No. 18-1371

In The

# Supreme Court of the United States

CHRIS JAYE,

*Petitioner*,

v.

OAK KNOLL VILLAGE, et. al.

*Respondents*.

On Writ of Certiorari

To the US Court of Appeals, Third Circuit

## PETITION FOR REHEARING

Chris Jaye
*Pro se*
PO Box 5015
Clinton, NJ 08809
caj@pksnews.com

## QUESTIONS for REHEARING

Is this Court playing a direct role in depriving unrepresented *pro se* litigants their First Amendment rights and equal protections in the law?

Are policies and practices condoned by this Court (along with its rules that provide unconstitutional, disparate and separate-but-equal treatment of *pro se* litigants) encouraging federal judges to violate the law of land in order to push *pro se* litigants and their valid claims out of the courts?

And if so, how does a *pro se* litigant remedy these constitutional violations to her substantial rights when the federal judges of the federal courts and this Court itself are the only place where remedies to such wrongs by government actors can be obtained?

## TABLE OF CONTENTS



## RULE on REHEARING

Pursuant to Supreme Court Rule 44, Chris Jaye respectfully petitions for rehearing of the Court's per curiam decision issued on October 7, 2019. This petition for rehearing is filed within 25 days of this Court's decision in this case.

## TABLE of AUTHORITIES

*Erickson v. Pardus* - Supreme Court 2007
*Johnson v. City of Shelby* - Supreme Court 2014
*Conley v Gibson* - Supreme Court 1957
*Foman v. Davis* – Supreme Court 1962
*Butz v. Economou* - Supreme Court 1978
*Artis v. District of Columbia* - Supreme Court 2018
*Johnson v. City of Shelby* - Supreme Court 2014
*Tull v. United States* - Supreme Court 1987

## CONSTITUTIONAL PROVISIONS INVOLVED

First, Fifth, Seventh Amendment, and Fourteenth Amendments.

## REASONS FOR REHEARING

There have been substantial rights deprived by the utterly illegal manner Petitioner's valid complaint was dismissed by rogue judges: federal judges who are liable for civil rights' violations via the Equal Protection clause (14th Amendment) by the doctrine of reverse incorporation.

With now a second appeal forced to be taken in **this same matter** (one that must be petitioned), this Court must recognize that the Petitioner has been denied substantial rights.

There can only be one appeal to deal with all final matters. The fact that there are two in the same case (a case which was clearly not final because more issues had to be considered after this judgment was entered) speaks to the illegality taking place in the courts by federal judges who deprived Petitioner her rights.

Unless this Court seeks to condone this illegality by tactics of avoidance (as skilled judges have previously done with *pro se* litigants issues), this Court is obligated to provide a remedy to this five-year circus that was caused by federal judges: rogue federal judges who did not act in any

judicial capacity, but instead rigged this dismissal for the benefit of the Defendants.

This was not a case that was decided on facts and law, but one that was deliberately, willfully and impermissibly impaired by the very judges required to adjudicate these claims by law via their powers in the Constitution.

Petitioner is a citizen with rights. Even as a *pro se* litigant (looked down upon even in this Court), the Constitution affords her the right to access the courts. Judges with specific powers (Article III. Section 2) are bound to hear all cases in "law and equity" and "between citizens of different states." Petitioner was in the correct place, with legal standing and valid claims. Nothing can change these facts.

But still here she is... at the US Supreme Court filing a ***petition for rehearing***. Here she is asking for access to her own courts in 2019 when she should have never been denied in the first place via her valid case filed in 2015. In almost five years, not one judge has righted a single legitimate wrong, including this Court.

The deprivations resulting from drawn-out circus with over 400 entries intended to delay and then to kill this case have impaired Petitioner's rights entirely. The deliberate delays, splits and non-final appeals seized by the circuit judges ensured that the statute of limitations for any other related case-related claims were also impaired.

