injured in his business or*  
573 *property by reason of a violation of section 1962 of this chapter*  
574 *may sue therefor in any appropriate United States district court*  
575 *and shall recover threefold the damages he sustains and the*  
576 *cost of the suit, including a reasonable attorney’s fee, [...]”*

577 17. **18 U.S.C. §1962** — Prohibited Activities (Chapter 96: RICO)

578 a. **18 USC §201** — Bribery of Public Officials & Witnesses

579 b. **18 USC §1343** — Relating to Wire Fraud

580 c. **18 USC §1344** — Bank Fraud

581 d. **18 USC §1951** — Interference w/ Commerce

582 e. **18 USC §1958** — Use of Interstate Murder-for-hire

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

583 f. **18 USC §1959** — Violent Crimes in Aid of Racketeering

584 g. **18 USC §175-178** — Relating to Biological Weapons

585 D. Section 1983 allows defendants to be found liable only when they have acted “under  
586 color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or  
587 the District of Columbia.” **42 U.S.C. §1983**. If you are suing under section 1983, explain  
588 how each defendant acted under color of state or local law. If you are suing under  
589 *Bivens*, explain how each defendant acted under color of federal law.

590  
591 The *Administrative Rules and Procedures* are ‘regulations’<sup>32</sup> which are  
592 adopted under the authority of the Board of Regents who, as shown above,  
593 are State officials operating under the authority of the Constitution & the  
594 Laws of the State of New Mexico.

595 1. **NMSU ‘Administration Rules and Procedures’<sup>33</sup>—**

596 a. **NMSU ARP 10.01 – Due Process**

597 (i) The board of regents, upon being informed of the  
598 illegal nature of the “vaccine” mandates failed to halt

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<sup>32</sup> — **REGULATION:** A Regulation is an official rule. In the Government, certain administrative agencies have a narrow authority to control conduct, within their areas of responsibility. These agencies have been delegated legislative power to create and apply the rules, or "regulations". Derived from "regulate".

<https://www.law.cornell.edu/wex/regulation>

<sup>33</sup> — Administrative Rules and Procedures (ARP)

<https://arp.nmsu.edu/>

599 the implementation of the mandates, nor (to the best  
600 of my knowledge) did they even review the issue.

601 (2) ARP 10.20, Part 4 States: *“Employees are encouraged to*  
602 *resolve issues through discussion with the immediate*  
603 *supervisor(s) and may contact Employee and Labor*  
604 *Relations for consultation on nondiscrimination*  
605 *matters at any time. If resolution is not attained, a*  
606 *formal or informal grievance may be filed with Employee*  
607 *and Labor Relations. Employees shall be free to discuss*  
608 *matters with Employee and Labor Relations and file*  
609 *grievances without fear of reprisal.”*

610 (a) Contacting Employee and Labor Relations  
611 yielded no response.

612 (b) Contacting General Counsel, as per Part 4, B,  
613 also yielded no reply.

614 (3) As noted, the General Counsel, being apprised of  
615 objections to the impositions of the mandates, failed to  
616 respond to concerns raised — not “failed to tell me  
617 what I want to hear”, but failed to communicate at all.

618 (4) When such issues were raised with Human Resources,

619 the only response was and I quote the whole e-mail:

620 “Beyond what NMSU has already stated, NMSU has no

621 further comment.”

622 b. **NMSU ARP 3.01 – Duty to Report Ethical Concerns;**

623 **Retaliation Prohibited**

624 This section of the ARP recognizes a duty to report  
625 concerns of an ethical nature, as well as prohibiting retaliation  
626 for complying with such duty—

627 (1) As stated above: I was voicing my concerns about the  
628 lawfulness of mandates.

629 (2) As will be shown, I attempted to bring the matter to  
630 the attention of the appropriate  
631 officials/administrators.

632 (3) I believe that my termination was a form of retaliation.

633 c. **NMSU ARP 3.25 – Prohibition of All Forms of Unlawful**

634 **Discrimination**

635 This section proclaims that: “NMSU does not  
636 discriminate on the basis of [...] genetic information, national  
637 origin, [...] in its programs and activities as required by federal  
638 and state equal opportunity/affirmative action regulations

639 and laws and NMSU policy and rules.”

640 (1) We will show that it does discriminate based upon  
641 genetic information, and

642 (2) upon national origin.

643 2. **Federal Laws & Regulations**

644 a. **21 U.S.C. §360bbb-3**— Authorization for medical products  
645 for use in emergencies.

646 This section of the U.S. Code establishes the Emergency Use  
647 Authorization (EUA) prohibits forcing the administration of such a  
648 product by guaranteeing the voluntary nature; guarantees that those  
649 administering are informed of alternatives (and their benefits and  
650 risks); moreover, the FDA’s approval of ‘Comernity’ should have  
651 triggered the termination of the EUA for Pfizer’s and/or J&J’s or  
652 Moderna’s products.

653 (1) “(e)(1)(A)(ii)(III)” of this section reads: *“of the option to*  
654 *accept or refuse administration of the product, of the*  
655 *consequences, if any, of refusing administration of the*  
656 *product, and of the alternatives to the product that are*  
657 *available and of their benefits and risks.”* — in other  
658 words:

- 659 (a) it cannot be made non-voluntary; and
- 660 (b) that any person who would have the product
- 661 administered be informed of alternatives, and:
- 662 i) benefits of alternatives, and
- 663 ii) risks of alternatives.
- 664 (2) “(e)(1)(A)(i)” of this section reads: “*Appropriate*
- 665 *conditions designed to ensure that health care*
- 666 *professionals administering the product are informed (I)*
- 667 *that the Secretary has authorized the emergency use of*
- 668 *the product; (II) of the significant known and potential*
- 669 *benefits and risks of the emergency use of the product,*
- 670 *and of the extent to which such benefits and risks are*
- 671 *unknown; and (III) of the alternatives to the product*
- 672 *that are available, and of their benefits and risks.” — in*
- 673 *other words, those administering the produce must be*
- 674 *informed of any alternative.*
- 675 (3) “(b)(2)(A)” of this section reads: “*A declaration under*
- 676 *this subsection shall terminate upon the earlier of— (i)*
- 677 *a determination by the Secretary, in consultation as*
- 678 *appropriate with the Secretary of Homeland Security or*

679 *the Secretary of Defense, that the circumstances*  
680 *described in paragraph (1) have ceased to exist; or (ii) a*  
681 *change in the approval status of the product such that*  
682 *the circumstances described in subsection (a)(2) have*  
683 *ceased to exist.”*

684 (a) On August 23, 2021 the CDC issued a Biologics  
685 License Application Approval Letter<sup>34</sup> for  
686 Pfizer’s ‘COMIRNATY’.

687 (b) Also on August 23, 2021 the CDC issued an  
688 extension on the Emergency Use  
689 Authorization<sup>35</sup> for “Pfizer-BioNTech COVID 19”  
690 (Pfizer’s so-called “vaccine”) noting that “The  
691 products are legally distinct with certain  
692 differences that do not impact safety or  
693 effectiveness.”

694 (c) However, if the item ‘COMIRNATY’ was  
695 approved it would automatically terminate the

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<sup>34</sup> — BLA APPROVAL of August 23, 2021  
<https://www.fda.gov/media/151710/download>

<sup>35</sup> — Final\_Pfizer LOA to issue with BLA approval  
<https://web.archive.org/web/20210823142034/https://www.fda.gov/media/150386/download> (Archive)  
<https://www.fda.gov/media/150386/download> (Original-link, new document)

696                                   EUA, which didn't happen, but instead was used  
697                                   to falsely present that "Pfizer has been  
698                                   approved" — this was the method used to  
699                                   deceive the members of the military, issuing  
700                                   orders mandating the "vaccine".

701                                   i)     **Note:** This was used to fraudulently and  
702    extortionately present the misconception  
703    that "it's been approved" and could  
704    therefore be mandated. (Esp. W.R.T.  
705    military orders.)

706                                   b.     **29 USC, Chapter 15** — Occupational Safety and Health.

707    Using the EUA above, OSHA justified issuing an ETS<sup>36</sup>,  
708    mandating the vaccines :

709                                   (1)     **§655 (c) (1)** — Standards.<sup>37</sup>

710    From OSHA's statement on the ETS: "*Although OSHA*  
711    *is withdrawing the vaccination and testing ETS as an*  
712    *enforceable emergency temporary standard, the agency is not*

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<sup>36</sup> — Emergency Temporary Standard

<sup>37</sup> — Statement on the Status of the OSHA COVID-19 Vaccination and Testing ETS  
<https://www.osha.gov/coronavirus/ets2> (Original)  
<https://archive.fo/T9aYq> (Archived; 25 Jan 2022)

713 *withdrawing the ETS as a proposed rule. The agency is*  
714 *prioritizing its resources to focus on finalizing a permanent*  
715 *COVID-19 Healthcare Standard.”*

716 (a) **Note:** Even after the mandate was struck down  
717 in the Supreme Court, over the issue of being  
718 too pervasive and not restricted to the realm of  
719 ‘occupational’ health (due to the original case  
720 not arguing the deeper issues)<sup>38</sup>, this is clearly  
721 the statement of intent and bureaucratic will to  
722 make it a permanent standard and thereby  
723 deprive the people of their rights.

724 (2) **§653 (b) (4)** — [...] common law or statutory rights [...].

725 (3) **§666** — Civil and criminal penalties

726 (a) This is pivotal in the extortion: if you willfully  
727 violate the mandates from the ETS (or  
728 permanent standard, as OSHA has indicated it  
729 wishes), even if illegitimate and unlawful then  
730 you must pay excessive fines.

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<sup>38</sup> — National Federation of Independent Business v. OSHA (2022)  
[https://www.supremecourt.gov/opinions/21pdf/21a244\\_hgci.pdf](https://www.supremecourt.gov/opinions/21pdf/21a244_hgci.pdf)

- 731 (b) If you ‘comply’ but present false data, then you  
732 are held to the punishments of fraud/false-  
733 statements.
- 734 (c) **Note:** Even after OSHA’s mandate via ETS was  
735 struck down by the Supreme Court, they still  
736 pursue its implementation: this indicates a  
737 willful intent as well as a group within that  
738 administration pushing for it: thus conspiracy  
739 against rights.
- 740 c. **18 USC §1001** — Statements or entries generally.
- 741 (1) In an ironic twist, OSHA has threatened the usage of  
742 fraud laws<sup>39</sup> (Chapter 47 of Title 18 of the US Code is  
743 “Fraud and False Statements”) in order to further its  
744 extortion and support of the biological weapons.
- 745 d. **29 CFR §1910.501(d)**— Employer policy on vaccination.<sup>40</sup>
- 746 (1) Subsection (1) reads: “*The employer must establish,*  
747 *implement, and enforce a written mandatory*

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<sup>39</sup> — Information for Employees on Penalties for False Statements and Records  
<https://www.osha.gov/sites/default/files/publications/OSHA4157.pdf>

<sup>40</sup> — 1910.501 - Vaccination, testing, and face coverings.  
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.501>  
<https://archive.fo/c7jWW> (Archived, as the official was converted to ‘[Reserved]’.)

748

*vaccination policy.”*

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(2) Subsection (2) says: *“The employer is exempted from the*

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*requirement in paragraph (d)(1) of this section only if*

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*the employer establishes, implements, and enforces a*

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*written policy allowing any employee not subject to a*

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*mandatory vaccination policy to choose either to be*

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*fully vaccinated against COVID-19 or provide proof of*

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*regular testing for COVID-19 in accordance with*

756

*paragraph (g) of this section and wear a face covering in*

757

*accordance with paragraph (i) of this section.”*

758

e. **29 CFR §1903.15(d)** — Proposed penalties.

759

f. **29 CFR §1910.1020** — Access to employee exposure and

760

medical records.<sup>41</sup>

761

(1) Requires violation of medical records and related

762

personally identifiable information.<sup>42</sup>

763

### III. **Statement of Claim**

764

#### A. **Where did the events giving rise to your claim(s) occur?**

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<sup>41</sup> — Access to employee exposure and medical records  
<https://www.osha.gov/laws-regs/regulations/standardnumber/1910/1910.1020>

<sup>42</sup> — COVID-19 Vaccination and Testing Emergency Temporary Standard (ETS) Slides  
[https://www.osha.gov/sites/default/files/OSHA\\_ETS\\_VaxTest\\_Dec2021.pdf](https://www.osha.gov/sites/default/files/OSHA_ETS_VaxTest_Dec2021.pdf)

765 I am unsure as to whether or not I should include the places I was  
766 during these events, as things like termination of my employment was done  
767 on-site and appeal thereof off-site and via remote teleconference, thus I will  
768 include the locations for completeness' sake.

769 1. **Federal Facilities:**

770 a. Department of Health and Human Services facilities.

771 (1) Center for Disease Control facilities.

772 b. Department of Labor facilities.

773 (1) Occupational Safety & Health Administration facilities.

774 c. National Solar Observatory

775 (1) Sacramento Peak

776 (a) Dunn Solar Telescope

777 (b) Housing Facilities

778 2. **State of New Mexico Facilities:**

779 a. New Mexico State University Facilities.

780 3. **Other Locations:**

781 a. Plaintiff's Personal Residence.

782 b. There are, possibly, other locations unknown to the plaintiff.

783 B. What date and approximate time did the events giving rise to your claims  
784 occur?

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

- 785                   1.     In November of 2019, the U.S. intelligence agencies recieved reports  
786                                 of a coronavirus outbreak in China from a defector.<sup>43</sup>
- 787                   2.     On February 4, 2020, pursuant to §564(b)(1)(C) of the FD&CA<sup>44</sup>, the  
788                                 Secretary of the Department of HHS<sup>45</sup> determined that there is a  
789                                 public health emergency that has a significant potential to affect  
790                                 national security or the health and security of United States citizens  
791                                 living abroad, and that involves the virus that causes Coronavirus  
792                                 Disease 2019 (COVID-19).
- 793                   3.     On March 27, 2020 —on the basis of such determination— the  
794                                 Secretary of HHS declared that circumstances exist justifying the  
795                                 authorization of emergency use of drugs and biological products  
796                                 during the COVID-19 pandemic, pursuant to Section 564 of the  
797                                 FD&CA (21 U.S.C. 360bbb-3), subject to terms of any authorization  
798                                 issued under that section.
- 799                   4.     On July 29, 2021 the Governor of New Mexico issued an Executive

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<sup>43</sup> — China’s most famous defector to America warned US intelligence agencies of coronavirus in 2019  
<https://nypost.com/2021/09/14/chinese-defector-warned-us-intelligence-of-covid-19-in-2019/>

<sup>44</sup> — FD&CA: Federal Food, Drug, and Cosmetic Act

<sup>45</sup> — HHS: Health and Human Services

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

800 order imposing mandatory vaccination<sup>46</sup> upon State employees.

801 5. In the period of August 04–10, 2021 the plaintiff researched and  
802 compiled an objection to the Executive Order and its  
803 implementation;

804 a. These objections were submitted to NMSU administrators  
805 thereafter; between 11–13 August, if memory serves.

806 b. The aforementioned objections, while not directly addressing  
807 the policy noncompliance under which I was terminated  
808 (OSHA’s mandate), were written broadly enough to be  
809 applicable as objection in many ways for said OSHA mandate.

810 6. Between August 08 and September 30, the plaintiff repeatedly  
811 contacted NMSU administrative personnel, attempting to obtain  
812 succor from the illegal orders/policies being imposed.

813 7. On August 10, 2021 the plaintiff started inquiry e-mails to the Office  
814 of the State Attorney General W.R.T. the legal objections which  
815 NMSU administration was not addressing.

816 8. On 27 September, 2021 Dan Arvizu (NMSU System Chancellor) sent

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<sup>46</sup> — I assert that the ‘option’ to test instead of vaccination is a false-choice covering extortion; much like paying income taxes is called ‘optional’ because you technically have the ability not to pay, ignoring the punishments following... the ‘or else’ option that the mafia offers for ‘protection.’

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

817 an e-mail to all employees and all students informing them of the  
818 requirement to:

- 819 a. “Become fully vaccinated against COVID-19”, and  
820 b. “upload your proof of vaccination”, with the caveat that  
821 c. “If you’re choosing to test weekly, you should begin uploading  
822 your results after Sept. 30.”, also saying:  
823 d. “Employees who need to request a medical or religious  
824 vaccine exemption should notify their supervisor and contact  
825 the Office of Institutional Equity at 575-646-3635 for  
826 consideration. Students seeking a medical exemption should  
827 contact Disability Access Services in the Dean of Students  
828 Office at [das@nmsu.edu](mailto:das@nmsu.edu). Religious exemption requests for  
829 students must be submitted to the Office of Institutional  
830 Equity at [equity@nmsu.edu](mailto:equity@nmsu.edu).

831  
832 If approved, documentation from the appropriate office must  
833 be uploaded at VaxTrax.NMSU.edu. As with vaccine  
834 documentation, exemption documentation only needs to be  
835 uploaded once; however, employees and students approved  
836 for a vaccination exemption must also adhere to the weekly

837 testing protocol.”

838 (1) **Note:** Inherent here is the assumption that a religious  
839 exemption is subject to approval, thereby  
840 subordinating religious rights—which are protected  
841 from such by the U.S. Constitution’s 1<sup>ST</sup> Amendment,  
842 the State of New Mexico’s Constitution (Art II, Sec 11)  
843 [via the 9<sup>TH</sup> and 10<sup>TH</sup> Amendment]— to that of  
844 bureaucratic approval.

845 (2) **Note:** Also inherent is the assumption that the  
846 bureaucratic apparatus is competent to judge medical  
847 matters.

848 (3) **Note:** Finally, the assumption that the bureaucratic  
849 apparatus will comprehend matters of religion, much  
850 less that it is qualified to adjudicate upon those matters  
851 with authority.

852 9. On 29 September, 2021 the plaintiff responded to the e-mail  
853 described above, refusing to participate under the protections  
854 offered by New Mexico Statutes, Chapter 10—namely: 10-16C-3.  
855 *Public employer retaliatory action prohibited.* Subsection (C), which  
856 reads: “Objects to or refuses to participate in an activity, policy or

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

857 practice that constitutes an unlawful or improper act.”—

858 a. **Note:** The plaintiff is explicitly exempting violation of this law  
859 (10-16C-3) from his claims, as the proper jurisdiction for it is  
860 within the State’s own courts. It is included herein simply to  
861 be faithful in presenting the sequence of events.

