

**In The United States District Court
For The District Of Columbia**

BRET D. LANDRITH)
Apt. 209, 5308 SW Tenth St.)
Topeka, KS 66604)
bret@bretlandrith.com)
1-913-951-1715)

Case No. 12-cv-01916-ABJ

SAMUEL K. LIPARI)
803 S. Lake Drive)
Independence, MO 64064)
saml@medicalsupplyline.com)
1-816-365-1306)

Plaintiffs

vs.

Hon. JOHN G. ROBERTS, JR.,)
Chief Justice of the United States)
1 First St. NE)
Washington, DC 20543)

**RESPONSE TO
FOX Order**

In his official capacity as head of the)
Judicial Conference of the United States)

Defendant

PLAINTIFFS' RESPONSE TO FOX ORDER

Comes now the plaintiffs, BRET D. LANDRITH and SAMUEL K. LIPARI, appearing *pro se* and make their response to the court's April 2, 2013 FOX Order which is in clear error. Plaintiffs timely responded to Chief Justice JOHN G. ROBERTS, JR's Motion to Dismiss (Doc.# 9) and this court received the plaintiffs' response to the dispositive motion with the plaintiffs pleading captioned First Amended Complaint

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Under Rule 15(a)(1)(B) (See Exhibit 1 UPS Tracking Receipt), a “responsive amendment” under Rule 15 Committee Notes on Rules—2009 Amendment.

POINTS IN SUPPORT OF PLAINTIFF’S PROPOSED ORDER

1. The plaintiffs’ First Amended Complaint Under Rule 15(a)(1)(B) (“Pltfs 1st Amd. Cplt.”) identifies the specific material misrepresentations of facts and law upon which Chief Justice JOHN G. ROBERTS, JR seeks dismissal. Chief Justice JOHN G. ROBERTS, JR. materially misrepresented facts and law court’s prior precedent *McBryde v. Committee to Rev. Cir. Council Conduct*, 83 F.Supp.2d 135 at 149 (D.D.C., 1999) shows that it has subject matter jurisdiction over a chief judge of a higher appellate court for injunctive relief under the constitution and did indeed exercise that jurisdiction and grant declaratory relief against Fifth Circuit Chief Judge under the First Amendment *McBryde* 83 F.Supp.2d 178, *id.*) [Pltfs 1st Amd Cplt. Pg. 30 ¶¶ 101-102] and neither the D.C. court’s exercise of subject matter jurisdiction under the constitution or the award of declaratory relief under the First Amendment of the constitution (not 28 U.S.C. § 351-355) was modified by *McBryde v. Committee to Rev. Cir. Council Conduct*, 264 F.3d 52 (D.C.Cir.2001) [Pltfs 1st Amd Cplt. Pg. 29 ¶¶ 98-99]. Likewise, the plaintiffs’ original (Doc. 1 Pg. ¶22) and amended complaints expressly state material facts prohibiting the application of *In re Marin*, 956 F.2d 339, 340 (D.C. Cir.) [Pltfs 1st Amd Cplt. Pg. 29 ¶¶ 74-76] where Chief Justice JOHN G. ROBERTS, JR. ’s court did not exercise judicial power over the plaintiffs and the injunctive relief is sought in a ministerial/administrative capacity and expressly disclaimed relief against Chief Justice JOHN G. ROBERTS, JR. in his judicial capacity or against his court.

2. Chief Justice JOHN G. ROBERTS, JR. materially misrepresented facts related to the role and function the plaintiffs' seek to enjoin. Chief Justice JOHN G. ROBERTS, JR. after conducting a legislative committee investigation (Implementation of the Judicial Conduct and Disability Act of 1980 A Report to the Chief Justice The Judicial Conduct and Disability Act Study Committee Stephen Breyer, Chair September 2006) has exercised his ministerial powers in response to the evidence of foreseeable constitutional injuries to parties' rights (of the nature described in plaintiffs' injunctive relief Count I) and modified the judicial ethics case reporting rules for the judicial conferences. The plaintiffs' prospective injunctive seeks to prevent constitutional injury the plaintiffs are in imminent danger of being subjected [Pltfs 1st Amd Cplt. Pgs. 45-47] to as they try to protect their business property rights including the right to enforce contracts free from the Novation LLC medical supply cartel's extortion and the federal benefits of Medicaid and Food Stamps. And to now in Count III [Pltfs 1st Amd Cplt. Pgs. 50-53] prevent the imminent danger of future rights violations caused by Chief Justice JOHN G. ROBERTS, JR.'s post complaint misconduct [Pltfs 1st Amd Cplt. Pgs. 22- 40 ¶¶ 74-102] in the present Art. III case and controversy.

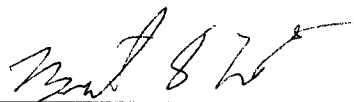
3. Chief Justice JOHN G. ROBERTS, JR's Motion to Dismiss (Doc.# 9) is no longer pending before this court. The plaintiffs have made a responsive amendment. The Rule 15 Committee Notes on Rules—2009 Amendment states:

“This provision will force the pleader to consider carefully and promptly the wisdom of amending to meet the arguments in the motion. **A responsive amendment may avoid the need to decide the motion or reduce the number of issues to be decided, and will expedite determination of issues** that otherwise might be raised seriatim.”[Emphasis added]

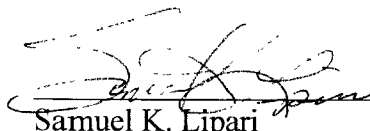
The orders attached to Chief Justice JOHN G. ROBERTS, JR's Doc. 9 regard a complaint amended in less than 21 days automatically rendering the Kansas District defendants' motions to dismiss as moot. This court has properly determined the plaintiffs have an **absolute right** to amend within 21 days of Chief Justice JOHN G. ROBERTS, JR's Motion to Dismiss (Doc.# 9) in *Villery v. Dist. of Columbia* at pg. 2 (D.D.C., 2011) and Chief Justice JOHN G. ROBERTS, JR must supplement his dispositive motion or answer within 14 days. See *Plunkett v. Dep't of Justice* at 3-4 (D.D.C., 2011) and Fed. R. Civ. P. Rule 15 Committee Notes on Rules—2009 Amendment. See Exhibit 2 Proposed Order.

