"I came to complete not to refute. I came light to the World." Jesus Christ

No. _____

IN THE SUPREME COURT OF THE UNITED STATES

Mark Bochra, individually and on Behalf of all others similarly situated,

Plaintiffs -Appellants,

V.

U.S. DEPARTMENT OF EDUCATION; Miguel Cardona, in his official Capacity as the Secretary for DOE and Suzanne Goldberg in her official Capacity as the secretary for OCR,

Defendants -Appellees.

On Petition for Writ of Certiorari
To the United States Court of Appeals
For the Seventh Circuit
(Case 22-2903 and 23-1388)
District Court 1:21-cv-03887 (Judge Sara Ellis)

APPLICATION FOR AN EXTENSION OF TIME TO FILE A PETITION FOR A WRIT OF CERTIORARI

[To the Honorable Supreme Court Justice Amy Coney Barrett Circuit Justice for the Seventh Circuit]

Mark Bochra
5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
Plaintiff, Pro Se
elohim.coptic@outlook.com

July 8, 2024

"I came to complete not to refute. I came light to the World." Jesus Christ

Dear Honorable Judge Amy Coney Barrett, Associate Justice of the Supreme Court of the United States and Circuit Justice for the United States Court of Appeals for the Seventh Circuit:

Pursuant to Supreme Court Rule 13.5, Applicant Mark Bochra respectfully requests an extension of time of 60 days to file his Petition for Writ of Certiorari in this Court by September 30, 2024.

JUDGMENT FOR WHICH REVIEW IS SOUGHT

The judgment for which review is sought in *Bochra v. U.S. Department of Education* (1:21-cv-03887) Appeal 22-2903 and 23-1388. The Seventh Circuit without assigning a 3 panel judges to review the appeal with its case record including (1) seeking an injunction against the IHRA definition, (2) defendants waived arguments on appeal and much more, came an order "by the Court" and in a 3 page order with facts not even from the case record but someone's own imagination dismissing the appeal while not addressing the consolidated appeal 23-1388. This happened while the "7th Circuit" redacted the name Kenneth Marcus from its order when he is the subject of the case using the IHRA definition and involved in Mark's OCR journey. Please see a copy of filed brief and reply brief by Mark pertaining to Appeal 22-2903 and 23-1388.

Mr. Frank Insalaco a good 7th Circuit Supervisor told Mark "You were suppose to receive a 3 Judges panel, the Judges know what happened" while previously Mark was threatened by an evil former 7th Circuit Supervisor under the name Jim Richmond when he told Mark how his future appeal would be fixed long before it was even filed with the 7th Circuit by saying:

- File your appeal, when are you filing it? Oh you will see what action we will take, and then you can go to your favorite Supreme Court justice and see how they will rule for your case.[1]

This journey resulted in a filed 3 separate Judicial Misconduct Complaints; Nos. 07-24-90029 through 90043, Nos. 07-24-90049 through 90063, and No. 07-24-90072. Some of the Misconduct Complaints are ongoing i.e., 07-24-90072 while Nos. 07-24-90029 through 90043, Nos. 07-24-90049 through 90063 are going to be filed before the 7th Circuit Judicial Council and the Judicial Conference Committee because Chief Judge Diane Sykes did not assign a special committee to investigate disputed facts, she often says "she doesn't understand" my complaints.[2]

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[1] See reported complaint pertaining to Jim Richmond https://www.scribd.com/document/717275139/Judicial-Misconduct-Reporting-Jim-Richmond-of-the-7th-Circuit

[2] See copy of the complaints https://www.scribd.com/document/745155055/Petition-for-Review-Judicial-Conference-Committee-Rule-26

Please see a copy of Mark's filed petition for re-hearing and en banc hearing along with the denied Petition for re-hearing before an original panel when there was none on the record and hearing en banc was denied in Appeal Nos. 22-2903 and 23-1388 (consolidated) ECF No. 48. The order was issued on May 3, 2024 which falls on Mark's Coptic Good Friday before he celebrates Easter on May 5, 2024; a date Mark knew from the very beginning because Mark was targeted left and right because of his Coptic identity. The respondents or the defendants are the Department of Education along with other parties in both official and individual capacity.

Case: 22-2903 Document: 48 Filed: 05/03/2024 Pages: 1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

May 3, 2024

By the Court:

Nos. 22-2903 & 23-1388

MARK BOCHRA,
Plaintiff-Appellant,

v.

DEPARTMENT OF EDUCATION, et al.,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 21 C 3887

Sara L. Ellis,
Judge.

ORDER

On consideration of the petition for rehearing and petition for rehearing en banc, filed on April 19, 2024, by the appellant, no judge in regular active service has requested a vote on the petition for rehearing en banc and the judges on the original panel have voted to deny rehearing. It is, therefore, **ORDERED** that the petition for rehearing and petition for rehearing en banc is **DENIED**.

This Court decided *Trump v. United States* 23-939 declaring official capacity is subject to immunity but individual capacity is not subject to immunity sending the case back to lower court to decide which act is official and which act is individual while addressing also the motives; to

decide the issue of immunity by addressing Official vs. Individual acts done under different motives.[3] See also *United States v. Isaacs*, 493 F.2d 1124, 1131 (7th Cir. 1974) and *United States v. Hastings*, 681 F.2d 706, 707 (11th Cir. 1982). See also *Caryn Strickland v. US*, No. 21-1346 (4th Cir. 2022) a civil lawsuit brought by a former federal public defender against the 4th Circuit Judges in both official and individual capacity for employment discrimination.

This honorable court also overruled the "Chevron Doctrine" in LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL. No. 22–451[4] and also ruled in CORNER POST, INC. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM No. 22–1008[5] declaring "that the six year window to sue federal agencies begins when the plaintiff experiences damages due to their actions."

Over 1300 Jewish faculty and law professors are objecting to the IHRA definition.[6] This case strikes at the heart of *Brown vs Board of Education;* this time it is not a segregation case between White vs. Black human being separated by color but between Jews vs. Gentiles separated by race and religion. We already saw the wisdom of God in Genesis 16 when there was a fight over status between Sarah and Hagar, the Children of Abraham became separated i.e., Isaac and Ishmael (Jews and Arabs) for over 2000 years until the Abraham Accord was fostered. Do we need to see separation to take place in America as well between Jews and everyone else?

When judges ruled in *Plessy v. Ferguson* (1896) declaring "separate but equal" the vast majority of the public pressure came from humans who were white and the Judges answered to power while their wisdom was removed at that time. Following this decision, a monumental amount of segregation laws were enacted by state and local governments throughout the country, sparking decades of crude legal and social treatment for African Americans. The horrid aftermath of "separate but equal" from Ferguson was halted by the Supreme Court in *Brown v. Board of Education* (1954) where the Court said that separate schools for African American students were "inherently unequal."

The same idea that was rejected by the Supreme Court "separate but equal" is now repeating in a new form called the IHRA definition, promoted by the Israeli lobby in America which claims Jews will have their own definition and the Gentiles will not be part of that

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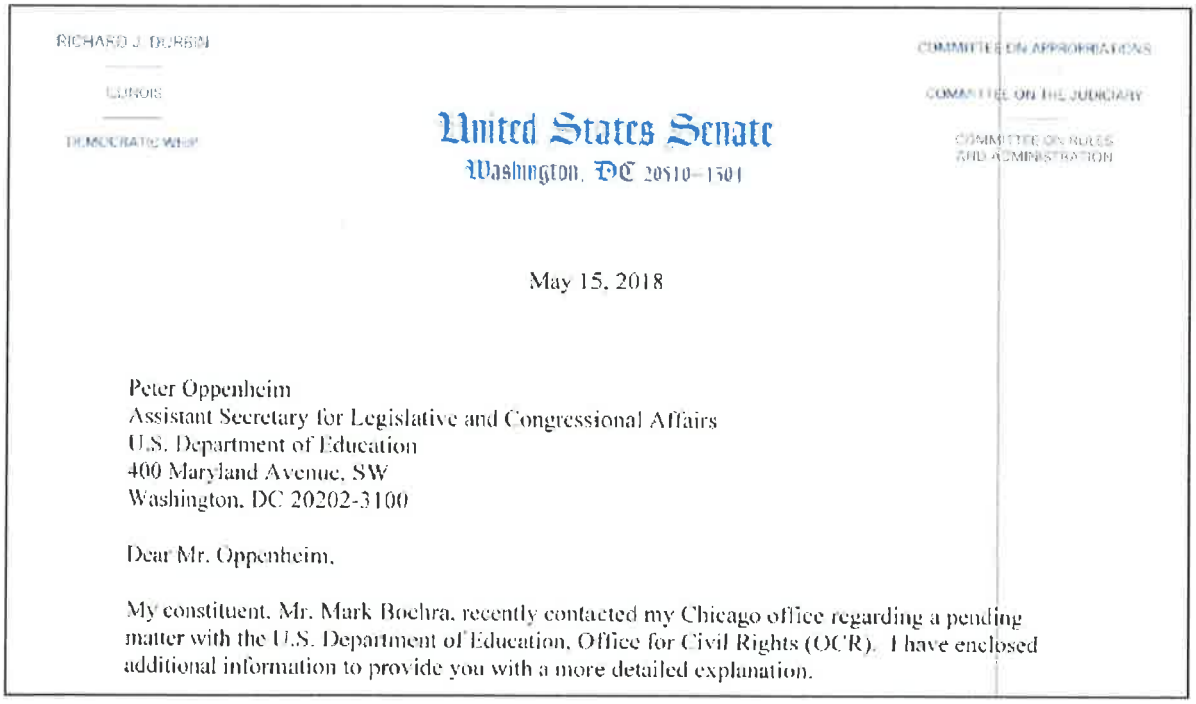
[3] See https://www.scotusblog.com/case-files/cases/trump-v-united-states-3/
[4] See https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf
[5] See https://www.supremecourt.gov/opinions/23pdf/22-1008_1b82.pdf
[6] See https://docs.google.com/document/d/1lButpliajBJ3vYlykA-mj5gV35btDhwfczfFUoXQRMQ/edit

definition. But not only that, it adds something special by saying "Jews didn't kill Jesus Christ" a government endorsed view point discrimination.

The Supreme Court's history often tend to wait and see before any major ruling come out until changes are too late and chaos is ensued just like Covid19 lockdowns, it took the Supreme Court over a year to declare "COVID emergency orders are among `greatest intrusions on civil liberties,'" said Justice Gorsuch in case *Arizona, et al vs. Alejandro Mayorkas et al* No. 22-592 but the damage has already been done to America's economy and not saved by this Court.

Petitioner respectfully seeks an extension of time to file a petition for Writ of Certiorari seeking review of the lower Court decision i.e., the 7th Circuit affirming the District Court decision while never addressing Mark's appeal at all with all its merits and defendants waived arguments on appeal but wrote facts not even from the case record such as "the department of education refused to investigate Mark's OCR Complaint" when in fact the Department of Education spent 2 years in resolution negotiation with the recipient trying to settle the complaint and if a resolution was not reached, the next step would be enforcement action according Melanie Velez.[7] The 7th Circuit ended up redacting Senator Durbin's letter from the order and altered many facts to arrive at this fixed order fulfilling Jim Richmond's past threatening words.



RICHARD J. DURBIN
ILLINOIS
DEMOCRATIC WHIP

COMMITTEE ON APPROPRIATIONS
COMMITTEE ON THE JUDICIARY
COMMITTEE ON RULES AND ADMINISTRATION

United States Senate
Washington, DC 20510–1501

May 15, 2018

Peter Oppenheim
Assistant Secretary for Legislative and Congressional Affairs
U.S. Department of Education
400 Maryland Avenue, SW
Washington, DC 20202-3100

Dear Mr. Oppenheim,

My constituent, Mr. Mark Bochra, recently contacted my Chicago office regarding a pending matter with the U.S. Department of Education, Office for Civil Rights (OCR). I have enclosed additional information to provide you with a more detailed explanation.

[7] See order https://law.justia.com/cases/federal/appellate-courts/ca7/23-1388/23-1388-2024-02-27.html

NONPRECEDENTIAL DISPOSITION
To be cited only in accordance with FED. R. APP. P. 32.1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

Submitted February 26, 2024*
Decided February 27, 2024

By the Court:

Nos. 22-2903 & 23-1388

MARK BOCHRA,
Plaintiff-Appellant,

v.

DEPARTMENT OF EDUCATION, et al.,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 21 C 3887

Sara L. Ellis,
Judge.

ORDER

Mark Bochra, a Coptic Christian of Egyptian descent, sued the Department of Education under the Administrative Procedures Act (APA) and 42 U.S.C. § 1983 after it rejected his request to investigate his law school for discriminating against him. The district judge dismissed the suit for three reasons. First, Bochra lacked standing in part:

How can the 7th Circuit say the Department rejected Mark's request to investigate his discrimination complaint when Senator Durbin was sending 3 letters to the Department of Education former Secretary Betsy Devos and receiving 3 separate responses from OCR Atlanta Director Melanie Velez stating she is negotiating with the recipient a resolution agreement and this lasted for nearly 2 years, see ECF 54 in 1:21-cv-03887 Exhibit 12.

What Jim Richmond told Mark, came to pass verbatim is that his future appeal will be fixed. Whether this was fulfilled by 3 panel anonymous judges or a staff attorney, there is reason for the filed Judicial Misconduct Complaints because this journey was painful on many fronts.

- File your appeal, when are you filing it? Oh you will see what action we will take, and then you can go to your favorite Supreme Court justice and see how they will rule for your case.[8]

[8] See reported complaint pertaining to Jim Richmond https://www.scribd.com/document/717275139/Judicial-Misconduct-Reporting-Jim-Richmond-of-the-7th-Circuit

JURISDICTION

Under 28 U.S. Code § 1254 The Supreme Court possesses jurisdiction over this appeal. On May 3, 2024, the United States Court of Appeals for the Seventh Circuit Judges denied Petitioner Mark request for re-hearing and hearing *en banc*, leaving the appeal fixed "as is".

Case: 22-2903 Document: 48 Filed: 05/03/2024 Pages: 1

United States Court of Appeals

For the Seventh Circuit
Chicago, Illinois 60604

May 3, 2024

By the Court:

Nos. 22-2903 & 23-1388

MARK BOCHRA,
Plaintiff-Appellant,

v.

DEPARTMENT OF EDUCATION, et al.,
Defendants-Appellees.

Appeals from the United States District Court for the Northern District of Illinois, Eastern Division.

No. 21 C 3887

Sara L. Ellis,
Judge.

ORDER

On consideration of the petition for rehearing and petition for rehearing en banc, filed on April 19, 2024, by the appellant, no judge in regular active service has requested a vote on the petition for rehearing en banc and the judges on the original panel have voted to deny rehearing. It is, therefore, **ORDERED** that the petition for rehearing and petition for rehearing en banc is **DENIED**.

Under 28 U.S.C. §§ 1254, 1257, and 2101(c).

You must file your petition for a writ of certiorari within 90 days from the date of the entry of the final judgment in the United States court of appeals or highest state appellate court or 90 days from the denial of a timely filed petition for rehearing.[9]

[9] See https://www.supremecourt.gov/casehand/guideforIFPcases2019.pdf

Under 28 U.S. Code § 1254 cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree;

(2) By certification at any time by a court of appeals of any question of law in any civil or criminal case as to which instructions are desired, and upon such certification the Supreme Court may give binding instructions or require the entire record to be sent up for decision of the entire matter in controversy.

REASONS FOR GRANTING EXTENSION OF TIME

Applicant is seeking an extension of time for many reasons one of them is his history of seizure epilepsy compounded with anxiety and depression as he often need the extra time to prepare his petition and his writings. Previously the 7th Circuit granted an extension of time in a different appeal, the main appeal of the case 22-2903, 23-1388 by Judge Thomas Kirsch.

Case: 22-2903 Document: 26 Filed: 05/23/2023 Pages: 2

UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Everett McKinley Dirksen
United States Courthouse
Room 2722 - 219 S. Dearborn Street
Chicago, Illinois 60604

Office of the Clerk
Phone: (312) 435-5850
www.ca7.uscourts.gov

ORDER

May 23, 2023

Before

THOMAS L. KIRSCH II, *Circuit Judge*

Nos. 22-2903 & 23-1388	MARK BOCHRA, Plaintiff - Appellant v. DEPARTMENT OF EDUCATION, et al., Defendants - Appellees
Originating Case Information:	
District Court No: 1:21-cv-03887 Northern District of Illinois, Eastern Division District Judge Sara L. Ellis	

Upon consideration of the MOTION FOR AN EXTENSION OF TIME TO FILE HIS BRIEF DUE TO SEVERAL LIFE AND MEDICAL CONDITIONS AND PERMISSION SEEKING TO FILE AN OVERSIZED BRIEF, filed on May 19, 2023, by the pro se appellant,

The other reason is that Mark is currently working on his petition for writ mandamus review in appeal No. 23A1078 which is due by September 23, 2024 pertaining to appeal 24-1592.

