

NO. 24-430

In the Supreme Court of the United States

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ORIGINAL

IN RE GREGORY STENSTROM ET AL.,

Petitioners.

**On Petition for an Extraordinary Writ of Mandamus
to the U.S. Court of Appeals for the Third Circuit**

**PETITION FOR
EXTRAORDINARY WRIT OF MANDAMUS**

Gregory Stenstrom
Primary Contact
for Petitioners Pro Se
1541 Farmers Lane
Glen Mills, PA 19342
856-264-5495
gstenstrom@xmail.net

October 4, 2024

**TO THE HONORABLE CHIEF JUSTICE AND
THE ASSOCIATE JUSTICES OF THE
SUPREME COURT OF THE UNITED STATES:**

**DIRECTING RESPONDENT TO FULFILL
STATUTORY DUTIES REGARDING
INVESTIGATION OF ELECTION FRAUD
BEFORE CERTIFICATION OF THE 2024
ELECTION.**

PETITIONERS:

**GREGORY STENSTROM, LEAH HOOPEES,
ROBERT MANCINI, JOY SCHWARTZ, KATHRYN
BUCKLEY, SCOTT EDWIN THOMAS, ERIK
KOCHER, CARRIS KOCHER, PAUL RUMLEY,
JON MARIETTA, GENO GALLO, MELANIE
PATTERSON, SUSANNA DEJEET, MICHAEL
MILLER, BRIAN YANOVIK, FELICE FEIN,
JEANNE WHITE, SEAN PATRICK CONNOLLY,
ASHLEY DUFF, DARLENE SMAIL, CARRIE
HAHN, RENEE MAZER, MARTY SELKER**

RESPONDENT:

**MERRICK GARLAND, ATTORNEY GENERAL OF
THE UNITED STATES**

FILED BY: /S/ GREGORY STENSTROM

QUESTIONS PRESENTED

1. Does the Department of Justice's policy of deferring investigations, as outlined in its Election Crimes Branch Memorandum (Eighth Edition, 2017), violate the Take Care Clause of Article II, Section 3, by abdicating its constitutional duty to enforce federal election laws, and does this failure warrant immediate judicial intervention to prevent harm to the 2024 election?
2. Under *Ex parte Young*, does this Court have the authority to issue an emergency injunction compelling the DOJ to investigate credible election fraud allegations, particularly where the DOJ's misuse of prosecutorial discretion prevents judicial review of statutory violations and infringes on this Court's role in ensuring compliance with federal law?
3. Does this Court's precedent in *New Jersey v. New York* justify the immediate appointment of a Special Master to oversee DOJ compliance with federal election laws, particularly in light of the DOJ's systemic misuse of prosecutorial discretion to defer investigations, which poses an imminent threat to the 2024 election?
4. Does the DOJ's improper deferral of credible election fraud investigations violate Petitioners' Fifth and Fourteenth Amendment rights to due process and equal protection, warranting immediate judicial oversight to prevent irreparable harm and ensure the integrity of the 2024 election?

5. Does the DOJ's systemic obstruction of election fraud investigations through improper prosecutorial discretion violate Petitioners' First Amendment right to petition the government for redress of grievances and justify immediate judicial intervention to protect the electoral process ahead of the 2024 election?

PARTIES TO THE PROCEEDING

Petitioners:

The petitioners are comprised of current and former candidates for public office, elected officials, Judges of Elections, “certified poll watchers,” “authorized representatives,” and Republican, Democrat, and Constitution party officers, engaged in election oversight across multiple counties in Pennsylvania. These individuals are unified in their shared commitment to ensuring election integrity and have faced direct, imminent harm as a result of the Department of Justice's (DOJ) unlawful deferral policy regarding investigations into election fraud. Their particularized, concrete harm, as well as their statutory duties under Pennsylvania's Election Code (25 P.S.), establish their standing in this proceeding. The petitioners include:

Delaware County, Pennsylvania – “Delco Election Deep Divers” (DEDD)

- **Gregory Stenstrom:** A career naval officer, business owner, authorized representative, and certified poll watcher. Stenstrom uncovered election fraud in Delaware County during the 2020 and 2022 national elections and has provided critical testimony and evidence in both state and federal cases. As an active participant in election oversight, Stenstrom faces direct and imminent harm due to the DOJ's deferral policy.
- **Leah Hoopes:** Former Republican Committeewoman, co-defendant in *Savage v. Trump et al.*,

and certified poll watcher. Hoopes has also provided critical evidence regarding election fraud and has faced retaliation. Her role in overseeing the 2024 election is compromised by the DOJ's policy.

- **Robert Mancini:** Cybersecurity expert and lead plaintiff in *Mancini, Stenstrom, Hoopes, Schwartz v. Delaware County*. Mancini has filed numerous lawsuits and RTK requests and actively challenges election irregularities, facing imminent harm due to the DOJ's inaction.
- **Scott Edwin Thomas:** Judge of Elections for Marple 5-2 precinct and certified poll watcher. Thomas's duties are undermined by the DOJ's deferred investigation policy, causing direct harm in fulfilling his election oversight role.
- **Joy Schwartz:** Elected Committeewoman, former candidate for Delaware County Council, and co-plaintiff in lawsuits concerning election transparency. Schwartz's requests for recounts have been ignored or obstructed, leading to particularized harm.
- **Kathryn Buckley:** Current candidate for Pennsylvania State Representative, former certified poll watcher, and authorized representative. Buckley's legal challenges to election recounts have been delayed by the DOJ's deferral policy, placing her in imminent harm.
- **Erik Kocher and Carris Kocher:** Certified poll watchers and authorized representatives who have submitted multiple requests regarding

election processes, Pennsylvania loyalty act compliance, and transparency to election officials. Their efforts have been obstructed, causing harm.

- **Paul Rumley:** Republican Committeeman who has been actively involved in legal challenges to election recounts and access to public election records. Rumley has faced systemic obstruction by county officials, and will be again providing oversight of the 2024 election that places him in imminent harm.
- **Renee Mazer:** Licensed attorney, active in election transparency efforts. She has faced harassment, retaliation, and direct threats due to her legal representation in election-related cases. Mazer's statutory role and involvement in election oversight places her at risk due to the DOJ's policy.

Chester County, Pennsylvania

- **Brian Yanoviak:** A former candidate for Chester County Recorder of Deeds. Yanoviak has faced retaliatory actions and administrative harassment for challenging the 2020 and 2023 election results. The DOJ's failure to investigate election fraud has caused ongoing harm to Yanoviak's personal and professional life.
- **Felice Fein:** Elected Republican Committee Member and certified poll watcher. Fein has successfully litigated RTK requests but continues to face obstructions from Chester County, impeding her election oversight responsibilities.

Lancaster County, Pennsylvania

- **Michael Miller:** Former candidate for Pennsylvania State Senate District 36. Miller has faced judicial obstruction and harassment after contesting election results in 2022. The DOJ's deferral policy has left his claims unaddressed, causing ongoing harm to his reputation and finances.

Fayette County, Pennsylvania

- **Jon "Hillbilly" Marietta:** Elected Recorder of Deeds in Fayette County. Former Republican candidate for County Commissioner. Marietta's efforts to secure election transparency have been obstructed by both state and federal officials, resulting in harm due to the DOJ's failure to investigate.
- **Geno Gallo:** Former Democrat candidate for County Commissioner, Gallo has worked alongside Marietta in pursuing election transparency and faces similar harms.
- **Melanie Patterson:** Elected Republican Committeewoman and Judge of Elections. Patterson's efforts to ensure accurate voter rolls and remove unqualified electors have been blocked by the DOJ's deferred investigation policies.

Westmoreland County, Pennsylvania

- **Susanna DeJeet:** Former Republican Committeewoman removed for opposing Pennsylvania's Act 77 "no excuse" mail-in ballots. Successfully petitioned for amendment to Act 77. DeJeet continues to advocate for election transparency and faces retaliation due to the DOJ's deferred investigation policies.

Montgomery County, Pennsylvania

- **Jeanne White:** Elected precinct representative, certified poll watcher, and authorized representative. White's involvement in challenging election machine processes has been hindered by the DOJ's deferral policy, causing imminent harm.
- **Sean Patrick Connolly:** Former Deputy Sheriff and active in exposing government corruption related to election transparency. Connolly's efforts to oversee election integrity have been obstructed by the DOJ's failure to act.

Lawrence County, Pennsylvania

- **Carrie Hahn:** An advocate for government transparency who has filed multiple RTK requests related to election records and government transparency. Hahn's efforts to ensure election integrity have been systematically obstructed by government officials.

Washington County, Pennsylvania – "Audit the Vote" Citizen Group

- **Ashley Duff:** Certified poll watcher and Judge of Elections who has faced obstruction in her

efforts to address election fraud in Washington County.

Armstrong County, Pennsylvania

- **Darlene Smail:** Chair of the Armstrong County Republican Committee and former candidate for Pennsylvania State Representative in 2024 primary. Smail's election oversight responsibilities have been impeded by the DOJ's deferral policy.

Clarion County, Pennsylvania,

- **Marty Selker: Constitution Party candidate for U.S. Senate.** Selker's authorized representatives and poll watchers are at risk of being undermined in the 2024 election due to the DOJ's deferred investigations.

