

No. 18A401

FILED  
SEP 28 2018  
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SUPREME COURT, U.S.

In the Supreme Court of the United States

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In Re Chien

&

Andrew Chien

*Pro Se-Petitioner,*

v.

Commonwealth of VA, Mark R Herring, Chesterfield County,  
Karl S. Leonard, Frederick G. Rockwell III, Judy L Worthington,  
Mary E Craze, Wendy S Hughes, Donald W Lemons, Glen A Huff,  
W. Allan Sharrett, Dennis S Proffitt

*Respondents.*

On Writ of Certiorari to  
the United States Court of Appeals for the Fourth Circuit  
Recording No. 18-6346 & 18-1523

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**Motion to Allow Filing Writ of Certiorari for  
90 Days for Second Judgment which is 25  
Days Later Than the First Judgment**

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September 28, 2018

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SUPREME COURT, U.S.

Petitioner Andrew Chien (“Chien”), appeared as prose, sincerely requests this court to grant “Motion to Allow Filing Writ of Certiorari for 90 Days for Second Judgment which is 25 Days Later Than the First Judgment” based on 4. Rule 12 & 5. Rule 13, Supreme Court’s Rules, with following facts and reasons:

1. In the planned filing of Writ of Certiorari: Chien has two judgments from the 4<sup>th</sup> Circuit: the first was dated August 21, 2018, Recording No. 18-6346 (Attachment 1); the second was dated September 18, 2018, Recording No. 18-1523(Attachment 2).

2. Chien is sole proprietorship for financial consulting, a resident of Connecticut (“CT”) with no regular business and property in Virginia (“VA”). However, in 2011, Chien occasionally traveled to Richmond of VA, joined the Chapter 11 and final liquidation process of Commonwealth Biotechnologies Inc (“CBI”), a public listed company in which Chien was a shareholder, and was hired to manage the shareholder meeting of CBI. In the process, Chien met confliction with CBI’s only operating officer Richard J Freer (“Freer”) and his attorneys Andrew K Clark (“Mr. Clark”) and other of LeClairRyan, because Chien found that Freer first, then joined by Mr. Clark and other of LeClairRyan embezzled cash of CBI during Chapter 11. Then, Freer at Mr. Clark retaliated Chien of the whistle-blower by excuse of Chien defaming Freer and caused Freer having compensation loss in CBI, and filed a defamation lawsuit and obtained a default judgment for \$1.6 million award from Chesterfield County Circuit Court of VA. This judgment committed (a) subject error of VA State Court to interrupt the exclusive jurisdiction of US Bankruptcy Court over Chapter 11, “28USC §1334(a)”, to determine how to hire and pay Freer;

(b) misused the reason of default judgment of violating Rule 3:8 of VA Supreme Court for defendant 21 days to reply while Chien made reply just for 16 days; (c)no any evidence that 75 years old Freer lost job in CBI was caused by Chien, not by liquidation of CBI; (d) the only evidence of Freer got higher payment and loyal to CBI by willingness to work under “without full” payment in 2010, was evidence of embezzlement of CBI because the compensation in 2010 was fully paid in the audited financial statement of 10-K for both year 2010 and 2011 filed by CBI to US Securities and Exchange Commission (“SEC”).

On 9/26/2012, Freer at other attorneys of CT division of LeClairRyan, certified VA judgment in CT which has been active in debt collection till today, while Chien filed countersuit under pro se in CT against both Freer and LeClairRyan.

3. For purpose to depress Chien’s countersuit and continued in disclosure of the embezzlement of Freer and Mr. Clark, Chien from February of 2013 till June of 2016, was arrested twice and total incarcerated for 1148 days (nearly 3 years and 2 months) in VA without any criminal procedure because of “civil contempt”, manipulated by Mr. Clark in the conspiracy and self-dealing with William K Grogan (“Grogan”), another private lawyer with title of Commissioner in Chancery despite of that Judge Frederick G. Rockwell III. (“Judge Rockwell) and his chamber of VA Chesterfield County Circuit Court, made at least more than five times opinions either verbal or writing to object it under jurisdiction concern. VA Debt Collection violated (a) subject error to invade the sovereign of CT as mentioned in Amend X and Article IV of Constitution as well as VA Code “§8.01-247 when action

on contract governed by the law of another state or country barred in Virginia”; (b) Amend IV by incarceration for “civil contempt” which is illegal as mentioned in “Section 754 Criminal vs Civil Contempt” of Manual of US Attorney General”, as well as VA Code “§18.2-7 Criminal Act not to merge civil remedy”.

4. This case is corrupted operation of VA judicial system in Chien’s case by yielding the police force and jail facility to be freely used by private lawyers and their client to vex and suppress opposite party in civil cases, “42USC §1983” as well as “18USC §1961-1968 Racketeer Influenced and Corrupt Organizations” (“RICO”). In the over three years of incarceration, the private lawyers shipped eight bankers of boxes of documents, including about 50 stock certificates of 20 shareholders under Chien’s custody, and three computers from Chien’s CT office to VA from 2014 to 2015 without a list and a penny payment, not return to Chien till today. They didn’t find any evidence of Chien’s hiding of private assets. However, they destroyed Chien’s business by secretly forged a stock certificate of China Bull Management Inc (ticker: CHBM”) of 90% ownership for Freer to replace Chien’s without disclosure to SEC and public, and without any financial statement, which violated Section 13(a),14(a)(1),14(d)(5),15(d) of Securities Exchange Act of 1934. After that, Freer under false identity, stole cash of CHBM and paid private lawyers, and secretly pledged the forged stock certificate in LeClairRyan, which damaged the integrity of the stock market. CHBM isn’t a party of any lawsuit.

5. The correct title of the First Case of 18-6346 is “In Re. Chien” because the three defendants which are private law firms or lawyer, committed misconduct to

imprison Chien, but never appeared by errors of Judge O'Grady, District Court for Eastern District of VA, who didn't issue summons to defendants, and denied Chien's complaint on behalf of them, and didn't assign Chien an attorney, which **violated the Amend IV, VI & XIV with non-judicial act.** Further, Judge O'Grady committed **subject error or administrative error** because Chien's application of personal bankruptcy already was accepted by US Bankruptcy Court of CT in July of 2013. No Court of VA had jurisdiction with Chien's bankruptcy.

But the 4<sup>th</sup> Circuit twice affirmed the orders of Judge O'Grady, which was widely cited by other Court such as the District Court of CT, which caused Chien never got an order to affirm that Chien suffered civil right violation, illegally imprisoned, despite of the fact that Chien's release on 6/27/2016 under winning of Writ of Habeas Corpus in Chesterfield County Circuit Court of VA.

6. The second order under Recording No. 18-1523 is the appeal for a new case 1:17CV0677 which Chien filed in the District Court on 6/12/2017 within one year of release, concentrated on the employees of VA judicial system who joined or tolerated negligently on the RICO acts of the private parties. In the case, Chien corrected the 10 secretly falsified CHBM documents which Mr. Clark, Freer and others did during Chien's incarceration. In 2014, defendant Judy L Worthington, clerk of Chesterfield County Circuit Court of VA, fabricated a Court certificate to aid to forge the stock certificate. Chien's new case was supported by CHBM's 8-K filings of SEC dated 7/11/2016, and 9 shareholders' affidavits that they opposed Freer becoming a controlled shareholder of CHBM, and opposing stealing of cash, and


