CONSOLIDATED CASE No. 21-7000 ; MCP No. 165

IN THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT

IN RE: OSHA RULE ON COVID-19
VACCINATION AND
TESTING, 86 FED. REG. 61402

On Petitions for Review

MOTION TO INTERVENE

Proposed Intervenors Jose A and Nancy C PEREZ respectfully move, under Rule 24(a) of the Federal Rules of Civil Procedure, to intervene as of right as Petitioners in this action, or, in the alternative, for permissive intervention as Petitioners under Rule 24(b) of the Federal Rules of Civil Procedure.

INTRODUCTION

On November 23rd, 2021 the Respondents submitted a "Motion to Dissolve the Fifth Circuit stay"[1] – in their "Statement of Facts" [2] , in support thereof , the Respondents Claim that : (a) the novel COVID-19 virus is "highly transmissible"

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[1] EC/CMF 65-2
[2] Ibid pp 6-8

and deadly ; (b) That the same has killed more than 750,000 people in this country ; (c) that the virus has caused, serious long lasting and potentially permanent health effects for many more ; (d) that significant exposure and transmission , including numerous workplace clusters are occurring in workplaces throughout the nation and (e) employers may offer employees the choice to have regular COVID-19 testing.

The Perez' respectfully move the Court to take Judicial Notice of the pleadings and motions which the Perez' have filed in the Case styled : Perez v Becerra , 1:21-cv-02039-TNM which is pending adjudication in the District of Columbia District Court . The Perez' have adopted and incorporated into their complaint scientific and medical documents which show that the Respondents' claims , as stated in their "statement of facts" , are totally without a scientific or medical basis – they are wholly without a factual foundation.

The Perez' will show hereinbelow that the Respondents merely adopted Pfizer's marketing propaganda – in essence they are acting as a wholly owned subsidiary of BigPharma , instead of government agencies which are supposed to protect the Perez', health and welfare . They are protecting , inter alia, BigPharma's quest to earn gazillions of dollars instead.

Specifically, the Perez' will show that Pfizer had no authority to approve the Pfizer experimental gene therapy concoction, consequently OSHA had no

authority to compel its use. The Perez' will also show that HHS is manipulating the present RT-PCR tests in order to vastly exaggerate deaths and cases .

In a recent judicial case , a Lisbon , Portugal court, ruled that the government could only verify 152 deaths , not the over 17,000 their CDC was claiming[3].

ARGUMENT

I

THE PEREZ' ARE ENTITLED TO INTERVENE AS OF RIGHT

None of the factual issues identified by the Perez' hereinbefore is being questioned by present counsel.

Relying upon the Law Review "Science, Public Health Policy, and The Law" , the Perez' allege that since March 24th, 2020 the Defendants have failed or refused to publish data which meets the highest standards for accuracy, quality, objectivity , utility and integrity[4]. The Perez' also alleged that the Defendants have intentionally , recklessly and willfully abandoned their statutory missions. and have consequently caused deaths, injuries and economic disruptions :

(a)

PFIZER LOST THE CLINICAL TRIAL CONTROL GROUP THEREFORE THE FDA HAD NO AUTHORITY TO RECOGNIZE THE PFIZER CONCOCTION AND

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[3] https://americasfrontlinedoctors.org/frontlinenews/lisbon-court-rules-only-0-9-of-verified-cases-died-of-covid-numbering-152-not-17000-claimed/

[4] https://cf5e727d-d02d-4d71-89ff-9fe2d3ad957f.filesusr.com/ugd/adf864_411c766e79174b17b8911fcae08722b1.pdf

OSHA HAS NO AUTHORITY TO COMPEL ITS ADMINISTRATION

1- On August 23rd , 2021 the FDA approved the use of the Pfizer-BioNTech coronavirus injections[5]. But , The National Public Radio (NPR) reported on February 21st, 2021 that **Pfizer lost the Clinical Trial Control Group Testing Vaccine efficacy and safety** [6]:

2- On the November 2nd 2021 Edition , the British Medical Journal (BMJ) **confirmed** that Pfizer lost the Clinical Trial Control Group and falsified data[7]. According to the BMJ , a Pfizer whistleblower – Ms. Brook Jackson - reported that Pfizer " falsified data, unblinded patients, employed inadequately trained vaccinators, and was slow to follow up on adverse events reported in Pfizer's pivotal phase III trial."[8] . A copy of the report was given to the FDA reason Ms Brook was terminated from her employment[9].