862 10. Also on 29 September, plaintiff sent via e-mail another rejection of  
863 the illegal policies, again citing New Mexico Statutes Chapter 10,  
864 Article 16 as protection against retaliation for refusal; citing 18 USC  
865 241 & 242; attaching the original document containing the legal  
866 objections; and giving notice of the intent to avail himself of New  
867 Mexico State Constitution Article II, Section 14; included as  
868 recipients:

- 869 a. "Donna Ottaviano" <[dottavia@nmsu.edu](mailto:dottavia@nmsu.edu)>,
- 870 b. "GenCounsel Office" <[gencounsel@nmsu.edu](mailto:gencounsel@nmsu.edu)>,
- 871 c. "Jamey Eriksen" <[jeriksen@nmsu.edu](mailto:jeriksen@nmsu.edu)>,
- 872 d. "James McAteer" <[mcateer@nmsu.edu](mailto:mcateer@nmsu.edu)>,
- 873 e. "John Flores" <[johnflo@nmsu.edu](mailto:johnflo@nmsu.edu)>,
- 874 f. "Gena Jones" <[genaj@nmsu.edu](mailto:genaj@nmsu.edu)>,
- 875 g. "Lisa Warren" <[lisawesq@nmsu.edu](mailto:lisawesq@nmsu.edu)>,
- 876 h. "Roy Collins" <[collinso@nmsu.edu](mailto:collinso@nmsu.edu)>,

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

- 877 i. "Scott Field" <[psfield@nmsu.edu](mailto:psfield@nmsu.edu)>,  
878 j. "Mariah Ortiz" <[marortiz@nmsu.edu](mailto:marortiz@nmsu.edu)>,  
879 k. "Estela Heredia" <[eheredia@nmsu.edu](mailto:eheredia@nmsu.edu)>,  
880 l. "Demetria White" <[deewhite@nmsu.edu](mailto:deewhite@nmsu.edu)>,  
881 m. "Ammu Devasthali" <[ammu2015@nmsu.edu](mailto:ammu2015@nmsu.edu)>,  
882 n. "Dina Chacon-Reitzel" <[dinacr@nmsu.edu](mailto:dinacr@nmsu.edu)>,  
883 o. "Arsenio Romero" <[aromero@nmsu.edu](mailto:aromero@nmsu.edu)>,  
884 p. "Neal Bitsie" <[nbitsie@nmsu.edu](mailto:nbitsie@nmsu.edu)>,  
885 q. "Saavedra, Jennifer" <[jsaavedra@nmag.gov](mailto:jsaavedra@nmag.gov)>  
886 r. "Abeyta III, Alex" <[aabeyta@nmag.gov](mailto:aabeyta@nmag.gov)>

887 11. On October 01, 2021, the Plaintiff took leave to seek signatories for  
888 petitions, the subject of which was the empaneling of a grand jury as  
889 per New Mexico's Constitution in Article 2, Section 14.

890 12. On October 13, 2021 Human Resources informed the plaintiff that he  
891 was in non-compliance with the policies and that "As a condition of  
892 employment, all NMSU system employees are required to become  
893 fully vaccinated against COVID-19 or complete weekly testing."

894 a. **Note:** This is plainly altering the employment contract.

895 b. While the defense will certainly say that the employment  
896 contract held provisions for adherence to NMSU policy, it

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must be noted:

898

(1) Such claims assume that the policy is lawful;

899

(2) Such claims are, of necessity, equivalent to the

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employment contract being unilaterally and arbitrarily

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alterable;

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(3) Such claims fall apart in the face of the hypothetical

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situation wherein policy dictates entering the office of

904

an administrator is consent to sexual relations — and

905

for precisely the same reason that the “vaccine”

906

mandates should fail: violation of bodily autonomy;

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(4) Such claims are, pointedly, admission of conspiracy to

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deprive the employees of rights such as those shown

909

above W.R.T. the ‘Jurisdiction’ section.

910

13. On or about October 22, 2021 the plaintiff’s employment was

911

terminated for non-compliance of the policies set forth

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implementing OSHA’s mandatory “vaccine” standards.

913

a. **Note:** Clearly stated as the reason for termination was failure

914

to comply with NMSU’s policies implementing OSHA’s

915

vaccine mandate.

916

14. On October 29, 2021 the plaintiff appealed the terminations as per

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

917 the processes in NMSU's ARP.

918 a. This was held via Zoom meeting.

919 b. The cross-examination of witnesses was prohibited to the  
920 plaintiff.

921 c. The unlawfulness of the policy

922 15. On November 01, 2021 a final determination was given, and the  
923 termination upheld.

924 C. What are the facts underlying your claim(s)?

925 1. **Mandates**

926 During the last few years OSHA has, in addition to its ETS,  
927 issued documents for guidance in dealing with COVID-19. These  
928 guidance-documents<sup>47,48</sup> (and the ETSes) have been deleterious to  
929 the health, well-being, and happiness of employees: in a ghastly  
930 irony, we see that the fear of the supposed pandemic has become  
931 more harmful than the pandemic itself with respect to occupational

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<sup>47</sup> — Guidance on Preparing Workplaces for COVID-19  
<https://www.osha.gov/sites/default/files/publications/OSHA3990.pdf>

<sup>48</sup> — COVID-19 Guidance on Social Distancing at Work (OSHA Alert Poster)  
<https://www.osha.gov/sites/default/files/publications/OSHA4027.pdf>

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

932 health.<sup>49, 50</sup>

933 Moreover, some of the guidance, imposed in their own  
934 manner, is known-wrong or known-ineffective, and has been (in  
935 some cases) for a long time.<sup>51, 52</sup> — The OSHA mandates include:

936 a. **Distancing**

937 It must be noted that the practice of “Social  
938 Distancing”<sup>53</sup> is a form of shunning<sup>54</sup>, especially over so long a  
939 space in time as we have been subjected to, and is a form of

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<sup>49</sup> — Unemployment Insurance, Health-Related Social Needs, Health Care Access, and Mental Health During the COVID-19 Pandemic  
<https://jamanetwork.com/journals/jamainternalmedicine/fullarticle/2773234>

<sup>50</sup> — U.S. Surgeon General Issues Advisory on Youth Mental Health Crisis Further Exposed by COVID-19 Pandemic  
<https://www.hhs.gov/about/news/2021/12/07/us-surgeon-general-issues-advisory-on-youth-mental-health-crisis-further-exposed-by-covid-19-pandemic.html>

<sup>51</sup> — Symptoms of Anxiety or Depressive Disorder and Use of Mental Health Care Among Adults During the COVID-19 Pandemic —  
United States, August 2020–February 2021

“Social restrictions, limits on operating nonessential businesses, and other measures to reduce pandemic-related mortality and morbidity can lead to isolation and unemployment or underemployment, further increasing the risk for mental health problems.”  
<https://www.cdc.gov/mmwr/volumes/70/wr/pdfs/mm7013e2-H.pdf>

<sup>52</sup> — One Year In: COVID-19 and Mental Health  
<https://www.nimh.nih.gov/about/director/messages/2021/one-year-in-covid-19-and-mental-health>

<sup>53</sup> — **SOCIAL DISTANCING:** The practice of maintaining a greater than usual physical distance (such as six feet or more) from other people or of avoiding direct contact with people or objects in public places during the outbreak of a contagious disease in order to minimize exposure and reduce the transmission of infection

:PHYSICAL DISTANCING

<https://www.merriam-webster.com/dictionary/social%20distancing>

<sup>54</sup> — **SHUN:** To avoid deliberately and especially habitually.  
<https://www.merriam-webster.com/dictionary/shunning>

940 social control.<sup>55</sup> — As illustrated in the ‘Jurisdiction’, the  
941 vaccination mandates undermine many of our ancient rights  
942 and even the notions of correct jurisprudence, seen in this  
943 light the social distancing is a mirror of that reckless  
944 alteration of fundamentals but within society rather than the  
945 realm of law.

946 OSHA has established guidelines on social distancing,<sup>56</sup>  
947 the punishment is done without crime or conviction.

948 (1) **Psychological Health-effects**

949 The psychological effects of isolation and  
950 shunning are well-known, and such that they are  
951 employed as punishment —*solitary confinement*— as  
952 such, the application of these to the general population  
953 (albeit in a watered-down form) is disturbing and, it  
954 must be noted, imposed virtually completely without

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<sup>55</sup> — **shunning**

“Shunning, social control mechanism used most commonly in small tight-knit social groups to punish those who violate the most serious group rules. It is related to exile and banishment, although shunning is based on social rather than physical isolation or separation. [...]”

<https://www.britannica.com/topic/shunning>

<sup>56</sup> — Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace

<https://www.osha.gov/coronavirus/safework>

955 conviction of any crime upon the working population.

956 (a) “Human beings have a strong need to connect  
957 to other human beings. This social inclination is  
958 part and parcel of the *condition humaine*. [...] In  
959 conclusion, social distancing to avoid further  
960 spreading of Covid-19 comes with a price.  
961 Loneliness reduces quality of life and increases  
962 mortality; hence, social distancing rules should  
963 be kept as short as possible. Individuals living  
964 alone should be considered a priority group to  
965 return to work.”<sup>57</sup>

966 (b) “we examined whether stay-at-home orders and  
967 individuals’ personal distancing behavior were  
968 associated with symptoms of depression,  
969 generalized anxiety disorder (GAD), intrusive  
970 thoughts, insomnia, and acute stress.  
971 Stay-at-home order status and personal  
972 distancing were independently associated with  
973 higher symptoms, beyond protective effects of

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<sup>57</sup> — The silent danger of social distancing  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7360942/pdf/Soo33291720002597a.pdf>

974 available social resources (social support and  
975 social network size). [...] Although this study  
976 provides consistent evidence of social distancing  
977 associations with five major mental health  
978 outcomes, its limitations can guide future  
979 research as the pandemic unfolds.”<sup>58</sup>

980 (c) “People in suicidal crisis, require enhanced  
981 attention and surveillance. Stigma, fear of being  
982 discriminated, legal hassles and avoidance of  
983 ‘health-care setups’ due to pandemic fear can be  
984 potent barriers to health care access.”<sup>59</sup>

985 (2) **Religious Practice**

986 (a) The shunning of social distancing (and  
987 quarantine of healthy people) are arguably  
988 punishment for engaging in religious practice:  
989 visiting the sick, gathering for worship, etc.

990 As noted in other court cases, the

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<sup>58</sup> — Mental health during the COVID-19 pandemic: Effects of stay-at-home policies, social distancing behavior, and social resources  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7439968/pdf/main.pdf>

<sup>59</sup> — ‘The dual pandemic’ of suicide and COVID-19: A biopsychosocial narrative of risks and prevention  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7672361/pdf/main.pdf>

991 restrictions imposed on the people (ostensibly  
992 for the reason of ‘stopping the spread’), even  
993 those protected by the Constitution:  
994 i) “The dramatically broad County Health  
995 Officer’s edict established that anyone in  
996 the County could be arrested and put in  
997 jail for myriad activities outside the  
998 home or for engaging in commercial  
999 transactions other than those explicitly  
1000 excepted from the edict, yet the County  
1001 offers no evidence nor even any  
1002 argument for the apparently arbitrary list  
1003 of exclusions. Nor does the County make  
1004 any effort, not by presenting evidence,  
1005 nor even by presenting argument, for  
1006 why such constitutionally protected  
1007 activities, whether public speech, or  
1008 going to church, or purchasing and  
1009 practicing with firearms and  
1010 ammunition, were simply banned,

1011 instead of accommodated with a  
1012 reasonable fit to the purpose of slowing  
1013 the spread of the virus.”<sup>60</sup>  
1014 ii) “At the same time, the State’s present  
1015 determination—that the maximum  
1016 number of adherents who can safely  
1017 worship in the most cavernous cathedral  
1018 is zero—appears to reflect not expertise  
1019 or discretion, but instead insufficient  
1020 appreciation or consideration of the  
1021 interests at stake.”<sup>61</sup>

1022 Except that the notion that this is  
1023 merely the “insufficient appreciation or  
1024 consideration of the interests at stake” is  
1025 grossly underestimating the evils being  
1026 perpetrated under the guise of authority:  
1027 a) First: Authorities have, at all

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<sup>60</sup> — McDougall v. County of Ventura, 20-56220  
<https://cdn.ca9.uscourts.gov/datastore/opinions/2022/01/20/20-56220.pdf>

<sup>61</sup> — South Bay United Pentecostal Church v. Newsom, 590 U. S. \_\_\_\_ (2020)  
[https://www.supremecourt.gov/opinions/20pdf/20a136\\_bq7c.pdf](https://www.supremecourt.gov/opinions/20pdf/20a136_bq7c.pdf)

1028 levels, rejected objections.

1029 b) Second: Authorities have, as

1030 shown above, used the ‘exigence’

1031 of the ‘emergency’ to construct

1032 many controls, depriving the

1033 people of their rights, and all

1034 enforced under the color of law.

1035 c) Third: The erosion of traditions

1036 and rights as mentioned above,

1037 accumulating ever more powers.

1038 d) Fourth: The forcing of

1039 consumption of a product (the so-

1040 called “vaccine”) in exchange for

1041 promises of “return to normal.”<sup>62, 63</sup>

1042 e) Fifth: The forced consumption

1043 above is nothing less than the

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<sup>62</sup> — Dr. Anthony Fauci interview with California Gov. Gavin Newsom.  
<https://www.c-span.org/video/?507612-1/california-governor-newsom-dr-fauci-covid-19> (About 26:00.)  
<https://www.cnn.com/2020/12/30/health/us-coronavirus-wednesday/index.html> (CNN’s reporting.)

<sup>63</sup> — Returning to a Normal Life via COVID-19 Vaccines in the United States: A Large-scale Agent-Based Simulation Study  
“A desirable return to normalcy would be achieved via immunization rather than through a very high number of infected cases and their natural immunity.”  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8086790/>

1044 government mandated violation  
1045 of established anti-trust law, with  
1046 an added obfuscation of ‘boosters’  
1047 being encouraged from different  
1048 manufacturers in order to mask  
1049 the cause-and-effect consequence  
1050 of the so-called “vaccine”.<sup>64</sup>

1051 (3) **US Supreme Court Precedent**

1052 (a) *“It is beyond debate that freedom to engage in*  
1053 *association for the advancement of beliefs and*  
1054 *ideas is an inseparable aspect of the "liberty"*  
1055 *assured by the Due Process Clause of the*  
1056 *Fourteenth Amendment, which embraces*  
1057 *freedom of speech. [...] Of course, it is immaterial*  
1058 *whether the beliefs sought to be advanced by*  
1059 *association pertain to political, economic,*  
1060 *religious or cultural matters, and state action*

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<sup>64</sup> — Sherman Antitrust Act (Overview)

Broad and sweeping in scope, §1 of the Act states that “[e]very contract, combination in the form of trust or otherwise, or conspiracy, in restraint of trade or commerce among the several States, or with foreign nations, is declared to be illegal.” §2 of the Act prohibits monopolization or attempts at monopolizing any aspect of interstate trade or commerce and makes the act a felony.

[https://www.law.cornell.edu/wex/sherman\\_antitrust\\_act](https://www.law.cornell.edu/wex/sherman_antitrust_act)



1077 affirmed and ratified in our Constitution; I do  
1078 not wish be labeled a coward for failing to  
1079 address these grievous wrongs as a matter of  
1080 conscience.<sup>68</sup>

1081 **b. Masking**

1082 While there was some rationale in the mandating of  
1083 masks, this was predicated on three things: (a) that  
1084 SARS-CoV-2 was far more lethal than history has borne out,  
1085 (b) that masks were/are effective at preventing acquiring it,  
1086 and (c) that masks are/were effective in preventing spreading.

1087 The effectiveness of face masks is in doubt, even in  
1088 surgical settings<sup>69</sup>, which given the relative sizes of a virus as  
1089 compared to the mask's porosity in particular, is an exercise in  
1090 futility.

1091 **(i) Physiological Health-effects**

1092 (a) *“However, wearing a mask does produce a small*

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<sup>68</sup> — Which is why I have proceeded to, as best as I am able, resist such deprivations of rights and deleterious policies being implemented.

<sup>69</sup> — Unmasking the surgeons: the evidence base behind the use of facemasks in surgery

“Facemasks do have a clear role in maintaining the social cleanliness of surgical staff, but evidence is lacking to suggest that they confer protection from infection either to patients or to the surgeons that wear them.”

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4480558/>

1093 *increase in breathing resistance caused by the*  
1094 *mask material filtering particles and aerosols in*  
1095 *the air and any moisture that is trapped in the*  
1096 *mask material. One consistently documented*  
1097 *negative impact of wearing a mask for a long*  
1098 *period of time is an increase in the development*  
1099 *of headaches in people with a history of*  
1100 *headaches.”<sup>70</sup>*

1101 (b) Masks, especially when worn over extended  
1102 periods of time<sup>71</sup>, become a breeding-ground for  
1103 bacteria due to the moisture and heat of  
1104 expelled breath, even noticeable in controlled  
1105 environments like operating rooms: “[Surgical  
1106 Mask]s could be the source of bacterial shedding  
1107 with extended wearing time; thus, we recommend  
1108 that surgeons must change his/her mask in every

---

<sup>70</sup> — Commentary: Physiological and Psychological Impact of Face Mask Usage during the COVID-19 Pandemic  
<https://www.mdpi.com/1660-4601/17/18/6655/htm>

<sup>71</sup> — Cotton and Surgical Face Masks in Community Settings: Bacterial Contamination and Face Mask Hygiene  
“Bacteria, and specifically pathobionts, accumulate on both surgical and more so on cotton face masks after 4 h of wearing.”  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8446422/>

1109 *operation interval*”<sup>72</sup>

1110 (c) Indeed, in 2008 the NIH<sup>73</sup> issued a press-release

1111 about bacterial pneumonia being the major

1112 killer of the 1918 pandemic: “*The majority of*

1113 *deaths during the influenza pandemic of*

1114 *1918-1919 were not caused by the influenza virus*

1115 *acting alone [...] Instead, most victims*

1116 *succumbed to bacterial pneumonia following*

1117 *influenza virus infection.*”<sup>74</sup>

1118 (2) **Psychological Health-effects**

1119 Masking (for long periods of time) has negative

1120 psychological and social effects for all ranges of human life,

1121 from infancy to childhood to the elderly... obviously this must

1122 include time spent in the workplace, and even in environs

1123 where masking is required (surgeries, mining, etc), the

1124 masking is not done for the whole of the interaction but

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<sup>72</sup> — Surgical masks as source of bacterial contamination during operative procedures  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6037910/>

<sup>73</sup> **NIH:** National Institutes of Health

<sup>74</sup> — Bacterial Pneumonia Caused Most Deaths in 1918 Influenza Pandemic  
<https://www.nih.gov/news-events/news-releases/bacterial-pneumonia-caused-most-deaths-1918-influenza-pandemic>

1125 restricted to the times and places where such protective  
1126 equipment is necessary.

1127 (a) *“Limited hearing input can be extremely harmful*  
1128 *with possible psychological and cognitive*  
1129 *consequences that should be prevented.”<sup>75</sup>*

1130 (b) *“The difficulty in determining what facial*  
1131 *expression a person is exhibiting behind a mask*  
1132 *may present challenges for infants and young*  
1133 *children as they depend on their parents’ facial*  
1134 *expressions, coupled with tone and/or voice to*  
1135 *regulate their reactions toward others. Health*  
1136 *professionals should understand the potential*  
1137 *effects of prolonged mask wearing to minimise*  
1138 *any potential long-term impact on neonatal*  
1139 *development and optimise psychological*  
1140 *outcomes for babies, infants, children and their*  
1141 *parents.”<sup>76</sup>*

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<sup>75</sup> — How great is the negative impact of masking and social distancing and how can we enhance communication skills in the elderly people?  
[https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7962629/pdf/40520\\_2021\\_Article\\_1830.pdf](https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7962629/pdf/40520_2021_Article_1830.pdf)

<sup>76</sup> — The implications of face masks for babies and families during the COVID-19 pandemic: A discussion paper  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7598570/>

1142 (c) “Currently, due to the COVID-19 emergency, we  
1143 are all facing a natural reduction of accessibility  
1144 to facial information during interactions. Other  
1145 people’s faces have to be processed with masks,  
1146 which obscure the visual information from the  
1147 mouth and the lower part of the face. [...] The  
1148 main insight of the present research is that face  
1149 masks’ use influences emotion inference from  
1150 faces for all ages and especially for toddlers.”<sup>77</sup>

1151 (3) **Disability Hardship**

1152 Another factor overlooked by the mask mandates is  
1153 that of imposing undue hardship on those with disabilities,  
1154 particularly those with hearing disabilities who typically  
1155 augment hearing with techniques like lip-reading. While the  
1156 plaintiff is not technically hard of hearing/deaf, I do suffer  
1157 from tinnitus and can attest that masking makes verbal  
1158 communication much more difficult when the vocalized  
1159 communications are in the range of my ears’ ringing.

