IN THE
SUPREME COURT OF THE UNITED STATES

Steve Van Horne,

propria persona, in his natural capacity

Applicant,

v.

Harriet Haag, Brandi Deremer, Brandy Maldonado,

Respondent.

On Application for an Extension of Time to File Petition for a Writ of Certiorari to the United States Court of Appeals for the Fifth Circuit

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Case Number: 24-10492, United States Court of Appeals for the Fifth Circuit
Case Numbers: 1:23-CV- 240, United States District Court for the Northern District of Texas

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Appearing Pro Per, Sui Juris

January 13, 2025

To the Honorable Samuel Alito, as Circuit Justice for the United States Court of Appeals for the Fifth Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicant Steve Van Horne respectfully requests that the time to file his petition for a writ of certiorari be extended for 60 days, up to and including Monday, March 24, 2025.

The Court of Appeals issued its opinion on November 08, 2024. Applicant has either, misfiled, lost, or did not receive the Court of Appeals' Judgment/Mandate. However, the Applicant has attached the Court of Appeals clerk's letter documenting that there was a judgment (Exhibit B). The Court of Appeals denied Applicant's motion to recall the court's Judgment/Mandate on December 12, 2024 (Exhibit A). Absent an extension of time, the petition would be due on January 27, 2025. The jurisdiction of this Court is based on 28 U.S.C. 1254(1). This request is unopposed.

Background

This case presents an important question on the application of the freedom to practice religion doctrine: Whether the US District Court is bound by 42 USC 21b § 2000bb, that government, including the courts, shall not substantially burden a person's exercise of religion even if the burden results from for government actions, including rules of general applicability, that "substantially burden" a person's religious exercise.

The United States District Court for the Northern District of Texas, Abilene Division has dispelled the applicant the right to exercise his religious obligation in succession, in spite of being notified by Applicant that he would not be available to correspond to the court due to his religious practice. The court even ordered Applicant to state the details of what that religious practice was about, to which Applicant complied, just to have the district court deny him.

Applicant is a minister in an unincorporated/unsponsored religious society which operates according to Acts 4:34-35 and has been 100% harmless to the civil political society.

Respondent Harriet Haag was or is the presiding judge over the County court of Law # 2 for Taylor County, Texas. Among her job responsibilities there is maintaining order in limited criminal jurisdiction to misdemeanor cases, ensuring that the law is strictly interpreted in those cases, and deciding whether evidence is proper or illegal.

Respondent Brandi Deremer was at the time the court administrator for the County court of Law # 2 for Taylor County, Texas. Among her job responsibilities there is overseeing the day-to-day operations of the court system, helping to implement procedures to improve court efficiency, and resetting court cases.

Respondent Brandy Maldonado was at the time an Assistant District Attorney for Taylor County, Texas. Among her job responsibilities there is to Prepare and evaluate cases, perform legal research, and prepare cases for trial. They also appear in court to select juries, present evidence, and cross-examine witnesses. They handle misdemeanor cases from intake through trial, including case screening, preparing pleadings, and representing the state in court. The Respondents are servants of the people of Texas who has either been elected by the people or employed to assist elected servants of the people. Nothing in the Texas Constitution or the legislatively enacted codes authorizes the Respondents to arbitrarily go beyond their official capacities to perform unlawful seizure of persons.

This complaint arises as a result of redress of judicial procedures in his Justice of The Peace Precinct 2 traffic case in Taylor County, Texas, for not acknowledging Applicant's challenge of jurisdiction, his right to a trial by jury, and forcing him into a bench trial, which subsequently led to his conviction.

On April 21, 2021, Applicant appealed the Justice Court's decision to the Taylor County Court at Law No. 2. In his appeal letter it was clear that he was still challenging the Justice Court's jurisdiction, which was ignored at the Justice Court level.

Approximately six months after he appealed, he received a letter from Brandi DeRemer, the Court Administrator at the time, dated October 11, 2021, addressing Pro Se Defendants and Counsel, which stated in the first paragraph:

> *THERE ARE NEW RULES FOR THE JP & CITY APPEAL DOCKET. The JP & City Appeal Docket will be called by Judge Haag on FRIDAY, November 5, 2021 beginning at 8:30 a.m. There will several changes in the way we handle JP & City Appeals.*

On the fourth page of the listed cases, Applicant's cases were listed. He responded with an affidavit of Special Appearance for the purpose of challenging the state's presumption and assumption of jurisdiction filed October 22, 2021. He asked that the State and Court prove its jurisdiction according to the laws of the land or dismiss cases: 2-284-21 & 2-285-21.

