UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT

USCA Case #20-5143

Petitioner: Michael T. Flynn.

Respondents: United States District Judge Emmet G. Sullivan.
United States: Timothy O'Shea, United States Attorney, District of Columbia.
Amicus: John Gleeson, Esq.

Ade Olumide Federal Rules of Appellate Procedure Rule "15(d) motion for leave to intervene", Rule "27 Motions (1) Application for Relief" Motion Record Re May 19, 2020 Emergency Petition By Michael T. Flynn For a Writ of Mandamus Dismissing Article III Rules LCrR 57.6, 42, 48 Constitutional Controversies In United States District Court For The District Of Columbia Criminal Action Case No. 1:17-cr-232

1. **Ade Olumide Supports Petition (1);** "grant the Justice Department's Motion to Dismiss" because as result of the constitutional separation of powers, the court lacks jurisdiction to commence or continue a withdrawn criminal prosecution OR appoint a prosecutor for a criminal contempt proceeding. If the rules 42 and 48 are not cured, this constitutional controversy is "capable of repetition, yet evading review". In light of disputed facts and law raised by the 3 allegations of contempt, the only constitutional recourse available to the District Court, which is not conditional on Executive appointment of a prosecutor, is a civil contempt.

2. **Ade Olumide Opposes Petition (2);** "vacate its order appointing amicus curiae" because due to separation of powers, an Article III Rules LCrR 57.6, 42, 28 controversy, requires opposing views.

3. **Ade Olumide Is Neutral On Petition (3);** "reassign the case to another district judge as to any further proceedings" because the root cause of the allegations is the Rules LCrR 57.6, 42, 28 constitutional controversy. The Declaration that court may ONLY refer the 3 competing allegations of criminal contempt for DOJ criminal prosecution **OR** appoint a civil contempt counsel **OR** without prosecution, imprison and fine to a maximum of 72 hours jail time & $20 fine might succeed, further District Court Criminal Proceedings might become moot.

4. **Ade Olumide Seeks Rule LCrR 57.6 Emergency Stay**; or writ of prohibition of District court Case No. 1:17-cr-232 proceeding until these Article III Rules LCrR 57.6, 42, 28 constitutional controversies have been decided in this Court of Appeal or the Supreme Court. 3 groups of individuals are facing accusations of contempt of court, therefore this Rules 42, 48 constitutional case might be appealed to the Supreme Court.

Denying a stay would cause irreversible prejudice to 3 groups of individuals facing allegations of contempt of court. Also permitting the District Court to proceed with a rule 42, 48 hearing before the constitutionality of rules 42, 48 has been decided could lead to allegations of abuse of process or partiality. If courts are viewed through partisan, that would bring the administration of justice into disrepute. Consequently, Ade Olumide hereby respectfully also asks this court for adjudication of these 3 relief that are also before the District Court;

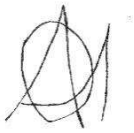
a) **LCrR 57.6 "Interested" Standing Declaratory Relief That**; "LCrR 57.6 right to seek relief, is as broad as 28 U.S. Code § 2201.§ 2202, because the words "any aspect" is a word of wide import, and the test for Cognizable LCrR 57.6 "Interest …in any aspect of the proceeding in a criminal case" is "(1) suffered an injury in fact" OR "imminently threatened injury" OR "controversy "capable of repetition, yet evading review" OR justiciable "case" that "Congress .. statute .. expressly authorized"

b) **Separation Of Powers Declaratory Relief That**; in light of nemo judex in parte sua principle of natural justice (rule of law right to an impartial court) **AND** SEC. 8. "justice without respect to persons.. equal right to the poor .. faithfully.. impartially .. perform .. duties .. agreeably to ..constitution .. laws" Judiciary Act 1789 **AND** § 210 Representation under the Criminal Justice Act (CJA) "§ 210.20.30 (c)(1) to protect a Constitutional right" **AND** Article III **separation of powers**, courts should not dismiss constitutional "controversies" of legal or public importance which is "capable of repetition, yet evading review", without adversarial positions, therefore in this case, 18 U.S. Code § 401, Rule 42, 48 appointment of Independent Counsel to provide an opposing view, is an Article III requirement for Rules 42, 48 constitutional question.

