ORIGINAL

18-1374

No. ____

In The

Supreme Court of the United States

CHRIS JAYE,
Petitioner,

v.

OAK KNOLL VILLAGE, et. al.
Respondents.

On Petition for a Writ of Certiorari
To the US Court of Appeals, Third Circuit

PETITION FOR A WRIT OF CERTIORARI

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

QUESTIONS PRESENTED FOR REVIEW

1. Is the Third Circuit acting in opposition to controlling law (*Erickson v. Pardus*, *Johnson v. City of Shelby*) and different from other circuits by implementing a heightened pleading standard?

2. Is the Third Circuit violating a citizen's state rights in dismissing state claims with prejudice for lack of subject matter jurisdiction? Are they acting in contrast to other circuits as it pertains to 28 U.S. Code §1631?

3. Is the Third Circuit depriving rights by its departures from the rules authorized by Congress by 28 U.S. Code § 2072?

4. Does the Third Circuit's rules on finality conflict with 28 U.S. Code § 1291? Is the Third Circuit split from the 9th Circuit as to the time to appeal from alternate (non-final) rulings?

5. Is a matter appealable as of right if a federal question (28 U.S. Code § 1331) has not been adjudicated by the court of first review?

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LIST OF PARTIES

Chris Jaye, *Petitioner*

Oak Knoll Village Condominium Owners Association, Inc.; Erick P. Spronck; Robert A. Stephenson; Dennis Leffler; Kelly Jones; Jennifer Cooling; Konstantinos Rentoulis; The Estate Of Joseph Cousins, F/K/A Joseph Cousins (Deceased); Marilyn Cousins; Les Giese; Anne Thornton; Maintenance Solutions, Inc., Its Agents and Assigns; Condo Management Maintenance Corporation, Its Agents and Assigns; RCP Management; Access Property Management, Its Agents and Assigns; Fox Chase Contracting, Llc., Its Agents and Assigns; Tracy Blair; Berman, Sauter, Record & Jacobs, PC., Its Agents and Assigns F/K/A Berman, Sauter, Record & Jacobs; Kenneth Sauter, Esq. and CPA; Edward Berman, Esq.; Steve Rowland, Esq.; Brown, Moskowitz & Kallen, Pc., Its Agents and Assigns; Hill Wallack, Its Agents and Assigns; Marshall, Dennehey, Warner, Coleman & Goggin, Its Agents and Assigns; Suburban Consulting Engineers, Its Agents and Assigns; Schneck, Price, Smith & King, LLP., Its Agents and Assigns; The Law Offices Of Ann M. Mcguffin, Its Agents and Assigns; Williams Transcontinental Gas Pipeline, Its Agents and Assigns; Clinton Township Sewerage Authority, Its Agents and Assigns; Pumping Services, Inc., Its Agents and Assigns; J. Fletcher-Creamer & Sons, Its Agents and Assigns; Strathmore Insurance, Its Agents and Assigns; QBE Insurance Corporation, Its Agents and Assigns; Community Association Underwriters Of America, Inc., Its Agents and Assigns; Mirra & Associates, LLC, Its Agents and Assigns; Stephenson Associates, Inc.; Henkels and Mccoy, Inc., Its Agents and

Assigns; Frey Engineering; Gny Insurance Companies, Its Agents and Assigns, John Does 1-20 (Fictitious Names). *Respondents.*

OPINIONS BELOW

The judgment and decision of the US Court of Appeals, Third Circuit, was entered on September 13, 2018. It is reproduced in Appendix Ap 3-5 and Ap 6-17. Petition for a rehearing was denied on October 11, 2019.
It is reproduced in Appendix Ap 1-2.

JURISDICTION

The jurisdiction of this Court is invoked per 28 U.S. Code § 1254.

CONSTITUTIONAL PROVISIONS INVOLVED

US Constitution, First Amendment, Seventh Amendment, and Fourteenth Amendment.