Petitioner was sabotaged by government actors weaponizing the courts to deprive her of her inalienable rights, which included, but were **not limited to**, the First Amendment, Fourteenth Amendment, Fifth Amendment and Seventh Amendment.[1]

---

[1]Petitioner challenged New Jersey statutes and other policies (ECF 241) which have resulted in two illegal arrest warrants ***with no trial***. (Sixth Amendment.) Rogue federal judges avoided adjudication of her challenges illegally while circuit judges refused to stay state actions (even when the warrants were made known to them) and did not address the lack of adjudication on appeal. These challenges have never been addressed despite both the Constitution and Congress giving Petitioner the right to file such challenges in a federal court. Accordingly, this case was never final.

**Federal judges** violated her civil rights – and *again*, this Court gave these rogue federal judges a pass by its denial of her petition.

Thus once again[2], at her cost, time and by strict compliance with the very rules every judge (and lawyer) involved in this case have violated without being held to account (see US Supreme Court docket 16-451), Petitioner must again make her case in order to have a snowball's chance in hell in order for *any remedies in the law* and to undo the manifest injustice that has taken place.

Petitioner must again jump through the hurdles the lawyers (judges) placed before her (like so many before) so that this benevolent Court can decide whether or not it will allow Petitioner to enjoy her rights given to her ***by God*** which are enshrined in the US Constitution. In the interim, Defendants have been free and clear from all liability and free to live their lives in peace (unlike the Petitioner), thanks to corrupt federal judges who gave them this illegal win.

How can this be justice? It is not. Rather, this is a joke. It is a game of cat and mouse played by those with power and with law licenses over those who do not... nothing more, nothing less.

---

[2] See US Supreme Court petitions 15-753, 17-738 and 17-739 as well as 16-451.

**A. Manifest Injustice:**
**The US Supreme Court's Role in Systemic Deprivation of Substantial Rights**

This Court has provided clear directives ***on paper*** as *the law of the land*, but the words are without meaning because they are not enforced by this Court. Unlike lawyers who are bound to cite controlling law and the judges who are required to uphold it, Petitioner was the only apparant fool who relied on the meaningless words of this Court. She relied solely on the law of land (unlike the judges), but still she was dismissed impermissibly.

Controlling law meant nothing – not even to the circuit judges who were supposed to provide a review of such errors, departures and remedies from this manifest injustice.

This is nothing new. The tricks and traps known to this Court for decades were used again in this case by judges who sought to rig the outcome. Even back in 1962 in *Foman vs. Davis*, this Court needed to address the way rogue judges were convoluting, confusing and complicating matters in order to pull the wool over the eyes of an obedient *pro se* litigant. Much like it remains

today, it was routine for rogue judges to cause chaos and then find a reason to toss *pro se* litigants out of court. The bias and contempt for the unrepresented are not new – nor are the illegal games being played by judges condoned by this Court.

When a case involves any suits against lawyers and judges, the rigging is even more severe. With the full backing of ***this Court*** (by its routine denials to avoid dealing with this illegality), these cases are simply killed by "honorable judges."

This would never happen if this Court's words had **any meaning** in the real world and if there were actual consequences when lawyers and judges deliberately chose to ignore this Court's commands. As evidenced in this farce of a case, the dismissal would not have happened if federal judges required the lawyers filing R. 12 motions to cite controlling law and then ruled upon that.

Ruling on facts and law is not rocket science. This is what due process demands.

The powerful (but ultimately meaningless) words of this Court in *Conley v. Gibson* -- Supreme Court 1957 and *Erickson v. Pardus* – Supreme

Court 2007 controlled this case as did R. 8. But federal judges (aiding the lawyers) chose to go down their own path. And this Court has allowed this lawlessness to happen yet again.

Since this Court is unwilling or unable to enforce its own words to uphold the Constitutional rights of the citizens, as is your duty, what purpose do you serve?

If not for the unwritten policy of this Court to push *pro se* litigants out of court (and protect judges/lawyers as is this Court's priority), *Conley* would have been applied. Even a **first-grader** would understand the language of *Conley* and R. 8. Again, this is not rocket science.