c) **Limit of Inherent Jurisdiction Declaratory Relief That**; In light of Article III s1 "Courts as the Congress may from time to time ordain and establish" Article III s2 " Court .. Jurisdiction.. with such Exceptions .. Regulations as the Congress shall make", neither inferior court nor Supreme Court has **inherent jurisdiction to override**; UN International Covenant on Civil and Political Rights Articles 5, 9 14, 15, 26 which was ratified in 1992 **OR** US Constitution Article III, 5th, 6th, 8th , 14th Amendments **OR** 18 U.S. Code § 401 Congressional legislation that has not been struck down as unconstitutional **AND** therefore,

these phrases are unconstitutional; Rule 42(a2) "If..government declines .. court must appoint.. attorney to prosecute" Rule 48(a) "with leave of court, dismiss" Rule 48(a) "may not dismiss the prosecution ..without the defendant's consent" **AND** since Article II, III implies Executive power to prosecute, Rule 42(b) "may summarily punish a person who commits criminal contempt in its presence" is constitutional because "punish" is not a Rule 42(a) criminal prosecution, 42(b) "fine or imprison" is also available in civil rules LCrR 57.24 / LCvR 83.13, **AND** Rule 42(b) "fine or imprison" without charges implies a 72 hour common law / 7th Amendment $20 fine without jury trial limit, so as to comply with 8th Amendment and the UN Convention Against Torture, Cruel, Inhuman Treatment or Punishment which was ratified in 1994.

Rule LCrR 57.6 Interested Person - Ade Olumide, 121 Scottwood Groove, Dunrobin, Ontario, Canada, Tel +1 613 265 6360 Fax +1 613 832 2051 ade6035@gmail.com, May 20, 2020



CERTIFICATE OF SERVICE
I hereby certify that on May 20, 2020 a true and genuine copy of the foregoing was served via email to;

Lawrence S. Robbins, Lee Turner Friedman, D. Hunter Smith
ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER LLP
2000 K Street, NW Washington, DC 20006 lrobbins@robbinsrussell.com

William W. Taylor, III, Ezra B. Marcus, ZUCKERMAN SPAEDER LLP
1800 M Street N.W. Suite 1000, Washington, D.C. 20036 wtaylor@zuckerman.com

Jesse R. Binnall, Lindsay R. McKasson, Harvey & Binnall, PLLC
717 King Street, Suite 300 Alexandria, VA 22314, Tel: (703) 888-1943 Fax: (703) 888-1930
jbinnall@harveybinnall.com; lmckasson@harveybinnall.com; Admitted Pro Hac Vice

Sidney Powell, Molly McCann, Sidney Powell, P.C.
2911 Turtle Creek Blvd., Suite 300 Dallas, Texas 75219 Tel: 214-707-1775
sidney@federalappeals.com Admitted Pro Hac Vice molly@federalappeals.com Admitted Pro Hac Vice

I hereby request Clerk service to;

Timothy Shea, Esquire, United States Attorney for the District of Columbia, 555 4th Street, N.W. Washington, D.C. 20530,

The Hon. Emmet G. Sullivan, United States District Court for the District Columbia, 333 Constitution Avenue, N.W. Washington, D.C. 20001

John Gleeson, Esquire, Debevoise & Plimpton LLP, 919 Third Avenue, New York, NY 10022, Tel: 212-909-6000, Fax: 212-909-6836

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Criminal Action No. 17-232-EGS

UNITED STATES OF AMERICA
Plaintiff,

v.

MICHAEL T. FLYNN,
Defendant.