Mark is also dealing with so much life challenges that he often needs mental break when writing these legal papers, also Mark needs the additional time to study the recent Supreme Court rulings in LOPER BRIGHT ENTERPRISES ET AL. v. RAIMONDO, SECRETARY OF COMMERCE, ET AL. No. 22–451[10] and also ruled in CORNER POST, INC. v. BOARD OF GOVERNORS OF THE FEDERAL RESERVE SYSTEM No. 22–1008[11]

Notice of Docket Activity

The following transaction was entered on 02/27/2024 at 10:22:17 AM Central Standard Time and filed on 02/27/2024

Case Name: Mark Bochra v. Department of Education, et al
Case Number: 22-2903
Document(s): Document(s)

Docket Text:
Filed Nonprecedential Disposition PER CURIAM. AFFIRMED. [43] [7366837] [22-2903, 23-1388] (PS)

Notice will be electronically mailed to:

Mark Bochra
Sara L. Ellis, District Court Judge
Ms. Sarah Terman, Attorney

Order was entered 2/27/2024

22-2903 Mark Bochra v. Department of Education, et al "Rehearing Denial Order" (1:21-cv-03887)

CA07_CMECFMail@ca7.uscourts.gov
To: You

Reply Reply all Forward ...
Fri 5/3/2024 3:16 PM

*****NOTE TO PUBLIC ACCESS USERS*** Judicial Conference of the United States policy permits attorneys of record and parties in a case (including pro se litigants) to receive one free electronic copy of all documents filed electronically, if receipt is required by law or directed by the filer. PACER access fees apply to all other users. To avoid later charges, download a copy of each document during this first viewing.**

Seventh Circuit Court of Appeals

Notice of Docket Activity

The following transaction was entered on 05/03/2024 at 3:14:24 PM Central Daylight Time and filed on 05/03/2024

Case Name: Mark Bochra v. Department of Education, et al
Case Number: 22-2903
Document(s): Document(s)

Docket Text:
ORDER: Appellant Mark Bochra's Petition for Rehearing and Petition for Rehearing Enbanc is DENIED. [48] [7380334] [22-2903, 23-1388] (FP)

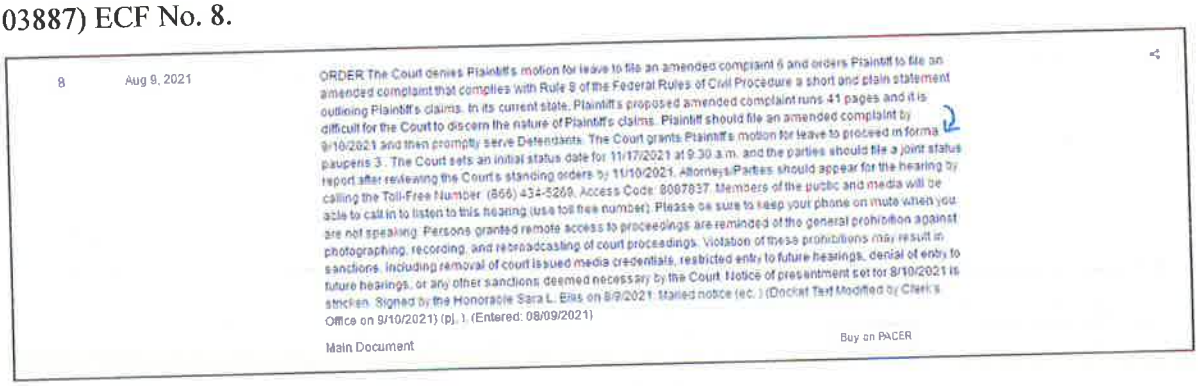
Notice will be electronically mailed to:

Mark Bochra
Sara L. Ellis, District Court Judge
Ms. Sarah Terman, Attorney

Petition for re-hearing was denied on 5/03/2024

[10] See https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf
[11] See https://www.supremecourt.gov/opinions/23pdf/22-1008_1b82.pdf

District Court granted in forma pauperis in *Bochra v. U.S. Department of Education* (1:21-cv-03887) ECF No. 8.



8	Aug 9, 2021	ORDER The Court denies Plaintiff's motion for leave to file an amended complaint 6 and orders Plaintiff to file an amended complaint that complies with Rule 8 of the Federal Rules of Civil Procedure a short and plain statement outlining Plaintiff's claims. In its current state, Plaintiff's proposed amended complaint runs 41 pages and it is difficult for the Court to discern the nature of Plaintiff's claims. Plaintiff should file an amended complaint by 9/10/2021 and then promptly serve Defendants. The Court grants Plaintiff's motion for leave to proceed in forma pauperis 3. The Court sets an initial status date for 11/17/2021 at 9:30 a.m. and the parties should file a joint status report after reviewing the Court's standing orders by 11/10/2021. Attorneys/Parties should appear for the hearing by calling the Toll-Free Number: (866) 434-5269, Access Code: 8087837. Members of the public and media will be able to call in to listen to this hearing (use toll free number). Please be sure to keep your phone on mute when you are not speaking. Persons granted remote access to proceedings are reminded of the general prohibition against photographing, recording, and rebroadcasting of court proceedings. Violation of these prohibitions may result in sanctions, including removal of court issued media credentials, restricted entry to future hearings, denial of entry to future hearings, or any other sanctions deemed necessary by the Court. Notice of presentment set for 8/10/2021 is stricken. Signed by the Honorable Sara L. Ellis on 8/9/2021. Mailed notice (ec,) (Docket Text Modified by Clerk's Office on 9/10/2021) (pj,). (Entered: 08/09/2021)
		Main Document Buy on PACER

CONCLUSION

For these reasons, Applicant requests that this Honorable Court grants an extension of 60 days, up to and including September 30, 2024, within which Petitioner Mark Bochra may file a petition for writ of certiorari seeking a review of this Court after it overruled the "chevron doctrine". Likewise, the IHRA definition cannot be enforced on all of America.

Dated: July 8, 2024.

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

Exhibits	Description
A	Copy of Mark filed brief in 22-2903 and 23-1388.
B	Copy of Mark filed reply brief in 22-2903 and 23-1388.
C	Copy of the 7th Circuit final Judgment.
D	Copy of Mark filed petition for re-hearing and hearing en banc in 22-2903 and 23-1388.
E	Copy of the 7th Circuit denying petition for re-hearing and en banc hearing.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have mailed the foregoing documents via UPS on July 8, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system. A courtesy copy was e-mailed to opposing Counsel Ms Sarah Terman as well as the Solicitor General Ms. Elizabeth Prelogar.

Ms. Sarah F. Terman
Assistant United States Attorney
219 South Dearborn Street, Suite 500
Chicago, Illinois 60604
Pronouns: she/her
(312) 469-6201
sarah.terman@usdoj.gov

Ms. Elizabeth Prelogar
Solicitor General
elizabeth.b.prelogar@usdoj.gov

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
elohim.coptic@outlook.com

EXHIBIT A

Ecf 29

"I came to complete not to refute. I came light to the World." Jesus Christ

No. 22-2903 and 23-1388

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Mark Bochra, individually and on Behalf of all others similarly situated,

Plaintiffs -Appellants,

V.

U.S. DEPARTMENT OF EDUCATION; Betsy Devos, in her official and individual capacity as former Secretary for the Department of Education and Kenneth Marcus, in his official and individual capacity as the former Secretary for OCR; Miguel Cardona, in his official Capacity as the Current Secretary for the Department of Education, Suzanne Goldberg in her official and individual capacity as the Former secretary for OCR, and Secretary Catherine Lhamon in her official Capacity as the current Secretary for OCR.[1]

Defendants -Appellees.

On Appeal from the United States District Court
For the Northern District of Illinois
No. 1:21-cv-03887 (Judge Sara L. Ellis)

OPENING BRIEF OF APPELANT

Mark Bochra
5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
Plaintiff, Pro Se

[1] The parties mostly involved were former secretary Betsy Devos and former secretary Kenneth Marcus but because leadership changed from the Trump administration to the Biden administration, current secretary for the department of education and current secretary for office for civil rights had to be named in the ongoing litigation. The new administration took over leadership during Mark's appeal process of his OCR Complaint; they were partially involved.

Similar to the *Sweet v. Cardona* (3:19-cv-03674) case which was later settled, it went from Former Secretary Betsy Devos to Current Secretary Miguel Cardona because of the official capacity over the Department of Education. Moreover, OCR are currently handling employment discrimination for Mark Bochra against Chicago Public School and many change of events took place related to the IHRA definition as well as changes to the OCR manual without going through regulatory channels in direct violation of again the APA; major rule the "appeal" process was removed from the OCR manual.

"I came to complete not to refute. I came light to the World." Jesus Christ

STATEMENT REGARDING ORAL ARGUMENT

Plaintiff Mark Bochra, *pro se*, tried his best to describe this complex case of discrimination and retaliation not just by Florida Coastal School of Law (FCSL) but by Office for Civil Rights (OCR) under Kenneth Marcus leadership who was working as an agent on behalf of Israel without registering under the Foreign Agents Registration Act (FARA), used the IHRA definition without the department's senior leadership awareness to personally grants Zoa's appeal; ECF No. 54 page 4.

The district court dismissed Mark's lawsuit with prejudice while failing to factor in Mark's 6 raised Counts with in-depth analysis including a request for injunction and the removal of the IHRA from the Department of Education website and declaring it unconstitutional by adequately challenging it under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D).

While this case was pending appeal, several Circuit Court cases such as *CFPB v. All Am. Check Cashing, Inc.*, 33 F.4th 218, 241 (5th Cir. 2022) (Jones, J., concurring) supported Mark's standing to lawsuit the Department of Education when an agency acts "arbitrary & capricious", 5 U.S.C. § 706(2)(A) and "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B). In addition to a recent unanimous 9-0 Supreme Court ruling in *Axon Enterprise v. Federal Trade Commission* No. 21-86.

Appellant Mark Bochra respectfully request an oral argument because this is a fact intensive case with a 5 years history and ongoing violations under the APA to this very day; oral argument will provide the parties with an opportunity to assist the Court in the Constitutional, statutory, and factual analysis required to resolve this appeal.

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Cases **Page(s)**

Statutes

Other Authorities

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Regulations

STATEMENT OF JURISDICTION

The district court had subject-matter jurisdiction because the case presents federal questions under the Administrative Procedure Act, 5 U.S.C. Chapter 5, §§ 551; et seq[1] and procedural due process – U.S. Const. Amend 5. The district court also had subject matter jurisdiction over this matter pursuant to U.S.C. §701 – 706; 28 U.S.C. §§ 1331 and 2201; HEA, 20 U.S.C. § 1082; and Federal Rule of Civil Procedure 23 and authority to issue declaratory and injunctive relief pursuant to 28 U.S.C. § 2201-2202.

Plaintiff, Mark Bochra also wanted to amend his complaint once as a matter of right with additional counts. However, the district court denied it claiming it wants to rule on Defendants' motion to dismiss first (see ECF No. 34, see also the court striking a its own the sureply in ECF No. 64 which provides a cure to the court's own ruling in ECF No. 84 related to property and liberty rights deprivation) additional counts i.e., violations of the 1st amendment rights in terms of endorsed view point discrimination, violation of equal protection clause under the 5th amendment, as well as claims pursuant to 42 U.S.C. §§ 1985(3) - Conspiracy to interfere with civil rights and 1986 - Action for neglect to prevent; and Title VI of the Civil Right Act of 1964, 42 U.S.C. § 2000d et seq; free from retaliation under the Whistleblower Protection Act.

The district court issued its final judgment with prejudice on September 12, 2022 in (ECF Nos. 84-85) by cancelling the scheduled hearing between the parties which was set on September 27, 2022. This happened after Mark sought the recusal of Hon. Judge Sara Ellis, see ECF Nos. 78 (the judicial misconduct complaint was sealed on its own without the court's knowledge, see ECF No. 102 but more can be read in ECF Nos. 120 and 121 Brief and Appendix related to the Executive Committee)[2], see also ECF Nos. 80 and 81-82 (recusal requested).

Mark's initial complaint was based on 6 counts; these counts were related to both the 2020 OCR Manual and the IHRA definition under the APA for injunctive and declaratory relief.

1) Count I: Violation of 5 USC Chapter 5, §§ 551, *et seq.*: Adoption of a Rule that is Not in Accordance with Law (for Injunctive and Declaratory Relief)
2) Count II: Violation of 5 USC Chapter 5, §§ 551, et seq. Adoption of the IHRA definition that is Arbitrary or Capricious (for Injunctive and Declaratory Relief)
3) Count III: Violation of 5 U.S.C. Chapter 5, §§ 551, et seq.: Failure to comply with notice and comment requirements (for Injunctive and Declaratory Relief)

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[1] On review, the APA empowers courts to set aside agency action that is, among other things, "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law."

[2] Mark didn't want to proceed further pursing this matter and wants to see the good hearts of the Executive committee. He has several motions pending before them because the mandate was sent back to them.

4) Count IV: Unlawfully Withheld and Unreasonably Delayed Agency Action APA § 706(1)
5) Count V: Arbitrary and Capricious Final Agency Action APA § 706(2)
6) Count VI: Procedural due Process – U.S. Const. Amend. 5

Mark timely appealed, see Fed. R. App. P. 4(a)(1)(B), 4(a)(4)(A)(iv). See also FED. R. CIV. P. 60(b) and 62.1 and Federal Rule of Appellate Procedure 12.1. The 7th Circuit Court of Appeals on its own has consolidated both appeals 22-2903 and 23-1388. This Honorable Court has subject matter jurisdiction under 28 U.S.C. § 1291.

STATEMENT OF THE ISSUES

1. Whether plaintiff has a standing to lawsuit the Department of Education and challenge the IHRA definition seeking an injunction against it, removal of the IHRA definition from the Department of Education website, and declaring it unconstitutional by adequately challenging it under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D).

2. Whether the district court improperly held that it lacks subject matter jurisdiction over the department of education when it acted arbitrarily and capriciously toward the plaintiff and others wherein: (a) the Department of Education under Kenneth Marcus leadership adjudicated religion discrimination under the IHRA definition for ZOA but refused to provide the same equal protection and equal treatment toward the plaintiff; (b) whether the plaintiff was protected from any retaliation by OCR under the leadership of Kenneth Marcus for reporting Kenneth Marcus infiltrating the department of education on behalf of Israel and implementing the IHRA definition without going through the regulatory channels; and (c) whether tempering with witnesses, redacting witnesses' names and testimonies and producing a false OCR report to alter the truth after promising enforcement action was the next step, constitutes arbitrary and capricious behavior by the department of education under Kenneth Marcus leadership; see also *Delgado v. United States Department of Justice*, No. 19-2239 (7th Cir. 2020).[3]

3. Whether the equal protection clause mandates that all complainants are treated fairly and equally regardless of their race, religion, or color by OCR; the IHRA definition

[3] See https://law.justia.com/cases/federal/appellate-courts/ca7/19-2239/19-2239-2020-07-16.html

violates the equal protection clause under the 5th Amendment. See Mark's appeal with OCR reciting "equal protection clause" ECF No. 54 page 68 as well as Exhibit 15 in ECF No. 54.

4. Whether the APA and the doctrine of "non-statutory review" of an unfair OCR proceeding with direct violation to its own case processing manual and the use of the IHRA definition with one appeal compare to another, waives sovereign immunity of federal officials in both their individual and official capacities when constitutional rights are violated.

5. Whether a federal official's sovereign immunity is waived when there is a clear violation of individual's civil rights under 42 U.S.C. § 1983 because of federal officials' actions led to complaints with OIG DOE, OIG DOJ, and other federal agencies related to Kenneth Marcus and his use of the IHRA definition acting as an agent on behalf of Israel.

6. Whether Mark Bochra stated a claim that federal officials committed an endorsed government view point discrimination (the IHRA definition says "Jews didn't kill Jesus Christ")[4] and violated equal protection clause under the 1st and 5th amendments through the department's use of the IHRA definition by subjecting Mark to ongoing discrimination and retaliation based on his Coptic identity and his faith in Jesus Christ; seeking injunctive and prospective relief.

7. Whether defendants waived their rights on appeal to challenge plaintiff's claims under the (law of the case, waiver, and judicial estoppels) when they abandoned challenging plaintiff's many arguments in his ECF No. 54 while focusing on challenging small arguments on page 89 (pages which were attacked by the defendants 89, 24, 21, 64, 61) knowing that they have potentially waived their rights to challenge any and all of plaintiff's raised arguments including who is Kenneth Marcus and what he did at OCR pertaining to his use of the IHRA definition and plaintiff's OCR Complaint (retaliated against). See ECF Nos. 61-62 and 64 (court order), ECF No. 65 and 67 (court order).

8. Whether the recent unanimous 9-0 Supreme Court ruling in *Axon Enterprise v. Federal Trade Commission* No. 21-86 provides the plaintiff with a standing to lawsuit the Department of Education seeking an injunction against the IHRA definition declaring it unconstitutional in violation of the APA; see ECF No. 122 Exhibits A & B. See also recent ongoing Supreme Court case in *Loper Bright Enterprises v. Raimondo* No. 22-451, the Supreme

[4] Can the Department of Education have a definition which says "Muhammad is not the prophet of Islam" on its Department's website? Or Moses did not receive the 10 Commandments from God.

Court potentially in the near future could vacate the "Chevron Doctrine" sending power back to the Judicial Branch for reviewing federal agencies actions.[5]

9. Whether both the defendants and the court improperly held that plaintiff has an alternative adequate remedy barred by Section 704 under the APA. If the recipient is no longer eligible for federal funds under Title IV when the Department of Education denied Florida Coastal School of Law access to Title IV funds, then the recipient is not federally funded and Mark can't lawsuit a dead law school under § 601 of Title VI. The district court claims FCSL is still federal funded under Title VI, see page 4 ECF No. 84. See also Mark's arguments in ECF No. 54 pages 59-66 further stating there are no alternative adequate remedy.

