

No. 18-6717

IN THE
SUPREME COURT OF THE UNITED STATES

ORIGINAL

Supreme Court, U.S.
FILED

OCT 01 2018

OFFICE OF THE CLERK

LEI YIN — PETITIONER

(Your Name)

vs.
Thermo Fisher Scientific — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals for the First Circuit

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

LEI YIN, pro se with disability

(Your Name)

3 Blackberry LN, S2

(Address)

Andover, MA 01810

(City, State, Zip Code)

508 404 3588

(Phone Number)

QUESTIONS PRESENTED FOR REVIEW

1. Whether a Pro Se shall share the same right as those represented by lawyers that are protected by United States Constitution?
2. Whether the Federal courts shall follow the same Law of Federal Courts, including the same Procedure in the District Court when handles a Pro Se case such as by issuing a Summons to Pro Se when case is filed (Rule 4)?
3. Will it be all right when District Court refused to issue a signed Summon Form to Pro Se plaintiff when commencing an Action, and refused to issue a signed Summon Form to the Pro Se, even after the Pro Se plaintiff had successfully passed the Show-Cause-Statement test as ordered by District Judge?

List of parties

- 1. All parties appear in the caption of the case on the cover page:**
LEI YIN, Pro Se with disability, plaintiff and Petitioner
THERMO FISHER SCIENTIFIC, defendant and Respondent
- 2. 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 judgement is the subject of this petition is as follows:**
United States Courts of Appeals For the First Circuit,
United States District Court of Massachusetts,

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APPENDIX A.(2-pages) Appeal was timely filed and appeal was dismissed by 1st Circuit on July 11, 2018.

APPENDIX B.(9-pages) Dismissal Order by seating Judge on Dec 11, 2017. One week after I filed formal complaint to District Chief Judge and to Appeals Court for 1st Circuit as shown in APPENDIX L. Till date of dismissal of Dec 11, 2017, Court Clerk had refused to release the complete Summons for present case of 17-cv-10900 opened on May 11, 2017.

APPENDIX C.(13-pages) Petition for Rehearing was denied by 1st Circuit on August 1st, 2018 (1- page), after Petition of Rehearing and Clairification on July 17, 2018. Pro Se Right and Constitutional Rights was declared to 1st Circuit (12-pages).

APPENDIX D (3-pages) LEI YIN's Original Personnel Record of Thermo Fisher Scientific, including Award to honored Lei Yin's service before departure by Thermo Fisher Scientific, please noted the handwriting statement on Award was from Beth Dipaolo . Documents of APPENDIX had been reviewed as of my HR files when I requested for a review after departure on June 18, 2009.

APPENDIX E (4-pages) Newly written Documents as Lei Yin's Personnel Record of Thermofisher Scientific by Beth Dipaolo without signature, at an unknown date but after Lei Yin's departure, also after Lei Yin's review of my HR files as requested after departure on June 18, 2009. This set of newly written

documents by Beth Dipaolo is without Lei Yin's acknowledge and consent, and had released to other parties by Thermo Fisher Scientific

APPENDIX F. (2-page) Written contract about future reference check on Jan 21, 2010 between Lei Yin and Thermo Fisher representative Beth Dipaolo, after Lei Yin's departure and after Lei Yin's review his HR file in June 2009. Please note Complaints about Beth Dipaolo on discriminations had filed to Mr Wilson Hershey, supervisor of Beth Dipaolo , and to HR department of ThermoFisher . At the time of January 21, 2010, Documents of APPENDIX D was as Lei Yin's HR file. Documents of APPENDIX E was NOT there.

APPENDIX G.(2-pages) Written letter and Summons by Lei Yin on May 11, 2017, when case was filing to US District Court of MA, asking court to sign and seal the Summons in a civil action, etc, and return to me so that I can serve ThermoFisher .

APPENDIX H.(8-pages) A SIMPLE GUIDE TO FILING A CIVIL ACTION IN THE UNITED STATES DISTRICT COURT DISTRICT OF MASSACHESETTS

APPENDIX I. (6-pages) SHOW CAUSE STATEMENT AND UPDATED COMPLIAN STATEMENTS filed to court on Sept 14, 2017, after the judicial review of complain as described in step three of Appedix E, and after my COMPLAINT was filed, and my case had been drawn to a District Judge and assigned a civil action number of 17-cv-10900, but refused to sign and seal the completed Summons as directed by seating District Judge.

