U.S. COURT OF APPEALS
RECEIVED
Jul 06, 2026
FIFTH CIRCUIT

No. 25-50991

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

In the Matter of: Cribbs Ringer v. Merkle

MOTION PREPARED AT CLERK'S REQUEST REGARDING REVISED APPELLANT'S BRIEF.

(This Appeal arises from the United States District Court, Western District of Texas, No. 5:25-CV-1181-OLG. Judge Orlando Garcia, presided. I allege he lacked jurisdiction. He also presided as appeals judge over matters relating to 5thC 21-50761[1]. Residual matters of 21-50761were before SCOTUS in 25-6192, closed 1/26/26. SCOTUS 25-6192 invoked a Dkt 50 (ROA.25-50991.783.) in *Nathan v Alamo Heights ISD*. A similar Dkt 50 (ROA.25-50991.1076-1077.) in *Cribbs Ringer* is challenged here also.**)**

Oral Argument, previously requested, continues to be requested.

Submitted Under Oath, Under Penalty of Perjury[2], by:
Carl NATHANiel Merkle, CPA retired, In Pro Se
Victim of crime and civil rights violations.
4446 Bayliss, San Antonio, TX 78233
Telephone: 210-596-4088. Email: carlmerkle@icloud.com
(phone) or, drake.slayer.2020@gmail.com (laptop).

[1] I allege I was kidnapped on 12/6/21 in a criminal conspiracy between bankruptcy judge Craig A. Gargotta and USDC "appeals judge" Orlando Garcia to close then open 5thC 21-50761. See ROA.21-50761.1-3130. And ROA.25-50062.1-5384. And ROA.25-50991.631-1058; 1076-1077; 2723-2835. Especially ROA.21-50761.3130.

[2] This oath, given under penalty of perjury per US and Texas laws, as true and correct, is made under Oath to the "God of the Founding Documents" ("**God**"): 1) July 4, 1776, Declaration of Independence, 2) US Constitution, and 3) Texas Constitution. Isaiah 33:22, matching Articles I to III of the US Constitution, says: "*For the LORD is our judge, our lawgiver, and our king. He will care for us and save us.*" On May 17, 2026 via Rededication 250, the USA was rededicated as "One Nation Under God" by the Trump Administration. An event criticized by Trump opponents. An event the US Judicial System was conspicuously absent at.

TO THE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT JUDGES,

I. INTRODUCTION

1) This Motion follows two Appellant's Briefs filed on June 2, 2026 and June 16, 2026, and responds to the Clerk's letters dated June 4, 2026 and June 19, 2026. Those letters are reproduced below. This Motion is filed on the 250th anniversary of the Declaration of Independence. The Declaration invoked the Supreme Judge of the World (1776 "**Supreme Judge**" or "**SJ**")[3] in its last paragraph.

2) I continue to maintain that I was injured by what I allege was an unlawful Chapter 7 conversion on March 18 2020 while 5thC 20-50024 and related 20-50025 withdrawal-of-reference proceedings remained pending. And by events that harmed me prior to that unlawful Chapter 7 conversion.

3) I further allege those events became the subject of SCOTUS cases 24-6088 and 25-6192. I call those two SCOTUS cases "monuments on the cloud (internet)" to "judicial and DOJ incompetence" and corruption.

4) I am Carl Nathaniel Merkle ("**Merkle**", or "**I**"), CPA now retired, in pro se. I allege I am a victim of attorney and judicial crimes. And yet, here I am joyfully, singing praises and thanksgiving to, my King, my Judge, and my Avenger, the SJ, who I claim TANGIBLY showed up as my Article III judge following a "sham Chapter 7 conversion" on March 18, 2020.

5) I allege that I am a victim of an attorney conceived and run unlawful debt collection and barratry scam, organized crime ("**OC**"), that I call "Gragg's scam with gag plot" ("**GSWGP**"). GSWGP is the subject of two SCOTUS cases 24-6088 and 25-6192.

[3] See July 4, 1776 Declaration of Independence last ¶. And see more on the SJ and my allegations of attorney and judicial misconduct, and alleged "supernatural intervention" in the Affidavit.

6) Following are the two Clerk's letters that this Motion addresses.

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 04, 2026

Carl N. Merkle
4446 Bayliss Street
San Antonio, TX 78233

No. 25-50991 Cribbs Ringer v. Merkle
USDC No. 5:25-CV-1181

Dear Mr. Merkle,

We have determined that your brief is deficient (for the reasons cited below) and must be corrected within 14 days.

The Table of Authorities must indicate the pages of the brief where the cases, statutes, and other authorities are cited. See Fed. R. App. P. 28(a)(3).

You must use the record on appeal number (ROA.)rather than DKT 50, etc. Please see below.

Citation Guidelines: Pursuant to 5th Cir. R. 28.2.2, use the following citation format:

- For single record cases, use "ROA." followed by the page number (e.g., "ROA.123").
- For multiple record cases, cite "ROA." followed by the Fifth Circuit appellate case number, followed by the page of the record (e.g., "ROA.13-12345.123").
- Each citation must end with a period (.) or semicolon (;).

Note: Once you have prepared your sufficient brief, you may file it using the pro se email at pro_se@ca5.uscourts.gov

Sincerely,

LYLE W. CAYCE, Clerk

By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

cc:
Ms. Adriana Cecilia Pinon

Case: 25-50991 Document: 17-2 Page: 1 Date Filed: 06/16/2026

United States Court of Appeals
FIFTH CIRCUIT
OFFICE OF THE CLERK

LYLE W. CAYCE
CLERK

TEL. 504-310-7700
600 S. MAESTRI PLACE,
Suite 115
NEW ORLEANS, LA 70130

June 19, 2026

Carl N. Merkle
4446 Bayliss Street
San Antonio, TX 78233

No. 25-50991 Cribbs Ringer v. Merkle
USDC No. 5:25-CV-1181

Dear Mr. Merkle,

We received your proposed sufficient brief on 6/16/2026. The only corrections allowed on a filed brief are the ones requested by the court. You must file the original brief with citations to the record and page numbers in the table of authorities only.

If you want to file a new brief, a motion to file a corrected brief is required.

