

Shame on the Ninth Circuit Court of Appeals

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The Church of Reality is issuing a shame on you edict against the Ninth Circuit Court of Appeals for failing to decide our religious rights case pending before the Ninth circuit Court of Appeals. On 01-27-2010 the court issued what is best described as a decision to deny us due process and to treat us as if we don't exist.

Although the decision is supposed to be a denial, it isn't really a decision at all. Religious claims under the Religious Freedom Restoration Act (RFRA) are supposed to be decided under the strict scrutiny standard. That means that the judges of the court are supposed to at least read the case. But what happened here is that the law clerks at the Ninth Circuit were culling the pile of cases and saw that we filed without a lawyer and apparently thought that we wouldn't notice if we got screwed. We'll - we noticed.

The courts are supposed to treat everyone equally and decide cases based on the merits of their positions. But what usually happens is that courts actively discriminate against cases brought by non-lawyers. This is one of those cases. It is clear that when you read what was presented and look at the court's unpublished memorandum decision that a first year law student would have got a failing grade for what the court issued. The decision wasn't a denial, it was a non-decision. We have a right to have our case decided.

Here is a reference to the documents filed.

DEA Rejects the our Request for Exemption

Opening Brief

Respondents Brief

Reply Brief

Memorandum Decision of the Ninth Circuit

Petition for Rehearing

Motion for new Panel