Respondent:

The respondent is **U.S. Attorney General Merrick Garland**, who, as head of the Department of Justice (DOJ), oversees the agency's policy of deferring investigations into election fraud until after the certification of election results. The petitioners argue that this policy violates the respondent's statutory duties under federal law and directly contributes to the irreparable harm petitioners will suffer without immediate judicial intervention.

LIST OF PROCEEDINGS

22-503 - *Stenstrom & Hoopes v. Delaware County Board of Elections, US Supreme Court, Writ of Certiorari*. Filed November 2022, Petition Denied January 2023, *Rehearing Requested* February 2023, Rehearing Denied April 2023. Original case CV-2020-007523 filed December 2020 alleging *Massive Election Fraud in Delaware County* dismissed without hearing. **Duration 836 days. Closed.**

2:24-cv-02425 – *Mancini, Stenstrom, Hoopes, Schwartz v Delaware County, United States District Court for the Eastern District Court of Pennsylvania. Failure to certify, validate or test election machines and malicious software installed*. Filed Jun 4, 2024. *Writ of Mandamus* to 3rd Circuit Court of Appeals filed August 30th, 2023, to move Federal Court to rule. Dismissed by Federal Court “speculative harm,” lack of particularized harm (standing), and lack of jurisdiction, on September 9th, 2024. Amended Complaint will be filed. **Duration 97 days. Active.** (Latest Order Included in Orders and Opinions section)

211002495 - *Savage vs Trump, Giuliani, Ellis, Stenstrom, Hoopes, Kline, et al.* filed Oct 2021. *Defamation for alleging Massive Election Fraud. Philadelphia Court of Common Pleas*. Stenstrom (Pro Se) and Hoopes (Pro Se) affirmed “*Truth is Complete Defense.*” Plaintiff Discontinued. Lawyer Withdrew. Judge Ordered Lack of Candor and Misconduct Against Plaintiff Attorney June 2024. **Duration 952 days. Closed.** (Final Order Included in Orders and Opinions section)

CD 876 and 877 – *Stenstrom & Hoopes v Former Secretary of the Commonwealth Boockvar, Massive Election Fraud in the November 2020 election*, in appeal before the **Commonwealth Court of Pennsylvania** regarding case filed in **Delaware County Court of Common Pleas** in October 2021 (CV-2022-000032), but not docketed until three months later on January 4th, 2022. Dismissed as moot on briefs because “*election was over*” [and certified] in July 2022. Appealed August 2022. Awaiting oral arguments scheduled for November 4th, 2024. **Duration 1032 days. Active.**

CV-2022-008511 - *Allen et al. v. Newsmax, The Federalist, Stenstrom, Hoopes, et al., Defamation for Alleging Massive Election Fraud*, filed November 2022 in **Delaware County Court of Common Pleas**. Briefs submitted. Still awaiting assignment of Judge. **Duration 691 days. Active**

CV-2023-006723 - *Delaware County et al. v. Gregory Stenstrom and Leah Hoopes*, filed in **Delaware County Court of Common Pleas** in August 2023. *Malicious Prosecution case filed against (only) Stenstrom and Hoopes for Alleging Massive Election Fraud in November 2020 and November 2022 national elections*. Briefs submitted. Still awaiting assignment of Judge. **Duration 410 days. Active.**

CV-2022-008091 - *Missino, Stenstrom & Hoopes v. Delaware County PA. Not certifying, validating or testing election machines* filed October 31st, 2022. **Delaware County Court of Common Pleas**. Judge was never assigned. Inexplicably closed and removed from docket in approximately August of 2024 without

reason or notice. Writ of Mandamus will be filed to reopen. **Duration 691 days. Currently administratively closed.**

1497 CD 2023, 1498 CD 2023, 1499 CD 2023, 1500 CD 2023, 1501 CD 2023, 1502 CD 2023, 1503 CD 2023, 1504 CD 2023, 1505 CD 2023, 1506 CD 2023, 1507 CD 2023, 1508 CD 2023, 1509 CD 2023, 1510 CD 2023 *Schwarz, Buckley, Stenstrom, Hoopes, Rumley, et al (+74 Petitioners) v. Delaware County, et al. - Petitions to Recount and Recanvas* in Centralized Counting Center and 14 Precincts, **Commonwealth Court of Pennsylvania** Case No's. Regarding **Delaware County Court of Common Pleas** Case No's. **CV-2023-009774, CV-2023-009777, CV-2023-009778, CV-2023-009779, CV-2023-009781, CV-2023-009782, CV-2023-009783, CV-2023-009785, CV-2023-009787, CV-2023-009793, CV-2023-009794, CV-2023-009795, CV-2023-009796, CV-2023-009797**, All filed November 14th, 2023. All **Denied** based primarily on defense that Centralized Counting Centers are neither Precincts or Polling Places and Petitioners must produce \$324,000 and 1,724 petitioners within four (4) days of election certification to recount Mail in Ballots. Briefs filed May 21st, 2024. Awaiting assignment of Judge. **Duration 315 days. Active.**

336 CD 2024, 337 CD 2024, 338 CD 2024, 448 MD 2023 – *Jon "Hillbilly" Marietta, Gallo, Stenstrom, et al. v Fayette County, PA* – in the **Commonwealth Court of Pennsylvania** regarding *Requests for Recounts and Recanvass* and *Tort for Breach of Fiduciary Duty re Elections* **1205 of 2023 GD, 1206 of 2023 GD, 1207 of 2023 GD, 1208 of 2023 GD,**

1209 of 2023 GD, 1211 of 2023 GD, 2332 of 2023 GD filed August through November 2023 in **Fayette County Court of Common Pleas** - ALL denied. In appellate trajectories. **Duration 394 and 316 Days. Active**

CD 1522 2023 - Yanoviak, Stenstrom, et al. v Chester County, PA (November 2023) – Requests for Recounts and Recanvass filed in the **Commonwealth Court of Pennsylvania** for consolidated cases **2023-08995-EL, 2023-08996-EL, 2023-08997-EL, 2023-08998-EL, 2023-08999-EL, 2023-09000-EL** that were filed in **Chester County Court of Common Pleas** November 14th, 2023. ALL recounts denied. **Duration 394 days. Active.** (Last Order Included in Orders and Opinions section)

2023-08442-CS - Chester County v. Felice Fein, Request for Unredacted Mail in Ballot Envelopes, Chester County Court of Common Pleas, Landmark case in PA finding in favor of Felice Fein for release of public election records, Sept. 4, 2024, Chester County Court of Common Pleas Judge Jeffrey Sprecher presiding, **Duration 434 days. Closed** (Final Order Included in Orders and Opinions section)

1:24-CV-00014 - Michael Miller (Pro Se) v. County of Lancaster, - Request for Public Election Records, U.S. District Court for the Middle District of Pennsylvania, Last Order, June 5th, 2024, Judge Jennifer P. Wilson. **Duration 265 days. Active** (Last Order Included in Orders and Opinions section)

AP 2017-2301- Carrie Hahn (Pro Se) v. Wilmington Township, - Request for Public Election Records, Pennsylvania Office of Open Records, March 29, 2018,

Kathleen A. Higgins. **Closed.** (Final Order Included in Orders and Opinions section)

AP 2023-1326 *Stenstrom v. Delaware County, Request for Unredacted Mail in Ballot Envelopes*, Pennsylvania Office of Open Records Final Determination, July 12th, 2023, Hon. Joshua T. Young. **Closed.** (Final Order Included in Orders and Opinions section)

AP-20XX-XXXX Hundreds of Petitioner requests to Pennsylvania Office of Open Records Cases for *Public Records related to Elections* too numerous to list – see Appendix T *Table of cases*. Most denied by Public Officials with many Granted Requests denied by Common Pleas Judges.

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In the Supreme Court of the United States

IN RE GREGORY STENSTROM ET AL.

INTRODUCTION: JUSTICE SECURED

The strength of *our Republic* lies not in its past alone, but in the ongoing commitment to secure *justice* for future generations. This Writ does not dwell on past wrongs but looks ahead, asking this Court to act now to ensure that *justice* remains the foundation of *our Republic*. *Justice delayed is justice denied*. The Department of Justice's deferral policies—pushing critical investigations aside—threaten the very fabric of public trust in our elections. Once eroded, that trust may be impossible to rebuild.

In *Marbury v. Madison*, this Court established that it is the judiciary's duty to say what the law is. The Court took its rightful place as the guardian of the Constitution, ensuring that no branch of government could act beyond the reach of the law. Today, as in *Marbury*, this Court is called upon to affirm that the *rule of law must prevail*. Just as *Marbury* secured the authority of the judiciary to hold the executive accountable, this case demands that the Department of Justice fulfill its constitutional obligations without delay or deferral.

Justice Secured is not about reliving the past, but about protecting the future. Just as *Brown v. Board of Education* charted a path forward for *justice*, this Writ calls upon the Court to preserve the integrity of

future elections in *our Republic*. The belief that our elections are free, fair, and governed by the *rule of law* is the cornerstone of the public's faith in our democracy. That faith must be *secured, not postponed*.

In *United States v. Nixon*, the Court made clear that even the highest office in the land is not above the law. Here, the Department of Justice must be reminded of the same truth. *Deferring investigations undermines the very principle that the law applies equally and without delay*. Now is the time for this Court to act.

Like *Bush v. Gore*, which protected the integrity of a single election, this case extends further—aiming to protect the integrity of all future elections. By securing *justice* now, this Court will ensure that generations to come inherit a system worthy of their trust, continuing its proud legacy as the ultimate protector of *our Republic's* foundations.

JURISDICTION

This Court has jurisdiction over this case pursuant to **Article III, Section 2** of the United States Constitution, which grants the judiciary authority to hear cases arising under the Constitution, federal statutes, and treaties. Petitioners seek an **Emergency Writ of Mandamus** to compel the Department of Justice (DOJ) to fulfill its constitutional and statutory duties, particularly in enforcing federal election laws and investigating credible allegations of election fraud. The nature of the harm alleged by Petitioners and the federal constitutional and statutory violations involved place this matter squarely within this Court's jurisdiction.

I. Original Jurisdiction

The Supreme Court has original jurisdiction under **28 U.S.C. § 1251**, which allows the Court to hear disputes directly where state or federal parties are involved. While this statute primarily deals with disputes between states, Petitioners assert that this Court has inherent jurisdiction to hear cases implicating serious constitutional violations involving federal agencies. Additionally, Petitioners rely on the **All Writs Act, 28 U.S.C. § 1651**, which authorizes this Court to issue **Emergency Writs of Mandamus** in extraordinary circumstances to ensure that executive agencies act within their legal bounds.

II. Mandamus Jurisdiction

This Court has mandamus jurisdiction under the All Writs Act, 28 U.S.C. § 1651(a), which provides that federal courts "may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." **Petitioners argue that the DOJ's failure to enforce federal election laws and investigate credible fraud allegations represents an abuse of executive discretion that requires judicial intervention.** The All Writs Act grants this Court the authority to compel the DOJ to carry out its legal obligations under the **Take Care Clause of Article II** and relevant federal statutes.

Article II Harm - Take Care Clause

The Petitioners further assert that the DOJ's failure to faithfully execute federal election laws constitutes a violation of the **Take Care Clause of Article II, Section 3 of the U.S. Constitution.** This constitutional provision imposes a **mandatory duty** on the Executive Branch to ensure that laws are properly enforced. **The DOJ's inaction, specifically its deferral policy on investigating credible election fraud allegations, constitutes an abdication of this responsibility.** This dereliction not only harms the Petitioners but also **endangers the integrity of the 2024 election** and undermines public confidence in the democratic process. Therefore, **this Court has jurisdiction under the Take Care Clause** to address these violations and compel the DOJ to fulfill its constitutional and statutory duties.

III. Constitutional Jurisdiction

This Court has jurisdiction under **Article III, Section 2** of the Constitution, which provides that "*the judicial power shall extend to all cases, in law and equity, arising under this Constitution, the laws of the United States, and treaties made, or which shall be made, under their authority.*" Petitioners assert standing to bring this case based on the DOJ's failure to enforce election-related laws, which has resulted in **particularized, concrete, and imminent harm** to them, as detailed throughout the Writ.

IV. Standing and Case or Controversy Requirement

The standing of Petitioners is supported by the Court's jurisdiction over cases involving violations of federal laws and constitutional provisions, particularly under **Marbury v. Madison, 5 U.S. 137 (1803)**, which established the judiciary's duty to address constitutional violations. Petitioners have suffered **concrete, particularized harm** as a result of the DOJ's failure to investigate credible allegations of election fraud. This harm satisfies the **case or controversy** requirement of **Article III**.

V. State Law and the Role of Federal Courts

Although the case involves federal statutory and constitutional provisions, certain state laws—such as **PA Act 77, Act 88, and 25 P.S. §§ 3260a, 3553**—are

relevant to the violations at issue. Petitioners assert that the DOJ's failure to investigate election fraud allegations under both state and federal law necessitates judicial oversight. **This Court's jurisdiction** encompasses these matters, as they involve the proper enforcement of federal constitutional principles, especially when state actions compromise the fairness of federal elections.

Conclusion

This Court has both **original** and **mandamus jurisdiction** over the case, as provided by the **U.S. Constitution**, **28 U.S.C. § 1251**, and the **All Writs Act**. Petitioners seek an **Emergency Writ of Mandamus** to compel the DOJ to perform its constitutional and statutory duties, making this case a matter of constitutional importance that falls squarely within the jurisdiction of this Court.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

This case draws on numerous constitutional and statutory provisions from the U.S. Constitution, and federal and state statutes that govern elections and the duties of executive agencies. These provisions impose specific legal obligations on the Department of Justice (DOJ) and establish protections for Petitioners and the integrity of the electoral process.

U.S. Constitutional Provisions

- 1. Article I, Section 4 (Elections Clause)**
 - 2. Article II, Section 3 (Take Care Clause)**
 - 3. Article III, Section 2 (Judicial Power and Standing)**
 - 4. Article VI, Clause 2 (Supremacy Clause)**
 - 5. First Amendment (Freedom of Speech and Assembly)**
 - 6. Fifth Amendment (Due Process Clause)**
 - 7. Fourteenth Amendment, Section 1 (Equal Protection Clause)**
 - 8. Separation of Powers Doctrine**
-

Federal Statutes

- 1. 18 U.S.C. § 241 –
Conspiracy Against Rights**
- 2. 18 U.S.C. § 242 – Deprivation of Rights
Under Color of Law**

3. **18 U.S.C. § 1505 –
Obstruction of Proceedings**
 4. **18 U.S.C. § 594 – Voter Intimidation**
 5. **18 U.S.C. § 597 –
Expenditures to Influence Voting**
 6. **18 U.S.C. § 608(b) –
Prohibiting Vote Buying**
 7. **18 U.S.C. § 611 – Voting by Aliens**
 8. **52 U.S.C. §§ 10301-10312 –
Voting Rights Act of 1965**
 9. **52 U.S.C. § 10307(a)-(c) – Prohibits voter
intimidation, fraud, and interference in the
voting process. Establishes penalties for
fraudulent voter registration and ballot
handling.**
 10. **52 U.S.C. § 20501 et seq.
National Voter Registration Act (NVRA),**
 11. **52 U.S.C. § 20511(1) –
Fraudulent Voter Registration**
 12. **52 U.S.C. § 20511(2) – Fraudulent Voting**
 13. **52 U.S.C. § 20511(3) – Criminal penalties for
fraud in voter registration, voting, and
related activities**
 14. **52 U.S.C. §§ 20901-21145 –
Help America Vote Act (HAVA)**
 15. **52 U.S.C. § 30101 et seq. –
Federal Election Campaign Act**
-

RULE 20 STATEMENT: NEED FOR EXTRAORDINARY RELIEF

Petitioners invoke the jurisdiction of this Court under **Rule 20**, seeking an *extraordinary writ of mandamus* to compel the Department of Justice (DOJ) to fulfill its constitutional and statutory duties. This case raises issues of *profound constitutional importance*, and the extraordinary relief sought is justified by the following:

I. Absence of Adequate Alternative Remedies

Petitioners have *no adequate alternative remedies* through appeal or other judicial processes. The DOJ's entrenched **deferral policies on election fraud investigations** make it impossible for lower courts to resolve this issue effectively. As established in **Marbury v. Madison**, it is within the purview of this Court to address violations of constitutional rights when no other recourse exists. The DOJ's refusal to investigate election fraud (*see Appendix E: FOIA Releases Showing DOJ Obstruction*) demonstrates that *judicial intervention by this Court is the only remaining remedy*.

II. Irreparable Harm to Petitioners and Constitutional Integrity

The harm inflicted upon Petitioners is both *personal* and *constitutional*. The DOJ's failure to investigate credible allegations of election fraud constitutes a violation of the **Take Care Clause** (Article II, Section 3) of the U.S. Constitution. This inaction *erodes public trust in the electoral process*, causing irreparable harm to Petitioners and *threatening the integrity of the*

nation's constitutional framework. As this Court ruled in **Ex Parte Young**, *immediate judicial intervention* is warranted when government officials violate constitutional rights. The evidence in *Appendix K (Particularized Harm to Petitioners)* details the *concrete, specific damages* suffered by Petitioners due to DOJ inaction.

III. Extraordinary Constitutional Issues

This case presents a *direct challenge to the boundaries of executive authority* and the judiciary's role in maintaining *constitutional oversight*. The DOJ's policies effectively *shield executive actions from constitutional scrutiny*, undermining the judiciary's role as the *final arbiter of the law*. Recent clarifications in **Loper Bright Enterprises v. Raimondo** suggest a judicial trend toward *limiting executive agency deference* when statutory interpretations exceed constitutional authority. In this instance, the DOJ's deferral policies (see *Appendix F: McSwain's Letter to President Trump*) demonstrate *executive overreach*, and judicial correction is essential to *preserve the rule of law*.

IV. Immediate and Profound Public Interest

The *integrity of the electoral system* lies at the heart of this case. The DOJ's obstruction of election fraud investigations threatens the very foundation of *democratic governance*. Continued application of these deferral policies, as evidenced in *Appendix C (Internal DOJ Communications Regarding Election Fraud Investigations)*, poses an ongoing threat to *electoral integrity*. As expressed in **Federalist No. 78**, the judiciary serves as a *critical check* on the other

branches of government to *prevent tyranny* and uphold the Constitution. The public interest in *preserving free and fair elections* demands this Court's intervention to compel the DOJ to investigate and ensure transparency in future elections.

In light of the ongoing challenges to election integrity, it is crucial to recognize the significance of the **Voting Rights Act of 1965, 52 U.S.C. §§ 10301-10312**, which was designed to eliminate barriers to voting and safeguard *equal access to the electoral process*. The DOJ's inaction not only undermines the spirit of this landmark legislation but also *violates the fundamental rights of voters* who depend on federal oversight to protect against discriminatory practices and ensure the integrity of their vote.

Conclusion Under Rule 20

The extraordinary nature of this case justifies the issuance of a *writ of mandamus*. This Court has both the *constitutional authority* and *responsibility* to address violations of fundamental rights when no other remedy exists. In light of the *constitutional questions* at stake and the *profound harm to the electoral process*, Petitioners respectfully request that this Court grant the relief sought and issue a writ of mandamus compelling the DOJ to rescind its *unlawful policies* and fulfill its *constitutional obligations*.

STANDING

Petitioners invoke the jurisdiction of this Court under Rule 20, seeking an extraordinary writ of mandamus to compel the Department of Justice (DOJ) to fulfill its constitutional and statutory duties. This case presents profound constitutional issues that justify the extraordinary relief sought.

I. Absence of Adequate Alternative Remedies:

Petitioners have no adequate alternative remedies through appeal or other judicial processes. The DOJ's entrenched deferred investigation policy on election fraud makes it impossible for lower courts to effectively address the violations at issue. As established in **Marbury v. Madison, 5 U.S. 137 (1803)**, it is within this Court's authority to address constitutional violations when no other recourse exists. The DOJ's refusal to investigate credible allegations of election fraud (**see Appendix E: FOIA Releases Showing DOJ Obstruction**) demonstrates the lack of any available remedy outside this Court's intervention.

Petitioners have exhausted all available avenues, submitting evidence to state and federal authorities, only to be met with inaction. The **DOJ's misuse of prosecutorial discretion** has created an environment where election fraud is shielded from scrutiny, denying Petitioners the opportunity for judicial resolution through any other means. The **constitutional questions raised** and the failure of

executive enforcement of election law are critical issues only this Court can resolve.

II. Irreparable Harm to Petitioners and Constitutional Integrity:

The harm suffered by Petitioners is both **individual** and **constitutional**. The DOJ's failure to investigate credible allegations of election fraud represents a direct violation of the **Take Care Clause (Article II, Section 3)** of the U.S. Constitution. This violation has caused **irreparable harm** to Petitioners by undermining the integrity of the election process, eroding public confidence, and threatening future elections, including the **2024 presidential election**.

The **irreparable harm** also includes **financial damage** due to ongoing litigation and reputational harm resulting from the DOJ's refusal to act on the evidence. **Appendix K** outlines the particularized harm Petitioners have suffered, including statistical anomalies, absentee ballot discrepancies, and data irregularities that demonstrate the **constitutional breach**. As held in **Ex Parte Young, 209 U.S. 123 (1908)**, this Court has the authority to provide immediate relief when constitutional rights are at stake, and **Appendix K** underscores the necessity of such relief in this case.

III. Extraordinary Constitutional Issues:

This case challenges **executive overreach** and the DOJ's refusal to act within the constitutional

boundaries established by the judiciary. The DOJ's **deferral of investigations** under the guise of prosecutorial discretion effectively shields the executive branch from constitutional scrutiny. As seen in **Loper Bright Enterprises v. Raimondo (Docket No. 22-451, 2024)**, the judiciary is moving toward limiting unchecked executive agency authority, especially when it overextends statutory or constitutional boundaries. The same principles apply here, as the DOJ's **failure** to investigate credible election fraud allegations (see **Appendix F: McSwain's Letter to President Trump**) constitutes an abuse of executive discretion.

The judiciary's oversight role is further emphasized by the DOJ's systemic policies to delay and defer investigations, which prevent proper enforcement of election laws. **Appendix M** details these deferred policies and their impact on the rule of law, reinforcing the urgent need for judicial correction to prevent executive overreach and uphold **separation of powers**.

IV. Learned Helplessness, Financial Harm, and Relevant SCOTUS Precedents:

The DOJ's continued refusal to investigate credible election fraud allegations has led Petitioners into a state of **learned helplessness**. Despite submitting substantial evidence to state and federal authorities, Petitioners have been met with inaction, leaving them without recourse and contributing to **psychological harm**. The **reputational damage** and **financial burden** of ongoing legal actions, resulting from the

DOJ's failure to uphold its constitutional and statutory duties, exacerbate Petitioners' particularized and imminent harm.

Petitioners satisfy the standing requirements set forth in **Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992)**, having suffered **concrete and particularized injury** caused by DOJ inaction and redressable through judicial intervention. Additionally, **Ex Parte Young, 209 U.S. 123 (1908)** supports the judiciary's power to compel the DOJ to act when executive agencies fail to fulfill their statutory obligations. **Appendix L** provides expert testimony on election integrity, further establishing the specific harm experienced by Petitioners due to the DOJ's neglect. The imminent threat to **future elections**, particularly the 2024 election, adds urgency to the Court's need to intervene.

Conclusion:

Under Rule 20, the extraordinary circumstances of this case justify the issuance of a writ of mandamus. The Petitioners have demonstrated that they have no other remedies available, have suffered irreparable harm, and face an ongoing constitutional crisis due to the DOJ's failure to act. In light of the significant constitutional questions raised, Petitioners respectfully request that this Court issue a writ of mandamus compelling the DOJ to rescind its unlawful policies and fulfill its constitutional obligations under the **Take Care Clause** and **federal election statutes**.

CAUSE OF ACTION

Petitioners bring this Writ of Mandamus to compel the Department of Justice (DOJ) to fulfill its constitutional and statutory duties by investigating credible allegations of election fraud. The DOJ's continued deferral of such investigations until after certification violates the Take Care Clause and several federal statutes, imposing imminent harm on Petitioners as the November 2024 election approaches. This Writ seeks to prevent further irreparable harm to both the electoral process and Petitioners' constitutional rights.

I. Violation of the Take Care Clause (Article II, Section 3)

The Take Care Clause obligates the Executive Branch to faithfully execute the laws. By deferring investigation into credible election fraud allegations, the DOJ fails in this duty, threatening future electoral transparency. Petitioners, serving as candidates and election officials under 25 P.S., are directly impacted. This ongoing refusal to investigate undermines federal laws protecting election integrity, particularly in the crucial 2024 election.

Supporting Appendix: Internal DOJ communications in Appendices E and C show how deferrals allow violations of election statutes, heightening risks to the upcoming election.

II. Violation of Due Process Rights (Fifth Amendment)

The DOJ's failure to investigate credible fraud claims in a timely manner deprives Petitioners of due

process, obstructing their ability to ensure a fair and transparent 2024 election. Without action, Petitioners face ongoing legal, reputational, and retaliatory harm.

Supporting Exhibit: Appendix F documents how DOJ inaction deprives Petitioners of due process, demonstrating the ongoing risk to the 2024 election.

III. Violations of Federal Statutes

The DOJ's deferral policy undermines statutes aimed at protecting electoral integrity, including but not limited to:

- **18 U.S.C. § 594:** Voter intimidation
- **18 U.S.C. § 597:** Expenditures to influence voting
- **18 U.S.C. § 608(b):** Vote buying prohibition
- **18 U.S.C. § 611:** Voting by aliens
- **18 U.S.C. §§ 241, 242:** Conspiracy and deprivation of rights
- **18 U.S.C. § 1505:** Obstruction of proceedings
- **52 U.S.C. §§ 10307(c), 20511(1), 20511(2):** Voter fraud and registration violations

Petitioners have provided substantial evidence of statutory violations, which must be addressed to protect electoral integrity in 2024.

Supporting Exhibit: Appendix A details how DOJ's deferral policy undermines these statutes and the risks it poses to the upcoming election.

IV. Obstruction of Judicial Oversight

The DOJ's deferrals obstruct judicial oversight, preventing courts from addressing critical election-related claims in a timely manner. This impedes the judiciary's ability to safeguard election integrity, as established in **Marbury v. Madison**, 5 U.S. 137 (1803), and more recently **Baker v. Carr**, 369 U.S. 186 (1962), which affirmed that courts can address significant constitutional violations involving elections.

Supporting Exhibits: Appendices G and D show how DOJ inaction hinders judicial review, creating future risks for the 2024 election.

V. Imminent Harm and the Need for Immediate Judicial Intervention

As the 2024 election nears, Petitioners face an imminent threat due to DOJ inaction. In **Clapper v. Amnesty International**, 568 U.S. 398 (2013), the Court emphasized that imminent harm warrants judicial action. The DOJ's failure to investigate exacerbates the risk to Petitioners, who will again serve as poll watchers and candidates in 2024, exposing them to further harm unless the deferral policy is rescinded.

In light of **Storer v. Brown**, 415 U.S. 724 (1974), the right to fair ballot access must be protected, and in **FEC v. Akins**, 524 U.S. 11 (1998), the Court ruled that redressability is met when a favorable ruling would provide meaningful relief. A Writ compelling DOJ action before the 2024 election is the only way to ensure Petitioners can perform their statutory duties without facing legal and reputational damage.

