No. 19-_____

SUPREME COURT OF THE UNITED STATES

William L. Burrell Jr.,

Petitioner,

vs.

PATRICK LOUNGO, individually; RICHARD GLADDYS, individually; ED ADAMS, individually; RICHARD SAXTON, individually; TRISH CORBETT, individually; ROBERT MCMILLAN, individually; TOM STAFF, individually; BRIAN JEFFERS, individually; JACK MCPHILLIPS, individually; TODD FRICK, individually; JOHN CRAIG, individually; LOUIS DENAPLES, individually; DOMINICK DENAPLES; THOMAS CUMMINGS; APRIL PHILLIPS; UNKNOWN AGENTS, Individually and Officially;THOMAS A. MARINO, individually and Officially; ANDREW J. JARBOLA, individually and as head DA & Individually as prison board member;JOSEPH MARUT, individually; COREY O'BRIEN, individually and as a prison board member; PATRICK O'MALLEY, individually and as a prison board member; GARY DIBILEO; JIM WANSACZ, individually and as prison board member; SHERIFF MARK MCANDREW; VITO P. GEROULO, Individually and as prison board member; LACKAWANNA RECYCLING CENTER, INC.; JOHN DOES 1 AND 2

Respondents,

On Petition For A writ Of Certiorari To
The United States Court Of Appeals
For The Third Circuit

PETITION FOR WRIT OF CERTIORARI

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I. Questions Presented

1. Should this great court reconsider the doctrine of Absolute Judicial immunity and allow judges to be liable under section 1983 via a qualified immunity standard for intentional conduct that may be characterized as a judicial act but nonetheless is expressly prohibited by statute, caselaw, or criminal statute, in light of Judges using the Judicial system for pre-planned Convict leasing, slavery, and Human trafficking schemes such as the Kids For Cash Scheme and the Trash For Cash scheme alleged in this petitioners case, and in light of considerable evidence that at the time of it's enactment, most members of Congress believed judges would be liable under § 1983, and that immunity was much more widely accepted for legislators than it was for judges at the time the act was passed.

2. While Petitioner is humbled and incredibly appreciative of it's reversal and landmark ruling that Petitioner stated claims, and may go forward with Human Trafficking violations, 13th Amendment Slave labor violations, 8th amendment violations, and racketeering violations, did the Third Circuit Court of Appeals nevertheless err in making all the other defendants liable while letting the judges involved off the hook by refusing to recognize Convict leasing, slave labor, and human Trafficking as grounds for denying Jurisdiction to the defendant Judges in this case under Dennis v. Sparkman, where statutory and case law clearly forbid and out law such a practice as ordering ***civil*** Child support oblogors to forced labor, whether at a private or state facility, just as the child support orders and the void May 22, 2014 order did in this case.

3. Did the Appellate Court err in affirming quasi-judicial immunity for Domestic Relations officers, who were acting as a complaining witness and not a judicial officer when they lied in their affidavit seeking an arrest warrant of Petitioner, in violation of This courts ruling in Kalina v. Fletcher 522 U.S. 118 (1997).

4. Did the appellate Court err in refusing to find petitioners first amendment rights to attend church services were violated when petitioner was held as a prisoner as part of a convict leasing , human trafficking, and slave labor scheme.

5. Did the appellate Court err in affirming denial of petitioners motion for the recusal Of Judge Robert Mariani in light of petitioners FTCA complaint against him.

II. List Of Parties

All Parties to this action appear on the Cover page.

III. Table of Contents

Index of Appendices

III. Table of Authorities

Cases

Statutes

Constitutional Provisions

Other Citations

Corruption in Our Courts: What It Looks Like and Where It Is Hidden " Yale Law Journal, Volume 118 Issue 8 (2009).....
Judge Phillip J. Roth & Kelly Hagan, The Judicial Immunity Doctrine Today: Between the Bench and a Hard Place, 35 JUV. & FAM. CT. J. 3, 6 (1984) .....
"To Effectuate a Decision Already Made": The Role of a Substitute Judge Under Rule 63, Ann Anderson on December 13, 2017.....

IV. Petition for Writ Of Certiorari

William L. Burrell Jr. Respectfully Petitions this Honorable court for a Writ of Certiorari to review the Judgment of the United States Court of Appeals For the Third Circuit.

V. Opinions Below

The Opinion of the Third Circuit Court of Appeals Affirming in part and reversing in part the decision of the District Court was not published in any federal reporter but is included in the appendix. The Opinion of the Third Circuit Court of Appeals denying petitioners timely filed petition for Panel rehearing was filed on December 19, 2018 and is not published in any Federal reporter but is included in the appendix. The decision of the District Court adopting the report and recommendation of the magistrate Judge dismissing petitioners case, as well as said report and recommendation of magistrate judge were not published in any federal reporter but both decision and report and recommendation are attached hereto in the appendix.

VI. Jurisdiction

The Third Circuit Court of Appeals entered its judgment on September 12, 2018, and denied petitioners timely filed petition for panel rehearing on December 19, 2018. This Court's jurisdiction is invoked under 28 U.S.C. § 1254(1).

VII Constitutional provisions

United States Constitution, Amendment XIV: All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Amendment IV: 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.

United States Constitution, Amendment I. Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

VIII. Statement Of The Cases

The United States of America went to civil war over slavery. When the war was over we all know for many it was never really over in their hearts and bitterness and discontent remained. However the discontent wasn't simply due to racial animus. While slavery was deemed alolished, many southerrn southern state government officials and their wealthy industrialist friends remained bitter due to

the huge economic hit they took at the loss of slave labor their wealthy fortunes had come to rely on almost entirely.

Thus many southern state officials who were also wealthy industrialists or family members of such continued to abuse their positions and power in discriminatory manners toward African Americans. Thus arose the need for the Civil Rights act of 1871. Still, cases of sophisticated slavery schemes abounded, invented in large part by private companies struggling to stay afloat. These private companies used their power and influence with state government officials, many of whom were judges and even legislators, to masks these elaborate and unfair labor practices by dressing them up in seemingly legal government sanctioned practices turning to government law makers and official to create unfair laws designed to enslave workers and legalize unfair labor agreements involving mass numbers of these workers who were primarily African American. One such set of laws was known as the "The Black Codes". Black Codes were laws passed by Southern states in 1865 and 1866 in the United States after the American Civil War with the intent and the effect of restricting African Americans' freedom, and of compelling them to work in a labor economy based on low wages or debt.