Sincerely,

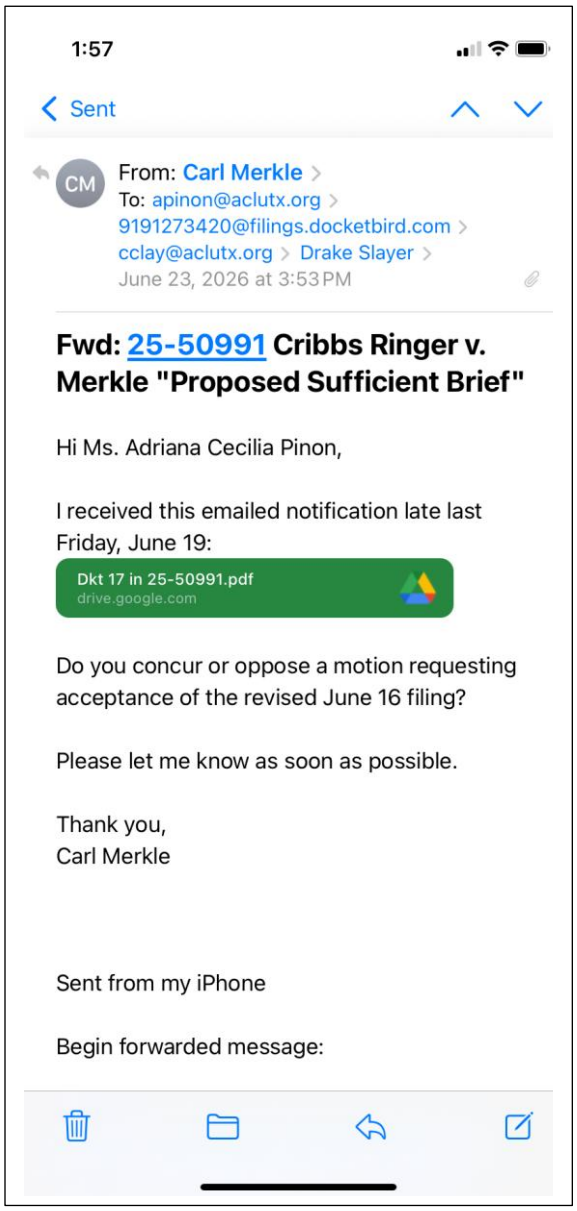
LYLE W. CAYCE, Clerk

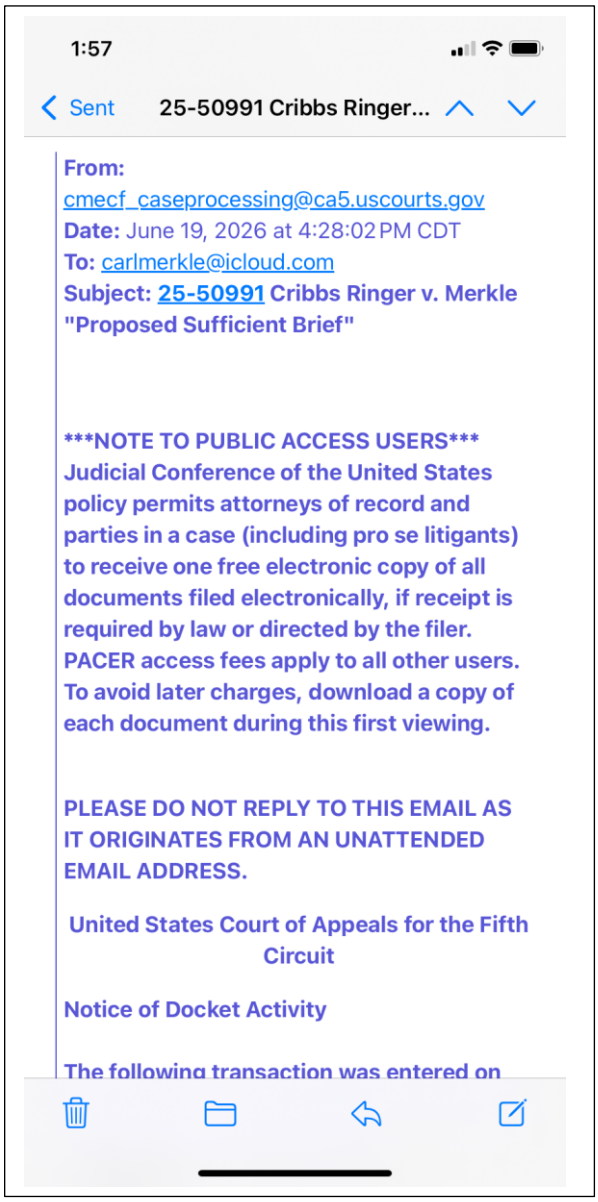
By: _____
Casey A. Sullivan, Deputy Clerk
504-310-7642

cc:
Ms. Adriana Cecilia Pinon

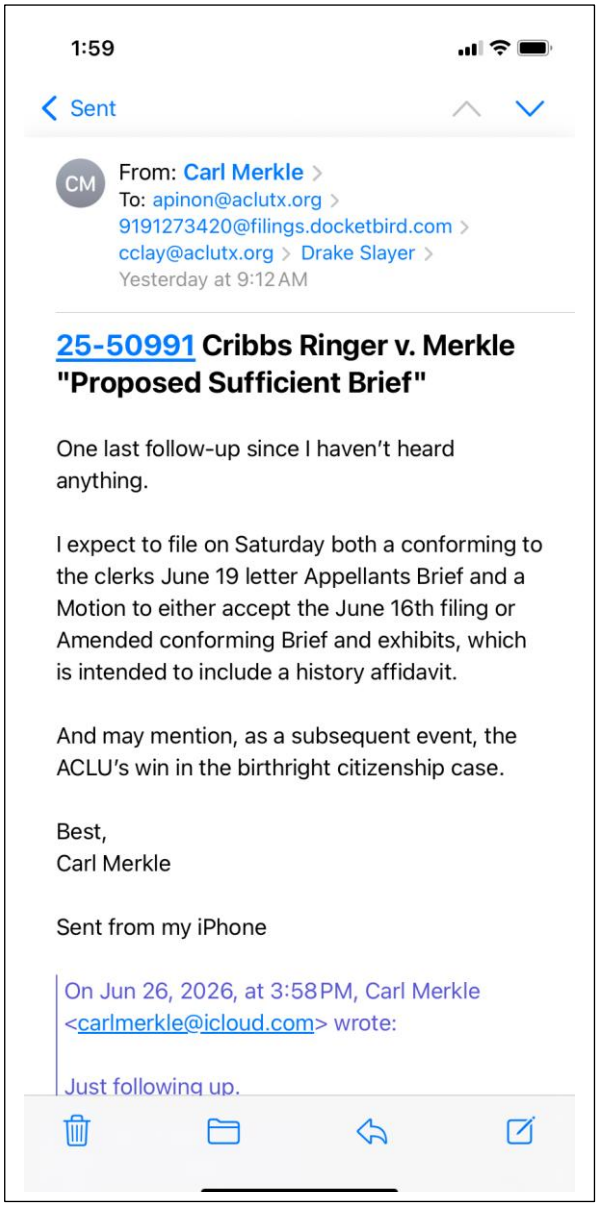
7) I believe the SB10 controversy is largely political and spiritual in nature. Consequently, many of the broader issues extend beyond the narrow legal questions before this Court. Much of that broader discussion is therefore directed to the "court of public opinion" in a nation governed by "We the People."

8) Following the second Clerk's letter, I communicated with opposing council three times. Screenshots of those three emails follow.









9) No response was received by the time I notarized and filed this Motion and its exhibits.

10) I frequently communicate with the San Antonio City Council regarding my cases by speaking during the public comment period. My two most recent speeches, delivered on June 10 and June 17, 2026, follow.

11) The following transcripts document contemporaneous public statements describing the status of this appeal before the filing of this Motion.

12) June 10, 2026 speech.



Transcript of Final City Council Speech on 6-10-2026

Hi, I'm Carl Nathaniel Merkle. I live in San Antonio, District 10. This is my 39th City Council speech.

There is a lot going on and a lot to tell you, but I'm going to keep this within 3 minutes. A status update. Especially as my long-running litigation continues. I will increasingly focus on informing the public through writing, publishing, and public speaking. Many issues, especially those involving "God stuff," which my case is full of, are moving into the court of public opinion.

First, I want to announce that as of last Friday, June 5, 2026 my latest book, and first professionally published book, "***KIDNAPPED: A Memoir of Faith & Injustice (Alleged Corruption in the U.S. Judicial System)***" by Carl N. Merkle was listed on Amazon. It is presently available in three formats: 1) Kindle/electronic, 2) softback, and 3) hardback. I have in my hands a larger printout of a pdf available at KIDNAPPEDbook.com. I will soon be delivering a fourth version, an audio book.

The book is presented in two parts. 1) History, and 2) My Story.

The History section lays out the USA's founding within a heavily Protestant Christian moral and cultural framework. The "My Story" section is about how God took me through the bankruptcy system, a "court of equity" and began tangibly revealing himself as the July 4, 1776 Supreme Judge of the World, the Isaiah 33:22 king, judge and lawgiver, the cornerstone of the US Constitution.

I will email each of you a free pdf copy of my book.

Also last Friday morning at the "Church and Politics" monthly first Friday prayer meeting, I gave a prayer that Anita Kegley found, titled "Judges of Righteousness." It is presented on the back page of this speech handout.

And on June 2, 2026, I filed an Appellant's Brief in the second of three Texas Ten Commandments cases. One from my personal appeal in Cribbs Ringer v Merkle. Fifth Circuit Court of Appeals case 25-50991. It can be seen at https://tinyurl.com/5thC-25-50991-Dkt16-AB. I received some minor clerk comments. They are easy to fix. So, I'm adding a new section, given the luxury of time, titled "Historical Evidence Concerning Religion In American Public Life."

My plans, once the audio book is ready and I've filed a revised Appellant's Brief is to begin issuing press releases, since the topics my Memoir covers is very hot right now.

I am serious when I say that I think all of Project Marvel can be funded via donations. Especially to set up a John H. Wood Jr. Federal Courthouse National Landmark of Justice Truth & Accountability. A Place of Record. A Legacy for the Future.

So, of course, "Go Spurs Go". But let's also embrace truth and justice for all.

– Thank you. More later.

13) June 17, 2026 speech.



Transcript of Final City Council Speech on 6-17-2026

Hi, I'm Carl Nathaniel Merkle. I live in San Antonio, District 10. This is my 40th City Council speech.