Conclusion

Without immediate judicial intervention, Petitioners will continue to suffer irreparable harm due to the DOJ's deferral policy, which violates constitutional and statutory mandates. The Court must act to ensure electoral integrity in the 2024 election and prevent further harm to Petitioners' rights.

STATEMENT OF CASE

This case addresses the **Department of Justice's (DOJ) unlawful and deliberate misuse of discretion** by systematically failing to investigate *credible election fraud allegations*, fostering a culture of impunity among state and local officials. This failure has caused *particularized, concrete harm* to Petitioners, who have exhausted all legal and administrative remedies. Since November 2020, **overwhelming evidence of election fraud** and violations of federal law has been presented, yet the DOJ, alongside other federal, state, and municipal bodies, has **obstructed any meaningful investigation**. This refusal to act not only violates statutory obligations but has emboldened other government entities to ignore election fraud claims, leaving Petitioners without recourse.

This is not a political question, but a **legal one**. The DOJ's refusal to investigate violates the **Take Care Clause of Article II, Section 3**. As affirmed in *Marbury v. Madison*, the judiciary must ensure that **laws are faithfully executed**. Petitioners seek this Court's intervention to uphold *legal obligations*, safeguard the *electoral process*, and preserve **constitutional governance**.

At the heart of the DOJ's failure is its deferral policy, codified in the **Criminal Resource Manual, Election Offenses, 8th Edition (2017)**, which explicitly instructs DOJ officials, against a plethora of federal laws, to delay investigations until after elections are certified. This policy has become a shield for inaction, creating a culture of non-investigation that undermines the rule of law and allows state and

local officials to follow suit. On **December 3, 2020**, Attorney General **William Barr** reaffirmed this policy in an internal email to **Richard Pilger**, Director of the Election Crimes Division:

"Richard, as discussed, we should avoid any investigative actions before the certifications are complete. This has been the standing practice to avoid any interference with the ongoing election process."

— *Attorney General William Barr,
December 3, 2020*

Pilger acknowledged the potential legal risks of delaying action in response to federal statutes that mandate immediate investigation:

"Understood, but we may face legal challenges if we delay too long, especially given the federal statutes that mandate immediate action."

— *Richard Pilger, Director of Election Crimes*

Despite these concerns, Barr and Pilger did not initiate any investigations, including into **Petitioner Gregory Stenstrom's** detailed declaration of election fraud in Delaware County, Pennsylvania. FOIA responses show that Barr and Pilger had possession of Stenstrom's declaration by **November 7, 2020**, but no investigation was conducted. Instead, on **December 1, 2020**, Barr publicly dismissed these allegations, and in the absence of investigations, misleadingly stated:

"To date, we have not seen fraud on a scale that could have affected a different outcome in the election."

**— Attorney General William Barr,
Associated Press, December 1, 2020**

This public dismissal was made **without any investigation**. Barr's statement became a tool for other law enforcement officials and courts to echo as justification for dismissing election fraud claims. During **testimony before the January 6th Committee**, Barr reiterated his frustration over what he termed "false" election fraud claims:

"I reiterated that they'd wasted a whole month on these claims on the Dominion voting machines, and they were idiotic claims... It was complete nonsense... It was doing grave disservice to the country."

**— Attorney General William Barr,
January 6th Committee, June 13, 2022**

Recent reports from Georgia reveal *critical vulnerabilities* in Dominion voting machines that remain unaddressed, posing an imminent threat to future elections. State officials and cybersecurity experts have raised alarms, yet the DOJ has refused to investigate these vulnerabilities. This failure to act mirrors the DOJ's previous inaction after the 2020 election, **further undermining public trust in the electoral process**. Petitioners argue that these vulnerabilities must be investigated before the 2024 election to prevent irreparable harm.

U.S. Attorney William McSwain expressed a desire to investigate Petitioner Stenstrom's claims of election fraud but was obstructed by DOJ directives. McSwain stated in a letter to President Trump that his hands were tied due to direct orders from Attorney General Barr:

"On Election Day and afterwards, our Office received various allegations of voter fraud and election irregularities. As part of my responsibilities as U.S. Attorney, I wanted to be transparent with the public about these allegations; however, I was instructed by then-Attorney General Barr to refrain from making any public statements or issuing any press releases regarding possible election irregularities. I was also given a directive to pass any serious allegations along to the Pennsylvania Attorney General, an individual I did not trust to handle these matters."

— *William McSwain, U.S. Attorney for the Eastern District of Pennsylvania, Letter to President Trump, June 9, 2021*

The DOJ's failure to investigate election fraud claims creates an insurmountable barrier for the judiciary. The courts, *deprived of factual investigations*, are left to dismiss cases on procedural grounds or for lack of standing. The DOJ's deliberate inaction *prevents the judiciary from safeguarding election integrity*, thereby compromising the Separation of Powers and leaving cases unresolved. This obstruction is *not just procedural but constitutional*, as it deprives

the courts of their core function: interpreting and applying the law based on investigatory findings that the DOJ is legally bound to provide.

The DOJ's refusal to investigate also gave cover to state officials like **Josh Shapiro**, then-Attorney General of Pennsylvania (now Governor), who denied being contacted by **U.S. Attorney McSwain** regarding these claims. It is notable that Shapiro was a candidate (for Attorney General) in the November 3rd, 2020 election, and was behind in the voting when the counting stopped, and like Biden was ahead after it resumed. In a **February 10, 2021**, memorandum to the **January 6th Committee**, Shapiro dismissed the allegations as part of the "Big Lie":

"[T]he courts confirmed Pennsylvania's 2020 election was free, fair, and lawful, with every court rejecting fraud allegations."

— Governor Josh Shapiro, February 10, 2021

Similarly, Delaware County District Attorney **Jack Stollsteimer**, in a **May 4, 2022**, letter to the Delaware County Board of Elections, dismissed the whistleblower videos presented by **Petitioners Gregory Stenstrom and Leah Hoopes**, which showed election officials actively destroying public election records from the November 2020 election. Stollsteimer falsely claimed:

"The Special Investigation Unit of my Office conducted a criminal investigation... They have concluded that there is no evidence to substantiate those claims."

— *District Attorney Jack Stollsteimer,
May 4, 2022*

Stollsteimer further claimed, without evidence, that the allegations were part of a disinformation campaign:

"The complete absence of a factual basis for any of the claims... has led my office to conclude that the claims were never legitimate allegations about the conduct of election officials in Delaware County."

However, Right to Know (RTK) requests filed by Petitioners Hoopes and Connolly revealed that neither the Pennsylvania Attorney General's Office nor the Delaware County District Attorney's Office had conducted any investigation into the election fraud complaints filed by Gregory Stenstrom, Leah Hoopes, or Sean Connolly. The RTK responses laid bare the truth:

"This office does not possess any records related to election fraud investigations concerning complaints filed by Sean Connolly, Leah Hoopes, or Gregory Stenstrom."

— *RTK Response from PA Attorney
General's Office, Docket No. AP 2023-0776*

"No records exist related to any investigation into election fraud complaints from Gregory Stenstrom or Leah Hoopes."

— *RTK Response from Delaware County
DA's Office, Docket No. AP 2023-0932*

In this context of law enforcement's lack of candor, obstruction, and repeated failures to investigate, **Petitioners Stenstrom and Hoopes** were once again thwarted in their attempts to press a case with **overwhelming evidence of massive election fraud**. Despite presenting new evidence, including **whistleblower videos, audios, and documents** showing **election officials destroying public records from the November 2020 election** and admitting to **committing massive election fraud**, **Judge John J. Whelan** appeared unmoved by the gravity of the evidence. The judge dismissed these revelations on procedural grounds, stating:

"Put simply, based upon the fact that Pennsylvania's election was certified, and the President and Vice President assumed office... there was no relief related to the 2020 election that this [Court] could grant and the matter was moot."

— *Judge John J. Whelan, Delaware*

County Court of Common Pleas, July 8, 2022

Because neither the DOJ nor other law enforcement agencies like the **Pennsylvania Attorney General's Office** (under **Josh Shapiro**) or the **Delaware County District Attorney's Office** (under **Jack Stollsteimer**) had investigated the evidence, and instead made unsubstantiated public claims that there was "no fraud," the judge disregarded the serious nature of the allegations and callously mooted the case. **Judge Whelan** essentially dismissed the case because the **election certification was complete** and the **candidates had been seated**, despite the irrefutable evidence of criminal acts by public officials.

This is a direct consequence of the DOJ's failure to act, allowing fraudulent actions to go unaddressed and preventing the courts from intervening even when evidence of fraud is clearly presented.

The pattern repeated itself in *Mancini v. Delaware County et al.* in 2024, where Petitioners **Robert Mancini, Gregory Stenstrom, Leah Hoopes, and Joy Schwartz** presented clear evidence that **Delaware County** was using uncertified and untested election machines in violation of federal law. However, **Judge Kai Niambi Scott** dismissed the case, stating:

"[T]o the extent Plaintiffs claim Defendants' use of uncertified and untested election machines could deprive them of their votes in the future, the Complaint's allegations are too speculative and conjectural to support Article III standing."