10. Whether the district court abused its discretion many times and showed bias under 28 U.S.C. § 455 towards Mark's Coptic identity when (a) it denied class certification without rigorous analysis of its elements in ECF Nos. 34, 39, 45, 49 see *Eddlemon v. Bradley Univ.*, No. 22-2560; (b) when it denied amending the complaint once as a matter of right knowing Mark's lawsuit is not futile see *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 519 (7th Cir. 2015); (c) when it denied Mark's filed sureply which provided a cure to property and liberty due process deprivation ECF Nos. 61, 64-65, and 67; (d) when a judicial misconduct complaint was pending review before the 7th Circuit Judicial Council and Hon. Judge Sara Ellis refused to postpone the hearing or recuse from the case but retaliation occurred when the scheduled hearing among parties was canceled and a 14 page ruling was issued without any oral arguments or in-depth analysis of Plaintiff's pleadings, see ECF Nos. 78 (sealed not by the Court), 80, 81-82, and 84. For more details on judge shopping and what transpired many of Mark's painful journey, see ECF Nos. 120 and 121.

11. Whether the Department of Education violated the district court own ruling in ECF No. 84 (a) when it later removed the entire appeal process, a major rule, without going through the regulatory channels under the APA; and (b) when it failed to evaluate the IHRA definition in Mark's employment discrimination complaint 05-23-1149 which was the court's own ruling in ECF No. 84 stating that IHRA has to be part of the complaint in order to be evaluated subject to judicial review; see ECF No. 123 Exhibit A.

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[5] No wonder that many judges in the lower courts seem prepared to write the doctrine's eulogy. They are eager to stop aiding and abetting an "erode[d]" "role of the judiciary" and "diminishe[d]" "role of Congress." Egan v. Del. River Port Auth., 851 F.3d 263, 279 (3d Cir. 2017) (Jordan, J., concurring in the judgment). They are ready for the "Article III renaissance [that] is emerging against the judicial abdication performed in Chevron's name." Waterkeeper All. v. EPA, 853 F.3d 527, 539 (D.C. Cir. 2017) (Brown, J., concurring).

STATEMENT OF THE CASE

Plaintiff, Mark Bochra suffered various forms of discrimination with retaliation after reporting discrimination to the dean of the law school (ECF No. 54 page 29-30 & Exhibit 18); direct violations to Title IX of the Education Amendments of 1972 (when Mark was turned from a Complainant into a Respondent)[6]; Title VI of the Civil Rights Act of 1964, 42 U.S.C. § 2000d *et seq.*(based on Mark's Coptic identity, reciting verses from the bible, and his faith in Jesus Christ)[7]; and Section 504 of the Rehabilitation Act of 1973 (Mark was granted accommodation with the law school dean of student affairs who herself retaliated against him i.e., Lauren Levin). See also 29 U.S.C. § 794 *et seq.* Nondiscrimination under Federal grants and programs, including the procedural regulations for Title IX, 34 C.F.R. §§ 106.1-106.71; Title VI, 34 C.F.R. § 100.7; and Section 504, 34 C.F.R. §§ 104.11-104.14 and 104.61.

Mark was also discriminated and retaliated against by OCR leadership, mainly Melanie Velez the former director of OCR Atlanta and Kenneth Marcus the former OCR Secretary. Mark's OCR complaint went from a resolution agreement and enforcement action if a resolution is failed to be signed by the recipient to OCR tempering with witnesses and evidence, and dismissal of the OCR complaint after Mark Bochra filed several complaints with OIG DOE; first OIG DOE complaint was pertaining to OCR Atlanta and handled by special agent Neil Sanchez and later when Kenneth Marcus tried to implement the IHRA definition. See ECF No. 54 Exhibit 1 (Bochra Decl), and Exhibits 2-3 (resolution agreement), Exhibit 10 (Prof. Korin Munsterman's name and testimony were redacted from the findings after she was interviewed by OCR, her testimony in part was the school wanted to get rid of Mark and Mark was a good student). The history of OCR alone is extensive and long. Senator Dick Durbin was also involved sending 3 letters on Mark's behalf to former Secretary Betsy Devos, see ECF No. 54 Exhibit 12.

The district court granted defendants motion to dismiss without a hearing claiming in short 14 pages summary ruling that Mark lacks standing to lawsuit the department of education under the APA. The district court analysis also failed to evaluate Counts I to VI related to both the 2020 OCR Manual and the IHRA definition under the APA for injunctive and declaratory relief. See ECF Nos. 84-85. Mark filed a motion for reconsideration with more analysis in ECF

[6] Mark was assaulted, battered, and threatened to be killed by Michael Roy Guttentag (German Jewish). Mark Bochra (Coptic) was a complainant with the law school, see ECF No 54 page 29 for OCR finding.

[7] OCR considered the faith in Jesus Christ religion discrimination per se and didn't have jurisdiction over investigating religion discrimination but considered title vi with retaliation after discrimination was reported to the dean of the law school, Scott Devito.

No. 86 and the district court denied it without any written analysis in ECF No. 91 and was advised to appeal the decision with the 7th Circuit. In ECF No. 92 Mark requested an extension of time to file an appeal and was granted as good cause was shown, see ECF No. 94.

Mark timely appealed with the 7th Circuit and while on appeal Mark filed a motion with the district court in ECF No. 103 under FED. R. CIV. P. 60(b) in light of recent 5th and 8th Circuits' rulings under the APA, seeking leave to file an amended complaint but it was denied in ECF No. 105 for lack of jurisdiction. Mark filed a motion for reconsideration in ECF No. 106 with supplements ECF Nos. 108-109 under F.R.C.P 62.1 and F.R.A.P 12.1. If the district court chooses option 3 under F.R.C.P 62.1 then it can retain jurisdiction over the case and plaintiff can notify the 7th Circuit of the district court decision under F.R.A.P 12.1. The district court denied the motion without any analysis in ECF No. 110. Mark timely appealed those decisions as well and the 7th Circuit on its own consolidated the appeals.

I. FACTS AND PROCEDURAL HISTORY

Plaintiff, Mark Bochra is a Coptic, also the founder of the Abraham Accord, see ECF No. 9 Exhibits A & G.[8] Mark is a resident of Chicago city with an exemplary history in helping the community throughout high school and college. Mark through his educational journey in his high school and college has proven to be an exemplary student who received multiple awards and accolades regarding his performance in school and college, and his involvement in the community, which continues to this day. Mark provided various community services in the past such as: a) tutoring calculus to other students, b) coaching and taking care of children between the ages 7-14 in the Chicago Park District: Broadway Armory Park; among many other activities, c) providing more than 100 hours of community service such as painting mural walls to decorate his high school, d) a proud blood donor at University of Illinois Medical Center, e) a member of national honor society since 2006 at UIC (Phi Eta Sigma); among many other activities. Some of Mark's awards were a Presidential award signed by Former President George W. Bush and U.S. Secretary of Education Rod Paige, Junior Citizen Award from Chicago Park

[8] The Coptic Church is based on the teachings of Saint Mark who brought Christianity to Egypt during the reign of the Roman emperor Nero in the first century, a dozen of years after the Lord's ascension. He was one of the four evangelists and the one who wrote the oldest canonical gospel. Christianity spread throughout Egypt within half a century of Saint Mark's arrival in Alexandria as is clear from the New Testament writings found in Bahnasa, in Middle Egypt, which date around the year 200 A.D., [...]. The Coptic Church, which is now more than nineteen centuries old, was the subject of many prophecies in the Old Testament. Isaiah the prophet, in Chapter 19, Verse 19 says "In that day there will be an altar to the LORD in the midst of the land of Egypt, and a pillar to the LORD at its border."

District signed by Chicago Park District Superintendent and CEO Timothy Mitchell. To see list of awards, please see ECF No. 124 Exhibit A. Mark came to the district court not speaking about his past awards and character, he came speaking about Jesus Christ but many have not only mocked him like Ms. Sarah Terman in ECF No. 28 page 3 but others targeted his home and his place of work was next; see ECF Nos. 120-121. Mark spoke in parable but many looked and did not see, and listened but did not understand.

Mark graduated from University of Illinois at Chicago (UIC) with a Bachelor in liberal arts and science with a focus in pre-dental courses and Jewish studies. Mark's dream career greatly shifted toward the legal profession after he experience housing discrimination and settled the case in his family's favor with a permanent settlement in *Amin et al v. 5757 North Sheridan Rd Condo Assn. et al* (1:12-CV-00446), and he wanted to be a lawyer, even better a compassionate judge after interning with several law firms. This was a case of a Jewish Condo Association targeting a Coptic family in various ways; pain was there but Jesus Christ was in its midst.

A. Mark facing discrimination & retaliation at Florida Coastal School of Law

Mark with a career dream of becoming a lawyer, went to law school, Florida Coastal School of Law (FCSL), little did he knew was that he would be placed in another trial wherein, he will experience egregious forms of discrimination and retaliation because of his Coptic identity and his faith in Jesus Christ yet again at the hands of several Jewish people; see ECF No. 54 pages 29-31. The law school demanded from Mark to sign a waiver and release of all legal claims against it if he wishes to receive his education because Mark has turned into a liability for the law school, see ECF No. 54 Exhibit 20, but Mark refused and proceeded with a complaint with OCR under Title VI of the Civil Right Act of 1964, 42 U.S.C. § 2000d et seq for both intentional discrimination with retaliation and disparate impact discrimination for all affected students. Mark further during his phone evaluation with OCR Senior Attorney Ledondria H. Saintvil at OCR Atlanta, explained further violations to section 504, religion, and how several Jewish individuals discriminated against him i.e., the evil student Michael Roy Guttentag, his law professor Benjamin Priester, and the dean of student affairs who turned Mark from a Complainant into a Respondent and covered for Michael Roy Guttentag's crimes i.e., Lauren Levin.

Ms. Saintvill advised Mark that she won't investigate religion discrimination because OCR don't have jurisdiction over religion discrimination. After the phone call, OCR opened the case for investigation but redacted some of Mark's allegations including being threatened by his

tort professor, Prof Pingree; see ECF No. 54 page 33 Exhibits 16-17. All these chains of events which occurred were important to Mark's complaint, he wrote 3 detailed investigative memos for OCR Atlanta to understand how Mark was targeted, discriminated and retaliated against even after reporting discrimination to the dean of the law school; the head evil planner was Benjamin Priester after reading Mark's email to his professors reciting a verse from the bible ECF No. 54 Exhibit 19. Mark's subsequent e-mails to OCR and provided evidence also showed violations to Title IX and Section 504, OCR usual practice is when they find other violations during an investigation, they address it in a resolution agreement; see ECF No. 54 pages 35-44.

B. OCR Case Processing Manual was applied selectively and differently on Mark compare to others: Witnesses & the Evidence were tempered with intent & malice

OCR knew after interviewing few witnesses including LT Larry Kitchen who was the first to be interviewed by providing Mark his cell phone to give it to OCR investigator, see ECF No. 54 pages 34-35. At some point during the investigation Mark found from his professor Korin Munsterman that OCR lied to him and did not interview her and canceled the interview with two professors i.e., Prof Munsterman and Prof. Pingree and proceeded with negotiating a resolution agreement with the recipient; see Am. Comp ECF No. 9 Exhibit B pages 4-5, the OCR manual section 302 dictates that if a resolution agreement is initiated, the parties needs to be notified including the complainant. Here Mark found an OCR investigator lied to him and he started to send letters to Secretary of OCR at that time Ms. Candice Jackson who appointed Enforcement Director Randolph Wills telling him "I need this case handled properly" see Am. Comp ECF No. 9 Exhibit D pages 9-12. See also later an OIG DOE complaint to the inspector general and a follow up e-mail from special agent Neil Sanchez in Am. Comp ECF No. 9 Exhibit D pages 13-14. See further analysis in ECF No. 54.

Mark's main communications were no longer with Ms. Ledondria H. Saintvil but directly with OCR HQ through Mr. Randolph Wills who is currently the deputy assistant secretary for enforcement overseeing all enforcement directors[9] and with Ms. Melanie Velez the former director of OCR Atlanta. While Ms. Candice Jackson was the Secretary of OCR, Mark was in good hands, Ms. Jackson was a Christian and she felt Mark's pain. Until came the dark day wherein, Kenneth Marcus joined OCR and he wasn't just any person, he was an agent acting on behalf of Israel betraying America and failing to register under (FARA).

[9] See https://www2.ed.gov/about/offices/list/ocr/contactus2.html

C. Mark started to report Kenneth Marcus and his use of the IHRA definition

Kenneth Marcus' hate toward the name Jesus Christ were shown within his writings, see Am. Comp ECF No. 9 Exhibit G pages 124-126. In a leaked Israeli documentary under the name "The Lobby USA" came the words of Kenneth Marcus; here you have the intent and later the act when he joined OCR.

> "The Goal is to have the Federal Government to establish a definition of anti-Semitism that is parallel to the state department definition"[10] said Kenneth Marcus.

The definition also brings in Jesus Christ into the debate by saying "Jews didn't kill Jesus Christ" which is an endorsed government view point discrimination. Kenneth Marcus failing to register under the Foreign Agents Registration Act (FARA) while working as agent on behalf of Israel betraying America by using the IHRA definition without Congress intent, without senior leadership approval at the department of education when he personally granted ZOA's appeal using the IHRA definition; see ECF No. 54 page 4. See also Am. Comp ECF No. 9 page 5.

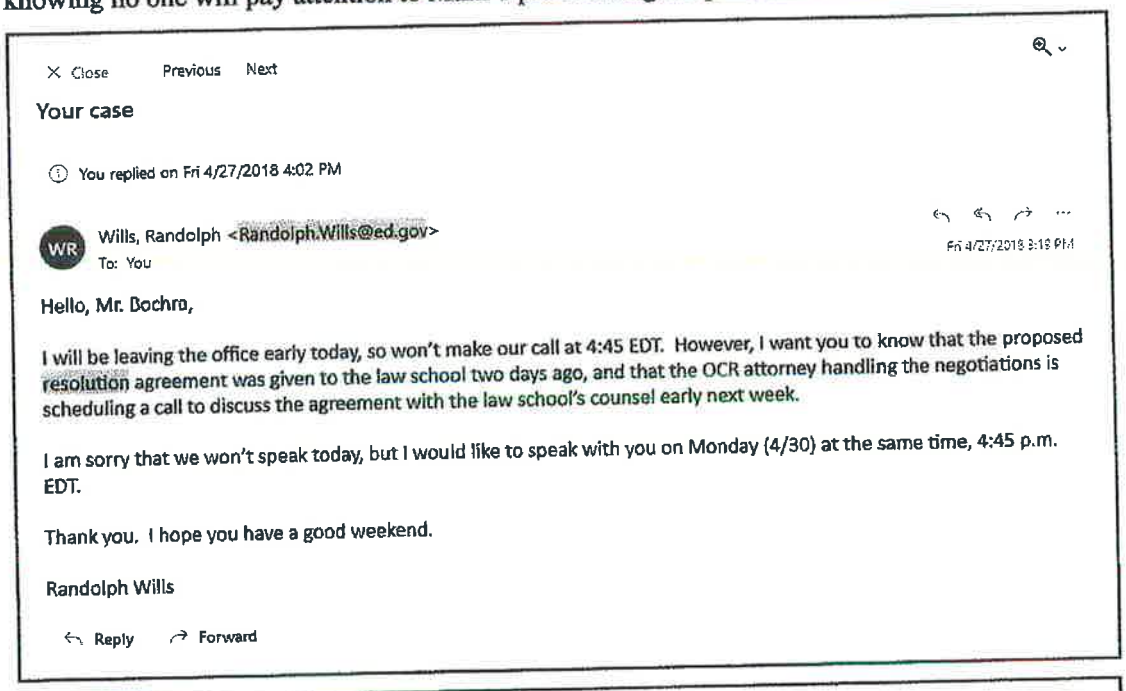
Mark reported Kenneth Marcus to every possible government agency from OIG DOE to OIG DOJ, to U.S. Office of Government Ethics but Mark found no rescue and solace; rather he was retaliated against when it came to his OCR Complaint. According to Melanie Velez on June 21, 2019 over the phone, she stated "the next step is enforcement action" if the recipient fails to sign the resolution agreement, the next step was not enforcement action because the recipient refused to sign a resolution agreement after OCR spend nearly 2 years in negotiation to the point Senator Dick Durbin sent 3 letters on behalf of Mark Bochra seeking inquiries from Secretary Betsy Devos and Ms. Melanie Velez responded 3 times to Senator Durbin's letters (3 responsive letters to Senator Durbin's office showing that the case has been in negotiation mode from December 11, 2018 to October 31, 2019) see ECF No. 54 page 34 and ECF No. 54 Exhibits 12. See Am. Comp ¶ 17, ECF No. 9 inspector general report regarding OCR non-compliance with federal civil right laws; OIG DOE were well aware of Mark's case with OCR.

> Dismissing complaints where investigations have been completed and/or are in resolution wastes time and effort spent by OCR staff investigating and working with those recipients, and identified issues that were in the process of being resolved *may be left unresolved* and *the recipient may remain in noncompliance*.

Melanie Velez with the approval of Kenneth Marcus at OCR HQ tempered with witnesses and the evidence, redacted witnesses' names i.e., Prof Korin Munsterman and LT Larry Kitchen

[10] See https://youtu.be/XytkI7afHcQ?si=XevDoMoj88XoTYvZ&t=2004

along with their testimonies and destroyed Mark's OCR Complaint on the eve of covid lockdown knowing no one will pay attention to Mark's pleas during the pandemic lockdown.



