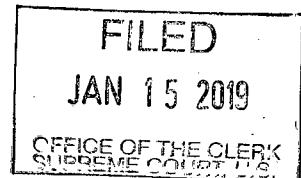


18-7980 ORIGINAL
In The

SUPREME COURT OF THE UNITED STATES

No. _____

JOSEPH MICHAEL LADEAIROUS
pro-se Petitioner



v.

UNITED STATES DEPARTMENT OF JUSTICE
Respondent

On Petition For Writ Of Certiorari
U.S. Court Of Appeals For The District Of Columbia

PETITION FOR WRIT OF CERTIORARI

Joseph Michael Ladeairous
#1433027
Augusta Correctional Center
1821 Estaline Valley Road
Craigs以来 Virginia 24430

QUESTIONS PRESENTED

The petitioner confronted respondent by way of the United States Freedom Of Information Act and its subsequent civil action, for information relating to a Foreign Intelligence Surveillance Act investigation in response to petitioners interaction and support of organizations the United States believes to be terror organizations. This only after petitioner was proclaimed a member of a terrorist organization during a police interrogation for a State criminal proceeding. The district court would grant summary judgment as well, the court of appeals granted summary affirmance, all in favor of respondent.

However, the question that has been ignored by both lower courts remains: Since petitioner was proclaimed a member of a terrorist organization and that information was to be used against petitioner at a criminal trial, according to federal law 50 U.S.C. § 1806(d) petitioner had every right to confront respondent in the only avenue afforded petitioner. Not to mention, should have been enough material fact to survive the ruling by both lower courts.

LIST OF PARTIES

[x] 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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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner prays for review of the judgment below by writ of certiorari

OPINIONS BELOW

The following writ of certiorari concerns cases from federal courts;

The opinions of the U.S. Court of Appeals for the District of Columbia appears at Appendix A.

The opinion of the U.S. District Court for the District of Columbia appears at Appendix B.

JURISDICTION

The following writ of certiorari concerns cases from a federal court;

The date on which the U.S. Court of Appeals for the District of Columbia decided petitioners case was August 8th, 2018.

A timely petition for rehearing en banc was denied by the U.S. Court of Appeals for the District of Columbia on October 26th, 2018 and a copy of the order denying rehearing appears at Appendix C.

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

CONSTITUTION AND STATUTORY PROVISIONS INVOLVED

- The First Amendment to the United States Constitution which guarantees that " congress shall make no law respecting an establishment of religion, or abridging the freedom of speech, or of the press, or the rights of the people peaceably to assemble, and to petition the government for a redress of grievances".
- The United States Freedom Of Information Act (F.O.I.A.)
5 U.S.C. § 552.
- The United States Foreign Intelligence Surveillance Act
(F.I.S.A.) 50 U.S.C. § 1801-1885.

STATEMENT OF THE CASE

The writ of certiorari before the court derives from a civil action challenging respondent's good faith effort while conducting a search for records requested via the United States (U.S.) Freedom Of Information Act (F.O.I.A. 5 U.S.C. § 552). Petitioner requested any and all logs, records, and tangible items related to petitioner being subject to Foreign Intelligence Surveillance Act (F.I.S.A. 50 U.S.C. § 1801-1885), investigations and surveillances owed to petitioners interaction and support of Irish republican political organizations in the U.S. and Ireland. This civil action has gone through a lengthy adversarial process that has included two summary judgment rulings in the district court, the first of which petitioner survived. Next, a order to show cause by the court of appeals concerning a Prisoner Litigation Reform Act three strike ban (P.L.R.A. 28 U.S.C. § 1915(g)). This caused the case to be held in abeyance until the outcome of another related civil action brought by petitioner which petitioner prevailed. (Ladeairous v. Sessions 884 F.3d 1172 (2018)). After which respondent would then be granted summary affirmance by the court of appeals.

Therefore, since the U.S. Government believes the organizations petitioner interacted and supports to be organizations that engage in international terrorism and listed as Designated Foreign Terrorist Organizations (D.F.T.O. 8 U.S.C. § 1189). Plus, such interaction and support having risen to the level of petitioner being

proclaimed a member of the Irish Republican Army (I.R.A.) during police interrogations and labeled as such with organization investigators within law enforcement. Not only does all that has been mentioned warrant the F.I.S.A. investigations and surveillances petitioner requested records of from respondent. But, because petitioner had been proclaimed a member of the I.R.A. (a terrorist) during a police interrogation in a State criminal proceeding with such being redacted and made to be inculpatory evidence. Under the authority of Federal law F.I.S.A. 50 U.S.C. § 1806(d), petitioner was not only justified to confront the government by way of a F.O.I.A. request. Such in itself should have been enough to fulfill the material fact requirement for petitioner to survive respondent's motion for summary judgment and avert the court of appeals summary affirmance ruling since how petitioner has become to be labeled a member of the I.R.A. would have to be addressed and not disregarded by the courts.

REASON FOR GRANTING WRIT

To begin, as pointed out in petitioners original civil action, petitioner was proclaimed a member of the Irish Republican Army (I.R.A.) during a September 7th, 2009 interrogation by Norfolk Virginia law enforcement concerning the matter of the Commonwealth of Virginia v. Ladeairous CR09-3349. The only evidence of such taking place is a investigators notes with the a interrogation timeline were the time in question is redacted. (Appendix D). The interrogation tape itself has contuously been denied petitioner even though it was given part of discovery of the said criminal matter. (Ladeairous v. Goldsmith 136 S.Ct. 1169 (U.S. 2016)). Petitioner being proclaimed a member of the I.R.A. was the motive behind petitioners Freedom Of Information Act (F.O.I.A. 5 U.S.C. § 552) request and subsequent civil action. Petitioner had requested any information related to petitioner being subject to Foreign Intelligence Surveillance Act (F.I.S.A. 50 U.S.C. § 1801-1885) investigation and surveillances due to petitioners interaction and support of the political party Sinn Fein of Ireland by way of the Irish Northern Aid Committee and Irish People newspaper in the U.S. and the An Phoblacht Newspaper in Ireland. Both the Irish Northern Aid Committee and The Irish People Newspaper with whom petitioner interacted were made to register as agents of the I.R.A. under the Foreign Agents Registration Act (F.A.R.A. U.S.C § 611) by the U.S. Attorney General. (Attorney General of the U.S. v. The Irish People Inc. 612 F.Supp. 2d 647 (1985)). Also, the An Phoblacht

newspaper of Ireland shares the same address with the political party Sinn Fein, at 44 Parnell Square Dublin Ireland, which the U.S. believes to be the political wing of the I.R.A., an organization said to engage in terrorist activities in Northern Ireland and elsewhere. (Adams v. Baker 909 F.2d 643 (1990)). As well, the U.S. designates the Real Irish Republican Army (R.I.R.A.) and the Continuity Irish Republican Army (C.I.R.A.) on the list of Designated Foreign Terrorist Organizations (D.F.T.O. 8 U.S.C. § 1189). In the matter of the Provisional Irish Republican Army (P.I.R.A.) which has never been designated as a F.T.O. under the current designation process is still worldly renowned as a terrorist organization. (U.S. v. Yousef 327 F.3d 56 (2003) " This attempt to distinguish "terrorist" and " freedom fighter" potentially could legitimate as non-terrorist certain groups nearly universally recognized as terrorist, including the Irish Republican Army, Hezbollah, and Hamas".) Plus, the earlier mentioned organization that supports P.I.R.A. in the U.S., the Irish Northern Aid Committee, is still designated by the Federal Bureau of Investigations (F.B.I.) as an organization that engages in international terrorism, long after the Good Friday Agreement of Northern Ireland in 1998 under which P.I.R.A. was to decommission their weapons. (Poett v. U.S. 657 f.supp 2d 230 (2009)). Although, it hasn't been determined which I.R.A. petitioner is to be a member of the terrorist aspect of the matter is the same. This has all been reinforced when the Virginia Department of Corrections (V.D.O.C.) organization investigator attempted to have petitioner sign a statement denouncing

any Irish republican political affiliation, which petitioner refused to sign. (Ladeairous v. Goldsmith 136 S.Ct. 1169 (2016)). Also, on April 6th, 2016 when interviewed by a Mr. Lokey, a Mrs. Leatherwood, and a Mrs. Quillin of the V.D.O.C. organization investigators along with Mrs. Quisenberry of the V.D.O.C. Special Investigators Unit (S.I.U.) at which time petitioner was informed of being labeled a member of the I.R.a. by the V.D.O.C... In addition, when petitioner requested such to be put in writing Mr. Lokey and Mrs. Leatherwood, during a June 30th 2016 meeting, refused petitioners request but stated petitioner being labeled a member of the I.R.A. is in petitioners "prison jacket".