they wanted their stock certificates back to return the original depositions of the corporation under Chien's custody. The second case detailed allegations of how the state local court's employees, such as clerks, sheriffs etc., to make court fraud, such as aiding to impersonate a private lawyer as a judge, to join secretly fabricating a court's order without motion procedure and without serving a copy to Chien, and the clerks misappropriating the funds of criminal system to pay costs of Chien's incarcerating under civil case, and making Chien as a "secret inmate" because Chien's arrest and imprisoning records never appeared in the VA Police System and FBI. When Chien on 6/28/2016, visited FBI office of Richmond Branch, VA, the staff of FBI told Chien there is no any record that Chien was ever arrested and incarcerated. Further, Chien detailed how VA Courts at the judges violating Amend VI by rejecting to assign Chien an attorney, committed subject error, engaged abused criminal procedure by not rejecting the indefinitely incarcerating orders signed by non-employee of the government. And some judge made rubber-stamped Mr. Clark asked sanction order which had 393 misrepresentations and 94,248 jurisdiction errors, created serious and widely legal discrimination on Chien in whole VA. Also, VA General Attorney aided and protected the court fraud engaged by private lawyers. None of the defendants in Case 1:17CV0677 was appeared in the old cases presided by Judge O'Grady.

However, in the District Court, Judge O'Grady avoided to judge every allegation by wrongly applied Doctrine of Res Judicata and Rooker-Heldman with his old order made about four years ago to deny Chien's new suit only one year ago,

which wrongly affirmed by 4<sup>th</sup> Circuit without mention of the facts and causes. Details will be in Briefing. One obvious error of Judge O'Grady is that he misjudged Chien's allegations of false arrest and imprisonment violated time bar of two years despite of that Chien corrected his mistakes for multi-times. This error followed by 4<sup>th</sup> Circuit by omission of this issue. It violated of Amend IV, and Amend XIV of due process, ignored evidence law, discriminating Chien's right for fair and impartial court process.

7. Based on above reasons, the planned Writ of Certiorari was emphasized on the facts and causes of second judgment dated September 18, 2018, in which the 90 days standard should dominate the whole filing time of Writ of Certiorari, including the first judgment which is important but with fewer contents. This created the 25 days delay of Writ of Certiorari for the first judgment, waiting to grant here.

Respectfully Submitted

  
Andrew Chien

Attachments:

Certification of Service

All respondents will be electronically served of following addresses on 09/28/2018:

Ms. Sandra Snead Gregor: sgregor@oag.state.va.us

Mr. William Fisher Etherington: wetherington@bealelaw.com,  
acoates@bealelaw.com

Mr. Jeffrey Lee Mincks, County Attorney: mincksj@chesterfield.gov,  
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Emily Claire Russell: russellem@chesterfield.gov, wilsonsu@chesterfield.gov

Andrew Chien



FILED: August 21, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-6346  
(1:13-cv-00993-LO-IDD)

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ANDREW CHIEN

Plaintiff - Appellant

v.

LECLAIR RYAN; WILLIAM K. GROGAN & ASSOCIATES; WILLIAM K.  
GROGAN

Defendants - Appellees

and

CHESTERFIELD COUNTY

Defendant

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ORDER

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The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk



FILED: September 18, 2018

UNITED STATES COURT OF APPEALS  
FOR THE FOURTH CIRCUIT

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No. 18-1523  
(1:17-cv-00677-LO-TCB)

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ANDREW CHIEN

Plaintiff - Appellant

v.

COMMONWEALTH OF VA; MARK R. HERRING, Attorney General;  
CHESTERFIELD COUNTY; KARL S. LEONARD, Sheriff of Chesterfield County;  
FREDERICK G. ROCKWELL, III, Judge of Chesterfield Circuit Court; JUDY L.  
WORTHINGTON, former Clerk of Chesterfield Circuit Court; MARY E. CRAZE,  
Deputy Clerk of Chesterfield Circuit Court; WENDY S. HUGHES, Clerk of Chesterfield  
Circuit Court; DONALD W. LEMONS, Chief Justice of VA Supreme Court; GLEN A.  
HUFF, Chief Judge of VA Court of Appeals; W. ALLAN SHARRETT, Hon., Chief  
Judge, Prince George Circuit Court; DENNIS S. PROFFITT

Defendants - Appellees

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ORDER

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The petition for rehearing en banc was circulated to the full court. No judge requested a poll under Fed. R. App. P. 35. The court denies the petition for rehearing en banc.

For the Court

/s/ Patricia S. Connor, Clerk