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

24-5703

No. 24A39

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES

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

Petitioner

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,

Respondents

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)

A PETITION FOR A WRIT OF CERTIORARI

Mark Bochra
5757 North Sheridan Road, Apt 13B
Chicago, IL 60660
Plaintiff, Pro Se
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September 30, 2024

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

QUESTIONS PRESENTED

In 2016, Petitioner Mark Bochra, a Christian Coptic suffered various forms of discrimination with retaliation including (assault, battery, and threatened to be killed by Michael Roy Guttentag) at Florida Coastal School of Law after reporting discrimination to the dean of the law school (1:21-cv-03887 ECF No. 54 page 29-30 & Exhibit 18); see 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. As a result, Petitioner filed an OCR Complaint against the law school; his complaint was opened for an investigation by OCR Atlanta. During the course of the investigation 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 the next step is enforcement action if a resolution is failed to be signed by the recipient to OCR tempering with witnesses and the evidence, and dismissal of the OCR complaint after Petitioner filed several complaints with OIG DOE (whistleblower protection); first OIG DOE complaint was pertaining to OCR Atlanta and it was handled by special agent Neil Sanchez and many complaints were later filed against Kenneth Marcus with different government agencies when Kenneth Marcus tried to implement the IHRA definition without congress approving the use of such definition; acting on behalf of Israel as an agent without registering under the Foreign Agents Registration Act (FARA); betraying America and what its constitution stands for; Kenneth Marcus did this in his official and individual capacity (evil motive).

The district court issued its final judgment dismissing Petitioner's lawsuit 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. The totality of the District Court ruling was that it lacks jurisdiction to review Mark's lawsuit and that the petitioner lack standing to challenge the IHRA definition; a definition which injured Mark's Coptic identity when it says "Jews didn't kill Jesus Christ" and it is used as a government endorsed view point discrimination on OCR website. Mark's initial lawsuit 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. The District Court failed to evaluate the injunctive relief against the IHRA definition sought in the initial lawsuit. The goal was "get rid of Mark and his case by any means possible".

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)
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. The second appeal 23-1388 was related to the threats of Jim Richmond. During a Judicial Misconduct proceeding in Nos. 07-22-90048 through 90041, a supervisor from the 7th Circuit under the name Jim Richmond jim_richmond@ca7.uscourts.gov told Mark how his future appeal will be fixed long before it was even filed.

- 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] Said Jim Richmond.

- Do you think you got everything figured out? What makes you think the Judicial Conference has jurisdiction over us? That is Robert's committee" i replied in part "there is a recent 2022 case ruling" Later i emailed him a copy of the case ruling c.c.d._no._22-01_0.pdf (uscourts.gov).[2] During several follow up conversations because he knew it was the Democrats who initiated the Judicial Misconduct Complaint which triggered the Judicial Conference Committee to rule on the case, he added in part "they need to shut up over at DC, I am a democrat myself but you have **** (I don't remember the inappropriate language he used) in DC." Said Jim Richmond.

God allowed the trial but also proved the words of Jim Richmond verbatim; Mark's appeal was fixed by the 7th Circuit with facts not even from the case like the claiming OCR refused to open Mark's complaint for investigation. The judgment was endorsed by the entire en banc 7th circuit panel. All of this happened while Mark's home was targeted, later his place of work at Chicago Public School, and him because of this very same case *Bochra v. U.S. Department of Education* (1:21-cv-03887).

