

Supreme Court Case No. _____

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In the
Supreme Court of the United States

GAMADA A. HUSSEIN,

Petitioner,

v.

Jeff B. Sessions, III, U.S. Attorney General;
U.S. DEPARTMENT OF JUSTICE;
Christopher Wray, Director, Federal Bureau of
Investigation; and FEDERAL BUREAU OF
INVESTIGATION; JOHN DOES,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Gamada A. Hussein
1669 Philipp Way
Shakopee, MN 55379
(651) 808-4809
huss0222@umn.edu

Petitioner, pro se

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QUESTIONS PRESENTED FOR REVIEW

- A. Whether implanting chips in Petitioner's body and monitoring the Petitioner and Petitioner's family life activities for a decade without warrant and due process of law constitute false imprisonment and violates the Fourth Amendment to the United States Constitution.
- B. Whether warrantless monitoring of Petitioner's emails, computers, cell phones, and TV for a decade violates the Fourth Amendment to the United States Constitution.
- C. Whether Defendants' persecutions of the Petitioner based on the petitioner's faith, color of skin, political opinions, and country of origin permissible under color of Sovereign Immunity.
- D. Whether testing the DNA of the Petitioner and Petitioner's family for the sake of research and profiling violates the Fourth Amendment to the United States Constitution.

LIST OF PARTIES

1. Jeff B. Sessions, III, U.S. Attorney General,
Defendant
2. U.S. DEPARTMENT OF JUSTICE, Defendant
3. Christopher Wray, Director, Federal Bureau of
Investigation, Defendant
4. FEDERAL BUREAU OF INVESTIGATION,
Defendant, and
5. JOHN DOES [States, and individual actors],
Defendants

TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
LIST OF PARTIES.....	ii
TABLE OF CONTENTS.....	iii
TABLE OF AUTHORITIES.....	iv
PROCEDURAL HISTORY, CITATIONS AND JURISDICTION.....	1
CONSTITUTIONAL PROVISIONS AT ISSUE.....	2
INTRODUCTION.....	4
STATEMENT OF THE CASE.....	4
REASONS WHY CERTIORARI SHOULD BE GRANTED.....	5
CONCLUSION.....	24
Appendix Index:	
Order of Referral from District Court.....	A-1
Judgment in a Civil Case, dated May 10, 2017.....	A-2
Opinion of the Eighth Circuit Court of Appeals, filed March 21, 2018.....	B-1
Judgment of the Eighth Circuit Court of Appeals..	B-5
Order Denying Petition for Rehearing, dated May 22, 2018.....	B-6
Eighth Circuit Court of Appeals Mandate.....	B-7
Teacher Recommendation Forms.....	C-1
2014 Work Evaluation of Petitioner.....	C-15
Workplace Letters of Recommendation.....	C-23

TABLE OF AUTHORITIES

<i>Bell Atlantic Corporation v. Twombly</i> , 55 U.S. 544 (2007).....	14
<i>Carpenter v. US</i> , 585 U.S. ----- (2018).....	9
<i>Conley v. Gibson</i> , 355 U.S. 41, 78 S.Ct. 99, 2 L.Ed.2d 80 (1957)....	14
<i>Gideon v. Wain Wright</i> , 372 U.S. 335 (1967).....	11, 12
<i>Katz v. US</i> , 389 U.S. 347 (1967).....	6, 7
<i>Kyllo v. US</i> , 533 U.S. 27 (2001).....	7
<i>Missouri v. McNealy</i> , 133 S. Ct. 1552, 1562 (2013)..	22
<i>Olmstead v. United States</i> , 277 U.S. 438 (1928).....	6
<i>Raz v. U.S.</i> , 343 F.3d 945 (8th Cir. 2003).....	23
<i>Riley v. California</i> , 573 U.S. ----- (2014).....	5
<i>Smith v. Maryland</i> , 442 U.S. 735 (1979).....	9
<i>United States v. Jones</i> , 132 S.CT. 945 (2012).....	7
<i>United States v. Karo</i> , 468 U.S. 705 (1984).....	7
<i>United States v. Knotts</i> , 460 U.S. 276 (1983).....	7, 23
<i>United States v. Miller</i> , 425 U.S. 435 (1976).....	9
<i>US v. Nixon</i> , 418 U.S. 683 (1974).....	19

<i>United States v. Warshak</i> , 690 F. 3d 772, 778 (6th Cir. 2012).....	23
<i>Young v. City of St. Charles</i> , 244 F. 3d 623 (8th Cir. 2001).....	23

PROCEDURAL HISTORY, CITATIONS AND JURISDICTION

On December 19, 2016, a hearing was held before Honorable Magistrate Judge Steven E. Rau. On March 03, 2017, Honorable Magistrate Judge Steven E. Rau's Report and Recommendation granted Defendant's motion to dismiss Petitioner's Second Amended Complaint.