In Scripture, the number 40 is often associated with periods of testing, preparation, and transition before a new chapter begins. In many ways, that describes where my long running litigation, now in its 11th year now stands.

Where now educating the "court of public opinion" is my next big goal.

Last night, June 16, 2026, I filed a Revised Appellant's Brief in US Court of Appeals case 25-50991 styled as Cribbs Ringer v Merkle. It is the second of the three Texas Ten Commandments cases. I filed my original Appellant's Brief on June 2, 2026. Got back some minor clerk comments, and the revision fixed those comments. If this revised brief is accepted, I will probably issue a press release on it. I think it is that significant. It mentions my book KIDNAPPED: A Memoir of Faith and Injustice (Alleged Corruption in the US Judicial System) and my new website: KIDNAPPEDbook.com, in a brand new historical section.

In clearing clerk comments, since I had time, I added a brand new "historical section" titled: "XII. HISTORICAL EVIDENCE CONCERNING RELIGION IN AMERICAN PUBLIC LIFE." That section took up pages 15 to 41 of 42 in the main body of the brief. So, it was the bulk of the revision in terms of content. But the overall arch, the overarching story remained exactly the same. But now with some very nice support for four authorities, four cases previously mentioned in the original Appellant's Brief.

Those four cases were: 1) *Nathan v Alamo Heights ISD* heard by an en banc panel at 5thC and briefly discussed here before, 2) *Kennedy v Bremerton School District* (where the Lemon test was rejected), 3) *American Legion v American Humanist Association* (concerning constitutionality of longstanding religious displays, historical practices and understandings), and 4) *Town of Greece v Galloway* (historical practices; acknowledgement vs coercion).

A copy of what I filed is available at: https://tinyurl.com/25-50991-Revised-AB. A copy of the cover is on the back of this handout.

I still owe you all an emailed copy of my book. That email will probably go out about the same time as I issue my first of what will be many press releases.

I have many plans for KIDNAPPEDbook.com. I got lucky enough to grab that webpage. It used to be a page selling a kids version of Robert Lewis Stevenson's book by the same name. He had a quote that resonates strongly with me, because of one of the "laws of nature" I'm focused on: The Law of the Harvest. He said: "Don't judge each day by the harvest you reap, but by the seeds you plant."

I've just planted seed #40 with the City of San Antonio. Where I believe a future Project Marvel with a National Landmark of Justice Truth & Accountability could bring millions more visitors to this City each year. ~ Thank you. More later.

14) The accompanying Affidavit contains the broader factual, historical, and documentary background that led me to prepare both this Motion and the attached Revised Appellant's Brief. To avoid unnecessary repetition, the material is presented in the Affidavit together with its supporting exhibits rather than repeated here.

15) The Affidavit reproduces the historical section that appeared in my June 16, 2026 Appellant's Brief together with the historical authorities that I added to explain that narrative. Those materials are submitted as factual background and context for this Motion and the attached Revised Appellant's Brief that complies with the Clerk's June 4 letter, as clarified to me by the June 19, 2026 letter.

16) Because additional time is required to finalize the Affidavit and its supporting exhibits, Appellant is filing this Motion and the attached Revised Appellant's Brief on July 4, 2026. Appellant intends to file the completed Affidavit and supporting exhibits on or before the Court's July 6, 2026 deadline. The Affidavit is dated July 4, 2026, because it reflects the facts and circumstances existing as of that date.

II. REQUESTED RELIEF

17) For the foregoing reasons, I respectfully request that this Court accept either the June 16, 2026 Appellant's Brief or, preferably, accept the attached Revised June 2, 2026 Appellant's Brief, revised to conform to the Clerk's June 4 letter and clarified by the Clerk's June 19, 2026 letter. I further request that the Court accept the accompanying Affidavit, which contains the broader historical background explaining why the historical section was included in the June 16 filing. The Affidavit also documents the historical background showing that the Ten Commandments were an important part of early American education in the colonies that ultimately sought independence from England.

# # #

Dated: July 4, 2026, the 250th Anniversary of the USA.

Respectfully submitted,
CARL N. MERKLE, CPA, retired, In Pro Se
4446 Bayliss St., San Antonio, TX 78233
Tel: (210)-596-4088, Email: carlmerkle@icloud.com (iphone)
or drake.slayer.2020@gmail.com (laptop).

By: */s/ Carl Nathaniel Merkle*
CARL NATHANIEL MERKLE, CPA In Pro Se

☐ **COMPLIANCE**

This Motion complies with the applicable length and font requirements. It is prepared in 14-point font, with 12 point footnotes, and consists of 731 words, as counted by Microsoft Word for the principal portion of the Motion. It is within the 5,200 word limit.

I. NOTARY PUBLIC AFFIDAVIT

State of TEXAS
County of BEXAR

BEFORE ME, the undersigned authority, personally appeared Carl Nathaniel Merkle, who, being by me duly sworn, deposed and says "The testimony I gave to The United States Court of Appeals in the Fifth Circuit in the above document and in all of the Dockets and documents and exhibits contained in any and all Fifth Circuit, and US District Court, and Bankruptcy Court, and State cases, including arising from USBC case 16-50026, and from any state court cases related in any way to USBC case 16-50026 that are part of the Record on Appeal in any way shape or form, plus filed by me in the three Ten Commandments cases assigned to Judges Fred Biery and Orlando Garcia, are true and correct and can be relied on as evidence in a Court of Law. The Record on Appeal concerning "In RE: Carl N. Merkle" is incomplete due to many frauds upon the court committed by a "Gang of 7" core perpetrator attorneys, who set up, the rest of the "Gang of 30" as disclosed in the Corporate Disclosure statement filed as Dkt 7 of 25-50062, starting completely unnecessary litigation, a barratry scam.

I deem that the USA and I are "in negotiations" where my goal is to reach a negotiated settlement with all non-Gang of 7 persons and companies and organizations listed in said Corporate Disclosure Statement. All Gang of 7 members must stand for at least a civil jury trial.

I breached no alleged "secured contracts." I violated no laws. I did not commit any "contempt of court" against any legitimate judge. All judges so far have acted as Title 11 judges, in an Article III of the US Constitution situation. Any alleged sanctions outstanding against me are a part of organized crime: GSWGP.

My testimony is true and correct. I promised to tell the truth, the whole truth and nothing but the truth, so help me God, under penalty of perjury."

Carl Nathaniel Merkle

Subscribed and sworn (or affirmed) before me this 4th Day of July 2026.

By Zaida Lozano

ZAIDA LOZANO
My Notary ID # 131140344
Expires May 22, 2029

II. CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of July 2026, I electronically filed the foregoing with the Clerk of Court for the U.S. Court of Appeals for the Fifth Circuit by sending a pro se email. All counsel of record are registered CM/ECF users, and will be served by the appellate CM/ECF system. I will copy the attorneys of record on that filing email.

/s/ Carl Nathaniel Merkle .

Carl Nathaniel Merkle

Email: drake.slayer.2020@gmail.com (laptop) and carlmerkle@icloud.com (iphone)

No. 25-50991

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

In the Matter of: Cribbs Ringer v. Merkle Debtor

EXHIBITS TO
MOTION PREPARED AT CLERK'S REQUEST REGARDING REVISED APPELLANT'S BRIEF.

Physical Exhibits

Exhibit A – Appellant's Brief

Exhibit B – Affidavit.

Electronic Exhibits

Exhibit C – Public Access Subdirectory: https://tinyurl.com/CROA-25-50991

U.S. COURT OF APPEALS
RECEIVED
Jul 06, 2026
FIFTH CIRCUIT

Case No. 25-50991

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

In the Matter of: Cribbs Ringer v. Merkle

APPELLANT'S BRIEF.

(Case opened on Appeal from the United States District Court, Western District of Texas, No. 5:25-CV-1181-OLG, Judge Orlando Garcia, presiding in this 2nd of 3 Texas Ten Commandments cases. I allege Judge Garcia lacked jurisdiction in this case. He presided too as appeals judge in 5thC 21-50761, where residual matters[1] were before SCOTUS in 25-6192, closed 1/26/26. SCOTUS 25-6192 invoked a Dkt 50 (ROA.25-50991.783.) in *Nathan v Alamo Heights ISD*. A similar Dkt 50 (ROA.25-50991.1076-1077.) in *Cribbs Ringer* is challenged here also.**)**

Oral Argument, a right of appeal, ignored so far, continues to be requested.