The questions presented are:

I. In light of the Supreme Court's recent ruling in *Loper Bright Enterprises v. Raimondo*. No. 22–451[3] (overruling the chevron doctrine), *Axon Enterprise v. Federal Trade Commission* No. 21-86, and *Corner Post, Inc. v. Board of Governors* No. 22–1008 declaring "that the six year window to sue federal agencies begins when the plaintiff experiences damages due to their actions" these two major cases provides Applicant Mark Bochra with a standing to challenge the use of the IHRA definition and how Kenneth Marcus and Melanie Velez retaliated against the Petitioner by destroying his OCR Complaint after it was in a resolution agreement with the recipient for nearly 2 years in violation of the 30 days time frame provided by the OCR manual.[4]

II. Whether the Petitioner 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

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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 https://www.uscourts.gov/sites/default/files/c.c.d._no._22-01_0.pdf

[3] See https://www.supremecourt.gov/opinions/23pdf/22-451_7m58.pdf

[4] See https://www.supremecourt.gov/opinions/23pdf/22-1008_1b82.pdf

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).

III. Whether Respondents waived their rights on appeal to challenge Petitioner's claims under the (law of the case, waiver, and judicial estoppels) when they abandoned challenging Mark's many arguments in his ECF No. 54.

IV. Whether Petitioner stated a claim that federal officials committed an endorsed government view point discrimination (the IHRA definition says "Jews didn't kill Jesus Christ")[5] 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 with retaliation based on his Coptic identity and his faith in Jesus Christ; seeking injunctive and prospective relief.

V. In light of the recent Supreme Court ruling in *Trump v. United States* 23-939 which ruled for absolute immunity for official acts but no immunity for individual acts; the Supreme Court left the door open for Courts to determine what happens when a person uses his or her official capacity to reach an individual's evil motives which would offend the Constitution when it comes to Life, Liberty, and the pursuit of Happiness.[6]

> The Supreme Court has consistently treated retaliation against civil rights complainants as a form of intentional discrimination. The Court has held that "retaliation offends the Constitution [because] it threatens to inhibit exercise of the protected right" and "is thus akin to an unconstitutional condition demanded for the receipt of a government-provided benefit." *Crawford-El v. Britton*, 523 U.S. 574, 588 n.10 (1998) (citations and internal quotation marks omitted); see also *Chandamuri v. Georgetown Univ.*, 274 F. Supp. 2d 71, 81 (D.D.C. 2003) (discussing Court's approach to retaliation in Crawford-El).

VI. 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 such as discrimination with retaliation 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.

VII. Whether both the respondents and the court improperly held that the petitioner 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.

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[5] 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.

[6] See https://www.supremecourt.gov/opinions/23pdf/23-939_e2pg.pdf

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PARTIES TO THE PROCEEDING

I. The applicant is Mark Bochra, a Christian Coptic.

II. The respondents are the Department of Education ("government"), Secretary Miguel Cardona ("DOE"), and Secretary Catherine Lhamon ("OCR") because they replaced the duties of former Secretary Betsy Devos ("DOE") and Kenneth Marcus ("OCR").

RELATED PROCEEDINGS

United Stated Northern District of Illinois:

- *Bochra v. U.S. Department of Education et al* (1:21-cv-03887)

United States Court of Appeals (7th Circuit):

- *Mark Bochra v. Department of Education et al* (22-2903 and 23-1388)
- *Mark Bochra v. Executive Committee of Northern District of IL et al* (22-1815)

Judicial Misconduct Proceedings

- Nos. 07-22-90048 through 90041 (The origin)
- Nos. 07-24-90029 through 90043 (The cover up)
- Nos. 07-24-90049 through 90063 (The cover up)
- No. 07-24-90072 (The cover up)
- Nos. 07-24-90098 to 90100 (The cover up)
- Nos. 07-24-90101 to 90102 (The cover up)

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Mark Bochra respectfully petition for a writ of certiorari to review the judgment of the United States Court of Appeals for the 7th Circuit.