— *Judge Kai Niambi Scott, September 9, 2024*

The failures in *Mancini v. Delaware County et al.* illustrate the immediate and ongoing harm that threatens the integrity of the 2024 election. Despite *clear evidence of the use of uncertified, untested machines in violation of federal law*, the courts have been rendered impotent by the lack of DOJ investigations. This failure risks *irreparable harm* to voters and candidates in 2024. **Without immediate intervention**, fraudulent practices and non-compliance with election law will persist, with *unchecked officials* allowing unlawful actions to

influence future election results.

In the case *Savage v. Trump et al.* (Philadelphia County Court of Common Pleas, Docket No. 211002495), Petitioners Gregory Stenstrom and Leah Hoopes, acting pro se, were able to present evidence of massive election fraud, effectively invoking the defense that “truth is a complete defense” to the defamation claims brought against them. Upon reviewing the evidence, Judge Michael Erdos allowed its inclusion into the record, which led to the discontinuance of the case by the plaintiff, withdrawal by the plaintiff’s lawyer, and the Judge issuing findings of lack of candor and misconduct. In his final order, Judge Michael Erdos emphasized:

“The court finds a lack of candor in the initiation and continuance of this suit which appears to have been motivated by retaliatory intent rather than substantive legal merit... The withdrawal of the attorney and discontinuance of the case further support the conclusion that this action lacked a legitimate basis.”

– Judge Michael Erdos, July 19, 2023

After exhausting every legal and administrative remedy, **Gregory Stenstrom** submitted detailed disclosures of election fraud to the **U.S. House Judiciary Committee** on **July 4, 2023**, and followed up with four additional emails. On **June 4, 2024**, similar disclosures were submitted to **Pennsylvania Attorney**

General Michelle Henry, the Inspector General, and Special Counsel Jack Smith. These submissions were met with complete **silence**. When pressed for answers, **Congressman Jim Jordan, Chair of the U.S. House Judiciary Committee,** responded:

"It is too radioactive to address until after the 2024 elections."

— *Congressman Jim Jordan, 2024*

The DOJ's refusal to investigate these credible allegations of election fraud constitutes a violation of the **Take Care Clause of Article II, Section 3 of the U.S. Constitution,** which mandates that the executive branch faithfully execute the laws of the United States. The Supreme Court has repeatedly affirmed that discretion does not provide cover for unlawful conduct, as noted in **Heckler v. Chaney**, 470 U.S. 821 (1985). Additionally, in **United States v. Classic**, 313 U.S. 299 (1941), the Court emphasized that federal courts have a duty to protect electoral integrity and ensure the proper enforcement of election laws. Without investigations into these allegations, courts have been left unable to address the merits of Petitioners' claims, leaving justice deferred indefinitely.

The precedent set in **Ex Parte Young**, 209 U.S. 123 (1908), establishes that federal courts have the authority to enjoin state officials from violating constitutional rights, further underscoring the judiciary's duty to step in when executive and state authorities fail **further underscoring the judiciary's duty to step in when executive and state authorities fail to uphold the law.** The **Ex Parte Young** ruling empow-

ers federal courts to ensure that unconstitutional actions by state officials are enjoined, which is precisely what Petitioners seek here.

The **Separation of Powers** doctrine requires that when the executive branch, through the DOJ, abdicates its responsibility to faithfully execute the laws, it falls upon the judiciary to intervene. The **Take Care Clause** of the Constitution mandates that the laws be faithfully executed. Failure to investigate credible evidence of election fraud violates this core principle of governance. The judiciary, as the ultimate interpreter of the law, must act to prevent the continued erosion of electoral integrity and hold the executive branch accountable for its constitutional obligations.

Lujan v. Defenders of Wildlife, 504 U.S. 555 (1992), reaffirms that plaintiffs suffering particularized, concrete harm—such as the Petitioners—have standing to seek judicial intervention. Petitioners have faced financial ruin, retaliatory lawsuits, and are at imminent risk of disenfranchisement in future elections, clearly meeting the **Article III standing** requirements. Additionally, the **Loper Bright Enterprises v. Raimondo** (2023) decision reinforces the role of the courts in limiting executive overreach and ensuring that actions taken by executive agencies are lawful.

Conclusion

The DOJ's deferral policy must be **rescinded immediately**, and judicial intervention is required to prevent further harm to the integrity of the 2024 elections. Petitioners have presented overwhelming evidence of election fraud, which remains uninvestigated. A **Special Master** must be appointed to oversee a comprehensive investigation, ensuring that justice is served and public trust in the electoral process is restored.

This Honorable Court's intervention is essential to uphold its duty under the **Take Care Clause** and the **Separation of Powers** doctrine. Federal courts, as established in **Ex Parte Young**, have the authority and obligation to intervene when executive agencies fail in their constitutional duties. Petitioners are not seeking damages for past injuries but are requesting **injunctive relief** to prevent ongoing and future harm, including the threat of disenfranchisement in the forthcoming 2024 elections.

Without this Court's immediate action, Petitioners—and the American public—will suffer irreparable harm. The integrity of the 2024 election cycle, and by extension the republic, depends upon this Court enforcing the rule of law. The time for judicial action is now, and the future of free and fair elections depends upon this Court's upholding of its constitutional duty.

REASONS FOR GRANTING THE EMERGENCY WRIT OF MANDAMUS

This case presents a **unique and urgent set of circumstances** that demands this Court's immediate intervention. Petitioners respectfully submit the following compelling reasons for granting the Writ of Mandamus:

I. Constitutional and National Importance

The issues in this case **transcend individual harm**, impacting the very **integrity of the electoral system**, a cornerstone of democracy. The **Department of Justice (DOJ)**, through its deferral policy, has obstructed the enforcement of **federal election laws**, compromising the rule of law and violating the **Take Care Clause of Article II, Section 3**. The DOJ's failure to act constitutes **executive overreach**, and it is the duty of this Court to correct this breach.

These **constitutional violations**—including the DOJ's refusal to enforce election laws, infringement of Petitioners' **Fifth Amendment due process rights**, and obstruction of judicial oversight—undermine the balance of powers established in **Marbury v. Madison**, 5 U.S. 137 (1803). This Court, in **Nixon v. Herndon**, 273 U.S. 536 (1927), emphasized that any practices that threaten the right to vote violate fundamental constitutional protections. The **DOJ's inaction** not only undermines election integrity but contravenes these constitutional principles.

With the **2024 national election** approaching, the risk of further damage is imminent, elevating this case to one of **urgent national significance**.

II. Immediate and Irreparable Harm

Without this Court's intervention, Petitioners will continue to suffer **irreparable harm**. The DOJ's refusal to investigate credible election fraud has resulted in ongoing **legal, reputational, and administrative challenges**. As the 2024 election approaches, these harms are escalating, creating a heightened risk of further injury—not only to Petitioners but also to **public trust** in the electoral process.

The DOJ's **deferral policy** has allowed credible allegations of election fraud to go uninvestigated, **undermining the rule of law** and the integrity of democratic institutions. This **ongoing damage** cannot be retroactively corrected, necessitating immediate judicial intervention to prevent further harm.

Appendix K details the **particularized harm** Petitioners continue to suffer, including legal costs and **defamation cases** directly resulting from the DOJ's inaction. The proximity of the 2024 election only increases the risk of imminent and irreparable harm.

III. Lack of Alternative Remedies

Petitioners have **exhausted all other available remedies**. Despite submitting extensive evidence of election fraud to the DOJ, no investigations have occurred. This **Writ of Mandamus** is the **only viable mechanism** to compel the DOJ to fulfill its legal obligations. Under the **All Writs Act, 28 U.S.C. § 1651**, this Court has the authority to ensure executive agencies act within the bounds of the law.

As demonstrated in **Appendix F** (McSwain's Letter to President Trump) and **Appendix E** (FOIA

Releases), DOJ obstruction is entrenched at the highest levels, making any lower court remedy impractical and ineffective.

IV. Public Interest

The **public interest** demands judicial intervention. **Election integrity** is fundamental to democratic governance, and the DOJ's failure to investigate credible allegations undermines public confidence in the **fairness of elections**. The appointment of a **Special Master** will ensure DOJ compliance, while restoring transparency and accountability to the election process. This case offers the Court an opportunity to **reaffirm the rule of law** and safeguard future elections.

Furthermore, the DOJ's failure to enforce the **Voting Rights Act of 1965**, 52 U.S.C. §§ 10301-10312, further exacerbates the public interest concern. The DOJ's inaction violates **statutory protections** designed to secure the right to vote, and public trust in the election process is being eroded by the DOJ's dereliction of duty.

V. Precedent Supports Judicial Oversight

This Court has a well-established precedent for exercising its authority to compel executive agencies to act within legal bounds. In **Ex Parte Young**, this Court confirmed that **judicial intervention is warranted** when executive actions violate constitutional principles. **Marbury v. Madison** affirmed that **judicial review is essential** when the executive branch **fails to perform its duties**.

The DOJ's failure to investigate credible election fraud allegations presents a **clear violation** of its constitutional and statutory duties, requiring this Court's intervention to **uphold the balance of powers** and protect **individual rights**.

Conclusion

For these reasons, Petitioners respectfully submit that this Court should grant the **Emergency Writ of Mandamus**. The **constitutional violations, ongoing harm, lack of alternative remedies, and overwhelming public interest** compel this Court's immediate intervention. The appointment of a **Special Master** by the U.S. Supreme Court is essential to ensure DOJ compliance and protect the integrity of the nation's **democratic institutions**.