Submitted Under Oath, Under Penalty of Perjury[2], by:
Carl NATHANiel Merkle, CPA retired, In Pro Se
Victim of crime and civil rights violations.
4446 Bayliss, San Antonio, TX 78233
Telephone: 210-596-4088. Email: carlmerkle@icloud.com
(phone) or, drake.slayer.2020@gmail.com (laptop).

Link to Table of Contents: i

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[1] I allege I was kidnapped on 12/6/21 in a criminal conspiracy between bankruptcy judge Craig A. Gargotta and USDC "appeals judge" Orlando Garcia to close then open 5thC 21-50761. See ROA.21-50761.1-3130. And ROA.25-50062.1-5384. And ROA.25-50991.631-1058; 1076-1077; 2723-2835. Especially ROA.21-50761.3130.

[2] This Oath, given under penalty of perjury per US and Texas laws, as true and correct, is made under Oath to the "God of the Founding Documents" ("**God**"): 1) July 4, 1776, Declaration of Independence, 2) US Constitution, and 3) Texas Constitution. Isaiah 33:22, matching Articles I to III of the US Constitution, says: "*For the LORD is our judge, our lawgiver, and our king. He will care for us and save us.*" On May 17, 2026 via Rededication 250, the USA was rededicated as "One Nation Under God" by the Trump Administration. An event criticized by Trump opponents. An event the US Judicial System was conspicuously absent at.

I. CERTIFICATE OF INTERESTED PERSONS

1) Undersigned Appellant, Carl N. Merkle ("**I**"), appearing in pro se, under Oath, certifies that the Bankruptcy Creditor Disclosure Statement, Dkt 7 in 5thC case 25-50062, and following list as described in the fourth sentence of 5TH CIR. R. 28.2.1 have an interest in the outcome of this **G**rievance/**A**ppeal/**D**emand for jury trial ("**GAD**"). These representations are made so judges of this Court may evaluate possible disqualification or recusal. By law, I believe the USA owes me a "victim assistance payment".

2) The following "Gang of 7" ("**Go7**") list is a subset of 25-50062 Dkt 7. I'm a "Whistleblower." In April 2020 I filed a Whistleblower case in USDC 5:20-cv-502-xr ("20-502"). 20-502 is still open, and sealed. I want to proceed to it, and unseal it, and amend it to be an 18 USC Chapter 13, Civil Rights, §241 "conspiracy against rights" case involving an alleged kidnapping. A civil case by an alleged victim of crime, brought as a private right of action lawsuit. Problem is, I'm gagged.

3) I allege I was kidnapped and held for 221 days. I violated no laws. I breached no alleged secured contracts. I therefore consider myself a "victim of crime," rather than a wrongdoer. Dkt 50 (ROA.25-50991.1076-1077.) in *Cribbs Ringer* alleges wrongdoing. That's not true. I have a draft state court lawsuit in process against the bankruptcy judge and Judge Garcia (ROA.25-50991.1011-1051.). They should have stopped the crimes I allege on the next page were committed by the core Go7 perpetrator attorneys lead locally by David Gragg and nationally by Denis Stratford. So, ROA.21-50761.1-3130; is incorporated herein.

4) "Criminal street gangs" ("CSG")'s engaged in an "accounting control fraud" an "occupational fraud", a topic I'm a subject matter expert on. They violated my constitutional rights. Fundamentally I have an Article III ("**AIII**") of the US Constitution case. I demand a jury trial in USDC 5:20-cv-502 free and clear of any "gag plot" sanctions! So, ROA.25-50062.1-5384; incorporated herein too.

5) I allege I am a victim of a long string of RICO crimes run by the Go7: "Gragg's scam with gag plot" ("**GSWGP**"). The Go7 consists of the following 7 "core" "perpetrator attorneys." I want to sue them in a civil jury trial under criminal law statutes for crimes I allege they committed against me. All Go7 engaged in a consistent long-term pattern of behavior of "dishonesty, fraud, deceit and misrepresentation." Go7 violated a slew of state and federal criminal law and constitutional law statutes listed in SCOTUS cases 24-6088 and 25-6192, with those two cases now standing as "monuments on the clouds (internet)" to "judicial and DOJ incompetence and corruption," for the "court of public opinion". GSWGP is the subject of SCOTUS cases 24-6088 and 25-6192.

No	Name	Where planning to sue now?	Listed on Dkt 33 page 1&5? ROA.50991.1052-1058.	Listed on 20-502 cover? ROA.25-50991.1048.	Should be on 20-502?
1	Denis Stratford	USDC (AIII)	Yes	No	Yes
2	Bradley Gordon	State Court, or?	Yes	No	
3	David Gragg	State Court, or?	Yes	Yes	
4	Natalie Wilson	State Court, or?	Yes	Yes	
5	Patrick Autry	State Court, or?	No	Yes	
6	Craig Gargotta	State Court, or?	No	Yes	
7	Johnny Thomas	State Court, or?	No	Yes	

6) The Go7 is my focus. Not the rest of the "Gang of 30" ("**Go30**") of mostly USA employees as disclosed in Dkt 7 of 5thC case 25-50062. I want to settle with the rest of the Go30 and their employers "out of court". The rest of the Go30 was "set up" by Go7 to commit crime. Go7 are identifiable leaders of Go30, since no arrests have been made yet. Appeals cases that emerged from USBC 16-50026 kept getting closed and seemingly sent back down to Gargotta, a criminally behaving bankruptcy judge[3].

[3] Gargotta is the subject of my 518-page book: "*KIDNAPPED by a criminally behaving bankruptcy judge. Revealing the spiritual cause of many of the 2 Chronicles 7:13 plagues since March 2020 that dominate headline news*." ROA.23-50692.2956-3474; or, ROA.25-50062.2957-3475. Or, available publicly at https://tinyurl.com/KIDNAPPEDv32-ROA. Gargotta and Thomas are already listed as defendants in 5:20-cv-502-xr ("**20-502**") an open, sealed, whistleblower case.

7) Johnny Thomas is/was a "sham" Chapter 7 Trustee in USBC 16-50026. That's because just prior to his appointment, on 3/18/20, Gargotta, acting as a "fraudulent court" per TPC Chapter 37 Perjury and other Falsification, fraudulently converted USBC 16-50026 into a "sham Chapter 7" case. On 3/18/20, 5thC "withdrawal of the reference" case 20-50024 was open. Thus, Gargotta had no true legal jurisdiction to convert 16-50026 into a Chapter 7 on 3/18/20[4]. It was fraud. A hidden "withdrawal of the reference" case 20-50025 remained open until 5/14/24. And, I allege, a hidden July 4, 1776 Supreme Judge became my Article III judge.

8) I fully agree with this ¶ by 22-50216 referring USDC judge, Jason Pulliam (ROA.22-50216.1894.), who acted as a "Title 11 only" appeals judge.

> Stating that his bankruptcy case is "an 'organized crime' case, since inception, fraudulently converted to Chapter 7 on March 18, 2020, which then started the 2020, 2021, and 2022, crimes by the 'Gang of 7' revealed in ¶ 3 of the Notice of Appeal (NOA). Withdrawal of reference is mandatory." ECF No. 11 at 1 (found within caption). That same document identifies the Bankruptcy Judge and trustee as "enforcers for organized crime and members of the 'Gang of 7." *Id.*

[4] Gargotta never had proper jurisdiction in my USBC 16-50026 case. That's because Gargotta is an "administrative bankruptcy judge" ("**ABJ**"). And ABJ's are not allowed to hear about crime. Crime alleged is a matter to be heard by an Article III court by jury trial. My properly filed Chapter 11 case, filed on 1/4/16 stopped a 1/5/16 illegal foreclosure of my then sole and primary personal residence and planned form of retirement income, a 28-unit apartment complex then known as Northeast Village Apartments. It has been an OC scene since inception. That's because Denis Stratford stole my hazard insurance, through embezzlement. An accounting fraud called "misapplication of fiduciary property," a TPC Chapter 32, fraud, §32.45 "misapplication of fiduciary property" violation, that also violated TPC Chapter 31, theft, and Chapter 71, Organized Crime ("**OC**"), since it was theft involving three or more people. Once OC, then only two people are needed for any one transaction. Stratford gave an improper "accounting order" to his staff that made my loan serviced by his company appear delinquent, when it was in fact current.