Although a reminder to judges was not needed (since it was already given via *Erickson* in 2007), this is what this Court stated in *Conley*: "a complaint should not be dismissed for failure to state a claim unless it appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which would entitle him to relief."

Does one really need a law license to understand this statement? Do these words (like so many others not enforced, see US Supreme Court 16-

451) mean anything? Or are they just used to give **the appearance** that we, as *pro se* litigants, have due process rights? In reality, we do not have any – especially when it comes to cases against this Court's beloved judges and lawyers.

If *Conley* and *Erickson* are the US Supreme Court's directives (the law of the land), why have they not been applied in this case and appeal? And why has a pass been given to those who did not apply controlling law?

Petitioner relied on these words. Petitioner need not rely on this Court's benevolent discretion to undo harms by corrupt judges who have aided illegality by their *ad hoc* rulings to benefit others. Her case should have never been dismissed. This Court knows this to be true based on this Court's own words and clear *stare decisis*.

Despite reliance on appeals taken by Petitioner to correct wrongs, such has failed. Turning to *Butz v. Economou* - Supreme Court 1978, this Court determined "the safeguards built into the judicial process tend to reduce the need for private damages actions as a means of controlling unconstitutional conduct." Nothing could be farther from the truth.

There are no "safeguards" nor is there "correctability of error on appeal" as "just a few of the many checks on malicious action by judges." These are meaningless words much like all the other words of assurances in *Butz*. Federal judges simply rely on the gift of immunity to violate the law while ignoring their obligations and duties described in *Butz*: the very safeguards meant prevent exactly what has happening in this case.

This Court has sought to serve itself and those in their "own profession"[3] with such bias that it has become blind to the injustice caused to the citizens.

The manifest injustice of this utterly illegal dismissal of Petitioner's valid claims is a perfect

---

[3] The bias of judges was brilliantly explained in the dissent to amendments to the FRCP by Justice Scalia on April 23, 1993. "Judges. . . .do not like imposing punishment when their duty does not require it, especially upon their own acquaintances and members of their own profession." Further noting, punishments (sanctions) cause "financial liability" and can "damage their professional reputation in front of important clients." Even in 1993, the bias was endemic and systemic. It is worse today – with even more contempt for *pro se* litigants and absolutely zero accountability on the part of judges.

example. But the illegal dismissal of Petitioner's claims can be corrected. The question is, will you correct it? Will you do what the law and the Constitution dictate and thus right the wrongs done? Or will the *status quo* of discrimination that is condoned by this Court for the elite and against the least power (in the most need of justice) continue?

Will you restore the Petitioner's claims to a court where facts ***established through due process*** can be determined to address the wrong done by the Defendants (those aided by state actors and state judges without lawful jurisdiction)? Those who have abused the state courts to steal private property, slander title, rob inheritances and extort monies by illegal judicial decrees? Or will you simply choose to protect your own once again?

The previous denial of this Court has clearly answered these questions.[4]

---

[4] When it comes to a head (like the Madoff scam) with good people having had their homes, money and family inheritances stolen by illegal judicial decrees, no one in positions of power with the duty and ability to stop these crimes by state judges in New Jersey cannot say they did not know.

**B. This Court's Rules Demand Brevity: This Petitioner Demands the Law**

This Court's clearly established law written decades ago in *Conley* was ignored ***by all***. The liberal pleading standard for *pro se* litigants has been addressed by this Court *ad nauseum*. And if errors were made, dismissal was the cure. This Court has repeated itself as to the right to amend. Most recently in *Johnson v. City of Shelby, Miss.*, - Supreme Court 2014, this Court said that the courts do not "countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted."

As to the loss of the statute of limitations due to the incredible, inexplicable, irrational and inequitable delays[5] caused by Judge Michael Shipp[6], this Court's controlling law was ignored.

---

[5] This former NJ AG lawyer (and counsel to NJ Chief Justice Rabner when acting NJ AG) took years to rule on R. 12 motions. The delays were deliberate, used to aid the criminal Defendants. However, the Judicial Council for the Third Circuit dismissed Petitioner's complaint against Shipp falsely asserting delays were "merits based."

