

Twitter Thread by Mike Dunford



Mike Dunford

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Good morning, post-election frivolous performative litigation followers - we've got another new filing in *Seditionists v 117th Congress et al.*

It's yet another motion for a Temporary Restraining Order - making it the 3rd in 3 days.

And it's a

Now, you'd think that if you kept throwing 'emergency' paperwork at the court and the court kept saying nothing in reply that you might want to take some time and figure out what you're doing wrong, but nope. Not these buffoons.

They're still not within 50 miles of complying with Fed R Civ P 65 - and my guess is that this judge might view that as entirely a "them" problem which the court has no obligation to explain.

So they're still stuck at Step 1.

But that's honestly the least of their issues.

They have, apparently in lieu of attempting to comply with Rule 65, put "ORAL HEARING REQUESTED" in all caps right after the heading.

I'm not a litigator but I don't think that's a recognized alternative to attempting to provide notice to the adverse party.

They want to "preserve the status quo" by placing two of the three branches of government in a state of "stewardship." That's...

...unique.

I'm not sure what in the Constitution establishes this particular "checks and balances" or why technical noncompliance with the Help America Vote Act would somehow render literally every single vote cast in the 2020 election illegal enough to make that an appropriate remedy.

Also - they want to appoint "Stewards" to run the government?

Do they think this is the Lord of the Rings? Should this pleading be titled "Waiting for Aragorn"?

Apparently, that's a "yes."

And this is an epic footnote.

First of all, they forgot to include a proper citation and pincite.

Second, no, really, what the bloody hell are you people SMOKING?

This is the single most insane request I've seen in a case like this and that includes the time Orly Taitz wanted the entire Hawaii Department of Health to be arrested for treason.

This is a bananapants clownshoes performance. Except they're wearing the bananapants on their heads, the shoes on their ears, and nothing else.

I'm at a loss on this one.

I just keep staring at the boldface and italicized "Gondor has no King" on the screen.

My eyes are refusing to move further into the document.

OK. Let's give this another try.

OH.

MY.

GOD.

They want the entire government (less the judiciary) placed into "a state of stewardship" on an ex parte basis *pending* actual proceedings.

I can't even.

The (collectively, the "Usurpers") is a work of art. Especially when you're citing to an online dictionary.

Pro tip:

Invest in a good dictionary. A printed one. Cite to that.

Also, don't end citations in the middle of words.

Ohmygod -

Not only does that LOTR footnote exist but there's a callback to it IN THE SAME PARAGRAPH?

Also, I'd pay good money to see a footnote in a response that notes that saying that "the rightful King of Gondor had abandoned the throne" is a gross oversimplification that ignores the complex political realities that existed when the situation arose.

Taking the paragraph as a whole, though, we see that they are asking the court to put the entire federal government on pause temporarily until their case is heard which is a very reasonable thing that courts TOTALLY can do why are you laughing so hard ohgod a bankruptcy analogy.

And yes, they really are arguing that the government is totally unaccountable and is operating without the "legal consent of the People" because of what they perceive to be issues with compliance with a law governing the technical details of voting systems.

I say "they perceive to be issues" because I've flipped through HAVA and I'm pretty sure their comprehension of the statute is matched only by their comprehension of the rules governing TRO applications. But I'm not going to get into that today.

And they're still going with the "Judge, we are heroes and if you don't do what we say you're a coward" approach, which is always guaranteed to impress a federal judge.

They are literally arguing, as far as I can tell, that "we don't think the states had sufficient mechanisms in place to require that first time voters submit ID with absentee ballots" is "a malevolent scheme to crush the freedom and individual rights of the People."

That's not hyperbole. As far as I can tell, their entire argument is literally that the entire 2020 federal election is void ab initio because they're functionally illiterate nitwits who don't know how to read a statute.

Also, I've got no idea if the boldfaced thing at the start of para 6 is supposed to be a new heading. Doesn't really matter though. It's equally incomprehensible either way so who cares.

They are complaining about "rampant cancel culture" in a lawsuit in which they are attempting to cancel the entire 2020 election.

<https://t.co/8SP1Kamehh>

This sentence. Ohmygod.

They want the court to halt the operation of the entire legislative and executive branches of government and replace them with unelected stewards with vast power because too many Republicans read the Epoch Times.

Also, they're referring back to the "expert report" written by the dude with the 1-page CV that lists "marksman" and "world traveller" as 'skills' to support the claim that the markets will find replacing the government with "stewards" to be more stable and reassuring.

Because it's not like there have ever been stability issues involving Stewards.

And they think that there's a "risk of permanent deprivation of the right to cast a legal vote" without a TRO?

Seriously, no. Even if anything they argued was a thing, there's plenty of time to deal with it before the next election.

Translation:

"We're so cuckoo for cocopuffs that we've forgotten how to do even relatively simple legal analysis."

SERIOUSLY -

YOU TWO SEDITIOUS DINGBATS ARE NOMINALLY LAWYERS!!

Why are you talking about having the marksman-aviator-assclown help you with a basic legal task????

There are so many things that are wrong with this analysis - EVEN IF they were right about HAVA and they aren't even close - that it would take me a day to get through them all.