Ade Olumide Rule LCrR 57.6 Amicus Brief Affirming May 12, 2020 Order Of Judge Emmet Sullivan To Appoint Independent Counsel To Adjudicate Rule 42, 48 Inherent Jurisdiction Constitutional Questions Triggered By Parties & "Watergate Prosecutors"

1. Amicus Ade Olumide Seeks A **Separation Of Powers Declaratory Relief That**; in light of nemo judex in parte sua principle of natural justice (rule of law right to an impartial court) **AND** SEC. 8. "justice without respect to persons.. equal right to the poor .. faithfully.. impartially .. perform .. duties .. agreeably to ..constitution .. laws" Judiciary Act 1789 **AND** § 210 Representation under the Criminal Justice Act (CJA) "§ 210.20.30 (c)(1) to protect a Constitutional right" **AND** Article III **separation of powers**, courts should not dismiss constitutional "controversies" of legal or public importance which is "capable of repetition, yet evading review", without adversarial positions, therefore in this case, 18 U.S. Code § 401, Rule 42, 48 appointment of Independent Counsel to provide an opposing view, is an Article III requirement for dismissal or charges.

2. Amicus Ade Olumide Seeks An **Inherent Jurisdiction Declaratory Relief That**; In light of Article III s1 "Courts as the Congress may from time to time ordain and establish" Article III s2 " Court .. Jurisdiction.. with such Exceptions .. Regulations as the Congress shall make", neither inferior court nor Supreme Court has **inherent jurisdiction to override**; UN International Covenant on Civil and Political Rights Articles 5, 9 14, 15, 26 which was ratified in 1992 **OR** US Constitution Article III, 5th, 6th, 8th , 14th Amendments **OR** 18 U.S. Code § 401 Congressional legislation that has not been struck down by a court as unconstitutional **AND** therefore, these phrases are unconstitutional; Rule 42(a2) "If the government declines .. court must appoint another attorney to prosecute the contempt" Rule 48(a) "with leave of court, dismiss" Rule 48(a) "may not

dismiss the prosecution during trial without the defendant's consent" **AND** since Article II, III implies Executive power to prosecute, Rule 42(b) "may summarily punish a person who commits criminal contempt in its presence" is constitutional because "punish" is not a Rule 42(a) criminal prosecution, 42(b) "fine or imprison" is also available in civil rules LCrR 57.24 / LCvR 83.13, **AND** Rule 42(b) "fine or imprison" without charges implies a 72 hour common law / 7th Amendment $20 fine limit, so as to comply with 8th Amendment and the UN Convention Against Torture, Cruel, Inhuman Treatment or Punishment which was ratified in 1994.

3. **Amicus LCrR 57.6 Statement Of Interest**; "excluding 18 U.S. Code § 401, Rule 42, 48 constitutional "controversy "capable of repetition, yet evading review" from LCrR 57.6 "interested person", will create a separation of powers / inherent jurisdiction "imminently threatened injury" on Amicus. While courts have used different tests to distinguish between civil and criminal contempt, the applicant has not taken a position, because that question does not pose "imminently threatened injury" on the Amicus, however it seems simpler to treat a 18 U.S. Code Title 18 or state penal code offence as criminal contempt and others as civil contempt.

4. It appears that by engaging the court 18 U.S. Code § 401 contempt of court powers, the court has indirectly ruled that Rule 48(a) "with leave of court, dismiss" is unconstitutional. With exception of criminal contempt of court, the problems that rule 48(a) are intended to solve, can be solved through a civil proceeding.

5. Rule 48(a) "with leave of court, dismiss" is unconstitutional because without authority from Congressional legislation, it does indirectly [initiates a criminal prosecution for a matter that did not arise from a court proceeding], what would be unconstitutional to do directly.