Furthermore, evidence of petitioner being investigated due to petitioners Irish republican political support came to light while petitioner was incarcerated in New York State (N.Y.S.) prison from 1997 to 2005 at which time petitioner had been receiving the Irish People Newspaper mailed directly to petitioners prison cell. The newspaper was continuously confiscated after the events of September 11th, 2001 and would later be solicited by the N.Y.S. Inspector Generals Office to aid in the apprehension of a said corrupt organization investigator of N.Y.S.D.O.C. that had been investigating petitioner. (Ladeairous v. Schniederman 136 S.Ct. 220 (2015)). Not to mention, any notion of the respondent not investigating petitioner for said Irish republican political support would be rebutted by the fact that once released from prison in 2005 petitioners interaction and support escalated to interacting with the An Phoblacht newspaper

in Ireland via computer E-mail over the internet. This would include article writing sympathetic to the Irish republican political plight sent to various national newspapers in the U.S. also by E-mail. The reality is such activity would have become investigated under F.I.S.A. by the program created by the U.S. Government to expose U.S. citizens associating with what the government believes to be F.T.O.'s and their agents, as was the case with petitioner. (Klayman v. N.S.A. 280 f. Supp. 3d 39 (2017) "From July 2004 until December 2011, the NSA also engaged in the bulk collection of internet metadata authorized by F.I.S.C. orders issued pursuant to section 402 of F.I.S.A.") In the face of just said, the closest petitioner has gotten to any type of explanation for the government's labeling petitioner a member of the I.R.A. was the respondent invoking a Glomar response to petitioners F.O.I.A. request to neither confirm nor deny petitioners name being on any terror watch list. The district court would rule that the respondents Glomar response to be beyond the scope of this litigation in its December 16th, 2014 decision. (Pg. 5)

Nevertheless, this court has said that the F.O.I.A. (1) was broadly concieved, (2) sought to permit access to official information that has long been shielded unnecessarily from public view, and (3) attempted to create a judicailly enforceable public right to secure such information from possibly unwilling hands. (E.P.A. v. Mink 410 U.S. 73 (1973)). This has not been the case in this matter. The government has continuously acted as if the events that took place during the September 7th, 2009 interrogation of petitioner

never happened. Even more puzzling is the fact that because petitioner was proclaimed a member of the I.R.A. (a terrorist) and this being redacted and therefore inculpatory evidence to be used against petitioner in a criminal trial at the State level. According to the Federal law of F.I.S.A. 50 U.S.C. § 1806(d) Notification by States or Political Subdivisions, which states;

" Whenever any State or Political subdivision thereof intends to enter into evidence or otherwise use or disclose in any trial, hearing, or other proceedings on or before any court, department, officer, agency, regulatory body, or other authority of a State or a political subdivision thereof, against an aggrieved person any information obtained or derived from an electronic surveillance of that aggrieved person pursuant to the authority of this subchapter, the State or Political subdivision thereof shall notify the aggrieved person, the court or other authority in which the information is to be disclosed or used, and the Attorney General that the State or Political subdivision thereof intends to do so disclose or so use such information".

Therefore, petitioner was in fact suppose to be notified of how petitioner was proclaimed a member of the I.R.A. came into being.¹ This has left petitioner to pursue how such came about with a F.O.I.A. request to respondent that has fallen considerably short to this courts discription of why the statute was created. The petitioner can not confront a invisable hand and has been deprived the First Amendment Right to the U.S. Constitution to " petition the government for redress of grievances". (United Mine workers of America v.Illinois State Bar Assoc. 389 U.S. 217 (1967) " The premise that the right to assemble peaceably and to petition for redress of grievances are among the most precious of liberties safegaured by the bill of rights")

¹ Petitioner had arrived for the first and only time in the State of Virginia 24 hours prior the September 7th, 2009 arrest and interrogation of petitioner.

Moreover, in support of petitioners writ being granted, the government not recognizing its own laws has only benifited respondent. If F.I.S.A. 50 U.S.C. § 1806(d) requirement was fulfilled the issue of petitioners claim having no material fact would not be in question since it would be evident the said requested records did in fact exist. This court has said, " summary judgment will not lie under rule 56 of the Federal Rules of Civil Procedure if the dispute about material fact is "genuine", that is if the evidence is such that a reasonable jury could return a verdict for the non-moving party". (Anderson v. Liberty Lobby Inc. 477 U.S. 242 (1986)). In turn, then the court of appeals granting respondent summary affirmation becomes a non-issue.

CONCLUSION

WHEREFORE, Joseph Michael Ladeairous, petitioner of this writ of certiorari before this most honorable court, prays that for the reasons set forth in petitioners writ of certiorari this court may grant petitioners writ of certiorari.

January 1st, 2019

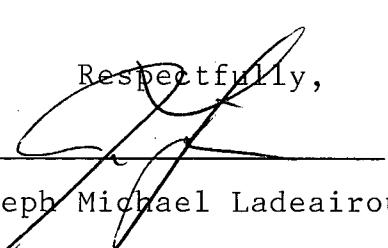
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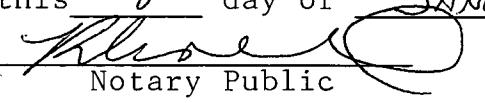
Craigsville Virginia 24430

Respectfully,


Joseph Michael Ladeairous

Pro-se Petitioner

Subscribed and sworn to before me on
this 8 day of January, 2019


Notary Public

My commission expires; 8/31/20

