Twitter Thread by Mike Dunford

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OK. The Teams meeting that I unsuccessfully evaded (and which was actually a lot of fun and I'm really genuinely happy I was reminded to attend) is over, so let's take another swing at looking at the latest filings from in re Gondor.

> Oh myyyyyyyyyy
>
> Good morning, followers of frivolous election-related litigation - new filings in Seditionists v 117th Congress et al. (aka in re Gondor)
>
> I've really got to get stuff done, but there's time for a really quick overview.
>
> — Mike Dunford (@questauthority) January 25, 2021

As far as I can tell from the docket, this is the FOURTH attempt in a week to get a TRO; the question the judge will ask if they ever figure out how to get the judge's attention will be "couldn't you have served by now;" and this whole thing is a mess.

https://t.co/PvaxB7Nkhi

The memorandum in support of this one is 9 pages, and should go pretty quick.

But they still haven't figured out widow/orphan issues.

https://t.co/l7EDatDudy

It appears that the opening of this particular filing is going to proceed on the theme of "we are big mad at @SollenbergerRC" which is totally something relevant when you are asking a District Court to temporarily annihilate the US Government on an ex parte basis.

Also, if they didn't want their case to be known as "in re Gondor" they really shouldn't have gone with the (non-literary) "Gondor has no king" quote.

But anyway they want to make it clear that their suit, no matter how we read all that stuff about them wanting Trump to take steps from the original complaint, really isn't about reinstalling Donald Trump. Or even about closing all the Donald Trump

windows and opening them again.

Footnote 33, which is found immediately after Footnote 2 and immediately before Footnote 4, is absolutely amazing on so many levels.

First, it's got an accusation that a journalist selectively edited a video. This is a privileged statement in this context, but it's a potentially problematic statement if it's made out of court - particularly if the video in question wasn't edited at all.

Second, alternate meanings of "get into the Capitol" aren't terribly relevant to the current case. Nor are they likely to be terribly persuasive in criminal proceedings. That said, I'm sure Mr. Davis's efforts to continue to make a record for prosecutors are appreciated.

Third, you filed a motion citing the precedent of the Stewardship of Gondor in an attempt to justify replacing the entire legislative and executive branches of government with unelected caretakers, but you're afraid someone else is making you look like an "extreme lunatic"?

And you are worried that it's the press coverage, and not your chiropteran-excrement insane paper-flinging, that is going to "taint the Court's view" of this case?

Y'all need to reconnect (or possibly connect) with reality.

Fourth, Mr. Davis is really mad at Sollenberger.

Now I do agree that "radical left-wing journalist" is most likely non-actionable opinion, but that wasn't the only thing the letter (which is irrelevant to this case) brought up.

That exhibit is here - it's not relevant to this case or filing, so I'm not going to spend the time digging into it.
https://t.co/Pt4qyslEgS

Fifth, implying that your Twitter beef with a reporter is evidence of a "greater coordinated effort to perpetrate an illegal election" isn't going to make it less likely that the judge will notice that you're wearing clownshoes as earrings and have underpants on your head.

Right, that's enough about that footnote. Back to the main body of the batshittery.

I was unaware that the founders of this nation contemplated having a court, acting on an ex parte basis, putting Denethor son of Ecthelion in charge of the whole federal government even if only on an interim basis.

Also, didn't the interim basis in the cited precedent last for nearly a thousand years?

The thing that I can't get over is this:
Even if we assume that HAVA wasn't complied with (and I'm pretty sure that's incorrect), how do you get to the conclusion that this renders the entire election in all 50 states null and void?

This is law, not Calvinball. There's got to be some connection between the alleged infraction and the remedy you're seeking. Here, the infraction is that first-time voters weren't asked for ID if they voted absentee, and the remedy is "put America on pause until new election."

That's...it's just not a thing a court would ever do. It's not how the law works.

We might not be spectacular at the whole common sense thing, but we're not totally bereft of it either.

Pro tip:
Not a thing you want to be telling a court on your fourth attempt at submitting a proposed TRO.