BRIEF FACTUAL BACKGROUND

Established by *Erickson v. Pardus* and R. 8, the complaint was properly pled. The court had jurisdiction. The complaint was bolstered by hundreds of documents filed in support of the pleadings. Despite full compliance with every rule (28 U.S. Code § 2072) in the district courts, the "complaint was dismissed with prejudice" and "all defendants were dismissed with prejudice" -- with not a single leave to amend granted despite new matters needing to be pled.

The dismissal with prejudice included the dismissal of two defendants who answered the complaint as well as three state claims that were not adjudicated on the merits. *Mine Workers v. Gibbs*, 383 US 715 - Supreme Court 1966, "state claims may be dismissed without prejudice."

Although the memorandum opinion states that it "grants all Defendants motions to dismiss for failure to state a claim," it also stated dismissals were also for *res judicata*, the doctrine of Rooker-Feldman, NJ's Doctrine of Entire Controversy (NJ), and lack of subject matter.

With alternate findings in the memorandum order and no clear R. 58 order specifying the dismissal of each count (and each defendant dismissed with

prejudice), the Third Circuit was without a final judgment for which an appeal could be taken. *Catlin v. United States*, 324 US 229 - Supreme Court 1945: "A "final decision" generally is one which ends the litigation on the merits and leaves nothing for the court to do but execute the judgment."

Forced to take an untimely appeal, the Third Circuit claimed jurisdiction despite numerous requests for remand. It then performed as a court of first review; departing from normal judicial procedure, failing to apply the rules, and acting in a manner inconsistent with other circuits to affirm the R. 58 judgment (one which was fraudulent as to parties dismissed and finality).

Throughout the case, rules were violated.[1] Nothing was remanded. Everything was affirmed – and this including matters not reviewed.[2]

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[1] There was an interlocutory appeal pertaining to the rules violations. 16-2515 It was denied. A subsequent petition to this Court was denied. 16-451.

[2] There has been no adjudication and no review of various motions and absolutely no mention of my challenges to state statutes by R. 5.1 (28 U.S. Code § 1331).

The proper standard of review was not noted by the defendants as required in their filings by the rules – and then they were not applied by the Third Circuit.

With so many departures by so many seeking to roll the dice as to a *pro se* litigant odds of having this petition heard (especially pertaining to improper dismissals of complaints which has been addressed *endless times* by this Court), the departures are so great and so manifestly unjust that they require this Court to take action.

STATEMENT OF THE CASE

Seeking to obtain relief from criminal, civil and unconstitutional acts by the defendants acting in furtherance of a criminal scheme (RICO), the complaint was filed. Remedies were available for **a jury** to decide (7th Amendment).

There was no issue with the court's jurisdiction over the RICO claims nor were they precluded from being heard. *Living Designs, Inc. v. EI Dupont de Nemours and Co.*, 431 F. 3d 353 - Court of Appeals, 9th Circuit 2005: "[T]he RICO statute, itself, provides that conduct relating to prior litigation may constitute racketeering activity. 18 U.S.C. § 1961(1)(B) (defining racketeering activity

as including an act indictable under 18 U.S.C. § 1512, which relates to tampering with a witness, victim, or informant)" . . . there is no federal case law that provides that "a party's litigation conduct in a prior case. . . .cannot form the basis of a subsequent federal civil RICO claim."

Subject-matter jurisdiction existed at all times, even though all the defendants did not actually appear or appeared by a different name.[3]

The lack of compliance with the rules and controlling law along with the advocacy on the part of the district judges resulted in this patently wrong and incomplete ruling. Equal protections (14th Amendment) were deprived.

In the Third Circuit "access" is defined paying the filing fees. After that, all other laws, rights and rules are discretionarily applied. This is the result.

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[3] Williams Transcontinenal Gas Pipeline was served and accepted service, but an LLC has appeared in place of Williams. An attorney for an unnamed insurance company representing a non-profit corporation appeared and asserted that the policy covered an array of other defendants (but it was not produced and barred from being produced: R. 26.)