× Close Previous Next

Your case

You replied on Fri 4/27/2018 4:02 PM

WR Wills, Randolph <Randolph.Wills@ed.gov>
To: You
Fri 4/27/2018 3:18 PM

Hello, Mr. Bochra,

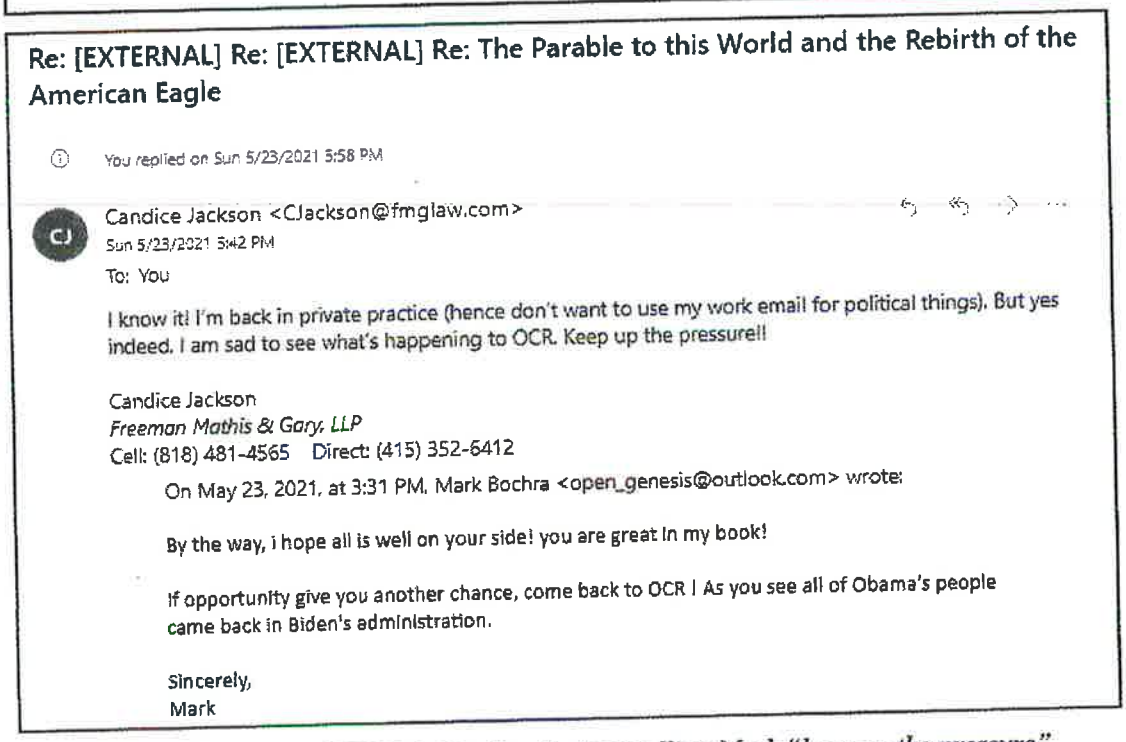
I will be leaving the office early today, so won't make our call at 4:45 EDT. However, I want you to know that the proposed resolution agreement was given to the law school two days ago, and that the OCR attorney handling the negotiations is scheduling a call to discuss the agreement with the law school's counsel early next week.

I am sorry that we won't speak today, but I would like to speak with you on Monday (4/30) at the same time, 4:45 p.m. EDT.

Thank you. I hope you have a good weekend.

Randolph Wills

Reply Forward



Re: [EXTERNAL] Re: [EXTERNAL] Re: The Parable to this World and the Rebirth of the American Eagle

You replied on Sun 5/23/2021 5:58 PM

CJ Candice Jackson <CJackson@fmglaw.com>
Sun 5/23/2021 3:42 PM
To: You

I know it! I'm back in private practice (hence don't want to use my work email for political things). But yes indeed. I am sad to see what's happening to OCR. Keep up the pressure!!

Candice Jackson
Freeman Mathis & Gary, LLP
Cell: (818) 481-4565 Direct: (415) 352-6412

On May 23, 2021, at 3:31 PM, Mark Bochra <open_genesis@outlook.com> wrote:

By the way, i hope all is well on your side! you are great in my book!

If opportunity give you another chance, come back to OCR ! As you see all of Obama's people came back in Biden's administration.

Sincerely,
Mark

Former Secretary of OCR Ms Candice Jackson telling Mark "keep up the pressure"

This was a journey of both Florida Coastal School of Law and Office for Civil Rights under Kenneth Marcus leadership participating in discrimination and retaliation against Mark Bochra essentially equal protection and equal rights were denied saying in plain language with action "Michael Roy Guttentag (Jewish) with all his crimes (including assault, battery, and threatening to kill Mark see ECF No. 54 page 29) will be a lawyer and Mark Bochra (Coptic) will not be a lawyer." If the goal of promoting equity truly were to treat everyone equally, there would be no need to catalogue different treatments.

With the use of the IHRA definition and for it to say "Jews didn't kill Jesus Christ" and Mark throughout this litigation with action proved that with words and action, OCR participated in discrimination and retaliation against Mark under Kenneth Marcus leadership; certain federal officials decided Mark will not be a lawyer and Mark wanted the truth written by OCR in order to presented to any future law school and any state bar he applies to. Mark's future dream career as a lawyer was destroyed by different federal officials who retaliated against Mark.

D. District Court proceedings

Mark as a *pro se* did his best to explain this painful journey in the Am. Comp ECF No. 9 and in ECF No. 54 his response to the Justice Department motion to dismiss, hoping afterward to mediate this lawsuit with the removal of the IHRA definition from DOE website and for OCR to write the truth related to what happened to Mark at Florida Coastal School of Law in terms of discrimination and retaliation, in addition to reforming the OCR manual which keeps changing without going through the regulatory channels. However, the task was too difficult for the district court or Hon. Judge Sara Ellis and for Ms. Sarah Terman who is representing the department of education; healing was too difficult for the human's hearts to accomplish.

The district court granted defendants' motion to dismiss and with prejudice in a 14 page rushed ruling without any rigorous analysis of the case and its facts, see ECF Nos. 84-85 and without holding any hearing on the merits of this case (hearing was canceled). This was a 5 years case history with many communications with different OCR senior leadership and other government officials, none of these major details and history would be revealed until discovery. The district court granted defendants' motion to dismiss, dismissing all 6 counts with prejudice holding that the plaintiff lacks standing under the APA to lawsuit the department of education while neglecting the facts of this case, the mentioned case laws, and never ***once*** mentioned the words "arbitrary and capricious" agency action; knowing too well that is what happened.

SUMMARY OF ARGUMENT

"This case begins and ends with standing." *Carney v. Adams*, 592 U. S. ___, ___. The Court's authority under the Constitution is limited to resolving "Cases" or "Controversies." Art. III, §2. The Court's jurisprudence has "established that the irreducible constitutional minimum of standing contains three elements" that a plaintiff must plead and—ultimately—prove. *Lujan v. Defenders of Wildlife*, 504 U. S. 555, 560. Those elements are: (1) a "concrete and particularized" injury that is (2) "fairly traceable" to the challenged action of the defendant and (3) "likely" to be "redressed by a favorable decision." Id., at 560–561 (alterations and internal quotation marks omitted).

The Supreme Court found, however, that when a statute affords a litigant "a procedural right to protect his concrete interests," the litigant may establish Article III jurisdiction without meeting the usual "standards for redressability and immediacy." Id., at 572, n. 7. For example, we hypothesized a person "living adjacent to the site for proposed construction of a federally licensed dam" and explained that this person "has standing to challenge the licensing agency's failure to prepare an environmental impact statement, even though he cannot establish with any certainty that the statement will cause the license to be withheld or altered." *Ibid.* In this context, the fact that the defendant might well come to the same decision after abiding by the contested procedural requirement does not deprive a plaintiff of standing; see *Sackett v. Environmental Protection Agency*, 598 U.S. ___ (2023) No. 21-454.

The district court failed to rigorously evaluate and analyze plaintiff's first 5 counts related to both the IHRA definition and the 2020 OCR Manual Count I-V (essentially there are 10 counts, 5 pertaining to the IHRA definition and 5 pertaining to the 2020 OCR manual under the APA) see ECF No. 9 ¶¶ 99-132 and see also plaintiff's response in ECF No. 54. The district court to its like comingled both the 2020 OCR Manual and the IHRA definition, sometime speaking about the OCR manual and another time speaking about the IHRA definition and dismissed the lawsuit based on lack of standing *with prejudice*. However, the Seventh Circuit explained that "'[a] suit dismissed for lack of jurisdiction cannot also be dismissed "with prejudice"; that's a disposition on the merits, which only a court with jurisdiction may render.'" Id. at 6 (quoting *Frederiksen v. City of Lockport*, 384 F.3d 437, 438 (7th Cir. 2004)). See *Johnson v. Wattenbarger*, 361 F.3d 991, 993 (7th Cir.2004). "No jurisdiction" and "with prejudice" are mutually exclusive. When the Rooker-Feldman doctrine applies, there is only one

proper disposition: dismissal for lack of federal jurisdiction. A jurisdictional disposition is conclusive on the jurisdictional question: the plaintiff cannot re-file in federal court. But it is without prejudice on the merits, which are open to future review. However, in this case, plaintiff had standing to lawsuit the department of education and challenge the IHRA definition seeking an injunction against it, removal of the IHRA definition from the department of education website, and declaring it unconstitutional by adequately challenging it under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D).

ARGUMENT

A motion to dismiss under Rule 12(b)(6) challenges the sufficiency of the complaint, not its merits. Fed. R. Civ. P. 12(b)(6); *Gibson v. City of Chicago*, 910 F.2d 1510, 1520 (7th Cir. 1990). In considering a Rule 12(b)(6) motion, the Court accepts as true all well-pleaded facts in the plaintiff's complaint and draws all reasonable inferences from those facts in the plaintiff's favor. *Kubiak v. City of Chicago*, 810 F.3d 476, 480–81 (7th Cir. 2016). To survive a Rule 12(b)(6) motion, the complaint must assert a facially plausible claim and provide fair notice to the defendant of the claim's basis. *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007); *Adams v. City of Indianapolis*, 742 F.3d 720, 728–29 (7th Cir. 2014). A claim is facially plausible "when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678.

I. MARK HAS A STANDING TO CHALLENGE THE USE OF THE IHRA DEFINITION ON THE DEPARTMENT OF EDUCATION'S WEBSITE

Therefore whoever confesses me before men, him I will also confess before My Father who is in heaven. But whoever denies me before men, him I will also deny before My Father who is in heaven. [Matthew 10:32-39]. This is a simple verse known to the Coptic community.

The parable is as follows, if federal Judges can't implement the IHRA definition which also in part says "Jews didn't kill Jesus Christ" which contradicts with biblical prophecy Isaiah 53, see ECF No. 9 Exhibit A pages 25-26 and Exhibit G pages 110-114; if the Judicial Branch can't implement the IHRA definition as part of the Employment Dispute Resolution Plan (EDR

Plan) or as part of the Judicial Conduct and Disability Act of 1980 ("Act"), 28 U.S.C. §§ 351–364 and the Rules for Judicial-Conduct and Judicial-Disability Proceedings, if they can't apply it on their own, then they can't apply it on the rest of America i.e., the entire Education Sector (which included judges' children too because they too attend colleges and universalities), IHRA is unconstitutional because it violates the Establishment Clause of the First Amendment of the United States Constitution; it is a government endorsed view point discrimination.

A. The IHRA Definition Violates the Administrative Procedure Act

Defendants failed to challenge plaintiff's lawsuit in ECF No. 9 and his response in ECF No. 54 wherein, he mentioned Kenneth Marcus, how he used the IHRA definition to personally grant Zoa's appeal and the communication history between Mark Bochra and Kenneth Marcus. In fact, Defendants waived their rights to challenge many of Mark's legal arguments which challenges the IHRA definition under the APA on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D). See *CFPB v. All Am. Check Cashing, Inc.*, 33 F.4th 218, 241 (5th Cir. 2022) (Jones, J., concurring).

In ECF No. 54, Mark's response, he first (a) established the role of OCR; see ECF No. 54 pages 53-54; (b) Mark also spoke about Kenneth Marcus, an agent acting on behalf of Israel and how he used the IHRA definition by personally granting Zoa's appeal ECF No. 54 pages 4, Defendants never challenged Plaintiff's assertions surrounding Kenneth Marcus and his use of the IHRA definition as a force of law (the definition was used by Kenneth Marcus and is on the department of education website to this very day); (c) Defendants failed to challenge who are members of the Semitic tribe including the Copts, see ECF No. 54 pages 18-20; (d) Defendants never challenged how the IHRA definition harmed Mark Bochra as a plaintiff, ECF No. 54 pages 22-24; (e) Defendants never challenged that congress did not authorize defendants to adopt the IHRA definition ECF No. 54 pages 66-67 and a president cannot amend a regulation through an executive order ECF No. 54 pages 71-76; (f) Defendants never challenged Plaintiff's argument that the IHRA definition lacks statutory authority and is arbitrary and capricious ECF No. 54 pages 82-84; (g) Defendants never challenged Plaintiff's argument that the IHRA definition was in violation of notice and comment requirement, is a major rule in violation of congressional review act, and falls under the ongoing coercion doctrine, ECF No. 54 pages 86-88 & 95-96; (h)

Defendants never challenged that a budget must be created to use the IHRA definition, see Kenneth Marcus' own words ECF No. 54 pages 47, 72-73, 87-88.

> In order to codify a regulation, it must be formally proposed through the federal register, provide time for public comment, and be approved by the Department of Justice, Office of Management and Budget and the Small Business Administration, Marcus said

Last Defendants deceptively tried to convince the court that OCR protects Christians when OCR don't have jurisdiction over religion discrimination and never undertook the religion discrimination portion of Plaintiff's OCR Complaint (during the evaluation process with OCR senior attorney Ledondria H. Saintvil) relative to Benjamin Priester and his direct hate toward Mark when he read Plaintiff's email reciting a verse from the bible and Jesus Christ, ECF No. 54 Exhibit 19. Benjamin Priester was the individual who added additional charges after Mark complained to the Dean of discrimination and retaliation; at that point retaliation should have been ceased but it didn't and the law school was not able to justify how they turned Mark from a complainant and a victim into a respondent; ECF No. 54 pages 70, 68, 43, 40 (OCR findings showing how the perpetrator was only given a referral to write a paper on professionalism i.e., Michael Roy Guttentag after he assaulted, battered, and threaten to kill Mark Bochra).

> Repeatedly, the 7th Court has tried to get this point across: it did so again just this term in *Weyerhaeuser v. U.S. Fish and Wildlife Service*, 139 S. Ct. 361 (2018). The Court explained—again unanimously—that the "Administrative Procedure Act creates a 'basic presumption of judicial review [for] one 'suffering legal wrong because of agency action.'" *Weyerhaeuser*, 139 S. Ct. at 370 (citing *Abbott Labs. v. Gardner*, 387 U.S. 136, 140 (1967) (quoting 5 U.S.C. § 702)). In *Weyerhaeuser*, the Court explained that federal agencies sometimes fail to properly apply the law and even violate the law, and will continue to do so if those decisions are shielded from judicial review. *Id.* at 370. "That is why this Court has so long applied a strong presumption favoring judicial review of administrative action." *Id.* (quoting *Mach Mining, LLC v. EEOC*, 135 S. Ct. 1645, 1652-1653 (2015)).

The Biden administration came up with a new definition called the "nexus definition" yet he still promised a sector of the Jewish lobby that the white house is supporting the use of the IHRA definition; see ECF No. 121 pages 9-14. See also ECF No. 54 page 24-27.

In *Rojas v. City of Ocala, Fla.*, No. 18-12679 (11th Circuit), a group of atheists lawsuit the City of Ocala under the Establishment Clause of the First Amendment to the United States Constitution arguing the government cannot initiate, organize, sponsor, or conduct a community prayer vigil. Yet, the same event in private hands would be protected by the First Amendment.

See *Bd. of Ed. of Westside Comm. Schs. v. Mergens*, 496 U.S. 226, 250, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990) (opinion of O'Connor, J.) ("[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.") (emphasis in original). In this way, the rights of all citizens—religious and non-religious—are preserved. The 11th Circuit reasoned with the following

> After this appeal was filed, however, the Supreme Court drove a stake through the heart of the ghoul and told us that the Lemon test is gone, buried for good, never again to sit up in its grave. Finally and unambiguously, the Court has "abandoned Lemon and its endorsement test offshoot." *Kennedy v. Bremerton Sch. Dist.*, 142 S.Ct. 2407, 2427 (2022). In the course of doing so, the Court asserted that it had already done it – "long ago," id. - which was news to a third of the Court's Justices, see id. at 2434 (Sotomayor, J., dissenting, joined by Breyer and Kagan, JJ.) ("Today's decision . . . overrules Lemon ....").

The 11th Circuit directed lower court to reconsider the ruling that found the prayer vigil unconstitutional and the Supreme Court declined to hear the City's case at this time.[11]

B. An Endorsed Government View Point Discrimination: The IHRA Definition

Freedom of speech is not just about speech. It is also about the right to debate with fellow citizens on self-government,[12] to discover the truth in the marketplace of ideas,[13] to express one's identity,[14] and to realize self-fulfillment in a free society.[15] That freedom is of first importance to many Americans such that the United States Supreme Court has relaxed procedural requirements for citizens to vindicate their right to freedom of speech,[16] while making it harder for the government to regulate it.[17] This case is about one such regulation.

In *Kennedy v. Bremerton School District* (21-418)[18] in a 6–3 opinion written by Justice Gorsuch, the court held that the First Amendment's free speech and free exercise clauses protect

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[11] See https://www.supremecourt.gov/orders/courtorders/030623zor_f2bh.pdf

[12] See N.Y. Times v. Sullivan, 376 U.S. 254 (1964) (establishing a heightened standard to find defamation because the government may not chill criticism of public figures).

[13] See Abrams v. United States, 250 U.S. 616, 630 (1919) (Holmes, J., dissenting) ("[T]hat the best test of truth is the power of the thought to get itself accepted in the competition of the market.").

[14] W. Va. State Bd. of Educ. v. Barnette, 319 U.S. 624 (1943) (holding that refusing to salute the American flag is a protected right to express dissent as a form of autonomy and self-expression).

