

## Court Signals Bias in Sibley Lawsuit

By Bill Walker

In what can only be described as opposing obvious court bias, attorney Montgomery Sibley this week filed [a motion](#) in federal district court in the Article V Convention case Sibley v McConnell requesting the court withdraw deadlines for filing responses to government filings. In his pro-se lawsuit Sibley seeks to cause Congress to call an Article V Convention.

Under the terms of Article V of the Constitution, Congress must call a convention if two thirds of the state legislatures apply for a call; thus Congress must call if 34 states submit 34 applications. The current [public record](#) shows 49 states have submitted a total of 766 applications.

Sibley's *sua sponte* motion was in response to the fact the District Court has twice within the last week set deadlines for responses from the Maryland attorney to government filings in the lawsuit which Sibley was not informed of by the court until the deadline for filing a response had passed. As Sibley informed the court in his motion, he does not use court electronic filing (known as the [CM/ECF or PACER](#) system) but instead files responses by use of printed paper and mail, a process still legally accepted by the court. Local [court rules](#) state Sibley must be served by paper and mail which requires several days to accomplish.

In a recent interview, Sibley stated, "I won't miss any deadlines as I am paying attention to them. I have already drafted my response to the opposition's motion to remand and am waiting for the McConnell attorney to file his on July 2."

The lawsuit, originally filed in May of this year in Federal Superior Court in Washington DC was later remanded by request of the defendants Senate Majority Leader Mitch McConnell and Speaker of the House of Representatives John Boehner to U.S. District Court for the District of Columbia. [As reported earlier](#), the current dispute in the lawsuit is not over the actual issue of causing a convention call but now centered on which court, the district court or superior court will actually hear the case. A decision on this aspect of the case is expected in mid-July.