

18-8669

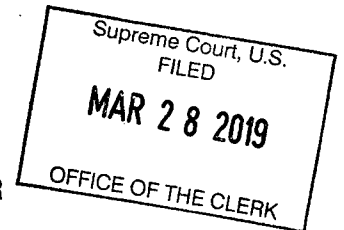
No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

James P. Arlotta — PETITIONER
(Your Name)



vs.

Erie County A.D.A. Dave Heraty et al RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

U.S. C. A. 2d Cir

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

PETITION FOR WRIT OF CERTIORARI

James P. Arlotta

(Your Name)

6248 Powers Rd.

(Address)

Orchard Park, NY 14127

(City, State, Zip Code)

716-395-6103

(Phone Number)

QUESTION(S) PRESENTED

1.) Why did the U.S. C.A. 2d Cir. cite the S. Ct. Case Neitzke v. Williams, 490 U.S. (1989); when the petitioner's in forma pauperis motion was approved under 28 U.S.C. § 1915 (d)?

2.) Why are 42 U.S.C. § 1983 violations' being ignored? As the diocese of Buffalo and Erie County NY A.D.A. Dave Heraty. As petitioner and respondent were, (at the time of incidents described in SCOTUS Docket 17-9078, James Arlotta v. diocese of Buffalo et al.,) fellow parishioners' at St. Bernadettes R.C. parish. Presenting significant questions for the Lemon Kurtzman Test.

3.) Excessive entanglements' by diocese of Buffalo and their reluctance to properly respond to service of court documents'. Why haven't their in-house or general counsel Joseph A. Stoeckl of the Bond, Schoeneck & King Law Firm properly respond to the U.S.C.A. 2d Cir. properly served document's by this in forma pauperis pro se litigant-appellant? Just like the similar behavior(s)' in SCOTUS Docket # 17-9078?

4.) 42 U.S.C. § 1983 being violated by a complaint submitted to the FBI on 08/30/2018, (special agent named Christine.) Why did 2 individuals on the Franklin Street side of old Erie County Hall illegally detain and search this petitioner with no probable cause or a valid search warrant? As the violation(s)' were occurring, petitioner questioned them by requesting to see their photographic government identification. Since they were wearing un-identifiable gold badges with no valid domestic "sworn" law enforcement agencies? They also illegally stole a piece of legal pad paper that was had notations on it for research purposes. The "coincidence" of this illegal activity was right after petitioner went to Erie County D.A. John Flynn's office to inquire about a telephonic message left with his office. Where petitioner, (by pure "chance,") ran into A.D.A. Dave Heraty. ***A public servant that's behavior was absolutely inappropriate...when he screamed right in my face. His nose barely touching mine, him telling me to, "stop emailing my family," him referring to his college professor father. Who took the petitioner out for breakfast when he was a full time student at Hilbert College...further constituting the Excessive Entanglement of the diocese of Buffalo, (through Hilbert College,) and the blatant conflict of interests' as Dave Heraty and Orchard Park Police Lt. Joseph Ray; (respondent in SCOTUS Docket 17-9078,) also a member of St. Bernadettes R.C. parish. Who illegally interrogated petitioner due to the false criminal reporting by parish priest Paul Dillion Seil and sacristian Marie Savage. As a retaliation for the Vatican closing the parish elementary school. Lt. Ray was discussing the school closing with this petitioner, (another clearly evident Excessive Entanglement violation of the Constiution's Establishment Clause,) during the illegal interrogation. Then he told petitioner, "You're no longer welcomed on the parish property. if you step foot on it you'll be arrested for trespassing." The same "property" were this petitioner facilitated a Christian Mental Health Self Help Support Group. Why did they retaliate against petitioner's Christian Mental Health Self Help Support group? As he attended an Erie County Department of Mental Health-Action for Mental Health. Mental Health self help group facilitator training session and has a certificate to do so? At the same parish Chief Justice John Roberts as a child; was a student at the closed school. Where a bronze plaque commemorates his attendance there. Furthering the EXCESSIVE ENTANGLEMENT OF VIOLATIONS' OF THE FEDERAL CONSTITUTION'S 1ST AMENDMENT ESTABLISHMENT CLAUSE.***

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Diocese of Buffalo front desk "receptionist Kimberly" et al.