APPENDIX J. (2-pages) ORDER CONCERNING JURISDICTION AND AMENDDMENT OF THE COMPLAINT on Sept 26, 2017. Please note after seating Judge's Order on Sept 26, 2017 , this seating Judge still insisted to instruct court clerk NOT to release the completed Summons form to me as described by District Court Clerk in phone calls, even after my numerous requests in calls and written letters.

APPENDIX K. (2-pages)Request of releasing summons filed on Nov 15, 2017, entitled " SUMMONS REQUEST together with Initial Cover Sheet and Complaint for a Civil Case that Required to serve the Other Party"

APPENDIX L (1-page, filed separately to 1st Circuit and chief judge of district of MA) . Formal Complaints of seating District Judge's practice sent to Chief Judge of District Court of MA and sent to Appeals Court for 1st Circuit on Dec 2nd , 2017, after continuing refusing to release the complete Summons by District Court Clerk as instructed by seating Judge, even after seating Judge had reviewed my formal requests to get a copy of summons as shown in APPENDIX H filed on Nov 15, 2017.

APPENDIX M. Motion to get a copy of docket for Petition for writs of certiorari (either in printing or digital form) was denied by 1st Circuit on Sept 12, 2018.

APPENDIX N. (4-pages) RULE 4 PROCESS in COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS by CONGRESSIONAL ACTION ON PROPOSED RULES AND FORMS GOVERNING PROCEEDINGS UNDER 28 U.S.C. §§ 2254 AND 2255 and ORDERS OF THE SUPREME COURT OF THE UNITED STATES ADOPTING AND AMENDING RULES

**APPENDIX O. (3-pages) RULE 4 SUMMONS from FEDERAL CIVIL RULES HANDBOOK 2017 by
BAISKER_MCKEE, JANSSEN, CORR**

IN THE SUPREME COURT OF THE UNITED STATES**PETITION FOR WRITE OF CERTIORARO**

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

OPINIONS BELOW

1. The opinion of the United States Court of Appeals for 1st Circuit appears at Appendix A to the petition and is unpublished.

On July 11, 2018, Judgement Affirmed from the United States Court of Appeals for 1st Circuit was entered to as 'Pro Se Appellant Lei Yin appeals the district court's order dismissing his complaint at the screening stage after he had been afforded opportunities to amend. After careful review of the relevant portions of the record and the parties' submissions, we AFFIRM, essentially for the reasons set forth in the district court's decision. See 28 USC §1915 e 2 Bii (allowing district court to dismiss an in forma pauperis action at any time if it 'fails to state a claim on which relief may be granted')" (See Appendix A to the petition). On August 1st, 2018, ORDER OF COURT was entered and Appellant Lei Yin's Petition of Rehearing is denied by United States Court of Appeals for the First Circuit. None opinion from Appeal Court was provided. (see Appendix C to the petition).

2. The opinion of the United States district court appears at Appendix B to the petition and is unpublished.

JURISDICTION

The date on which the United States Court of Appeals decided my case was July 11th, 2018. A timely petition for rehearing was denied by the United States Court of appeals was on August 1st, 2018, and a copy of the order denying rehearing appears at Appendix C.

In 2017, plaintiff Lei Yin, a Pro Se of protected minority race at age of 52, filed a civil complaint against Thermo Fisher in US District Court of MA after Lei Yin had found out Lei Yin's original Personnel Record in Thermo Fisher(Appendix D) had been destroyed by HR department of Thermo Fisher. After Lei Yin's departure, a brand new set of documents had been generated as Lei Yin 's Personnel Record (Appendix E), and released to other parties without Lei Yin's acknowledge and consent. There was a written contract between Lei Yin and Thermo Fisher after Lei Yin's departure (Appendix F) on future reference check , and that contract was also broken. All four team members of Lei Yin's group were from protected minority races and all four team member had been discriminated by a ThermoFisher employee who is white female on numerous occasions and complains against this white female employee had been filed to HR and CEO from Thermo Fisher when worked and after departure from ThermoFisher (Appendix F)

After judicial review of complaint by court as described by District Court Local Rule (Appendix H), Lei Yin's complaint was filed, and the case has been drawn to a District Judge and assigned a civil action number on May 15, 2017 (17-cv-10900, Judge Dennis Saylor). At this stage, the completed Summons shall be signed and sealed by the clerk (Appendix G) and returned to Lei Yin as described in Appendix H, STEP-BY –STEP A simple Guide to file a Civil action in USDC-MA(page 6, step Four: Service of Process). However, the Clerk had refused to issue the sealed Summons to Lei Yin, even after Lei Yin's numerous phone calls, writing requests (Court Clerk had said it was instructed by seating Judge). On August 31, 2017, the seating Judge had ordered me to write a SHOW-CAUSE –Statement to answer why this case shall NOT be dismissed.

On September 18, 2017, Lei Yin had filed the Show Cause Statement and Claims (Appendix I). On September 26, 2017, Judge Dennis Saylor ruled the Show Cause Statement And Complains had survived (Appendix J). However, my requests to get the copy of sealed Summons to clerk had still been denied, as said to be further instructed by Judge. On Nov 15, 2017, I had filed a motion to court to request this Summons (Appendix K), but District Court still refused to release the sealed Summons as told being instructed by seating Judge. On December 2nd, I had filed formal complaint (Appendix L) separately to District Court Chief Judge and to Appeals Court for 1st Circuit (Appendix L), to ask their helps to get a Summons. The case was dismissed on Dec 11, 2017 (Appendix B), one week after I filed request a sealed summons to chief Judge of District Court and Appeals Court (Appendix L).

Appeal was timely filed, and appeal was dismissed by 1st Circuit on July 11, 2018 (Appendix A). Petition of Rehearing and Clairification was filed on July 17, 2018 (Appendix C). My Pro Se Right and Constitutional Rights were declared to 1st Circuit (Appendix C). Petition for Rehearing was denied by 1st Circuit on August 1st, 2018 (Appendix C). And Motion to get a copy of docket for Petition for writs of certiorari (either in printing or digital form) was denied by 1st Circuit on Sept 12, 2018 (Appendix M).

REASONS WHY CERTIORARI SHOULD BE GRANTED

Violations on Due Process and Rules of Civil Procedure, violation Pro Se Rights and my Constitution Rights, and violations on Federal Court Procedure and Rules by US District Court and US Appeals Court are US Supreme Court's duty to process.

CONSTITUTIONAL PROVISIONS, STATUTE AND REGULATIONS AT ISSUE

The Fifth and Fourteenth Amendments to the United States Constitution : Due Process

CONGRESSIONAL ACTION ON PROPOSED RULES AND FORMS GOVERNING PROCEEDINGS UNDER 28 U.S.C. §§ 2254 AND 2255

ORDERS OF THE SUPREME COURT OF THE UNITED STATES ADOPTING AND AMENDING RULES

RULE 4 PROCESS in COMMENCEMENT OF ACTION; SERVICE OF PROCESS, PLEADINGS, MOTIONS AND ORDERS by CONGRESSIONAL ACTION ON PROPOSED RULES AND FORMS GOVERNING PROCEEDINGS UNDER 28 U.S.C. §§ 2254 AND 2255 and ORDERS OF THE SUPREME COURT OF THE UNITED STATES ADOPTING AND AMENDING RULES

28 U.S.C. § 1654 provides: "In all courts of the United States the parties may plead and conduct their own cases personally or by counsel as, by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

The Supreme Court noted that "[i]n the federal courts, the right of self-representation has been protected by statute since the beginnings of our Nation. Section 35 of the Judiciary Act of 1789, 1 Stat. 73, 92, enacted by the First Congress and signed by President Washington one day before the Sixth Amendment was proposed, provided that 'in all the courts of the United States, the parties may plead and manage their own causes personally or by the assistance of counsel.