3- Top FDA investigators Phillip R Krause, MD and Marion F Gruber, PhD objected to the dissolving the placebo control group[10] and

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[5] https://www.fda.gov/news-events/press-announcements/fda-approves-first-covid-19-vaccine
[6] https://www.npr.org/sections/health-shots/2021/02/19/969143015/long-term-studies-of-covid-19-vaccines-hurt-by-placebo-recipients-getting-immuni
[7] https://www.bmj.com/content/375/bmj.n2635
[8] Ibid
[9] Ibid
[10] TOP FDA INVESTIGATORS 5.pdf

subsequently resigned from the FDA because the agency has been so heavily politicized [11].

4- According to the National Institute of Health without a control group the clinical trial is useless . It emphasizes that the "gold standard" for testing interventions in people is the "randomized, placebo-controlled" clinical trials[12]. So **purposefully dissolving the placebo group violates the scientific purpose to test[13].**

5- According to the HHS the Pfizer injection is 95% effective[14]. The defendants allegation lack candor because **in order to calculate the effectiveness of a medication or vaccine a CONTROL GROUP IS NECESSARY[15] .**

6- The Food and Drug Administration (FDA) has no authority to approve the Pfizer "vaccine" without a clinical trial. Congress enacted the Food and Drug Administration Amendments Act of 2007 in order to 'help patients, providers, and researchers learn new information and make

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11 https://www.biocentury.com/article/639085?editionId=ckt0uuvrsk6q60d75t6fhzok0&editionType=daily

12 https://www.nia.nih.gov/health/placebos-clinical-trials

13 Ibid

14 Effectiveness of Pfizer-BioNTech and Moderna Vaccines Against COVID-19 Among Hospitalized Adults Aged ≥65 Years — United States, January–March 2021 | MMWR (cdc.gov)

15 Relative risk, relative and absolute risk reduction, number needed to treat and confidence intervals - Smart Health Choices - NCBI Bookshelf (nih.gov)

more informed healthcare decisions' by 'increasing the availability of information to the public' and 'communicating the risks and benefits of drugs[16]. "Congress plainly intended to enable the public to discern whether the results of clinical trials were reported completely and accurately.[17]

7- Since the FDA had no authority to recognize Pfizer's concoction, its sister agency , OSHA , has no authority to compel employers or employees to be injected with the same[18].

8- The FDA grossly abdicated its responsibilities because it knew , or should have known, that The Department of Justice disclosed that American pharmaceutical giant **Pfizer Inc.** and its subsidiary Pharmacia & Upjohn Company Inc. (hereinafter together "Pfizer") **agreed to pay $2.3 billion, the largest health care fraud settlement in the history of the Department of Justice**, to resolve criminal and civil liability arising from the illegal promotion of certain pharmaceutical products [19].

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[16] Seife v. U.S. Dep't of Health & Human Servs., 440 F.Supp.3d 254 (S.D. N.Y. 2020) citing 42 USC 282 and 21 USC 355(b)(1)(A)
[17] Ibid
[18] 21 USC §, 360bb-3(e)(1)(A)(ii)(III)
[19] https://www.justice.gov/opa/pr/justice-department-announces-largest-health-care-fraud-settlement-its-history

9- But It appears that when a company has earned $24.1 billions[20] thus far paying a $2.3 billions fine is not a deterrent from engaging in fraud.