Also pro tip:
You don't want to be on your fourth attempt at submitting a proposed TRO.

Ah. And we're also BIG MAD about *proposed* legislation (which will have a hard time getting past a filibuster, but that's a different topic).

If you're wondering, the legal term of art for an attempt to use proposed legislation that hasn't reached the hearing stages yet much less a floor vote as a reason for immediate emergency ex parte relief is "GTFO. Now."

And, no. Making it easy for qualified voters to vote will not "forever deprive the American people of free and fair elections." Quite the opposite, actually.

1: If you're using a line from the movie, it's not a literary analogy.
2: "Mere fantasy" is generous; "crackhead delusion" more accurate.
3: They are right in "a" sense where "a" = "every."

Yikes. Get help.

In all seriousness: I'll keep talking about this case because it's an absurd misuse of the legal system by licensed attorneys representing clients. But it's getting to the point where it's clear this guy needs help. And to be suspended while he's getting it.

And, no. There is no universe in which you get to put the entire federal government on pause while waiting for a jury trial.

Also, you need to serve defendants to get to trial, so pitter patter.

And, yes. "Await their right to a trial...by jury to manifest" is strange phrasing.

Dude is still arguing that "didn't fully comply with some technical details of elaborate election procedure law," even if true, shocks the conscience and means the whole election was conducted "outside the rule of law."

The dude needs to take less of whatever it is he's taking to stay awake. A lot less of it. Preferably none.

I cannot for the life of me believe, even now, that a licensed attorney would think it advisable to include this line in a court filing.

OK, so now there's an alternative to the updated amended TRO. Which is less drastic in that it doesn't ask us to appoint someone like the dude whose tenure had such a meteoric climax to run the country for an undetermined period, but otherwise seems pretty darn drastic.

"It is unreasonable to wait another 14 to 28 days for Congress and the President to do their jobs."

Hmmm. Wasn't really that hard to say.

Wow. This guy, who said just a little bit upthread (I'm sorry, I mean earlier in the filing, which I keep forgetting isn't a Twitter thing) that he's just a Trump supporter because he sees Trump as not elite, is really upset about policies.

Go figure.

Also, of course we've cited the Epoch Times in one of those footnotes; the filing wouldn't be the same without such a cite.

They still want 14 to 28 days of national hold pattern while trying to find evidence of whether or not the law they say wasn't complied with was complied with, and they think that "does not seem a lot to ask" because why? I don't know, he's on third, and I don't give a darn.

Oh, good. Now Mr. Davis, in a totally sane decision, is placing the whole "40% of his cerebellum removed" thing - which wasn't actually before the court until now - into the record. That's smart.

AND SWEET JESUS WEPT your witless isn't a lawyer why the holy hell do you keep trying to put that lunatic's legal analysis into the record can't you do legal analysis yourself --

You know what? Don't answer that. It's fine.

Ohmygod.

He's literally presenting the 1-page-cv-expert's legal analysis. As if it's expert testimony.

And it's a stupid, stupid, stupid argument.

https://t.co/0svskJKMwT

The Prayer for Relief has hit next-level WTFery.

"Judge, here's a menu, pick or do the cooking yourself, I don't care anymore" is ---

yikes.

But at least we've taken "I got fired" out of the signature block so cautious optimism?

Right. Up next, the new proposed TRO.

I'm just gonna skip to the new, non-LOTR parts of this one.

https://t.co/JkMjzOXkH4

Right.

No, the Courts cannot enjoin Congress from voting; separation of powers. That's dumb. Just totally dumb.

Also, would this include (eg) a declaration of war if we're attacked? Attacked from without, I mean, not by insider threats like Plaintiffs' counsel in this case.

No, you can't make the United States Senate do homework so you can figure out what Congress should or shouldn't do.

No, legislators who vote for a law do not have an ongoing obligation to ensure that the law is enforced. See, eg, The Executive, What Is It Even For?

No, you can't enjoin Congress from enrolling bills either.

No, you don't get to enjoin the President, particularly when your entire theory is "he's illegitimate because the Congress that signed off wasn't elected right."