[15] Procunier v. Martinez, 416 U.S. 396, 427 (Marshall, J., concurring).

[16] Broadrick v. Oklahoma, 413 U.S. 601, 612 (1973).

[17] Reno v. ACLU, 521 U.S. 844, 874 (1997); Ashcroft v. ACLU, 535 U.S. 564, 573 (2002); see also Brown v. Ent. Merchs. Ass'n, 564 U.S. 786, 794 (2011).

[18] See ruling 21-418 Kennedy v. Bremerton School Dist. (06/27/2022) (supremecourt.gov)

a high school football coach's right to pray on the 50-yard line of the school football field after a game in a quiet, publicly visible religious observance. The court held that the school district had violated both his free speech and religious liberty rights by suspending him. The coach was engaged in private speech, not government speech in his capacity as a school employee, by leading the prayers on the 50-yard line after games. The court also held that the school district's tolerance of Kennedy's prayers did not violate the establishment clause, and cast aside the court's Lemon test for evaluating whether government acts appear to endorse religion. Instead, Justice Gorsuch wrote that the court should look to historical practices and understandings to evaluate whether conduct offends the establishment clause.

In *Carson v. Makin* (20-1088)[19] in a 6–3 decision, Chief Justice Roberts wrote that the free exercise clause prohibited Maine from discriminating against religious schools by excluding those schools from a tuition assistance program open to nonsectarian schools in rural areas without free-standing public schools. Because the Maine Constitution requires that every town provide children with free public education, the state offered tuition assistance to private, nonsectarian schools in rural Maine towns lacking the funds and population to support a free public school. Two families who wanted to use the state tuition payments to send their children to Christian schools sued when the state refused to provide the state tuition assistance to the schools. The court held that Maine had discriminated against religious schools by excluding them from the program. Chief Justice Roberts wrote that Maine could not promote "stricter separation of church and state than the Federal Constitution requires" while penalizing parents for the free exercise of their religion by denying them tuition payments available to every other parent.

See *Shurtleff et al v. City of Boston et al* (20–1800).[20] This case was the definition of what constituted a government endorsed view point or not. The Supreme Court held that the Boston's flag-raising program does not express government speech. Pp. 5–12 and so everyone is entitled to fly their preferred flag.

> The Free Speech Clause does not prevent the government from declining to express a view. See *Pleasant Grove City v. Summum*, 555 U. S. 460, 467–469. The government must be able to decide what to say and what not to say when it states an opinion, speaks for the community, formulates policies, or implements programs. The boundary between government speech and private expression can blur when, as here, the government invites

[19] See ruling 20-1088 Carson v. Makin (06/21/2022) (supremecourt.gov)
[20] See 20-1800 Shurtleff v. Boston (05/02/2022) (supremecourt.gov)

> the people to participate in a program. In those situations, the Court conducts a holistic inquiry to determine whether the government intends to speak for itself or, rather, to regulate private expression. The Court's cases have looked to several types of evidence to guide the analysis, including: the history of the expression at issue; the public's likely perception as to who (the government or a private person) is speaking; and the extent to which the government has actively shaped or controlled the expression. See *Walker v. Texas Div., Sons of Confederate Veterans, Inc.*, 576 U. S. 200, 209–213. Considering these indicia in Summum, the Court held that the messages of permanent monuments in a public park constituted government speech, even when the monuments were privately funded and donated. See 555 U. S., at 470–473. In Walker, the Court found that license plate designs proposed by private groups also amounted to government speech because, among other reasons, the State that issued the plates "maintain[ed] direct control over the messages conveyed" by "actively" reviewing designs and rejecting over a dozen proposals. 576 U. S., at 213. On the other hand, in *Matal v. Tam*, the Court concluded that trade marking words or symbols generated by private registrants did not amount to government speech because the Patent and Trademark Office did not exercise sufficient control over the nature and content of those marks to convey a governmental message. 582 U. S.___, ___. Pp. 5–6.
>
> Because the flag-raising program did not express government speech, Boston's refusal to let petitioners fly their flag violated the Free Speech Clause of the First Amendment. When the government does not speak for itself, it may not exclude private speech based on "religious viewpoint"; doing so "constitutes impermissible viewpoint discrimination." *Good News Club v. Milford Central School*, 533 U. S. 98, 112. Boston concedes that it denied petitioners' request out of Establishment Clause concerns, solely because the proposed flag "promot[ed] a specific religion." App. to Pet. for Cert. 155a. In light of the Court's government-speech holding, Boston's refusal to allow petitioners to raise their flag because of its religious viewpoint violated the Free Speech Clause. Pp. 12–13.

The Justice Department in its Amicus Curiae Brief to the Supreme Court stated that "the government-speech doctrine allows the government to rely on contributions from private actors, but does not apply when the government creates a forum for a diversity of private views." The justice Department added that because the City's flag-raising program is a forum for private speech, the denial of petitioners' application was impermissible viewpoint discrimination and they cited many case laws within their brief.[21]

> *Adderley v. Florida*, 385 U.S. 39 (1966); *American Legion v. American Humanist Association*, 139 S. Ct. 2067 (2019); *A.N.S.W.E.R. Coalition v. Jewell*, 153 F. Supp. 3d 395 (D.D.C. 2016), affirmed on other grounds, 845 F.3d 1199 (D.C. Cir. 2017); *Arkansas Educational Television Commission v. Forbes*, 523 U.S. 666 (1998); *Capitol Square Review & Advisory Board* v. *Pinette*, 515 U.S. 753 (1995); *Community for Creative Non-Violence* v. *Lujan*, 908 F.2d 992 (D.C. Cir. 1990); *Cornelius* v. *NAACP Legal Defense & Educational*

[21] See brief http://www.supremecourt.gov/DocketPDF/20/20-1800/201010/20211122165123662_20-1800tsacUnitedStates.pdf

Fund, Inc., 473 U.S. 788 (1985); *Good News Club* v. *Milford Central School*, 533 U.S. 98 (2001); *Greer* v. *Spock*, 424 U.S. 828 (1976); *International Society for Krishna Consciousness, Inc.* v. *Lee*, 505 U.S. 672 (1992); *Johanns* v. *Livestock Marketing Association*, 544 U.S. 550 (2005); *Lamb's Chapel* v. *Center Moriches Union Free School District*, 508 U.S. 384 (1993); *Legal Services Corp.* v. *Velazquez*, 531 U.S. 522 (2001); *Lehman* v. *City of Shaker Heights*, 418 U.S. 298 (1974); *Matal* v. *Tam*, 137 S. Ct. 1744 (2017); *Minnesota Voters Alliance* v. *Mansky*, 138 S. Ct. 1876 (2018); *National Endowment for the Arts* v. *Finley*, 524 U.S. 569 (1998); *Perry Education Association* v. *Perry Local Educators' Association*, 460 U.S. 37 (1983); *Pleasant Grove City* v. *Summum*, 555 U.S. 460 (2009); *Rosenberger* v. *Rector & Visitors of University of Virginia*, 515 U.S. 819 (1995); *Rust* v. *Sullivan*, 500 U.S. 173 (1991); *United States Postal Service* v. *Council of Greenburgh Civic Associations*, 453 U.S. 114 (1981); *Walker* v. *Sons of Confederate Veterans*, 576 U.S. 200 (2015); *Widmar* v. *Vincent*, 454 U.S. 263 (1981)

C. The Unanimous Supreme Court ruling in Axon Enterprise v. Federal Trade Commission provides the Plaintiff with a Standing to challenge the IHRA definition seeking an injunction against it

The Supreme Court held that district courts may ordinarily hear those challenges by way of 28 U. S. C. §1331's grant of jurisdiction for claims "arising under" federal law. See *Thunder Basin*, 510 U. S., at 207–212; *Elgin v. Department of Treasury*, 567 U. S. 1, 10–15 (2012); see also *Free Enterprise Fund v. Public Company Accounting Oversight Bd.*, 561 U. S. 477, 489 (2010) (noting that statutory schemes for agency review "[g]enerally" are "exclusive"). The agency effectively fills in for the district court, with the court of appeals providing judicial review.

> The Court identified three considerations designed to aid in that inquiry, commonly known now as the Thunder Basin factors. First, could precluding district court jurisdiction "foreclose all meaningful judicial review" of the claim? Id., at 212–213. Next, is the claim "wholly collateral to [the] statute's review provisions"? Id., at 212 (internal quotation marks omitted). And last, is the claim "outside the agency's expertise"? *Ibid.* When the answer to all three questions is yes, "we presume that Congress does not intend to limit jurisdiction." Free Enterprise Fund, 561U. S., at 489. But the same conclusion might follow if the factors point in different directions. The ultimate question is how best to understand what Congress has done— whether the statutory review scheme, though exclusive where it applies, reaches the claim in question.

The first Thunder Basin factor recognizes that Congress rarely allows claims about agency action to escape effective judicial review. See, e.g., *Bowen v. Michigan Academy of Family Physicians*, 476 U. S. 667, 670 (1986). The second and third reflect in related ways the point of special review provisions—to give the agency a heightened role in the matters it customarily handles, and can apply distinctive knowledge to. This recent Supreme Court ruling provides Plaintiff with a standing seeking judicial review to challenge the IHRA definition that it is unconstitutional to use or endorse on the government's website in direct violation of the APA.

D. The IHRA Definition states "Jews didn't kill Jesus Christ" then another definition can claim "Muhammad is not the Prophet of Islam" and "Moses did not receive the 10 commandments from God": Government Endorsed View Point Discrimination

The IHRA definition is unconstitutional under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D).

> "An elective despotism was not the government we fought for; but one which should not only be founded on free principles, but in which the powers of government should be so divided and balanced . . . , as that no one could transcend their legal limits, without being effectually checked and restrained by the others." The Federalist No. 48 (J. Madison)(quoting Thomas Jefferson's Notes on the State of Virginia (1781)). In particular, as George Mason put it in Philadelphia in 1787, "[t]he purse & the sword ought never to get into the same hands." The Records of the Federal Convention of 1787, at 139–40 (M.Farrand ed. 1937). These foundational precepts of the American system of government animate the Plaintiffs' claims in this action. They also compel our decision today.

The 5th Circuit ruled in favor of the Plaintiff under the APA in *Consumer Financial Protection Bureau v. Community Financial Services* Ass'n of *America*, Ltd., 21-50826. The IHRA definition violates the Establishment Clause of the First Amendment; the same is true with Equal Protection Clause under the 5th amendment; Jews vs. Gentiles is the definition of IHRA.

E. The IHRA Definition injured the Plaintiff and Many others

The district court's own reasoning is that the IHRA definition does not trace any *concrete injury* ECF No. 84 page 8, while the district court ignored many of plaintiff's arguments in ECF No. 54 which were waived by the Defendants because they did not challenge them; moreover this IHRA definition offends the Coptic faith greatly when it says "Jews didn't kill Jesus Christ" going against biblical prophecy Isaiah 53, Isaiah 19 and many more. However, destiny allowed for Mark to be subject to employment discrimination at Chicago Public School and again the IHRA definition was revisited in several OCR Complaints; the first complaint handled by Mr. Jeffery Tunrbull, OCR claimed no jurisdiction over religion discrimination but in order to cure what DOE/OCR told the district court that they protect Christians, they came up with a new definition on January 4, 2023 under Title VI called "shared ancestry" and it was put to the test yet again along with the IHRA definition, in another OCR complaint handled by Ms. Melissa Howard, during the evaluation phase, Ms. Howard failed to apply what the district court advised that

IHRA has to be part of the OCR complaint in order to be subject to a judicial review, see ECF No. 123, Exhibit A. This was a liberal vs. a conservative ruling and it failed America because it could not see the danger of this danger for all of American, many would say "why the Jews and not me too?"

> OCR did not use or discuss the IHRA definition in its deliberations. Docs. 28-2, 28-3. The Department did not use the contested definition in Bochra's situation, and a change in the Department's use of this definition would not provide him redress. See Sierra Club v. Morton, 405 U.S. 727, 739–740 (1972) (The APA requires "that the party seeking review must himself have suffered an injury" and does not "authorize judicial review at the behest of organizations…; wrote Judge Sara Ellis.

See also Exhibit "C" as part of the filed Appellant's Separate Appendix, email communication to Kenneth Marcus, Ms. Melanie Velez, and Mr. Randolph Wills at OCR showing how the IHRA definition when applied has injured Mark the Coptic. The Jewish student had the right to self-determination and became a lawyer in New York despite being the perpetrator committing crimes (assault, battery, and threatening to kill Mark while deceiving 3 state judges) while Mark Bochra the victim did not have the right to self-determination (his legal education and career was destroyed). Mark needed the truth written by OCR in order to present it to any future law school and state bar. This is the same as the case of *Caryn Strickland v. US*, No. 21-1346 (4th Cir. 2022).

> The Supreme Court held that the dismissal of Logan's complaint violated Logan's due process right to use the statutorily mandated procedures for adjudicating his discrimination claim. Logan had a protectable property interest in his handicap-discrimination claim, the Court held, and the dismissal of that claim as a result of the Commission's procedural error frustrated Logan's due process right "to have the Commission consider the merits of his charge . . . before deciding whether to terminate his claim." Id. at 434.

In a post-Logan case, the Seventh Circuit explained that

> The reason that there is a right of access to adjudicatory procedures is not because litigants have property interests in the procedures themselves. Rather, access to adjudicatory procedures is important because it serves to protect the litigants' underlying legal claims, which are the true property interests. . . . In short, the property interest in Logan was the underlying discrimination claim; the adjudicatory process constituted the process that was due in connection with the deprivation of that property interest.
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> *Shvartsman v. Apfel*, 138 F.3d 1196, 1199 (7th Cir. 1998); see also *Howard v. Defrates*, 811 F. App'x 376, 378 (7th Cir. 2020) (holding that "[t]he state-established right to pursue a discrimination claim through adjudicatory procedures can be a property interest, the deprivation of which implicates the Due Process Clause.").

F. Defendants waived their rights to challenge Plaintiff's claims

Defendants waived their rights on appeal to challenge plaintiff's arguments under the (law of the case, waiver, and judicial estoppels).[22] See *Bradley v. Vill. of Univ. Park, Ill.* No. 22-1903 (7th Circuit), this court explained "we explain how defendants previously waived the issue of Bradley's property interest in his job and why we hold them to that waiver. . . defendants intentionally and permanently abandoned the right to contest Bradley's property interest."

> Defendants never challenged Plaintiff's assertions surrounding Kenneth Marcus and his use of the IHRA definition as a force of law (the definition was used by Kenneth Marcus and is on the department's website); (a) Defendants failed to challenge who are members of the Semitic tribe including the Copts, see ECF No. 54 pages 18-20; (b) Defendants never challenged how the IHRA definition harmed Mark Bochra as a plaintiff, ECF No. 54 pages 22-24; (c) Defendants never challenged that congress did not authorize defendants to adopt the IHRA definition ECF No. 54 pages 66-67 and a president cannot amend a regulation through an executive order ECF No. 54 pages 71-76; (d) Defendants never challenged Plaintiff's argument that the IHRA definition lacks statutory authority and is arbitrary and capricious ECF No. 54 pages 82-84; (e) Defendants never challenged Plaintiff's argument that the IHRA definition was in violation of notice and comment requirement, is a major rule in violation of congressional review act, and falls under the ongoing coercion doctrine, ECF No. 54 pages 86-88 & 95-96; (f) Defendants never challenged that a budget must be created to use the IHRA definition, see Kenneth Marcus' own words ECF No. 54 pages 47, 72-73, 87-88.

The district court never evaluated any of Plaintiff's presented arguments concerning "arbitrary and capricious" agency action, in fact it never even mentioned the words "arbitrary and capricious" under the APA once in its decision, rather the court pretended it never read them while the Defendants abandoned their rights to challenge many of Plaintiff's raised arguments.

II. THE 2020 OCR MANUAL: ONGOING HARM

"Justice delayed is justice denied" said former Secretary for OCR Ms. Candice Jackson. Like the IHRA definition, the district court failed to evaluate the changes to the OCR Manual along with how it was applied selectively and differently on Mark because of his Coptic identity compare to others; a case went from a resolution agreement for several years and enforcement action as the next step, to dismissal by tempering with witnesses and the evidence. The district court failed evaluate the changes to the OCR Manual and how it was not followed in Mark's OCR complaint

[22] These doctrines of-ten overlap. See, e.g., *Carmody v. Board of Trustees of Univ. of Illinois*, 893 F.3d 397, 407–08 (7th Cir. 2018) (discussing relationship between mandate rule and law-of-the-case doctrine); *United States v. Husband*, 312 F.3d 247, 250–51 (7th Cir. 2002) (remand does not include issues "waived or decided"). See *Eddie Bradley v. Village of University Park et al* No. 22-1903 (7th Circuit)

under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D). See also *Delgado v. United States Department of Justice*, No. 19-2239 (7th Cir. 2020). The district court reasoned in ECF No. 84 page 7 in the footnote that OCR has the discretion of seeking enforcement action or not but the OCR manual doesn't dictate such reasoning at all and OCR is not EEOC or DOJ.

Defendants also argued that a 10 page double space is not a substantive rule subject to notice and comment ECF No. 84 pages 10-11 unlike the removal of the entire appeal process without notice and comments, which is a substantive rule and Defendants did just that in July 18, 2022 Manual update by removing the entire "appeal" process and it has affected Mark's current employment discrimination OCR complaints, he was able to appeal a portion of the 1st OCR Complaint No. 05-22-1497 because it fell under the old manual but the new OCR complaints Nos. 05-23-1148, 05-23-1149, and 05-23-1574 are not subject to appeals but judicial reviews. See ECF No. 123 pages 5-11. Defendants told the district court one thing and did the direct opposite. See also ECF No. 54 pages 48-49 when OCR brought back all the dismissed complaints when litigation was raised and the appeal process was removed.