(b)

SECONDLY , OSHA CAN NOT FOLLOW THE FDA'S RECOMMENDATION BECAUSE THE FDA HAS FAILED OR REFUSED TO FOLLOW ITS OWN RULES

(1)

THE PFIZER CONCOCTION IS NOT A VACCINE AS DEFINED BY CONGRESS AND THE SCIENTIFIC-MEDICAL COMMUNITY

The medical and scientific community , define a vaccine as the injection of a killed microbe in order to stimulate the immune system to **protect against the microbe, thereby preventing disease**[21] [22].

Congress has adopted the same definition [23]. In rejecting an application to treat "HIV Related Peptides" as a vaccine pursuant to 35 USC sections 101 & 112, the United States Patent and Trademark Office (USPTO) examiner stated:

> "These arguments are persuasive to the extent that an antigenic peptide stimulates an immune response that may produce antibodies that bind to a

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[20] https://investors.pfizer.com/investor-news/press-release-details/2021/PFIZER-REPORTS-THIRD-QUARTER-2021-RESULTS/default.aspx

[21] https://www.medicinenet.com/vaccination/definition.htm

[22] https://medical-dictionary.thefreedictionary.com/vaccine

[23] https://patentcenter.uspto.gov/#!/applications/09869003/ifw/docs
United States Patent Office, Application 09/869,003 Final Rejection 07/15/2004 pp 4-6
Citing Illustrated Dictionary of Immunology and Fundamental Immunology by William E Paul

specific peptide or protein but is not persuasive in regards to a vaccine . **The immune response produced by a vaccine must be more than merely some immune response but must be protective** . (emphasis added) As noted in the previous Office Action , the art recognizes the term "vaccine" to be a compound which prevents infection . Applicant has not demonstrated that the instantly claimed vaccine meets even the lower standard set forth in the specification , let alone the standard art definition, for being operative in this regards. Therefore, claims 5, 7, and 9 are not operative as an anti-HIV-1 vaccine and therefore lack patentable utility"[24]

Amazingly , the CDC admits that the Pfizer concoction provides no protection: CDC director Rochelle Walensky. Speaking of the vaccines in her CNN interview on August 5 with Wolf Blitzer, Walensky said: **"What they can't do anymore is to prevent transmission."**[25]

Congress has never amended 35 USC 101, et seq , to consider gene therapy injections as vaccines nor has congress included "the capacity to produce an S1 spike protein endogenously by the introduction of a synthetic mRNA

[24] Ibid

[25] https://www.cnn.com/2021/08/05/health/us-coronavirus-thursday/index.html

sequence" [26] as a vaccine. The FDA has failed or refused to provide the scientific explanation for considering them as vaccines.

Amazingly and surreptiously , the Defendants have changed the definition of a vaccine in order to help Pfizer and the vaccinators [27] . The change had no congressional approval.

(2)

THE FDA HAS FAILED OR REFUSED TO ABIDE BY ITS OWN SCIENTIFIC/MEDICAL PRINCIPLES BY REFUSING TO DEMAND SEROLOGIC TESTS PRIOR TO VACCINATION

According to the FDA and other scientists " Serological tests play a critical role in the fight against COVID-19 by helping healthcare professionals identify individuals who have overcome an infection in the past and have developed an immune response.

This helps determine, together with other clinical data, that such individuals are no longer susceptible to infection and can return to work.[28] [29] NIAID Director Anthony Fauci held the same opinion[30] - unfortunately the

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[26] https://theconversation.com/how-mrna-vaccines-from-pfizer-and-moderna-work-why-theyre-a-breakthrough-and-why-they-need-to-be-kept-so-cold-150238

[27] (READ) CDC changes definition of "vaccines" to fit Covid-19 vaccine limitations | Sharyl Attkisson

[28] Coronavirus (COVID-19) Update: Serological Tests | FDA

[29] Next coronavirus test can tell if you are now immune — and it's fast - News - Journal Star - Peoria, IL (pjstar.com)

[30] Email from Anthony Fauci to Ezekiel J Immanuel dated Wed, 4 Mar 2020 https://s3.documentcloud.org/documents/20793561/leopold-nih-foia-anthony-fauci-emails.pdf @ page 22

same changed once President Trump and Congressional Republicans adopted the same opinion[31].