The codes were designed to fine or imprison African Americans for the pettiest of crimes knowing they would be unable to pay their debt due to the low wages they were often paid. Once ensnared these government officials and their wealthy industrialist counter parts implemented another practice known as "Convict Leasing" which was eventually deemed unlawful by federal statute. Convict leasing was a system of prison labor used mainly in the Southern United

States from 1884 until 1928. In convict leasing, state-run prisons profited from contracting with private parties from plantations to corporations to provide them with convict labor.

Laws were created to criminalize sophisticated forms of slavery and the last state to end convict leasing was Alabama. This United States Supreme Court struck down one of these practices in 1911 in the case of Bailey v. Alabama, 219 US 219 (1911). Sadly the illegal slavery schemes still persisted so Circular No. 3591 was created. "Circular No. 3591 was a directive from Attorney General Francis Biddle to allUnited States Attorneys concerning the procedure for handling cases relating to involuntary servitude, slavery and peonage. Attorney General Biddle opted to refocus the efforts of the Department Of Justice on the broader issue of slavery, directing the department's prosecutors to attack the practice by name and use a wider array of criminal statutes to convict both slave-holding employers and the local officials who abetted them. He announced the new policy in Circular No. 3591," See https://en.wikisource.org/wiki/Circular_No._3591.

Circular No. 3591 was an incredibly noble effort with some razor sharp legal teeth leaving no doubt about the intent of the law towards such practices in this country. Incredibly it still wasn't enough to dissuade wealthy private industrialists whose very livelihood and greed had come to depend on slave labor. The Country began to focus on human Trafficking hoping that perhaps strengthening those laws would help to put an end to such wicked and unlawful practices.

Over time The Trafficking Victims Protection act (TVPA) was created and evolved and statutes prohibiting forced labor under 18 U.S.C. § 1589 were created

as well as prohibitions against involuntary servitude, peonage, and slavery under 18 U.S.C. §1590. Unfortunately, some of those unlawful slavery schemes as well as human trafficking still exist today. If this case arose over 100 years ago before the evolution of the TVPA it would probably be called convict leasing, peonage, and involuntary servitude and it would have been prosecuted under the statutes mandated by Circular No. 3591 .

This petitioners case is about an unconscionable yet sophisticated Human trafficking and slave labor scheme, a "Trash For Cash" scheme that has existed for many years. This is the sister case to the infamous "Kids For Cash" scheme that rocked the nation back in 2008 when former judges Michael Conahan and Mark Ciavarella were found guilty of taking kick backs in an elaborate scheme to give illegal sentences to kids and send them to a private juvenile detention center they had conspired to have built in order to profit from trafficking the children.

If the Kids For cash scheme hadn't been uncovered and the criminals caught, it would scarcely have been believed that such an unconscionable scheme could have even existed involving judges using the judicial system as an instrument for Racketeering and human trafficking, but it happened. Not only did it happen, but the "Kids For Cash Scheme" was quite literally only the very tip of the Human trafficking iceberg that lies beneath the surface in Northeastern Pennsylvania and the Italian Mafia, led By Louis Denaples is responsible for creating the entire Human Trafficking scheme. Denaples, a well known criminal mastermind and head of the italian mafia in NEPA, is also the wealthiest land owner in NE PA. Denaples, a convicted felon, has taken a page from the Buffalino Crime family playbook, and

risen to unthinkable levels of corruption by weaving his Italian Mafia into various sectors of government in NE PA, infiltrating law enforcement agencies, the judiciary, and even the executive branches of government, giving him enormous power and influence.

In this "Trash For Cash" Human Trafficking case, this petitioner traced the origin of the scheme going back decades uncovering fraudulent property records, fraudulent contracts and county records created by Denaples and his Italian mafia, outlining how it was all created and many of the players who took bribes in order to facilitate such an unconscionable scheme. In Fact the Judges in the Kids for Cash case, who were involved with Denaples and the Mafia actually got their idea from Denaples "Trash For Cash" Scheme he had been successfully running for years. The Trash For cash scheme works similar to the way the "Black Codes" and "Convict leasing" worked, by Denaples having Domestic Relations send out hearing notices for child support obligors to the wrong addresses so they won't get the notice, and even if they learned of the notice and/or were properly sent the notice, they were assured to be given purge amounts defendants knew they couldn't pay. Then theywere sentenced to work in Denaples private trash recycling factory under the guise that they are doing "Community Service". Identical to when indentured servants stopped stopped wanting to work in this country and industrialists turned to forced labor, likewise, Denaples used to have criminal defendants working illegally for him as well as those who owed court costs and fines worked in his trash factory but due to the horrendous work conditions many criminal defendants and

court costs and fines defendants refused to work in the disgusting inhumane work conditions within the recycling trash factory.

With the county under pressure to honor a fraudulent contract called the "Operating agreement", agreeing to provide prison labor to Denaples, (yes can you believe it? Such a contract actually exists. It was created by Denaples and corrupt Commissioners he conspired with), and with other prisoners unwilling to work in said trash factory, Denaples put his criminal associate Patrick Loungo in charge of Domestic relations and had him start conspiring with judges to start sending civil child support obligors to jail telling them *if they want to get out on work release they must agree to first be transferred to work in Denaples Trash factory/recycling center for the first half of their prison sentence*. While legally coerced to slave labor in the trash factory/recycling center said victims of trafficking scheme are paid just $5 per day. While they are there, not only are these male trafficking victims not able to pay their child support, not only does their child support accrue THOUSANDS OF DOLLARS, but the mothers and children who are owed support are also robbed of their obligors ability to pay support and they don't see a penny the entire time either.