A. Due Process Violations under the 5th Amendment

Much of Plaintiff's argument related to due process violation in terms of liberty and property deprivation was in ECF No. 61 sureply pages 14-20 reciting several notable 7th Circuit Court cases. The merits was that Mark stated a claim that federal officials deprived him of protected property and/or liberty interests without due process by subjecting him to a fundamentally unfair process related to resolving his discrimination and retaliation complaint because it went from a resolution agreement and enforcement action right to tempering with witnesses and evidence along with violating its own OCR manual. No one spends nearly 2 years negotiating a resolution when the manual stated 30 days is the only time frame allowed for negotiation under section 302 of the manual; this allowed many witnesses to escape being interviewed by OCR.[23]

See *Doe v. Purdue University*, No. 17-3565 (7th Cir. 2019) in a 30 pages memorandum the 7th Circuit explained what is due process violation under the fourteenth amendment based on

[23] Many witnesses left FCSL and school faculty from the witness list also left FCSL after they were scheduled for an interview. OCR also redacted witnesses they interviewed along with their testimony; Melanie Velez did all this.

property interest (procedural deprivation) or liberty interest (free from discrimination), sex discrimination, and sham investigation under Title IX.[24] The same is true in *Geinosky v. City of Chicago* (2012) No. 11–1448 when the 7th Circuit ruled in favor of Geinosky under the Equal Protection Clause "Class–of–One". Equal protection clause was recited in Mark's OCR appeal as well along with many of the past e-mails to OCR senior leadership. See ECF No. 54 Exhibit 15.

B. Official and Individual Capacity: Due Process and Equal Protection

Mark names the Department of Education and officers in their official and individual capacities, seeking declaratory and prospective injunctive relief to remedy due process and equal protection violations. The official and individual capacities are: Former Secretary Betsy Devos, Former Secretary Kenneth Marcus, Former Acting Secretary Suzanne Goldberg, Current Secretary Miguel Cardona, and Current Secretary Catherine Lhamon.

Mark's claims for damages and equitable reliefs under *Bivens v. Six Unknown Fed. Narcotics Agents,* 403 U.S. 388 (1971) for equal protection violations, and under 42 U.S.C. §§ 1985(2) and (3), 42 U.S.C. § 1986 for conspiring to violate Mark's constitutional rights and neglecting or refusing to prevent such violations along with acting with deliberate indifference toward his OCR complaint; a complaint that went from a resolution agreement and enforcement action to tempering with witnesses and evidence in order to destroy Mark's OCR complaint.

("The test is whether the official's conduct was 'clearly unreasonable' or 'deliberately indifferent,' which describes defendants' conduct here." (Quoting *Feminist Majority Found.*, 911 F.3d at 701–02)); see also J.A. 1320 ("[T]here was a conscious failure to act here."). Mark's allegations that federal officials responded with deliberate indifference to his Coptic identity under title vi support his equal protection claim independent of his allegations of mixed retaliation and continued discrimination under Wilcox. Mark raised all 3 claims with OCR under Title VI, Title IX, and Section 504 and OCR knew many of Mark's rights were violated and for that reasons a negotiated resolution was in work for 2 years but the recipient refused to sign it. OCR next option was enforcement action but Melanie Velez after telling Mark about the next step being enforcement action, came and destroyed Mark's OCR complaint.

Here federal officials and with their dismissal of Mark's OCR complaint responded in a manner clearly unreasonable in the light of known circumstances. Federal officials did not engage in any efforts that were 'reasonably calculated to end the discrimination' rather they

[24] See https://law.justia.com/cases/federal/appellate-courts/ca7/17-3565/17-3565-2019-06-28.html

participated in it. Id. at 689 (quoting *Zeno v. Pine Plains Cent. Sch. Dist.*, 702 F.3d 655, 669 (2d Cir. 2012)). "[H]alfhearted investigation or remedial action" does not suffice to shield a defendant from liability. *S.B. ex rel. A.L. v. Bd. of Educ. of Harford Cnty.*, 819 F.3d 69, 77 (4th Cir. 2016). Moreover, the fact that a defendant "dragged its feet" and delayed before implementing remedial action shows deliberate indifference. *Zeno*, 702 F.3d at 669; see also id. at 669 n.13 (listing cases in which delays of up to six months constituted deliberate indifference). And once a defendant "is aware of its ineffective response," its failure to do more may be deemed to have "effectively caused" further harassment. Zeno, 702 F.3d at 670; see also *Wills v. Brown Univ.*, 184 F.3d 20, 26 (1st Cir. 1999).

The Supreme Court has identified "[c]ertain attributes of 'property' interests protected by procedural due process." *Bd. of Regents of State Colls. v. Roth*, 408 U.S. 564, 577 (1972). "To have a property interest in a benefit, a person clearly must have more than an abstract need or desire for it." Id. "He must have more than a unilateral expectation of it." Id. "He must, instead, have a legitimate claim of entitlement to it." Id. Importantly, "[p]roperty interests . . . are not created by the Constitution," but rather "are created and their dimensions are defined by existing rules or understandings that stem from an independent source such as state law rules or understandings that secure certain benefits and that support claims of entitlement to those benefits." Id. A "person's interest in a benefit is a 'property' interest for due process purposes if there are . . . rules or mutually explicit understandings that support his claim of entitlement to the benefit and that he may invoke at a hearing." *Perry v. Sindermann*, 408 U.S. 593, 601 (1972). "[T]he types of interests protected as 'property' are varied and, as often as not, intangible, relating to the whole domain of social and economic fact." *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 430 (1982) (internal quotation marks omitted).

III. FLORIDA COASTAL SCHOOL OF LAW IS NOT A FEDERALLY FUNDED RECIPIENT: NO ALTERNATIVE ADEQUATE REMEDY

When Plaintiff looked closely at the court's reasoning, the court claimed that Mark has an alternative and adequate remedy to lawsuit the recipient rather than the department while neglected to factor in that OCR itself participated in discriminating and retaliating against Mark under Kenneth Marcus leadership for being a whistleblower against Kenneth Marcus himself.

The district court only reason is that "[U]nder the APA, judicial review is appropriate for an agency action only when 'there is no other adequate remedy in a court." The court reasoned

there is an adequate remedy against the recipient but the recipient i.e., the law school was shut down by the department of education ECF No. 54 pages 59-66.

Not only that, in order to qualify as an adequate remedy, the recipient must be recognized as a federal funding under Title VI, the district court claim "Bochra can sue Florida Coastal School of Law as the alleged discriminator and a *recipient of federal funds under Title VI*...", and the department of education denied FCSL funds to Title IV in May 13, 2021 press release. Therefore, *Alexander v. Sandoval*, 532 U.S. 275, 279 (2001) ("[P]rivate individuals may sue to enforce § 601 of Title VI and obtain both injunctive relief and damages.") is inapplicable.

The recipient is not a recognized federally funded receiver under Title IV and was shut down by the department of education itself. See ECF No. 9 Exhibit G pages 131-134. The district court's own reasoning was overruled by the recent Supreme Court ruling in *Axon Enterprise v. Federal Trade Commission* and the current litigated Supreme Court case in *Loper Bright Enterprises v. Raimondo* No. 22-451 related to the "Chevron doctrine".

> No wonder that many judges in the lower courts seem prepared to write the doctrine's eulogy. They are eager to stop aiding and abetting an "erode[d]" "role of the judiciary" and "diminishe[d]" "role of Congress." *Egan v. Del. River Port Auth.*, 851 F.3d 263, 279 (3d Cir. 2017) (Jordan, J., concurring in the judgment). They are ready for the "Article III renaissance [that] is emerging against the judicial abdication performed in Chevron's name." *Waterkeeper All. v. EPA*, 853 F.3d 527, 539 (D.C. Cir. 2017) (Brown, J., concurring). And along with so many state courts, they are tired of seeing "our constitutional separation of powers" "disordered." *Valent v. Comm'r of Soc. Sec.*, 205 L. Ed. 2d 417, 524 (6th Cir. 2019) (Kethledge, J., dissenting); see also, e.g., *Voices for Int'l Bus. & Educ., Inc. v. NLRB*, 905 F.3d 770, 781 (5th Cir. 2018) (Ho, J., concurring) ("Misuse of the Chevron doctrine means collapsing the[] three separated government functions into a single entity."); *Aqua Prod., Inc. v. Matal*, 872 F.3d 1290, 1334 (Fed. Cir. 2017) (Moore, J.) ("Chevron has affected a broad transfer of legislative and judicial function to the executive."). See ECF No. 122 Exhibits A & B.

IV. DISTRICT COURT ABUSED ITS DISCRETION

The district court abused its discretion many times and showed bias under 28 U.S.C. § 455 towards Mark's Coptic identity when

> (a) it denied class certification without rigorous analysis of its elements in ECF Nos. 34, 39, 45, 49 see *Eddlemon v. Bradley Univ.*, No. 22-2560; (b) when it denied amending the complaint once as a matter of right knowing Mark's lawsuit is not futile see *Runnion ex rel. Runnion v. Girl Scouts of Greater Chi. & Nw. Ind.*, 786 F.3d 510, 519 (7th Cir. 2015); (c) when it denied Mark's filed sureply which provided a cure to property and liberty due process deprivation ECF Nos. 61, 64-65, and 67; (d) when a judicial misconduct complaint was pending review before the 7th Circuit Judicial Council and Hon. Judge Sara Ellis refused to postpone the hearing or recuse from the case but

retaliation occurred when the scheduled hearing among parties was canceled and a 14 page ruling was issued without any oral arguments or in-depth analysis of Plaintiff's pleadings, see ECF Nos. 78 (sealed not by the Court), 80, 81-82, and 84. For more details on judge shopping and what transpired many of Mark's painful journey, see ECF Nos. 120 and 121.

In *Lee McKay v. City of Chicago* 22-1251 ECF No. 35, the 7th Circuit explained to a *pro se* litigant what abuse of discretion and bias means after 4 years in discovery; compare to Mark who didn't see the light of this case but was targeted because of it.

> After four years of contentious discovery—including the exchange of thousands of documents, many hours of depositions, two motions to compel, and allegations of discovery misconduct from each side—both parties moved for summary judgment. The district court granted the City's motion and denied McKay's. McKay's assertion of judicial bias, *see* 28 U.S.C. § 455, fails because she points to nothing that could support this allegation. . . Regardless, impatience, annoyance, and even anger are not sufficient evidence of bias. *See Liteky v. United States*, 510 U.S. 540, 555–56 (1994); *United States v. Betts-Gaston*, 860 F.3d 525, 534–36 (7th Cir. 2017). . . See *Shipley v. Chi. Bd. Of Election Comm'rs*, 947 F.3d 1056, 1062–63 (7th Cir. 2020). She does not identify any specific rulings as erroneous, present grounds for sanctioning the defendants, explain how she was prejudiced, or otherwise develop her arguments. *We cannot fill the void for her*. Id.; see *Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018).

See also abuse of discretion declared by the 7th Circuit when the district court failed to evaluate all elements of a class certification, true Mark was a *pro se* in this case compare to others but the only element Mark didn't satisfy was being a lawyer to represent the class, but the court could have cured this elements after rigorous analysis by appointing council. See *Eddlemon v. Bradley Universityx*, No. 22-2560 (7th Cir. 2023); 7th Circuit vacated and remand because the district court did "'not separat[e] its analysis' of the plaintiff's claims. 23 F.4th at 713. There, we stated: "A one size (or one claim) approach is at odds with the 'rigorous analysis' required at the class certification stage."

The alternative to a class certification is a preliminary and permanent injunctive relief against the IHRA definition and the use of the 2020 OCR Manual.

CONCLUSION

For the forgoing reasons, this honorable court should reverse the decision of the district court and remand for further proceedings.

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

CERTIFICATE OF COMPLIANCE

In accordance with Federal Rule of Appellate Procedure 32(g)(1) and Circuit Rule 32, I certify that this brief:

(i) Complies with the type-volume limitation of Circuit Rule 32 because it contains 12,273 words, including footnotes and excluding the parts of the brief exempted by Rule 32(f); and

(ii) Complies with the type volume limitation imposed by Fed. R. App. P. 32(a)(7)(B).

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

Date: August 10, 2023

EXHIBIT B

"I came to complete not to refute. I came light to the World." Jesus Christ

No. 22-2903 and 23-1388

IN THE UNITED STATES COURT OF APPEALS
FOR THE SEVENTH CIRCUIT

Mark Bochra, individually and on Behalf of all others similarly situated,

Plaintiffs -Appellants,

V.

U.S. DEPARTMENT OF EDUCATION; Betsy Devos, in her official and individual capacity as former Secretary for the Department of Education and Kenneth Marcus, in his official and individual capacity as the former Secretary for OCR; Miguel Cardona, in his official Capacity as the Current Secretary for the Department of Education, Suzanne Goldberg in her official and individual capacity as the Former secretary for OCR, and Secretary Catherine Lhamon in her official Capacity as the current Secretary for OCR.[1]

Defendants -Appellees.

On Appeal from the United States District Court
For the Northern District of Illinois
No. 1:21-cv-03887 (Judge Sara L. Ellis)

REPLY BRIEF
OF PLAINTIFF-APPELLANT MARK BOCHRA

Mark Bochra
5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
Plaintiff, Pro Se

[1] The parties mostly involved were former secretary Betsy Devos and former secretary Kenneth Marcus but because leadership changed from the Trump administration to the Biden administration, current secretary for the department of education and current secretary for office for civil rights had to be named in the ongoing litigation. The new administration took over leadership during Mark's appeal process of his OCR Complaint; they were partially involved.

Similar to the *Sweet v. Cardona* (3:19-cv-03674) case which was later settled, it went from Former Secretary Betsy Devos to Current Secretary Miguel Cardona because of the official capacity over the Department of Education. Moreover, OCR are currently handling employment discrimination for Mark Bochra against Chicago Public School and many change of events took place related to the IHRA definition as well as changes to the OCR manual without going through regulatory channels in direct violation of again the APA; major rule the "appeal" process was removed from the OCR manual.

"I came to complete not to refute. I came light to the World." Jesus Christ

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"I came to complete not to refute. I came light to the World." Jesus Christ

INTRODUCTION

Mark in his journey often says "the law is not settled until it is right, and it is not right until it is just." But then we speak about the "parable to justice". Nobody today wants to be called Machiavellian, but the truth is that Machiavelli provided some excellent advice to his patrons in 16th-century Florence, aspects of which remain valuable today. As Machiavelli explained in The Prince in 1532 when a disease begins, "it is easy to cure but difficult to diagnose; after a time . . . it becomes easy to diagnose but difficult to cure. So it is in politics."

When the powerful wants to cover the truth, they often use these strategies i.e., either pretend they don't understand or try to downsize and downgrade the person revealing the truth so that no one pays attention to his or her pleas for help. That is what the Defendants attempted to do throughout the course of this litigation from day one "don't look, don't read" or try to downgrade Mark the Coptic with lies so that their narrative stands out, yet Defendants' counsel Ms. Sarah Terman failed in her response brief to actually respond to the raised legal arguments; Defendants completely ignored challenging many arguments raised by the Plaintiff thus forfeited challenging them along with their cited case laws. Defendants never once spoke about "Kenneth Marcus" or his crimes, likewise the district court never once within its ruling mentioned Kenneth Marcus or the words "arbitrary and capricious in violation of the APA" related to the IHRA definition. Defendants further never tried to challenge the raised viewpoint discrimination arguments, among many others; thus waive challenging them. Defendants waived their rights on appeal to challenge plaintiff's claims under the (law of the case, waiver, and judicial estoppels) when they abandoned challenging plaintiff's many arguments in ECF No. 54 at the district level while focusing on challenging small arguments on page 89 (pages which were attacked by the defendants were 89, 24, 21, 64, 61) knowing that they have potentially waived their rights to challenge any and all of plaintiff's raised arguments on appeal.

This case rests on standing based on two ongoing cases currently being litigated in the Supreme Court based on reversing the "Chevron Doctrine" *Loper Bright Enterprises v. Raimondo* No. 22-451. An additional Supreme Court case was also added *Relentless, Inc. v. Department of Commerce* 22-1219. There is also "the major-question doctrine" in *West Virginia v. EPA*, No. 20–1530.[1] All these cases challenge Federal Agencies' power over the lives of every American, including Judges as well, that is the central issue of this case, the IHRA definition.

[1] See 20-1530 West Virginia v. EPA (06/30/2022) (supremecourt.gov)

"*I came to complete not to refute. I came light to the World.*" Jesus Christ

However, what is more egregious is when you see Kenneth Marcus is ordering all 8 Federal Agencies as if they all work for the Israeli lobby telling them they need to adopt the IHRA definition and use it as a force of law calling it "unfinished business".

> The Brandeis Center's Marcus welcomed the civil rights expansion but noted that none of the eight agencies committed to using the IHRA definition: "There's still unfinished business in terms of the administration's approach to IHRA and making it applicable across the board" said the former secretary for Office For Civil Rights Kenneth Marcus.[2]

See District of Colombia appeals court reversing judgment based on "viewpoint discrimination" in terms of selective enforcement of certain laws against one group compare to another, *Frederick Douglass Foundation, Inc. v. DC*, No. 21-7108 (D.C. Cir. 2023). "Jews didn't kill Jesus Christ" said the IHRA definition; the sin that the Jewish people can't admit throughout the centuries because of guilt which was prophecies in the Old Testament *Isaiah 53*, *Ezekiel 39:22-29*, *Psalms 22* & more. Hon Judge Frank Easterbrook to which Mark really loves, said the Supreme Court came up with 3 views (Standard vs. Rule vs. Neutral)[3] while Justice Antonin Scalia stated "there are zero answers, no answers" and he added "you want to know how to decide these issues, you close your eyes and think what is a good idea" citing "and that is the problem with the evolutionary approach" that in itself is the parable to justice leading to "restorative justice."[4] It is not a set of fixed rules or standards but how to heal a society in pain.