[6] Shipp did not do a conflicts check prior to taking on the case. He was assigned this case specifically to rig this case as a former NJ AG employee.

Petitioner's rights to have her state claims tolled and filed anew in the state court were deprived because of this illegal dismissal with prejudice. *Artis v. District of Columbia*, 138 S. Ct. 594 - Supreme Court 2018 provides the remedy for delays by tolling. As per *Artis*, the state claims in this matter could have been adjudicated in the state court because the statute would not have expired. But such was not the case here due to this illegal dismissal with prejudice.

As to other state claims, no claims were *gleaned* from the Petitioner's complaint. Petitioner should have been given the right to toll any aspect of her complaint that would suffice as a claim in state law. NJSA 2C:41-1 is the New Jersey's state equivalent to RICO. But the judges did not glean any such right to a remedy and so state RICO claims were also killed (and not tolled).

This Court has spoken *endlessly* as to the right to amend. It was not given. Relying on their lies and not facts, the word "frivolous" was used to prevent such a substantial right (after such incredible delays) which hindered Petitioner from seeking relief from ongoing harms. If given the right to amend, other case-related claims would

have had to have been considered and not brought in separate district court cases.

Access to the court is a substantial right. Yet Petitioner's rights were violated by every rule, law and procedure by games: games used to aid and abet the crimes carried out by state actors (including his former boss, NJ Chief Justice Rabner).[7]

### C. Sanctions Against Speaking: No Right to a Jury Trial

Since the "honorable" circuit judges felt Petitioner lacked evidentiary proof as a basis to punish her and threaten her with sanctions, they needed to allow her to present evidentiary proof. They did not give her any such opportunity to dispute their lies and contradict their findings (claims simply regurgitated by Steven R. Rowland, Esq.). They have since (in a second appeal) slammed her with sanctions and censored her impairing her right to a rehearing of a second appeal.

---

[7] No challenges to state statutes were adjudicated by Judge Michael Shipp. Although served upon the NJ AG, Shipp simply buried them in the federal court. The appellate court did not remand them. And then this Court denied two petitions in this case. Avoidance is not adjudication (see FRCP 1).

The sanctions that have been issued (as a result of Steven R. Rowland's so-called "motion" to enforce this threat) required a trial (Seventh Amendment). If these failed judges felt Petitioner needed to prove her claims that the lawyers and state judges were thieves in order to avoid being sanctioned and censored, then a trial was required to be had.

*Tull v. United States*, 481 US 412 - Supreme Court 1987: A "legal claim is joined with an equitable claim, the right to jury trial on the legal claim, including all issues common to both claims, remains intact. The right cannot be abridged by characterizing the legal claim as `incidental' to the equitable relief sought." *Curtis v. Loether*, 415 U. S., at 196, n. 11.

Petitioner was not going to be silenced from speaking the facts to her case because the circuit judges were offended. The Defendants, lawyers and state judges **are thieves**. The circuit judges simply decided they were not what Petitioner factually asserted but did so **without a trial** and evidentiary proof. The appeal in its entirety was impaired by their emotions.

The issue of Defendants being "thieves" was one that was required to addressed by a jury.

**D. Additional Intervening Events**

(1) This Court did not consider multiple applications to Justice Alito before the disposition (denial) of this petition. Two were rejected by the Clerk in error and the rest have not been docketed. (2) There is a motion that was sent to Justice Gorsuch that may have an impact on this petition. (3) Petitioner's RICO-claims asserted as fact as to a likelihood of the activities continuing by the enterprise, in fact, have continued. (4) Petitioner has two additional district cases that are directly tied to this matter which were filed because of the delays and then deprivation to amend. All matters are not resolved. (5) Piecemeal litigation is taking place which this Court has directly advised cannot be done.

Petitioner awaits the denial of this petition by this Court which would be in keeping with the 100% rate of illegal dismissals in every court. However if this Court demands compliance with its dictate, then it will demand the judges do what this Court has already ordered to be done.

*s/ Chris Jaye*
Chris Jaye
Petitioner, *Pro se*