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<sup>77</sup> — Masking Emotions: Face Masks Impair How We Read Emotions  
<https://www.frontiersin.org/articles/10.3389/fpsyg.2021.669432/full>

- 1160 (a) *“Interpersonal communication has been severely*  
1161 *affected during the COVID-19 pandemic. [...]*  
1162 *Face masks, particularly, muffle sounds and*  
1163 *cover facial expressions that ease comprehension*  
1164 *during live communication.”*<sup>78</sup>
- 1165 (b) *“In particular, the pandemic seemingly had a*  
1166 *negative influence on the everyday life of disabled*  
1167 *individuals affected by sensorineural*  
1168 *impairments [...] especially among individuals*  
1169 *affected by hearing deficits, who were also more*  
1170 *likely to be worried about communication*  
1171 *barriers caused by the mandatory use of face*  
1172 *masks [...] As recently recommended by the*  
1173 *WHO, in medical care facilities ‘when caring for*  
1174 *members of different populations, including deaf*  
1175 *communities,’ the use of face masks introduces*  
1176 *potential harms and risks that should be*

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<sup>78</sup> — Effect of Face Masks on Interpersonal Communication During the COVID-19 Pandemic  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7755855/>

1177 *carefully considered.*<sup>79</sup>

1178 (c) *“It’s important to consider some of the*

1179 *unintended consequences. Wearing a face mask*

1180 *may impair the ability for some people to*

1181 *communicate with ease because it prevents lip*

1182 *reading and it can reduce the level of speech*

1183 *transmitted from the mouth. [...] Hearing loss*

1184 *leads to communication difficulties between*

1185 *family members, colleagues and friends. It is*

1186 *associated with negative factors such as poor*

1187 *social interactions, isolation, depression and*

1188 *anxiety, increased risk of dementia and reduced*

1189 *quality of life.*<sup>80</sup>

1190 (d) In short, even if these mask mandates do not

1191 directly violate the *Americans with Disabilities*

1192 *Act* (42 U.S. Code §12112), the implementation of

1193 these policies are precisely antithetical to the

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<sup>79</sup> — The Impact of COVID-19 on Individuals with Hearing and Visual Disabilities during the First Pandemic Wave in Italy  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8508015/>

<sup>80</sup> — Face masks are a challenge for people with hearing difficulties  
<https://theconversation.com/face-masks-are-a-challenge-for-people-with-hearing-difficulties-137423>

1194 'reasonable accommodation'<sup>81</sup> mandated by the  
1195 ADA, into an unreasonable imposition.

1196 c. **Testing**

1197 Much of the mandate revolves around testing: from the  
1198 onerous and extortionate qualities, to the invasion of privacy,  
1199 to the presumption of biological guilt (“asymptomatic  
1200 infection”) — it is obvious that the testing plays a central role  
1201 in the policies set up under the color of office.

1202 (1) **False-positives**

1203 One fact undermines the testing mandates more  
1204 than any other: the prevalence of false-positives. The  
1205 reason this is so is due to the nature of the PCR test,  
1206 which is to replicate a given sample until it is  
1207 detectable; unfortunately, this method cannot  
1208 determine whether the sample is viable or not: as an  
1209 example, testing against a portion of human-common  
1210 DNA cannot tell us whether the sample came from a  
1211 living human or a corpse. Likewise, the PCR test  
1212 cannot distinguish between a living virus and a dead

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<sup>81</sup> — Deafness and Hearing Impairments in the Workplace and the Americans with Disabilities Act  
<https://www.eeoc.gov/laws/guidance/deafness-and-hearing-impairments-workplace-and-americans-disabilities-act>

1213 one. — Indeed, the sample-item to compare against is  
1214 one that must be taken with care: too ‘large’ and the  
1215 sample will not flag a viral mutation, too small and you  
1216 will match against genetic-fragments common in  
1217 biology.

1218 The New York Times reported on early tests  
1219 being both poorly designed as well as contaminated,  
1220 which produced false-positives and caused the CDC to  
1221 issue a recall.<sup>82</sup>

1222 The NLM’s NCBI<sup>83</sup> even put a paper out almost a  
1223 year ago detailing how false positives could come about  
1224 in tests: “*In routine laboratory PCR testing, some*  
1225 *false-positive results can be managed through standard*  
1226 *curve or interim controls. However, misleading results*  
1227 *can occur due to: 1) inadequate laboratory rRT-PCR*  
1228 *experience, 2) SARS-CoV-2 cross-contaminations, 3)*  
1229 *detection of unspecified coronaviruses, 4) SARS-CoV-2*  
1230 *inactive/residual detections, 5) cross-reaction with*

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<sup>82</sup> — C.D.C. Virus Tests Were Contaminated and Poorly Designed, Agency Says  
<https://www.nytimes.com/2021/12/15/health/cdc-covid-tests-contaminated.html>

<sup>83</sup> — **NCBI**: National Center for Biotechnology Information

1231 *nucleic acids from other pathogens or tissue cells, and*  
1232 *6) technical reasons relating to kit primers, probes and*  
1233 *fluorescence type.”<sup>84</sup> and NPR even published an article*  
1234 *detailing known problems with the test at the time of*  
1235 *its release.<sup>85</sup>*

1236 (a) The prevalence of false-positives are, in and of  
1237 themselves, counter-proof against the stated  
1238 rationale of testing.

1239 (2) **Virus Identification**

1240 A large contributor to the false-positive problem  
1241 is that the testing is not done against the actual virus,  
1242 but rather a computer simulation of what is supposed  
1243 to be the virus.

1244 According to this<sup>86</sup> paper, which abstract says  
1245 “*describe the first isolation and sequencing of*  
1246 *SARS-CoV-2 in Australia and rapid sharing of the*

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<sup>84</sup> — False-positive and false-negative COVID-19 cases: respiratory prevention and management strategies, vaccination, and further perspectives  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC8074645/>

<sup>85</sup> — CDC Report: Officials Knew Coronavirus Test Was Flawed But Released It Anyway  
<https://www.npr.org/2020/11/06/929078678/cdc-report-officials-knew-coronavirus-test-was-flawed-but-released-it-anyway>

<sup>86</sup> — Isolation and rapid sharing of the 2019 novel coronavirus (SARS-CoV-2) from the first patient diagnosed with COVID-19 in Australia  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7228321/pdf/MJA2-9999-na.pdf>

1247 *isolate*” and “*Real time reverse transcription (RT)*  
1248 *polymerase chain reaction (PCR) testing for*  
1249 *SARS-CoV-2 was performed on material from an initial*  
1250 *nasopharyngeal swab in 200 µL viral transport medium,*  
1251 *and separately for sputum, urine, faeces, and serum*  
1252 *samples. Briefly, an in-house real time RT-PCR assay*  
1253 *was developed, and all positive tests confirmed by nested*  
1254 *RT-PCR, using previously described methods.<sup>7</sup> PCR*  
1255 *products underwent in-house Sanger sequencing, which*  
1256 *confirmed the presence of SARS-CoV-2.”*

1257 The quoted footnote 7 (above) is a paper titled  
1258 “Avian coronavirus in wild aquatic birds”<sup>87</sup> which  
1259 describes “RNA was extracted from these samples and  
1260 reverse transcribed as described previously (5). cDNA  
1261 was subjected to a pancoronavirus nested PCR (nPCR)  
1262 for the RNA-dependent RNA polymerase (RdRp)  
1263 sequence” — which “(5)” describes a “hemi-nested  
1264 PCR” test; the supplemental data of the original  
1265 (Australia/SARS-CoV-2) paper lists a string of about

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<sup>87</sup> — Avian Coronavirus in Wild Aquatic Birds

<https://wildlife.cornell.edu/sites/default/files/2020-05/Avian%20Coronavirus%20in%20Wild%20Aquatic%20Birds.pdf>

1266 20-digits.

1267 This stands in sharp contrast to the 1940's

1268 method of isolation, using Density Gradient Ultra-

1269 Centrifugation<sup>88</sup>, is still the gold-standard for isolation;

1270 and used within this<sup>89</sup> protocol for isolating exosomes,

1271 which are of similar size as virii.

1272 (a) None of the papers I have seen WRT

1273 SARS-CoV-2 has isolated the virus in a rigorous

1274 manner as 'Protocol [...] for Exosomes' sets

1275 forth.

1276 (b) Instead the SARS-CoV-2 test relies on PCR (or

1277 'in silico' modeling) — so what is being tested

1278 for? Exosomes? Cellular debris? Air

1279 contaminants?

1280 (c) The testing is based off an approximately 20-

1281 character long string of genetic data; how do we

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<sup>88</sup> — Density Gradient Centrifugation

“Density gradient ultracentrifugation is currently considered the gold-standard method for achieving the highest-purity exosome samples, as they remove non-specifically bound proteins from vesicles (Fig. 2). As such, density gradient ultracentrifugation is commonly used to isolate exosomes for exosomal proteomics and RNA sequencing studies.”

<https://www.sciencedirect.com/topics/biochemistry-genetics-and-molecular-biology/density-gradient-centrifugation>

<sup>89</sup> — A protocol for isolation, purification, characterization and functional dissection of exosomes

<https://opal.latrobe.edu.au/ndownloader/files/28006518>

1282 know this string is correct?  
1283 (d) The '*in silico*' modeling is, itself, even more  
1284 suspect: if we retrieve portions of the virus'  
1285 genetics, how do we know that these were re-  
1286 assembled in the correct manner? Especially  
1287 given the combinatoric nature of the problem?  
1288 (This is only exacerbated if there are genetic  
1289 contaminants from an impure sample.)

1290 (3) **Contamination**

1291 As previously cited, the false-positive rate in  
1292 testing is unacceptable, but the contamination issues  
1293 deserve elucidation:

1294 (a) **Bacteria & Virus**

- 1295 i) \$125,000 worth of COVID-19 testing kits  
1296 were found to be contaminated with  
1297 bacteria.<sup>90</sup>  
1298 ii) The UK even got a batch of pre-infected

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<sup>90</sup> — Contaminated COVID-19 testing kits 'made in China' sold in US  
<https://www.asianews.it/news-en/Contaminated-COVID-19-testing-kits-'made-in-China'-sold-in-US-49876.html>

1299

tests.<sup>91</sup>

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(b) **Vaccination**

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While popular conception associates

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‘vaccination’ with ‘injection’ this is not

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necessarily true: they can be applied nasally<sup>92, 93</sup>

1304

or orally<sup>94</sup> — so, given the absurd and push

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towards ‘testing’, especially in light of the above,

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it must be asked “is this *also* some artifice

1307

wherewith to apply these gene-therapies?”

1308

Is it possible that the entire situation has

1309

been engineered into a system wherein these so-

1310

called “vaccines” (gene-therapies) are pushed in

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a complete violation of free-will in a sort of

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“heads, I win; tails, you lose” sort of game?

1313

Given the sheer audacity shown in

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<sup>91</sup> — Test Kits Headed to UK Found Contaminated with Coronavirus  
<https://www.euroweeklynews.com/2020/03/31/test-kits-headed-to-uk-found-contaminated-with-coronavirus/>

<sup>92</sup> — Live Attenuated Influenza Vaccine [LAIV] (The Nasal Spray Flu Vaccine)  
<https://www.cdc.gov/flu/prevent/nasalspray.htm>

<sup>93</sup> — Nanoparticles for Nasal Vaccination  
<https://www.sciencedirect.com/science/article/abs/pii/S0169409X08002640?via%3Dihub>

<sup>94</sup> — Oral vaccines: Directed safe passage to the front line of defense  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3669171/pdf/gmic-4-246.pdf>

1314 pushing for “vaccination” mandates, disdain for  
1315 ancient legal rights (to include bodily  
1316 autonomy), and the deception that ‘testing’ can  
1317 work, it is not beyond the realm of possibility.

1318 (4) **Extortion**

1319 (a) **Common Law**

1320 According to the information put out by  
1321 *Stimmel, Stimmel & Roeser*, “In common law,  
1322 extortion is committed by a public officer.

1323 When a public officer takes money or other  
1324 valuables from an individual that is not due to  
1325 the officer, such act will not amount to robbery  
1326 but extortion.

1327 Traditionally, the valuables or money are  
1328 extracted by using force or threat. To constitute  
1329 the offense of extortion, the public officer  
1330 should use a threat under the guise of exercising  
1331 public duties. When an officer falsely claims  
1332 authority to take that which the officer is not  
1333 lawfully entitled to, such act is known as acting

1334 under color of office.”<sup>95</sup>

1335 This perfectly describes the OSHA  
1336 mandates, and is both the 8<sup>TH</sup> Amendment  
1337 violation as well as recognized by the Supreme  
1338 Court to be acting under the color of office.

1339 (b) **18 USC §1951** — Interference w/ Commerce

1340 i) Obviously the deprivation of a person  
1341 from making a living qualifies as “in any  
1342 way or degree obstructs, delays, or affects  
1343 commerce or the movement of any  
1344 article or commodity in commerce,”

1345 ii) the genetic information (test swabs) are  
1346 property,

1347 iii) “under color of official right” describes  
1348 the OSHA mandate itself.

1349 (c) Likewise, N.M.S.U.’s resort to A.R.P. and their  
1350 “for cause” termination of myself for refusing to  
1351 comply was done under the color of official  
1352 right and therefore also violating **18 USC §1951**.

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<sup>95</sup> — Extortion - Essential Elements and the Broader Reach of RICO  
<https://www.stimmel-law.com/en/articles/extortion-essential-elements-and-broader-reach-rico>

1353 (5) **Violation of Genetic Privacy** (And Genetic Discrimination)

1354 Moreover, the widespread testing could be used  
1355 to harvest genetic data<sup>96</sup>; to the point that it introduces  
1356 a national-security concern: China harvesting genetic  
1357 data<sup>97</sup> & possibly to make gene-targeting bioweapons.<sup>98</sup>

1358 Even disregarding the international, there is a  
1359 large domestic concern, to the point that New York  
1360 City teachers and parents are suing due to no  
1361 guarantee that the tests will not be used to collect  
1362 genetic data.<sup>99</sup>

1363 Indeed, the United Kingdom has a testing firm  
1364 that is selling genetic data<sup>100</sup>, and the government itself

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<sup>96</sup> — Special Report: COVID opens new doors for China's gene giant  
<https://news.yahoo.com/special-report-covid-opens-doors-101016478.html>

<sup>97</sup> — China tried to use Covid crisis to steal DNA from Americans as 80% of US has data stolen by Beijing, warns ex-spy chief  
<https://www.thesun.co.uk/news/13909462/china-covid-steal-dna-health-data-americans/>

<sup>98</sup> — China is collecting the world's DNA and the reason is sinister: Gordon Chang  
<https://www.foxnews.com/world/china-collecting-worlds-dna-sinister>

<sup>99</sup> — NYC school teachers, parents sue to stop COVID-19 testing over DNA fears  
<https://nypost.com/2020/12/14/nyc-teachers-and-parents-sue-to-stop-covid-testing-over-dna-fears/>

<sup>100</sup> — Covid test firm 'to sell swabs carrying customers' DNA'  
<https://www.telegraph.co.uk/news/2021/11/14/covid-test-firm-sell-swabs-carrying-customers-dna/>

1365 is collecting biometric data.<sup>101</sup> And the institution of  
1366 such mandatory testing policies as we have seen, of  
1367 course, will drive demand for the testing.<sup>102</sup>

1368 Moreover, the imposition of these tests are a  
1369 violation of 42 U.S. Code § 2000ff-1:

- 1370 (a) The genetic information is made a requirement  
1371 for hiring or continued employment;
- 1372 (b) It would cause the limitation, segregation, or  
1373 classification of the employees “*in any way that*  
1374 *would deprive or tend to deprive any employee of*  
1375 *employment opportunities or otherwise adversely*  
1376 *affect the status of the employee as an employee,*  
1377 *because of genetic information with respect to*  
1378 *the employee.*”
- 1379 (c) Causes the employer to “*to request, require, or*  
1380 *purchase genetic information with respect to an*  
1381 *employee*”.

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<sup>101</sup> — The Coronavirus (Retention of Fingerprints and DNA Profiles in the Interests of National Security) (No. 2) Regulations 2020  
<https://www.legislation.gov.uk/ukxi/2020/973/made?view=plain>

<sup>102</sup> — Genetic Testing Market Is Likely to Experience a Tremendous Growth in Near Future  
<https://www.digitaljournal.com/pr/genetic-testing-market-is-likely-to-experience-a-tremendous-growth-in-near-future-quest-diagnostics-inc-abbott-laboratories-inc-transgenomic-inc-myriad-genetics>

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Additionally, it must be noted that the collection of such genetic information is the mechanism by which DNA barcoding<sup>103</sup> is done; while this is used to match unknown samples to a database of known species<sup>104</sup>, it can also be used to measure a gene-therapy's uptake/effectiveness via PCR testing.<sup>105</sup>

d. **Gene-therapy**

As per the FDA: "Human gene therapy seeks to modify or manipulate the expression of a gene or to alter the biological properties of living cells for therapeutic use. Gene therapy is a technique that modifies a person's genes to treat or cure disease. Gene therapies can work by several mechanisms: ❶ Replacing a disease-causing gene with a

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<sup>103</sup> — DNA Barcoding

"DNA barcoding involves the production of PCR amplicons from particular regions to sequence them and these sequence data are used to identify or "barcode" that organism to make a distinction from other species (Lebonah et al., 2014)."

<https://www.sciencedirect.com/topics/agricultural-and-biological-sciences/dna-barcoding>

<sup>104</sup> — DNA barcodes: methods and protocols

<https://pubmed.ncbi.nlm.nih.gov/22684949/>

<sup>105</sup> — Chapter 7 - Harnessing in Silico Technologies to Develop and Augment Second-Generation Cell-Based Therapies

<https://www.sciencedirect.com/science/article/pii/B9780128120347000078>

1396 healthy copy of the gene ❷ Inactivating a disease-causing  
1397 gene that is not functioning properly ❸ Introducing a new or  
1398 modified gene into the body to help treat a disease”<sup>106</sup> —  
1399 furthermore NIH’s National Library of Medicine’s  
1400 MedlinePlus says “Gene therapy is an experimental technique  
1401 that uses genes to treat or prevent disease.”<sup>107</sup>

1402 All three of the so-called “vaccines” that are recognized  
1403 for COVID-19 are, in fact, gene therapies:

1404 Pfizer<sup>108</sup> — “mRNA vaccines do not contain any virus  
1405 particles, meaning that they don't contain weakened, dead, or  
1406 noninfectious parts of a virus or bacterium. They provide  
1407 instructions that teach our own cells to make part of a virus.”