On May 10, 2017, Honorable Judge Susan Richard Nelson overruled Petitioner's Objection to the Report and Recommendation, and granted Defendants' Motion to Dismiss, dismissing Petitioner's Second Amended Complaint; please see Appendix A.

On June 16, 2017, Petitioner Gamada A. Hussein filed a Notice of Appeal to the Eighth Circuit Court of Appeals. On August 29, 2017, Petitioner, Gamada A. Hussein, filed his brief, and Defendants filed their brief on September 28, 2017. On October 19, 2017, Petitioner Gamada A. Hussein, filed his Reply Brief. On March 21, 2018, Honorable Circuit Judges Colloton, Bowman, and Benton affirmed the District Court's judgment.

On April 26, 2018, Petitioner Gamada A. Hussein filed a Petition for Rehearing EN BANC and Panel Rehearing (FRAP 35 (b)(2) & 40 (l)(a, b, & c)) responding to Honorable Circuit Judges' judgment entered on March 21, 2018; please see Appendix B.

Once again, the Eighth Circuit Court of Appeals denied both petitions on May 22, 2018 and issued a mandate on May 30, 2018.

This is a petition for a writ of certiorari to the Supreme Court of the United States. The Supreme Court has jurisdiction to review the judgments of the Eighth Circuit Court of Appeals under 28 U.S. Code §1254(1) and 28 U.S. Code §1257(a).

CONSTITUTIONAL PROVISIONS AT ISSUE

Fourth Amendment to the United States Constitution

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

The Fifth Amendment to the United States Constitution

No person shall be held to answer for a capital, or otherwise infamous crime, unless on presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

The Eighth Amendment to the United States Constitution

".....nor cruel and unusual punishments inflicted."

Miscellaneous

Freedom of Information Act, 5 U.S.C. 552

The Right to Financial Privacy Act, 12 U.S.C. ch.
35, § 3401 *et seq.*

Stored Communications Act, codified at 18 U.S.C.
§§ 2701-2712

INTRODUCTION

Petitioner Gamada A. Hussein filed a complaint against the U.S. Department of Justice (DOJ), the Federal Bureau of Investigation (FBI), named officials, and John Does at the US District Court for the District of Minnesota on March 28, 2016, because Defendants had violated Petitioner and Petitioner family's constitutional, legal, and civil rights and committed various heinous crimes against the Petitioner and Petitioner's family [torture, murder attempts, a decade long illegal searches and seizures, enslavement, intrusions upon personal properties, harassments, intimidations, malicious abuses, family disruptions, threats against Petitioner's life, and so on]. Defendants have caused a lot of immeasurable social, physical, psychological, academic, and financial harms; the harms are still going on a daily basis. The Petitioner filed a Second Amended Complaint on September 20, 2016, after he faced very serious difficulty in serving officials sued in their individual capacity.

STATEMENT OF THE CASE

Factual Background

Petitioner Gamada A. Hussein has been subjected to torture, murder attempts, a decade long illegal searches and seizures, enslavement, intrusions upon personal properties, harassments, intimidations, malicious abuses, family disruptions, discriminations, defamation, and false imprisonment by named Defendants for no fault of Petitioner's own and the harms are still going on. For the last decade Defendants have been having absolute control over Petitioner's private face to face conversations, emails,

cell phone conversations, text messages, lap tops, and TV. Defendants have also been able to measure Petitioner's heartbeats, breathing rates, how long his genital organ erects, how long his sex lasts, and so on through microchips inserted in Petitioner's body. Furthermore, the Petitioner and Petitioner's family are still in a publicly shared illegal government surveillance and all Petitioner's other claims are undisputedly traceable from illegal government surveillance. Petitioner brought action against the Defendants to stop further violations of the Petitioner and Petitioner's family rights and also to redress a decade long damages inflicted upon them.