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TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
Neitzke v. Williams.....	No pagination
Lemon v. Kurtzman.....	No pagination
James P. Arlotta v. Diocese of Buffalo et al. 139 S. Ct. 586 (Mem), 202 L.Ed.2d 418.....	same
Arlotta v. Diocese of Buffalo et al., WL 1445614.....	same

STATUTES AND RULES

28 U.S.C. § 1915 (d) (e)(1).....	No pagination
42 U.S.C. § 1983.....	No pagination
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Fed. R. App. P. 24 (a)(2).....	No pagination

OTHER

United States Constitution 1st Amendment Establishment Clause

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

REQUEST'S

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

OPINIONS BELOW

☒ For cases from **federal courts**:

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix A to the petition and is

☒ reported at WL 4681585; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was March 14, 2019.

☒ No petition for rehearing was timely filed in my case.

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

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

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- 1.) U.S. Constitution's 1st Amendment Establishment Clause violations'.
- 2.) Numerous violations' of 42 U.S.C. § 1983.
- 3.) 28 U.S.C. § 1915 (d), (e)(1), regarding the U.S.C.A. 2d Cir citing Neitzke v. Williams S. Ct. (1989)

STATEMENT OF THE CASE

As service of process was never answered, (as this petitioner was *verbatim in persona*, informed by a diocese of Buffalo "legal department representative." That they have a general counsel,) by their general counsel. Attorney Joseph Stoeckl of the Bond, Schoeneck & King Law Firm. In U.S.C.A. 2d Cir. appeal docket #18-3374cv, and previous denied SCOTUS Docket# 17-9078 James Arlotta v. Diocese of Buffalo et al. . Along with the fact that the 2d Cir C.A. has neglected to list the aforesaid as an appellee in the 2d Cir. C.A..

This *in forma pauperis* pro se litigant-appellant has also been for the sixth time denied civil due process again by the clearly and evidently stated public information on the U.S. Senate Judiciary Committee's website regarding the "sworn testimony;" of the Western District of New York's chief judge Frank Paul Geraci Jr, . Who is a Roman Catholic, ruling in biased manners'. Considering that the Vatican and it's diocese of Buffalo roman catholic "christian church," has yet to answer any valid legally served process documents to the 2d Cir. C.A. or this court in docket # 17-9078.

After petitioner went to inquire about a cell phone message sent to public servant Erie County NY D.A. John Flynn a few days before 08/30/2018. Petitioner ran into Erie County A.D.A. Dave Heraty. A member of the same parish St. Bernadettes. Respondent in SCOTUS Docket # 17-9078. Public servant A.D.A. Heraty and this petitioner exchanged words. His behavior was extremely un-professional. As petitioner left the same building where he entered through a NYCOURTS Officers' security checkpoint, (that permitted this petitioner into the secured building,) two plain clothed individuals [**that were armed with side arms, threatening physical violence if I did not comply with their "orders",**] with unidentifiable "law enforcement agency," gold badges. Illegally detained and searched this petitioner. The mixed race individual stole a piece of his legal pad paper that had researched notations' on it. There were no identifiable numbers' on the unidentifiable badges.

When petitioner requested to see their photographic government identifications'. He was shown no sworn law enforcement agency photographic identification. Other than the Caucasian individuals Erie County Employee swipable ID Card. That he nervously showed with his side arm out and pointed at this petitioner while the mixed race individual illegally detained and searched this petitioner's personal property and himself. Without probable cause or a verifiable search warrant. In a harassing manner.

After the illegal encounter in front of security cameras around the front of old Erie County Hall on the Franklin street side in Buffalo NY. Along with all the other security cameras' in the vicinity of the Rath Building. As the federal civil right's complaint was reported to the FBI before 48 hours, so the security footage could be procured.

