

No. 23 WDA 2018 Third Circuit

USCA No. 17-2692

IN THE  
SUPREME COURT OF THE UNITED STATES

William Uchack — PETITIONER  
(Your Name)

vs.

Commonwealth of Penna. — 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)

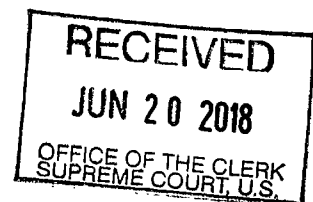
PETITION FOR WRIT OF CERTIORARI

William Uchack  
(Your Name)

314 Wpsurus Rd. Greensburg, PA 15601  
(Address)

\_\_\_\_\_  
(City, State, Zip Code)

724 309-8853  
(Phone Number)



## QUESTION(S) PRESENTED

William M. Uschock 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 Uschocks never relinquished their shale mineral, the Uschocks 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 via 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 opposing the majority opinion in the

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 1:17-cv-00516* *3rd Cir 2018 17-5692*

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 *Pacer 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 \_\_\_\_\_ 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 *IA* 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 IIA.

[ ] 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 \_\_\_\_\_. Submitted

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 IIB.

[ ] 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 IIA.

[ ] 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 DA Dunham Rule violates  
the fifth and fourteenth amendments  
to due process and just compensation

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

The Dunham Rule is a taking of  
Natural Gas Values without just compensation.



## STATEMENT OF THE CASE

William M. Uschock as heir to  
the Irene G. Uschock 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. Uehara 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. Uschock 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. Uschock Pro Se

William M. Uschock

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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 16 Questions presented for review:

1. Does the Dunkham 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 Dunham 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

an heir to the Irene G. Uschock 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 Dunham Rule that  
does not recognize natural gas as a mineral  
in Pennsylvania must be addressed.

6. The Pennsylvania state judges that are acting under the color of state law that recognizes the Dunham Rule as valid legally are supporting an invalid supposition that the Dunham Rule is constitutionally correct. It needs reviewing.
6. "Things" The Commonwealth of Pennsylvania is responsible for taking the negotiation powers as to the deep shale gas from the Uschak estate. The Commonwealth of Pennsylvania should compensate the Uschak estate by \$1,000,000 dollars in lost revenues. The Dunham Rule used by the Commonwealth is taking rightful ownership of shale gas and giving it over to the gas companies, essentially a theft of constitutional values.



7. Reviewing the strength of the fourteenth amendment superior to the eleventh amendment claim 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 Uschecks 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 Dunham Rule for 131 years somehow makes the Commonwealth of Pennsylvania immune to the majority opinion in the USA that gas is indeed a mineral.

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