Petitioner was making child support payments via a wage attachment when he was injured at his job. While seeking workers comp through a well known law firm he notified his domestic Relations Support officer Ed Adams of the situation and Petitioner was ordered off work by his doctor. However the very 1st day after his first months payment was missed, A warrant for Petitioners arrest was issued. Petitioner was arrested and taken to jail. With no time to get a lawyer,.petitioner

was given a 3-5 minute hearing which consisted mostly of the assistant director of Domestic Relations, defedant Richard Gladdys speaking to the judge. Petitioner tried showing the court his doctors orders and attempting to prove he had no money or income having been bed ridden for weeks, petitioner pleaded with the court that he had no assets or funds, or any ability to pay the large accrued amount of child support that the defendants demanded IN FULL, but the court via Judge Saxton, barely allowed petitioner to speak with Gladdys and Saxton dominating the hearing, they ignored petitioner and promptly sent petitioner to Jail for 1 year despite Pennsylania State caselaw proscribing such a sentence. SeeOrfield v. Weindel, 2012 PA Super. 135 (2012).

It is the orders by the judges involved and the language therein that reveal their knowledge and even participation in the human trafficking scheme sending petitioner and hundreds of others to forced labor in Denaples trash recycling factory. Said language basically says if victims want to get out of prison on work release they must either pay the full amount the defendants know the victims do not have or they Must "QUALIFY" for work release via forced labor in Denaples trash recycling factory which they deem as community service. Not so much as a letter within the PA State child support statute authorizes such an unconscionable sentence. 23 Pa.C.S. § 4345, See also all 3 orders at Docket #1.

When Petitioner arrived at Jail he was told by the prison recycling director that if he wanted to get out of jail he must first do half of his time in Recycling which is Denaples Trash factory. He was approached by defendant Tom Staff who introduced himself as the "Prison Recycling Director" Staff stated it is the prison

policy that he work in Recycling before he can get out of jail on work release. Petitioner protested, filing a grievance and a notice of intent to sue with the prison but never got a response. Subsequently The prison recycling director, Defendant Tom Staff, Fabricated a criminal order against petitioner entitled "Commonwealth Of Pennsylvania v. William Burrell, which ordered petitioner, ***a civil detainee***, to work in Denaples recycling center/Trash factory if he wanted to get out of jail on wrk release, and Staff had a completely different judge (Defendant Judge Trish Corbett) than the judge who oversaw petitioners Star Chamber style child support hearing, sign the criminal order. Again, see order at docket #1. With no other way to get out of prison and into work release, except by completing 6 months of forced labor in Denaples Trash recycling factory, petitioner was legally coerced into said forced labor.

After some 4 months of incarceration, and 63 unlawful strip searches, Petitioner filed a 63 page hand written section 1983 Civil rights complaint with 3 of the most important exhibits in the case, attached thereto, seen at Docket #1. Said hand written complaint was filed while petitioner was still incarcerated and he was then mysteriously released the same day he filed the complaint. Petitioner followed that hand written complaint with a typed amended complaint with several exhibits attached thereto at docket #11 (see also the fraudulent Convict Leasing agreement entitled Operating agreement at Docket #11 as well)..

Unbeknownst to petitioner, prior to his filing said civil complaint, Denaples had a case filed against him by his insurance company, Fidelity Deposit of Maryland which accused him of insurance fraud for inter alia lying about the kids

for Cash scandal on his insurance renewal application. One of the kids for cash judges, Michael Conahan, sat on the board of Denaples bank, FNCB, and the bank was implicated in the kids for cash scandal for various reasons which caused the shareholders of FNCB to sue Denaples. Denaples then tried to settle the case for $5 million by having his insurance company pay for it, only he lied on his insurance renewal application concealing the matter so Fidelity sued him.

The fidelity case however went to a judge that wasn't under Denaples control and Denaples began to suffer greatly for it. Once this happened, Denaples made sure that any further cases against him went through former mob lawyer and now federal Judge Robert D. Mariani who not only mysteriously got the next 5 cases against Denaples but got this petitioners case against Denaples as well. Judge Mariani was well familiar with the Russel Buffalino crime family and he represented the Buffalino Controlled Teamsters Union On numerous occasions when he was in private practice before becoming a judge. Judge Mariani appointed Magistrate Judge Joseph Saporito and thus began a 4 year battle to keep this petitioners complaint from even being served on said defendants.

Petitioner moved for recusal more than once and was denied and service of process on defendants was denied as well and this was followed by more than one petition for writ of Mandamus to the Third Circuit Court of Appeals. While those petitions were denied, despite Judge Mariani being named as a defedant in petitioners FTCA claim, the Third Circuit became quite familiar with the case as the battle with These judges raged. on, with said judges prohibiting petitioner from even serving the defendants.

Finally after 4 and a half years, this petitioner won a land mark appeal in the case from the Third Circuit Court of Appeals which overturned the lower court judges, affirming in part and reversing in part their final decisions. The Third Circuit affirmed the lower court on petitioners first amendment claim, equal protection claim, Section 1985 claim, Judicial immunity, quasi-judicial immunity, 4th amendment, and Judicial recusal arguments. However, the appellate court ruled that the lower court erred in dismissing petitioners claims refusing to allow petitioners case to move forward for frivolty and failure to state a claim under 1915 (IFP Statute). The Court of Appeals said Petitioner stated a claim for Human Trafficking, 13th Amendment Slave labor violations, 8th amendment cruel and unusual punishment, and Racketeering, as well as all of petitioners state law claims, ordering the lower court to allow petitioner to go forward on these claims and consider appointing petitioner counsel.

While petitioner is humbled and concedes this is a massive and unprecedented victory in and of itself, regrettably the Honorable appellate Court Has failed to hold the judges accountable for the very scheme they agreed petitioner stated a claim for. They did so because the appellate court failed to recognize the fraud upon the court argument via the Pennsylvania Mafia Support Policy (PMSP) which petitioner argues deprived the judges of any immunity protection. Even aside from the PMSP, The District court lacked personal and subject matter jurisdiction as 1. the defendants falsified a warrant request form pursuant to the PMSP and then, no criminal case entitled Commonwealth Of Pennsylvania V. William Burrell even existed against this petitioner. Furthermore, the prison recycling director, Tom

Staff who had no involvement in petitioners child support case and who had no standing whatsoever to even seek such a transfer of petitioner into forced labor for Denaples, fabricated and or obtained a fictitious criminal order signed by a judge petitioner never went before concerning child support, with said order ordering and legally coercing petitioner into forced labor at Denaples trash recycling factory.