6. Congressional Research Service March 13, 2019 Report on Special Counsel Investigations, concludes "constitutional objections might arise against proposals aimed to insulate a special counsel in a manner beyond the framework approved in Morrison". The opinion of the Amicus is that based on this ratio in 487 U.S. 654 Morrison v. Olson (No. 87-1279) "Act's provision restricting .. remove the independent counsel to .. "good cause" .. does not impermissibly interfere with the President's exercise of his constitutionally appointed functions. ..Congress .. established powers of impeachment and conviction" **AND** the Article III power of

Congress to limit the jurisdiction of the Courts, inherent jurisdiction cannot override 18 U.S. Code § 401 Congressional legislation **WHICH** precludes court power to appoint a special prosecutor **AND** precludes a any summary criminal proceeding that is contrary to a Rule 42(a) Criminal Proceeding. If 28 U.S. Code § 518 AG fails to appoint a Rule 42(a) prosecutor, court may pursue civil contempt OR Congress may impeach.

7. 18 U.S. Code § 401 implies that Rule 48(a) "leave" can only apply to a criminal contempt of court.

8. 18 U.S. Code § 401 words "and none other" precludes causes of action other than contempt.

9. While 18 U.S. Code § 401 implies authority to appoint Independent Counsel to advise the court on whether to punish a contempt, it does not provide power to appoint an attorney to prosecute contempt.

10. Young v. United States ex rel. Vuitton, 481 U.S. 787, 793–801 (1987) also grappled with the fact that 18 U.S. Code § 401 only provides "power to punish", this was likely a motivation for Justice Scalia's stinging dissent "federal courts have no constitutional power to prosecute contemners .. and no power derivative of that to appoint attorneys to conduct contempt prosecutions", and is probably a reason why the majority referred to inherent jurisdiction rather than 18 U.S. Code § 401 as the source of power for appointment of a prosecutor; "in order to ensure .. inherent power of self-protection only as a last resort, they should..request .. prosecuting authority .. and should appoint a private prosecutor only if that request is denied".

11. While Congress has power to override a presidential veto, the Constitution implies that neither congress nor court have power to override an Article II s2 pardon for "offenses against the United States", this is consistent with 267 U.S. 87 Ex Parte Grossman.

12. According to Office of the Pardon Attorney "offenses against the United States" are "convictions under federal law", which includes 18 U.S. Code § 401, this is also consistent with 267 U.S. 87 Ex Parte Grossman.

13. The court is correct in appointing counsel because there are three potential 18 U.S. Code § 401 "controversies", but parties before the court are in agreement on these 3 controversies, an independent counsel is required to represent opposing points of view so that a judge impartially decide between opposing parties;

I. Did the accused likely commit a contempt of court by materially misleading the court by concealing evidence of abuse of process? If yes what is the trial procedure to obtain beyond all reasonable doubt

evidence of contempt and who should be on the witness list?

II. Did the former prosecutors likely commit a contempt of court by materially misleading the court by concealing evidence of abuse of process? If yes what is the trial procedure to obtain beyond all reasonable doubt evidence of contempt and who should be on the witness list?

III. Did the current prosecutors likely commit a contempt of court by materially misleading the court by concealing evidence of abuse of process? If yes what is the trial procedure to obtain beyond all reasonable doubt evidence of contempt and who should be on the witness list?

14. The Amicus takes no position on either of these 3 controversies except to make general comments that either controversy is capable of bringing the administration of justice into disrepute because abuse of process refers to doing indirectly what is illegal to do directly **AND** it is in the interests of justice that the court articulate a legal test for court own motion appointment of independent counsel as well as a legal test for the limits of inherent jurisdiction, so that they can be equally applied to all current and future litigants, in a manner that ensures a uniform, correct and impartial application of law rather an arbitrary applications of law.