REASONS WHY CERTIORARI SHOULD BE GRANTED

I. Review Is Warranted Because the Lower Courts' Decisions Conflict with the Supreme Court's Holding in *Katz v. US*, *US v. Jones*, *Carpenter v. US*, and *Riley v. California*.

The Fourth Amendment to the United States Constitution provides that, "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures shall not be violated." In the case at hand, Defendants have inserted microchips into Petitioner's body to broadcast the detail of the Petitioner and Petitioner's family life for a decade. The Defendants also have absolute control over Petitioner's finances, text messages, email contents, electronic devices (lap tops, TV, and so on).

All these activities constitute searches and seizure in the Fourth Amendment context and require court warrant based on probable cause, but Defendants have never produced any Court warrant.

A decade long warrantless searches and seizure of person's persons, properties, and papers (emails, text messages ... etc.) is violation of the Fourth Amendment as stated above.

Furthermore, the Defendants intruded upon the privacy of the Petitioner and Petitioner's family for a decade. Intrusion upon the Petitioner's privacy by itself has been having severe impacts on the Petitioner. For example, when the public shames, harasses, and intimidates the Petitioner with every detail of his life such as sex and other every private family affair, his heart pounds out of his chest and his head freezes like a deer in the headlights, the Petitioner further shivers like a frightened horse and drips cold sweat being paralyzed by shame and fear of nudity (walking naked in public). The Petitioner is very confident that the Honorable nine Justices understand that they are the Trustees of the rule of law and their Judgment impacts 326 million Americans for years. The United States Supreme Court went back and forth on issues arising from the Fourth Amendment to the United States Constitution; taking lived experiences into account, the Petitioner wants to show this Highest Court of the Land that the Fourth Amendment is the only viable cap on tyranny of the majority, tyrannical use of technology, malicious government abuses, and control.

In 1927, in *Olmstead v. US*, federal agents installed a wire-tap in the basement of the Olmstead Building without Court Warrant, and Olmstead was convicted with evidence obtained from the wire taps. The US Supreme Court ruled 5-4 in favor of the government; the Court reasoned that the Fourth Amendment applies only to physical search and seizure. In 1967, in *Katz v. US*, government agents

engaged in wire-tapping of telephone conversations; the Court ruled 7-1, with the majority in favor of *Katz*, reasoning that the Fourth Amendment protects people, not physical places. The *Katz v. US* ruling implies that if the person has a reasonable expectation of privacy, warrantless wire-tapping, even when the government installed the wire-tap without entering suspect's properties, violates the Fourth Amendment.

In 1983, in *US v. Knotts*, the government used electronic surveillance devices and this Court ruled for the government stating that *Knotts* did not have reasonable expectations of privacy in public movements. The Court further reasoned that the surveillance monitoring did not expose any information that is not observable from a lawful vantage point outside the cabin; therefore, there is no search and seizure occurring in the context of the Fourth Amendment. In *United States v. Karo*, 468 U.S. 705 (1984), the Court held that use of an electronic beeper device to monitor a can of ether inside private property, without a warrant, constituted an unlawful search. Likewise, in *Kyllo v. US*, 533 U.S. 27 (2001), the Court held, in a 5-4 decision, that the use of thermal imaging devices from a public vantage point, to monitor the radiation of heat from a person's home, was a search within the meaning of the Fourth Amendment, and thus required a warrant. Recently, in *United States v. Jones*, 132 S.Ct. 945 (2012), this court held that installing a Global Positioning System (GPS) tracking device on a vehicle and using the device to monitor the vehicle's movements constitutes a search under the Fourth Amendment, stating that the police had committed a trespass against Jones' property in an attempt to obtain information, and that constituted

unreasonable search under the Fourth Amendment.

The case at hand is more unique than all the above cases in several ways:

1. Petitioner and Petitioner's family are peaceful, innocent, and law-abiding citizens; Defendants have no probable cause at all.

2. The illegal searches and seizures have been going on for a decade.

3. The Defendants inserted microchips into Petitioner's body, soliciting the Petitioner to the bed room, wire-tapping his phone and face to face private conversations, private business meeting conversations, academic work and private email exchanges for a decade without court warrant. In fact, Defendants have been conducting years of warrantless searches and seizures on the Petitioner's privacy, person, and properties; all claims are traceable, testable, and verifiable from inserted microchips and illusive government surveillance. The Petitioner has presented the Fourth Amendment violations to both Federal District Court and Eighth Circuit Appellate Court very well in the Petitioner's Second Amended Complaint, District Court's brief hearing, and Appellate brief; both Courts gave blind eyes and allowed Defendants to further violate the Petitioner's and Petitioner's family constitutional rights to be free from illegal searches and seizures. Petitioner's emails and text messages are very personal; they have very detailed personal information (Social Security numbers of his family members, family conversations and plans, private business communications and so on); the Defendants track emails and text messages of the Petitioner and

Petitioner's family. Likewise, the Defendants have been having absolute control over the Petitioner's cell phones, I-Pods, lap tops, and TV.