He did not receive a response from the County Court of Law No. 2 and therefore went to court on November 5, 2021. While in the court room, before the proceedings began, he attempted to explain to the bailiff, the situation as to what he was there for. The bailiff asked him to go over to an unidentified woman and explain the situation to her. As he explained to the unidentified woman that he needed a special appearance, due to jurisdictional issues, the assistant district attorney who represented the state at the Justice Court trial (identified as Tyler Cagel) called the unidentified woman over to him. After they spoke, the unidentified woman returned to Applicant and told him that she had to take him to the court administrator to set another court date in order to accommodate his request. She then walked him over to the court administrator's office, where she explained the matter to the court administrator. Applicant

asked the court administrator if he could get the date for the special appearance and the court administrator said when she rescheduled a hearing she would send it to him.

After this, he never received any documents from the court, and certainly no notification for a rescheduled court date. On January 5th 2022, he went to a different justice court for an unrelated hearing. There he was arrested by deputies of the Taylor County Constable's office, for failing to show up to the hearing at the Taylor County Court At Law No. 2, on December 17, 2021, and was held against his will.

Initially, he thought the arrest was for the November 5, 2021, court date, which he did attend, and had been awaiting a new court date. Therefore, he tried to explain the events that took place at the County Court on November 5, 2021 to the officers, reiterating that chain of events previously stated which mentions ADA Tyler Cagel. However, later it became apparent that the County Court at Law No. 2 was claiming to have rescheduled a court date, sent notification to the him, and claimed he failed to show up.

While he was handcuffed at the Justice Court, the deputies explained to him that his choices were to either go through the process of paying the traffic tickets, or go through the process of going to jail and having his vehicle towed from the parking lot of the building he was arrested at.

Under duress, he told the constables deputies that he would pay the tickets. The deputies walked him down the street in handcuffs to another building where, under duress, he involuntary, against his will, went through the process of paying for two citations which were written to him, while he was exercising his personal liberty rights of locomotion, with his privately registered automobile, guaranteed by the Constitution, by credit card.

After his release (January 05, 2021), he called the county court and requested a copy of the letter which the court claimed to have sent for the rescheduled court date. He was told that he

would have to call the county clerk for the letter. He contacted the County Clerk's office and asked for a copy of the letter which was written to him from the county court, which notified him to appear before the court on December 17, 2021.

Eight days later On January 13, 2022 Plaintiff-Appellant received an email from the County Clerk's office. The email furnished two vague letters with his mailing address, dated November 9, 2021, which addressed a bondsman, cc'd to the county court clerk. However, they were both filed by the county court clerk on January 05, 2022, the day he was arrested, which he saw for the first time that day on 01-13-22. The email included the Respondents' court order for Applicant's arrest and the documents he was fraudulently compelled to sign while under duress, signed by Judge Harriet Haag and prosecuting attorney Brandi Maldonado.

The letters:

1. *Were produced by the County Court at Law No. 2, signed by Court Administrator Brandi DeRemer, on Taylor County Court at Law 2 official letter head.*
2. *Were dated November 09, 2021 and carbon copied (cc'd) to the county clerk. However, it was not filed with the county clerk until January 05, 2022, the day he was arrested, and almost two months after the letter was supposedly produced, cc'd to the county clerk, and supposedly sent, the day it was produced or shortly thereafter, to him. This indicates that the letter dated was not received by the county clerk until January 5th and could not have been sent on November 09, 2021 to the county court clerk or the Applicant.*
3. *Also address was "**Dear Bondsman**," not the Applicant by name. This was confusing to him as he had no bondsman, did not guarantee a bond, and did not claim to be a surety in the case.*

If the letter had reached him the confusion would have prompted him to inquire in order to get clarity.

It is Applcant's belief that a notice was never meant to reach him, as the evidence points to a conspiring effort, to entrap him into not showing up for a court date, by not notifying him, but act as if the court sent notice, so he would later be arrested for not showing up to court, as a

warrant was issued for his arrest on December 17, 2021, the day of the supposed scheduled hearing.

Based upon his findings, he filed his lawsuit against Respondents in the United States District Court, Northern District of Texas and having no income he also filed an application to proceed in forma pauperis on 12/26/2023.

At this certiorari stage, the claims that are relevant are derived from the Respondents depriving and conspiring to deprive Applicant of his constitutionally protected natural right in violation of 42 U.S.C. § 1983, 1985, and 1986, as they failed to stay within their capacity when they knowingly acted together to order his arrest for not showing up for court without ever sending him a notice to appear.