Gargotta committed the same accounting crime that Denis Stratford committed via his approval of a fraudulent confirmed plan of Chapter 11 reorganization, and then approval of the sale of my then sole and primary personal residence. Then conduct of a sham "claims objection" trial, with issuance of a fraudulent summary judgment FRCP 12(b)(6) order on 7/14/17, that uses "Embezzlers' facts" and not my facts. Embezzlers' facts became fraudulent so called "judicially noticed facts" that have fueled years and years of crime, a long string of "frauds upon the court".

9) A long string of "frauds upon the court" by Go7 are reflected in this chart presented in SCOTUS case 24-6088 (and 25-6192). I believe I won 24-6088. But such win belief is not shared by everyone due to ambiguity of my win.

Ezra, thus starting GSWGP, and this massive string of 12+ "frauds upon the court":

A massive list of "frauds upon the court" committed by Go7, aided by Go30 (**DOJ**) members:

Originating USDC Case (sort order)	5th Cir Case #. 8 cases.	ROA Range	# Unique ROA Pages	Is ROA Complete?	Crime Alleged?	5th Circ Adjud-icated?
Phase 1 of Gragg's Scam – unlawful debt collection and barratry scam						
17-713-dae[1]	n/a	n/a	n/a	No	Yes	No
18-588-dae[1]	n/a	n/a	n/a	No	Yes	No
19-640-xr	20-50045	.1-.4332	4,332	No	Yes	No
19-740-xr	20-50014	.1- .2874	2,874	No	Yes	No
19-790-xr	20-50024/25	.1-.4560	4,560	No	Yes	No
Phase 2 of Gragg's Scam – unlawful debt collection and barratry scam						
19-640-xr	20-50471	.1-.7460	3,128	No	Yes	No
20-381-fb[2]	n/a	n/a	n/a	No	Yes	No
20-541-xr	20-50813	.1-.2442	2,442	No	Yes	No
20-1060-olg	21-50761	.1-.3130	3,130	No	Yes	No
~~21-1070~~-olg[2]	n/a	n/a	n/a	No	Yes	No
21-1278-jkp	22-50216	.1-.1898	1,898	No	Yes	No
21-1278-jkp	23-50692	.1-.4719	2,821	No	Yes	?
	Total		25,185	No	Yes	?

21-1007-olg

Dated 11/26/2024, 5th anniversary of GSWGP Ph 1b, a burden. 5 of 40

10) I let consolidated cases in USDC 17-713[5] and 18-588[6] above become final and unappealable to "lock in" a "provable to a jury" "fraud upon the court". See ROA.25-50062.5335-5363. Such fact has fueled the years and years of frauds. A consolidated ROA is at https://tinyurl.com/CROA-25-50991.

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[5] USDC 5:17-cv-713-dae ("**17-713**") was about Gargotta's now known to be fraudulent July 14, 2017 12(b)(6) order. A virtual copy and paste of Gragg's Motion to Dismiss for 12(b)(6), that created a fraudulent set of Fed.R.Evid.201 so called "judicially noticed facts" that have fueled years and years of "frauds upon the court" as evidenced by the above 12+ case "fraud list".

[6] USDC 5:18-cv-588-dae ("**18-588**") became about my early discoveries of OC. Crime (fraud) associated the theft of my hazard insurance. At end, I discovered the definition of "theft".

11) The "consolidated Record On Appeal" ("CROA" or "ROA") in this case and all 5thC cases is incomplete, as the above chart indicates. CROA has nothing for key USDC cases 17-713-dae, 18-588-dae, 20-381-fb, or 21-1007-olg.

12) GSWGP began with this "warning" in case 19-640/20-50045. A 11/26/19 12(b)(6) order that does not use the facts plead in the lawsuit filed 6/10/19, but instead uses a fraudulent set of Fed.R.Evid.201 so called "judicially noticed facts" that got started in 17-713, Gargotta's fraudulent 7/14/17 12(b)(6) order that uses "Gragg's facts", a/k/a "Embezzlers' facts" in a summary judgment order that was required to use my facts. Source of "warning": ROA.20-50045.4224.

Warning

Despite numerous warnings from Judge Gargotta, Judge Ezra, and Magistrate Judge Farrer, Merkle continues to engage in sanctionable conduct. While disagreement with court rulings is to be expected, referring to opposing counsel as a "criminal street gang" and asserting that Judges are dupes or are engaged in a criminal conspiracy with opposing litigants and counsel are serious matters. The Court re-iterates the prior warnings to Merkle and notes that continued violations may lead to monetary sanctions and eventually a pre-filing injunction.

SIGNED this 26th day of November, 2019.



XAVIER RODRIGUEZ
UNITED STATES DISTRICT JUDGE

13) Issuance of such warning started what is now a CSG of US judges. A "Catholic Mafia" since Gargotta, Ezra and Rodriguez are affiliated with St Mary's.

14) The CSG of 4 US judges (first four warning judges Gargotta, Ezra, Farrer, Rodriguez) then, grew to 7 by 12/6/21 when Gargotta kidnapped me to close then open 5thC case 21-50761. At that time, I was asking for an "integrity restoration fee" of $10.8 million to restore integrity in the judicial system, before a jury trial for the $1.5 million stolen from me by the Go7, aided by Go30. It's now $3.5 billion.

15) Since then, the "criminal street gang" of federal judges grew to **22**. From USBC to SCOTUS. And two more first degree violent felonies occurred: 1) aggravated kidnapping on 12/6/21, and 2) aggravated robberies (multiple). So, the "ask" to "restore integrity to the judicial system" is now $3.5 billion. An amount more in line with what God told me around December 2019. (I didn't believe God then, but I do now.) **D**kt **33**¶**5** calls God the King of the Universe. He is the **D**euteronomy **33**:**5** king of the "Joshua Generation", the only Israelite generation to ever please God. He is USA's Isaiah **33**:**22** king, judge and lawgiver. But Judges 17:6 and 21:25 describes what He became in USA because of a great rebellion a great falling away from our founding Christian heritage. So, God, the God of the Founding Documents is tangibly revealing Himself through my Chapter 11 fraudulently converted to sham Chapter 7 bankruptcy case via many miracles, signs and wonders, what I now call "synchronicities" for the skeptics, atheists, agnostics and other non-believers of the supernatural in the crowd. Where Gargotta is revealed as the 2 Thessalonians 2:3-4 man of lawlessness who brings destruction. We are living through prophesied "end times."

16) See Notary Public Affidavit for this section on next page. This PS § and entire document is given under oath, penalty of perjury, as true and correct.

# # #

Dated: ~~June 2~~, July 4, 2026.

/s/ Carl Nathaniel Merkle
CARL NATHANiel MERKLE
Victim of USA's "Title 11 only" system's organized crimes.
Modern-day Prophet Nathan sent to USA Court System

I. NOTARY PUBLIC AFFIDAVIT 2 OF 2

State of TEXAS
County of BEXAR

BEFORE ME, the undersigned authority, personally appeared Carl Nathaniel Merkle, who, being by me duly sworn, deposed and says "The testimony I gave to The United States Court of Appeals in the Fifth Circuit and to any other relevant parties, in the above document and any attached exhibits is true and correct and can be used as evidence in a Court of Law. Within the space allotted, I promised to tell the truth, the whole truth and nothing but the truth, so help me God, the God of Abraham, Isaac and Jacob, under penalty of perjury."

Carl Nathaniel Merkle

Subscribed and sworn (or affirmed) before me this 4th day of July 2026.

By Zaida Lozano

ZAIDA LOZANO
My Notary ID # 131140344
Expires May 22, 2029

II. REQUEST FOR ORAL ARGUMENT

I respectfully request and insist on having oral argument. This request has been made repeatedly and remains unresolved. Oral argument is necessary because this appeal involves disputed sanctions, disputed jurisdiction, disputed facts, and the relationship between this case and multiple related proceedings, including SCOTUS cases 24-6088 and 25-6192.

This appeal addresses three related matters. First the effect of the Supreme Court's actions in SCOTUS 24-6088 on December 6, 2024 and February 24, 2025. Second, the effect of SCOTUS case 25-6192 (ROA.25-50991.773-843.) arising from Judge Pulliam's January 14, 2025 sanction order, Dkt 38 in USDC case 5:21-cv-1278-JKP. Third, Judge Garcia's Dkt 50 order (ROA.25-50991.1076-1077.) in this case which I contend functions as an "in substance" gag order preventing me from fully presenting my claims and seeking redress for alleged violations of my constitutional rights.