ARGUMENT

I. The DOJ's Deferred Investigation Policy Violates the Take Care Clause of Article II, Section 3

The **Take Care Clause** mandates that the President and executive agencies, including the DOJ, “faithfully execute” the laws of the United States. The DOJ’s policy of deferring investigations into credible election fraud allegations until after certification violates this constitutional duty, undermining public confidence and federal election law.

Constitutional Grounding:

The **Take Care Clause** (Article II, Section 3) prevents the executive branch from selectively avoiding enforcement of laws, especially when avoidance threatens democratic principles. In **Marbury v. Madison**, 5 U.S. 137 (1803), this Court affirmed the judiciary’s role in ensuring constitutional compliance. **United States v. Nixon**, 418 U.S. 683 (1974), further established that executive privilege cannot shield officials from accountability. The DOJ’s deferral policy directly contravenes these principles.

Statutory Support:

Federal laws require the DOJ to investigate and prosecute election law violations, including 18 U.S.C. § 594 (Intimidation of voters), 18 U.S.C. § 597 (Expenditures to influence voting), 52 U.S.C. § 20511 (Election fraud), and 52 U.S.C. §§ 10307(c) (Voter intimidation). The DOJ’s deferral policy renders these provisions unenforceable, violating its statutory duties. Additionally, the DOJ’s failure violates the **Supremacy**

Clause (Article VI, Clause 2), as federal law overrides conflicting state actions or inactions.

Precedent:

Heckler v. Chaney, 470 U.S. 821 (1985), acknowledges prosecutorial discretion but limits it when it conflicts with constitutional duties. Here, the DOJ's inaction conflicts with its duty under the **Take Care Clause**.

- **Exhibit A** provides DOJ internal documents showing how deferral policies obstruct enforcement of election laws.

II. The DOJ's Failure to Investigate Election Fraud Violates Petitioners' Due Process Rights

The Petitioners' **Fifth Amendment** due process rights are violated by the DOJ's failure to investigate credible election fraud claims. Due process ensures access to timely legal recourse. By deferring investigations, the DOJ denies Petitioners a fair legal process.

Constitutional Grounding:

The **Fifth Amendment** prohibits the deprivation of life, liberty, or property without due process of law. In **Mathews v. Eldridge**, 424 U.S. 319 (1976), this Court emphasized that due process requires timely and fair government action. The DOJ's refusal to investigate credible fraud claims until after certification deprives Petitioners of their due process rights. In **FEC v. Akins**, 524 U.S. 11 (1998), the Court

confirmed that denial of access to essential information or failure to act constitutes concrete injury.

Statutory Support:

Federal election laws, such as the **National Voter Registration Act (NVRA)**, 52 U.S.C. § 20507, require prompt investigation of election violations. The DOJ's delay contravenes these mandates, depriving Petitioners of legal recourse.

Precedent:

In **Ex Parte Young**, 209 U.S. 123 (1908), the Court held that the judiciary must intervene when officials violate constitutional rights. Here, the DOJ's inaction violates Petitioners' due process by obstructing timely investigations.

- **Appendix B:** Internal DOJ communications illustrate how DOJ delays obstructed Petitioners' due process.
- **Appendix KK:** Gregory Stenstrom's sworn declaration, submitted to DOJ officials on November 7, 2020, highlights evidence of election fraud that was ignored.

**III. The DOJ's Policies Undermine the
Judiciary's Constitutional Role as Final
Arbiter of Law**

The judiciary's role as the final interpreter of constitutional law, as established in **Marbury v. Madison**, is undermined by the DOJ's deferral policy.

This delays judicial review of critical constitutional questions and erodes public confidence.

Constitutional Grounding:

The judiciary's Article III powers grant it authority to interpret and enforce laws. By deferring investigations, the DOJ obstructs the courts from addressing election law violations, contravening **Caperton v. A.T. Massey Coal Co.**, 556 U.S. 868 (2009), which emphasized the judiciary's oversight of executive actions.

Precedent:

In **Loper Bright Enterprises v. Raimondo** (Docket No. 22-451, 2024), this Court limited agency discretion, reinforcing that executive agencies cannot exceed lawful authority. The DOJ's deferral policy obstructs judicial review of constitutional violations.

Statutory Support:

Under the **Help America Vote Act (HAVA)**, 52 U.S.C. § 20901, election law violations must be swiftly investigated and adjudicated. The DOJ's policy undermines this statutory mandate.

• **Appendix C:** Documents how DOJ obstruction delays judicial review of credible election fraud allegations.

IV. The Appointment of a Special Master by the U.S. Supreme Court is Necessary to Ensure DOJ Compliance

The appointment of a Special Master is essential to ensure DOJ compliance with its duties. Given the DOJ's history of deferring election fraud

investigations, judicial oversight is critical to prevent further inaction.

Precedent:

In **Ex Parte Young** and **Brown v. Board of Education**, 349 U.S. 294 (1955), the Court affirmed the judiciary's authority to enforce compliance with constitutional mandates. In **Brown**, a Special Master was appointed to oversee compliance with desegregation orders. The DOJ's continued deferral of investigations necessitates similar judicial oversight here.

Constitutional Grounding:

The judiciary's Article III authority includes the power to enforce rulings. **Ex Parte Young** affirmed this authority, justifying the appointment of a Special Master to ensure DOJ compliance.

- **Appendix D:** Details instances where DOJ failed to comply with election-related orders.
- **Appendix KK:** Documents provided by Gregory Stenstrom to DOJ officials on November 7, 2020, demonstrate the need for oversight to prevent further inaction.

V. Justiciability: A Clear Constitutional Violation

This case presents a clear constitutional violation. In **Baker v. Carr**, 369 U.S. 186 (1962), the Court established that judicial review is required where constitutional rights are at stake. The DOJ's failure to enforce election laws violates the **Take Care Clause**

and deprives Petitioners of their due process rights, requiring judicial intervention.

Precedent:

In **Marbury v. Madison**, 5 U.S. 137 (1803), this Court affirmed that the judiciary must enforce constitutional compliance. This case is a legal issue requiring this Court's intervention to restore constitutional accountability.

VI. The DOJ's Failures Lead to Imminent Harm for Petitioners

The DOJ's refusal to investigate credible fraud allegations causes imminent harm to Petitioners. In **Massachusetts v. EPA**, 549 U.S. 497 (2007), and **FEC v. Akins**, 524 U.S. 11 (1998), the Court recognized that failure to act on statutory duties results in concrete injury. Petitioners face legal, reputational, and financial harm, especially as the 2024 election approaches.

The **Mancini** case, referenced in **Appendix G**, highlights how courts have repeatedly refused to intervene pre-election, forcing Petitioners to wait until harm is done. The DOJ's failure to act exacerbates this harm, violating the **Take Care Clause**.

CONCLUSION

The **Petitioners** in this case have been subjected to **significant harm** due to the **Department of Justice's (DOJ) deliberate failure** to investigate credible allegations of election fraud. The DOJ's **ongoing deferral of investigations** has not only violated **constitutional and statutory obligations** but has also eroded **public confidence** in the integrity of the electoral system. As the **2024 national election** approaches, these unresolved legal issues pose an **imminent threat** to both **Petitioners** and the **foundational principles of democracy**.

The DOJ's policy of **delaying investigations** until after election certification directly contravenes **federal statutes**, including 18 U.S.C. §§ 594, 597, 608(b), 611, 241, 242, and 1505, as well as the **National Voter Registration Act (NVRA)**. In addition to these statutory violations, the DOJ's actions **undermine the Take Care Clause** of the U.S. Constitution, **infringe upon the due process rights** of **Petitioners** under the **Fifth Amendment**, and **obstruct the judiciary's role** as the final arbiter of constitutional disputes, as established by this Court in **Marbury v. Madison** and **Caperton v. A.T. Massey Coal Co.**

Appendices A-D in the Appendices detail the **internal communications, legal challenges, and procedural delays** that have exacerbated the **Petitioners' harm**, while highlighting the **urgency of this Court's intervention**. **Appendix A** documents the DOJ's **deferral policies**, and **Appendix B** outlines the direct impact of these policies on the **Petitioners'**

due process rights. Appendices C and D demonstrate the judiciary's obstruction in adjudicating these cases due to the DOJ's failure to act.

Without immediate judicial intervention, Petitioners face ongoing harm, and the continued application of the DOJ's unlawful policies will further compromise the fairness and transparency of future elections. Given the urgency of the upcoming 2024 election, and the repeated failure of the DOJ to fulfill its obligations, the appointment of a Special Master by this Court is both a necessary and appropriate remedy to ensure compliance with judicial orders.

The Emergency Writ of Mandamus sought in this case is essential not only to protect the rights of Petitioners but also to restore public trust in the electoral process. This Court's intervention is vital to uphold the separation of powers and ensure that the DOJ fulfills its constitutional duty to execute the laws faithfully. Immediate action is the only viable means to prevent further damage to the democratic institutions that form the foundation of this nation.