On 01/04/2024, the District Court granted the application to proceed IFP and set an evidentiary hearing for 01-10-2024, in which Applicant appeared in person. Two months after the hearing he notified the court in a letter dated March 7, 2024 that he had a religious obligation to attend to from March 20 to May 15, 2024, which the court filed on 03-11-2024. In spite of notifying the court of his obligation, the court refused to grant a stay of action on the case until his days of obligation were complete and ordered a denial of stay for his notification of religious obligation on 03-14-2024. In a letter dated March 18, 2024, filed on 03-20-2024, Applicant motioned the court to reconsider its denial and explained the importance of his commanded obligation as a heavenly command and why he needed that much time. However, the Court responded on March 21, 2024, while he was attending to his religious obligations and not available, with another a denial of reconsideration of stay.

On April 18, 2024, still while Applicant was unavailable, the court filed its Findings, Conclusions, and Recommendations. The FCR went unanswered due to the fact that Applicant

was attending to his yearly religious practice. While he was still unavailable, the court also adopted the FCR and ordered a final judgment on May 6, 2024.

The founding father believed in one's religious duties:

> ***It is the duty*** *of every man to render to the Creator such homage and* ***such only as he believes to be acceptable to him. This duty is precedent, both in order of time and in degree of obligation, to the claims of Civil Society*** ***(At 1).*** *"Memorial and Remonstrance Against Religious Assessments, in Selected Writings of James Madison",*

...And the US Supreme Court has been consistent on the matter:

> ***"in the forum of conscience, duty to a moral power HIGHER THAN THE STATE HAS ALWAYS BEEN MAINTAINED." United States v. Seeger, 380 U.S. 163, 171 (1965)***
>
> ***"both morals and sound policy require that the state should NOT violate the conscience of the individual. All our history gives confirmation to the view that liberty of conscience has a moral and social value which makes it WORTHY OF PRESERVATION at the hands of the state.*** Ibib.
> ***"THERE IS A HIGHER LOYALTY than loyalty to this country, LOYALTY TO GOD."*** Ibib.
> ***"religious training and belief," which Congress has defined as "belief in a relation to a Supreme Being involving duties superior to those arising from ANY human relation."*** Ibib.
>
> ***The right of religious freedom embraces not only the right to worship God according TO THE DICTATES OF ONE'S CONSCIENCE, but also THE RIGHT "TO DO, OR FORBEAR TO DO, ANY ACT, FOR CONSCIENCE SAKE,*** *the doing or forbearing of which, is not prejudicial to the public weal (harm)". Chief Justice Gibson in Commonwealth v. Lesher, 17 Serg. & R., Pa., 155. Emphasis added.*

Clearly Applicant's participating in a commanded religious obligation is not prejudicial to the public weal.

After Applicant had returned from his religious practice he saw that his case had been dismissed with prejudice, so he sent his appeal dated May 29th to the District court. It was filed on May 31, 2024. The district court denied his motion for leave to appeal in forma pauperis (IFP) *the very same day*, stating that any appeal of this action is frivolous and not taken in good faith in light of the ***uncontested findings*** in the FCR filed on April 18, 2024.

However, Applicant had notified the court by letter, filed by the court on March 11, 2024, that he would not be able to respond to any communication from the court due to prior scheduled religious obligation from March 20 to May 15, 2024. The court could not have possibly believed that the uncontested findings to the FCR was in bad faith. It had to be obvious to the court that Plaintiff was unavailable and would not have responded. Nevertheless, Applicant was able to answer the FCR as the identical FCR was also for another case filed with the court.

The district court did a similar thing the previous year when it was notified that Plaintiff had the very same religious practice to attend to. The court ignored the notification and sent correspondence to him and when there was no answer the court dismissed the case.

The court is likely aware of 42 USC 21b § 2000bb, which it is bound to act in accordance to, and if it is not aware, it should be. In this act it is understood that the court shall not substantially burden a person's exercise of religion even if the burden results from for government actions, including rules of general applicability, that "substantially burden" a person's religious exercise. The statute does not define the term substantial burden, but the phrase appears to have originated from free exercise case laws, which holds that such burdens exist when an individual is required to choose between following his or her religious beliefs and conscience and following a governmental rule or when an individual must act contrary to his or her religious beliefs and/or conscience to avoid facing legal penalties, such as in the Applicant's position with the district court's orders and remaining true to his beliefs, conscience, and religious obligation that is totally harmless to the public.