At the center of these disputes is the continuing existence of sanctions that I contend should not exist. I seek clarity. I seek a clear and unambiguous ruling concerning whether any valid sanctions presently exist and whether such sanctions may be used to restrict my ability to pursue claims, seek redress of grievances, request a jury trial, or petition the government concerning alleged misconduct.

I further contend that the sanctions issue cannot be fairly resolved through summary treatment. The sanctions issue has become intertwined with broader questions involving due process, access to the courts, the right to petition government, and my ability to pursue an Article III jury trial concerning matters I have raised for years in related proceedings.

I therefore request oral argument so that these issues may be addressed openly and directly before this Court. The primary relief sought is clarity.

For these reasons, oral argument, a right on appeal, should be granted.

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IV. TABLE OF AUTHORITIES

CASES

Nathan v. Alamo Heights Independent School District, No. 25-50695 (5th Cir. Apr. 21, 2026) (en banc) – history-and-tradition analysis; constitutional questions concerning the Ten Commandments and religion in public life. … Front Cover, 5, 9, 10, 14, (entire document).

Kennedy v. Bremerton School District, 597 U.S. 507 (2022) – history-and-tradition analysis; rejection of Lemon framework. ….. 3, 4, 8, 10, 14

American Legion v. American Humanist Association, 588 U.S. 29 (2019) – constitutionality of longstanding religious displays; historical practices and understandings. ……. 3, 4, 8, 10, 14

Town of Greece v. Galloway, 572 U.S. 565 (2014) – historical practices; acknowledgment versus coercion. …… 3, 4, 8, 10, 14

Van Orden v. Perry, 545 U.S. 677 (2005) – passive Ten Commandments display on government property. …….. 5

RULES AND OTHER AUTHORITIES

Federal Rule of Appellate Procedure 28 – contents of appellant's brief.

Federal Rule of Evidence 201 – judicial notice. ……PS-3. PS-4, PS-5

United States Constitution, First Amendment. …… 7, 14

United States Constitution, Tenth Amendment. …. ROA.25-50991.813

Texas Senate Bill 10 (2025). ……..Entire document

OTHER MATERIALS REFERENCED

Appellant's Proposed Amicus Curiae Brief. … 7, 10, 14, Entire document

V. OPENING STATEMENT

TO THE HONORABLE UNITED STATES COURT OF APPEALS FOR THE FIFTH CIRCUIT JUDGES:

1) This appeal concerns the district court's denial of Appellant's motion for leave to participate as amicus curiae. Appellant submits this brief pro se, under oath and under penalty of perjury, and respectfully requests review of the limited procedural issues presented herein. Appellant believes the constitutional questions addressed in his proposed amicus submission involve matters of substantial public importance and therefore seeks appellate review of Dkt. 50. Prior appeals cases, none of which got to completion involving Judge Garcia, may have invoked the Supreme Judge of the World ("**Supreme Judge**") [7], as an appeal to Heaven concerning matters involving my bankruptcy case litigation history.

2) This GAD arose because I appealed Judge Garcia's "Dkt 50" (see ROA.25-50991.1076-1077.) and "Dkt 68" (see ROA.25-50991.2709-2722.) orders.

3) I'm mainly interested in "Dkt 50" (ROA.25-50991.1076-1077.) and secondarily interested in "Dkt 68" (ROA.25-50991.2709-2722.). I want "Dkt 50" overturned. And clarity. Clarity is the primary goal.

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[7] See July 4, **1776** Declaration of Independence last ¶, and Psalm 7:10-17 NLT. The Supreme Judge, the USA's Isaiah 33:22 king, judge and lawgiver. I allege he IS TANGIBLY revealing Himself in my cases. I also allege that the Founding Fathers formed what appears to be a "hidden Joshua 24:15 style covenant relationship" with the "God of the Founding Documents" and that both of them, and Texas Constitution, are "sacred", not "secular." I was denied "jury trial" by the Title 11 system, what turns out to be a constitutional right, an inalienable right.

A. Appellant's Personal Perspective Of Ten Commandments

4) Appellant's personal Christian view is that all legitimate governmental authority ultimately comes from God. In that sense, the Ten Commandments are symbolic of a larger principle: authority is not self-created or government created but derives from a source higher than self or government itself.

5) Appellant does not contend that the Mosaic Covenant of Exodus 20 and Deuteronomy 5 remain binding upon Christians as written as a list. Appellant believes that Christians live under the New Covenant and views Hebrews 8:13 as teaching that the Old Covenant Mosaic law has become obsolete for those under the new covenant. Nevertheless, Appellant regards the Ten Commandments as historically significant because they were, according to Scripture, written by the hand of God on tablets of stone and profoundly influenced the religious, moral, and legal traditions that shaped early American society and early followers of "the way." Followers of "the way" (Proverbs 4:18) became known as Christians at Antioch as recorded in the book of Acts. To the extent any of the commandments were incorporated into the new covenant, then they exist, and can be summarized simply as two commands: 1) love God, and 2) love others.

6) Further in 1 Corinthians 13 there is a definition of Biblical love. And within the NLT, one of those definitions of love says that love does not rejoice about

injustice (which is what I allege occurred to me in my bankruptcy cases), but rejoices whenever the truth wins out.

7) Appellant further observes that the Declaration of Independence repeatedly acknowledges a source of authority higher than government through its references to Nature's God, Creator, Supreme Judge of the World, and Divine Providence. Appellant believes these references are important because they reflect the Founding generation's understanding that rights are not granted by government but recognized as pre-existing and derived from a higher authority.

8) Appellant similarly observes that the Constitution contains multiple acknowledgments of that same understanding, including the Preamble's reference to securing the Blessings of Liberty, Article VII's dating clause ("Year of our Lord"), and the Constitution's separation of powers, which Appellant views as reflecting the principle expressed in Isaiah 33:22 that the LORD is judge, lawgiver, and king.

9) Accordingly, Appellant rejects the proposition that public acknowledgment of the Ten Commandments or the Ten Commandments posters as written using the language approved in *Van Orden v Perry* for public presentation, necessarily establishes a religion. In Appellant's view, acknowledgment of God is not coercion, history is not establishment, and recognition of the religious influences that shaped the Nation's founding documents is not hostility toward liberty of conscience. The Mayflower Compact was a precursor to US Constitution.

10) Finally, Appellant personally views the Declaration of Independence and Constitution together as reflecting a Joshua 24:15 covenant-like relationship between the American people ("We the People") and the God acknowledged in the Founding Documents as "ordained" in the Preamble. Whether others share that view is immaterial. Appellant offers it only as an explanation of his own personal understanding of American history, the Ten Commandments controversy, and the importance he places upon integrity within the institutions of government.

11) Appellant believes that Rededication 250, another thing that upset those with strong "separation of church and state views" is relevant only for those who profess to be called "Christians." As in "my people called by my name" – 2 Chronicles 7:14.

12) The lastly, for those who are adamant about the phrase "separation of church and state", those words do not appear anywhere in the Declaration, the US Constitution or the Federalist Papers. They appear only in a letter that Thomas Jefferson wrote to the Danbury Baptists. It is my personal view, and the view of Thomas Jefferson, it seems to me, that governments role is to deal with acts (behavior) not matters of conscience. So, it is my personal view that what has happened with Everson v Board of Education (1947) being used to transform religious concepts as falling under the 13th to 15th Amendments, seems twisted. Not part of the original plain reading intent.

B. Relief Requested

13) Overturn Dkt 50 in both Nathan and Cribbs Ringer. (See cover.)

14) Clarify sanctions or no sanctions (since the sanctions prevent me from proceeding to have my constitutionally guaranteed jury trial in still open sealed whistleblower case 5:20-cv-502-xr.)

15) Leave no room for ambiguity as the 5thC's two one word "Affirmed" orders of July 12, 2024 and July 24, 2025 have done as evidenced by the two Dkt 50s in *Nathan* and *Cribbs Ringer*. (ROA.25-50991.783; 1076-1077.)

16) Permit oral argument

17) Allow me to have Amicus status in the three nearly identical Texas Ten Commandments cases (*Nathan, Cribbs Ringer, Ashby*), especially as they proceed to be heard by the Supreme Court. Especially since in *Ashby*, the State of Texas is the "in substance defendant" due to the statewide injunction requested.