OPINION BELOW

The 7th Circuit Court of Appeals rather than render a decision based on the filed briefs and arguments raised by both the Petitioner and the Respondents using their own precedent and established case laws such as a Court can't dismiss a case with prejudice if standing is at issue. The 7th Circuit ended up fixing Mark's appeal with facts not even from the case but from someone's own imagination fulfilling the threats of Jim Richmond who told Mark how his future appeal will be fixed by the judges long before it was even filed. Chief Circuit Judge denied appointing outside circuit Judges for Mark's appeal. Another good supervisor under the name Frank Insalaco told Mark "Mark you were suppose to receive 3 panel judges, the Judges know what happened." However that decision by the 7th Circuit Court of Appeals without revealing the names of the 3 panel judges was approved by the entire en banc panel. In a later conversation with Mr. Frank Insalaco told Mark "they are more powerful than me; my opinion doesn't matter" when Mark told Mr. Insalaco "how his appeal was fixed while Mr. Insalaco kept telling Mark to trust the system and have faith in the process." The 7th Circuit failed to review Petitioner's filed brief with all its raised arguments to render justice.

JURISDICTION

The 7th Circuit Court of Appeals issued its opinion and judgment on February 27, 2024. A petition for rehearing and en banc hearing was filed on April 19, 2024 and it was denied on it was denied on May 3, 2024. Justice Amy Barrett extended the time to file the petition for a writ of certiorari by September 30, 2024. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).

INTRODUCTION

"Freedom is never more than one generation away from extinction. We didn't pass it to our children in the bloodstream. It must be fought for, protected and handed on for them to do the same..." President Ronald Reagan. The meaning of these words is that when a definition such as the IHRA definition substitutes the Constitution of the United States of America, then many will lose their freedom to who paid more for such definition to be used; a definition that is

not built on "equality" but "status" "power" and "pride". We've seen the result of this parable when the children of Abraham were separated because of status. The story of Hagar the Egyptian bearing a child form Abraham, the first child Ishmael, later Sarah bore Isaac and only then did Sarah outcast Hagar into the desert (Genesis 16). The separation of the children of Abraham came to pass when Sarah told Hagar "your son will not have inherence with my son" So the Lord, God answered with blessing and judgment at the same time, he blessed the seed of Hagar but he judged by saying that both children Arabs and Jews will fight with each other's until comes the day they both understand the truth about the sin of "pride" and "status".

Over 1300 Jewish faculty and law professors are objecting to the IHRA definition.[1] 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 definition. But not only that, it adds something special by saying "Jews didn't kill Jesus Christ" a government endorsed view point discrimination.

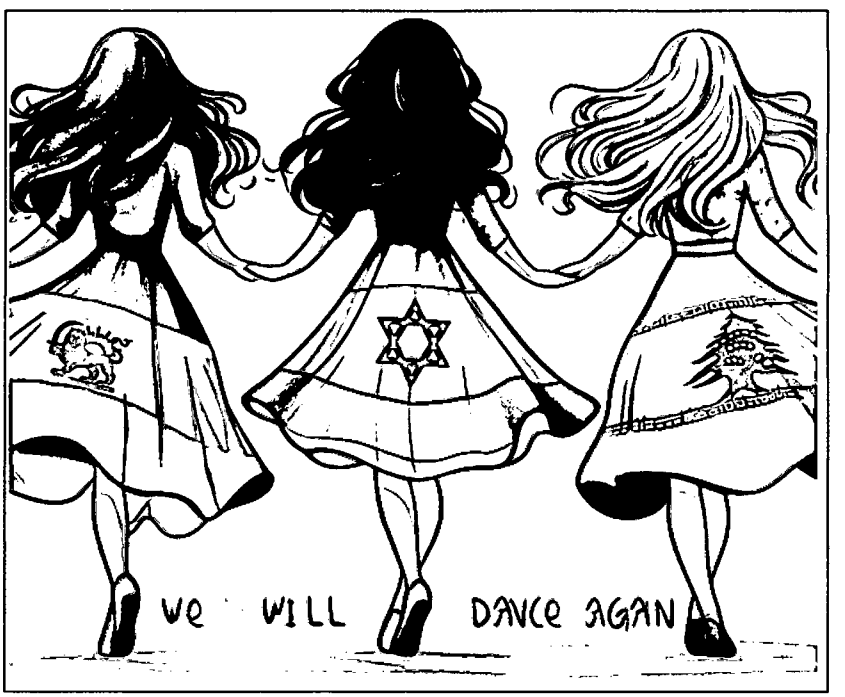
The Supreme Court recent rulings in *Loper Bright Enterprises v. Raimondo*. No. 22–451 and *Corner Post, Inc. v. Board of Governors* No. 22–1008 provided a pro se attorney and a