15. Using the words Independent Counsel and Amicus Curiae interchangeably could create some confusion in the minds of lay people, because although both are independent of the parties, Independent Counsel is more consistent with a criminal contempt case, because the role of an Independent Counsel could lead to the appointment of a Prosecutor, which is inconsistent with the traditional role of an Amicus Curiae. The reservation about using the terminology "Amicus" to advise on contempt in a criminal proceeding, is affirmed by the fact that the LCvR7(o) rules for civil proceedings Amicus Briefs, does not exist in criminal proceedings.

16. Further, the Congressional Research Service March 13, 2019 Report on Special Counsel Investigations: does not deal with court a 18 U.S. Code § 401 court, motion but they distinguishes between an Independent Counsel, Special Counsel, Special Prosecutor. It is therefore helpful for a court to distinguish between an Amicus Curiae in a Civil Proceeding and an Independent Counsel advising on criminal contempt prosecution.

17. **Amicus LCrR 57.6 Statement of Fact;** Rule 42. "Criminal Contempt ..(a)(2) Prosecutor" means this

18 U.S. Code § 401 test for appointment of Independent Counsel, is not related to the test for Civil Rights Act "preventive relief ….general public importance… upon application .. court may appoint an attorney" ,

18. However Judge Emmet Sullivan independent counsel appointment in U.S. v Flynn Criminal Action No. 17-232-EGS to remedy Article III constitutional matter of legal or public importance "capable of repetition, yet evading review" lack of adversarial positions, is contrary to Judge Amy Jackson's April 15, 2020 dismissal of Olumide v U.S. Attorney General et al Case 1:20-cv-00247-UNA floor crossing constitutional matter of legal or public importance which is "capable of repetition, yet evading review" without appointment of Amicus Curiae, without serving defendants, without notice to any parties, without adjudication of Civil Rights Act "preventive relief …. general importance" application for a court appointed attorney.

AMICUS Ade Olumide, 121 Scottwood Groove, Dunrobin, Ontario, Canada, Tel +1 613 265 6360 Fax +1 613 832 2051 ade6035@gmail.com, May 18, 2020

CERTIFICATE OF SERVICE
I hereby certify that on May 18, 2020 a true and genuine copy of the foregoing was served via email to;

Lawrence S. Robbins, Lee Turner Friedman, D. Hunter Smith
ROBBINS, RUSSELL, ENGLERT, ORSECK, UNTEREINER & SAUBER LLP
2000 K Street, NW Washington, DC 20006 lrobbins@robbinsrussell.com

William W. Taylor, III, Ezra B. Marcus
ZUCKERMAN SPAEDER LLP
1800 M Street N.W. Suite 1000, Washington, D.C. 20036 wtaylor@zuckerman.com

Jesse R. Binnall, Lindsay R. McKasson
Harvey & Binnall, PLLC
717 King Street, Suite 300 Alexandria, VA 22314, Tel: (703) 888-1943 Fax: (703) 888-1930
jbinnall@harveybinnall.com; lmckasson@harveybinnall.com; Admitted Pro Hac Vice

Sidney Powell, Molly McCann
Sidney Powell, P.C.
2911 Turtle Creek Blvd., Suite 300 Dallas, Texas 75219 Tel: 214-707-1775
sidney@federalappeals.com Admitted Pro Hac Vice
molly@federalappeals.com Admitted Pro Hac Vice

UNITED STATES DISTRICT COURT
DISTRICT OF COLUMBIA

Criminal Action No. 17-232-EGS

UNITED STATES OF AMERICA
Plaintiff,

v.

MICHAEL T. FLYNN,
Defendant.