Petitioner wasn't even present when the prison recycling director went before the court to obtain such a VOID JUDGMENT, nor does petitioner even know if the judicial signature of the order by defendant Judge Trish Corbett even took place in a court at all! Since the third Circuits reversal, petitioner also received a tip that Denaples allegedly paid a company called Perry Construction from Dunmore PA to build Current presiding Judge Mariani's house, paying a contractor named "Lee" to install his security system as well. Since the unprecedented appellate Victory reversing the lower court, petitioner has also had numerous lawyers interested in taking his case and after interviewing 2 firms petitioner is working with one large firm that is currently interviewing other class members in preparation for filing a large class action lawsuit in the lower court.

At present the Firm has not yet entered their official appearance on the docket and since petitioner is still unrepresented for a little longer he is filing this Petition for Writ of Certiorari Pro Se as the 90 day time frame from the panels decision on rehearing, expires on Tuesday March 19, 2019.

Year after year innocent victims are sucked into this "Trash for Cash" scheme appellant complains about much like getting caught in a rip current. The support builds up thousands of dollars while they are enslaved working to

make money for Denaples and the mothers don't see a penny so mother, child, and father are getting robbed of their labor. Fathers get out, fall behind, sucked right back down by the scheme, like a reoccurring rip current before they can catch their breath or get back on their feet. Many eventually drown, lose hope, turn to drugs and just make 6 months a year working as a slave for Denaples a part of their life. Two of the other lead plaintiffs petitioner is adding in the coming class action have done a combined total of almost 10 years as a slave in Denaples trash recycling factory and there are hundreds more.

Both personal Jurisdiction and Subject matter Jurisdiction were clearly lacking in this case and appellant has challenged jurisdiction from the beginning via the Pennsylvania Mafia Support Policy (PMSP) which arguing that policy constitutes a Fraud upon the court as the outcomes of said Domestic relations child support hearings were PRE-DETERMINED by the defendants involved just as they were PRE-DETERMINED In the infamous "KIDS FOR CASH" Scheme. Petitioner also challenged jurisdiction arguing that a false affidavit was used by a Domestic Relations officer to secure an illegal warrant for petitioners arrest. It was routine practice pursuant to the illegal PMSP for certain Domestic Relations officers to purposely send hearing notices to the wrong address for men who owed child support. Domestic Relations officers would then lie in their affidavit for a warrant by ascribing this false address to victims of this human trafficking scheme. The first act of perjury was 1. Swearing that defendants had been given proper notice of a child support hearing at an address defendants regularly get mail at, and the second act of perjury was to 2. falsely swearing in the affidavit for the warrant

that the postmaster General of the particular city confirmed the defendant regularly got mail at the false address. Thus, Domestic Relations officers sent hearing notices to wrong addresses so they could ensure said trafficking victims would never receive notice and due process and potentially retain counsel to prepare for the contempt proceeding which they would be subject to for not responding to a hearing notice they never received.

Reasons For Granting The Petition

This Case Presents a reoccurring question of exceptional national importance involving hundreds, possibly thousands of victims who are **civil detainees** being legally coerced into forced labor via judicial orders, in violation of both federal statute and caselaw. *See Circular No. 3591 now in large part 18 U.S.C. §1595,18 U.S.C. §1589, 18 U.S.C. §1590, Orfield v. Weindel, 2012 PA Super. 135 (2012),Stump v. Sparkman, 435 U.S. 349 (1978).*

Human trafficking and slavery are two of the most important public concerns this nation has ever had, causing this county to go to civil war. This case involves an appellate court that has ruled this petitioner stated claims of inter alia 8th amendment violations, 13th amendment slave labor and human trafficking. This petitioner not only contends there are hundreds maybe even thousands of other similarly situated victims of said human trafficking scheme, but this is not the first human trafficking scheme perpetrated by Judges and state officials conspiring with organized criminals to use the judiciary for human trafficking and racketeering. As mentioned the "kids For Cash Scheme" was clear evidence this heinous practice was alive and well here in North Eastern Pennsylvania. Beyond that, this practice has

existed for years in other forms such as Convict leasing and the Black Codes with Judges upholding those abolished laws. Bot not only were the black codes and laws allowing convict leasing, peonage, and involuntary servitude abolished but federal criminal statutes were specifically created to PROSECUTE judges who entertained and issued such orders attempting to enforce the various outlawed forms of forced labor and those laws are compiled in Circular No. 3591(1941). Circular No. 3591 was a directive from Attorney General Francis Biddle in 1941 to all United States Attorneys concerning the procedure for handling cases relating to involuntary servitude, slavery, Peonage, Debt Bondage, and Convict Leasing. Following the formal abolition of slavery in the United States at the end of the Civil War, freed slaves in the American South often found themselves subject to these various types of criminal schemes that approximated slavery See https://en.wikisource.org/wiki/Circular_No._3591.

Many of the statutes in Circular No. 3591 are recognizable and were transformed into many of our Civil Rights statutes of today, in particular, *18 U.S.C. §1595,18 U.S.C. §1589, 18 U.S.C. §1590* which are the human Trafficking statutes under the Trafficking Victims Protection act. *(TVPA).* The question of whether judges and state officials should be shielded by Judicial and quasi-judicial immunity for such a heinous practice that is still going on today has already categorically bee answered and by Dtump V Sparkman and the TPA and begs the re-examination of the appellate courts decision concerning Judicial and quasi-judicial immunity especially in light of Stump v. Sparkman, which states immunity does not apply when a specific statute DOES exist specifically proscribing the challenged Judicial

act. Stump v. Sparkman, 435 U.S. 349 (1978) (stating *"But in our view, it is more significant that there was no Indiana statute and no case law in 1971 prohibiting a circuit court, a court of general jurisdiction, from considering a petition of the type presented to Judge Stump.* "). In this case this petitioner has found the particular statutes that categorically proscribe a judge from ordering oetitioner and the thousands of other civil detainees into forced labor at the privately owned Trash recycling center of Convicted felon and mafia figure, Louis Denaples, and this petitioner respectfully asserts deprives the judicial defendants of all jurisdiction thus depriving them of any judicial immunity. Petitioner first argues why absolute Judicial Immunity should be struck down and follows with why even assuming the court declines to strike it down, the Appellate court still erred in allowing the judges to be shielded by judicial immunity while the others must face the music.