4. The court's delay in docketing the original complaint after receiving it, the court's swift one day ruling on an opposed defendant's motion for extension; the court's mis-docketing of the plaintiffs' motion and evidentiary exhibits in opposition; the failure to rule on the plaintiffs' unopposed motion for electronic filing; and the court's censorship of the plaintiffs' pleadings without a motion to strike being filed or a *sua sponte* ruling by the court being entered have created appealable Due Process issues that if combined with the court's judicial nullification of F. R. Civ. P. Rule 15(a)(1)(B) and the prior precedent of this jurisdiction in *Villery v. Dist. of Columbia* at pg. 2 (D.D.C., 2011) and *Plunkett v. Dep't of Justice* at 3-4 (D.D.C., 2011) places this matter into a position for a meritorious appeal should the court summarily dismiss the plaintiffs' original and First Amended Complaint Under Rule 15(a)(1)(B).

Respectfully submitted,



Bret D. Landrith
Plaintiff appearing *pro se*

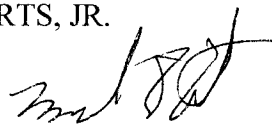


Samuel K. Lipari
Plaintiff appearing *pro se*

CERTIFICATE OF SERVICE

The plaintiff's hereby certify that they have served the defendant's counsel by email and by ship to print copy on April 3, 2013.

Ms. Claire Whitaker,
Assistant U.S. Attorney
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Attorney for Defendant Hon. JOHN G. ROBERTS, JR.



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TRACKING NUMBER J452 109 394 9

SHIP TO:

NAME: [REDACTED]

ADDRESS: [REDACTED]

CITY: [REDACTED]

STATE: [REDACTED]

ZIP: [REDACTED]

SHIP FROM:

NAME: [REDACTED]

ADDRESS: [REDACTED]

CITY: [REDACTED]

STATE: [REDACTED]

ZIP: [REDACTED]

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Drop-Off Package Receipt: 1 of 1

THIS IS NOT A SHIPPING LABEL. PLEASE SAVE FOR YOUR RECORDS.

DROP-OFF LOCATION: The UPS Store #4375, 605 SW US HIGHWAY 40, BLUE SPRINGS MO 64014-3232

DROP-OFF DATE/TIME: Fri 29 Mar 2013 3 05 PM

ESTIMATED PICKUP DATE: UPS (R1-) Fri 29 Mar 2013 1 pkg

TOTAL PACKAGES: 1 pkg

TRACKING NUMBER	CARRIER & SERVICE	wt(lbs)
J4521093949	UPS Next Day	3 000 ManWt

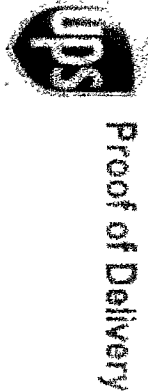
Signed By: FORD

Delivered To: WASHINGTON, DC, US

Delivered On: 04/01/2013 10:27 A.M.

Service: UPS NEXT DAY AIR

Tracking Number: J4521093949



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This receipt lists each package received by The UPS Store #4375 and indicates that the information for each package has been transmitted to each carrier's data system. This receipt is not confirmation that the carrier has picked up the packages. To verify when and if a package has been picked up enter one of the following web addresses in your browser and enter the tracking numbers listed above: <http://theupsstore.com> (select Tracking then enter Tracking #) You acknowledge that the shipment services provided by The UPS Store #4375 for the listed packages are subject to and governed by each Carrier Agreement, if applicable, the Rates and Service Guide for each carrier, and the tariff in effect at the time of shipment.

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**In The United States District Court
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BRET D. LANDRITH,)	
SAMUEL K. LIPARI,)	
<i>Plaintiffs,</i>)	
v.)	Case No. 1:12-cv-01916- ABJ
HON. JOHN G. ROBERTS, JR.,)	
Chief Justice of the United States,)	
<i>Defendant.</i>)	

ORDER

The defendant Chief Justice Hon. JOHN G. ROBERTS, JR. is ordered to supplement his Motion to Dismiss (Doc. #9) or otherwise respond addressing allegations in the plaintiffs' timely First Amended Complaint Under Rule 15(a)(1)(B).

The defendant has fourteen days to answer or otherwise respond to the new complaint. See *Plunkett v. Dep't of Justice* at 3-4 (D.D.C., 2011) and Fed. R. Civ. P. Rule 15 Committee Notes on Rules—2009 Amendment.

It is this _____ day of _____, 2013,

ORDERED, that the answer or other response is due on April ____, 2013.

Copies to Defendant:

UNITED STATES DISTRICT JUDGE

Copies to Defendant:

Chief Justice Hon. JOHN G. ROBERTS, JR.
via counsel
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EXHIBIT 2 PROPOSED ORDER