Ade Olumide Amicus Brief Pursuant To Rule LCrR 57.6 May 12, 2020 Order Of Judge Emmet Sullivan In U.S. V Michael T. Flynn Criminal Action No. 17-232-EGS With Intent To Affect The Test For Criminal Proceeding Standing

19. For the following reasons, Amicus Ade Olumide seeks a court **Declaratory Relief That**; "LCrR 57.6 right to seek relief, is as broad as 28 U.S. Code § 2201.§ 2202, because the words "any aspect" is a word of wide import, and the test for Cognizable LCrR 57.6 "Interest …in any aspect of the proceeding in a criminal case" is "(1) suffered an injury in fact" OR "imminently threatened injury" OR "controversy "capable of repetition, yet evading review" OR justiciable "case" that "Congress .. statute .. expressly authorized""

20. LCrR 57.6 differentiates between a "news organization" and an "interested person", "interested person" traditionally means "injury", LCrR 57.6 excludes a "party or subpoenaed witness", LCrR 57.6 standing is conditional on "statement of interest .. in the matter as to which relief is sought, a statement of facts and a specific prayer of relief". The Amicus declares that his **Statement Of Interest Is That**; "excluding a DOJ or court error in law "controversy "capable of repetition, yet evading review" re test for criminal proceeding standing from an LCrR 57.6 "interested person" test will create "imminently threatened injury" on the Amicus.

21. If there is a legislated criminal proceeding standing, then pursuant to Committee On Judiciary V Donald Mcgahn "Kind Of Controversy.. Courts Traditionally Resolve" the only legally correct way for a court to deny Article III "case" standing in a criminal proceeding is to prove that according to the express language of the Constitution, only the Executive branch has standing to obtain the relief sought by the Amicus, therefore, Congress lacks jurisdiction to give persons other than the parties, a right to seek relief in a criminal proceeding.

22. Amicus ONLY interest is that test for LCrR 57.6 “Interest”, he does not take any position in favour or against relief sought by either party, nor does he take a position on the standing of “Watergate Prosecutors” except to make general comments. If the goal of the “Watergate Prosecutors” is to oppose DOJ decision to withdraw the prosecution and ask the court to appoint a private prosecutor, and this relief is justiciable, there is no alternative remedy but through this criminal proceeding. If the goal is to challenge questions of fact or law in the DOJ submissions with intent to allege abuse of process by DOJ without challenging the withdrawal of prosecution, the burden of proof for abuse of process is generally high on a question of prosecutorial discretion to withdraw a prosecution. It would be difficult to meet that burden without a trial and cross examination that can be achieved by this criminal proceeding or an abuse of process civil action. Privilege is not expressly mentioned in the US Constitution, any prosecutor who believes that their reputation has been injured by a false fact in DOJ submission, is entitled to an opportunity for Article III “case” or “controversy” remedy.

23. In light of Olumide v U.S. Attorney General et al “a basic principle of our constitutional scheme that one branch of the Government may not intrude upon the central prerogatives of another”, AND US Court Of Appeals DC Circuit Decided February 28, 2020 No. 19-5331 Committee On The Judiciary V. Donald F. Mcgahn, II “ Article III compels us to ask instead: Have we resolved this type of case or controversy before? ..”kind of controversy” ..that “courts traditionally resolve.”, except for a contempt of court crime on the court, it is not apparent that a court has jurisdiction to initiate a criminal prosecution.

24. LCrR 57.6 traditionally applies to prosecutions authorized by the legislative or executive branch of government, except by express legislation from Congress, it is unclear if a court has jurisdiction to give a private prosecutor standing to oppose the withdrawal of a criminal prosecution by the Executive branch. This is consistent with Morrison v. Olson, 487 U.S. 654 (1988) where the Supreme Court found that the Independent Counsel Act was constitutional.

25. “Imminently threatened injury” is in conflict with "capable of repetition, yet evading review" because it is conditional on “imminent” **AND** “imminently threatened injury” is in conflict with “Congress .. statute .. expressly authorized.. lawsuit” / “rights in the form prescribed by law” because it is conditional on both

"imminent" and "injury" **AND** "capable of repetition, yet evading review" is in conflict with "Congress passed a statute that expressly authorized the lawsuit" because it is conditional on an initial injury, **BUT** Article III "case" is not conditional on Article III controversy neither is 28 U.S.C. § 1361 "officer… duty owed to the plaintiff" **AND** Article III "controversy" / 28 U.S. Code § 2201 "controversy" / "unlawfully withheld .. arbitrary, capricious ..abuse of discretion" is not conditional on injury.