VI. JURISDICTIONAL STATEMENT

18) This Court has appellate jurisdiction over the orders appealed herein, including Judge Garcia's Dkt. 50 and Dkt. 68 orders (ROA.25-50991.1076-1077; 2709-2722.) entered in the proceedings below of USDC case 5:25-cv-1181-olg. Appellant timely filed his Notice of Appeal and respectfully invokes this Court's jurisdiction to review those orders.

19) Appellant further contends that the proceedings below raise substantial questions concerning jurisdiction, sanctions, access to the courts, due process, and the right to petition government for redress of grievances. Those issues are discussed throughout this brief and are among the reasons Appellant seeks oral argument and a clear ruling concerning the effect of Dkt. 50 (ROA.25-50991.1076-1077.) and related sanctions orders.

20) The primary jurisdictional question presented by Appellant is whether the orders challenged in this appeal may lawfully restrict his ability to pursue claims, seek redress, request a jury trial, and continue litigating matters arising from his still-pending whistleblower allegations and related proceedings.

.

VII. STATEMENT OF ISSUES PRESENTED FOR REVIEW

21) This appeal principally concerns Judge Garcia's Dkt. 50 and Dkt. 68 orders (ROA.25-50991.1076-1077; 2709-2722.) entered in USDC Case No. 5:25-cv-1181-OLG. Appellant seeks clarity concerning the existence, scope, and effect of sanctions that continue to be cited against him, and whether those orders may lawfully restrict his ability to petition government, pursue legal claims, seek redress of grievances, request a jury trial, and participate in related proceedings.

22) Issue Concerning Dkt 50 (ROA.25-50991.1076-1077.):

> Did the district court err in denying Appellant's motion for leave to file an amicus brief and, in doing so, exceed what was necessary to resolve the motion by making broad findings concerning Appellant personally, including the statement that Appellant's opinions are "of no consequence or significance"? Should Dkt. 50 therefore be vacated, modified, clarified, or otherwise overturned? ……..…..(Page 12)

23) Issue Concerning Amicus Participation and Constitutional Questions (ROA.25-50991.631-772; 773-1006.):

> Where Appellant sought to present arguments concerning the Ten Commandments, the Founding Documents, constitutional history, acknowledgment versus coercion, liberty of conscience, and other matters of public importance, did the district court err or abuse its discretion in refusing to permit amicus participation and declining to consider those proposed arguments? Should the order denying amicus participation therefore be vacated, modified, clarified, or otherwise reconsidered? .....…..(Page 14)

VIII. STATEMENT OF THE CASE

24) ***Statement in one sentence***: This appeal arises from and principally concerns two orders (Dkt 50 and Dkt 68) entered by Judge Orlando L. Garcia in Case No. 5:25-cv-1181-OLG denying Appellant's request to participate as amicus curiae and making findings concerning Appellant and prior sanctions that Appellant contends exceed what was necessary to resolve the motion. "Dkt 50" at ROA.25-50991.1076-1077. And "Dkt. 68" at ROA.25-50991.2709-2722.

25) Appellant is a party in multiple related proceedings arising from a long-running dispute involving his bankruptcy case, subsequent appeals, and allegations concerning the administration of his estate. Throughout those proceedings, Appellant has sought to obtain a jury determination concerning claims he contends have never been fully adjudicated on the merits. Those proceedings and literally tens of thousands of pages of ROA are at https://tinyurl.com/CROA-25-50991.

26) In the underlying Ten Commandments litigation, Appellant sought leave to file an amicus brief addressing constitutional history, the Founding Documents, American history, acknowledgment versus coercion, liberty of conscience, and other matters of public importance. The district court denied that request in Dkt. 50 (ROA.25-50991.1076-1077.). This appeal followed.

IX. SUMMARY OF ARGUMENT

27) This appeal concerns (1) whether the district court exceeded what was necessary to resolve Appellant's motion for leave to participate as amicus curiae, (2) whether findings concerning Appellant and alleged sanctions were properly included in Dkt. 50 (ROA.25-50991.1076-1077.) and related orders, and (3) whether the denial of Amicus participation was an abuse of discretion.

28) First, Appellant seeks clarification concerning the existence, scope, and continuing effect of sanctions that continue to be cited against him (ROA.25-50991.1076-1077; 783; 844-858.). Regardless of whether those sanctions remain operative, Appellant contends that uncertainty concerning their status has impaired his ability to petition government, pursue legal claims, seek redress of grievances, request a jury trial, and participate in related proceedings. Clarification is therefore necessary to resolve the controversy created by the repeated reliance on those sanctions by USDC judges.

29) Second, Appellant contends that Dkt. 50 in *Cribbs Ringer* (ROA.25-50991.1076-1077.), as compared to Dkt 50 in *Nathan* (ROA.25-50991.783.), exceeded what was necessary to resolve the amicus motion by making findings concerning Appellant personally, including the statement that Appellant's opinions are "of no consequence or significance." Appellant disputes any characterization that he engaged in misconduct and respectfully submits that such findings were

unnecessary to the disposition of the motion and should be vacated, modified, clarified, or otherwise reconsidered.

30) Appellant contends that the proposed amicus submission (ROA.25-50991.631-1058.) addressed constitutional history, the Founding Documents, American History, acknowledgment versus coercion, liberty of conscience, and related matters of substantial public importance that were relevant to issues being litigated in *Nathan* and *Cribbs Ringer* and to related constitutional questions that have continued to arise in subsequent Texas Ten Commandments litigation, including *Ashby*.

31) For these reasons, Appellant requests that the challenged orders be reviewed, that any ambiguity concerning sanctions be clarified, and that unnecessary findings concerning Appellant in Dkt. 50 in *Cribbs Ringer* (ROA.25-50991.1076-1077.) and clarification of Dkt 50 concerning the matter in *Nathan* incorporated into SCOTUS 25-6192 (ROA.25-50991.773-858.) be vacated or modified, and that such further relief be granted as justice may require.

.

X. STANDARD OF REVIEW

32) The issues presented in this appeal involve both legal questions and the district court's exercise of discretion. To the extent the appeal concerns legal conclusions regarding the existence, scope, interpretation, or continuing effect of sanctions orders and related proceedings, review is de novo. De novo of at least two ROA's: 25-50991 and 21-50761 (the case I allege that I was kidnapped to close) and all cases emerging from USDC 5:21-cv-1278-jkp (already reviewed by 5thC resulting in two "Affirmed" orders of July 12, 2024 and July 24, 2025, resulting in SCOTUS cases 24-6088 and 25-6192 respectively. A Consolidated Record On Appeal can be found in https://tinyurl.com/CROA-25-50991, a public access directory.

33) The district court's decision denying leave to participate as amicus curiae is reviewed for abuse of discretion. However, a court necessarily abuses its discretion when it relies upon an erroneous view of the law, applies an incorrect legal standard, or makes findings that exceed what is necessary to resolve the matter before it.

34) Because Appellant contends that Dkt. 50 relied upon legal conclusions concerning alleged sanctions and included findings unnecessary to the resolution of the amicus motion, this appeal presents both legal questions subject to de novo review, and discretionary determinations subject to abuse-of-discretion review.

XI. ARGUMENT AND AUTHORITIES

35) The district court was presented with a narrow procedural question: whether Appellant should be permitted to participate as amicus curiae. Resolution of that question did not require the court to make additional findings concerning Appellant's unrelated litigation history, the existence or continuing effect of alleged sanctions, or disputed matters pending in other proceedings.

36) By relying upon legal conclusions concerning alleged sanctions and by including findings unnecessary to the resolution of the amicus motion, Dkt. 50 went beyond the limited issue before the court. To the extent those conclusions affected the denial of amicus participation, they present legal questions subject to de novo review and discretionary determinations subject to abuse-of-discretion review.

37) The central issue in this appeal is therefore not whether every dispute involving Appellant's prior litigation can be resolved in this proceeding. The issue is whether the district court properly denied the amicus motion and whether Dkt. 50 contained findings and legal conclusions unnecessary to that determination.

A. Dkt. 50 (ROA.25-50991.1076-1077.) Exceeded What Was Necessary To Resolve The Amicus Motion

38) The question presented is:

> Did the district court err in denying Appellant's motion for leave to file an amicus brief and, in doing so, exceed what was necessary to resolve the motion by making broad findings concerning Appellant personally, including the statement that Appellant's opinions are "of no consequence or

significance"? Should Dkt. 50 therefore be vacated, modified, clarified, or otherwise overturned?