But according to the FDA the serologic test must be conducted prior to receiving the covid19 vaccination : "While a positive antibody test result can be used to help identify people who may have had a prior SARS-CoV-2 infection, more research is needed in people who have received a COVID-19 vaccination. Currently authorized SARS-CoV-2 antibody tests have not been evaluated to assess the level of protection provided by an immune response to COVID-19 vaccination."[32]

But the FDA and HHS have refused to intervene on behalf of The Perez' and equally situated individuals , to demand serologic tests be conducted prior to vaccination,

(3)

THE FDA NOR OSHA CAN COMPEL VACCINATIONS WITHOUT A VOLUNTARY CONTROL GROUP

The Medical Case, U.S.A. vs. Karl Brandt[33], et al. (also known as the Doctors' Trial), was prosecuted in 1946-47 against twenty-three doctors and administrators

[31] https://www.ronjohnson.senate.gov/2021/9/sen-johnson-it-is-shocking-that-fauci-does-not-have-a-firm-grasp-on-the-effectiveness-of-natural-immunity
[32] https://www.fda.gov/medical-devices/safety-communications/antibody-testing-not-currently-recommended-assess-immunity-after-covid-19-vaccination-fda-safety
[33] https://www.archives.gov/files/research/captured-german-records/microfilm/m887.pdf

accused of organizing and participating in war crimes and crimes against humanity in the form of medical experiments and medical procedures [34].

The USA v Brandt , et al case law was responsible for the creation of the Nuremberg Code[35]. The Nuremberg code ABSOLUTELY requires that individuals who participate in clinical trials be fully informed volunteers[36].

The Nuremberg Code was subsequently codified by congress, on July 12, 1974, Congress enacted the National Research Act (Pub. L. 93-348). It was signed into law, there-by creating the National Commission for the Protection of Human Subjects of Biomedical and Behavioral Research.[37] One of the charges to the Commission was to identify the basic ethical principles that should underlie the conduct of biomedical and behavioral research involving human subjects and to develop guidelines which should be followed to assure that such research is conducted in accordance with those principles[38].

In carrying out the above, the Commission was directed to consider[39]: **(i)** the boundaries between biomedical and behavioral research and the accepted and routine practice of medicine, **(ii)** the role of assessment of risk-benefit criteria in

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[34] https://nuremberg.law.harvard.edu/nmt_1_intro
[35] https://en.wikipedia.org/wiki/Nuremberg_Code
[36] https://www.nejm.org/doi/full/10.1056/nejm199711133372006
[37] https://www.congress.gov/bill/93rd-congress/house-bill/7724

[38] Ibid
[39] Ibid

the determination of the appropriateness of research involving human subjects, **(iii)** appropriate guidelines for the selection of human subjects for participation in such research and **(iv)** the nature and definition of informed consent in various research settings.

Congress conferred upon Secretary Becerra and the Department of Health and Human Services , the responsibility to enforce the legislation[40]. They have grossly ignored their responsibility because once Pfizer lost the all volunteer fully informed control group all Americans . including the Perez', were forced to become part of the experimental vaccine control group against their will.