[1] See https://docs.google.com/document/d/1lButpliajBJ3vYlykA-mj5gV35btDhwfczfFUoXQRMQ/edit

rancher with a hope against the Biden Administration under the APA over lack of Farm Credit appointments. The Justice Department representing the Biden administration sought to dismiss the lawsuit, but the Supreme Court recent overruling the Chevron Doctrine, gave the little guy a chance for healing when the chief district judge Hon. William Campbell granted Dustin Kittle motion to amend and for his case to proceed stating:

> "Leave to amend should be 'freely given when justice so requires,' a standard [Kittle] contends is met because the Second Amended Complaint addresses arguments raised in [Biden's] motion to dismiss and adds three respondents and two additional counts following the Supreme Court's recent decision in *Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244* (June 28, 2024). [Kittle] also notes that the Second Amended Complaint does not add any causes of action as to [Biden].[2]

The case is now proceeding to case management and trial.[3]



Equality is beautiful

This application seeks the verse taught by Jesus Christ which says "do for others, only what you have others do for you." A simple verse but with a profound meaning, it teaches humans regardless of power and status to treat one another with love and compassion. The role

[2] See https://www.wlj.net/top_headlines/rancher-sues-biden-over-lack-of-farm-credit-appointments/article_49a5b05c-f357-11ee-a71c-abd1f84fdfd8.html see https://x.com/dustinkittle/status/1818339946635165908

[3] See https://storage.courtlistener.com/recap/gov.uscourts.tnmd.98763/gov.uscourts.tnmd.98763.6.0.pdf

of any Court is to provide healing to a society in pain, which is the reason why people go to "Court" as a last resort for different disputes, to find healing to their experienced pain. However, applicant Mark the Coptic didn't experience any form of healing but more pain because of this very same case *Bochra v. U.S. Department of Education* (1:21-cv-03887), its nature and the people involved in it i.e., the Israeli lobby through Kenneth Marcus.

As Justice Neil Gorsuch told students in civic stories at the National Constitution Center "we the people are sovereign here; not a king, not a communist dictator, not a fascist dictator, we the people are sovereign."[4] Justice Neil Gorsuch added "history has shown that humans cannot govern their own." As Justice Clarence Thomas said in Prager University's 2024 commencement address "courage is righteous esteemed the first of human qualities, because it is the quality which guarantees all others" adding "it takes courage to stand up to bullies but how many of us will choose to say nothing out of fear, it takes courage to do something despite the risk."[5]

STATEMENT OF THE CASE

Petitioner, Mark Bochra suffered various forms of discrimination with retaliation after reporting discrimination to the dean of the law school, see (1:21-cv-03887) (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

[4] See https://www.youtube.com/live/eBRJcJp0kGc?t=1390s
[5] See https://www.youtube.com/watch?v=oSX5nAjWL90
[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.

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.

I. FACTS AND PROCEDURAL HISTORY

Petitioner, 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 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

[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."

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).

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

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

"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 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.

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[10] See https://youtu.be/XytkI7afHcQ?si=XeyDoMoj88XoTYvZ&t=2004

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.

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 petitioner 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 petitioner of standing; see *Sackett v. Environmental Protection Agency,* 598 U.S. ___ (2023) No. 21-454.