The repeated targeting of Mark the Coptic are often understood as a signal to act, to discriminate and retaliate and indeed it was — just as King Henry II's remark, 'Will no one rid me of this meddlesome priest?' referring to Archbishop of Canterbury Thomas à Becket. When one wants to find "evil" don't look at the person in pain and his or her reaction towards that inflicted pain but look at who has power and how that power was used for evil. The Lord, God himself described those with power and said "it is a sin" for them to use their powers to target the weak, then watches their reactions to the pain they inflicted upon the weak; see ECF Nos. 120-121 and ECF Nos. 131 & 132 Exhibit A. See also the filings with the Executive Committee in 1:21-cv-06223 ECF Nos. 45, 46-47, 48-49, and finally 51 referring to two major cases related to official vs. individual capacities but the 7th Circuit can provide an antidote to this painful

[2] See https://www.jns.org/wire/civil-rights-act-clarified-to-include-jews-but-more-action-is-needed/
[3] See https://www.youtube.com/watch?v=K3eNRMs56bw&t=419s
[4] See https://www.youtube.com/watch?v=jmv5Tz7w5pk&t=1390s

"I came to complete not to refute. I came light to the World." Jesus Christ

journey; see *Strickland v. United States of America* (1:20-cv-00066) and *Newman v. Moore* (1:23-cv-01334).

Judge James Ho of the 5th Circuit decried what he called "viewpoint discrimination" against religious conservatives on college campuses. "Expressing religious viewpoints gets you vilified. But claiming a right to eliminate a religious group gets you the benefit of the doubt," the judge said, in an apparent reference to the ongoing war between Israel and Hamas. "Voicing traditional values makes people feel unsafe. But supporting terrorism against innocent civilians doesn't." "Speech is violence—unless it's speech that cultural elites like,"

ARGUMENT

I. Contrary to the Defendants' Argument, the Jurisdiction Statement is filed correctly by the Plaintiff and doesn't need to be rewritten by the Defendants.

Defendants tried to argue that the Jurisdictional Statement filed by the Appellant was incomplete and incorrect, without providing any supportive case laws; in fact the strategy by the Defendants was to try and rewrite the jurisdictional statement to eliminate as many raised issues as possible, especially the consolidated appeal 23-1388 all together, but Defendants never raised any objections in the district court to Mark's filings nor did the Court requested from the Defendants to respond to Mark's filings if they object to it, thus waiving their rights to argue on appeal many of the raised issues by the Plaintiff on appeal. See *Webster v. CDI Indiana,* 917 F.3d 574, 578 (7th Cir. 2019). See also forfeited arguments. *McCleskey v. CWG Plastering, LLC*, 897 F.3d 899, 901 (7th Cir. 2018); *Klein v. O'Brien*, 884 F.3d 754, 757 (7th Cir. 2018).

II. Contrary to the Defendants' Argument that Appellant lacked standing to lawsuit the Defendants challenging the Department's use of the IHRA definition and other APA-related claims; the District Court's ruling that it lacked Jurisdiction is per se error and requires reversal.

While Plaintiff raised many issues and arguments with the District Court, Defendants abandoned challenging these issues on appeal by waiving them. Defendants waived their rights to challenge many of Mark's legal arguments which challenges the IHRA definition under the APA on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D). See *CFPB v. All Am. Check Cashing, Inc.,* 33 F.4th 218, 241 (5th Cir. 2022) (Jones, J., concurring).

"I came to complete not to refute. I came light to the World." Jesus Christ

The District Court never questioned the concrete-injury analysis for statutory claims, while it also failed to address Plaintiff's standing seeking injunctive relief against the use of the IHRA definition and the new OCR manual as alternative to a class certification.

The law of standing is rooted in Article III's case-or-controversy requirement and in the Constitution's scheme of separated powers. *Raines v. Byrd*, 521 U.S. 811, 818–20 (1997); *Lujan v. Defs. of Wildlife*, 504 U.S. 555, 559–60 (1992). By limiting federal courts to adjudicating legal disputes between parties with genuine stakes in the matter, standing doctrine aims to prevent the judiciary from straying into open-ended policy concerns that the Constitution reserves to the executive and legislative branches of the Government. *Lujan*, 504 U.S. at 576–78; *Spokeo, Inc. v. Robins*, 578 U.S. 330, 338 (2016).

To enforce the case or controversy requirement, the Supreme Court has instructed federal courts to apply the familiar three-part test of injury in fact, causation, and redressability. *See Spokeo*, 578 U.S. at 338. The present case centers on the injury-in-fact requirement and in particular on the requirement that an injury be concrete. In *Spokeo*, the Court explained that a concrete injury "must be '*de facto*'; that is, it must actually exist." *Id.* at 340. In other words, an injury must be "real" rather than "abstract." *Id.* "'Concrete' is not, however, necessarily synonymous with 'tangible.'" *Id.* "Various intangible harms can also be concrete. Chief among them are injuries with a close relationship to harms traditionally recognized as providing a basis for lawsuits in American courts." *TransU-nion LLC v. Ramirez*, 141 S. Ct. 2190, 2204 (2021). When the violation of a plaintiff's statutory rights entails a tangible injury to the plaintiff, the injury is plainly adequate to confer standing. But when the injury allegedly attending a statutory violation is intangible, the Supreme Court has told us, our assessment of concreteness must look to "both history and the judgment of Congress." *Spokeo*, 578 U.S. at 340. Under the historical prong, we ask whether the claimed injury has "a close relationship to harm traditionally recognized as providing a basis for lawsuits in American courts." *TransUn-ion*, 141 S. Ct. at 2204. The identification of a historical or common-law analog will be useful to demonstrate the concreteness of the alleged injury, but, as the Court has made clear, we are not looking for "an exact duplicate." *Id.* at 2209. We are looking, simply, for injuries that are similar in kind, but not necessarily in degree, to the plaintiff's alleged injury. *Gadelhak v. AT&T Servs., Inc.*, 950 F.3d 458, 462 (7th Cir. 2020); *Ewing v. MED-1 Solutions, LLC*, 24 F.4th 1146, 1151 (7th Cir. 2022).

"I came to complete not to refute. I came light to the World." Jesus Christ

The legislative function, as conceived by our Constitution, vests in Congress the responsibility and the authority "'to define injuries and articulate chains of causation that will give rise to a case or controversy where none existed before.'" *Spokeo*, 578 U.S. at 341 (quoting *Lujan*, 504 U.S. at 580 (Kennedy, J., concurring in part and concurring in the judgment)).

Defendants focused most of its argument on the "standing issue" i.e., lack of jurisdiction to lawsuit and/or challenge the IHRA definition under the Administrative Procedure Act "APA". Defendants waived many issues such as (A) whether the IHRA definition Guidance is a final agency action subject to the Court's review.[5] (B) Whether the district court erred in concluding that the IHRA definition was required to undergo notice and comment i.e., the regulatory channels in direct violation of the APA, see *Tennessee v. United States Department of Education* 3:21-cv-00308 on appeal before the 6th Circuit Court of Appeal 22-5807 (Federal Defendants appealing preliminary injunction in favor of plaintiff states) one of the appeal panel judges ask

> "I'm just still puzzled about why the administration would put out some documents that you are now claiming doesn't mean anything." Another added: "Well, why are [these documents] even there then? Were they picked out of thin air?"

Likewise with the use of the IHRA definition on the Department of Education's website also in part promoting an endorsed government view point discrimination when it mentions quote "Jews didn't kill Jesus Christ" end of quote. (C) Whether the district court erred in concluding that changes to the OCR Manual and the use of the IHRA definition is in direct violation of the APA, Defendants told the district court "the appeal" process is a substantive rule and was not removed, but on appeal, Defendants later removed the appeal process from the OCR manual without going through regulatory channels and on appeal defendants lied and said "don't see don't look this is a different case" meaning another lawsuit against the department of education? Defendants argued that Plaintiff waived raising this argument on appeal but how can the Plaintiff know the future of what the Defendants will do deceptively meaning tell the district court the "appeal process" which is a major rule change and substantive is not removed from the manual but later indeed did remove the appeal process in the new OCR manual dated July 18, 2022 which affected the plaintiff and all future complainants.[6] The removal of the appeal process affected Plaintiff's employment discrimination OCR complaint(s) currently handled by OCR Chicago, with the most recent complaint filed January 4, 2024 and assigned a case # 05-24-1198.

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[5] See EEOC, 933 F.3d at 440 n.8 (whether an agency action is final is a jurisdictional issue, not a merits question").
[6] See https://www2.ed.gov/about/offices/list/ocr/docs/ocrcpm.pdf

"I came to complete not to refute. I came light to the World." Jesus Christ

Secretary Catherine Lhamon is doing the same exact thing Kenneth Marcus did in the past when he mass dismissed all disability complaints and removed the appeal process, later due to litigation he reversed course and brought back the appeal process along with re-evaluating all the dismissed disability complaints when litigation was raised, Ms. Lhamon called it "this is a cover-your-rear litigation response" however she did the same exact thing, removing the appeal process again without going through the regulatory channels. See ECF 54 pages 48-49.

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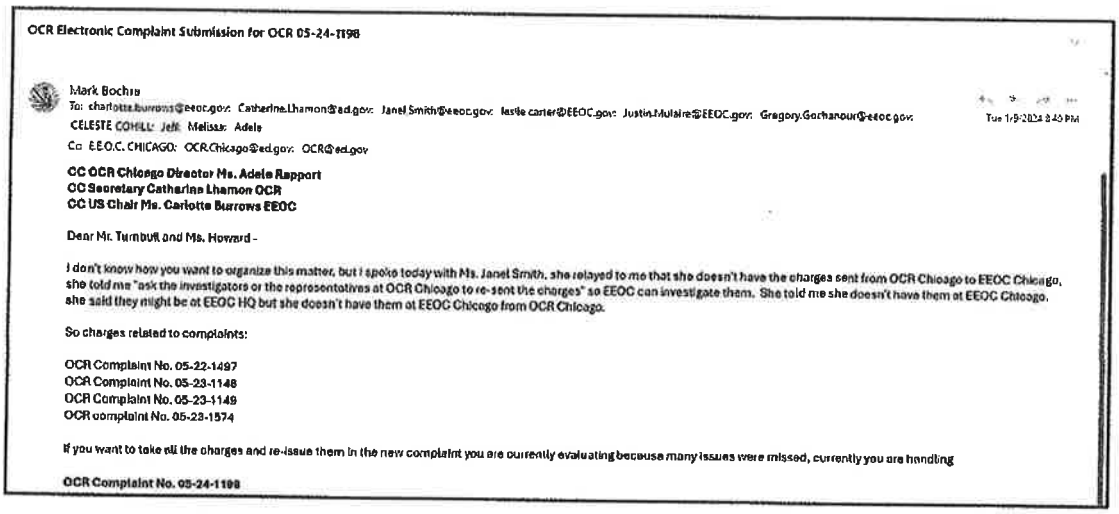
>
> *"I came to complete not to refute. I came light to the World."* Jesus Christ
>
> responded with the following to the Washington Post article "Education Department's civil rights office retreats, will consider claims filed en masse" describing OCR's reversal as a clear "cover-your-rear litigation response."

Likewise, Defendants never evaluated Plaintiff's "religious discrimination" charges because OCR does not have jurisdiction over religion discrimination however Defendants claim to the District Court that Defendants also protect Christians, in fact Defendants changed their rule as a result of this litigation. On January 4, 2023, the Department of Education Office for Civil rights added protections of "Christians" under the term shared ancestry. This was the result of this ongoing case *Mark Bochra vs. U.S. Department of Education et al* (1:21-cv-03887) because DOJ claimed to the Court that OCR protects Christians too but that was a lie. And yet Defendants never protected Mark the Coptic in his employment discrimination case against Chicago Public School, rather they have been sending charges to EEOC. While EEOC Chicago claim they don't have these charges and asked Mark to ask OCR Chicago to re-send the charges to EEOC Chicago.

Defendants have applied the manual selectively and differently in his law school journey targeting his future legal career and repeated the same with his employment pertaining to Chicago Public Schools by repeatedly violating the manual section 701 C in all OCR Complaints pertaining to CPS as if they want to hide the charges from CPS when section 701 C (1) of the OCR manual states that the recipient would receive a copy of the charges being evaluated by OCR, to the point Mark ended up filing a complaint with OIG DOE but they have a history of never providing an oversight over OCR employees' abuse or ethics violations pursuant to DOE Employees' contract, unlike OIG DOJ oversight.

"I came to complete not to refute. I came light to the World." Jesus Christ



OCR Electronic Complaint Submission for OCR 05-24-1198

Mark Bochra
To: charlotte.burrows@eeoc.gov; Catherine.Lhamon@ed.gov; Janel.Smith@eeoc.gov; leslie.carter@EEOC.gov; Justin.Mulaire@EEOC.gov; Gregory.Gochanour@eeoc.gov; CELESTE COHILL; Jeff; Melissa; Adele
Cc: EEOC. CHICAGO; OCR.Chicago@ed.gov; OCR@ed.gov
Tue 1/9/2024 8:45 PM

CC OCR Chicago Director Ms. Adele Rapport
CC Secretary Catharine Lhamon OCR
CC US Chair Ms. Carlotte Burrows EEOC

Dear Mr. Turnbull and Ms. Howard -

I don't know how you want to organize this matter, but I spoke today with Ms. Janel Smith, she relayed to me that she doesn't have the charges sent from OCR Chicago to EEOC Chicago, she told me "ask the investigators or the representatives at OCR Chicago to re-sent the charges" so EEOC can investigate them. She told me she doesn't have them at EEOC Chicago, she said they might be at EEOC HQ but she doesn't have them at EEOC Chicago from OCR Chicago.

So charges related to complaints:

OCR Complaint No. 05-22-1497
OCR Complaint No. 05-23-1148
OCR Complaint No. 05-23-1149
OCR complaint No. 05-23-1574

If you want to take all the charges and re-issue them in the new complaint you are currently evaluating because many issues were missed, currently you are handling

OCR Complaint No. 05-24-1198

Overall, the manual was tested again in a different case, and God allowed the truth to come out, first the Defendants removed a major rule "appeal process" from the manual without going through the regulatory channels, while lying to the District Court that the appeal process was not removed. Also Defendants lied that they protect Christians while in the past, they never undertook Mark's religion discrimination allegations because they don't have jurisdiction over religion discrimination, only later to change this reality on January 4, 2023 under the obscure term "shared ancestry" but they often play with terms and rules. Certainly Mark's religion discrimination allegations in law school even when considered under the new term "shared ancestry" was never undertaken by OCR Atlanta. Later by OCR Chicago, they also in complaint No. 05-22-1497 called it "religion discrimination" but later in subsequent OCR complaints, they used the Coptic identity under the term "Shared Ancestry" but they transfer these charges to EEOC Chicago which EEOC Chicago can't find the charges on the system. The result here is that OCR did not protect a "Coptic" but rather applied the manual on Mark selectively and unequally as always since the year 2016; whether pertaining to his legal education free from discrimination and retaliation or employment free discrimination and retaliation with CPS.

A. Mark has a standing to challenge the use of the IHRA definition.

The APA provides for judicial review of a final agency action. 5 U.S.C. § 704. Two conditions must be met for agency action to be final. First, the action must mark the consummation of the agency's decision-making process. *Bennett v. Spear*, 520 U.S. 154, 177-78 (1997) (citation omitted). And second, the action must be one by which rights or obligations have been

determined, or from which 'legal consequences will flow. Id. at 178 (citation omitted). The Supreme Court takes a pragmatic approach, viewing the APA finality requirement as flexible. EEOC, 933 F.3d at 441 (quoting *U.S. Army Corps of Eng'rs v. Hawkes Co.*, 578 U.S. 590, 599 (2016); and then quoting *Qureshi v. Holder*, 663 F.3d 778, 781 (5th Cir. 2011)).

Defendants do not raise the first prong of the Bennett-inquiry. Reviewability *vel non* of the Guidance thus turns on the second Bennett prong whether rights or obligations have been determined by it, or whether legal consequences will flow from it. EEOC, 933 F.3d at 441 (quoting Bennett, 520 U.S. at 178).

Courts have consistently held that an agency's guidance documents binding it and its staff to a legal position produce legal consequences or determine rights and obligations, thus meeting the second prong of Bennett. EEOC, 933 F.3d at 441. Whether an action binds the agency is evident if it either appears on its face to be binding or is applied by the agency in a way that indicates it is binding. Id. (alteration in original) (quoting *Texas v.United States*, 809 F.3d 134, 171 (5th Cir. 2015)); see also *Ciba-Geigy Corp. v.U.S. Env't Prot. Agency*, 801 F.2d 430, 436 (D.C. Cir. 1986) (holding that an action is final once the agency makes clear that it expects regulated entities to alter their primary conduct to conform to [the agency's] position). The governing case on the matter is *Texas v. Equal Employment Opportunity Commission*, 933 F.3d 433 (5th Cir. 2019). EEOC involved the Equal Employment Opportunity Commission's (EEOC) enforcement guidance that claimed blanket bans on hiring individuals with criminal records were violations of Title VII. Id. at 437-38. The court held that the guidance bound the EEOC to a specific legal position to such a degree that noncompliance with the guidance naturally risked legal consequences for employers. Id. at 446. In some cases, the mandatory language of a document alone can be sufficient to render it binding. Id. at 442(quoting *Gen. Elec. Co. v. Env't Prot. Agency*, 290 F.3d 377, 383 (D.C. Cir.2002)); see also *Iowa League of Cities v. Env't Prot. Agency*, 711 F.3d 844, 864(8th Cir. 2013) (holding that language expressing an agency's position that speaks in mandatory terms is the type of language we have viewed as binding").The district court found the Guidance contains all three. *Texas*, 623F. Supp. 3d at 721-24.