REASONS FOR GRANTING THE PETITION

A. Split from Controlling Law: Judgment Should Be Vacated Based on *Erickson v. Pardus* and *Johnson v. City of Shelby.*

The Third Circuit's entirely new interpretation of law is inconsistent with the law of the land. Reviewing the dismissals by R. 12(b)(1) and R. 12(b)(6) *de novo*, the Third Circuit affirmed the dismissal with prejudice of Count One as legally correct. An irrational new heightened pleading requirement (even in cases involving *pro se* litigants) now exists. Affirming for different reasons by *de novo* review, it applied the same heightened pleading standard to Count Two (FDCPA). The Third Circuit demands a different standard of pleading than any other in the nation.

This Court has repeated itself many times as to what is required to survive a dismissal with prejudice as well as the reasons why such liberality should be applied. *Conley v Gibson* (1957), *Foman v. Davis* (1962), and *Haines v. Kerner* (1972).

The issue was again put to rest by *Erickson v. Pardus* as to *pro se* litigants. And more recently, *Johnson v. City of Shelby, Miss.*, 135 S. Ct. 346 -

Supreme Court 2014 asserted the standard yet again - providing *further clarity*, "Federal pleading rules call for "a short and plain statement of the claim showing that the pleader is entitled to relief," Fed. Rule Civ. Proc. 8(a)(2); they do not countenance dismissal of a complaint for imperfect statement of the legal theory supporting the claim asserted."

The Third Circuit seems to be in agreement as well via *Phillips v. County of Allegheny*, 515 F. 3d 224 - Court of Appeals, 3rd Circuit 2008, "[P]leading standard of Rule 8(a)(2) remains intact, and courts may generally state and apply the Rule 12(b)(6) standard . . .showing that "the pleader is entitled to relief, in order to give the defendant fair notice of what the ... claim is and the grounds upon which it rests."

But for inexplicable reasons which are clearly erroneous as well as arbitrary and capricious, the Third Circuit did not apply its own dictate to itself. Notice was given. Two defendants answere.

The Third Circuit directly affirmed one count and dismissed the other by this new legal theory and incredibly heightened pleading standard which

departed from R. 8 and controlling law. Without any legal basis for such departures and failing to cite this Court's dictate, the dismissals with prejudice by R. 12(b)(6) on these two counts is completely contradictory to that which has been repeated *for decades* by this Court.

B. Split on Dismissals by Lack of Subject-Matter Jurisdiction (R. 12(b)(1))

By *de novo* review, the Third Circuit affirmed the district court's R. 58 judgment that "the complaint on all counts and as to all defendants are dismissed with prejudice."

Counts Three, Four and Five dismissals with prejudice were on the grounds the district court declined to hear state law claims which it had original jurisdiction. This basis to dismiss with prejudice is entirely new law.

For the first time in judicial history, a lack of subject matter jurisdiction on state claims acts as "on the merits" and *res judicata*. No other circuit court has made this leap. This untenable finding is directly in contrast to this Court:

1. *Mine Workers v. Gibbs*, 383 US 715 - Supreme Court 1966, "state claims may be dismissed without prejudice."

2. *Steel Co. v. Citizens for Better Environment*, 523 US 83 - Supreme Court 1998: "the absence of a valid (as opposed to arguable) cause of action does not implicate subject-matter jurisdiction, i.e., the courts' statutory or constitutional power to adjudicate the case. . . . Dismissal for lack of subject-matter jurisdiction because of the inadequacy of the federal claim is proper only when the claim is "so insubstantial, implausible, foreclosed by prior decisions of this Court, or otherwise completely devoid of merit as not to involve a federal controversy."
3. *Semtek Int'l Inc. v. Lockheed Martin Corp.*, 531 US 497 - Supreme Court 2001: "The primary meaning of "dismissal without prejudice," we think, is dismissal without barring the plaintiff from returning later, to the same court, with the same underlying claim."