1408 Moderna<sup>109</sup> — “[...] we set out to create an mRNA  
1409 technology platform that functions very much like an

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<sup>106</sup> — What is Gene Therapy? (Food & Drug Administration)  
<https://www.fda.gov/vaccines-blood-biologics/cellular-gene-therapy-products/what-gene-therapy>

<sup>107</sup> — What is gene therapy? (Medline Plus)  
<https://medlineplus.gov/genetics/understanding/therapy/genetherapy/>

<sup>108</sup> — mRNA - Technology at the Forefront During Global Pandemic  
[https://www.pfizer.com/news/articles/mrna\\_technology\\_at\\_the\\_forefront\\_during\\_global\\_pandemic](https://www.pfizer.com/news/articles/mrna_technology_at_the_forefront_during_global_pandemic)  
<https://archive.is/Cu5na> (Archived page, the original has been removed)

<sup>109</sup> — mRNA Platform: Enabling Drug Discovery & Development  
<https://www.modernatx.com/mrna-technology/mrna-platform-enabling-drug-discovery-development>

1410 operating system on a computer. [...] In our case, the  
1411 "program" or "app" is our mRNA drug - the unique mRNA  
1412 sequence that codes for a protein. [...] Our mRNA Medicines –  
1413 The ‘Software of Life’”.

1414 Janssen<sup>110</sup> — “[...] it uses an adenovirus—a type of virus  
1415 that causes the common cold, which has been inactivated—to  
1416 carry a gene from the coronavirus into human cells. The cells  
1417 then produce the coronavirus proteins [...]”

1418 (1) **Correctness**

1419 Even if we were to grant the benefit of the doubt  
1420 and ascribe only good motives to the aforementioned  
1421 companies, it must be as acknowledged that:

1422 (a) The knowledge of genetics on a biomolecular  
1423 level is extremely small, as DNA (structurally)  
1424 was only discovered in 1951/1953 and that  
1425 DNA/RNA molecular-biology is even newer, and  
1426 there are ‘epigenetics’<sup>111</sup> which are about how

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<sup>110</sup> — 8 Things to Know About Johnson & Johnson's Janssen COVID-19 Vaccine  
<https://www.jnj.com/latest-news/things-to-know-about-johnson-johnson-janssen-covid-19-vaccine>

<sup>111</sup> —What is Epigenetics?  
<https://www.cdc.gov/genomics/disease/epigenetics.htm>

1427 gene-expression is impacted by behavior or  
1428 environment; as per the epigenetics-citation  
1429 there are three known mechanisms of  
1430 epigenetic interaction:

- 1431 i) DNA methylation/Demethylation — The  
1432 turning off/on of a gene via a chemical  
1433 blocker placed on the DNA.
- 1434 ii) Histone modification — DNA is wrapped  
1435 around a protein called histone, when a  
1436 gene is tightly wrapped it is physically  
1437 inaccessible and therefore ‘off’.
- 1438 iii) Non-coding RNA — Can be used to  
1439 suppress coding RNA and also to  
1440 (indirectly) alter the histones.

1441 (b) Again, ‘noncoding’ RNAs are used in gene-  
1442 regulation: “*Noncoding RNAs, including*  
1443 *microRNAs and endogenous siRNAs, have*  
1444 *profound roles in the regulation of gene*

- 1445 *expression.*"<sup>112</sup>
- 1446 (c) So, even the noncoding 'junk' is in-play with  
1447 respect to biological processes; how then can we  
1448 be sure that we are not introducing the  
1449 biological equivalent of divide-by-zero, or null-  
1450 pointer dereference, or buffer-overflow?
- 1451 (2) **Bioweapon**
- 1452 As quoted in **II, C, 12, c., (1)** of this filing:  
1453 "*Approving a vaccine, utilizing novel RNA technology*  
1454 *without extensive testing is extremely dangerous. The*  
1455 *vaccine could be a bioweapon and even more dangerous*  
1456 *than the original infection.*"
- 1457 (a) Incompetence, sufficiently advanced (see  
1458 'Correctness' above) is functionally  
1459 indistinguishable from malice.
- 1460 (b) Given the lack of transparency as to the  
1461 contents of these injections, which have been

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<sup>112</sup> — Viral Oncogenes, Noncoding RNAs, and RNA Splicing in Human Tumor Viruses  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2999850/>

1462 redacted in official documents<sup>113, 114, 115</sup> under the  
1463 code “(b)(4)” — which could be something  
1464 which would “reveal information that would  
1465 impair the application of state-of-the-art  
1466 technology within a U.S. weapon system”<sup>116</sup> or  
1467 else “Exemption (b)(4) of the Freedom of  
1468 Information Act”<sup>117</sup> — if the former, then what  
1469 could this be but a bioweapon? (As it would, by  
1470 redaction’s definition, be something operating  
1471 “within a U.S. weapon-system.”)  
1472 i) The plaintiff agrees that ‘trade-secret’ is  
1473 the more-likely redaction code,  
1474 ii) however, its unknown contents is all the

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<sup>113</sup> — Summary Basis for Regulatory Action - SPIKEVAX  
<https://www.fda.gov/media/155841/download>

<sup>114</sup> — Summary Basis for Regulatory Action - Comirnaty  
<https://www.fda.gov/media/151733/download>

<sup>115</sup> — Summary Basis for Regulatory Action - Janssen  
(I was unable to find the appropriate document for Janssen.)

<sup>116</sup> — NARA and Declassification: Redaction Codes  
<https://www.archives.gov/declassification/iscap/redaction-codes.html>

<sup>117</sup> — Exemption (b)(4) of the Freedom of Information Act  
<https://www.acus.gov/recommendation/exemption-b4-freedom-information-act>

1475 more reason to reject it,  
1476 iii) especially as the “giving your cells  
1477 instructions” explanation that Janssen,  
1478 Moderna, and Pfizer’s gene-therapies are  
1479 predicated upon is the equivalent of  
1480 giving administrator-access of your cells  
1481 to the aforementioned companies.  
1482 a) **Note:** In the above, ‘giving’ is not  
1483 to be construed as consensual or  
1484 voluntary; and was in most cases  
1485 done under duress/coercion in the  
1486 form of ‘compliance’ and ‘policy’.

1487 (c) **18 USC §175 (a)**  
1488 *Whoever knowingly develops, produces,*  
1489 *stockpiles, transfers, acquires, retains, or*  
1490 *possesses any biological agent, toxin, or delivery*  
1491 *system for use as a weapon, or knowingly assists*  
1492 *a foreign state or any organization to do so, or*  
1493 *attempts, threatens, or conspires to do the same,*  
1494 *shall be fined under this title or imprisoned for*

1495 *life or any term of years, or both. There is*  
1496 *extraterritorial Federal jurisdiction over an*  
1497 *offense under this section committed by or*  
1498 *against a national of the United States.*

1499 i) *the term “biological agent” means any*  
1500 *microorganism (including, but not limited*  
1501 *to, bacteria, viruses, fungi, rickettsiae or*  
1502 *protozoa), or infectious substance, or any*  
1503 *naturally occurring, bioengineered or*  
1504 *synthesized component of any such*  
1505 *microorganism or infectious substance,*  
1506 *capable of causing— (A) death, disease,*  
1507 *or other biological malfunction in a*  
1508 *human, an animal, a plant, or another*  
1509 *living organism [... ]*

1510 (d) **18 USC §177 (a)**  
1511 *In General.—The United States may*  
1512 *obtain in a civil action an injunction against—*  
1513 *(1) the conduct prohibited under section*  
1514 *175 of this title;*

1515 (2) the preparation, solicitation, attempt,  
1516 threat, or conspiracy to engage in conduct  
1517 prohibited under section 175 of this title;  
1518 or  
1519 (3) the development, production,  
1520 stockpiling, transferring, acquisition,  
1521 retention, or possession, or the attempted  
1522 development, production, stockpiling,  
1523 transferring, acquisition, retention, or  
1524 possession of any biological agent, toxin,  
1525 or delivery system of a type or in a  
1526 quantity that under the circumstances  
1527 has no apparent justification for  
1528 prophylactic, protective, or other peaceful  
1529 purposes.

1530 (e) 18 USC §178 (2)

1531 (2) the term "toxin" means the toxic  
1532 material or product of plants, animals,  
1533 microorganisms (including, but not limited to,  
1534 bacteria, viruses, fungi, rickettsiae or protozoa),

1535 *or infectious substances, or a recombinant or*  
1536 *synthesized molecule, whatever their origin and*  
1537 *method of production, and includes—*  
1538 *(A) any poisonous substance or biological*  
1539 *product that may be engineered as a*  
1540 *result of biotechnology produced by a*  
1541 *living organism; or*  
1542 *(B) any poisonous isomer or biological*  
1543 *product, homolog, or derivative of such a*  
1544 *substance;*

1545 (3) **[Self-]Ownership**

1546 One concern, typically labeled as a “tin-foil hat  
1547 conspiracy-theory” is that of the gene-therapies  
1548 altering the genetics of a person in order to strip their  
1549 natural rights from them, typically citing how the  
1550 Supreme Court denied patents of naturally occurring  
1551 genes.

- 1552 (a) It is possible for RNA / mRNA to alter DNA.<sup>118, 119</sup>
- 1553 (b) Unlike software<sup>120</sup>, there is no method whereby
- 1554 to check the functional correctness of the gene-
- 1555 therapies.
- 1556 (c) There is no mechanism to ensure there is no
- 1557 “extra functionality” in the gene-therapy; indeed
- 1558 given a recent MSN news-story<sup>121</sup> and Moderna’s
- 1559 “mRNA Platform” language it is fully reasonable
- 1560 to suspect that there *are* ‘backdoors’ to set up
- 1561 genetic-manipulation.
- 1562 (d) There exists something known as “Genedrives”,
- 1563 which guarantee children will inherit a

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<sup>118</sup> — mRNA-Based Genetic Reprogramming  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6453511/pdf/main.pdf>  
DOI: 10.1016/j.ymthe.2018.12.009

<sup>119</sup> — Polθ reverse transcribes RNA and promotes RNA-templated DNA repair  
<https://www.science.org/doi/pdf/10.1126/sciadv.abf1771>

<sup>120</sup> — Proofs of Correctness  
“A proof of correctness is a mathematical proof that a computer program or a part thereof will, when executed, yield correct results, i.e. results fulfilling specific requirements.”  
<https://onlinelibrary.wiley.com/doi/abs/10.1002/0471028959.sof258>

<sup>121</sup> — Pfizer to make foray into gene editing, expand mRNA tech in 2022  
<https://www.msn.com/en-us/news/technology/copy-of-pfizer-to-make-foray-into-gene-editing-expand-mrna-tech-in-2022/ar-AASFusS>

- 1564 particular gene.<sup>122, 123</sup>
- 1565 (e) It is possible to have the Genedrive embed itself
- 1566 as such a driven gene, thereby making it itself
- 1567 inherited.<sup>124</sup>
- 1568 (f) Given (d) and (e), it can be regarded as a
- 1569 permanent alteration to the species.
- 1570 (g) Given (a), (b), and (c), it is possible that the
- 1571 gene-therapies being pushed contain
- 1572 Genedrives.
- 1573 (h) Given (f) and (g), and the fact that the US
- 1574 Supreme Court has said that synthetic/non-
- 1575 natural DNA may be patented, it is possible that
- 1576 the mandates forcing these gene-therapies are
- 1577 nothing less than the attempt to steal ownership
- 1578 of the human race.
- 1579 (i) Also, given the gene-therapies may be regarded

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<sup>122</sup> — Gene editing can now change an entire species -- forever | Jennifer Kahn  
[https://www.youtube.com/watch?v=OI\\_OhvOumTo](https://www.youtube.com/watch?v=OI_OhvOumTo)

<sup>123</sup> — Controversial ‘Gene Drives’ Just Worked in Mammals for the First Time  
<https://singularityhub.com/2019/02/06/controversial-gene-drives-just-worked-in-mammals-for-the-first-time/>

<sup>124</sup> — Kevin Esvelt (MIT) 1: Gene Drive  
<https://www.youtube.com/watch?v=7X715cD02sA>

1580 as removing the ‘natural’ from the human  
1581 (possibly removing a person from being  
1582 considered ‘human’ at all), it could be regarded  
1583 as an attempt to remove natural human rights  
1584 (including legal rights) from the people.

1585 (j) Another possibility is that those pushing the  
1586 gene-therapies intend to destroy the  
1587 intelligence of the rest of humanity, setting  
1588 themselves up as a master-race; as noted here:<sup>125</sup>  
1589 “Mutations in three RNA methyltransferase  
1590 genes have recently been linked to intellectual  
1591 disability.”

1592 (k) Note that in the reference in (d), it talks of  
1593 “pushing an ‘infertility gene’ through a  
1594 population” — given (f) and (g), this is precisely  
1595 what the evil and misanthropic Malthusian<sup>126</sup>  
1596 ideology would push.

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<sup>125</sup> — Neural activity controls mitochondrial transfer of RNA modifiers to the nucleus  
<https://phys.org/pdf531564460.pdf>

<sup>126</sup> — Thomas Malthus supposed that, regardless of food-production growth, human population would grow exponentially and overwhelm/exhaust the food-production; his theories are the reason for the ‘overpopulation’ alarmism.

1597 (l) Moreover, “(m)RNA vaccine technology” is  
1598 being pushed with a form that is literally called  
1599 “self-amplifying”<sup>127</sup> — which is described as “the  
1600 latter [self-amplifying] encodes the engineered  
1601 genome of the RNA virus”<sup>128</sup> which literally has  
1602 ‘engineered’ as a quality of the genome, and  
1603 hence artificial and patentable; in this paper<sup>129</sup>  
1604 there are “four pillars” laid out — (1) Antigen  
1605 design; (2) vector design; (3) non-viral delivery  
1606 systems; and (4) manufacturing — the latter is  
1607 imminently important because it’s benefit is  
1608 cited as “Self-amplifying RNA is beneficial  
1609 compared to non-amplifying RNA as it  
1610 maintains the advantages of mRNA vaccines,  
1611 such as rapid development, modular design, and  
1612 cell-free synthesis, but requires a lower dose of

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<sup>127</sup> — Self-amplifying RNA vaccines for infectious diseases  
<https://www.nature.com/articles/s41434-020-00204-y.pdf>

<sup>128</sup> — Self-amplifying mRNA (SAM) Vaccine Platform  
<https://www.creative-biolabs.com/vaccine/self-amplifying-mrna-sam-vaccine-platform.htm>

<sup>129</sup> — An Update on Self-Amplifying mRNA Vaccine Development  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7911542/pdf/vaccines-09-00097.pdf>

- 1613 RNA due to the self-replicative properties.”
- 1614 (m) While (l) undoubtedly is engineered, sue to the
- 1615 definition of “self-amplifying” given, so too are
- 1616 the conventional mRNA vaccines; the paper
- 1617 “Self-assembled mRNA vaccines”<sup>130</sup> talks about
- 1618 both forms and makes the engineering
- 1619 abundantly clear.
- 1620 (n) According to this Investigator’s Brochure<sup>131</sup> from
- 1621 Australia, there are already plans for BioNTech
- 1622 to use a self-amplifying variant, as described in
- 1623 (l) and (m).
- 1624 (o) Lastly, consider the possibility that the
- 1625 mechanisms for editing genes are being
- 1626 embedded, possibly as a heritable trait (and
- 1627 possibly as a Genedtrve), thereby making future
- 1628 generations “gene-editable ready”.

1629 e. **Constitutional Violations**

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<sup>130</sup> — Self-assembled mRNA vaccines  
<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7837307/pdf/main.pdf>

<sup>131</sup> — Investigator’s Brochure (BNT162/PF-07302048)  
<https://www.tga.gov.au/sites/default/files/foi-2183-09.pdf>

1630

(1) **Constitution**

1631

(a) **Art. 1, Sec. 7, Cl 1**

1632

As noted above, OSHA's Enabling Act had

1633

origin in the wrong House of Congress (House of the

1634

Senate) to be able to raise revenue.

1635

(b) **Art. 1, Sec. 1**

1636

*All legislative Powers herein granted shall be*

1637

*vested in a Congress of the United States, which shall*

1638

*consist of a Senate and House of Representatives.*

1639

As noted above, the Enabling Act of OSHA had

1640

its origin in the Senate, but it must also be noted that

1641

OSHA itself said "This document [Summary] is

1642

intended to provide information about the COVID-19

1643

Emergency Temporary Standard. The Occupational

1644

Safety and Health Act requires employers to comply

1645

with safety and health standards promulgated by

1646

OSHA or by a state with an OSHA-approved state plan.

1647

However, this document is not itself a standard or

1648 regulation, and it creates no new legal obligations.”<sup>132</sup>

1649 However, nothing within Art 1., Sec. 8 allows the  
1650 Congress to delegate to another agency legislative  
1651 powers, and in fact such delegation to a branch of the  
1652 executive would obviously violate the requirement that  
1653 “*all legislative power*” delegate/granted to the United  
1654 States be vested in the Congress — allowing OSHA the  
1655 power to make (or ‘issue’, or amend) its “rules and  
1656 regulations” (which are then enforced under penalty of  
1657 law) is quite obviously a violation of this requirement  
1658 that such powers be separate from those granted to the  
1659 Executive Branch, of which OSHA is a member.

1660 (c) **Art. 4, Sec. 2, Cl 1**

1661 *The Citizens of each State shall be entitled to all*  
1662 *Privileges and Immunities of Citizens in the several*  
1663 *States.*

1664 The constitution guarantees the respecting of

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<sup>132</sup> — Various OSHA Publications:

<https://www.osha.gov/sites/default/files/publications/OSHA4162.pdf>  
<https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf>  
<https://www.osha.gov/sites/default/files/publications/OSHA4120.pdf>  
<https://www.osha.gov/sites/default/files/publications/OSHA4161.pdf>

1665 'Privileges and Immunities' of peoples within a State  
1666 even if they are citizens of some other State of the  
1667 union: "The privileges and immunities clause was  
1668 intended to outlaw classifications based on the fact of  
1669 non-citizenship [in a State by citizens of another]  
1670 unless there is something to indicate that non-citizens  
1671 constitute a peculiar source of the evil at which the  
1672 statute is aimed"<sup>133</sup> and "The primary purpose of this  
1673 clause, like the clauses between which it is  
1674 located-those relating to full faith and credit and to  
1675 interstate extradition of fugitives from justice-was to  
1676 help fuse into one Nation a collection of independent,  
1677 sovereign States. It was designed to insure to a citizen  
1678 of State A who ventures into State B the same  
1679 privileges which the citizens of State B enjoy."<sup>Also 106.</sup>

1680 As noted above, the privileges and immunities  
1681 certainly also include the Articles of Confederation's  
1682 guarantees for engaging in trade and commerce (which  
1683 labor could be argued to be a part of, trading time,

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<sup>133</sup> — Toomer v. Witsell, 334 U.S. 385 (1948)  
<https://tile.loc.gov/storage-services/service/l/usrep/usrep334/usrep334385/usrep334385.pdf>

1684 effort, and skill for salary), but also arguably that of the  
1685 ancient forms of Jurisprudence, Common Law, and the  
1686 “Traditional Rights of Englishmen.”