For instance, Petitioner's lap top contains academic writings, family plans, group business by laws, business minutes, business email exchanges, business plans, and other private information. In the past, this Court applied third party doctrine in *United States v. Miller*, 425 U.S. 435 (1976); see also *Smith v. Maryland*, 442 U.S. 735 (1979), information disclosed to the third party does not require warrant and there is no reasonable expectation of privacy. Thankfully, in *Carpenter v. US*, 585 U.S. -----(2018) this Court held, in a 5-4 decision that the government violates the Fourth Amendment to the United States Constitution by accessing historical records containing the physical locations of cell phones without a search warrant. It's the Petitioner's prayer that this Court will rule against searching and seizing personal properties, personal persons, personal privacies without warrant in violation of the Fourth Amendment to the US Constitution, in the case at hand.

The Petitioner believes that this is a classic and exceptionally important case of Fourth Amendment violations in US history; it is significant for this Court to re-examine third party doctrine, searches, seizures, and privacy invasion in the era of tyrannical use of technology and very well deliberated government abuses and control. This Court has jurisdiction over the Fourth Amendment violations and it is the Petitioner's prayer that this Court will reverse Eighth Circuit's decision.

II. REVIEW IS WARRANTED BECAUSE OF NATIONAL IMPORTANCE OF THE ISSUE. THE DEFENDANTS' TYRANNICAL USE OF TECHNOLOGY HAS ESTABLISHED ILLEGAL AND ILLUSIVE PRISON CELLS IN THE CASE AT HAND AND THIS HAS SEVERE IMPACTS ON THE RULE OF LAW.

In a society of laws like ours, citizens must be convicted at court of law before they are put behind bar. In the case at hand, the Petitioner and Petitioner's family held in the most notorious, intrusive, abusive, oppressive and illusive digital prison cells indefinitely just because of their faith, color of skin, political opinions and country of origin.

The Petitioner is a very productive, responsible, confident, proud, and law-abiding citizen of the United States. In his social life, the Petitioner has been a role model in his community his entire life. In his academic life the Petitioner has been referred to as talented, disciplined, compassionate, diligent scholar, detail oriented, thoughtful, empathetic, brilliant, and visionary scholar and professional. In his professional life, the Petitioner has been referred to as patient, flexible, approachable, responsible, very skilled, easy and enjoyable to work with, very professional, respectful, courteous, pleasant, dependable, capable, honest, team player, and critical thinker; please see Appendix C. The Defendants' dangerization and criminalization of the Petitioner is absolute false and phony accusations perpetrated by the Defendants to legitimize persecutions of the Petitioner and Petitioner's family based on race, faith, political opinions, and country of origin.

In a society where even criminals are protected

from cruel and unusual punishment (8th Amendment to the Constitution), the Petitioner has been subjected to systematic torture without doing anything wrong and the systematic torture is still going on.

Furthermore, Defendants fully deliberated to deprive the Petitioner of life, liberty, and properties without due process of law for institutional financial interests in violation of the 5th amendment to the US Constitution.

For the last decade Defendants have been having absolute control over Petitioner's private face to face conversations, emails, cell phone conversations, text messages, lap tops, and TV. Defendants have also been able to measure Petitioner's heartbeats, breathing rates, how long his genital organ erects, how long his sex lasts, and so on through microchips inserted in Petitioner's body. These Actions constitute more than usual physical confinement (prison). Speaking from lived experiences, even convicted felons are being treated much more fairly than the Petitioner and Petitioner's family; they (the Petitioner and his family) have been living in 24/7 publicly shared surveillance where people comment on how the Petitioner uses the bathroom. Even though the Petitioner is not guilty of doing anything wrong the Petitioner reasonably believed that he and his family are in prison and therefore, they are entitled to right to appointment of counsel.

The Appellate Court denied the Petitioner's motion for appointment of counsel. In contrast, this Court upheld the right to counsel in *Gideon v. Wainwright*, 372 U.S. 335 (1967); the Six Amendment to the US Constitution gives even felons the right to counsel in federal prosecutions.