State law also comes into play. The NJ Constitution affords an inviolate right to a jury. A dismissal with prejudice negates that rights. The federal court is without power to negate a state right as this affirmation forever bars adjudication on the merits.

C. Split Over Finality: Non-Final and Final Rulings

The Third Circuit did not have appellate court jurisdiction. 28 U.S. Code § 2072 The memorandum asserted that various parties were being dismissed by Rooker-Feldman, *res judicata*, NJ's Entire Doctrine Controversy and other defenses.

Refusing to accept my complaint as factual, no conversions to R. 56 implemented, no consideration of supporting documents that bolstered my complaint (*Erickson*) and the denial of my motion for summary judgment as opposition to these defenses as is a right by the rules (R. 56), the dismissals by these defenses were not for failing to state a claim as pled by R. 12 (b)(6).

There alternate non-final determinations stemmed from defenses and subject matter jurisdiction issues – not solely failure to state a claim as granted and then affirmed.

Ruiz v. Snohomish County Public Utility Dist No. 1, 824 F. 3d 1161 - Court Of Appeals, 9th Circuit 2016: It would be an inefficient use of judicial resources to encourage litigants to appeal judgments for the sole purpose of preserving their ability to potentially bring the same claims again,

in a hypothetical future action.". . . "[T]he losing party, although entitled to appeal from both determination[s], may be dissuaded from doing so as to the determination going to the 'merits' because the alternative determination, which in itself does not preclude a second action, is clearly correct."

The Third Circuit did not remand that which was not final on the merits. With alternative reasons given by the district court, this appeal was not final and should not have been dismissed with prejudice. No such severe action would have happened in any other circuit court, especially due to the lack of appellate jurisdiction.

D. Split from Other Circuits and Federal Law: 28 U.S. Code § 1631

By the Third Circuit affirmed the dismissal with prejudice of state claims. They were barred from transfer. Other circuit courts mandate transfers as does the law itself. But with a dismissal with prejudice applied for lack of jurisdiction (which is unique to the Third Circuit), no transfers can be had. This is not a harmless error. Moreover, deprivation by the state's statute of limitations of the state claims also comes into play by this

arbitrary dismissal with prejudice (in addition to the need for this unnecessary and costly appeal).

E. Split from 28 U. S. C. § 2072: Deprivation of Rights (First Amendment)

Although the rules regulate only the court's procedures and require remedies when violated, rules were violated and rights deprived. Substantial rights to due process were impaired by the Third Circuit. The failure to provide the same protections resulted in an inequitable result.

Sibbach v. Wilson & Co., 312 US 1 - Supreme Court 1941: "The test must be whether a rule really regulates procedure, — the judicial process for enforcing rights and duties recognized by substantive law and for justly administering remedy and redress for disregard or infraction of them."

1. Split from R. 15: "Freely Given" Fails to Apply to Third Circuit

An opportunity to amend was sought. It was denied without prejudice for failing to attach an amended complaint. With additional harm taking place in the state courts (and all injunctive relief

denied for which no appellate review was given), an amended and supplemented complaint was necessary. With obstruction of justice taking place in the federal court (RICO claim), additional relief to conform to new evidence was going to be added to avoid any issues with NJ's Doctrine of Entire Controversy and issues with statute of limitations. The pleading was being drafted, but then leave to amend was *sua sponte* denied.

Ironically, the dismissal for failing to state a claim of Count One was based on not pleading obstruction of justice in the federal courts which was happening and would have been noted in the amended complaint if the right to amend had been "freely given."

The basis for being denied the right to amend was due to "repeated failures." This is factually inaccurate, but affirmed. Whereas other appellate courts take time to review the record, clearly the Third Circuit does not.

There were no prior dismissals for failing to state a claim, no such prior claims of any failures, and nothing in the record that would constitute the decree of "repeated" failures. The Third Circuit affirmed this finding not based in fact to affirm

the refusal to allow a R. 15 amended complaint. No standard of review was given for this deprivation nor any supporting evidence relied upon. This was yet another in a series of deprivations to ensure the outcome desired by all.