39) **Argument:** The district court was asked to resolve a narrow procedural question: whether Appellant should be permitted to participate as amicus curiae. Resolution of that question required the court to determine whether the proposed submission might assist the court in its consideration of the constitutional issues presented. It did not require adjudication of unrelated disputes, findings concerning Appellant's broader litigation history or conclusions regarding the existence or continuing effect of matters arising in other proceedings.

40) Dkt. 50 (ROA.25-50991.1076-1077.) nevertheless extended beyond the limited question presented. Rather than confining its analysis to whether amicus participation would assist the court, the order included findings and legal conclusions concerning Appellant personally, including statements that his opinions were of "no consequence or significance" and alleged misconduct arising outside the scope of the motion. Because those findings were unnecessary to resolution of the amicus request, Appellant respectfully submits that Dkt 50 should be vacated, modified, clarified or otherwise corrected to the extent it contains findings and conclusions not required to adjudicate the motion before the court.

B. Issue Two: Whether Appellant Should Have Been Permitted To Participate As Amicus Curiae

41) The question presented is:

> Where Appellant sought to present arguments concerning the Ten Commandments, the Founding Documents, constitutional history, acknowledgment versus coercion, liberty of conscience, and other matters of public importance, did the district court err or abuse its discretion in refusing to permit amicus participation and declining to consider those proposed arguments? Should the order denying amicus participation therefore be vacated, modified, clarified, or otherwise reconsidered?

42) **Argument:** Amicus participation exists to assist courts by presenting authorities, historical materials, perspectives, or arguments that may not otherwise be fully developed by the parties. Appellant's proposed submission (ROA.25-50991.631-772.) and exhibits addressed questions concerning the Ten Commandments, the Founding Documents, constitutional history, US history, acknowledgment versus coercion, liberty of conscience, and related issues bearing directly upon the constitutional questions presented in this litigation.

43) Those subjects were not collateral to the controversy. They concerned the proper application of history-and-tradition analysis, the distinction between acknowledgment and coercion, and the historical role of religion in American public life—questions that have been actively litigated throughout the federal courts and that were subsequently addressed by the Fifth Circuit sitting en banc in Nathan v. Alamo Heights Independent School District. The subsequent en banc proceedings and decision in Nathan demonstrate that the constitutional questions addressed in

Appellant's proposed submission were neither frivolous nor collateral, but instead involved matters of substantial public importance. Whether the district court ultimately agreed with Appellant's views is separate from whether those views could have assisted the court's consideration of the issues before it.

44) Because the proposed amicus submission addressed constitutional questions of public importance rather than the private interests of any party, Appellant respectfully submits that the district court abused its discretion in denying participation based upon considerations unrelated to the substance of the proposed filing. The order should therefore be vacated, modified, clarified, reconsidered, or remanded for further proceedings.

XII. CONCLUSION

45) This appeal presents a limited procedural question arising from the district court's denial of Appellant's motion for leave to participate as amicus curiae. Appellant respectfully submits that Dkt. 50 (ROA.25-50991.1076-1077.) exceeded what was necessary to resolve that motion and that the proposed amicus submission addressed constitutional questions of substantial public importance that could have assisted the court's consideration of the issues presented.

46) For those reasons, Appellant respectfully requests that the order be vacated, modified, clarified, reconsidered, or remanded for further proceedings consistent with the arguments set forth above.

XIII. PRAYER FOR RELIEF

47) Appellant respectfully requests that this Court::

a) Vacate, reverse, modify, clarify, or otherwise set aside those portions of Dkt. 50 that exceeded what was necessary to resolve the amicus motion;
b) Hold that the district court abused its discretion in denying Appellant's request to participate as amicus curiae;
c) Remand for further proceedings consistent with this Court's opinion;
d) Grant oral argument;
e) Award such other and further relief as may be just and proper.

# # #

Dated: ~~June 2,~~ July 4, 2026[8].

Respectfully submitted,
CARL NATHANIEL MERKLE, CPA (retired), In Pro Se
4446 Bayliss St., San Antonio, TX 78233
Telephone: (210)-596-4088, Email: carlmerkle@icloud.com (phone)
or drake.slayer.2020@gmail.com (laptop)

By: */s/ Carl Nathaniel Merkle*
CARL NATHANIEL MERKLE, In Pro Se

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[8] The 250th Anniversary of the USA. During the nation's 250th year in which I believe the "God of the Founding Documents" is tangibly revealed. With signs documented in a consolidated Record on Appeal (ROA) made public at https://tinyurl.com/CROA-25-50991, of over 25,000 pages. That ROA is planned to be organized for public use at my public facing website: https://kidnappedbook.com. As of this date of writing, a free excerpt of my memoir, mentioning in Chapter 5 this *Cribbs Ringer* case, is available at either Amazon or the memoir website (https://kidnappedbook.com/the-memoir/). My memoir is titled: "KIDNAPPED: A Memoir of Faith and Injustice. (Alleged Corruption in the U.S. Judicial System)." It is a 131-page consumer-oriented update of the 518-page book mentioned in footnote 3, prepared specifically for the "court of public opinion." My memoir explains why I believe the same God, YHWH, who, according to scripture, wrote the Ten Commandments with His finger on tablets of stone, is now tangibly revealed, as the USA's "hidden" Isaiah 33:22 king, judge and lawgiver. His is a "kingdom of above", not below, for all who seek him, and believe in Him, doing His will, as lead by scripture and the Holy Spirit of God – the Ruach Hakodesh. See 1 John 2:27 NLT. No organized religion is necessary for a personal relationship with Him. An Amendment 1 protected religion.

I. NOTARY PUBLIC AFFIDAVIT 2 OF 2

State of TEXAS
County of BEXAR

BEFORE ME, the undersigned authority, personally appeared Carl Nathaniel Merkle, who, being by me duly sworn, deposed and says "The testimony I gave to The United States Court of Appeals in the Fifth Circuit and to any other relevant parties, in the above document and any attached exhibits is true and correct and can be used as evidence in a Court of Law. Within the space allotted, I promised to tell the truth, the whole truth and nothing but the truth, so help me God, the God of Abraham, Isaac and Jacob, under penalty of perjury."

Carl Nathaniel Merkle

Subscribed and sworn (or affirmed) before me this 4th day of July 2026.

By Zaida Lozano

ZAIDA LOZANO
My Notary ID # 131140344
Expires May 22, 2029

II. CERTIFICATE OF SERVICE

I hereby certify that on this 4th day of July 2026, I electronically filed the foregoing with the Clerk of Court for the U.S. Court of Appeals for the Fifth Circuit by sending a pro se email. All counsel of record are registered CM/ECF users and will be served by the appellate CM/ECF system. I will also send an email within a day or two or copy on my filing email.

/s/ Carl Nathaniel Merkle
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III. CERTIFICATE OF COMPLIANCE

1. This brief complies with the type-volume limitation of Federal Rule of Appellate Procedure 32(a)(7)(B). At 3,074 words, it is within the 13,000-word limit for a principal brief as determined by the word-count function of Microsoft Word, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f) and Fifth Circuit Rule 32.2. The principal brief is within page length as 23-50692 accepted Appellant's Brief. And this Brief complies with the court clerk letter of June 19, 2026 at Dkt 17-2 in this *Cribbs Ringer* 25-50991 case. But, to present the history shown in sealed "Dkt 17-1" a Motion has been prepared along with an affidavit.

2. This brief complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because while it has been prepared mostly in a proportionally spaced typeface using Microsoft Word in 14-point Times New Roman font, there are portions with 12 and 10 point font.

Dated: July 4, 2026

/s/ Carl Nathaniel Merkle

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Case No. 25-50991

IN THE UNITED STATES COURT OF APPEALS
FOR THE FIFTH CIRCUIT

In the Matter of: Cribbs Ringer v. Merkle

EXHIBITS TO APPELLANT'S BRIEF.

(Physically Attached In Separate Exhibits File)

Public Access Copy Can Be Found at:
https://tinyurl.com/23-50692RecordExcerpts

Exhibit # – Description

Exhibit 1 – July 4, 1776 Declaration of Independence (ROA.21-50761.87-92.)

Exhibit 2 – US Constitution (ROA.21-50761.67-86.)

Exhibit 3 - Texas Constitution (ROA.22-50216.1809-1818.)