26. This "injury" test for standing is contrary to exceptions in the same order and Supreme Court exception;

US Court Of Appeals Of DC No. 19-5331 Committee On The Judiciary V. Donald F. Mcgahn, II, "[T]he '**irreducible constitutional minimum'** of standing consists of three elements. The plaintiff must have (1) suffered an injury in fact, (2) that is fairly traceable to the challenged conduct of the defendant, and (3) that is likely to be redressed by a favorable judicial decision." .. The Supreme Court has "also stressed that the alleged injury must be legally and judicially cognizable," which "requires, among other things, that the plaintiff have suffered 'an invasion of a legally protected interest which is . . . concrete and particularized,' and that the dispute is 'traditionally thought to be capable of resolution through the judicial process.'.. Although this familiar formulation is a prerequisite to federal jurisdiction **in all instances**, it is especially important here, where the dispute implicates the separation-of-powers considerations underpinning our standing doctrine."

US Court Of Appeals Of DC No. 19-5331 Committee On The Judiciary V. Donald F. Mcgahn, II,, "Senate Select Committee is distinguishable. There, Congress passed a **statute that expressly authorized the lawsuit**. .. If Congress passed such a statute here, the analysis might be different"

US Court Of Appeals Of DC No. 19-5331 Committee On The Judiciary V. Donald F. Mcgahn, II, "[T]he traditional role of Anglo-American courts . . . is to redress or prevent actual or **imminently threatened injury** to persons caused by private or official violation of law.".

Honig v. Doe, 484 U.S. 305, 317 (1988) ".. unwillingness to decide moot cases may be connected to the case or controversy requirement of Art. III, it is an attenuated connection that may be overridden where there are strong reasons to override it. The "**capable of repetition, yet evading review"** exception is an example."

27. Article III means "case" is any justiciable disagreement re "Constitution, the Laws of the United States, and Treaties" WHILE a controversy is any justiciable disagreement which does not involve a "Constitution, the Laws of the United States, and Treaties", therefore, court lacks jurisdiction to rule that "case" must always contingent on an injury (suffered a legal wrong), therefore this text is unconstitutional narrow;

US Court Of Appeals Of DC No. 19-5331 Committee On The Judiciary V. Donald F. Mcgahn, II,, "Congress may sometimes "elevate to the status of legally cognizable **injuries concrete**, de facto injuries that were previously inadequate in law"

28. As a result of the precise wording of 28 U.S. Code § 2201, a court lacks jurisdiction to deem that all controversies are always contingent on an injury. "declare the rights .. whether or not further relief ..could be

sought" is of such wide import that it would be irrational to conclude that it is conditional on an injury;

28 U.S. Code § 2201.Creation of remedy (a)In a case of actual controversy within its jurisdiction .. upon the filing of an appropriate pleading, may declare the rights and other legal relations of any interested party seeking such declaration, whether or not further relief is or could be sought. Any such declaration shall have the force and effect of a final judgment or decree and shall be reviewable as such.

29. Article III expressly used the words "arising under this Constitution, the Laws of the United States, and Treaties" to define a "case", therefore, although Article III did not expressly, explain the difference between a "case" or a "controversy", it did however create a distinction that a court lacks jurisdiction to override.

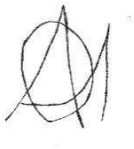
30. Controversy is not defined within the constitution, therefore dictionary synonyms apply to the controversy of the test for LCrR 57.6 standing; "argument, bickering, difference, fuss, quarrel, squabble, strife, wrangle, altercation, beef, brush, contention, disputation, embroilment, flak, hurrah, miff, polemic, row, rumpus, scrap, tiff, dissention, falling-out".