The Petitioner believes that as an innocent and law-abiding citizen, he and his family are put behind inconceivable bars and that they are entitled to appointment of counsel as they are under federal persecution for being Muslims and blacks. The Petitioner and Petitioner's fiancée are among the most productive, and responsible members of this society of ours; the society that allowed fair trial of felons will never allow persecutions of its law-abiding members.

Since the Petitioner and Petitioner's family have been treated as felons by the Defendants the Courts of law should not hesitate to appoint counsel. So far, the Appellate Court has denied Petitioner's motion for appointment of counsel, allowing the Defendants further persecutions of this law-abiding Petitioner and his family.

It's the Petitioner's prayer that this Court applies *Gideon v. Wright* to institute justice where Defendants fully deliberated to present poverty and lack of legal expertise of the Petitioner to their advantage, in order to deny justice and breed lawlessness.

III. REVIEW IS WARRANTED BECAUSE THE LOWER COURTS ERRONEOUSLY DISMISSED PETITIONER'S SECOND AMENDED COMPLAINT WHILE THE PETITIONER HAS STANDING.

First and foremost, the lower courts presented petitioner's lack of legal expertise, and poverty, to the advantage of Defendants and dismissed the Petitioner's complaint while the Petitioner has been decrying for oral arguments, discoveries, and Court ordered confirmatory tests. In fact, the Petitioner

stated a claim in a plain language that he and his family have suffered injury caused by the Defendants under public watch and the injury is still going on, on a daily basis. The Petitioner further decried that Defendants' conspiratorial actions are traceable, testable, and verifiable.

Despite all these facts, in his Report and Recommendation Honorable Magistrate Judge Rau dismissed Petitioner's Second Amended Complaint based on the Defendants' assertion that the US is a real Defendant in interest and it did not waive its sovereign immunity; therefore, the court lacks subject matter jurisdictions over Petitioner's constitutional claims. Honorable District Court Judge Nelson disagreed with Honorable Magistrate Judge Rau that sovereign immunity does not bar the Court from prohibiting further violations of the Petitioner and Petitioner's family constitutional rights; however, Honorable District Court Judge Nelson decided to allow further violations of Petitioner's and Petitioner's family constitutional, legal, and civil rights because she believed that the Petitioner was making "Conclusory allegations and bare assertions with little to no factual support.", and the Petitioner failed to state a claim upon which relief can be granted.

Thankfully, Defendants have never denied Petitioner's claims, but they claimed Sovereign Immunity and lack of exhausting administrative remedies to bar the Court from judicial processes. Interestingly enough, Honorable Magistrate Judge recognizes that Petitioner's issues and claims are non-frivolous but he was reluctant to allow oral arguments and discoveries. If the Honorable Magistrate Judge allowed oral arguments and discoveries for sure as a judge he would have

dissected and associated facts and instituted justice. Honorable District Court Judge also followed the same footsteps with minor differences with Honorable Magistrate Judge. The District Court Judge states that the Petitioner has little facts with conclusory allegations while the Petitioner for sure has known and explained that all claims are indisputably traceable from the illegal surveillance itself.

In fact, there is no little fact and fact is always fact; the Petitioner has plainly told the Court that the Petitioner and Petitioner's family have suffered injuries caused by Defendants and Petitioner's and Petitioner's family injury is still going on. Furthermore, this Court has revised Rule 12(b)(6) test in recent years, where in *Conley v. Gibson*, 355 U.S. 41 (1957), the Court clarified the interplay between Rule 8 (General Rules of Pleading) and Rule 12(b)(6) of Federal Rules of Procedure, by stating the following: "the accepted rule is that 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 claims which would entitle him to relief." 355 U.S. at 45-46.

More recently, in *Bell Atlantic Corporation v. Twombly*, 55 U.S. 544 (2007), the Court addressed questions regarding the "no set of facts" test and clarified that "once a claim has been stated adequately, it may be supported by showing any set of facts consistent with the allegations in the complaint," *id.* at 563.

On the other side, Honorable Magistrate Judge Rau dismissed Petitioner's tort claim for lack of subject matter jurisdictions because of the Defendants' assertions that the Petitioner did not exhaust administrative remedy. Honorable District

Court Judge Nelson also agreed with Honorable Magistrate Judge Rau, the Petitioner respectfully disagrees with both. First of all, it is publicly shared fact that both FBI and DOJ had investigated and assessed the damage done to the Petitioner and Petitioner's family under false premises that the Petitioner is Anti-America and a potential terrorist. Secondly, the Petitioner's injury is still going on a daily basis.