The court should also hear this case as part of this horrendous human trafficking scheme the appellate court ruled petitioner stated a claim for is also responsible for depriving petitioner of his rights to attend church services while incarcerated. This country was founded partly on the right to be able to worship freely and said freedom is one of our most important 1st amendment rights that this court and every circuit court has upheld for prisoners including the 3rd circuit. The appellate court has ruled against this well set precedent and petitioner prays for help as there were hundreds and even thousands others subjected to the same deprivation.

Next, judicial impartiality is of the utmost national importance in a case of this magnitude and goes to the heart of our due process clause under the 14

amendment. The totality of circumstances of this case and the allegations in petitioners complaint combined with his FTCA complaint involving the current sitting judge clearly allege a relationship with Defendant Denaples and the Buffalino Crime family Denaples is a part of and the appellate court erred when it refused to err on the side of caution and uphold petitioners motion for recusal.

Finally the court should here this case as the appellate courtrefused to uphold petitioners 4th amendment claim under *Kalina v. Fletcher, 522 U.S. 118 (1997)* where he plead that while testifying as a witness, domestic relations officers falsified a warrant request affidavit by lying in said affidavit for a warrant for petitioners arrest as part of this human trafficking scheme. Petitioner is just one of countless victims this has happened to as part of this scheme and this is an extreme case of national importance the petitioner begs the courts intervention on.

1. **The Court should strike down absolute Judicial Immunity in favor of a qualified immunity standard based on a narrow standard when a Judge uses the judicial system for intentional criminal acts.**

The concept of Judicial immunity actually goes against everything the United states was built on. Historically, judicial immunity was associated with the English common law idea that "the King can do no wrong." The notion was that Judges, the King's delegates for dispensing justice, accordingly "ought not to be drawn into question for any supposed corruption [for this tends] to the slander of the justice of the King. Floyd & Barker, 12 Co. Rep. 23, 25, 77 Eng. Rep. 1305, 1307 (Star Chamber 1607). However this does not support the sentiment of our founding fathers as clearly evidenced in the Declaration Of Independence.

In it's denouncing of Despotism, the Declaration of independence declared to the heavens and back that "**the King Can indeed do wrong"** and *the king was in fact doing **plenty** wrong* . The American people were categorically against the exercise of absolute power and absolute judicial immunity is smothered in **Despotism** which was passionately rejected by the Declaration of Independence which was our first form of law in a sense along with the same sentiment found in the continental. As such, the court should rule that the time to re-examine Absolute Judicial Immunity has come.

What the introduction of absolute Judicial immunity dd was completely leapfrog the Declaration of independence and the continental congress, hopping right back to none other than "The King's" Common law for it's basis, the same king we rejected as a people and an indivisible nation.

First, arguments based on the long and unquestioned tenure of judicial immunity are spurious. Not only do such arguments avoid the crucial inquiry into policy, but the facts of the matter are that judicial immunity occupies no such hallowed position in English or American common law. Liability, not immunity, has been the longer standing rule, with absolute immunity coming as a relatively late development.

Second, Stump v. Sparkman, 435 U.S. 349 (1978) is undeniably unjust. Whereas prior cases at least gave lip service to individual interests and a balancing of equi- ties, Stump sacrifices the individual to the system in no uncertain terms. If Stump is an extreme miscarriage of the policy objectives underlying judicial immunity, it is nonethe- less the exception that disproves the rule. The

reach of the law has extended considerably since the time of Bradley, and a concomitant withdrawal of immunity is both fair and necessary.

Third, a formal rule-oriented immunity doctrine invites judge-made law that is overly protective of judicial misconduct. Under the guise of logical rule application, the courts have in reality constructed a doctrine as far as desired. More appropriate, these critics suggest, would be review not by "rules" but by "standards" flexible enough to allow deserving individuals redress, but supportive of judicial independence. Operating with standards instead of rules, courts still can be expected to proceed cautiously against their brothers and sisters on the bench but with the power to do individual justice without cem- enting precedent in hard and fast rules. The public, these critics argue, can hardly be expected to fare worse at the hands of greater discretion in immunizing judicial conduct. See Judge Phillip J. Roth & Kelly Hagan, The Judicial Immunity Doctrine Today: Between the Bench and a Hard Place, 35 JUV. & FAM. CT. J. 3, 6 (1984)

In Fact the public is faring far worse than ever as a result of judicial corruption and qualitative and quantitative research shows is at an all time high in this country. It's not just about individual cases in the news every 6 months such as The Impeachment of all 4 West Virginia Supreme Court Justices, or the scandal and fall of two Pennsylania supreme court judges within 18 months of each other. It's about ALL of the individual judicial corruption cases we have read about, combined with the "Kids For Cash Case" and it's thousands of victims. The nearly 20 year old sentiment about individual cases that are erroneously deemed rare such as Justice Scalia stated in Mireles v. Waco, 502 U.S. 9 (1991), are in fact not rare

any longer. *See Corruption in Our Courts: What It Looks Like and Where It Is Hidden " Yale Law Journal, Volume 118 Issue 8 (2009).* Research indicates that some 2.5 million bribes are paid each year within the U.S. Justice System, according to Pew Research, Yale Law School, and other sources.

