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Appeals court to review Trump's Pennsylvania case

Legal team on track with plan to reach Supreme CourtBy **Art Moore**

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**President Donald J. Trump (Official White House photo by Tia Dufour)**

A federal appeals court on Monday granted the Trump campaign's request for an expedited review of a district court's rejection of the campaign's Pennsylvania case.

Trump campaign attorney Jenna Ellis tweeted the news with an image of the court record, which stated the campaign has until 4 p.m. to file its appeal.

The campaign is appealing U.S. District Court Judge Matthew Brann's dismissal on Saturday of a lawsuit seeking an order to stop the certification of the election in Pennsylvania. Most Pennsylvania counties are expected to certify their results Monday.

Ellis, along with Trump personal lawyer Rudy Giuliani, said in a statement the the district court's dismissal "turns out to help us in our strategy to get expeditiously to the US Supreme Court."

"Although we fully disagree with this opinion, we're thankful to the Obama-appointed judge for making this anticipated decision quickly, rather than simply trying to run out the clock," they wrote.

The Trump lawyers argue the state violated the Constitution's guarantee of equal protection under the law when seven counties where Biden was leading allowed voters to fix errors in their ballots while other counties did not.

The suit names the secretary of the commonwealth, Kathy Boockvar, along with the seven counties.

Brann dismissed the case with prejudice, barring the Trump campaign from filing an amended complaint.

Will President Trump win the 2020 election once all is sorted out?

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The judge scolded the campaign, asserting it is essentially asking the court "to disenfranchise almost 7 million voters."

"This court has been unable to find any case in which a plaintiff has sought such a drastic remedy in the contest of an election, in terms of the sheer volume of votes asked to be invalidated," he said.

The campaign is appealing Brann's denial of a motion to amend the complaint "solely on the basis of undue delay." It's asking the Third Circuit to send the matter back down to the lower court "to promptly decide it on the merits and proceed expeditiously to a hearing to enjoin

certifying the results of the Presidential Election."

Judicial Watch President Tom Fitton, on Twitter, called the district court's decision in Pennsylvania "a miscarriage of justice and nakedly political," arguing that under the Constitution, "it is ultimately up the Pennsylvania legislature to protect election integrity and appoint a clean slate of electors."

Boockvar has until the 4 p.m. Tuesday to file her response to the campaign's request.

On Election night, President Trump led in Pennsylvania by nearly 700,000 votes with 65% reporting.

Two-step legal effort

The Trump campaign also has lawsuits in Michigan and Nevada, and is preparing to file a fourth in Georgia.

Ellis explained in a tweet last week that the campaign first needs "to file suits and recounts to STOP final certification inaccurate false results!

"SECOND, we will present testimonial and other evidence IN COURT to show how this election was STOLEN!" she explained.

On Sunday, the Trump campaign created a stir among its supporters when Ellis and Giuliani issued a statement declaring attorney Sidney Powell is "practicing law on her own."

After Powell appeared with Ellis and Giuliani at a press conference in Washington last Thursday, the campaign made it clear she is "not a member of the Trump Legal Team."

"She is also not a lawyer for the President in his personal capacity," they said.

After Giuliani presented some of the evidence in the campaign's case, Powell's claim that as many as 7 million votes were stolen through electronic voting software ended up drawing more attention.

Later Sunday, Powell downplayed the Trump campaign statement in a response issued through her client Lt. Gen. Michael Flynn after Twitter suspended her account for 12 hours.

"I agree with the campaign's statement that I am not part of the campaign's legal team. I never signed a retainer agreement or sent the President or the campaign a bill for my expenses or fees," she said.

"My intent has always been to expose all the fraud I could find and let the chips fall where they may —whether it be upon Republicans or Democrats."

Powell said the evidence she is compiling is "overwhelming that this software tool was used to shift millions of votes from President [Donald] Trump and other Republican candidates to Biden and other Democrat candidates."

"We are proceeding to prepare our lawsuit and plan to file it this week," she said. "It will be epic."

Earlier Sunday, she said via social media she was "staying the course to prove the massive deliberate election fraud that robbed #WeThePeople of our votes for President Trump & other Republican candidates."

In an interview Saturday night with Newsmax TV, she said she was preparing several lawsuits that would be filed as early as Wednesday of this week, describing them as of "biblical" magnitude.

"Georgia is the first state I'm going to blow up," she said.

See Sidney's Powell's interview with Newsmax TV: