

No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

AMIL DINSIO — PETITIONER
(Your Name)

vs.

APPELLATE DIVISION, THIRD DEPARTMENT —

RESPONDENT(S) ON PETITION FOR A WRIT OF

CERTIORARI TO

SECOND CIRCUIT COURT OF APPEALS

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR

CASE) PETITION FOR WRIT OF CERTIORARI

AMIL DINSIO

(Your Name)

11 Island Drive

(Address)

Poland, OH 44514

(City, State, Zip Code)

(330) 881-4647

(Phone Number)

QUESTION(S) PRESENTED

1. Did the Second Circuit Court abuse its discretion when it denied the Petitioner's motion to recall the Court's mandate? See Exhibit B
2. Did the Federal District Court Judge Glenn T. Suddaby attempt to cover up for the five Appellate Division justices stealing the Petitioner's original CPLR Article 78 and its \$315.00 filing fee when stated in Appendix B July 14, 2017 on page 24, second paragraph, "In any event even if the Third Department did steal Plaintiff's original Article 78, the Fourth Department ruled the mandamus does not lie?" At the time of making that statement, because of shown bias, judge Suddaby should have recused himself from the injunction proceeding as the Petitioner had asked him to do in a recusal motion. See Exhibit C.
3. Did Judge Suddaby abuse his discretion when he ruled the Petitioner's claims are barred by the Rooker-Feldman Doctrine?
4. Did Judge Suddaby abuse his discretion and deny the petitioner due process when he denied the Petitioner injunctive relief when he had in the record before his eyes in which he also knew the Appellate Division justices also had before their eyes when they denied the appeal application, a Rensselaer District Attorney's FOIL lawsuit affidavit stating that at the time of the Petitioner's 1997 trial, there were recorded police radio transmissions missing from being heard on the police tape, which he knew as a judge were Brady federal law and Rosario state law violations of withholding evidence?

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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APPENDIX C – Second Circuit Court of Appeals Order Dated September 6, 2018

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TABLE OF AUTHORITIES CITED

CASES

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Brady v. Maryland, 373 U.S. 83

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People v. Rosario, 213 NYS 2d 448

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Rooker v. Fidelity Trust Co., 263 U.S. 413 and

D.C. Court of Appeals v. Feldman, 460 U.S. 462

(The Rooker-Feldman Doctrine).

Question Presented
number 3

STATUTES AND RULES

New York CPL 440.10

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New York CPL 460.15

4

New York CPLR Article 78

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New York CPLR 5501 (c)

4

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**:

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

☐ reported at _____; 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 B___ to the petition and is

☐ reported at _____; 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 _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix_____ to the petition and is

☐ reported at _____; 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 June 21, 2018.

☒ 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 _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (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 _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following are found in Appendix E:

New York CPL 440.10

New York CPL 460.15

New York CPLR Article 78

New York CPLR 5501 (c)

STATEMENT OF THE CASE

This case involves a New York state statute CPL 440.10 motion to vacate a criminal conviction that the Petitioner filed in August 2009 before a state Supreme Court justice in Rensselaer County New York who denied every issue raised in the motion without a hearing.

The issues raised were ineffective assistance of trial counsel, violation of Brady and Rosario laws, defective grand jury proceedings by the prosecution manufacturing the crimes charged in the indictment, and the fabrication of a police tape.

Then, in an appellate court, in a CPL 460.15 appeal application, five justices attempted to "fix" the appeal for in less than three weeks the justices simply said, "Application denied."

So, the Petitioner filed a Motion for Reconsideration of the denial, and while the motion was pending, the Petitioner filed a state statute CPLR Article 78 Order to Show Cause petition for a Writ of Mandamus to compel the court to do its state statute CPLR 5501 (c) duties which require an appellate court to review questions of law and questions of fact in all appeals coming before an appellate court. Thereafter, five justices in the appellate court and their three court clerks conspired and stole the Petitioner's original Article 78 and its \$315 filing fee. Then, the court denied the Petitioner's three different motions for reconsideration to proceed before the appellate court on a copy of the original Article 78 that the justices stole. Then, the state's highest court, the Court of Appeals, denied leave to appeal.

The Petitioner then filed a civil rights complaint in the federal district court in the Northern District of New York asking for injunctive relief (see Exhibit A, the first 4 pages of the injunction), the Federal District Court Judge Glenn Suddaby attempted to cover up for the fact that the Appellate Division justices stole the Petitioner's original Article 78 and its \$315 filing fee.

REASONS FOR GRANTING THE PETITION

1. What the Respondent justices and the Federal District Court Judge Glenn Suddaby did is so egregious in violating this Petitioner's Constitutional rights, this Court should grant the writ and determine a just punishment for the Respondent justices and Judge Suddaby.
2. The writ should be granted so every attorney in the state of New York is made aware of the fact that the Respondent justices and a federal District Court judge colluded in law to deny a court Petitioner's Constitutional rights.
3. The writ should be granted in the public interest in showing a corrupt New York state appellate court and Court of Appeals, as well as the state's Attorney General's office.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Anil Dinsco

Date: September 19, 2018