If these thousands and even millions of cases of alleged judicial corruption don't cause us as a nation and this court as the supreme ethical decision maker of our judicial system then we have truly forgotten how to blush and as a people who set the world standard for a civilized society. Even Justice Thomas' opinion on albeit on qualified immunity in the case of Ziglar v. Abbasi, 137 S.Ct. 1843 (2017), reveals one of the most beautifully honest and transparent self analyzing opinions a jurist can make about the concerns of "Freewheeling Policy Choices" this Court has made concerning immunity, albeit qualified Immunity, and the concerns should not only be the same for Judicial Immunity, but Judicial Immunity is even more urgently in need for re-examination since the case of Stump v. Sparkman, 435 U.S. 349 (1978), some 40 years ago.

If the court could be willing to continue in the direction of honest self assessment as Justice Thomas has begun, Petitioner humbly and earnestly pleads with this court to allow petitioner the opportunity to brief this matter and continue the discussion back to common law because if we could have an amicable and respectful analysis of the common law again on Judicial immunity not only would we see that judicial liability was more the norm than at common law than judicial immunity but we could also re-visit Sparkman and we would see there is considerable evidence that at the time of isection 1983's enactment, most members

of Congress believed judges would be liable under § 1983, and that immunity was much more widely accepted for legislators than it was for judges at the time the act was passed. that *See generally Pierson v. Ray, 386 U.S. at 558-63 (1967) (Douglas, J., dissenting); Kates, Immunity of State Judges Under the Federal Civil Rights4cts" Pierson v. Ray Reconsidered, 65 Nw. U.L. REV. 615, 620-22 (1970); Developments in the Law-Section 1983 and Federalism. 90 HARV. L. REV. 1133, 1200-02 (1977); Note, Liability of Judicial Officers Under Section 1983, 79 YALE L.J 322, 327-28 (1969).*

The court must no longer rely on the flawed logic of using the common law as a basis for absolute judicial immunity. We can no longer leapfrog the declaration of Independence that outlawed Despotism and hop back to the Kings rule for misinterpreted protection. If we were to do that, then at a minimum this Honorable court should concede the argument at common law supports Judicial liability more than it does Judicial liability. However there is no need to even go back to the common law for these answers. We needn't return to the bondage of Egypt to resolve the question of absolute Judiial immunity when we are already in the promise land.

If we are going to stand on the principles of common law however, we must re-assess not only what common law is but what common law does and what common law does is perhaps more important than what common law is. The reason for this is because what common law does is evolve in increments over time as a society grows in morality and ethics and a people become more enlightened and civilized. May this Honorable court then show the world and especially the victims

of judicial acts used to commit the smallest crimes against them to the most heinous crimes like human trafficking, that this court has indeed evolved as the most civilized judicial body of the free world, by striking down Absolute Judicial Immunity in place of qualified immunity where a judge has used the judicial system to maliciously commit a crime against

2. **Third Circuit Court of Appeals erred in making all the other defendants liable while letting the judges involved off the hook by refusing to recognize Convict leasing, slave labor, and human Trafficking as grounds for denying Jurisdiction to the defendant Judges in this case under Dennis v. Sparkman, especially as Sparkman says, "where statutory and case law expressly forbid" and out law such a practice as ordering *civil* Child support oblogors to forced labor,**

Simply put, without the help of the defendant judges, the other defendants convict leasing and human trafficking scheme cannot work. While there is a strong argument that this court could easily find that subject matter jurisdiction was lacking for the May 22, 2014 judicial order that ordered this petitioner to forced labor at Defendant Denaples Trash recycling center in exchange for his freedom, albeit limited to work release, while he was a civil child support detainee, the court should conclude it is finally time to go far beyond that and revisit Justice Stevens Dissent in Mireles v.Waco, 502 U.S. 9 (1991).

In Mireles v.Waco, 502 U.S. 9 (1991) Justice Stevens, dissenting stated:

"Accepting the allegations of the complaint as true, as we must in reviewing a motion to dismiss, petitioner issued two commands to the police officers. He ordered them to bring respondent into his courtroom, and he ordered them to commit a battery. The first order was an action taken in a judicial capacity; the second clearly was not. Ordering a battery has no relation to a function normally performed by a judge. If an interval of a minute or two had separated the two orders, it would be undeniable that no immunity would attach to the latter order. The fact that both are alleged to [502 U.S. 9, 15] have occurred as part of the same communication does not enlarge the judge's immunity. Accordingly, I respectfully dissent."

Defendant Louis Denaples, is a convicted felon and well known member of the Buffalino organized crime family State police and most of the NEPA public learned this after Buffalino crime member James Osticco was prosecuted for bribing a juror in Denaples' criminal case for attempting to defraud the government out of 500,000. Former attorney General Eric Holder prosecuted Osticco prior to becoming AG. In an attempt to insulate himself Denaples built numerous private and municipal buildings in NEPA, including the Dunmore PA Police Department and Parts of the Lackawanna County prison, and he also owns the pay phones the prisoners use in the prison and charges exorbitant amounts of money for their use. Denaples has convinced select defendant judges in this case as well as the defendant child support enforcement officers in this case, to conspire with him to abduct indigent fathers who cannot pay a *civil* child support debt, unlawfully imprison them, where they are then illegally snatched out of that entire child support situation and leased to Denaples by the judges for forced labor in his trash recycling factory. As stated, there is even a contractual agreement and court orders to prove this (see also the fraudulent Convict Leasing agreement entitled Operating

agreement at Docket #11. Thus it is a medley of Convict Leasing, Debt Bondage, 13th Amendment slave labor and Human Trafficking, which also encompass Racketeering. Debt bondage has been described by the United Nations as a form of "modern day slavery" and is prohibited by international law. It is specifically dealt with by article 1(a) of the United Nations 1956 Supplementary Convention on the Abolition of Slavery. To the best of petitioners knowledge, said Human Trafficking is still taking place today.