1687 (d) **Art. 6, Para. 2**

1688 *This Constitution, and the Laws of the United*  
1689 *States which shall be made in Pursuance thereof; and all*  
1690 *Treaties made, or which shall be made, under the*  
1691 *Authority of the United States, shall be the supreme Law*  
1692 *of the Land; and the Judges in every State shall be bound*  
1693 *thereby, any Thing in the Constitution or Laws of any*  
1694 *State to the Contrary notwithstanding.*

1695 i) **ICCPR Treaty**

1696 a) **Article 7**

1697 *No one shall be subjected to torture or to*  
1698 *cruel, inhuman or degrading treatment or*  
1699 *punishment. In particular, no one shall be*  
1700 *subjected without his free consent to medical or*  
1701 *scientific experimentation.*

1702 As shown above, the injections being  
1703 presented as “vaccines” and mandated are (1)

1704 gene-therapy, which is (2) an experimental  
1705 technology, and therefore (3) each mandate is  
1706 deprivation of “free consent” and thereby  
1707 violative of this article.

1708 b) **Article 17**

1709 *1. No one shall be subjected to arbitrary or*  
1710 *unlawful interference with his privacy, family,*  
1711 *home or correspondence, nor to unlawful attacks*  
1712 *on his honour and reputation. 2. Everyone has*  
1713 *the right to the protection of the law against*  
1714 *such interference or attacks.*

1715 As shown above, in particularly with  
1716 respect to the violations of the 4<sup>TH</sup>, 5<sup>TH</sup>, and 8<sup>TH</sup>  
1717 Amendments the ‘policies’ implementing the  
1718 mandates are violative of this article.

1719 (e) **Geneva Conventions of 1949, Article 12**

1720 *[...] Any attempts upon their lives, or*  
1721 *violence to their persons, shall be strictly*  
1722 *prohibited; in particular, they shall not be*  
1723 *murdered or exterminated, subjected to torture*

1724 *or to biological experiments; they shall not*  
1725 *wilfully be left without medical assistance and*  
1726 *care, nor shall conditions exposing them to*  
1727 *contagion or infection be created. [...]*

1728 While the Geneva Convention is binding  
1729 the United States and operative under  
1730 war/armed-conflict, argument can be made that  
1731 the federal government is waging war<sup>134</sup> upon  
1732 the nations<sup>135</sup> of the United States under cover of  
1733 bureaucratic ‘policy’ and administrative and  
1734 contract law as evidenced by the violations of 18  
1735 USC §1091.

1736 (2) **Bill of Rights**

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<sup>134</sup> — **WAR:** 1. A contest between nations or states, carried on by force, either for defense, or for revenging insults and redressing wrongs, for the extension of commerce or acquisition of territory, or for obtaining and establishing the superiority and dominion of one over the other. These objects are accomplished by the slaughter or capture of troops, and the capture and destruction of ships, towns and property. Among rude nations, war is often waged and carried on for plunder. As war is the contest of nations or states, it always implies that such contest is authorized by the monarch or the sovereign power of the nation. When war is commenced by attacking a nation in peace, it is called an offensive war and such attack is aggressive. When war is undertaken to repel invasion or the attacks of an enemy, it is called defensive, and a defensive war is considered as justifiable. Very few of the wars that have desolated nations and deluged the earth with blood, have been justifiable. Happy would it be for mankind, if the prevalence of Christian principles might ultimately extinguish the spirit of war and if the ambition to be great, might yield to the ambition of being good.

<http://webstersdictionary1828.com/Dictionary/war>

<sup>135</sup> — **NATION:** 1. A body of people inhabiting the same country, or united under the same sovereign or government; as the English nation; the French nation It often happens that many nations are subject to one government; in which case, the word nation usually denotes a body of people speaking the same language, or a body that has formerly been under a distinct government, but has been conquered, or incorporated with a larger nation Thus the empire of Russia comprehends many nations, as did formerly the Roman and Persian empires. nation as its etymology imports, originally denoted a family or race of men descended from a common progenitor, like tribe, but by emigration, conquest and intermixture of men of different families, this distinction is in most countries lost.

<http://webstersdictionary1828.com/Dictionary/nation>

1737 (a) 1<sup>ST</sup> Amendment  
1738 “Congress shall make no law respecting an  
1739 establishment of religion, or prohibiting the free exercise  
1740 thereof[...]”, yet the OSHA mandates transform the  
1741 authority (and therefore the establishing Act) into just  
1742 this: The Christian religion specifically commends  
1743 visiting the sick<sup>136</sup> as well as obtaining prayer when  
1744 sick<sup>137</sup>, yet these mandates, taken as-written impose  
1745 great hardships and interfere with the practice:  
1746 “Instruct any workers who are infected,  
1747 unvaccinated workers who have had close contact with  
1748 someone who tested positive for SARS-CoV-2, and all  
1749 workers with COVID-19 symptoms to stay home from  
1750 work [...]”<sup>138</sup>

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<sup>136</sup> — **Matthew 25:36,40** (ESV)

“I was naked and you clothed me, I was sick and you visited me, I was in prison and you came to me.’ And the King will answer them, ‘Truly, I say to you, as you did it to one of the least of these my brothers, you did it to me.’”

<sup>137</sup> — **James 5:14** (ESV)

“Is anyone among you sick? Let him call for the elders of the church, and let them pray over him, anointing him with oil in the name of the Lord.”

<sup>138</sup> — Protecting Workers: Guidance on Mitigating and Preventing the Spread of COVID-19 in the Workplace  
<https://www.osha.gov/coronavirus/safework>



1769 The mandates themselves violate the  
1770 prohibition of unwarranted and unreasonable search:  
1771 i) For the person themselves,  
1772 ii) for their papers, and  
1773 (d) **5<sup>TH</sup> Amendment**  
1774 The unwarranted demand for medical records  
1775 (papers), coupled with the punishments for non-  
1776 compliance:  
1777 i) Deny due-process by:  
1778 a) assuming guilt by noncompliance;  
1779 b) depriving liberties without due  
1780 process (e.g. occupational income,  
1781 enforcing retroactive contract  
1782 alteration, tortous interference,  
1783 etc);  
1784 c) by denying a chance to face your  
1785 accuser, notionally “the state”, and  
1786 cross-examine witnesses.  
1787 ii) and by assuming guilt, without an  
1788 adequate chance of acquitting yourself:

1789

(e) **8<sup>TH</sup> Amendment**

1790

The mandates as imposed by OSHA, and

1791

implemented by employers combine to violate both

1792

prohibitions of the 8<sup>TH</sup> Amendment:

1793

i) The OSHA standard's punishments for

1794

violation (particularly 'willful') are, as

1795

shown above, excessive fines.

1796

ii) moreover, the imposition of these

1797

standards on employers effectively bars

1798

finding employment for a large portion

1799

of the job-sector (namely those with

1800

more than 100 employees), effectively

1801

treating non-compliance with the cruel

1802

and unusual punishment of blacklisting

1803

and prohibiting the employee from

1804

attaining employment as retaliation.

1805

(f) **9<sup>TH</sup> Amendment**

1806

This amendment is perhaps one of the least

1807

used / cited among the judiciary, and precisely because

1808

it is both open-ended and because of the difficulty in

1809 proving that the absence of mention in the  
1810 enumeration of rights in the *Bill of Rights* (or  
1811 Constitution) is the reason that such rights are being  
1812 denied or disparaged; however here we see plainly:

1813 i) The implementation of OSHA's  
1814 standards W.R.T. the mandates are, at  
1815 the core, an implicit assertion that the  
1816 traditional and ancient rights and  
1817 protections of jurisprudence — all un-  
1818 enumerated by the Bill of Rights —  
1819 simply do not exist.

1820 ii) The implementation of the mandates  
1821 imply that the Ownership of the Body is  
1822 inherent to the State or the Employer  
1823 (via contract); these, by implication:

1824 a) Violate the notion that a man is  
1825 [legally] his own, thereby morally  
1826 responsible to the law by the  
1827 selfsame virtue;

1828 b) Violate the notion that contracts

1829 containing retroactive elements  
1830 are invalid by that selfsame virtue;  
1831 c) Violate the notion that contracts  
1832 may be invalid due to the nature  
1833 wherein they are written;  
1834 1) This raises legal &  
1835 philosophical questions  
1836 such as: If a contract  
1837 contains a non-disclosure  
1838 agreement (NDA), and the  
1839 contract requires criminal  
1840 elements, is such NDA  
1841 valid? Is such NDA  
1842 functionally conspiracy?  
1843 2) If contract-law may be held  
1844 such that it retrospectively  
1845 grants authorities not  
1846 present at the time of its  
1847 becoming effective, does  
1848 this not “make the servant

1849 greater than the master?”

1850 3) If a contract cannot be

1851 made which is not invalid

1852 by virtue of its contents,

1853 does this not imply that

1854 contract-law is subservient

1855 to the contract itself, and

1856 thereby become greater

1857 than the law by which it

1858 has authority?

1859 iii) The Traditional Rights of Englishmen,

1860 the Ancient Rights, and the Common

1861 Law which we have inherited —

1862 a) Magna Carta, Items #14 & 29.

1863 b) English Bill of Rights of 1866

1864 Regal Authority is exercised in the

1865 absence of the Royal by virtue of a

1866 Regency; a regency can be by a singular

1867 person (a Regent) or a group, as in a

1868 Board of Regents; therefore:

1869 1) **Dispensing Power.**

1870 *That the pretended Power*  
1871 *of Suspending of Laws or the*  
1872 *Execution of Laws by Regal*  
1873 *Authority without Consent of*  
1874 *Parliament is illegal.*<sup>140</sup>

1875 2) **Late dispensing Power.**

1876 *That the pretended Power*  
1877 *of Dispensing with Laws or the*  
1878 *Execution of Laws by Regal*  
1879 *Authority as it hath been assumed*  
1880 *and exercised of late is illegal.*<sup>141</sup>

1881 must apply to a Board of Regents  
1882 — such as N.M.S.U.’s Board of Regents.

1883 (g) **10<sup>TH</sup> Amendment**

1884 In ‘*National Federation of Independent Business*  
1885 v. *OSHA*’ the Supreme Court noted of the mandates:

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<sup>140</sup> — The equivalent of ‘Parliament’ here would be “the legislature”, but the point is clear: the executive cannot simply make up law as it goes along.

<sup>141</sup> — Likewise, the executive cannot simply ignore, suspend, or grant exemption of laws — this is merely lawlessness, and the proper authority for the repeal of laws lies within the legislature.

1886                               *“It is telling that OSHA, in its half century of existence,*  
1887                               *has never before adopted a broad public health*  
1888                               *regulation of this kind—addressing a threat that is*  
1889                               *untethered, in any causal sense, from the workplace.*  
1890                               *This ‘lack of historical precedent,’ coupled with the*  
1891                               *breadth of authority that the Secretary now claims, is a*  
1892                               *‘telling indication’ that the mandate extends beyond the*  
1893                               *agency’s legitimate reach.”*

1894                               Here the Supreme Court itself is bearing  
1895                               witness that the overreach of the authority being  
1896                               claimed is extending beyond the agency’s legitimate  
1897                               reach, which legitimacy must needs be constrained by  
1898                               the 10<sup>TH</sup> Amendment: *“The powers not delegated to the*  
1899                               *United States by the Constitution, nor prohibited by it to*  
1900                               *the States, are reserved to the States respectively, or to*  
1901                               *the people.”* — which powers are the “breadth of  
1902                               authority” that the Supreme Court notes.

1903                               (h)    **14<sup>TH</sup> Amendment**

1904                               *“[...] No State shall make or enforce any law*  
1905                               *which shall abridge the privileges or immunities of*

1906 *citizens of the United States; nor shall any State deprive*  
1907 *any person of life, liberty, or property, without due*  
1908 *process of law; nor deny to any person within its*  
1909 *jurisdiction the equal protection of the laws. [...]*”

1910 The 14<sup>TH</sup> Amendment thus constrains the States  
1911 to (1) ensure due process, **and** (b) prohibits creating a  
1912 law which abridges “privileges or immunities of  
1913 citizens of the United States” **or** enforcing a law in such  
1914 a manner as to have that effect, **and** (c) guarantees the  
1915 equal protection of law.

1916 i) As per **III, C, 1, a, (3), (a)** of this  
1917 document, the Supreme Court has  
1918 considered the freedom of Association to  
1919 be protected under the 14<sup>TH</sup> Amendment,  
1920 which freedom/right is impaired by  
1921 mandates.

1922 ii) The theme of this whole complaint is  
1923 indeed the denial/abridging of the  
1924 privileges and immunities of the Citizen.

1925 iii) And the obvious violations of due process

1926 inherent within the policies that these  
1927 ‘standards’ and ‘mandates’ establish.

1928 2. **13<sup>TH</sup> Amendment**

1929 While the defense will undoubtedly claim that there is  
1930 no slavery or involuntary servitude in play in this case, the  
1931 implication of the loss of ownership of ones own body (or the  
1932 ownership of said body by God in religious sense) is that of  
1933 slavery: for if you lose your ownership (or stewardship in the  
1934 religious view), then to whom do you belong? And if the state  
1935 or a corporation, then this must be slavery, albeit with the  
1936 slave-owner the Government (or corporation) rather than  
1937 another human. — That I have rejected the extortion and  
1938 denied the mechanism of their claims, the whole fraudulent  
1939 and extortionate scheme may be viewed through the lens of  
1940 ‘bypassing’ the prohibitions of the 13<sup>TH</sup> Amendment via clever  
1941 use of “patent” — and previous Supreme Court ruling — with  
1942 the mandates as an attempt for *fait accompli* legally speaking,  
1943 with the bonus that any person whose rights were stolen can  
1944 be legally denied standing as they are not technically/legally  
1945 human anymore and therefore do not have any rights derived

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

1946 from the state of being human... an absurd proposition if the  
1947 fraud is held to vitiate the chain of logic, but legally consistent  
1948 with the absurd legal notion that one cannot have standing  
1949 unless actually injured and so in order to challenge a 'law'  
1950 which is illegal on its face you must violate said 'law' and  
1951 argue from the position of weakness of that of an [alleged]  
1952 lawbreaker.

1953 But this is where we are today: legal absurdities  
1954 embraced & enshrined as 'precedent' in order to perpetuate  
1955 injustice which profits government power or corporate  
1956 greed<sup>142</sup> to the functional annulment of the Constitution in

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<sup>142</sup> — Wickard, Secretary, of Agriculture, et al. v. Filburn 317 U.S. 111 (1942)

<https://tile.loc.gov/storage-services/service/l1/usrep/usrep317/usrep317111/usrep317111.pdf>

“Mr. Justice Holmes, in sustaining the exercise of national power over intrastate activity, stated for the Court that ‘commerce among the States is not-technical legal conception, but a practical one, drawn from the course of business.’ [...] It was soon demonstrated that the effects of many kinds of intrastate activity upon interstate commerce were such as to make them a proper subject of federal regulation.”

Translated: *“We’re giving an additional power to congress because to deny this power would make things more difficult for federal government.”*

Gonzales, Attorney General, et al. v. Raich et al. 545 U.S. 1 (2005)

[https://www.supremecourt.gov/opinions/20pdf/20-645\\_9p6b.pdf](https://www.supremecourt.gov/opinions/20pdf/20-645_9p6b.pdf)

“Respondents Diane Monson and Angel Raich use marijuana that has never been bought or sold, that has never crossed state lines, and that has had no demonstrable effect on the national market for marijuana. If Congress can regulate this under the Commerce Clause, then it can regulate virtually anything—and the Federal Government is no longer one of limited and enumerated powers.”

— Justice Thomas’s dissent

Kentucky v. King

563 U.S. 452 (2011)

<https://www.supremecourt.gov/opinions/10pdf/09-1272.pdf>

“The Fourth Amendment expressly imposes two requirements: All searches and seizures must be

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

1957 favor of tyranny wrapped in judicial legalism as its  
1958 justification.

1959 3. **'Lockdowns'**

1960 The so-called 'lockdowns' imposed by Governor  
1961 Michelle Lujan Grisham upon the people, while a separate  
1962 legal issue than the OSHA mandates, is relevant due to  
1963 NMSU's enforcement and/or threat of implementation  
1964 thereof, is included in the facts as evidence as to  
1965 demonstrating the nature of the mandates, in actuality, due to  
1966 NMSU's approval and enforcement thereof: that of tyrannical  
1967 control and oppression of the people, under the color of  
1968 authority, "for your protection":

1969 a. According to a meta-study by Johns Hopkins, the lockdowns  
1970 prevented a vanishingly small proportion of COVID deaths<sup>143</sup>:

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reasonable; and a warrant may not be issued unless probable cause is properly established and the scope of the authorized search is set out with particularity. Although "searches and seizures inside a home without a warrant are presumptively unreasonable," [...] this presumption may be overcome when "the exigencies of the situation' make the needs of law enforcement so compelling that [a] warrantless search is objectively reasonable under the Fourth Amendment,"

Translated: *"It's objectively unreasonable to search someone's home without a warrant, unless magic happens and it becomes 'objectively reasonable,' because it's standard operating procedure among law enforcement!"*

<sup>143</sup> — A Literature Review and Meta-analysis of the Effects of Lockdowns on Covid-19 Mortality  
<https://sites.krieger.jhu.edu/iae/files/2022/01/A-Literature-Review-and-Meta-Analysis-of-the-Effects-of-Lockdowns-on-COVID-19-Mortality.pdf>

1971 “Table 3 demonstrates that the studies find that lockdowns,  
1972 on average, have reduced COVID-19 mortality rates by 0.2%  
1973 (precision-weighted).”

1974 b. As noted above, Christian churches and gun-stores have been  
1975 singled out, even among the closures and restrictions (albeit  
1976 in other States), showing a distinctly political bent as to the  
1977 application of the lockdowns, observably with the object of  
1978 aforementioned tyranny.

1979 c. Note, as well, that during these ‘lockdowns’ the things exempt  
1980 were the multinational corporations such as Wal-Mart and  
1981 Amazon, not the “mom and pop shop” and small-businesses  
1982 — observably, the governments instituting ‘lockdowns’ were  
1983 favoring these big businesses (legally “foreign businesses”, for  
1984 most States) over their own people — therefore, it is  
1985 reasonable to suspect Federal Agencies (such as OSHA) of  
1986 having loyalties other than the People of these United States.

1987 4. **42 U.S.C. §1985**

1988 a. N.M.S.U.’s own administration, Board of Regents, and General  
1989 Council acted in manner to deprive its employees (and  
1990 students) the equal protection of laws, to injure them for

1991 attempting to see the law upheld.

1992 (1) NMSU's conspiracy interfering w/ civil rights.

1993 Just as OSHA's mandates were the utter trampling of

1994 ancient rights, so too NMSU's enforcement of the pretend and

1995 illegitimate power (assumed under pretense, or perhaps

1996 presumption of legitimacy) makes them party to such

1997 overreach, especially as they were warned beforehand of the

1998 unlawfulness of tyrannical orders, not that "*I was following*

1999 *orders*" is generally accepted as an affirmative defense

2000 anymore.<sup>144</sup>

2001 In my time in the military, it was instructed to me

2002 —again and again— that all unlawful orders were to be

2003 rejected... and this is the military, wherein refusal of orders

2004 [generally] could result in being put to death.<sup>145</sup>

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<sup>144</sup> — UNITED STATES, Appellee v WILLIAM L. CALLEY, JR., First Lieutenant, U.S. Army, Appellant  
“The acts of a subordinate done in compliance with an unlawful order given him by his superior are excused and impose no criminal liability upon him unless the superior's order is one which a man of ordinary sense and understanding would, under the circumstances, know to be unlawful, or if the order in question is actually known to the accused to be unlawful.”