II

IN ORDER TO CONCEAL ITS CRIMINALITY AND/OR MISMANAGMENT THE FDA IS TRYING TO STONEWALL AN FOIA REQUEST FOR 80 YEARS

The Perez' respectfully move the court to take judicial notice of the court case styled "Public Health & Medical Professionals for Transparency v Food and Drug Administration" , 4:21-cv-01058-P , Northern District of Texas , CM/ECF Document 18, page 5, wherein the FDA is attempting to stonewall a simple FOIA request for 80 years . By then all the bureaucrats responsible for the gargantuan mismanagement will be dead

[40] https://www.hhs.gov/ohrp/sites/default/files/the-belmont-report-508c_FINAL.pdf

(III)

HHS CAN NOT SCIENTIFICALLY TELL HOW MANY INDIVIDUALS HAVE DIED OF COVID NOR HOW MANY CASES EXIST

Health and Human Services – the CDC , FDA - nor any other scientist has been able to isolate and purify the pathogen – i.e. , the infectious agent – which causes the condition known as COVID-19.

The Respondents have not developed a test which can identify the pathogen which causes covid19 –

But assuming , arguendo , that they have developed such a test , no scientist has peer reviewed the same nor replicated its results .

According to US Patent Expert Doctor David E Martin[41] the CDC illegally [42] patented the detection of SARS CoV using a number of methods including reverse transcription polymerase chain reaction (RT-PCR). With this patent, they precluded anyone outside of their licensed or conspiring interest from legally engaging in independent verification of their claim that they had isolated a virus, that it was a causative agent for SARS, or that any therapy could be effective against the reported pathogen.

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[41] https://www.corona-ausschuss.de/wp-content/uploads/2021/07/FauciDossierWordFileText.pdf @ page 6

[42] Citing Association for Molecular Pathology v. Myriad Genetics, Inc., 569 U.S. 576 (2013)

Former Pfizer Vice President and Chief Scientist, Doctor Michael Yeadon , states that the PCR tests are useless for testing viral illnesses and that its use therein is fraudulent [43].

The scientific community requires [44], that in order for a test to be reliable scientists must know that the correct pathogen has been isolated and purified [45] [46] ., there is no evidence that the RT-PCR Test was calibrated to the SARS-CoV2[47] and there definitely no evidence that double blind clinical trials have been conducted [48]

HHS recently admitted that the RT-PCR tests as used were useless because it **has quietly abandoned the use of RT-PCR tests**[49] but it has failed or refused to

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[43] https://www.bitchute.com/video/9Ci2jK1yFoOd
[44] https://bpa-pathology.com/covid19-pcr-tests-are-scientifically-meaningless/
[45] https://www.aafp.org/family-physician/patient-care/current-hot-topics/recent-outbreaks/covid-19/covid-19-clinical-resources/testing-guide.html
[46] https://www.youtube.com/watch?v=EWNkJUDctdk @5:50
[47] Ibid @ 6:09
[48] Ibid @ 7:16
[49] https://www.cdc.gov/csels/dls/locs/2021/07-21-2021-lab-alert-Changes_CDC_RT-PCR_SARS-CoV-2_Testing_1.html

Level: Laboratory Alert

After December 31, 2021, CDC will withdraw the request to the U.S. Food and Drug Administration (FDA) for Emergency Use Authorization (EUA) of the CDC 2019-Novel Coronavirus (2019-nCoV) Real-Time RT-PCR Diagnostic Panel, the assay first introduced in February 2020 for detection of SARS-CoV-2 only. CDC is providing this advance notice for clinical laboratories to have adequate time to select and implement one of the many FDA-authorized alternatives.

retract the claim which alleges that SARS-CoV2 has caused 750,000 deaths or 33 and 659, 975 cases .

According to Montana medical doctor Ann M. Bukacek , MD [50] the CDC encourages Medical providers to manipulate and use erroneous data when filling out death certificates[51].