STATEMENT OF THE CASE

A. Facts Giving Rise To This Case

Plaintiff Lei Yin, Pro Se of a protected minority race at age of 53, Chinese, was a team leader of four employees of Thermo Fisher Scientific, all four workers were from protected minority races (Chinese, Indian, and Hispanic), working site was in State of Massachusetts.. When giving the only job performance for a short of period (about half year in length due to working plant closure), a white female employee named Beth from Thermo Fisher coming from State of Pennsylvania had initially trying to practice her religion believe that in her God's eyes , everyone is sinful and therefore, all four workers of my group shall be rated as RI , meaning requiring improvement, the possible lowest and worst rating for ThermoFisher 's employees. As team leader, I did not agree with her, and I had filed a complaint to HR department in Pennsylvania , stating our performance shall be evaluated solely on our Job performance. The HR department had accepted my statement. My formal performance had been reviewed by HR department in Pennsylvania, together with two project heads in Massachusetts. My rating had been given as Above Normal (see Appendix D). Before our working plant closing, Thermo Fisher had officially presented an Award to honor my service provided (See Appendix A, AWARD NOMINATION FORM) with cash bonus . The official Award Form was filled by the same white female employee of ThermoFisher (named Beth) (appendix D). However, in the signoff process, the same Beth had shown her color again in very unprofessional manner, and I had filed complaint to HR department and Beth's supervisor immediately (Appendix F). A formal review of Lei Yin's HR files had been requested and processed after Lei Yin's departure (Appendix F) to make sure documents of Appendix D was my HR file and nothing else. More, a formal request about future reference check policy of Thermo Fisher in my email Jan 21, 2010 (Appendix F) was reiterated by Beth in writing that "ONLY provide dates and verify

employment, nothing else will be communicated" on Jan 21, 2010 (see Appendix F)

However, after 2010, on an unknown date, a new set of Document (Appendix E) was generated and released to third parties. After Lei Yin had found out Lei Yin's original Personnel Record in Thermo Fisher(Appendix D) had been destroyed by HR department of Thermo Fisher after Lei Yin's departure, a brand new set of documents had been generated as Lei Yin 's Personnel Record (Appendix E), and released to other parties without Lei Yin's acknowledge and consent. The written contract had been broken between Lei Yin and Thermo Fisher (Appendix F). All four team members of Lei Yin's group from protected minority races had been discriminated by this white employee in Thermo Fisher. The present Civil Case was filed against Thermo Fisher on May 11, 2017 in US District Court.

B. The District Court Proceedings

After judicial review of complaint by court as described by District Court Local Rule (Appendix H), Lei Yin's complaint was filed, and the case has been drawn to a District Judge and assigned a civil action number on May 15, 2017 (17-cv-10900, Judge Dennis Saylor). At this stage, the completed Summons shall be signed and sealed by the clerk (Appendix G) and returned to Lei Yin as described in Appendix H, STEP-BY –STEP A simple Guide to file a Civil action in USDC-MA(page 6, step Four: Service of Process). However, the Clerk had refused to issue the sealed Summons to Lei Yin, even after Lei Yin's numerous phone calls, writing requests (Court Clerk had said they were instructed not releasing the Summons by seating Judge when I made calls). On August 31, 2017, the seating Judge had ordered me to write a SHOW-CAUSE –Statement to answer why this case shall NOT be dismissed.

On September 18, 2017, Lei Yin had filed the Show Cause Statement and Claims (Appendix I). On September 26, 2017, Judge Dennis Saylor ruled the Show Cause Statement And Complains had survived (Appendix J).

However, my requests to get the copy of sealed Summons to clerk had still been denied, as said to be instructed by Judge Saylor. On Nov 15, 2017, I had filed a motion to court to request this Summons (Appendix K), but District Court still refused to release the sealed Summons as told by Court Clerk that being instructed by seating Judge. On December 2nd, I had filed formal complaint (Appendix L) separately to District Court Chief Judge and to Appeals Court for 1st Circuit (Appendix L), to ask their helps. The case was dismissed on Dec 11, 2017 (Appendix B), one week after I had filed complains about the request a sealed summons to Court and to Chief Judge of District Court, and Appeals Court for 1st Circuit (Appendix L).

C. The Appellate Court Proceedings

Appeal was timely filed, and appeal was dismissed by 1st Circuit on July 11, 2018 (Appendix A).) Petition of Rehearing and Clairification was filed on July 17, 2018 (Appendix C). My Pro Se Right and Constitutional Rights was declared to 1st Circuit (Appendix C). Petition for Rehearing was denied by 1st Circuit on August 1st, 2018 (Appendix C). And Motion to get a copy of docket for Petition for writs of certiorari (either in printing or digital form) was denied by 1st Circuit on Sept 12, 2018 (Appendix M). The already survived Claims on Discrimination and defamation, breach of contract, etc (described in Appendix I and Appendix G) by Federal District Judge on Sept 26, 2017 (Appendix J) are federal issues, violations on Due Process principle in civil case, violation my Pro Se Rights and my Constitution Rights, and violations on Federal Court Procedure and Rules by US District Court and US Appeals Court are Supreme Court's duty to process.