[https://www.asser.nl/upload/documents/DomCLIC/Docs/NLP/US/My\\_Lai\\_Calley\\_Militaryl\\_Appeal\\_Judgement\\_21-12-1973.pdf](https://www.asser.nl/upload/documents/DomCLIC/Docs/NLP/US/My_Lai_Calley_Militaryl_Appeal_Judgement_21-12-1973.pdf)

<sup>145</sup> — U.S. Code, Title 10, Subtitle A, Part II, Chapter 47, Subchapter X, §892  
Any person subject to this chapter who-

- (1) violates or fails to obey any lawful general order or regulation;
- (2) having knowledge of any other lawful order issued by a member of the armed forces, which it is his duty to obey, fails to obey the order; or



2021 *so too the government cannot impose criminal liability*  
2022 *based on a mistaken understanding of the law. If the*  
2023 *law required two working brake lights, Heien could not*  
2024 *escape a ticket by claiming he reasonably thought he*  
2025 *needed only one; if the law required only one, Sergeant*  
2026 *Darisse could not issue a valid ticket by claiming he*  
2027 *reasonably thought drivers needed two.”*

2028 — while this awkward construction appear to be in-  
2029 place in order to side-step the obvious issue of an over-  
2030 complex set of laws and the absurdity of expecting a normal  
2031 person in everyday activities to *know* them all (IOW a ‘blank  
2032 check’ for law-enforcement legal ‘fishing -expeditions’<sup>147</sup>), it is  
2033 obvious that, **even** under this construction, the imposition of  
2034 the lockdowns, mask- and ‘vaccine’-mandates are all without  
2035 merit... and so too, we see that the ignorance of the law is no  
2036 excuse:

- 2037 (a) As shown above (see **III C 1**), these mandates  
2038 are illegitimate and illegal and impositions upon

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<sup>147</sup> — “Show me the man, and I’ll show you the crime.”  
Lavrentiy Beria, head of Joseph Stalin’s secret police

2039 rights; therefore, the implementation of such  
2040 policies by a bureaucracy must, necessarily, be  
2041 conspiracy of “two or more persons”.

(b) As shown by the unwillingness to engage in  
2042 debate, or even reason with, or explain their  
2043 actions, I must assume that the administration  
2044 would assume to claim Qualified Immunity  
2045 which “*balances two important interests—the*  
2046 *need to hold public officials accountable when*  
2047 *they exercise power irresponsibly and the need to*  
2048 *shield officials from harassment, distraction, and*  
2049 *liability when they perform their duties*  
2050 *reasonably.*”<sup>148</sup> — However, in the very next  
2051 sentence the Supreme Court obviates any hope  
2052 of balance, namely holding public officials  
2053 accountable, when they say that “*The protection*  
2054 *of qualified immunity applies regardless of*  
2055 *whether the government official’s error is ‘a*  
2056

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<sup>148</sup> — Pearson v. Callahan, 555 U.S. 223 (2009)  
<https://www.supremecourt.gov/opinions/o8pdf/o7-751.pdf>

2057 *mistake of law, a mistake of fact, or a mistake*  
2058 *based on mixed questions of law and fact” as*  
2059 such a sentiment not only holds that  
2060 irresponsible wielding of power is protected, but  
2061 also that blatantly illegal behavior is protected,  
2062 and from this that resisting such abuses is an  
2063 illegitimate act in and of itself — several States  
2064 condemn this idiocy in their Constitutions.<sup>149</sup>  
2065 Nonetheless, we shall now demonstrate why the  
2066 qualifications are violated, and thus the actions  
2067 themselves are both null and void of any  
2068 legitimate authority:  
2069 i) The qualification of ‘reasonable’ does not  
2070 exist with these mandates: as has been  
2071 shown throughout this filing, the

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<sup>149</sup> — “*The doctrine of nonresistance against arbitrary power, and oppression, is absurd, slavish, and destructive of the good and happiness of mankind.*”

The Constitution of Maryland, Declaration of Rights, Article 6.

<https://msa.maryland.gov/msa/mdmanual/43const/pdf/const.pdf>

The New Hampshire State Constitution, Bill of Rights, Article 10.

<https://www.nh.gov/glance/bill-of-rights.htm>

The Constitution of Tennessee, Article 1, Section 6.

<https://www.capitol.tn.gov/about/docs/TN-Constitution.pdf>



2092 previously, this is “*absurd, slavish and*  
2093 *destructive of the happiness of mankind.*”

2094 (c) My petitioning on campus for to convene a  
2095 grand jury to assess and address these crimes,  
2096 resulted in the reporting of my actions to  
2097 “campus police” — with, what I gather to be  
2098 orders to prevent such activity, an activity which  
2099 obviously is “*lawfully enforcing, or attempting to*  
2100 *enforce, the right of any person, or class of*  
2101 *persons, to the equal protection of the laws*”.

2102 (d) Sections (a) and (b) above describe what was  
2103 demonstrated by the administration and general  
2104 counsel and such unilateral imposition of  
2105 policies, without responding to objections and  
2106 requests for clarification or explanation — and  
2107 in conjunction with (c), demonstrate a  
2108 conspiracy to “*imped[e], hinder[], obstruct[], or*  
2109 *defeat[e], in any manner, the due course of*  
2110 *justice in any State or Territory, with intent to*  
2111 *deny to any citizen the equal protection of the*

2112 *laws, or to injure him or his property for lawfully*  
2113 *enforcing, or attempting to enforce, the right of*  
2114 *any person, or class of persons, to the equal*  
2115 *protection of the laws”.*

2116 5. **Statutory Violations.**

2117 a. **RICO Violations**

2118 (i) **18 USC §201** — Bribery of Public Officials & Witnesses

2119 (a) Subsection (2) of section (b) states [*Whoever*]  
2120 *being a public official or person selected to be a*  
2121 *public official, directly or indirectly, corruptly*  
2122 *demands, seeks, receives, accepts, or agrees to*  
2123 *receive or accept anything of value personally or*  
2124 *for any other person or entity, in return for:*  
2125 *(A) being influenced in the performance of any*  
2126 *official act;*  
2127 *(B) being influenced to commit or aid in*  
2128 *committing, or to collude in, or allow, any fraud,*  
2129 *or make opportunity for the commission of any*  
2130 *fraud, on the United States; or*  
2131 *(C) being induced to do or omit to do any act in*

2132 *violation of the official duty of such official or*  
2133 *person;*

2134 Thus, given the monumental demand created  
2135 by OSHA’s mandates, it must be asked: Was the  
2136 Secretary of Labor:

- 2137 i) Approached by any member of Congress,  
2138 seeking to use the artifice of ‘mandate’ to  
2139 enrich themselves due to their  
2140 investments therein?<sup>150, 151, 152</sup>
- 2141 ii) Approached by any member of, lobbyist  
2142 for, or any other person on behalf of any  
2143 of the corporations with products being  
2144 mandated under OSHA’s mandate?
- 2145 iii) Approached by any member of an  
2146 insurance company, or a lobbyists on

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<sup>150</sup> — Congress invests big in pharmaceutical, tech stocks  
<https://www.opensecrets.org/news/2020/04/dc-lawmakers-stocks-pharmaceutical-tech/>

<sup>151</sup> — Personal Profit in Congress  
<https://www.nytimes.com/2022/01/24/briefing/congress-stock-investments-profits.html>

<sup>152</sup> — More than two-thirds of Congress cashed a pharma campaign check in 2020, new STAT analysis shows  
<https://www.statnews.com/feature/prescription-politics/federal-full-data-set/>

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their behalf?<sup>153</sup>

- (b) Given other provisions of this section: Were any of the federal funds, mentioned in III. C. 5. A. (5) (i) used as a form of bribe?

(2) **18 USC §1343** — Relating to Wire Fraud

*Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, transmits or causes to be transmitted by means of wire, radio, or television communication in interstate or foreign commerce, any writings, signs, signals, pictures, or sounds for the purpose of executing such scheme or artifice, shall be fined under this title or imprisoned not more than 20 years, or both. If the violation occurs in relation to, or involving any benefit authorized, transported, transmitted, transferred, disbursed, or paid in connection with, a presidentially declared major disaster or emergency (as those terms are defined in*

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<sup>153</sup> — Predatory Pricing - Collusion Between Insurers and Drug Companies  
<https://lawcommons.luc.edu/cgi/viewcontent.cgi?article=1586&context=lclr>

2166 *section 102 of the Robert T. Stafford Disaster Relief and*  
2167 *Emergency Assistance Act (42 U.S.C. 5122)), or affects a*  
2168 *financial institution, such person shall be fined not more*  
2169 *than \$1,000,000 or imprisoned not more than 30 years,*  
2170 *or both.*

2171 (a) The IRS issued Notice 2022-05 in relation to the  
2172 Robert T. Stafford Disaster Relief Act<sup>154</sup>,

2173 (b) On 13 March 2020, President Trump directed  
2174 FEMA<sup>155</sup> support<sup>156</sup> of HHS, “directed to assist  
2175 state, local, tribal, territorial governments and  
2176 other eligible entities with the health and safety  
2177 actions they take on behalf of the American  
2178 public”,

2179 (c) As of 11 Feb 2022, FEMA has allocated  
2180 \$120,949,141.<sup>19</sup> in public assistance grants<sup>157</sup>,

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<sup>154</sup> — Notice 2022-05  
<https://www.irs.gov/pub/irs-drop/n-22-05.pdf>

<sup>155</sup> — FEMA: Federal Emergency Management Agency

<sup>156</sup> — President Donald J. Trump Directs FEMA Support Under Emergency Declaration for COVID-19  
<https://www.fema.gov/print/pdf/node/468821>

<sup>157</sup> — New Mexico Covid-19 Pandemic (DR-4529-NM)  
<https://www.fema.gov/disaster/4529>

- 2181 (d) and, according to Las Cruces’s own Sun News  
2182 report of 23 Mar 2021, FEMA funds were  
2183 involved in advertisements:<sup>158</sup> *“The funding will*  
2184 *also be used to engage in a bilingual advertising*  
2185 *campaign to encourage vaccine registration,*  
2186 *Lopez said.”*
- 2187 (e) At least some of these funds have been made  
2188 available to NMSU.<sup>159, 160, 161, 162</sup>
- 2189 (f) NMSU, having adopted the illegitimate  
2190 mandates (State & OSHA, both), then pushed  
2191 them upon students and employees; in so doing,  
2192 depriving them of honest service, or exchange of  
2193 monies for services.

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<sup>158</sup> — Goal for FEMA grant: 50,000 Doña Ana County residents vaccinated in 90 days  
<https://www.lcsun-news.com/story/news/2021/03/23/dona-ana-county-commission-accepts-fema-grant-vaccine-effort/6966684002/>

<sup>159</sup> — NMSU receives emergency funding from CARES Act due to COVID-19  
<https://nmsuroundup.com/15771/coronavirusnmsu/nmsu-receives-emergency-funding-from-cares-act-due-to-covid-19/>

<sup>160</sup> — American Rescue Plan  
<https://nmsu.edu/coronavirus/CARES-act-funding.html>

<sup>161</sup> — NMSU uses federal pandemic relief funds to support student success, strategic goals  
<https://news.nmsu.edu/2021/06/nmsu-uses-federal-pandemic-relief-funds-to-support-student-success-strategic-goals.html>

<sup>162</sup> — HEERF (Higher Education Emergency Relief Funds)  
<https://fa.nmsu.edu/heerf/>

2194 (3) 18 USC §1344 — Bank Fraud  
2195 *Whoever knowingly executes, or attempts to*  
2196 *execute, a scheme or artifice—*  
2197 *(1) to defraud a financial institution; or*  
2198 *(2) to obtain any of the moneys, funds, credits, assets,*  
2199 *securities, or other property owned by, or under the*  
2200 *custody or control of, a financial institution, by means*  
2201 *of false or fraudulent pretenses, representations, or*  
2202 *promises;*  
2203 *shall be fined not more than \$1,000,000 or imprisoned*  
2204 *not more than 30 years, or both.*  
2205 (a) The funds given by grant, for “covid relief” and  
2206 implementation of the illegitimate mandates,  
2207 used in any way to procure securities (as  
2208 allowed in ARP 13.10<sup>163</sup>) would be, by this  
2209 statute, bank fraud.  
2210 (b) The imposition of vaccine mandates upon  
2211 students, with expulsion for non-compliance

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<sup>163</sup> — ARP 13.10 – Investment Management  
<https://arp.nmsu.edu/13-10/>

2212 was and is fraud (see below), and even if it was  
2213 not it certainly is predicated on false  
2214 representation: that the University has the  
2215 authority and right to impose such upon its  
2216 students & employees.

2217 (c) As per this 22 Dec 2022 memo, NMSU continues  
2218 to present itself as having the authority to  
2219 require students and employees to submit to the  
2220 “vaccine” mandates.<sup>164</sup>

2221 (4) **18 USC §1951** — Interference w/ Commerce

2222 *Whoever in any way or degree obstructs, delays,*  
2223 *or affects commerce or the movement of any article or*  
2224 *commodity in commerce, by robbery or extortion or*  
2225 *attempts or conspires so to do, or commits or threatens*  
2226 *physical violence to any person or property in*  
2227 *furtherance of a plan or purpose to do anything in*  
2228 *violation of this section shall be fined under this title or*  
2229 *imprisoned not more than twenty years, or both.*

2230 (a) Subsection (b) (2) says “*extortion means the*

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<sup>164</sup> — Memo from Chancellor Arvizu, adding Booster mandate to vaccine reqs.  
<https://now.nmsu.edu/information/memos/122221-NMSU-to-add-booster-mandate-to-vaccine-requirements.pdf>

2231 *obtaining of property from another, with his*  
2232 *consent, induced by wrongful use of actual or*  
2233 *threatened force, violence, or fear, or under color*  
2234 *of official right.”*

2235 (b) The ‘testing’ mandate is extortion, obtaining  
2236 genetic information, under color of right.

2237 (c) Moreover, the ‘free’ testing kits are extorted  
2238 either:

2239 i) from the employee, via taxes paying for  
2240 “government provided” tet kits, or else

2241 ii) from the employer, by government  
2242 forcing the employer to bare the costs  
2243 thereof.

2244 (d) Additionally, it is obviously affecting commerce  
2245 to force the purchase of masks, tests, vaccines,  
2246 and all other paraphernalia (like the distancing  
2247 decals or coronavirus infographics).

2248 (e) Additionally, the “New Mexico Department of  
2249 Health today announced a \$100 incentive for  
2250 New Mexicans who complete their vaccination

2251 series”<sup>165</sup> — obviously a bribe, the purpose of  
2252 which is to drive demand for “vaccination” —  
2253 and likely also a violation of **18 USC §1343**.  
2254 (5) **18 USC §1958** — Use of Interstate Murder-for-hire  
2255 (a) *Whoever travels in or causes another*  
2256 *(including the intended victim) to travel in interstate or*  
2257 *foreign commerce, or uses or causes another (including*  
2258 *the intended victim) to use the mail or any facility of*  
2259 *interstate or foreign commerce, with intent that a*  
2260 *murder be committed in violation of the laws of any*  
2261 *State or the United States as consideration for the*  
2262 *receipt of, or as consideration for a promise or*  
2263 *agreement to pay, anything of pecuniary value, or who*  
2264 *conspires to do so, shall be fined under this title or*  
2265 *imprisoned for not more than ten years, or both; and if*  
2266 *personal injury results, shall be fined under this title or*  
2267 *imprisoned for not more than twenty years, or both; and*  
2268 *if death results, shall be punished by death or life*  
2269 *imprisonment, or shall be fined not more than \$250,000,*

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<sup>165</sup> — New Mexico offers \$100 incentive for COVID vaccination  
<https://www.kcbd.com/2021/06/13/new-mexico-offers-100-incentive-covid-vaccination/>

2270

*or both.*

2271

*(b) As used in this section and section 1959—*

2272

*(1) “anything of pecuniary value” means*

2273

*anything of value in the form of money, a*

2274

*negotiable instrument, a commercial interest, or*

2275

*anything else the primary significance of which is*

2276

*economic advantage;*

2277

*(2) “facility of interstate or foreign*

2278

*commerce” includes means of transportation and*

2279

*communication; and*

2280

*(3) “State” includes a State of the United*

2281

*States, the District of Columbia, and any*

2282

*commonwealth, territory, or possession of the*

2283

*United States.*

2284

(a) Whereas 18 USC §1958 refers to “murder be

2285

committed in violation of the laws of any State”

2286

we must view the New Mexico statute

2287

concerning ‘Murder’ — New Mexico Statute

2288

§30-2-1, which reads:

2289

*A. Murder in the first degree is the killing*

2290 *of one human being by another without lawful*  
2291 *justification or excuse, by any of the means with*  
2292 *which death may be caused:*

2293 *(1) by any kind of willful, deliberate*  
2294 *and premeditated killing;*

2295 *(2) in the commission of or*  
2296 *attempt to commit any felony; or*

2297 *(3) by any act greatly dangerous to*  
2298 *the lives of others, indicating a depraved*  
2299 *mind regardless of human life.*

2300 *Whoever commits murder in the first*  
2301 *degree is guilty of a capital felony.*

2302 *B. Unless he is acting upon sufficient*  
2303 *provocation, upon a sudden quarrel or in the*  
2304 *heat of passion, a person who kills another*  
2305 *human being without lawful justification or*  
2306 *excuse commits murder in the second degree if in*  
2307 *performing the acts which cause the death he*  
2308 *knows that such acts create a strong probability*  
2309 *of death or great bodily harm to that individual*

2310 *or another.*

2311 *Murder in the second degree is a lesser*  
2312 *included offense of the crime of murder in the*  
2313 *first degree.*

2314 *Whoever commits murder in the second*  
2315 *degree is guilty of a second degree felony*  
2316 *resulting in the death of a human being.*

2317 (b) As shown above, in **II, C, 1, d., (2)** of this filing,  
2318 the mandatory usage of the experimental  
2319 technologies of gene-therapies certainly  
2320 contains a strong possibility that those forced to  
2321 do so will receive death or great bodily harm. —  
2322 Indeed, I assert that the mandates (especially in  
2323 conjunction with the [intrastate] Lockdowns  
2324 and the interstate travel-restrictions) show quite  
2325 self-evidently “a depraved mind regardless of  
2326 human life.”

2327 (c) In addition to the depraved mind, this filing  
2328 shows multitudinous felonies being committed,  
2329 or attempted, to which these murders are

2330 'incidental' and furthering such artifices and  
2331 conspiracies.

2332 (d) Some of the victims here were offered \$100 in  
2333 consideration for their application of gene-  
2334 therapy<sup>166</sup> which were funded from the  
2335 American Rescue Plan<sup>167</sup> the purpose of which  
2336 is, among other things, "to mount a national  
2337 vaccination program"<sup>168</sup> which is a federal fund  
2338 and therefore using the interstate facilities.

