

Docket No. _____

IN THE
SUPREME COURT OF THE UNITED STATES

In Re Nina Shahin

Petitioner

vs.

Honorable Leonard P. Stark
Judge of the US District Court for the District of
Delaware and

Honorable Anne Hartnett Reigle
Judge of the Delaware Court of Common Pleas
in and for Kent County

Respondents.

PETITION FOR WRIT OF PROHIBITION AND/OR
WRIT OF MANDAMUS FILED UNDER PROVISIONS
OF RULE 20 OF THE SCOTUS RULES OF
PROCEDURE

Nina Shahin

In *Pro se* Representation
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

QUESTIONS PRESENTED FOR REVIEW

Questions presented for review are closely related to the legal issues raised by the Respondent # 1 in his decision of 08/13/2018 (**Appendix M**). Those issues are discussed in detail on pages 37-39 and here are the questions that are quintessential to the topics discussed on those pages.

- 1) Did the Petitioner have any right to remove the case to the US federal Court in spite of the provisions of 28 U.S.C. § 1441(a) that limits right to such removal to “defendant” or “defendants” in view of her circumstances?
- 2) and 4) Since the case was filed under provisions of Fair Credit Opportunity Act (15 U.S.C. § 1691 (FCOA or Regulation B, 12 C.F.R. § 1002) did the claims of the Respondent # 1 (District Judge Leonard P. Stark) have any legal validity that the district court “had no original jurisdiction” and that the Petitioner “did not raise federal claims”?

3) Does the 30-day limitation of 28 U.S.C. § 1446(b) apply to the Petitioner's case?

5) In view of the Petitioner's specific circumstances (i.e. never being able to enforce anti-discrimination laws in the State courts) did the Respondent # 1 have any basis for his claim that she "lacked an objectively reasonable basis for seeking removal"?

6) Petitioner not only attempted to remove her case to the US federal district court but also appealed the case in the State courts up to the Delaware Supreme. In view of that fact how valid are the Respondent's # 1 claims that "there is nothing left to remove in light of the fact that all claims were fully adjudicated in the CCP" and "final judgment may only be appealed, not removed to federal court"? Does the standard that Petitioner was unable to enforce her civil rights in State Courts because of national origin discrimination apply to her circumstances?

LIST OF PARTIES

Names of two parties appear in the caption of the case on the cover page. Mentioned there Judges were involved in the case in which original Defendants were Sam's East, Inc., and Synchrony Bank who are also parties to this lawsuit.

CORPORATE DISCLOSURE STATEMENT

Pursuant to the Supreme Court Rule 29.6 the petitioner states that she is not an incorporated entity or publicly traded company, nor she is a parent, subsidiary, or an affiliate of a publicly traded company, and, therefore, there is no publicly traded company owning 10% or more of the corporation's stock involved in this case on the part of the petitioner.

LIST OF ALL PROCEEDINGS

- *Nina Shahin v. Sam's East., Inc. and Synchrony Bank*, CPU5-16-001075, Delaware Court of Common Pleas in and for Kent County, judgment entered in pretrial conference held on Jun. 28, 2017.

- *Nina Shahin v. Sam's Club East & Synchrony Bank*, Delaware Superior Court in and for Kent County, C.A.No.K18A-01-001 NEP, judgment entered on Jun.20, 2018.
- *Nina Shahin v. Dover Sam's Club East, Inc. and Synchrony Bank*, US District Court for the District of Delaware, Civil Action No. 17-1223-LPS, Memorandum Opinion and Order were entered on Aug. 13, 2018.
- *Nina Shahin v. Sam's East., Inc. and Synchrony Bank*, Delaware Supreme Court, No. 448, 2018, judgment entered on Apr. 4, 2019.
- *Nina Shahin v. Sam's East., Inc., and Synchrony Bank*, Delaware Supreme Court, No. 448, 2018, Order-“mandate” entered on May 2, 2019.
- *In Re: Nina Shahin* On Petition for Writ of Mandamus, Third Circuit Court of Appeals, No. 19-1682, Opinion and Judgment entered on May 2, 2019.
- *Nina Shahin v. Dover Sam's Club; Synchrony Bank*, Third Circuit Court of Appeals, No. 19-1830, Order denying Petition for Rehearing entered on Oct.16, 2019.
- *Nina Shahin v. Dover Sam's Club et al.*, Third Circuit Court of Appeals, C.A. No. 19-1830, Order dismissing Petitioner's appeal entered on Oct. 16, 2019.