REASONS WHY CERTIORARI SHOULD BE GRANTED

Courts' dismissal decisions (both Appeal Court for 1st Circuit and District Court of MA) after my Show-Cause-Statement(Appendix I) had already been approved by District Court Judge (Appendix J). In seating Judge's Order of Sept 26, 2017, entitled "Order Concerning Jurisdiction and Amendment Of The Complaint", District Judge wrote "Plaintiff's response appears to assert claims for discrimination based on his race and age in violation of federal law, among other claims.....The Court accordingly concludes that it does have subject-matter jurisdiction." After I filed the requested amended complaint, and formal complaint to Chief Judge and Appeals Court about the seating Judge continuing instruct Clerk not releasing sealed Summons at this stage (Appendix L , K), District Judge's dismissal order (Appendix B) had violated The Equal Protection Clause and the Substantive Due Process. I am a protected minority US Citizen, I have the rights protected by the Constitution and my right cannot be discriminated against by anyone, anybody including federal courts. The Equal Protection Clause in the Fifth and Fourteenth Amendments of the US Constitution provide all citizens with equal protection of their right to life, liberty and property. The Fifth Amendment states that no one may be deprived of life, liberty or property without due process of law. Substantive due process can be broadly defined as the Constitutional guarantee that no person shall be arbitrarily deprived of life, liberty or property without [procedural] due process of law. Substantive due process are my real Constitutional Rights. The Supreme Court of the United States interprets the clauses as providing four protections: procedural due process (in civil and criminal proceedings), substantive due process, a prohibition against vague laws, and as the vehicle for the incorporation of the Bill of Rights. . The substantive due process, which includes rights related to personhood, like the right not to be discriminated against or the right to privacy. I am a Chinese US Citizen, and I have the right not to be discriminated against by anyone including courts.

Courts' decisions (both Appeal Court for 1st Circuit and District Court of MA) had also violated The Equal Protection Clause and the Procedural Due Process. Procedural due process is based on the concept of fundamental fairness which govern how legal proceedings must be carried out. Both the 5th Amendment and the 14th Amendment of the US Constitution provide all citizens with equal protection of their right to life, liberty and property. The 5th Amendment

provides it under the Due Process clause. Procedural due process is the method used to protect citizen's rights. ... The Fifth and Fourteenth Amendments to the United States Constitution each contain a Due Process Clause. Due process deals with the administration of justice and thus the Due Process Clause acts as a safeguard from arbitrary denial of life, liberty, or property by the government outside the sanction of law. The Supreme Court of the United States interprets the clauses as providing four protections: procedural due process (in civil and criminal proceedings), substantive due process, a prohibition against vague laws, and as the vehicle for the incorporation of the Bill of Rights.

Procedural due process is a legal doctrine in the United States that requires government officials to follow fair procedures before depriving a person of life, liberty, or property. When the government seeks to deprive a person of one of those interests, procedural due process requires at least for the government to afford the person notice, an opportunity to be heard, and a decision made by a neutral decision maker.

Procedural due process protects individuals during governmental proceedings, whether they are civil or criminal. Procedural due process also pertains to parole hearings, governmental benefit hearings, and full criminal trials. The rights afforded in this section include, but are not limited to:

The right to an unbiased trial

The right to be given notice of the proposed trial and the reason for it

The right of the individual to be aware of evidence against him

The right to cross-examine witnesses for the opposition

The right to present evidence and call witnesses

The right to be represented by counsel

The article "Some Kind of Hearing" written by Judge Henry Friendly created a list of basic due process rights "that remains highly influential, as to both content and relative priority. The rights, which apply equally to civil due process and criminal due process, are the following:

An unbiased tribunal.

Notice of the proposed action and the grounds asserted for it.

The opportunity to present reasons for the proposed action not to be taken.

The right to present evidence, including the right to call witnesses.

The right to know the opposing evidence.

The right to cross-examine adverse witnesses.
A decision based only on the evidence presented.
Opportunity to be represented by counsel.
The tribunal to prepare a record of the evidence presented.
The tribunal to prepare written findings of fact and the reasons for its decision.