The ruling is in contrast to the spirit of the rules as so noted in *Foman v. Davis*. And it also contradicts with the right to amend if a pleading is insufficient – and even *not* when sought by a litigant. The Third Circuit simply has chosen to not follow the dictate of this Court.

2. Split from R. 12(d) and R. 56 Standard of Review

There were no conversion of any R. 12 motions as required by R. 12(d) before denial. Matters outside the pleadings were heavily relied upon (and greatly misstated by the district judge) for which no opportunity was given to challenge the findings. (This was followed by the denial of both a R. 52 and R. 60 motions where such factually incorrect issues could have also been addressed.)

The Third Circuit was required to apply a standard of review per R. 56 to all R. 12 motions that were converted or presumed to be. It did not.

For Count Two (FDCPA), it acted as an original court, made its own findings of facts and did its own conversion -- providing no opportunity to dispute the errors of its findings. No opportunity was provided to dispute the "facts" being asserted in the rulings which were beyond wrong, factually incorrect and not supported by any competent records.

Moreover, true copies and truthful affidavits were not filed by the defendants. The RICO scheme continued in the federal court. As a result of the fraud, no court could have relied on that which was filed by many of the defendants for any conversion *if such had been had in this case.*

This fraud by those involved in the enterprise was made known – and not disputed by the filing parties. But this fraud was not addressed by either the district court or appellate court at any time. No appellate review was given to motions dealing specifically pertaining to this fraud.

There was no remedy for any violation of any rule by anyone. The crimes of those involved in the RICO enterprise went unchecked yet again.

3. Splits from R. 56 Requirements: Standard of Review and "Premature" Denials

The Third Circuit provided no standard of review for the district court's denial of the motion for summary judgment. Entered without any defendant having to comply with R. 56(c)(d) or (e), it was simply denied the right to a judgment. No disputes were required. Departing from R. 56(f), the court denied all relief as "premature" without any defendant having to file anything – depriving judgment on non-triable issues (defenses) that were later relied upon by the same judge. The Third Circuit affirmed this denial without addressing it; an affirmation of improper procedures in contrast to controlling law.

Note in *Anderson v. Liberty Lobby*, Inc., 477 US 242 - Supreme Court 1986" "Only disputes over facts that might affect the outcome of the suit under the governing law will properly preclude the entry of summary judgment." Also noted in *Celotex Corp. v. Catrett*, 477 US 317 - Supreme Court 1986: "Any potential problem with such premature motions can be adequately dealt with under Rule 56(f), which allows a summary judgment motion to be denied. . . .

This Court has been clear (*Celotrex*) that "Rule 56 must be construed with due regard . . .for the rights of persons opposing such claims and defenses to demonstrate in the manner provided by the Rule. . . .[that the] defenses have no factual basis." And the rule is clear that it can be filed any time.

A motion by R. 56 was arbitrarily and capriciously denied absent any lawful basis and in direct contrast with the US Supreme Court, but affirmed by the Third Circuit without discussion.

Like the right to amend, judgment granted and facts asserted would have altered the entire outcome of this case. But deprivation of rights (such as a judgment by this rule) and the ability to manage one's own case (28 U.S. Code § 1654) were deemed permissible; affirmed by the Third Circuit in direct contract to the purpose of the rules.

4. Split from R. 52 and R. 60: Fraudulent Facts

Post-judgment motions were filed specifically to get false facts corrected and fraud addressed as is a right by the rules. The memorandum opinion was factually incorrect and in direct contradiction to the R. 58 judgment (which was not final, but

decreed improperly as such). *Gonzalez v. Crosby*, 545 US 524 - Supreme Court 2005: R. 60 "permits a court to relieve a party from the effect of a final judgment."