STATEMENT OF FACTS

31. Appellant did not seek the criminal prosecution of anyone, therefore the outcome of this LCrR 57.6 question is not related to Civil Rights Act "aggrieved .. preventive relief" standing, however LCrR 57.6 AND Judge Emmet Sullivan "friend of the court" order in U.S. v Flynn Criminal Action No. 17-232-EGS is contrary to Judge Amy Jackson's April 15, 2020 order in;

Olumide v U.S. Attorney General et al Case 1:20-cv-00247-UNA "...the decision of whether or not to prosecute, and for what offense, rests with the prosecution. See, e.g., Bordenkircher v. Hayes, 434 U.S. 357, 364 (1978). "[I]n American jurisprudence at least, a private citizen lacks a judicially cognizable interest in the prosecution or nonprosecution of another." Linda R.S. v. Richard D., 410 U.S. 614, 619 (1973); see also Sargeant v. Dixon, 130 F.3d 1067, 1069 (D.C. Cir. 1997); Powell v. Katzenbach, 359 F.2d 234, 234–35 (D.C. Cir. 1965) (per curiam) (holding that the judiciary "will not lie to control the exercise" of Attorney General's discretion to decide whether or when to institute criminal prosecution), cert. denied, 384 U.S. 906 (1966); Sattler v. Johnson, 857 F.2d 224, 227 (4th Cir. 1988) (refusing to recognize constitutional right "as a member of the public at large and as a victim to have the defendants criminally prosecuted"); Sibley v. Obama, 866 F. Supp. 2d 17, 22 (D.D.C. 2012) (holding same). Plaintiff also cannot compel a criminal investigation by any law enforcement agency by filing litigation. See Otero v. U.S. Attorney General, 832 F.2d 141, 141–42 (11th Cir. 1987) (per curiam); see also Jafree v. Barber, 689 F.2d 640, 643 (7th Cir. 1982). The Executive Branch has absolute discretion to decide whether to conduct an investigation or prosecute a case and such decisions are not subject to judicial review. United States v. Nixon, 418 U.S. 683, 693 (1974); see also Powell, 359 F.2d at 234–35; Shoshone–Bannock Tribes, 56 F.3d at 1480–81. "[A]n agency's decision not to prosecute or enforce, whether through civil or criminal process, is a decision generally committed to an agency's absolute discretion." Heckler v. Chaney, 470 U.S. 821, 831 (1985). "

AMICUS Ade Olumide, 121 Scottwood Groove, Dunrobin, Ontario, Canada, Tel +1 613 265 6360 Fax +1 613 832 2051 ade6035@gmail.com, May 14, 2020



CERTIFICATE OF SERVICE
I hereby certify that on May 14, 2020 a true and genuine copy of the foregoing was served via email to;

Lawrence S. Robbins
Lee Turner Friedman
D. Hunter Smith
ROBBINS, RUSSELL, ENGLERT,
ORSECK, UNTEREINER & SAUBER LLP
2000 K Street, NW
Washington, DC 20006
lrobbins@robbinsrussell.com

William W. Taylor, III
Ezra B. Marcus
ZUCKERMAN SPAEDER LLP
1800 M Street N.W. Suite 1000
Washington, D.C. 20036
wtaylor@zuckerman.com

Jesse R. Binnall
Lindsay R. McKasson
Harvey & Binnall, PLLC
717 King Street, Suite 300 Alexandria, VA 22314
Tel: (703) 888-1943 Fax: (703) 888-1930
jbinnall@harveybinnall.com
lmckasson@harveybinnall.com
Admitted Pro Hac Vice

Sidney Powell
Molly McCann
Sidney Powell, P.C.
2911 Turtle Creek Blvd., Suite 300 Dallas, Texas 75219
Tel: 214-707-1775
sidney@federalappeals.com
Admitted Pro Hac Vice
molly@federalappeals.com
Admitted Pro Hac Vice