

The Supreme Court Kicks the Can Down the Road

"THE ONLY COURT THAT COUNTS"

by Joseph DeMaio, ©2023

DATE	PROCEEDINGS AND ORDERS
Aug 02 2023	Petition for a writ of certiorari before judgment filed. (Response due September 6, 2023) Petition Appendix Proof of Service Certificate of Word Count
Aug 24 2023	Waiver of right of respondent Donald J. Trump to respond filed. Main Document
Aug 30 2023	DISTRIBUTED for Conference of 9/26/2023.
Oct 02 2023	Petition DENIED.

<https://www.supremecourt.gov/search.aspx?filename=/docket/docketfiles/html/public/23-117.html>

(Oct. 2, 2023) — Taking a cue from the U.S. Congress as that dysfunctional body addresses government shutdowns by “kicking the can down the road,” – for 47 days..., *whoopee* ... – the U.S. Supreme Court has denied the certiorari petition of one [John Castro](#). Your humble servant discussed the petition and its implications [here](#).

That gambit sought to exclude President Trump from again running for president or, if re-elected, serving as such, based on Clause 3 of the 14th Amendment. That provision precludes persons who have previously sworn allegiance to the U.S. Constitution, but thereafter engaged in “insurrection or rebellion” against the same, from holding any public office, state or federal.

Never mind that it was intended to preclude Confederate political and army personnel from holding office, when nut-job leftist law “professors” argue that it is “self-executing” requiring “no trial” and “absolutely” prevents Mr. Trump from again serving as President – even if elected as a write-in candidate – do not be surprised if some nut-job leftist secretary of state agrees and, a few minutes before a ballot printing deadline, announces he/she is buying into the fantasy and excluding Trump from the ballot.

The Supreme Court’s denial of certiorari is not all that surprising, given that the District Court from which Castro had filed an appeal to the Eleventh Circuit Court of Appeals had dismissed his action on the grounds that he lacked constitutional “standing.” If the lower district court had instead ruled that he *did* have standing, President Trump would

likely have sought similar expedited review by the Court..., and the result might have been different.

On the other hand, given that the Supreme Court not infrequently..., also known as “often,” seeks and takes the path of least resistance in order to “avoid” thorny or difficult questions, allowing them to continue festering – such as the now-familiar tactic of “evading” the “natural born Citizen” question articulated by [Justice Thomas](#) – the “14th Amendment Disqualification” issue will remain undecided by the only court that counts.

Undeterred, Castro has a [backup plan](#). If the Supreme Court won’t give him the ruling he wants, he is trying to get it in a number of U.S. Circuit Courts of Appeal. If he can get some of them – most critically, the lunatic Ninth Circuit – to buy into his gambit, more than a couple of state election officials might be “persuaded” to keep President Trump off their states’ ballots, even without a trial or judicial determination of his purportedly “evil Jan. 6” role.

Stated otherwise, as the Republic approaches yet another general election date, watch for the 14th Amendment “disqualification” issue to get even more interesting..., and sooner rather than later.