But if you're curious, we could start with "how in the name of all that is sacred, profane, or mundane does 'they didn't ask for ID correctly' violate your substantive due process rights or equal protection" and go from there.

To the extent that it is even possible to identify something that you could call a substantive legal argument in this collection of wastepaper, the arguments are so mindbendingly stupid that it's hard to convey the full extent of the carpet-chewing dumbassery in play.

It's literally "there wasn't letter-perfect compliance with a statute governing technical requirements for federal elections therefore we need a judge in Waco to appoint someone to take over the entire federal government on an interim basis."

NO.

No. You can not use purported injuries to potential plaintiffs as a basis for demanding relief.

No. That does not change if you sneak in the capital letter.

Also, they apparently just now figured out that their named plaintiff actually voted in Virginia, not in North Carolina as they previously claimed, and there's now a new declaration explaining that own-goal.

And it has been confirmed that the named plaintiff is the one who got arrested in Philly for bringing guns with him when he drove up to personally make sure that they were counting the votes the right way. <https://t.co/D0Rst8tQMe>

The only named plaintiff in a nutso lawsuit brought against literally every lawmaker by Texas lawyer Paul Davis (of Capitol riot fame) was also arrested for bringing guns to Philadelphia to "inspect" the ballots. But: No record of him voting in North Carolina. Sworn affidavit \U0001f447 pic.twitter.com/E9Ggn8BQ6r

If you had asked me yesterday, I would have said that having to correct key details of your lawsuit because you failed to conduct enough of an inquiry into your client's circumstances to get their address right would be the most embarrassing part of a new filing.

But Gondor.

OK - so what's their basis for saying that Virginia failed to verify an absentee voter's identification prior to accepting a ballot?

Ah. It would appear that we want to overturn the entire government because VA doesn't ask about first time voting on the REGISTRATION FORM (not the request for an absentee ballot, but the initial registration) combined with a no-citation-assertion that there's no other process.

That's totally enough to show that they have a likelihood of success on this claim and we need to put the United States on hold until Aragorn returns. Really.

They also appear to think that identification needs to not only be presented but maintained with the ballot because what is ballot secrecy anyway.

I'd try to go through these footnotes in detail, but they're too incoherent for me to waste the time. ("due to the decrees of changes"??) There's so much that they're just --

They have no clue what they're talking about and it's painfully obvious.

Why do I think that Virginia's law actually is compliant and it's just that seditious lawyers are also really bad at statutory interpretation? And maybe also at literacy?

These raging assclowns wouldn't know a logical process if it bit them in the ass.

And this is just so totally incoherent that it's almost entirely disconnected from both reality and sanity. It's like they couldn't be bothered to try and learn anything about anything relevant to this process.

They've literally made no attempt at all to explain why the technical failure - assuming it exists at all - to verify whether someone is a first-time voter leads to "the loss of the right to government by consent of the governed."

The rest of this is basically duplicated from their prior work "MOTION for Temporary Restraining Order" (crayon and faeces on paper, 2021) so I won't bother going through it again.

And now they're calling it "an application for preliminary injunction" or a TRO or they want a hearing on a PI but without notice but they're going to prepare a motion for discovery? Huh?

And, yes, we're still using the same embarrassing signature block because why not?

But wait! There's more!

They also included a proposed TRO. And it's even more bonkers (that's a term of art) than the motion.

<https://t.co/THSEVgsMwa>

First of all, and this is actually a relatively minor point, but "The Court Orders that there is no federal government" doesn't exactly preserve any status quo of any kind.

NOTE FOR NONLAWYERS:

THIS IS A PROPOSED ORDER NOT AN ACTUAL ONE.

It's written as if it's drafted by the court, but it is not (and never will be) a court order. Writing proposed orders is, in general, normal. It's this specific proposed order that's pure bat guano.

So they start out by asking the court to put in an order to be issued as an ex parte TRO that the entire executive and legislature "illegitimately and unlawfully hold the mantles of office" because why even bother with a trial on the merits?

Also, there is no footnote 2. It doesn't exist. Totally missing.

They are literally asking the court to find that they are likely to prove that states failing to ask if someone registering to vote is a first-time voter will lead to the "imminent transformation of the United States into an oppressive police state."

Also, rendering the entire federal government inoperable until there is an evidentiary hearing is totes reasonable, right?

There have been news reports about this bonkers-ass batshittery. Do they really think nobody noticed this top sekret lolsuit yet?

Also, apparently we're going to be resetting to the status quo as of 7 months from now because that's a date before the start of the 2020 election campaigns.

Now we get to the specific requests, which begin with the modest demand that everyone in Congress elected in the 2020 elections be "temporarily barred" from holding public office.

And then we are going to also temporarily and on an ex parte basis bar any Senator not elected this cycle who was involved in passing the law for being "complicit" because this will totally fix the plaintiff's concerns about due process.

Anyone who is left is allowed to stick around as "Congress Pro Tempore" but is barred from doing anything because #reasons

And then we're going to "temporarily" undo the Presidential election and second impeachment because we really don't want to leave anyone out of the party.