Doctor Bukacek's allegations are confirmed by Steven Schwartz, PhD, the Director of the Division of Vital Statistics who has directed Medical providers to: **"COVID-19 should be reported on the death certificates for all decedents where the disease caused or is assumed to have caused or contributed to death.** Certifiers should include as much detail as possible based on their knowledge of the case, medical records, laboratory testing, etc. If the decedent had other chronic conditions such as COPD or asthma that may have also contributed, these conditions can be reported in Part II. (See attached Guidance for Certifying COVID-19 Deaths) [52]

But Scott Jensen, MD states that Medicare pays a Hospital substantially more if they diagnosed a patient as having covid19 – up to $39,000 per patient instead of

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50 https://www.acponline.org/system/files/documents/about_acp/chapters/mt/2019_laureate_award_brochure-dr._bukacek_-_final.pdf

51 https://www.youtube.com/watch?v=LzoOZC9WT1E

52 https://www.cdc.gov/nchs/data/nvss/coronavirus/Alert-2-New-ICD-code-introduced-for-COVID-19-deaths.pdf

the typical $5000.00 fee[53]. That makes the diagnosis unreliable and the health care providers and hospitals are now conflicted by economic interest.

IV

THE MOTION TO INTERVENE IS PROPERLY BEFORE THE COURT

Although the Federal Rules of Appellate Procedure do not expressly address intervention in a pending appeal, this Court has the authority to grant such intervention[54].

Under Federal Rule of Civil Procedure 24(a), a court must permit anyone to intervene when , as here, (1) makes a timely motion to intervene, (2) has "an interest in the subject matter (3) is so situated that "denial of the motion to intervene would impair or impede [his] ability to protect [that] interest," and (4) shows that his "interest is not adequately represented by existing parties[55].

Timeliness is a 'cardinal consideration . [56] Proposed Intervenors must satisfy five requirements for intervention as of right.

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[53] Fact check: Medicare pays hospitals more money for COVID-19 patients (usatoday.com)

[54] Please See Ne. Ohio Coal. for Homeless & Serv. Emps. Int'l Union, Local 1199 v. Blackwell, 467 F.3d 999, 1006 (6th Cir. 2006); see also Drywall Tapers & Pointers of Greater N.Y. v. Nastasi & Assocs., 488 F.3d 88, 94 (2d Cir. 2007); Alstom Caribe, Inc. v. George P. Reintjes Co., 484 F.3d 106, 111 (1st Cir. 2007) ; Bates v. Jones, 127 F.3d 870, 873 (9th Cir. 1997); United States v. Bursey, 515 F.2d 1228, 1238 n.24 (5th Cir. 1975); Atkins v. State Bd. of Educ., 418 F.2d 874, 876 (4th Cir. 1969) (per curiam); Hurd v. Ill. Bell Tel. Co., 234 F.2d 942, 944 (7th Cir. 1956).

[55] Northeast Ohio Coalition for Homeless v. Blackwell, 467 F.3d 999, 1006-1007 (6th Cir. 2006

[56] Ibid

In determining the timeliness of an application for intervention of right, the Sixth Circuit considers five factors[57]:

> 1) the point to which the suit has progressed; 2) the purpose for which intervention is sought; 3) the length of time preceding the application during which the proposed intervenors knew or should have known of their interest in the case; 4) the prejudice to the original parties due to the proposed intervenors' failure to promptly intervene after they knew or reasonably should have known of their interest in the case; and 5) the existence of unusual circumstances militating against or in favor of intervention.

The issues identified hereinabove represent "significantly protectable" interests [58] within the meaning of 5 USC 702, et seq. The Supreme Court has emphasized that the requirement of impairment of a legally protected interest is a minimal one: the requirement is met if the applicant shows, as here, "that representation of his interest `may be' inadequate.'[59]

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[57] Jansen v. City of Cincinnati, 904 F.2d 336, 340 (6th Cir.1990)...