In my case, following the District Court's Local Rule (Appendix H) and Federal Court Law (Appendix N and appendix O), the sealed Summons shall be released to me when the case number was assigned and the seating judge was chosen, that is the date of May 11, 2017. In District Court of Massachusetts' own local rule about filing a civil action by Pro Se (Appendix H), in its page5, "STEP THREE: JUDICIAL REVIEW OF COMPLAINT Once you have submitted all of the necessary papers, the court will review the complaint and other documents and shall dismiss the case at any time if" moving to page 6, "STEP FOUR: SERVICE OF PROCESS. If your COMPLAINT is filled, your case will be drawn to a District Judge and assigned a civil action number. The completed SUMMONS (Attachment 4) will be signed and sealed by the clerk and returned to you." It shall be on this date of May 11, 2017, the Clerk shall returned the Summons to me. However, for unknown reason, the seating Judge had broken this rule of general practice by instructing the Clerk not returning the Summons to me (confirmed by Court Clerk and staffs via phone conversations) indicating the seating Judge had made up his mind since day 1 to dismiss the case without any further processing. Ironically, seating Judge continued to instruct Court Clerk and staffs not releasing the Summons, even my Show-Cause-Statement had been approved by the same seating Judge (Appendix I and Appendix J). Keeping the only option in this seating Judge's mind is dismissal of my filling since the first date of my filing on May 11, 2017. It is just when and how to dismiss by this Judge.

Federal Court Law on Proposed Rule and Forms Governing Proceedings are even more clear (Appendix N and appendix O). In CONGRESSIONAL ACTION ON PROPOSED RULE AND FORMS GOVERNING PROCEEDING UNDER 28 U.S.C. §§ 2254 AND 2255, and ORDERS OF THE SUPREME COURT OF THE UNITED STATES ADOPTING AND AMENDING RULES (Appendix N), "Rule 4. Process (a) Summons: Issuance. Upon the filing of the complaint the clerk shall forthwith issue a summons and deliver the summons to plaintiff or the plaintiff's attorney, who shall be responsible for prompt service of the summons and a copy of the complaint. (b). Same: Form. The summons shall be signed by the clerk, be under

seal of the court, contain the name of the court and the names of the parties, be directed to the defendant,.....(Appendix N). In the Book "Federal Civil Rules Handbook" 2017, by Baisker_McKee, Janssen, Corr (Appendix O), "RULE 4 SUMMONS (b) Issuance. On or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is properly completed, the clerk must sign, seal, and issue it to the plaintiff for service on the defendant." It is clear that on May 11, 2017, the clerk "shall"(Appendix N) and "must" (Appendix O) sign , seal , and issue it to the plaintiff. Seating Judge's instruction to Clerk not issuing summons to a Pro Se plaintiff has clearly violated Rule 4, set by United States Congress and United State Supreme Court. Since the seating Judge is a Federal District Court Judge, and his violation of Federal Court Rules had been further validated by United State Appeals Court for 1st Circuit, only United States Supreme Court have the power to correct those courts' violation to Rule 4. The seating Judge had sited "Case is dismissed for failure to state a claims upon which relief can be granted" on Dec 11, 2017, (Appendix B) shall also be corrected for obvious two reasons. The twelve Claims in present filling are widely covered from discriminations (Count One, Count Two), retaliation (Count Five), defamation (Count Eleven), to breach of contract (Count Eight), breach of covenant of good faith and fair dealing (Count Nine), Tort (Count Eleven) etc. Many of those claims have no filling limitation and have no CAP limitation for relief. Appendix E and Appendix F, for example, has already proven the Count Eight Claim which is breach of contract. As for Tort Claim (Count Eleven), all four elements of TORT are clearly there : Defendant acted intentionally or recklessly; and Defendant's conduct was extreme and outrageous; and Defendant's act is the cause of the distress; and Plaintiff suffers severe emotional distress as a result of defendant's conduct.

More importantly, at this early stage before Discovery phase, I donot need to prove my Claims. The Court have to believe what I Claimed are true.

The present case is about whether the Rule set by United State Congress and ordered by United States Supreme Court (Appendix N and Appendix O) shall be followed by United States District Court District of Massachusetts and United States Court of Appeals for the First Circuit. The present case is also about whether a Pro Se's rights, as provided and protected by United States Constitution shall be preserved in the daily practice of United States Federal Courts System. For all above reasons, review shall be warranted.

CONCLUSION

Based on the foregoing, Petitioner respectfully submit that this Petition for Writ of Certiorari should be granted. The Court may wish to consider summary reversal of the decision of the First Circuit Court of Appeals.

Dated: October 25, 2018

10/25/2018

Respectfully submitted,

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