There was no appellate review given to the post-motions of R. 59 (e), R. 60 and R. 52. Applying the clearly erroneous standard (or any standard) to these motions, the denials of R. 60 and R. 52 should have been reversed and the matter remanded. The right to relief on R. 60 grounds is not one that is optional.

Yet acting as advocate, the district court refused to adjudicate on the merits either R. 52 or R. 60 as the rules prescribe. (See R. 1) Worse yet, the pleadings were falsely declared to be an untimely R. 59 (e) motions (reconsideration) so they were not adjudicated on the merits. Facts were never provided. The R. 58 was never corrected.

The refusal to adjudicate a motion by such a tactic is not a power a judge has (Article III). R. 1 specifically provides for a just, speedy and inexpensive determination of every proceeding. No adjudication was given per R. 60 and R. 52. It was required. But the Third Circuit did not address the lack of adjudication in the appeal or

the basis for denial on any grounds. Again, the Third Circuit acts differently than any other court in the land.

Van Skiver v. US, 952 F. 2d 1241 - Court of Appeals, 10th Circuit 1991: "[T]he rules allow a litigant subject to an adverse judgment to file either a motion to alter or amend the judgment pursuant to Fed.R.Civ.P. 59(e) or a motion seeking relief from the judgment pursuant to Fed. R.Civ.P. 60(b). These two rules are distinct; they serve different purposes and produce different consequences."

Even by the "dead fish" strictness standard of the 7th Circuit, relief from these clearly erroneous denials would have been afforded elsewhere and appellate review would have been provided. As noted in *Parts and Elec. Motors, Inc. v. Sterling Elec., Inc.*, 866 F. 2d 228 - Court of Appeals, 7th Circuit 1989: "To be clearly erroneous, a decision must strike us as more than just maybe or probably wrong; it must . . . strike us as wrong with the force of a five-week-old, unrefrigerated dead fish."

The Third Circuit is "dead wrong" (*Parts*) as to any affirmation of these post-judgment motions and

many others. The post-judgment motions were not adjudicated so they could never have been properly denied as asserted by the Third Circuit.

F. R. 58: Equity Requires the Judgment to Be Vacated and Remanded

McKeague v. United States, 788 F. 2d 755 - Court of Appeals, Federal Circuit 1986: "We must know what a decision means before the duty becomes ours to say whether it is right or wrong." *United States v. Chicago, Milwaukee, St. Paul & Pacific R. Co.*, 294 U.S. 499, 511, 55 S.Ct. 462, 467, 79 L.Ed. 1023 (1935).

The Third Circuit did not know to say what was right or wrong since so many things were incorrect, not in the record (FRAP 10) or fraudulent when filed by the defendants. Absent adjudication on the merits of so many matters, affirmation was not possible. The R. 58 order was substantially deficient and clearly conflicted with the memorandum opinion itself.

As to other departures which restrained and impaired rights by the rules (without reason and without appellate review), there was no appellate review of the denial of R. 26 disclosures, R. 36

compliance, R. 16 conferences and R. 55 (default judgments denied entry).

With no clarity of dismissals between R. 12(b)(1) and R. 12(b)(6), the very finality of the appeal itself was not addressed.

Despite objections made, the record was not complete (FRAP 4). Documents were filed incorrectly and entries were made absent judicial review. Despite motions filed, the Third Circuit would not remand the case to address these issues.

Without a complete record, the appeal itself fails entirely as does the right to an appeal. FRAP 10 is no more optional than R. 60, but in the Third Circuit is appears everything is subject to the advocacy of the judges rather than the application of the law.

G. Intermeddlers Granted Unlawful Relief: Racketeers Involved in RICO Enterprise

As noted in *Allen v. Wright*, 468 US 737 - Supreme Court 1984: "In essence the question of standing is court decide the merits of the dispute or of particular issues."