As the diocese of Buffalo, (and their general counsel,) had never responded at all to this petitioner's legally process served document's. From the U.S.P.S. location on West Genesee St. in Buffalo NY, and petitioner went to personally inquire about the status of the documents', (since the U.S. C.A. 2d Cir., this court never received any responses'. Just as the WDNY "chief judge" Geraci Jr., approved the *in forma pauperis* motion by this respondent, and the "judge" never moved the U.S.Marshals Service to serve the summons and complaint. **Even after this petitioner moved the court to do so.)**

On 09/18/2018 the Chancery of the diocese of Buffalo, (a.k.a. the Catholic Center,) **this in forma pauperis** pro se litigant-appellant was refused entry into the building. As he was there to inquire about the status of the legally served documents' submitted to the U.S.C.A. 2d Cir. and this court. As he told the "front desk receptionist Kimberly," at his arrival there. She hastily in an extremely condescendingly manner informed this petitioner that, "You're no longer welcomed here." The diocese of Buffalo "head" Richard Malone has further EXCESSIVELY ENTANGLED THROUGH NUMEROUS VIOLATIONS' OF THE ESTABLISHMENT CLAUSE AND NUMEROUS VIOLATIONS' OF PETITIONER'S STATE AND FEDERAL CIVIL RIGHT'S.

REASONS FOR GRANTING THE PETITION

Petitioner's state and federal civil right's were violated numerous times' under 42 U.S.C. § 1983 by A.D.A. Dave Heraty, the unidentifiable mixed race and Caucasian individuals' with side arms that threatened physical violence if this petitioner didn't comply with their extremely unlawful "orders'." Those individuals' with no verifiable sworn law enforcement identifications'. Them only showing swipible Erie County Employee plastic id cards. Who illegally detained and searched this petitioner with no probable cause or a valid search warrant. Stealing petitioner's personal property.

Along with the diocese of Buffalo and their attorney Joseph Stoeckls' non-compliance with the rules of this court and those of the U.S. C.A. 2d Cir., and further EXCESSIVE ENTANGLEMENT OF THE DIOCESE ET AL. THROUGH NUMEROUS VIOLATIONS' OF THE ESTABLISHMENT CLAUSE AND VARIOUS CLEARLY SELF EVIDENT CONFLICTS' OF INTEREST.

This petitioner pro se, (*in forma pauperis*,) has been clearly and evidently denied civil due process in the federal judiciary now a plethora of times'. Consistently in the WDNY by "chief judge" Frank P. Geraci Jr.. The same, a practicing roman catholic, ruled biasedly a fifth time in valid federal claim stated complaints'. He an avid volunteer for the diocese of Rochester. Along with the chief justice John Roberts. From the same area of Western new york as petitioner, and he a former student of respondent in SCOTUS Docket 17-9078 James Arlotta v. Diocese of Buffalo et al.

If the United States of America have been fighting wars against theocracy since 2001, what about this extremely excessive entanglement of the roman catholic church in the Western district of new york, county of Erie through the numerous conflicts' of interest regarding the roman catholic church; in the mainstream media's publicly stated state and federal investigations' regarding the diocese of Buffalo and the diocese of Erie in Pennsylvania? Regarding federal R.I.C.O. charges' between these two states, (and others',) and the new york state Child Victims' law?

What about the information on the U.S. Senate Judiciary website regarding the sworn testimony of federal judicial nominees'? Especially this court's and Frank P. Geraci Jr.'s?

Why is this court becoming the THEOCRACY THE UNITED STATES ARMED FORCES FIGHTS... AGAINST?

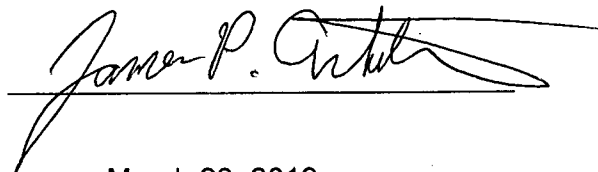
WHY NOT BURN THE CONSTITUTION...SINCE THE OATHS' TAKEN BY FEDERAL JUDGES THAT CAN'T FOLLOW THE ESTABLISHMENT CLAUSE ARE AN INSULT TO THOSE BRAVE MEN AND WOMEN THAT SERVE THIS COUNTRY...TELL THAT TO THEIR GRIEVING FAMILIES...THE MEN OF THIS COURT THAT HAVE NO MILITARY SERVICE...THINK ABOUT THAT.

IF I WANT GOD...I GO TO A CHURCH...I WANT JUSTICE...NOT A PLACE TO "PRAY!"

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "James P. Arlotta", written over a horizontal line.

Date: March 28, 2019