The Petitioner has submitted Petitioner's whole complaints and other supporting documents to the following institutions to implore investigations, stop further violations of Petitioner's and Petitioner's family rights and also to exhaust administrative remedies:

1. On 08/25/2015 the Petitioner mailed Petitioner's whole complaint to DOJ civil rights division for investigation, and the department suggested that Petitioner's claim is not sufficient for investigation in writing in early October 5, 2015 while Petitioner's case was already investigated and the damage was assessed by DOJ itself.
2. On 08/26/2015, the Petitioner submitted his full complaint and other supporting documents to DHS Office for Civil Rights and Civil Liberties to implore the investigations, but the Petitioner hasn't gotten any response since then.
3. Per FBI duty agents' advice, the Petitioner submitted his whole complaint and other supporting documents to FBI to implore investigation and stop the ongoing abuses on 09/01/2015; On 09/30/2015 another FBI duty agent suggested that the Petitioner can file a civil complaint.
4. On December 18, 2015, the Petitioner sent

personal letters to the US Attorney General, Loretta Lynch and the Director of FBI James Comey. Petitioner received a letter dated 01/06/2017 from DOJ as a written response suggesting review and response within 60 days but the petitioner hasn't gotten any response since then. The Petitioner sought more than administrative remedies to stop the ongoing abuses and redress the damages but the fact is Defendants were deliberated to do more injury and reluctant to serve the Petitioner and Petitioner's family justice because they happen to be blacks and Muslims.

On the top of these, Sovereign Immunity is also waived for the following reasons:

1. As stated above in the Petition, the Petitioner has exhausted administrative remedies; therefore, the Petitioner can bring suit against the US to redress a decade long damage under the Tort Claim Act.
2. Petitioner has brought up the FOIA request and denial during December 19th, 2016 hearing held at District Court. The Petitioner also presented written denial of his FOIA request to the District Court. Since this is an open government claim, the Petitioner can bring suit against the US to seek a Court order to disclose the documents.
3. The Petitioner clearly and concisely explained that the injury is going on a daily basis; Section 702 of the Administrative Procedure Act expressly waives sovereign immunity.

Therefore, the court blindly bought into Defendants assertions of Sovereign Immunity while there are sets of conditions that waive Sovereign immunity in the Petitioner's Second Amended Complaint.

For the aforementioned reasons, and set forth herein, the Federal District Court dismissed the Petitioner's Second Amended Complaint erroneously and the Appellate court affirmed erroneous judgments. It is Petitioner's prayer that this Highest Court of the Land shall reverse these erroneous decisions.

IV. REVIEW IS WARRANTED BECAUSE DEFENDANTS' ASSERTIONS OF SOVEREIGN IMMUNITY WHILE CONTINUOUSLY PERSECUTING THE PETITIONER AND PETITIONER'S FAMILY BASED ON RACE, FAITH, POLITICAL OPINIONS, AND COUNTRY OF ORIGIN COMPROMISES JUSTICE AND RULE OF LAW.

In fact, the Petitioner presented the Courts with sets of claims that waive Sovereign Immunity. In addition to that the Petitioner strongly believes that the Congress men and women are morally, ethically, and socially responsible leaders. So, legislators legislated Sovereign Immunity to avoid unnecessary lawsuits against the US government but not to give government agencies free pass to commit crimes against their own citizens. Hence, the Petitioner disagrees with Defendants assertions of sovereign immunity while invading, colonizing, occupying, degrading, denigrating, dehumanizing, and humiliating the Petitioner and Petitioner's family.

The United States Constitution States in its Preamble:

"We the People of the United States, in Order to form a more perfect Union, establish Justice, ensure domestic

Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to themselves and our Posterity, do ordain and establish this Constitution for the United States of America."