The district court failed to rigorously evaluate and analyze petitioner'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 petitioner'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 petitioner cannot re-file in federal court. But it is without prejudice on the merits, which are open to future review. However, in this case, petitioner 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 petitioner's complaint and draws all reasonable inferences from those facts in the petitioner'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 petitioner 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

Respondents failed to challenge Applicant Mark Bochra'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, Respondents 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, Respondents never challenged Petitioner'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) Respondents failed to challenge who are members of the Semitic tribe including the Copts, see ECF No. 54 pages 18-20; (d) Respondents never challenged how the IHRA definition harmed Mark Bochra as a petitioner, ECF No. 54 pages 22-24; (e) Respondents never challenged that congress did not authorize respondents 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) Respondents never challenged Petitioner's argument that the IHRA definition lacks statutory authority and is arbitrary and capricious ECF No. 54 pages 82-84; (g) Respondents never challenged Petitioner'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) Respondents 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 Respondents 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 Petitioner'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 Petitioner'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]

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

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 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,

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[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)

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

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 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.
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> 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

[20] See 20-1800 Shurtleff v. Boston (05/02/2022) (supremecourt.gov)

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 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 Petitioner 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)

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

(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 Petitioner 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. Supreme Court ruling in Loper Bright Enterprises v. Raimondo. No. 22–451 and Corner Post, Inc. v. Board of Governors No. 22–1008 provides Applicant Mark Bochra with a standing to challenge the IHRA definition seeking an injunction against it.

The Supreme Court overruled the "chevron doctrine" in *Loper Bright Enterprises v. Raimondo*. No. 22–451[22] declaring.

> The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency inter- pretation of the law simply because a statute is ambiguous; Chevron is overruled

Moreover, in *Corner Post, Inc. v. Board of Governors* No. 22–1008 the Supreme Court declared "that the six year window to sue federal agencies begins when the petitioner experiences damages due to their actions."[23]

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

E. 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 Petitioners' claims in this action. They also compel our decision today.

The 5th Circuit ruled in favor of the Petitioner 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.

F. The IHRA Definition injured the Mark Bochra 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 petitioner's arguments in ECF No. 54 which were waived by the Respondents 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" in (22-2903, 23-1388) 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.").

G. Respondents waived their rights to challenge Petitioner's claims

Respondents waived their rights on appeal to challenge petitioner's arguments under the (law of the case, waiver, and judicial estoppels).[24] See *Bradley v. Vill. of Univ. Park, Ill.* No. 22-1903 (7th Circuit), this court explained "we explain how respondents previously waived the issue of Bradley's property interest in his job and why we hold them to that waiver. . . respondents intentionally and permanently abandoned the right to contest Bradley's property interest."

> Respondents never challenged Petitioner'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) Respondents failed to challenge who are members of the Semitic tribe including the Copts, see ECF No. 54 pages 18-20; (b) Respondents never challenged how the IHRA definition harmed Mark Bochra as a petitioner, ECF No. 54 pages 22-24; (c) Respondents never challenged that congress did not authorize respondents 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) Respondents never challenged Petitioner's argument that the IHRA definition lacks statutory authority and is arbitrary and capricious ECF No. 54 pages 82-84; (e) Respondents never challenged Petitioner'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) Respondents 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 Petitioner'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 Respondents abandoned their rights to challenge many of Petitioner'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

[24] 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)

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 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.

Respondents 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 Respondents 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. Respondents 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 Petitioner'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.[25]

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 property interest (procedural deprivation) or liberty interest (free from discrimination), sex discrimination, and sham investigation under Title IX.[26] 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 named 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 respondents' 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.

[25] 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.

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

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 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 Petitioner 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.

REASONS FOR GRANTING THE PETITION

I. THE 7TH CIRCUIT COURT OF APPEAL FAILED TO EVALUATE MARK'S APPEAL RATHER IT WAS FIXED WITH FACTS NOT FROM THE CASE.

In a 3 pages order, the 7th circuit started their order by stating false facts from someone's own imagination such as "OCR refused to investigate mark's OCR Complaint for discrimination and retaliation" such false facts were intended to illuminate Mark's journey with Kenneth Marcus. If there is no discrimination complaint to be investigated, than no need to get into the details of what OCR did to Mark's complaint. Not only that, the 7th Circuit called "Mark being assaulted, battered and threatened to be killed by Michael Roy Guttentag" they said "clashed with his peers."