Importantly, pursuant to 42 USC 21b § 2000bb, when evaluating an individual's free exercise claim, courts should defer to parties' assertions about their sincerely held religious beliefs. Once a party has established a substantial burden, the action is valid unless the

government shows that the burden is (1) in furtherance of a compelling governmental interest and (2) the least restrictive means of furthering that interest.

The Court did not and has not stated how compelling Applicant to abide by federal rules of civil procedures and following its court orders during the days of the observance of his religious obligation, furthered any stated compelling interest of any branch of government or state that their orders is the least restrictive means of furthering that compelling governmental interest.

The district court's actions while Applicant was attending to his religious practice and unavailable to answer the court were deliberate and unfair. It was prejudicial to plaintiff and denied him due process by certifying that any appeal of this action would not be taken in good faith, and ordered a final judgment on May 6, 2024, with prejudice, because of an uncontested FCR, which opportunity was not given to contest. This is oppression, not due process, Due Process is fair:

> ***Due process may be interpreted to mean fundamental fairness and substantial justice. Vaughn v. State, 3 Tenn.Crim.App. 54, 456 S.W.2d 879, 883." Black's Law Dictionary, 6th Edition, page 500.***
>
> ***It is now the settled doctrine of this Court that the Due Process Clause embodies a system of rights based on moral principles*** *so deeply embedded in the traditions and feelings of our people as to be deemed fundamental to a civilized society as conceived by our whole history.* ***Solesbee v. Balcom, 339 U.S. 9 (1950)***

The Applicant appealed the district court's judgment and noted in his appeal that he had answered the district court's FCR. However, the Appeals Court failed to take judicial notice of the fact that he answered the district court's FCR and Denied the IFP and dismissed the appeal, erroneously citing that Applicant did not answer the FCR, which he did and had stated that fact to the Appeals court in his Brief.

The appeals court entered an order on October 17, 2024, DENYING Plaintiff-Appellant's motion to proceed IFP and DISMISSING his appeal. The letter was received by mail on October 22, 2024. On October 30, 2024 Applicant mailed his motioned the Court to reconsider, vacate, or modify its Order, citing the court's oversight of the fact that he had answered the district courts FCR. On November 8, 2024 the appeals court replied by mail that the motion was received out of time. If it took mail from the court 5 days to reach Applicant it probably took 5 days for his mail to reach the court.

The appeals court also entered its judgment on November 8, 2024. However, it was not mailed before November 12, 2024. The letter has post marks for the 11-12-2024 and 11-14-2024 (Exhibit: C). The Applicant received the judgment by mail on November 19, 2024. He mailed his Petition for Rehearing *Panel and/or En Banc and* Recall its Mandate on November 21, 2024 citing excusable neglect and the court late mailing to of the judgment for him filing late. On December 12, 2024 the court denied the motion to recall, which brings us to this Petition of Certioari.

Reasons For Granting an Extension of Time

Applicant is a minister not an attorney. He did not go to law school, and is still in the process of learning the procedures and rules of the court system while attending to ministerial duties. He believes that his stance to serve his Creator has caused him and the members of the religious society he is a member of manifold persecution from the civil secular social society. As a result he is presently involved in several litigations. He has several cases to prepare for and it is time consuming because he is not familiar with the law, or procedures of the courts, and

researching this makes it time consuming. He also has ministerial commitments during this time period of preparing for cases including:

- Requesting a copy of the Appeals Court's order and Judgment issued on November 8, 2024

- 42nd Judicial District court trial on January 17, 2025 – Central Appraisal District of Taylor County Vs. Steve Van Horne, Cause No. 51801

- An Appellants brief in the United States Court of Appeals for the fifth Circuit in *Van Horne v. Robert Jones et al*, No. 24-11027, due January 22, 2025

- Answer to Attorney General of Texas, Ken Paxton letter dated December 19, 2024, concerning the exercise of our religious society's right to house our own children's program outside of state childcare operation and without the state's permission (childcare permit).

- An Appellants brief in the United States Court of Appeals for the fifth Circuit in *Van Horne v. Valencia*, No. 23-10906, awaiting due date any day from the court.

Conclusion

Applicant requests that the time to file a writ of certiorari in the above-captioned matter be extended 60 days to and including March 27, 2025.

Dated this 13th day of January, 2025.

Respectfully submitted via USPO Certified Mail: 9589 0710 5270 0762 5384 42

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