

No. 23 WDA 2018 Third Circuit

USCA No. 17-3692

IN THE
SUPREME COURT OF THE UNITED STATES

William Ueckert — PETITIONER
(Your Name)

vs.

Commonwealth of Pennsylvania — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Third Circuit Philadelphia Pa.
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

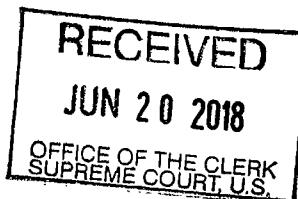
PETITION FOR WRIT OF CERTIORARI

William Ueckert
(Your Name)

314 Wessure Rd. Garnetburg, Pa 15601
(Address)

(City, State, Zip Code)

724-309-8853
(Phone Number)



QUESTION(S) PRESENTED

William M. Uschacke contends that the Dunham Rule in Pennsylvania which states; Natural Gas is not considered a mineral in Pennsylvania unlike all other states in the USA.

The Dunham Rule violates the fifth and fourteenth amendments of due process, just compensation.

The Dunham Rule gives power and monetary deprivation to Natural Gas companies and not to landowners of deep shale gas. Thus depriving of just compensation, the right to negotiate deep shale gas royalties. If the Uschacke never relinquished their shale mineral, the Uschacke's own rights to negotiate shale gas values. The PA Dunham Rule is blocking the right to negotiate shale gas values.

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

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TABLE OF AUTHORITIES CITED

CASES

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Ohio Law allows the transfer of mineral rights by property owners unlike Pa. Law.

STATUTES AND RULES

The PA Danham Rule violates property rights and just compensation vis the fifth and Fourteenth amendments

OTHER

The PA Supreme Court does not believe that the holders or owners of the shale mineral has ownership of the shale gas held within. They contend that shale gas is not a mineral an since the natural gas is not a mineral.

IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**: *Western District Court*
Case # 2:17-cv-00516 *3rd Cir 2018 17-2692*

The opinion of the United States court of appeals appears at Appendix ____ to the petition and is

reported at *Leagle, CL Court Listener*; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the United States district court appears at Appendix ____ to the petition and is

reported at *Barr Monitor Mar 22, 2018*; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix *II B* to the petition and is

reported at *Third Circuit CL*; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

The opinion of the *Western District* court appears at Appendix *I A* to the petition and is

reported at *Leagle*; or,
[] has been designated for publication but is not yet reported; or,
[] is unpublished.

JURISDICTION

[] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 18, 2017 ~~Western District Court~~

[] No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix I A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on April 17, 2018 (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

[] For cases from **state courts**:

The date on which the highest state court decided my case was Feb. 13, 2018.
A copy of that decision appears at Appendix I B.

[] A timely petition for rehearing was thereafter denied on the following date: December 21, 2017, and a copy of the order denying rehearing appears at Appendix I A.

[] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on Apr. 17, 2018 (date) in Application No. A _____.

Submitted

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The PA Dunham Rule violates
the fifth and fourteenth amendment
to due process and just compensation

The Dunham Rule blocks all negotiating
rights to the deep shale-gas and
holds these rights subservient to
the shallow-gas lease, in essence
extinguishing all gas negotiating in
favor of the gas companies. The
Dunham Rule deprives the Uschucks
of negotiation for deep shale-gas
values, depriving the Uschucks
of just compensation.

The Dunham Rule is a taking of
natural gas values without just compensation.

STATEMENT OF THE CASE

William M. Uschack as heir to the Irene G. Uschack estate contends that the Pennsylvania Dunham Rule that does not consider natural gas as a mineral as does the majority opinion in the USA violates the fifth and fourteenth amendments to the US Constitution as to property rights, due process, and just compensation.

REASONS FOR GRANTING THE PETITION

Allocating fair and just equity as prescribed by the constitutional law in the fifth and fourteenth amendments.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

William B. Velhofer Pro Se

Date: April 17, 2018

SUPREME COURT OF THE UNITED STATES

JUNE 10, 2018

I hope my Pro Se abilities meet the
Standard of the Court.

William M. Uschack v. Commonwealth of PA.

If the Pennsylvania Dunham Rule
that natural gas is not recognized
as a mineral unlike the rest of the
USA is abolished, it will benefit
landowners across the state of
Pennsylvania. Landowners will be able
to recover monetary values of
the deep shale gas.

Petition for WRIT OF CERTIORARI

William M. Uschack Pro Se

William M. Uschack

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Greensburg, PA 15601

724-304-8853

Prior Judgments:

Review of Western District Court
Pittsburgh, PA,

Date: July 19, 2017

Review of Third Circuit Judgment
Philadelphia, PA.

Date: February 13, 2018

Supreme Court of the United States

Office of the Clerk

Washington, D.C. 20543-0001

Writ of Certiorari

The jurisdiction of the Supreme Court applies to violations of constitutional law.

The jurisdiction of the Supreme Court has the power to address appellate cases of constitutional law.

"Federal question" jurisdiction is assigned to the Supreme Court in matters of constitutional law.

List of parties to the proceeding:

1. Commonwealth of Pennsylvania

2. Western District Court, Pittsburgh, Pa.

3. Third Circuit Court of Philadelphia.

Rule 14 Questions presented for review:

1. Does the Bunker Rule in natural gas law violate the fifth and fourteenth amendments to the Constitution, due process, property rights and just compensation.

2. Orders of parties involved in prior appeals.

Federal Western District Court, Pittsburgh, PA,
third circuit appeals Philadelphia, PA.

3. Review of Pennsylvania Judges relying on
the Durbin Rule infringing on property
rights allocated by the fifth and Fourteenth
Amendments to the constitution concerning
just compensation (the ability to renegotiate
deep shale gas royalties.) Basically as
in heir to the Irene G. Uschak estate, I
am excluded from higher shale gas royalties.
Essentially the Commonwealth of Pennsylvania
commandeered my rights to renegotiate
my shale gas values.

4. Review of a clear need to abolish the
corrupt and antiquated Durbin Rule that
does not recognize natural gas as a mineral
in Pennsylvania must be addressed.

7. Reviewing the strength of the fourteenth amendment superior to the eleventh amendment claims of sovereign immunity in so much as protecting the fifth and fourteenth amendments proclaiming just compensation dictated by constitutional law, as well as due process.

8. Review of the "taking" of the Ushects natural gas estate under the guise of gas for public good is a travesty of constitutional law.

9. Review is necessary to address the nonsensical proposition that by following the Dushan Rule for 131 years somehow makes the Commonwealth's opinion in the USA that gas is indeed a mineral.

10. Review is necessary to address the
"regulatory failing" by the Commonwealth
of Pennsylvania by way of the Supreme
Rule, the taking of the Oschucks estate
gas rights.