REMEDY REQUESTED

Petitioners respectfully request that this Court grant an Emergency Writ of Mandamus compelling the Department of Justice (DOJ) to enforce federal election laws and immediately investigate credible allegations of election fraud. The remedies sought are essential not only for addressing the violations at hand but also for safeguarding the future integrity of our democratic processes, particularly in the lead-up to the 2024 election.

I. Rescission of the DOJ's Deferral Policy of Investigations

Petitioners request that this Court order the immediate rescission of the DOJ's deferral policy, which has unlawfully permitted the DOJ to abdicate its constitutional duty under the Take Care Clause of Article II, Section 3. This policy directly violates 52 U.S.C. §§ 20511, 10307, and 18 U.S.C. §§ 241-242 by allowing the DOJ to delay investigations until after election certification, undermining the timely enforcement of federal election laws.

The continued application of this policy poses an imminent threat to the 2024 election by enabling systemic vulnerabilities similar to those that undermined the 2020 election. Immediate rescission is necessary to prevent further violations of federal statutes aimed at protecting election integrity, such as 18 U.S.C. § 594 (Voter Intimidation) and § 608(b) (Prohibiting Vote Buying), and to restore public confidence in the DOJ's commitment to lawful election enforcement.

This Court must act decisively to halt this unconstitutional delegation of prosecutorial discretion, which has resulted in selective enforcement that compromises the integrity of the electoral process and violates constitutional principles established in *Marbury v. Madison* (5 U.S. 137, 1803).

II. Appointment of a Special Master by the U.S. Supreme Court

To prevent the DOJ from continuing its pattern of obstruction and inaction, Petitioners request that this Court appoint a Special Master with immediate oversight authority over DOJ investigations into credible election fraud. As established in *Ex Parte Young* (209 U.S. 123, 1908) and *Caperton v. A.T. Massey Coal Co.* (556 U.S. 868, 2009), the judiciary holds the power to enforce compliance with constitutional mandates, particularly when executive inaction threatens democratic principles.

Given the DOJ's entrenched culture of defiance, policy rescission alone is insufficient to ensure compliance. The Special Master will provide critical oversight, preventing the DOJ from reverting to its previous inaction. Specifically, the Special Master will:

1. **Ensure DOJ Accountability:** The Special Master will oversee DOJ investigations into credible election fraud allegations during the 2024 election cycle and ensure compliance with statutory duties under 52 U.S.C. §§ 10307, 20511, and related statutes.
2. **Provide Continuous Judicial Oversight:** The Special Master will submit regular reports

to this Court, detailing the progress of investigations and identifying any delays or obstruction. This continuous oversight mechanism is essential to prevent further violations of Petitioners' constitutional rights and to enable swift judicial intervention if necessary.

3. **Safeguard Whistleblower Protections:** The Special Master will ensure that whistleblowers reporting election irregularities are protected from retaliation, consistent with the principles upheld in *Ex Parte Siebold* (100 U.S. 371, 1879).

Precedent for Special Master Appointment: The appointment of a Special Master aligns with this Court's precedent in *Brown v. Board of Education* (349 U.S. 294, 1955), where Special Masters were appointed to oversee compliance with desegregation orders. Similarly, in *New Jersey v. New York* (523 U.S. 767, 1998), this Court appointed a Special Master to resolve complex disputes affecting the public interest. Election integrity represents a matter of equivalent constitutional significance, justifying the same level of judicial oversight.

Why the DOJ Cannot Evade Special Master Oversight:

Petitioners anticipate that the DOJ may argue against the appointment of a Special Master, claiming prosecutorial discretion under *Heckler v. Chaney* (470 U.S. 821, 1985). However, *Heckler* does not apply when executive inaction violates constitutional mandates. The DOJ's failure to investigate election fraud claims infringes on Petitioners' due process rights under the Fifth Amendment and obstructs judicial oversight, as

emphasized in *Marbury v. Madison*. A mere policy change without oversight will allow the DOJ to perpetuate its culture of inaction. Thus, the Special Master is a protective safeguard, not a punitive measure, ensuring the rule of law prevails.

III. Immediate Investigation of Credible Election Fraud Allegations

Petitioners request that this Court compel the DOJ to immediately investigate credible election fraud allegations related to the 2024 election. Delays in investigation infringe upon Petitioners' due process rights and expose them to imminent harm, as established in *Clapper v. Amnesty International* (568 U.S. 398, 2013). The DOJ's refusal to act has led to significant reputational, legal, and administrative challenges for Petitioners, constituting ongoing harm that will intensify as the 2024 election approaches.

Investigating these credible allegations is not discretionary; it is mandated by federal statutes, including 52 U.S.C. § 20511 and 18 U.S.C. § 594, which require timely enforcement to safeguard election integrity. Immediate action is necessary to prevent the recurrence of systemic fraud and to restore public confidence in the electoral process. Failure to investigate will lead to a constitutional crisis that only this Court can mitigate.

IV. Judicial Oversight and Redress for Petitioners

Petitioners request that this Court maintain ongoing judicial oversight to ensure that the DOJ fulfills its statutory and constitutional responsibilities. The

continued failure to investigate credible allegations has inflicted severe legal and reputational harm upon Petitioners, and ongoing oversight is necessary to prevent further damage. This oversight can be achieved through the regular reporting structure of the Special Master, as outlined above, ensuring DOJ compliance with federal election laws.

Petitioners are not seeking damages for past harm but an immediate injunction to prevent future violations of their rights and to protect the integrity of the 2024 election. Judicial oversight is critical to ensure that the DOJ does not continue to evade its responsibilities and that Petitioners' constitutional rights are upheld.

Conclusion

For the foregoing reasons, Petitioners respectfully request that this Court grant the relief outlined above, including the rescission of the DOJ's deferral policy, the appointment of a Special Master, and the immediate investigation of credible election fraud allegations related to the 2024 election. As the final arbiter of constitutional disputes, this Court holds the authority and duty to act, ensuring that federal election laws are enforced and that the DOJ adheres to its constitutional and statutory obligations.

Respectfully submitted,

Petitioner and Primary Contact:

1. GREGORY STENSTROM
1541 Farmers Lane, Glen Mills, PA, 19342
gstenstrom@xmail.net

A handwritten signature in black ink, appearing to read "Gregory Stenstrom". The signature is written in a cursive style with some loops and flourishes.

Dated: October 4, 2024

Other Petitioners:

2. LEAH HOOPES
241 Sulky Way, Chadds Ford, PA 19317
leahfreedelcopa@protonmail.com
610-608-3548

3. ROBERT MANCINI
4 Guernsey Lane, Media, PA, 19063
robcmancini@gmail.com
610-506-9827

4. JOY SCHWARTZ
514 Lombardy Road, Drexel Hill, Pennsylvania 19026
jschwartzpro@gmail.com
610-622-1958

5. KATHRYN BUCKLEY

1070 Antler Drive, Glen Mills, PA 19342
kathy1070@comcast.net
215-669-2575

6. SCOTT EDWIN THOMAS

703 Barclay Lane, Broomall, PA 19008
scthomas61@hotmail.com
610-717-8857

7. ERIK KOCHER

836 Concord Road #2, Glen Mills, PA 19342
kocherje@gmx.com
610-476-3290

8. CARRIS KOCHER

836 Concord Road #2, Glen Mills, PA 19342
kochercj@gmx.com
610-476-3482

9. PAUL RUMLEY

1038 Crozer Pl, Springfield, PA 19064
Perumley@gmail.com
609-280-2949

10. JON MARIETTA

348 Bunker Hill Road, New Salem, PA 15468
chosenhillbilly1@yahoo.com
724-880-4507

11. GENO GALLO

232 North Seventh Street, Connellsville, PA 15425
genogallo@gmail.com
724-880-5681

12. MELANIE PATTERSON

332 First Ave, Belle Vernon, PA 15012
MelanieP1959@hotmail.com
724-331-3654

13. SUSANNA DEJEET

310 Jaclyn Court, Delmont, PA 15626
osusanna22@comcast.net
412-999-0240

14. MICHAEL MILLER

108 North Reading Road, Suite 246F, Ephrata, PA
17522 - Lancaster Co
Reaganfive@protonmail.com
717-388-0163

15. BRIAN YANOVIK

170 Maranatha Drive, Coatesville, PA 19320
brianyanoviak@gmail.com
610-864-9040

16. FELICE FEIN

806 Stillwood Lane, Westchester, PA 19380
felicefein@gmail.com, 484-883-3043

17. JEANNE WHITE

4402 Congress Court, North Wales, PA 19454
jcwhite4402@gmail.com
267-577-2120

18. SEAN PATRICK CONNOLLY

124 Kaitlin Drive, Collegeville, PA 19426
spc2478@verizon.net
610-216-9649

19. ASHLEY DUFF

1957 Route 481, Monongahela, PA 15063
electionintegrityinwashpa@protonmail.com
412-614-0763

20. DARLENE SMAIL

2277 Kerr Road, Ford City, PA 16226
Dsmail2244@windstream.net
724-902-2244

21. CARRIE HAHN

994 Indian Run Road, Volant, PA 16156

pencil@centurylink.net

412-337-1671

22. MARTY SELKER

875 Iron Bridge Road, Sigel, PA 15860

bmselkerjr@gmail.com

814-229-8568

23. RENEE MAZER

191 Presidential Blvd, Ste 419

Bala Cynwyd, PA 19004

reneemazer@gmail.com

484-716-9619