The appellate Court acknowledged and even ruled petitioner clearly stated a claim for for inter alia a slave labor and human trafficking scheme, which under the TPA also includes racketeering. However, On Page 8-9 of this Honorable panels opinion the panel ultimately and correctly relies on the Supreme Courts leading case on the issue of Judicial Immunity stating a judge:

> "will be subject to liability only when he has acted in the 'clear absence of all jurisdiction.'" Stump v. Sparkman, 435 U.S. 349, 356-57 (1978). Burrell's claims against the state court judges involved the orders that those judges signed in the child support enforcement proceedings—orders within those judges' jurisdiction. Burrell now argues that it is the *policy* behind those orders that he challenges, but his assertion that there is a judicial policy requiring civil contemnors to work at the recycling plant is purely speculative. See Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009) (dismissal appropriate when a complaint has not alleged sufficient facts to state a claim for relief that is "plausible on its face")"

The appellate court errs by recognizing that petitioner stated claims and may go forward with 8th amendment Violation, 13th amendment violation, Human Trafficking, and racketeering, but failing to recognize that these violations wouldn't even be possible without the aid of the judges and under Stump V. Sparkman both Statutory and caselaw expressly prohibit not just the perpetration

of a fraud upon the court but also the pre-arranged agreement to order human trafficking victims to forced labor for a convicted felon and well known organized criminal. See, 18 U.S.C. §1595,18 U.S.C. §1589, 18 U.S.C. §159. This is not a judicial act but an act that is void of all jurisdiction.

"Subject matter jurisdiction relates to the right to prosecute a particular suit and to obtain the relief demanded". *Mid-City Bank and Trust Company v. Myers, 343 Pa. 465, 23 A.2d 420 (1942).* "A judgment rendered by a court that lacks subject matter jurisdiction is null and void and may be collaterally attacked at any time." Commonwealth ex rel. *Howard v. Howard, 138 Pa.Super. 505, 10 A.2d 779 (1940).* "Whenever a court's attention is called to a judgment that is null and void for lack of subject matter jurisdiction, it is the duty of the court to strike the judgment." *M & P Management, L.P. v. Williams, 594 Pa. 489, 937 A.2d 398 (2007).*

Once the court fully grasps the content inside Circular No. 3591 it will have a better understanding of the roots of the Trafficking Victims Protection Act and it's amendments taken from Circular No. 3591. When the court reads Circular No. 3591 it will understand the power behind the criminal statues used in Circular No 3591. Some of the things those statutes prosecuted were:

1"Persons vested with official authority who aid or cause others to suffer deprivation of rights secured to them by the Constitution, particularly the right to be free from slavery and compulsory servitude."

2The United States Attorneys are instructed, therefore, to consider such complaints

in accordance with the following statutes and authorize prosecutions where any one or more of the following conditions exist, regardless of the existence of debt real or claimed:

(a) Section 443, Title 18, U.S. Code

carrying or enticing of any person from one place to another in order that he may be held in slavery or involuntary servitude;causing another by force, fraud or intimidation to enter and remain in another's employment;causing one to be held by threats, as well as by force,and whether such threats are of prosecution, arrest or imprison-ment or by threats of bodily harm;holding another by threats of prosecution, even under a valid law; the validity of the law not justifying its use for the criminal purpose of causing compulsory service by intimidation; where one does not stay in his employment of his own free will but only in accordance with the will of his master or employer, in-voluntary service exists. [*sic*] --

"service" does not necessarily mean labor, i.e., a man may be in that state if he is held to be made to work but escapes before he has begun such work;by falsely accusing another of crime and carrying him before a magistrate in order that he may be convicted and put to hard labor in consequence of which such person is convicted and put to hard labor, the false accuser at the time having the purpose or design to hire such person or to enable some other person to hire him.

b) Section 51, Title 18, U.S. Code

If two or more persons conspire or combine to do any of the acts outlined above, they are guilty of a conspiracy to deprive the person, if he is a citizen of the United States, of the free exercise or enjoyment of the right and privilege secured to him by the Constitution of the United States to be free from involun-tary servitude, and are indictable accordingly.

(c) Section 52, Title 18, U.S. Code

This section is applicable to public officers, judges, sheriffs, local constabulary, etc., who act under color and in the name of their authority in perpetrating any of the acts listed above in violation of a person's rights [*sic*] to be free from involuntary servitude and slavery as secured to him by the Thirteenth Amendment to the Constitution."

Not only do 2 orders by judge Saxton sentence petitioner to forced labor if petitioner wishes to get out or "Qualify" to get out of jail on work release, but The may 22, 2014 order signed by defendant Judge Corbett for Saxton is completely null and void. It was made in the complete absence of all jurisdiction and authority as she wasn't even a part of the case and she orders petitioner to forced labor that is clearly proscribed by Circular No. 3591 which is now the Human trafficking statutes under the TVPA. "The lack of jurisdiction of the subject matter may be

raised at any time and may be raised by the court sua sponte if necessary. To the extent that prior appellate decisions have held to the contrary, they are expressly overruled." *LeFlar v. Gulf Creek Indus. Park No. 2,* 511 Pa. 574, 581, 515 A.2d 875, 879 (1986) (internal citation omitted). *See also Shamis v. Moon,* 81 A.3d 962, 970 (Pa.Super.2013).

All 3 of the orders in appellants child support case are prohibited by ciil and criminal statute. The first 2 by judge Saxtion legally coerce petitioner into forced labor making him qualify for his freedom by working in defendant Denaples trash recycling factory and the 3rd order signed by defendant Corbett directly orders petitioner to forced labor in said trash recycling factory which is prohibited by Stump Sparkman EXPRESSLY via the 13th amendment and 18 U.S.C. §1595,18 U.S.C. §1589, 18 U.S.C. §159. Unfortunately the appellate court erred and provided these defendants immunity and petitioner earnestly prays this court grant certiorari as these atrocities are still taking place today.

In affirming quasi-judicial Immunity The Third Circuit Court Of Appeals departed from this courts precedent and other circuit courts of appeals who follow Kalina v. Fletcher, 522 U.S. 118 (1997)

Appellant is at a total loss as to why the Honorable appellate panel overlooked this portion of petitioners arguments. Petitioners complaint clearly alleges that the domestic relations defendants lied in their affidavits as part of an application for a warrant for petitioners arrest. This is a wide spread pattern when defendant Denaples is running low on workers Domestic workers did whatever needed to get workers in his trash recycling factory and there are countless victims of this pattern.

