

IN THE SUPREME COURT OF THE UNITED STATES

24-91

TARGETED JUSTICE, INCORPORATED, ET AL.

Petitioners

v.

MERRICK B. GARLAND, ET AL.

Respondents

**MOTION REQUESTING CORRECTION OF RECORD
AND SUBMITTING ADDITIONAL INFORMATION**

TO THE HONORABLE COURT:

COMES NOW Petitioners, through the undersigned counsel, and respectfully state and request:

1. Petitioners hereby bring to the Court's attention an intervening matter that was not available at the time of filing their Petition, since it occurred after its docketing

2. The docket of this case displays the Solicitor General as "Counsel for Respondents." This is an error that requires correction. This matter was brought to the Clerk's office attention in writing, and it has yet to be corrected. See Exhibit 1.

3. Aside from the government defendants, there are five Individual Capacity Defendants/ Respondents that the Solicitor General is legally prohibited from representing.

4. Petitioners request that the Court Order the Clerk to correct the record to reflect that the Solicitor General did not make an appearance on behalf of the Individual Capacity Defendants Merrick Garland, Christopher Wray, Alejandro Mayorkas, Kenneth Wainstein, as

well as now-private citizen Charles Kable, who retired as the director for the Terrorist Screening Center effective January 31, 2023. *See* Pet. at page iii.

5. Petitioners allege that the Individual Capacity Defendants/Respondents acted in excess of their administrative authority and/or in open disregard of the laws and Constitution of the United States of America. They were sued individual capacities under the following precept: "No man in this country is so high that he is above the law. No officer of the law may set that law at defiance with impunity. All the officers of the government, from the highest to the lowest, are creatures of the law, and are bound to obey it." *United States v. Lee*, 106 U.S. 196, 220 (1882).

6. It is contrary to law that the Solicitor General appear on the record as "Counsel for Respondents" when she has a legal impediment to represent four Individual Capacity Defendants/Respondents and one private citizen.

7. Petitioners further posit that the "Waiver" that that Solicitor General filed, should be stricken from the record as noncompliant because it lacks a physical or electronic signature, and did not contain the signed certificate of service required under Rule 29(5) for the other Respondents that the Solicitor General cannot represent.

8. Finally, pursuant to representations from the Clerk's Office, Petitioners were under the impression that the letter attached as Exhibit 2 would be made part of the record. A review of the electronic docket reflects otherwise.

9. Petitioners request that the Court take notice of this new information that for reasons unbeknownst to them, was left out by the printers vested with the responsibility of reproducing the appendices in their entirety.

CONCLUSION

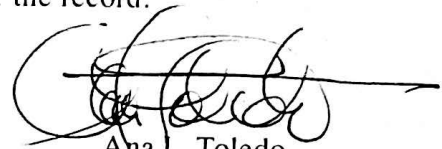
Petitioners respectfully request that the Court be apprised of the information above and

consequently:

a) Order the Clerk of the Court to correct the record to reflect that the Solicitor General only represents defendants Department of Homeland Security, Federal Bureau of Investigation and Official Capacity Defendants, and does not represent Individual Capacity Defendants / Respondents Merrick Garland, Christopher Wray, Alejandro Mayorkas, Kenneth Wainstein and private citizen Charles Kable.

b) Include as part of the Petition's Appendix at page App. 101a, the table included in Exhibit 1 of this motion that should have been made part of the record.

Respectfully submitted,



Ana L. Toledo
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Houston, TX 77022
Phone: 832-247-3046
Email: ana@anatoledo.com

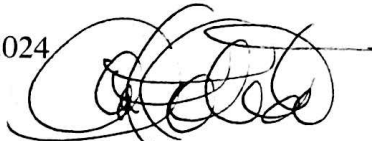
EXHIBIT 1

Date: September 26, 2024

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing application has been filed with the electronic filing that notifies the Solicitor General, and copied Mr. Graham White by email.

Date: September 26, 2024



Ana L. Toledo
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Counsel for Petitioners

EXHIBIT 1

Ana L. Toledo
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T. 832-247-3046
ana@anatoledo.com

September 18, 2024

Via email: dbickell@supremecourt.gov

Mr. Danny Bickell
Supreme Curt of the United States
Office of the Clerk

RE: 24-91, *Targeted Justice v. Garland*

Dear Mr. Bickell:

On behalf of Petitioners, I hereby request that the Clerk strike from the record the document entitled "Waiver" dated August 15, 2024 purportedly filed by the Solicitor General for failure to comply with the Court's rules

The document is unsigned. It does not contain Ms. Prelogar's or any of her representative's signatures.

Furthermore, the document does not contain the certificate of service required by Rule 29(5). Simply writing "cc" on the document does not meet the rule's requirements. The Solicitor purports to solely represent the "government," not the Respondent Individual Capacity Defendants who were not even copied. If she only represents the government, she had to certify service to the other respondent private parties. Particularly private citizen Charles Kable Jr who ceased to be a federal employee as of January 31, 2023 and figures as an individual capacity respondent/defendant.

For these reasons, Petitioners request that the "Waiver" be stricken from the record for failing to comply with basic mandatory provisions contained in the Rules.

With nothing further, I remain,

Sincerely,

/s/ Ana L. Toledo
Ana L. Toledo

cc: Solicitor General , supremectbriefs@usdoj.gov

EXHIBIT 2

DATE	DESCRIPTION	AMOUNT	BALANCE
1-1-20
1-15-20
2-1-20
2-15-20
3-1-20
3-15-20
4-1-20
4-15-20
5-1-20
5-15-20
6-1-20
6-15-20
7-1-20
7-15-20
8-1-20
8-15-20
9-1-20
9-15-20
10-1-20
10-15-20
11-1-20
11-15-20
12-1-20
12-15-20
TOTAL

Ana L. Toledo
PO Box 15590
Houston, TX 77220
T. 832-247-3046
ana@anatoledo.com

September 17, 2024

Via email: dbickell@supremecourt.gov

Mr. Danny Bickell
Supreme Curt of the United States
Office of the Clerk

RE: 24-91, *Targeted Justice v. Garland*

Dear Mr. Bickell:

Pursuant to our conversation earlier today, this is to bring to the Court's attention the print shop's mistake in omitting the complete table from one of the documents of the Petition's appendix in the above-referenced matter.

Page App.101a, paragraph 234 of the Petition contains a table of only 3 lines with incomplete text. The actual table that was made part of paragraph 234 of the second amended complaint included in the original filing, docket 26 of case 6:23-0003 before the USDC for the Southern District of Texas, at page 50, containing the data on TSDB nominations, acceptances, and rejections that was printed incompletely should read as follows:

Calendar Year	Total Nominations	Total Adds	Rejections
2008	248,234	66,862	916
2009	229,369	54,999	424
2010	262,411	64,197	1,346
2011	285,681	77,925	1,203
2012	344,258	106,468	1,153
2013	482,114	159,829	1,820
2014	431,086	115,627	1,218
2015	454,173	148,730	1,021
2016	518,352	176,014	2,671
2017	480,984	166,603	5,215

I ask that you kindly circulate among all the justices this omission as soon as practicable.

Thank-you for your prompt assistance on this matter.

Best,

/s/ Ana L. Toledo

Ana L. Toledo