Fortunately, the Petitioner is a member of *we the people* who founded this great sovereign to protect their unalienable rights including life, liberty, and pursuit of happiness endowed by their creator. This implies that the Petitioner and the Petitioner's family are sovereign of the sovereign for whom sovereignty of the U.S. exists. The sovereign that *we the people* founded to protect *we the people's* common and individual sovereignties cannot claim sovereign immunity while walking away from the purpose of its foundation. The government of the *we the people* must be accountable to its citizens through the courts. The government of *we the people* must conduct itself as an example to its citizens and must act in a good faith. The government of *we the people* doesn't subject its citizens to notorious, intrusive, abusive, and oppressive surveillance without legitimate reason and share it with the public. The government of *we the people* doesn't act in concert conspiratorially against its citizens. The Defendants intentional use of techno-tyranny and conspiratorial actions against their own peaceful and law-abiding citizens suggests that Defendants had intended to become tyrannical government agencies. The government of *we the people* can never have tyrannical government agencies, as tyranny is the source of all evils. Above all, crime is contagious and government of *we the people* should not commit heinous crimes against its peaceful and law-abiding citizens and share it

with the public; such behavior poses serious threats to the entire public by encouraging criminal acts within the society.

On the other hand, *we the people* are the combinations of individuals like the Petitioner and Petitioner's family, family is the foundation of *we the people*. An attack on the individual member of *we the people* and its foundation (family) is an attack on the entire *we the people*. Likewise, an attack on the founding sovereigns (*we the people*) is an attack on the founded sovereign (the US is founded to protect liberties of the founding sovereigns).

In the case at hand, the Defendants invaded, colonized, occupied, dehumanized, humiliated, degraded, and denigrated the Petitioner and Petitioner's family through malicious abuses of the processes and tyrannical use of technology. In doing so, Defendants assaulted both *we the people* and the US itself by compromising the rule of law and breeding lawlessness; therefore, Defendants should be held accountable to the extent to the damage they caused.

Therefore, Sovereign Immunity should not be meant as a free pass to government agencies' infringements on *we the people's* liberties but to protect such liberties. In the *US v. Nixon* (418 U.S. 683, 1974), the US Supreme Court unanimously decided against President Richard Nixon ordering him to deliver tape recording and other subpoenaed materials to the Federal District Court assuring *we the people* that no one is above the law. The Petitioner is very confident that the Defendants have a decade long 24/7 surveillance on the Petitioner and Petitioner's family; this Court should order the Defendants to hand over the decade long records to the Court of Law.

The Defendants' deliberations to commit crimes after crimes and the lower Courts' erroneous and conflicting decisions had shattered the Petitioner's confidence in *We the People's* justice systems; it is Petitioner's prayer that this Highest Court of the Land will institute justice and restore confidence in we the people's justice systems so that accepting injustices and persecutions will never be normalized in this great society of ours.

V. REVIEW IS WARRANTED BECAUSE THE LOWER COURTS' DECISION CONFLICTS WITH THIS COURT'S HOLDING IN MISSOURI V. MCNEALY.

Petitioner, Gamada Ahmed Hussein, and his family (his fiancée and four children) occasionally go to health care facility to seek care; Defendants get samples from health care facilities and use them for different experiments including DNA tests. Of course, the Petitioner and Petitioner's family consented to disclose their medical record to hospital doctors knowing that all health care workers are signatory of HIPAA. However, Defendants conduct illegal experiment and use the findings as a tool of harassments at Petitioner's work places. Here are some of the evidences that show Defendants have been misusing medical records and collected samples for experimentations and abuses:

1. In year 2011 and 2012, the surrogate of the Defendants (Teaching Specialist at the University of Minnesota) was contending about kicking the Petitioner out of school to trigger TB by exposing him to tremendous stress. The Petitioner knew that Petitioner's Mantoux test was positive and its due to immunization in Ethiopia, but FBI agents were

trying to use the Petitioner's medical record to harm him.

2. In November 2013, the Petitioner went to nearby clinic for physical checkup. FBI agent followed him to the clinic and took the sample from the clinic and conducted unauthorized tests on the Petitioner and shared the results with coworkers at two different facilities. Among comment shared with coworkers were that the petitioner still as healthy as a horse but the petitioner's telomeres are short. Of course, the Defendants have been poisoning the Petitioner with different carcinogens, and Defendants were testing the length of telomeres because the test could be an important predictor of increased danger for a range of disorders, from cancer to cardiovascular disease and type 2 diabetes.

3. In September 2014, the Petitioner visited hospital for laser light flushed into his eyes. Local police and FBI agents followed the Petitioner to the hospital and took sample from the hospital and did another round of DNA analysis. This time Defendants shared with coworkers that the Petitioner will die of liver or heart disease.