2339 i) The American Rescue Plan was signed  
2340 into law on 11 March 2021<sup>169</sup> by Joseph  
2341 Robinette Biden Jr.

2342 (e) Additionally, if the defense is able to convince  
2343 the jury that the \$100 to residents of New

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<sup>166</sup> — State announces \$100 incentive for COVID-19 vaccination boosters or J&J shots  
<https://www.governor.state.nm.us/2021/06/13/state-announces-100-incentive-for-covid-19-vaccination-boosters-or-jj-shots/>

<sup>167</sup> — State announces second round of \$100 incentives for COVID-19 vaccines  
<https://cv.nmhealth.org/2021/07/29/12421/>

<sup>168</sup> — The American Rescue Plan (Fact-Sheet)  
<https://www.whitehouse.gov/wp-content/uploads/2021/03/American-Rescue-Plan-Fact-Sheet.pdf>

<sup>169</sup> — H.R.1319 - American Rescue Plan Act of 2021  
<https://www.congress.gov/bill/117th-congress/house-bill/1319>

2344 Mexico for their injection —mentioned in (e)  
2345 above— does not meet the interstate  
2346 requirements, it is known that there were  
2347 residents of Arizona which were brought into  
2348 the State of New Mexico.<sup>170</sup>

2349 (f) Additionally, this document<sup>171</sup> makes reference  
2350 to the C.A.R.E.S. Act<sup>172</sup>, payments, and increased  
2351 federal funding:

2352 i) “discusses CMS’s implementation of  
2353 section 3713 of the Coronavirus Aid,  
2354 Relief, and Economic Security Act  
2355 (CARES Act) (Pub. L. 116-136), which  
2356 established Medicare Part B coverage and  
2357 payment for Coronavirus Disease 2019  
2358 (COVID-19) vaccine and its

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<sup>170</sup> — Internal FEMA memo reveals Arizona coronavirus patients taken to New Mexico over staffing shortages: report  
<https://thehill.com/homenews/state-watch/509053-internal-fema-memo-reveals-arizona-coronavirus-patients-taken-to-nm-over>

<sup>171</sup> — Additional Policy and Regulatory Revisions in Response to the COVID-19 Public Health Emergency (CMS-9912-IFC)  
<https://www.cms.gov/files/document/covid-vax-ifc-4.pdf>

<sup>172</sup> — Coronavirus Aid, Relief, and Economic Security Act  
Signed into law on 27 Mar 2020 by Donald John Trump.  
<https://www.congress.gov/bill/116th-congress/house-bill/748>

- 2359 administration.”
- 2360 ii) “This rule also establishes an add-on
- 2361 payment for cases involving the use of
- 2362 new COVID-19 treatments under the
- 2363 Medicare Inpatient Prospective Payment
- 2364 System (IPPS).”
- 2365 iii) “This IFC provides for separate payment
- 2366 for new COVID-19 treatments under the
- 2367 Outpatient Prospective Payment System
- 2368 (OPPS) for the remainder of the PHE for
- 2369 COVID-19 when these treatments are
- 2370 provided at the same time as a
- 2371 Comprehensive Ambulatory Payment
- 2372 Classification (C-APC) service.”
- 2373 iv) “This rule also interprets and implements
- 2374 the requirement to maintain Medicaid
- 2375 beneficiary enrollment in order to receive
- 2376 the temporary increase in federal funding
- 2377 in the Families First Coronavirus
- 2378 Response Act (FFCRA).”

- 2379 (g) As per the requirements above, (f) is providing  
2380 monetary consideration for the administration  
2381 of the gene-therapies, and doing so across and  
2382 using the facilities of interstate commerce.
- 2383 (h) As per CMS publications<sup>173</sup>, the table labeled  
2384 “Payment Allowances and Effective Dates for  
2385 COVID-19 Vaccines and their Administration  
2386 During the Public Health Emergency” also  
2387 shows consideration offered for the commission  
2388 of these murders.
- 2389 i) Additionally, the CMS has issued blanket  
2390 waivers regarding patient rights.<sup>174</sup>
- 2391 (i) In a document from the New Mexico Legislature  
2392 discussing federal funds<sup>175</sup> they list six sources of  
2393 funding, each of which were communicated  
2394 and/or transmitted (via ‘wire’) interstate:

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<sup>173</sup> — COVID-19 Vaccines and Monoclonal Antibodies

<https://www.cms.gov/medicare/medicare-part-b-drug-average-sales-price/covid-19-vaccines-and-monoclonal-antibodies>

<sup>174</sup> — COVID-19 Emergency Declaration Blanket Waivers for Health Care Providers

<https://www.cms.gov/files/document/covid19-emergency-declaration-health-care-providers-fact-sheet.pdf>

<sup>175</sup> — LFC Hearing Brief: Tracking Federal Stimulus Funds

<https://www.nmlegis.gov/handouts/ALFC%20042921%20Item%201%20Federal%20Relief%20Funds%20Brief%204.29.21.pdf>

- 2395 i) The Coronavirus Preparedness and  
2396 Response Supplemental Appropriations  
2397 Act, 2020;
- 2398 ii) The Families First Coronavirus Response  
2399 Act;
- 2400 iii) The Coronavirus Aid, Relief, and  
2401 Economic Security (CARES) Act;
- 2402 iv) Paycheck Protection Program and Health  
2403 Care Enhancement Act;
- 2404 v) The Coronavirus Response and Relief  
2405 Supplemental Appropriations (CRRSA)  
2406 Act, 2021;
- 2407 vi) American Rescue Plan (ARP) Act of 2021.
- 2408 (j) The above —subsection (i)— allocates funds,  
2409 some of which have gone to NMSU.
- 2410 (6) **18 USC §1959**— Violent Crimes in Aid of Racketeering  
2411 *Whoever, as consideration for the receipt of, or*  
2412 *as consideration for a promise or agreement to pay,*  
2413 *anything of pecuniary value from an enterprise engaged*  
2414 *in racketeering activity, or for the purpose of gaining*

2415 *entrance to or maintaining or increasing position in an*  
2416 *enterprise engaged in racketeering activity, murders,*  
2417 *kidnaps, maims, assaults with a dangerous weapon,*  
2418 *commits assault resulting in serious bodily injury upon,*  
2419 *or threatens to commit a crime of violence against any*  
2420 *individual in violation of the laws of any State or the*  
2421 *United States, or attempts or conspires so to do, shall be*  
2422 *punished [...]*

- 2423 (a) As shown above in (5), murder has been  
2424 committed.
- 2425 (b) As shown elsewhere, the injuries to the immune  
2426 system caused by the gene-therapy is maiming.
- 2427 (c) As shown under the 'Mandates' section, the  
2428 governor and OSHA (individually, and  
2429 conspiratorially) both have threatened their  
2430 people, the populations, with extortion and  
2431 threats.
- 2432 (d) Given the above, see: **II C 5 a. (5)** and elsewhere  
2433 of this filing, there are multiple sources of  
2434 funding (consideration), promised for the

2435 murder and/or maiming and/or committing  
2436 serious bodily injury upon others, joining into  
2437 this racketeering enterprise.

2438 (7) **18 USC §175–178** — Relating to Biological Weapons

2439 **§175** makes it a crime to “*knowingly develop[s],*  
2440 *produces, stockpiles, transfers, acquires, retains, or*  
2441 *possesses any biological agent, toxin, or delivery system*  
2442 *for use as a weapon, or knowingly assists a foreign state*  
2443 *or any organization to do so, or attempts, threatens, or*  
2444 *conspires to do the same” as well as possession of “any*  
2445 *biological agent, toxin, or delivery system [...]*”

2446 **§175b** makes it unlawful for a “restricted person” to  
2447 “*ship, transport, or possess in or affecting interstate or*  
2448 *foreign commerce any biological agent or toxin*  
2449 *described in paragraph (2); or receive any biological*  
2450 *agent or toxin described in paragraph (2) that has been*  
2451 *shipped or transported in interstate or foreign*  
2452 *commerce.”*

2453 **§178** defines the terms of US Code, Title 18, Part I,  
2454 Chapter 10; and states:

2455 As used in this chapter—

2456 (1) the term “biological agent” means any

2457 microorganism (including, but not limited to,

2458 bacteria, viruses, fungi, rickettsiae or protozoa),

2459 or infectious substance, or any naturally

2460 occurring, bioengineered or synthesized

2461 component of any such microorganism or

2462 infectious substance, capable of causing—

2463 (A) death, disease, or other biological

2464 malfunction in a human, an animal, a

2465 plant, or another living organism;

2466 (B) deterioration of food, water,

2467 equipment, supplies, or material of any

2468 kind; or

2469 (C) deleterious alteration of the

2470 environment;

2471 (2) the term “toxin” means the toxic material or

2472 product of plants, animals, microorganisms

2473 (including, but not limited to, bacteria, viruses,

2474 fungi, rickettsiae or protozoa), or infectious

2475 substances, or a recombinant or synthesized  
2476 molecule, whatever their origin and method of  
2477 production, and includes—  
2478 (A) any poisonous substance or  
2479 biological product that may be  
2480 engineered as a result of biotechnology  
2481 produced by a living organism; or  
2482 (B) any poisonous isomer or biological  
2483 product, homolog, or derivative of such a  
2484 substance;  
2485 (3) the term “delivery system” means—  
2486 (A) any apparatus, equipment, device, or  
2487 means of delivery specifically designed to  
2488 deliver or disseminate a biological agent,  
2489 toxin, or vector; or  
2490 (B) any vector;  
2491 (4) the term “vector” means a living organism,  
2492 or molecule, including a recombinant or  
2493 synthesized molecule, capable of carrying a  
2494 biological agent or toxin to a host; and

2495 (5) the term “national of the United States” has  
2496 the meaning prescribed in section 101(a)(22) of  
2497 the Immigration and Nationality Act (8 U.S.C.  
2498 1101(a)(22)).

2499 (a) As shown in this filing, the mandates are full of  
2500 threats regarding the usage of bioweapons; this  
2501 necessitates their possession, stockpile, transfer,  
2502 and acquisition.

2503 (b) As shown above, there has been conspiracy to  
2504 do so regarding these bioweapons.

2505 (c) **Note:** The “restricted person” of §175b includes  
2506 terrorists as defined by **8 USC 1182(a)(3)(B)(vi)**;  
2507 and which has as part of the definition of  
2508 “terrorist activity” both: *“(II) The seizing or*  
2509 *detaining, and threatening to kill, injure, or*  
2510 *continue to detain, another individual in order to*  
2511 *compel a third person (including a governmental*  
2512 *organization) to do or abstain from doing any*  
2513 *act as an explicit or implicit condition for the*  
2514 *release of the individual seized or detained.”* **and**

2515 “(V) The use of any [...] biological agent [...] with  
2516 intent to endanger, directly or indirectly, the  
2517 safety of one or more individuals or to cause  
2518 substantial damage to property.” **and** “(VI) A  
2519 threat, attempt, or conspiracy to do any of the  
2520 foregoing.”

2521 i) **Additional note:** 8 USC 1182 is titled  
2522 “Inadmissible aliens”— The Domestic  
2523 Terrorism sections of the US Code likely  
2524 have similar definition. (Todo: Find  
2525 domestic terrorism; see if this is the same  
2526 definition.)

2527 b. As per **18 USC 2331**, among the definitions for 18 U.S. Code  
2528 Chapter 113B — Terrorism — is the following definition:

2529 *(5) the term “domestic terrorism” means activities that—*

2530 *(A) involve acts dangerous to human life that are a*  
2531 *violation of the criminal laws of the United States or of*  
2532 *any State;*

2533 *(B) appear to be intended—*

2534 *(i) to intimidate or coerce a civilian population;*

2535 *(ii) to influence the policy of a government by*

2536 *intimidation or coercion; or*

2537 *(iii) to affect the conduct of a government by*

2538 *mass destruction, assassination, or kidnapping;*

2539 *and*

2540 *(C) occur primarily within the territorial jurisdiction of*

2541 *the United States; [...]*

2542 (1) 18 U.S. Code §2333 provides for the civil remedies of  
2543 the victims of Terrorism;

2544 (2) These remedies, however, are constrained to those  
2545 victims of “International Terrorism”;

2546 (3) Therefore, without expanding the scope of the RICO to  
2547 include entities such as Janssen, Moderna, Pfizer et al.  
2548 of whom Janssen is headquartered in Beerse, Belgium  
2549 and therefore could render a ‘toehold’ on establishing  
2550 the jurisdiction of this case (or else cite the billions of  
2551 doses administered to foreign countries) this court is  
2552 itself constrained from such jurisdiction;

2553 (4) However, this is a court of record, and it should be  
2554 possible to establish as legal fact the elements of

2555 Domestic Terrorism such that a prosecutor could make  
2556 criminal charges—

2557 (a) That Michelle Lujan Grisham ordered activities  
2558 involving acts dangerous to human life in  
2559 violation of the laws of both the United States  
2560 and the State of New Mexico, appearing to be  
2561 intended to intimidate or coerce the population,  
2562 to influence policies of the government itself by  
2563 coercion, and/or effecting mass destruction and  
2564 assassination of the people of the State of New  
2565 Mexico.

2566 (b) That the Board of Regents, Human Resources  
2567 Department, and President of New Mexico State  
2568 University did willfully and, having been warned  
2569 of the legality, did conspire to implement said  
2570 policies.

2571 (c) That the administration of NMSU and its  
2572 general counsel, also being apprised of the  
2573 unlawfulness of these actions, also conspired to  
2574 implement these policies.

2575 (d) That O.S.H.A. did attempt to expand their scope  
2576 by threats of extortion for the purposes of (and  
2577 by) intimidating and/or coercing the civilian  
2578 population.

2579 c. **29 USC, Chapter 15** — OSHA’s Statutory Enabling Laws

2580 (i) **§655** (c) — regarding the issuance of Emergency  
2581 Temporary Standards— requires that the of Labor  
2582 determines that “(A) *that employees are exposed to*  
2583 *grave danger from exposure to substances or agents*  
2584 *determined to be toxic or physically harmful or from*  
2585 *new hazards, and (B) that such emergency standard is*  
2586 *necessary to protect employees from such danger.*”

2587 (a) The ETS was issued 05 Nov 2021, well after:

2588 i) The mortality rate of the “novel  
2589 coronavirus” was low.

2590 a) Circulating ‘undetected’ for  
2591 months.<sup>176</sup>

2592 b) Which was known at least as early

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<sup>176</sup> — Novel Coronavirus Circulated Undetected Months before First COVID-19 Cases in Wuhan, China  
<https://health.ucsd.edu/news/releases/Pages/2021-03-18-novel-coronavirus-circulated-undetected-months-before-first-covid-19-cases-in-wuhan-china.aspx>

2593 as 23 Apr 2021.<sup>177</sup>

2594 c) Which non-detection undermines

2595 the claims of lethality.

2596 d) Which low lethality was known —

2597 by 09 Apr 2021 the provisional

2598 mortality data showed a mortality

2599 rate of 0.11%, approx. 1-in-1000 —

2600  $375,000 \div 300,000,000 \approx 0.00125$ <sup>178</sup>

2601 ii) The so-called ‘vaccine’ was shown to

2602 have negative health impacts; as

2603 evidenced by the CDC’s VaST

2604 Workgroup’s 17 May 2021 report<sup>179</sup>

2605 iii) Why, then, did the Secretary think this

2606 was a valid ‘alternative’ to such “risk”?

2607 (b) Given (a) above, the ETS was not necessary to

2608 protect employees, known a half-year prior to

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<sup>177</sup> — Timing the SARS-CoV-2 index case in Hubei province  
<https://www.science.org/doi/epdf/10.1126/science.abf8003>

<sup>178</sup> — Provisional Mortality Data — United States, 2020  
<https://www.cdc.gov/mmwr/volumes/70/wr/mm7014e1.htm>

<sup>179</sup> — COVID-19 VaST Work Group Report – May 17, 2021  
<https://www.cdc.gov/vaccines/acip/work-groups-vast/report-2021-05-17.html>

2609 its enactment.

2610 (2) **§653** (b) (4)

2611 As shown in the ‘Jurisdiction’ section of this  
2612 filing, the implementation of this ETS certainly  
2613 violated this statute as it works “*to enlarge or diminish*  
2614 *or affect in any other manner the common law or*  
2615 *statutory rights, duties, or liabilities of employers and*  
2616 *employees under any law with respect to injuries,*  
2617 *diseases, or death of employees arising out of, or in the*  
2618 *course of, employment.*”

2619 (3) **§666** (a), (b), (d), and (g)

2620 As shown, these (along with various CFR  
2621 sections<sup>180</sup>) would work together to extort violations of  
2622 the Constitution, the Bill of Rights, international  
2623 treaties, and the laws of these United States.

2624 d. **21 USC §360bbb-3** — Authorization for medical products for  
2625 use in emergencies

2626 As detailed above:

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<sup>180</sup> — **29 CFR §1903.15 (d)**  
**29 CFR §1910.1020**  
**29 CFR §1910.501 (d)**

2627 (1) §360bbb-3 (e)(1)(A)(ii) & (III) requires “*Appropriate*  
2628 *conditions designed to ensure that individuals to whom*  
2629 *the product is administered are informed— [...] of the*  
2630 *option to accept or refuse administration of the product,*  
2631 *of the consequences, if any, of refusing administration*  
2632 *of the product, and of the alternatives to the product*  
2633 *that are available and of their benefits and risks.”* and  
2634 thereby the option to refuse is explicitly stated, **and**  
2635 the option to refuse must inhere any usage of this  
2636 emergency authorization.

2637 (a) The OSHA mandates, and the governor’s  
2638 Executive Order mandate, both of which NMSU  
2639 (via administration) operated upon the  
2640 assumption that the policies could be made  
2641 mandatory; and

2642 (b) as shown above, there was (and is) massive  
2643 extortion towards the pushing of such EUA  
2644 items,

2645 i) It should be noted that the “or get tested”  
2646 option pushed in these policies makes

2647 usage of PCR tests which, themselves, are  
2648 under EUA.<sup>181</sup>

2649 ii) Therefore any implementation of such  
2650 mandates forces implementing the false-  
2651 choice of “*get the vaccine or a*  
2652 *religious/medical exemption and get*  
2653 *tested weekly*” and is a Morton’s Fork<sup>182, 183</sup>  
2654 of violating this statute.

