

## **STATEMENT OF THE ISSUES**

Before the Burkes even reach the merits of this courts' consolidated opinion, they wish to highlight for the public, the government agencies and the court(s), the shameless lack of integrity and ochlocracy which is pervasive in federal district and circuit courts today.

The Judiciary, the least dangerous branch as Judge Jennifer Elrod would attempt to have one believe, is quite the opposite. It is the most dangerous branch due to lifetime appointments, absolute immunity and self-governance. This promotes fraud, perpetrated by the court itself and which in turn has led to unprecedented corruption within the third branch.

These courts of inequity and the judges who preside on cases and controversies truly believe the absolute immunity they are provided means they are above the law and can violate the rights of citizens on a whim and without penalty. When judicial power is abused so consistently that it becomes part of the accepted daily disposition of the court, it is unfettered corruption, as witnessed in "Operation Greylord" and more recently identified and eradicated in Philidelphia's traffic court and West Virginia's Supreme Court.

**“Abuse of the public trust cannot and must not be tolerated. Corrupt practices in government strike at the heart of social order and justice.” – Federal Bureau of Investigation (FBI<sup>1</sup>)**

The Burkes also believe this should rightfully include the court staff and more directly, the clerks who are sullied by the training they receive when penning disingenuous draft or indeed final opinions for judges. As a result of this onsite coaching, the next generation of potential jurists are spoilt before they embark on their legal careers.

The Burkes wish to urgently address the lawlessness in this consolidated appeal as a final attempt to reach out and stir the bowels of humanity. The Burkes faint hope is judicial change can happen, but it will require hard choices and independent judges who will not be swayed by the current majority. Those who decide to change the direction of the court will inevitably face obstruction in a secret society where the rule of law is defined by a select few judges who hold lifetime appointments. However, common sense commands that the newer generation of judges should willingly facilitate change and a return to judicial impartiality, integrity and fairness to all who come before the court. If this can be achieved and government can appoint and retain more judges with the honesty and disposition of the Honorable Stephen Wm. Smith, the judiciary

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<sup>1</sup> See [https://archives.fbi.gov/archives/news/stories/2004/march/greylord\\_031504](https://archives.fbi.gov/archives/news/stories/2004/march/greylord_031504)

may be able to restore its current tarnished reputation amongst those they vowed to protect and serve, the people and citizens of the United States of America.

The Burkes are under no illusion here as to the low percentage likelihood of this court correcting its opinion. Judges have openly refused to admit error nor apologize for their mistakes to *non-prisoner* litigants.<sup>2</sup> Rather, they resort to chastising litigants as a defense for their egotism.<sup>3</sup>

Over a decade of unnecessary and fraudulent litigation, including perjury, withholding evidence, whiteout opinions and much more has been perpetrated against the Burkes. Living day-to-day with corrupt decisions and ongoing abuses by the courts, opposing parties and their counsel for such an extended time can only be categorized as elder abuse, which has affected the Burkes health and resulted in crippling pain and suffering. One of the most recent raids upon the Burkes rights to a hearing and due process included judicial overreach

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<sup>2</sup> *Priester v. JPMorgan Chase Bank*, 927 F.3d 912 (5th Cir. 2019); “Erie guesses are just that—guesses. Hopefully we get them right, but sometimes we get them wrong.” - Judge Gregg Costa.

<sup>3</sup> “There ain’t no free lunch and there sure ain’t no free house” - Judge Patrick Higginbotham at oral argument in *Reinagel v. Deutsche Bank Nat’l Trust Co.*, 722 F.3d 700 (5th Cir. 2013) and who received the Chief Justice Jack Pope Professionalism Award that same year, which is presented to an appellate lawyer or judge who epitomize the highest level of professionalism and integrity. Texas Center for Legal Ethics.

during a pandemic, an *ultra vires* act. This court blanked this and many other of the Burkes fully briefed complaints on appeal. No matter what decision is rendered by this wayward court regarding the petition for rehearing, this matter has clearly been preserved. It's called obstructionism and perversion of justice.