Kalina makes clear that the domestic relations defendants shift from having quasi-judicial immunity to only qualified immunity when testifying to facts needed for securing an arrest warrant. Much like Kalina's state, Pennsylvania law required the domestic Relations defendants to fill out a warrant request form and swear under oath to the questions on it. That form if answered in the affirmative, gave the judge the mistaken belief that due process had been met and a warrant could be issued. They falsely swore that 1. petitioner lived in Dunmore Pa. and a hearing notice was sent to that Dunmore Pa. address and appellant failed to respond, and 2., they falsely swore that the Dunmore PA post office confirmed with them that appellant lived at the Dunmore Pa. address. That was all false, and those were both materially false lies as appellant has never lived in Dunmore and never been associated with any address in Dunmore pa. Thus Kalina makes clear the domestic relations officer who filled out the false affidavit warrant request form was not an advocate with immunity but a witness. There can be no better apples to apples comparison between Kalina and this petitioners current allegations in his amended complaint and the appellate court failed to give the proper weight to Kalinas clear position stating that:

"Testifying about facts is the function of the witness, not of the lawyer. No matter how brief or succinct it may be, the evidentiary component of an application for an arrest warrant is a distinct and essential predicate for a finding of probable cause. Even when the person who makes the constitutionally required "Oath or affirmation" is a lawyer, the only function that she performs in giving sworn testimony is that of a witness.".

Again petitioner is at a loss as to why the appellate panel did not focus more on this clear distinction but very respectfully it is the Domestic Relations officers functions and not their office that determine this question. Petitioner appeals to the clerks to please assist this petitioner in persuading this great court of the need

to hear this case under the arguments above and under this section and that the functions of these domestic Relations officers clearly and unequivocally put them in a position of a "Complaining witness" that this Supreme Court has stated forecloses absolute immunity and allows for only qualified immunity which allows petitioner to hold said defendants liable. Even if this wasn't a wide spread pattern affecting countless others such a case would be of exceptional importance but because so many are affected the court should feel compelled to grant Certiorari.

The appellate court has erred going against this court's precedent and it's own precedent in failing to reverse the lower court on petitioners First Amendment Right to Attend Religious Services

The Appellate Court has erred, even going against it's own case law and this courts case law by upholding the District Courts position that the prison defendants in this case had no obligation to provide appellant with adequate religious services. The Honorable Appellate panel failed to make the distinctions between religious rights under the first amendment and Furlough law allowing the latter to decide the former..

"The Religious Land Use and Institutionalized Persons Act (RLUIPA) was adopted by a unanimous vote in both the U.S. Senate and the House of Representatives in July of 2000, and later signed into law by President Clinton. Among other issues, the Act assures that those confined in government institutions such as prisons will be protected in the practice of their faith."

"In *Smith v. Kyler*, 295 Fed.Appx. 479, 481-83 (3d Cir. 2008), the third circuit stated:

"Prison inmates do not forfeit their constitutional right to freely exercise their religion when they enter the prison gates. *See Cruz v. Beto*, 405 U.S. 319, 92 S.Ct. 1079, 31 L.Ed.2d 263 (1972) (per curiam). Incarcerated inmates, however, enjoy their rights under a more limited framework than the average citizen. *See O'Lone v. Estate of Shabazz*, 482 U.S. 342, 348, 107 S.Ct. 2400, 96 L.Ed.2d 282 (1987). Indeed, the fact of incarceration and the valid penological objectives of deterrence of crime, rehabilitation of prisoners, and institutional security justify limitations on the exercise of constitutional rights by inmates. *See DeHart v. Horn*, 227 F.3d 47, 50-51 (3d Cir. 2000) (en banc). An alleged restriction on an inmate's right to free exercise of religion will be upheld "if it is reasonably related to legitimate penological interests." *O'Lone*, 482 U.S. at 349, 107 S.Ct. 2400(citing *Turner v. Safley*, 482 U.S. 78, 89, 107 S.Ct. 2254, 96 L.Ed.2d 64 (1987)). In evaluating the reasonableness of a prison regulation, we consider four factors: (1) whether there is a "valid, rational connection between the prison regulation and the legitimate governmental interest put forward to justify it"; (2) "whether there are alternative means of exercising the right that remain open to prison inmates"; (3) "the impact accommodation . . . will have on guards and other inmates, and on the allocation of prison resources generally"; (4) whether there are "ready alternatives that could fully accommodate[] the prisoner's rights at de minimis cost to valid penological interests." *Turner*, 482 U.S. at 89-91, 107 S.Ct. 2254 (internal citations and quotation marks omitted). Notably, the restriction must be neutral. *Id.* at 90, 107 S.Ct. 2254; see also May field v. Texas Dep't of Criminal Justice, 529 F.3d 599, 608-09 (5th Cir. 2008)."

The refusal to uphold such a fundamental right such as the right for prisoners to attend religious services goes not just to the heart of one of the protections of the first amendment but goes to one of the very reasons certain settlers left England for America which was for religious freedom. This appellate decision not only conflicts with it's own circuit case law, other circuit case law, and this courts case law, but It is an extremely important matter that affected hundreds more prisoners than this petitioner can count and petitioner prays this court grant Certiorari and allow petitioner to fully brief the issue on this matter of exceptional importance.

The Appellate Court erred by not reversing the lower court on its decision not to recuse itself.

Petitioner has filed an FTCA complaint against the sitting judge for the reasons stated therein and outlined briefly above. The appellate court should be reversed and this court should step in to ensure justice in the light of the appearance of impropriety in such a caseof this magnitude. Petitioner prays this court grant certiorari and reverse the appellate court on this huge matter of exceptional importance in light of the totality of circumstances doctrine.

Conclusion

Petitioner urges this Honorable Court To view his amended complaint at Docket # 11 as it's too lengthy and costly for this IFP petitioner to send. For the forgoing reasons petitioner William L. Burrell Jr. humbly and respectfully request Certiorari be granted.

03/15/2019