2655 (2) §360bbb-3 (e)(1)(A)(i) requires “*Appropriate conditions*  
2656 *designed to ensure that health care professionals*  
2657 *administering the product are informed— (I) that the*

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<sup>181</sup> — Emergency Use Authorization (EUA) Summary Fulgent COVID-19 by RT-PCR Test  
<https://www.fda.gov/media/138150/download>

<sup>182</sup> — Morton’s Fork (English history)  
“...as the inventor of ‘Morton’s Fork,’ a sophistical dilemma imposed on both rich and poor by Henry’s tax commissioners in order to extort funds for the crown. The rich were told that they could afford to contribute, and the poor were accused of having concealed wealth.”  
<https://www.britannica.com/topic/Mortons-Fork>

<sup>183</sup> — Morton’s Fork  
“A character is presented with two options. Either choice results in the same, or similar, unfortunate consequence. The Many Questions Fallacy is often a form of this, where a loaded question (‘Yes or no, have you stopped beating your wife lately?’) precludes a ‘safe’ answer (since, in this case, by denying to answer the question, you are essentially admitting that suspicions about you beating your wife are legitimate).”  
<https://tvtropes.org/pmwiki/pmwiki.php/Main/Mortonsfork>

2658 *Secretary has authorized the emergency use of the*  
2659 *product; (II) of the significant known and potential*  
2660 *benefits and risks of the emergency use of the product,*  
2661 *and of the extent to which such benefits and risks are*  
2662 *unknown; and (III) of the alternatives to the product*  
2663 *that are available, and of their benefits and risks.”*

2664 (a) NMSU’s healthcare personnel were not  
2665 informed of the potential risks and benefits, or  
2666 how many risks were unknown;

2667 (b) NMSU’s healthcare personnel were not  
2668 informed as to the alternative available;

2669 (c) Further this omission prevented NMSU’s  
2670 healthcare personnel from complying with:

2671 (3) §360bbb-3 (e)(1)(A)(ii) & (II) which requires  
2672 *“Appropriate conditions designed to ensure that*  
2673 *individuals to whom the product is administered are*  
2674 *informed— [...] of the significant known and potential*  
2675 *benefits and risks of such use, and of the extent to which*  
2676 *such benefits and risks are unknown;”*

2677 e. **18 U.S. Code §1001**

- 2678 (i) OSHA, in the matters above, did knowingly and  
2679 willfully make statements “*covered by trick*”, which  
2680 were “*materially false, fictitious, or fraudulent*  
2681 *statement or representation*”, and which were  
2682 disseminated via writing and document both.
- 2683 (a) The ‘*covering by trick*’ being the abuse of power,  
2684 the trick that they were acting legitimately.
- 2685 (b) The violations of the 8<sup>TH</sup> Amendment,  
2686 surreptitiously, as “*finest*” put in place by the  
2687 CFR.
- 2688 (c) Their violations of treaties, mentioned herein;
- 2689 (d) Their violations of the 4<sup>TH</sup> Amendment.
- 2690 (e) Their violations of the 5<sup>TH</sup> Amendment.
- 2691 (f) Their violations of the 9<sup>TH</sup> Amendment.
- 2692 (g) Their violations of the law regarding genetic  
2693 discrimination.
- 2694 (h) The requirements of §360bbb-3, listed above,  
2695 which require the option of refusing a product  
2696 under Emergency Use Authorization.
- 2697 f. **18 USC §1343**

2698                                    “Whoever, having devised or intending to devise any  
2699                                    scheme or artifice to defraud [...] or causes to be transmitted by  
2700                                    means of wire, radio, or television communication in interstate  
2701                                    or foreign commerce, any writings, signs, signals, pictures, or  
2702                                    sounds for the purpose of executing such scheme or artifice,  
2703                                    shall be fined under this title or imprisoned not more than 20  
2704                                    years, or both.” — There are multiple violations by NMSU:

2705                                    (1)    As per **18 USC §1346**: “For the purposes of this chapter,  
2706                                    the term ‘scheme or artifice to defraud’ includes a  
2707                                    scheme or artifice to deprive another of the intangible  
2708                                    right of honest services.”

2709                                    (2)    Thus, we can see that the honest services to students  
2710                                    were destroyed by NMUS’s requirement that they  
2711                                    submit to aforementioned illegal mandates.

2712                                    (3)    Thus we see that the honest services, such as those  
2713                                    expected by the administration & general counsel  
2714                                    (arguably due process) which constitute complaint,  
2715                                    clarification, and reporting suspected illegal activity  
2716                                    were denied to both employees and students.

2717                                    (4)    These mandates, under the color of authority, were

2718 promulgated across state-lines via e-mail (some  
2719 students and employees live in El Paso, TX).

2720 (5) **Note:** This violation is also a RICO ‘prohibited activity’.

2721 g. **18 USC §2000e-2** (Equal Employment Opportunities)

2722 *“It shall be an unlawful employment practice for an*  
2723 *employer— [...] to discharge any individual, or otherwise to*  
2724 *discriminate against any individual with respect to his*  
2725 *compensation, terms, conditions, or privileges of employment,*  
2726 *because of such individual’s [...] national origin; or to limit,*  
2727 *segregate, or classify his employees or applicants for*  
2728 *employment in any way which would deprive or tend to deprive*  
2729 *any individual of employment opportunities or otherwise*  
2730 *adversely affect his status as an employee, because of such*  
2731 *individual’s [...] national origin.”*

2732 As evidenced by the nature of the applicability of the  
2733 ETS as described in the ‘Jurisdiction’ section (that of the  
2734 majority of workers) combined with the policy put forth by  
2735 the Department of Defense and as per a Congressional

2736 Research Service Report<sup>184</sup> the U.S. Citizenship and  
2737 Immigration Services announced “it will not consider any  
2738 ‘testing, treatment, nor preventative care (including vaccines)’  
2739 for COVID-19 as part of the public charge inadmissibility  
2740 determination” (an apparently ongoing policy<sup>185</sup>), we see that  
2741 the tendency of these policies here is that there is a  
2742 discrimination based upon national origin — against both  
2743 retaining employment (e.g. NMSU’s policy of firing for non-  
2744 compliance with the now stricken OSHA mandate) and (in  
2745 the effects of that selfsame OSHA mandate) obtaining new  
2746 employment.

2747 h. **18 USC §2000ff-1** (Genetic Discrimination)

2748 “(a) *Discrimination based on genetic information*

2749 *It shall be an unlawful employment practice for*

2750 *an employer—*

2751 *(1) to fail or refuse to hire, or to discharge, any*

2752 *employee, or otherwise to discriminate against any*

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<sup>184</sup> — Unauthorized Immigrants’ Access to COVID-19 Vaccines (25 Feb 2021)  
<https://crsreports.congress.gov/product/pdf/IN/IN11617>

<sup>185</sup> — Biden orders most US workers get vaxxed — but not illegal border crossers (10 Sep 2021)  
<https://nypost.com/2021/09/10/biden-wont-order-illegal-immigrants-to-get-covid-vaccine/>

2753 *employee with respect to the compensation, terms,*  
2754 *conditions, or privileges of employment of the employee,*  
2755 *because of genetic information with respect to the*  
2756 *employee; or*  
2757 *(2) to limit, segregate, or classify the employees*  
2758 *of the employer in any way that would deprive or tend to*  
2759 *deprive any employee of employment opportunities or*  
2760 *otherwise adversely affect the status of the employee as*  
2761 *an employee, because of genetic information with*  
2762 *respect to the employee.”*

2763 As demonstrated above, with the testing mandates  
2764 (which is in place even if you have subjected yourself to the  
2765 so-called “vaccine”) and the surrendering of genetic  
2766 information to harvesting, the mandates are clearly  
2767 discriminatory upon the “genetic information” of the  
2768 employee because as per **42 U.S. Code §2000ff (4)**:

2769 *“(4) Genetic information*  
2770 *(A) In general*  
2771 *The term “genetic information” means,*  
2772 *with respect to any individual, information*

2773 *about—*

2774 *(i) such individual’s genetic tests,*

2775 *(ii) the genetic tests of family members of*

2776 *such individual, and*

2777 *(iii) the manifestation of a disease or*

2778 *disorder in family members of such*

2779 *individual.*

2780 *(B) Inclusion of genetic services and*

2781 *participation in genetic research*

2782 *Such term includes, with respect to any*

2783 *individual, any request for, or receipt of, genetic*

2784 *services, or participation in clinical research which*

2785 *includes genetic services, by such individual or any*

2786 *family member of such individual.*

2787 *(C) Exclusions*

2788 *The term “genetic information” shall not include*

2789 *information about the sex or age of any individual.”*

2790 (1) **Note:** The above contains prohibitions on

2791 discriminating against the person because of their own

2792 genetic information, but “the manifestation of a disease

2793 or disorder in family members of such individual” must  
2794 be covered by the tests; also, as per subsection (b), “*It*  
2795 *shall be an unlawful employment practice for an*  
2796 *employer to request, require, or purchase genetic*  
2797 *information with respect to an employee or a family*  
2798 *member of the employee except— [...]*” also bars the  
2799 mandate from being legitimate.

2800 6. The TL;DR: The imposition of these mandates obliterates and  
2801 nullifies more than seven hundred years of jurisprudence<sup>186</sup> and  
2802 undermines the whole foundation of our legal-system, therefore the  
2803 consequences of implementation such that it violates a multitude of  
2804 laws, both civil and criminal.

2805

2806 IV. **Injuries**

2807 If you sustained injuries related to the events alleged above, describe your injuries  
2808 and state what medical treatment, if any, you required and did or did not receive.

2809 A. I’ve begun clenching my teeth in response to the blatant injustice and lack  
2810 of concern on doing justly by those in authority. I have not sought any

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<sup>186</sup> — In the Years of Our Lord 1215, 1216, 1217, 1225, and 1297 the Magna Carta codified the constraint of the King and clearly established that even a King is subject to the Law.

2811 dental care as yet, due to the need to reduce spending due to the lack of  
2812 income.

2813 V. **Relief**

2814 State briefly what you want the court to do for you. Make no legal arguments. Do  
2815 not cite any cases. If requesting money damages, include the amounts of any actual  
2816 damages and/or punitive damages claimed for the acts alleged. Explain the basis for these  
2817 claims.

2818

2819 There is grievous damage here: from our ancient rights, to the Articles of  
2820 Confederation, to the Constitution & the Bill of Rights, all of which our  
2821 government is founded upon — thus the damage is not only to myself, but to  
2822 everyone living under such government — and how can such have a price? What is  
2823 the cost of Liberty?

2824 While the plaintiff asserts that such are priceless, the infringement thereon  
2825 should bear painful results, so as to discourage further or future infringement, and  
2826 particularly painful to the persons enacting such infringement.

2827 Leaving aside the Mayhem & Murder, etc that these actions supported and  
2828 endorsed —because the plaintiff cannot place a dollar-price on the “life and limb”  
2829 of his fellow Citizen, nor should he gain from the demise of those not kin— and  
2830 because the Just and Proper punishment thereof is Death, which insofar as the

2831 plaintiff knows is not achievable within a civil suit like this one.

2832 **A. Occupational Safety & Health Administration**

2833 Given the onerous and egregious nature of the administration, and  
2834 the utter desecration of our ancient Rights, the Bill of Rights, and our  
2835 Constitution, I believe that the proper remedy is the complete dissolution of  
2836 the Administration; however, I suspect that the Court will view this as a  
2837 heavy-handed solution, possibly exceeding the court's own authority,  
2838 therefore, I propose as an alternative:

- 2839 1. \$10,000,000.<sup>00</sup> for the 1<sup>ST</sup> Amendment violations.
- 2840 2. \$10,000,000.<sup>00</sup> for the 2<sup>ND</sup> Amendment violations.
- 2841 3. \$20,000,000.<sup>00</sup> for the 4<sup>TH</sup> Amendment violations.
- 2842 a. Security of Person,
- 2843 b. Security of Papers.
- 2844 4. \$30,000,000.<sup>00</sup> for the 5<sup>TH</sup> Amendment violations.
- 2845 a. Violation of Due Process by assuming guilt,
- 2846 b. Violation of Due Process by curtailing liberties w/o trial,
- 2847 c. Violation of Due Process by disallowing proper  
2848 defense/chance-of-acquittal.
- 2849 5. \$20,000,000.<sup>00</sup> for the 8<sup>TH</sup> Amendment violations.
- 2850 a. The cruel and unusual punishment of the hardships imposed

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upon those seeking new employment.

- b. The excessive fines.
- 6. \$60,000,000.<sup>00</sup> for the 9<sup>TH</sup> Amendment violations.
  - a. Violating ancient jurisprudential rights;
    - (1) Magna Carta Item #14: *“A freeman is not to be amerced for a small offence save in accordance with the manner of the offence, and for a major offence according to its magnitude”*
    - (2) Magna Carta Item #29 *“No freeman is to be taken or imprisoned or disseised<sup>187</sup> of his free tenement or of his liberties or free customs, or outlawed or exiled or in any way ruined, nor will we go against such a man or send against him save by lawful judgement of his peers or by the law of the land. To no-one will we sell or deny of delay right or justice.”*
      - (a) Disseised of liberties.
      - (b) Disseised of free customs.
      - (c) Ruination imposed.

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<sup>187</sup> — **DISSEIZED:** Put out of possession wrongfully or by force; deprived of actual possession.

<http://webstersdictionary1828.com/Dictionary/Disseized>

- 2869                   b.     Violation of the notion that contracts cannot be unilaterally  
2870   altered.
- 2871                   c.     Violation that some contracts are invalid by the nature of the  
2872   contents thereof.
- 2873                   7.     \$10,000,000.<sup>00</sup> for the 10<sup>TH</sup> Amendment violations.
- 2874                   8.     \$10,000,000.<sup>00</sup> for the 13<sup>TH</sup> Amendment violations.
- 2875                   9.     For a subtotal of **\$170,000,000.<sup>00</sup>** for Bill of Rights violations.
- 2876                   10.    \$5,000,000.<sup>00</sup> for 42 USC §1985 violations.
- 2877                   11.    \$20,000,000.<sup>00</sup> for RICO violations:
- 2878                   a.     18 USC §1951 — Interference w/ Commerce       (\$5,000,000)
- 2879                   b.     18 USC §1959 — Violent Crimes in Aid           (\$5,000,000)
- 2880                   c.     18 USC §175-178     — Biological Weapons       (\$10,000,000)
- 2881                   12.    \$10,000,000.<sup>00</sup> for the violation of 21 USC §360bbb-3.
- 2882                   13.    For a grand total of **\$205,000,000.<sup>00</sup>**
- 2883                                   — and that the above should be applied evenly as ½ paid from the  
2884                   Administration's funds, and ½ paid by the persons in  
2885                   administrative/executive positions, proportionally weighted by the  
2886                   authority of the position they occupy within the Administration.
- 2887
- 2888                   14.    The termination of employment of all administration- and executive-

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

level positions within OSHA and prohibition from employment by Federal government, directly or indirectly as a [sub-]contractor, for not less than five years.

**B. New Mexico State University**

Likewise NMSU has, through its Board of Regents, Administration, General Counsel, etc combined to deprive its employees of rights as well as Interfering with Commerce, Wire Fraud, Genetic Discrimination, Religious Discrimination, and probable Bank Fraud.

**1. Board of Regents**

a. \$3,003,000.<sup>00</sup> —  
\$600,000.<sup>00</sup> from each voting member of the Board of Regents, and \$1,000.<sup>00</sup> from non-voting members of the Board of Regents; for while the non-voting members could be excused for not having a say in the implementation of policy, they should bear some punishment for allowing the rest of the members to engage in such unlawful activities.

**2. General Counsel**

a. \$2,000,000.<sup>00</sup> —  
(1) \$1,000,000.<sup>00</sup> for the negligence and malfeasance involved in supporting and defending these mandates;

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

2909                   (2)     \$1,000,000.<sup>00</sup> for assisting the University Officials &  
2910   Administration in their conspiracy to deprive their  
2911   employees and students of rights; and  
2912   — spit  $\frac{1}{3}$ <sup>RD</sup> to the assistants &  $\frac{2}{3}$ <sup>RD</sup> to the General Counsel and  
2913                   Associates such that of the remainder  $\frac{1}{2}$  to the General Counsel and  
2914                    $\frac{1}{4}$  to the associates; to wit: \$222,222.<sup>22</sup> for each of the Assistants,  
2915                   \$333,333.<sup>33</sup> for each of the Associates, and \$666,666.<sup>68</sup> for the General  
2916                   Counsel, and  
2917                   b.     A letter from the Court to the New Mexico State Bar  
2918   requesting the censure and/or disbarment of all individuals in  
2919   NMSU's General Counsel office.

2920                   3.     **Other Administration**

2921   For their acquiescence to these \$2,402,000.<sup>00</sup> —  
2922                   a.     \$800,000.<sup>00</sup> from John Floros;  
2923                   b.     \$800,000.<sup>00</sup> from Gena Jones;  
2924                   c.     \$800,000.<sup>00</sup> from Dan Arvizu;  
2925                   d.     \$2,000.<sup>00</sup> from James McAteer;  
2926                   e.     \$2,000.<sup>00</sup> from Jamie Erickson.

2927                   4.     **N.M.S.U., as an institution**

2928   And the remainder (\$199,995,000.<sup>00</sup>) from the institution of

Edward Russell Fish v. O.S.H.A., N.M.S.U., et al  
New Mexico State University.

2929

2930

C. **Compensatory Damages**

2931

1. **Base Salary and Benefits Deprived**

2932

a. Salary: \$55,000 / year.

2933

b. NMERB: 15.15% Salary / year.<sup>188</sup>

2934

c. Leave: 21 Days / year.<sup>189</sup>

2935

2. Tripling, as per 18 U.S.C. §1964.

2936

3. **Legal Expenses**

2937

a. Attorney's fees run between \$100 and \$400<sup>190</sup>.

2938

b. As this is a pro se filing, I am charging myself \$200/Hr, which seems a reasonable rate to recoup for the trouble.

2939

2940

c. My research and production of this document has cost

2941

approximately 80 Hours, this equates to \$16,000 as of filing.

2942

D. Whereas the US Constitution prohibits the States from making anything

2943

but Gold or Silver tender in payment for debt, I also pray that such damage-

2944

relief be paid according to 31 USC §5112 (a)(7 through 10) & (e) using the

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<sup>188</sup> — NM Educational Plan (NMERB)  
<https://benefits.nmsu.edu/retire/nmerb/>

<sup>189</sup> — Annual Leave  
<https://benefits.nmsu.edu/leave-holidays/annual-leave/>

<sup>190</sup> — Average Attorney Fees  
<https://thervo.com/costs/attorney-fees>

2945 smallest number of coinage.

2946 **VI. Certification and Closing**

2947 Under Federal Rule of Civil Procedure 11, by signing below, I certify to the best of  
2948 my knowledge, information, and belief that this complaint:

- 2949 1. is not being presented for an improper purpose, such as to harass,  
2950 cause unnecessary delay, or needlessly increase the cost of litigation;
- 2951 2. is supported by existing law or by a nonfrivolous argument for  
2952 extending, modifying, or reversing existing law;
- 2953 3. the factual contentions have evidentiary support or, if specifically so  
2954 identified, will likely have evidentiary support after a reasonable  
2955 opportunity for further investigation or discovery; and
- 2956 4. the complaint otherwise complies with the requirements of Rule 11.

2957 **A. For Parties Without an Attorney**

2958 I agree to provide the Clerk's Office with any changes to my address where  
2959 case-related papers may be served. I understand that my failure to keep a current address  
2960 on file with the Clerk's Office may result in the dismissal of my case.

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Edward Russell Fish v. O.S.H.A., N.M.S.U., et al

Date of signing: \_\_\_\_\_

Plaintiff's Signature: \_\_\_\_\_

Plaintiff's Printed Name: \_\_\_\_\_

**B. For Attorneys**

Date of signing: \_\_\_\_\_

Attorney's Signature: \_\_\_\_\_

Attorney's Printed Name: \_\_\_\_\_

Bar Number: \_\_\_\_\_

Name of Law Firm: \_\_\_\_\_

Address: \_\_\_\_\_

\_\_\_\_\_  
City State Zip Code

Telephone Number: \_\_\_\_\_

E-mail Address: \_\_\_\_\_