4. In March 2015, in one of the hospitals the Petitioner was working at, FBI agents told coworkers that Petitioner's fiancée has Strep B. The Petitioner was shocked to the extent the Defendants were involved in Petitioner's and Petitioner's family private affairs; the Petitioner reported to both local and federal law enforcement agencies. However, reporting the crime resulted in Petitioner's job loss.

5. In April 2017, Petitioner's fiancée had the fourth baby at a nearby Hospital. Soon after Petitioner's fiancée delivered, Ramsey County Sherriff came to birth place and took a sample from

health care workers. In that same month, a police officer's spouse from Minnetonka who was attending MA class with the Petitioner was sharing paternity test results with other classmates stating that even if the Petitioner's fiancée is a cheater, the baby still belongs to the Petitioner.

The Petitioner is very dreadful about how much impact these illegal experiments' result and stored DNA may have on Petitioner's career, public image, family life, and four little children now and in the future.

In *Missouri v. McNealy* 569 U.S (2013); this Court decided that even conducting blood tests for legal purposes requires warrant. In the case at hand, Defendants have conducted various warrantless DNA tests on Petitioner and Petitioner's family through health care facilities under false assumption that the Petitioner is potential terrorist and anti-America. The Petitioner and Petitioner's family have a serious expectation of privacy in their DNA compositions; this violates their Fourth Amendment rights to privacy in their person and property. It is Petitioner's prayer that this Court orders Defendants to destroy all genetic information collected on the Petitioner and Petitioner's family so that it will not be used for racial profiling.

VI. REVIEW IS WARRANTED BECAUSE THE EIGHTH COURTS OF APPEAL'S DECISIONS IN THE CASE AT HAND CONFLICTS WITH ITS OWN PREVIOUS DECISIONS AND DECISIONS OF THE SIXTH CIRCUITS' WHICH CREATES A CONFLICT AMONG THE CIRCUITS.

The Petitioner, Gamada Ahmed Hussein, presented the Courts with traceable, testable, and

verifiable facts. The Petitioner has also been decrying for oral arguments, discoveries, and court order for tests to assure the Courts that the claims against Defendants are provable facts. Despite all these facts, Honorable Appellate Judges concurred with the Honorable Magistrate Judge and Honorable District Court Judge that the Petitioner did not state a claim upon which relief can be granted and affirmed the District Court's Judgments. In the case at hand, the Eighth Circuit made a decision that conflicts with its traditional doctrine of taking complaint material as true and liberally construing the complaint in favor of the plaintiff when considering a motion to dismiss, see *Young v. City of St. Charles*, 244 F. 3d 623 ,627 (8th Circuit 2001). On the other side, The District Court alternatively dismissed Petitioner's Second Amended Complaint due to lack of subject matter jurisdictions because the Defendants asserted that the US did not waive its Sovereign Immunity; in *Raz v. US*, the Eighth Circuit's holding over *Raz's* direct constitutional claims conflicts with decision on case at hand. Of course, *Raz v. US* has a lot of similarities with Petitioner's case; like *Raz* the Petitioner sought injunctive relief but it's not clear why the Eighth Circuit made contradictory decisions.

In addition to these, the US Eighth Circuit Court of Appeals held that monitoring the radio transmitter (beeper) on the car violated the Fourth Amendment rights in *US v. Knotts*; in the case at hand, the Petitioner insisted that Defendants inserted microchips into Petitioner's body and controlled Petitioner's and Petitioner's family entire life activities for a decade. However, the Eighth Circuit Court of Appeals made very contradicting decisions in the case at hand.

In *US v. Warshak*, the US Court of Appeals for

the Sixth Circuit has ruled that people have an expectation of privacy in email contents even if they use third party service provider to transmit the email; the Eighth Circuit Court of Appeals made a decision that contradicts the Sixth Circuit with the case at hand where the Petitioner claimed the Defendants track Petitioner's emails and text messages.

Therefore, the Supreme Court's intervention is necessary to resolve the conflicts within the courts and among the circuits.

CONCLUSION

For the aforementioned reasons as set forth herein, the Petitioner respectfully submit that this Petition for Writ of Certiorari shall be granted. The Court may wish to consider summary reversal of the decision of the Eighth Circuit Court of Appeals.

Respectfully submitted

Dated: October 25, 2018

Gamada Hussein
1669 Philipp Way
Shakopee, MN 55379
huss0222@umn.edu
Tel: (651) 808-4809