In this case, the mandatory language of the Guidance renders it binding. The title itself imposes obligations; Guidance.[7] The Guidance based on the IHRA definition now invited

[7] See IHRA definition with its sets of rules https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf

another faith or a religion by saying "Jews didn't kill Jesus Christ" that injured the Plaintiff severely and his Coptic identity. What is Judaism and what is Christianity?

In *Rojas v. City of Ocala, Fla.*, No. 18-12679 (11th Circuit), a group of atheists lawsuit the City of Ocala under the Establishment Clause of the First Amendment to the United States Constitution arguing the government cannot initiate, organize, sponsor, or conduct a community prayer vigil. Yet, the same event in private hands would be protected by the First Amendment. See *Bd. of Ed. of Westside Comm. Schs. v. Mergens*, 496 U.S. 226, 250, 110 S.Ct. 2356, 110 L.Ed.2d 191 (1990) (opinion of O'Connor, J.) ("[T]here is a crucial difference between government speech endorsing religion, which the Establishment Clause forbids, and private speech endorsing religion, which the Free Speech and Free Exercise Clauses protect.") (emphasis in original). In this way, the rights of all citizens—religious and non-religious—are preserved. The 11th Circuit reasoned with the following

> After this appeal was filed, however, the Supreme Court drove a stake through the heart of the ghoul and told us that the Lemon test is gone, buried for good, never again to sit up in its grave. Finally and unambiguously, the Court has "abandoned Lemon and its endorsement test offshoot." *Kennedy v. Bremerton Sch. Dist.*, 142 S.Ct. 2407, 2427 (2022). In the course of doing so, the Court asserted that it had already done it – "long ago," id. - which was news to a third of the Court's Justices, see id. at 2434 (Sotomayor, J., dissenting, joined by Breyer and Kagan, JJ.) ("Today's decision . . . overrules Lemon ....").

The 11th Circuit directed lower court to reconsider the ruling that found the prayer vigil unconstitutional and the Supreme Court declined to hear the City's case at this time.[8]

In ECF No. 54, Mark's response, he first (a) established the role of OCR; see ECF No. 54 pages 53-54; (b) Mark also spoke about Kenneth Marcus, an agent acting on behalf of Israel and how he used the IHRA definition by personally granting Zoa's appeal ECF No. 54 pages 4, Defendants never challenged Plaintiff's assertions surrounding Kenneth Marcus and his use of the IHRA definition as a force of law (the definition was used by Kenneth Marcus and is on the department of education website to this very day); (c) Defendants failed to challenge who are members of the Semitic tribe including the Copts, see ECF No. 54 pages 18-20; (d) Defendants never challenged how the IHRA definition harmed Mark Bochra as a plaintiff, ECF No. 54 pages 22-24; (e) Defendants never challenged that congress did not authorize defendants to adopt the IHRA definition ECF No. 54 pages 66-67 and a president cannot amend a regulation through an

[8] See https://www.supremecourt.gov/orders/courtorders/030623zor_f2bh.pdf

executive order ECF No. 54 pages 71-76; (f) Defendants never challenged Plaintiff's argument that the IHRA definition lacks statutory authority and is arbitrary and capricious ECF No. 54 pages 82-84; (g) Defendants never challenged Plaintiff's argument that the IHRA definition was in violation of notice and comment requirement, is a major rule in violation of congressional review act, and falls under the ongoing coercion doctrine, ECF No. 54 pages 86-88 & 95-96; (h) Defendants never challenged that a budget must be created to use the IHRA definition, see Kenneth Marcus' own words ECF No. 54 pages 47, 72-73, 87-88.

> In order to codify a regulation, it must be formally proposed through the federal register, provide time for public comment, and be approved by the Department of Justice, Office of Management and Budget and the Small Business Administration, Marcus said

B. The IHRA definition caused injury-in-fact toward the Plaintiff's Coptic Identity.

The IHRA definition is unconstitutional under the Administrative Procedure Act ("the APA") on four bases: (1) arbitrary & capricious, 5 U.S.C. § 706(2)(A); (2) "contrary to a constitutional right, power, [or] privilege," id. § 706(2)(B); (3) exceeding statutory authority, id. § 706(2)(C); and (4) promulgated "without observance of procedure required by law," id. § 706(2)(D).

The 5th Circuit ruled in favor of the Plaintiff under the APA in *Consumer Financial Protection Bureau v. Community Financial Services* Ass'n of *America*, Ltd., 21-50826. The IHRA definition violates the Establishment Clause of the First Amendment; the same is true with Equal Protection Clause under the 5th amendment; Jews vs. Gentiles is the definition of IHRA.

See also "the major-questions doctrine" In *West Virginia v. EPA*, No. 20–1530.[9] The IHRA definition falls under "the major-questions doctrine." See also plaintiff won an injunction against the Defendants in *Texas v. Becerra* No. 23-10246 (5th Cir. Jan. 2, 2024). See also *State of Louisiana et al v. United States Department of Energy* No. 22-60146 (5th Cir. Jan. 8, 2024). The Court ruled the rule or the Guidance was arbitrary and capricious in direct violation of the APA. Section 706 of the APA requires courts to "hold unlawful and set aside agency action, findings, and conclusions found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2).

RAO, *Circuit Judge*: The First Amendment prohibits government discrimination on the basis of viewpoint. "To permit one side … to have a monopoly in expressing its views … is the antithesis of constitutional guarantees." *City of Madison Joint Sch. Dist. No. 8 v. Wis. Emp.*

[9] See 20-1530 West Virginia v. EPA (06/30/2022) (supremecourt.gov)

"I came to complete not to refute. I came light to the World." Jesus Christ

Relations Comm'n, 429 U.S. 167, 175–76 (1976). The protection for freedom of speech applies not only to legislation, but also to enforcement of the laws. The IHRA definition injures the Plaintiff's Coptic Identity and the district court seems to set aside this complete fact about the IHRA definition when it says "Jews didn't kill Jesus Christ" The Coptic people suffered the greatest persecution from the 1st to the 3rd century and was the beacon to how Christianity prospered around the world, especially in the West. The persecution of the Christians began in the time of Nero and continued sporadically for nearly three centuries. It ended officially with Emperor Constantine's Milan Decree in AD 313. Diocletian was so exceptionally bloody in his persecution of Christians that his time was dubbed the Great Persecution. He is said to have *sworn to kill Christians until their blood reached his horse's knee – and he kept his word*.

To commemorate the years of persecution, the Coptic Church introduced a new calendar beginning with the year Diocletian took office. The Anno Martyrum, or Year of the Martyrs, which is the first year of the Coptic Calendar, matches the year 284 in the Gregorian Calendar. In the Synaxarium, or the Lives of the Saints, a major work in the Coptic Church, all days of festivities are noted according to the Anno Martyrum, or AM.

> Early church historians, writers, and fathers testified to the numerous Copt martyrs. Tertullian, 3rd century North African lawyer wrote "if the martyrs of the whole world were put on one arm of the balance and the martyrs of Egypt on the other, the balance will tilt in favor of the Copts."

List of Coptic saints - Wikipedia

The following is a list of **saints** commemorated by the **Coptic** Orthodox Church of Alexandria The majority of **saints** are from Egypt with the majority .
You've visited this page many times. Last visit: 7/3/22

To simply ignore history and say the IHRA definition did not injured the Plaintiff in any way, is an insult and injury towards Plaintiff's Coptic identity. Likewise, can the Department of Education use a definition which says "Muhammad is not the Prophet of Islam" and "God didn't pass the 10 Commandments on to Moses" and have it as a government endorsed viewpoint. The answer would be no, they can't.

"I came to complete not to refute. I came light to the World." Jesus Christ

III. Contrary to Defendants' argument that the District Court lacked Jurisdiction under the "Alternative Remedy" rule; there is no alternative remedy.

Defendants spend most of its response brief restating its district court arguments without challenging Plaintiff's raised arguments, in document 33 section C pages 13-15, the summary of defendants argument is that Mark can lawsuit the law school, claiming that is an alternative remedy and stated by concluding "Bochra failed to identity any error with the district court reasoning" but that was also false and misleading. In Mark's appeal brief, he cited the following error under section III but this argument was never challenged by the Defendants:

> Not only that, in order to qualify as an adequate remedy, the recipient must be recognized as a federal funding under Title VI, the district court claim "Bochra can sue Florida Coastal School of Law as the alleged discriminator and a *recipient of federal funds under Title VI*...", and the department of education denied FCSL funds to Title IV in May 13, 2021 press release. Therefore, *Alexander v. Sandoval*, 532 U.S. 275, 279 (2001) ("[P]rivate individuals may sue to enforce § 601 of Title VI and obtain both injunctive relief and damages.") is inapplicable. The recipient is not a recognized federally funded receiver under Title IV and was shut down by the department of education itself. See ECF No. 9 Exhibit G pages 131-134.

A. Defendants tried to deceive the Appeal Court by stating "this is a new argument".

In Defendants' response brief, defendants cited that Mark for the first time claimed that OCR applied their rule against Mark selectively and differently because of his Coptic identity; see document 33 page 18 citing that this argument was never raised in his lawsuit or his response to DOJ motion to dismiss. Claiming that argument was not preserved and cannot be considered on appeal. *Fednav Int'l Ltd. v. Cont'l Ins. Co.*, 624 F.3d 834, 841 (7th Cir. 2010). But this was a lie; Mark cited the same argument in his filed lawsuit, see Am. Comp ECF 9 ¶ 82-83. See also Mark's response ECF 54 the words "selectively and unequally" was repeated 6 times, on pages 54, 67, 28, 31, 35, and 47 citing the Coptic identity.

B. Contrary to Defendants' argument that the court held that Mark failed to allege any procedural due process claims; the ruling is per se error and requires reversal.

There is a difference when an agency in a neutral manner investigates a complaint, and when an agency tempers with witnesses and the evidence, applies their manual selectively and differently on the complainant compare to others, promises next action is "enforcement action" but later destroys the complaint during covid19 lockdown; lying to Senator Durbin in 3 separate letters saying that they are negotiating a resolution agreement with the recipient for a span of 2 years in

direct violation of the OCR manual 30 days time frame was only provided under the manual, and even OIG DOE cited this issue, see Am. Comp ECF 9 ¶ 17.

> Dismissing complaints where investigations have been completed and/or are in resolution wastes time and effort spent by OCR staff investigating and working with those recipients, and identified issues that were in the process of being resolved ***may be left unresolved and the recipient may remain in noncompliance***.

The final outcome is that the Jewish student Michael Roy Guttentag who assaulted, battered, and threatened to kill Mark; received his education and became a lawyer in New York while Mark the Coptic was targeted, did not receive his legal education, and did not become a lawyer but suffered further. Mark wanted OCR truthful findings to present it to any future state bar and law school but this same case *Bochra v. U.S. Department of Education* (1:21-cv-03887) led to Mark's home being targeted, and there is a Fair Housing complaint filed since August 26, 2023. Next Mark's place of work at Chicago Public School was the next target after working peacefully at CPS for 6 years with no issues which resulted in several OCR Complaints with the most recent one filed January 4, 2024 for ongoing retaliation and more.[10]


DOJ Civil Rights - Do Not Reply <civilrightsdonotreply@mail.civilrights.usdoj.gov>
To: You
Sat 8/26/2023 5:29 PM

U.S. Department of Justice
Civil Rights Division
civilrights.justice.gov

Please do not reply to this email. This is an unmonitored account.

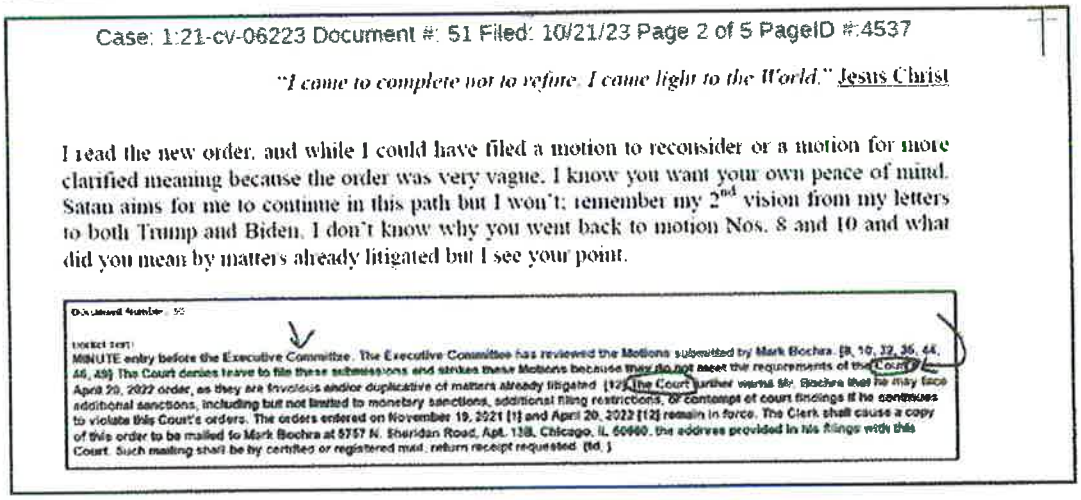
Thank you for submitting a report to the Civil Rights Division. Please save your record number for tracking. Your record number is: [redacted]

And overall Mark's character and future legal career was attacked left and right, that is why both liberty and property interest was repeatedly cited at the district level and on appeal and even with the appeal related to the Executive Committee in 22-1815 or ECF 120 and 121 in this case *Bochra v. U.S. Department of Education* (1:21-cv-03887). The District Court granted extension of time saying "Good cause is shown" in ECF 94 and Defendants never objected nor objected to Mark's filings in ECF 103 and 106-109. Had the Defendants had any objections, they would

[10] I hope there is no internal communications leading to my complaints being closed because this happened in the past and I took notice of the timeline; some people don't want any healing at all for Mark but God sees everything.

have filed any objection but they didn't file any objection with the District Court, thus waiving any and all arguments on appeal related to Mark's raised final argument pertaining to the Court's abused its discretion. Martin Luther King said "injustice anywhere, is a threat to justice everywhere."

In a series of motions that were filed with the Executive Committee in 1:21-CV-06223 ECF Nos. 45, 46-47, 48-49, and finally 51. The result of the filings caused the Executive Committee to forsake their individual capacity by using for the first time official capacity and referring to the executive committee as the "court" to which now proved that the Court indeed did Target Mark the Coptic compare to Ms. Terman's response that the Court did not target Mark. See Caryn *Strickland v. US*, No. 21-1346 (4th Cir. 2022), a case heading to trial against the 4th Circuit Judges in their individual and official capacity. See also *Newman v. Moore* (1:23-cv-01334) a case of federal judge in lawsuit with other federal judges and the federal circuit court. Moreover, the Executive Committee quietly did not renew order No. 9 which warns Mark not to speak about "Jesus Christ" or else, they would retaliate and the retaliation came later in different forms real or covert. See final filing in 1:21-CV-06223 ECF Nos. 52-53.



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"*I came to complete not to refute. I came light to the World.*" Jesus Christ

I read the new order, and while I could have filed a motion to reconsider or a motion for more clarified meaning because the order was very vague. I know you want your own peace of mind. Satan aims for me to continue in this path but I won't; remember my 2nd vision from my letters to both Trump and Biden. I don't know why you went back to motion Nos. 8 and 10 and what did you mean by matters already litigated but I see your point.

Document Number: 51

MINUTE entry before the Executive Committee. The Executive Committee has reviewed the Motions submitted by Mark Bochra. [8, 10, 32, 36, 44, 46, 49] The Court denies leave to file these submissions and strikes these Motions because they do not meet the requirements of the Court's April 20, 2022 order, as they are frivolous and/or duplicative of matters already litigated [12]. The Court further warns Mr. Bochra that he may face additional sanctions, including but not limited to monetary sanctions, additional filing restrictions, or contempt of court findings if he continues to violate this Court's orders. The orders entered on November 19, 2021 [1] and April 20, 2022 [12] remain in force. The Clerk shall cause a copy of this order to be mailed to Mark Bochra at 5757 N. Sheridan Road, Apt. 13B, Chicago, IL 60660, the address provided in his filings with this Court. Such mailing shall be by certified or registered mail, return receipt requested. (ltd,)

CONCLUSION

For the forgoing reasons, this honorable court should reverse the decision of the district court and remand for further proceedings.

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

CERTIFICATE OF COMPLIANCE

In accordance with Federal Rule of Appellate Procedure 32(a)(7) and Circuit Rule 32, I certify that this brief:

(i) Complies with the type-volume limitation of Circuit Rule 32 because it contains 5,763 words, including footnotes and excluding the parts of the brief exempted by Rule 32(f); and

(ii) Complies with the type volume limitation imposed by Fed. R. App. P. 32(a)(7)(B).

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

Date: January 10, 2024

CERTIFICATE OF SERVICE

The undersigned hereby certifies that I have mailed the foregoing REPLY BRIEF OF APPELANT via regular certified mail on January 10, 2024. Notice of this filing will be sent by operation of the Court's electronic filing system to all parties indicated on the electronic filing receipt. Parties may access this filing through the Court's electronic filing system.

Respectfully submitted,

/s/ Mark Bochra
Plaintiff, Pro Se

Date: January 10, 2024