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

vs

On August 22, 2016, OCR notified the Complainant and the Law School that it would investigate the following legal issues:

1. Whether the Law School subjected the Complainant to different treatment on the basis of national origin, in noncompliance with the regulation implementing Title VI at 34 C.F.R. § 100.3; and

The totality of the 7th Circuit order affirming the District Court decision was not based in law or facts of the case, but a set of imaginary facts written by someone who wanted to fix Mark's appeal just as Jim Richmond told Mark that his appeal will be fixed. The 7th Circuit Court of appeals failed to fairly and adequately evaluate many of Mark's raised arguments to which the Respondents themselves did not challenge.

A. The 7th Circuit Court of Appeals is at odd with others Circuit Courts and the Supreme Court recently overruling the "chevron doctrine"

The "ordinary meaning" of a statutory word or phrase can often be discerned by reference to common usage, context, statutory cross-references, and other indicia of meaning. Dictionaries are an important primary source in discerning meaning. See *Wisconsin Cent. Ltd. v. United States*, 138 S. Ct. 2067, 2070-2071 (2018). The IHRA definition is at odds with the United States Constitution and in direct violation of the APA, and can't be used or referred to it by any government agency which respects the United States Constitution. The Supreme Court recently overruled the "chevron doctrine" in *Loper Bright Enterprises v. Raimondo*. No. 22–451 providing Mark with a standing to challenge the IHRA definition, declaring.

> The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency inter- pretation of the law simply because a statute is ambiguous; Chevron is overruled

Moreover, in *Corner Post, Inc. v. Board of Governors* No. 22–1008 the Supreme Court declared "that the six year window to sue federal agencies begins when the petitioner experiences damages due to their actions."[27] Provides the Petitioner Mark with a standing to challenge the IHRA definition and the OCR Manual which implemented the removal of a major rule "appeal" was removed without going through the regulatory channels rending all future OCR Complaints not subject to an appeal with OCR but rather a Judicial review.

As many of the recent petitions filed with the Supreme Court relaying on *Loper Bright Enterprises v. Raimondo*, the Supreme Court granted the appeals and sent the cases back to their respective lower courts for further proceedings. See 23-133 *Foster v. U.S. Department of Agriculture et al*; 22-863 *Diaz-Rodriguez v. Garland*; 22-868 *Bastias v. Garland*; 22-1246 *Edison Electric Institute, et al. v. FERC et al*; 23-413 *Michael Lissack v. Commissioner of Internal Revenue*; 23-538 *Moises Cruz Cruz v. Merrick Garland*; 23-558 *United Natural Foods, Inc. v. NLRB*; 23-876 KC *Transport, Inc. v. Secretary of Labor.*; and 23-913 *Cesar Solis-Flores v. Merrick Garland.*

As Pope Paul VI said —"If you want peace, work for justice."

[27] See https://www.supremecourt.gov/opinions/23pdf/22-1008_1b82.pdf

II. THIS CASE IS AN IDEAL VEHICLE TO ADDRESS EXCEPTIONALLY IMPORTANT ISSUES.

In the context of *Brown vs Board of Education* which overruled "separated but equal." This case represents major controversy for every American that when and if a person gets discriminated or retaliated against by a Jewish person who happens to be evil and the good and evil is everywhere, that same person can recite the IHRA definition and claim protection for the evil work he or she did but not only that, this definition drags biblical truth in order to deny it by dictating that "Jews didn't kill Jesus Christ" such denial of biblical truth also denies salvation for the Jewish people which was detailed in Isaiah 53.