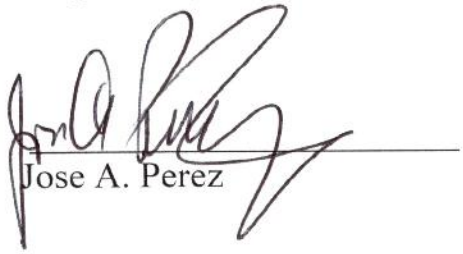
[58] Comm. on the Judiciary of the U.S. House of Representatives v. McGahn, 968 F.3d 755, 766 (D.C. Cir. 2020) (en banc) citing "FEC v. Akins , 524 U.S. 11, 118 S.Ct. 1777, 141 L.Ed.2d 10 (1998) - Scanwell Laboratories, Inc. v. Shaffer, 424 F.2d 859 (D.C. Cir. 1970) citing "5 U.S.C. § 702 (1976) and 3 K. Davis, Administrative Law Treatise 217 (1958).

[59] Northeast Ohio Coalition for the Homeless v Blackwell , 467 F.3d 999 (6th Cir. 2006) citing *Trbovich v. United Mine Workers of Am.*, 404 US 528 , 538 n 10 (1972)

The Perez' pleading shows that they have standing within the meaning 5 USC 702, et seq [60], 21 USC 355 , et seq , the Paperwork Reduction Act (PRA), the Information Quality Act (IQA) , as well as pursuant to the American With Disabilities Act[61] – 29 USC 794a , 42 USC 12188(a)(1) and 28 CFR 36.501 the Fifth Amendment[62] (Right to Life Clause[63]) and therefore they can also proceed pursuant to the Tenth Amendment [64] .

Wherefore the Perez' respectfully moved the Court to allow them to intervene , or in the alternative , to stay the appeal , until the District of Columbia District Court disposes of the referenced issues.

Respectfully Submitted ,



Jose A. Perez

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[60] Indian River Cnty. v. U.S. Dep't of Transp., 945 F.3d 515 (D.C. Cir. 2019) citing "Lexmark International, Inc. v. Static Control Components, Inc ., 572 U.S. 118, 129, 134 S.Ct. 1377, 188 L.Ed.2d 392 (2014); "The APA provides a cause of action to any 'person ... adversely affected or aggrieved by agency action citing 5 U.S.C. § 702." Gov't of Man. v. Bernhardt, 923 F.3d 173 , 181 (D.C. Cir. 2019);

[61] Attachment 1, CM/ECF Document 24 pp 4-5

[62] Agudas Chasidei Chabad of U.S. v. Russian Fed., 528 F.3d 934 , 940 (D.C. Cir. 2008) citing "Bell v. Hood, 327 U.S. 678, 682-83, 66 S.Ct. 773, 90 L.Ed. 939 (1946)

[63] The Perez have a right to life and to defend the same , Rowe v. United States, 164 U.S. 546, 558 (1896) , West Virginia State Board of Education v. Barnette, 319 U.S. 624, 638 (1943)

[64] United States v. Johnson, 932 F.3d 965 (6th Cir. 2019) , Collins v. Mnuchin , 938 F.3d 553, 587 (5th Cir. 2019) (en banc) citing Bond v. United States, 564 U.S. 211, 225, 131 S.Ct. 2355, 180 L.Ed.2d 269 (2011) ("A plaintiff with Article III standing can maintain a direct claim against government action that violates the separation of powers. ... If the constitutional structure of our Government that protects individual liberty is compromised, individuals who suffer otherwise justiciable injury may object."

The Perez' pleading shows that they have standing within the meaning 5 USC 702, et seq [60], 21 USC 355 , et seq , the Paperwork Reduction Act (PRA), the Information Quality Act (IQA) , as well as pursuant to the American With Disabilities Act[61] – 29 USC 794a , 42 USC 12188(a)(1) and 28 CFR 36.501 the Fifth Amendment[62] (Right to Life Clause[63]) and therefore they can also proceed pursuant to the Tenth Amendment [64] .

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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing " The Perez' Motion to Intervene" was served by **emailing** a copy thereof on this 25th Day of November 2021 to the following counsel :

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