Lipton Industries, Inc. v. Ralston Purina Co., 670 F. 2d 1024 - Court of Customs and Patent Appeals 1982: "[W]here there is no real controversy between the parties, where a plaintiff, petitioner or opposer, is no more than an intermeddler." New Jersey speaks to this as well., *Crescent Pk. Tenants Assoc. v. Realty Eq. Corp. of NY*, 275 A. 2d 433 - NJ: Supreme Court 1971: "[W]e have appropriately confined litigation to those situations where the litigant's concern with the subject matter evidenced a sufficient stake and real adverseness."

In light of a RICO claim, no presumption of authority or assurances by counsel can replace disclosures (R. 26). Although not required to ask for them, a motion seeking compliance with R. 26 resulted in being denied these disclosures. Yet again, the advocacy on the part of the judge in a district court (later affirmed by the Third Circuit) worked to benefit the defendants. These acts (departing from mandated procedures) protected the defendants in a RICO suit – which is not the role of the jurist.

Such advocacy in a pending case by the presiding judge is such a serious issue that it should draw *great attention* from this Court.

One would think such conduct would draw equal attention to those in the Third Circuit. Instead, the Third Circuit has affirmed the rulings while other punishments have been doled out as well.

There was no legal basis to deprive R. 26 disclosures unless it was for nefarious purposes.

H. Piecemeal Litigation Caused

Ruiz v. Snohomish County Public Utility Dist No. 1, 824 F. 3d 1161 - Court Of Appeals, 9th Circuit 2016: It would be an inefficient use of judicial resources to encourage litigants to appeal judgments for the sole purpose of preserving their ability to potentially bring the same claims again, in a hypothetical future action."

Citing the 6th and 7th Circuit, the 9th Circuit in *Ruiz* states, "We therefore hold, consistent with decisions by the Sixth and Seventh Circuits, that *res judicata* does not apply to a judgment that rests on both a lack of jurisdiction and a merits determination. *Remus Joint Venture v. McAnally*, 116 F.3d 180, 184 n.5 (6th Cir. 1997) . . . .*Bunker Ramo Corp. v. United Bus. Forms, Inc.*, 713 F.2d 1272, 1279 (7th Cir. 1983"

This arbitrary approach to FRAP 4 encourages piecemeal litigation for reasons that contradict controlling law. *Firestone Tire & Rubber Co. v. Risjord*, 449 US 368 - Supreme Court 1981.

Again, advocacy is in play. The more complex and costly the case is made to be in violation of R. 1 – the more likely a litigant will wear out, wear down and run out of money. These are tactics used by experienced lawyers and judges, but the tactics fail to comply with the rules of professional conduct, canons, oaths, the rules themselves, and the law. If R. 1 had any teeth and parties were held accountable, this multi-case, multi-appeal waste of money would have never have happened.

CONCLUSION

The rules have been violated. Rights have been violated. Due process has been violated. And it has been done to bar me from accessing the court and getting this case heard by a jury.

The judgment should be vacated entirely and remanded to the district court for adjudication on the merits immediately.

With the same issues and same crimes as those made known to this Court prior by 15-753, 16-541,

17-738 and 17-739), the Court should take note that this unnecessary review could have been averted has the appellate court did as it was required to do. This is a cost to not only myself -- but to the taxpayers.

Moreso, this Court had the power to take action since 2015. It should have done so. There is a **real cost** to crimes *beyond the theft itself*; and the increased cost is directly connected to the government failing to act as it is both hired and required to do. -- Judicial economy[4] and justice cannot just be words on paper.

s/ Chris Ann Jaye
Chris Ann Jaye, *Pro se*
PO Box 5015
Clinton, NJ 08809
caj@okvnews.com

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[4] The USDC of NJ would not allow leave to amend or consolidate. Nothing was removed, supplemented, consolidated or stayed. Thus there are two other cases 16-07771 and 17-5257 that are being mismanaged (now by Judge Kugler) and array of state cases. The Third Circuit would not remand and would not consolidate appeals. So to add costs as an additional burden in access the courts, there are now two additional appeals pending 18-2187 and 18-2186.