Without congress authorizing the IHRA definition to be used by any government agency, Kenneth Marcus acting on behalf of Israel was the first person to use it intentionally once he gained power over OCR while he clearly knew he was not provided with any authority to use it.

The result of this ongoing litigation have caused the Israeli lobby to lobby first Elon Musk, when 180 Jewish organization asked Elon Musk to enforce the IHRA definition on twitter to which he refused.[28]

Consistent with that principle, Twitter's guidelines should afford protection to Jewish Twitter users from antisemitic content and harassment. This is particularly urgent given the record-breaking spike in antisemitic incidents over the last three years. For example, between 2020-2021, antisemitic incidents surged by 78% in the United Kingdom and 75% in France, while the United States saw an all-time high with 2,717 recorded antisemitic incidents, a 34% increase from the prior year.

In order to fight antisemitism properly, it must be defined.

Therefore, we call on you to update Twitter's anti-hate policies by adopting the globally recognized IHRA Working Definition of Antisemitism as a guiding tool to stymie the spread of Jew hatred.

Nearly 40 countries, including the United States, have already endorsed or adopted the IHRA Working Definition. In addition, an overwhelming majority of civil society groups, at the forefront of the fight against antisemitism, encourage the use and adoption of the IHRA Working Definition.

The IHRA Working Definition covers various types of antisemitism, including justifying the killing of Jews in the name of radical ideology, Holocaust denial, and denying the Jewish right to self-determination in the State of Israel.

Later the Israeli lobby started to lobby Republicans Governors to send a letter to Senator Schumer to put the IHRA definition for a vote on the senate floor to which to this very day was deemed futile. IHRA was never passed and signed into law to be enforced on all of America.

[28] See https://www.youtube.com/watch?v=r-1Hapa0oGs

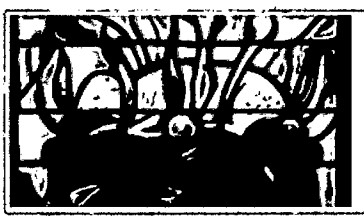
September 23, 2024

The Honorable Chuck Schumer
Majority Leader
U.S. Senate
Washington, DC 20510

Dear Leader Schumer,

Action needs to be taken *now* to reinforce the civil rights of our Jewish community in the wake of these tragedies. We ask you to take immediate action to pass H.R. 6090, the Antisemitism Awareness Act (AAA), codifying the International Holocaust Remembrance Alliance (IHRA) Working Definition of Antisemitism and its 11 accompanying examples. In May, this legislation passed with an overwhelming, bipartisan majority in the U.S. House with a vote of 320-91 and there is no reason for it to languish in the Senate without a vote. In fact, the companion legislation in the Senate, S.4127 already boasts 30 bipartisan cosponsors. The passing of this legislation is critical to combatting violent acts of antisemitism that are taking place across America.

However, the fact it is still on a federal government agency website with the explicit text "Jews didn't kill Jesus Christ" is an endorsed government view point discrimination which greatly offends Mark's Coptic identity and faith in direct violation of the 1st amendment.[29] If such definition is permissible than another foreign countries can lobby a federal government agency to place a definition which says "Muhammad is not a prophet of Islam" or "God did not pass the 10 commandants onto Moses" and from here, America has opened its door for a definition for every tribe and every creed; the result is chaos.



Congress' Antisemitism Bill is a Disaster | Ben C. Dunson

Why it is Unconstitutional and Anti-Christian

americanreformer.org

[29] See Congress' Antisemitism Bill is a Disaster - American Reformer

CONCLUSION

The petition for a writ of certiorari should be granted. At a minimum, the petition should be held for *Loper Bright Enterprises, Inc. v. Raimondo*, No. 22- 451, and then disposed of accordingly in light of this Court's decision in that case.

September 30, 2024

Respectfully submitted,

/s/ Mark Bochra
Petitioner, Pro Se