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- Appendix B** - Third Circuit Court of Appeals Order dismissing Petitioners' case for alleged "lack of subject matter jurisdiction" dated September 11, 2019 but certified and mailed to the Petitioner on 10/24/2019.
- Appendix C** - Third Circuit Court of Appeals denial dated 10/16/2019 of the Petitioner's Motion for Re-consideration.
- Appendix D** - Petitioner's Petition for Panel Re-hearing filed on 09/24/2019.
- Appendix E** - Petitioner's 'Objections regarding Administrative Assistant's Determination about Jurisdiction of This Court over This Particular Case' filed on 05/11/2019 (without attachments).
- Appendix F** - Third Circuit of Appeals Opinion and Judgment dated 05/02/2019 denying Petitioner's Writ of Mandamus for three reasons: 1) It "is closely related

to two civil vases,” 2) “The CVRA guarantees the victim of federal crimes a variety of rites” and Shahin is not a victim of federal crimes, and 3) “Shahin does not challenge the District Court’s remand order...” at superscript 1.

Appendix G - Delaware Supreme Court Order da-ted 05/02/2019 denying Petitioner’s Motion for Reargument and imposing private attorneys’ fees to be paid by the Petitioner.

Appendix H - Third Circuit Court of Appeal’s Clerk’s letter about potential dismissal of the Petitioner’s appeal due to alleged “jurisdictional defects” and summery action dated 04/26/2019.

Appendix I - Petitioner’s Amended Motion for Reargument filed on 04/26/2019.

Appendix J - Copy of the Petitioner’s letter dated 04/11/2019 mailed to the Third Circuit Court of Appeals Case Manager, Timothy McIntyre, who was the Case Manager in her Petition for Writ of Mandamus

Appendix K - Delaware Supreme Court Order of 04/04/2019 denying Petitioner’s Mot-

tion for access to the tape Court recording of the hearing held at of Common Pleas and directing professional attorneys to file affidavits related to their fees and expenses to be paid by the Petitioner.

- Appendix L** - Petitioner's Motion for Reargument per Local Rule 7.1.5. filed on 08/27/2018 at the federal district court for the District of Delaware.
- Appendix M** - Memorandum Opinion and Order by the District Court Judge, Leonard P. Stark, dated 08/13/2018 denying Petitioner's request for transfer.
- Appendix N** - Order of the Delaware Superior Court Order dated 06/20/2018 affirming the decision of Court of Common Pleas.
- Appendix O** - Court of Common Pleas transcript of "pretrial" phone hearing held on 06/28/2017 that denied all Petitioner's claims.
- Appendix P** - Letter from the Synchrony Bank dated 08/19/2016 regarding "unauthorized use" and/or "fraud" related to the Petitioner's credit card.

- Appendix Q** - Extract from Synchrony Bank/Sam's Club credit card statement for the period - August – September 2016.
- Appendix R** - Copy of the Delaware Department of Labor dated 05/30/2017 with warning about security data breach with offer of different safeguards to protect against identity theft.
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- Appendix T:** - Copy of the page from a local newspaper *Delaware State News* issue dated 10/27/2019 and advertised by the Citizen's for a Pro-Business (in Delaware).

TABLE OF AUTHORITIES CITED

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**CITATIONS OF THE OPINIONS AND ORDERS
ENTERED IN THE CASE**

United States Court of Appeals for the Third Circuit,
Order of September 11, 2019 mailed as a certified
“mandate” on October 24, 2019:

This appeal is dismissed for lack of appellate jurisdiction in part and summarily affirmed in part. To the extent that Shahin removed her action pursuant to 28 U.S.C. § 1441, we lack jurisdiction to review the District Court’s order remanding the matter to state court or denying reconsideration because the District Court remanded for lack of subject matter jurisdiction. See 28 U.S.C. § 1447©, (d); Powerex Corp. v. Reliant Energy Servs., Inc., 551 U.S. 224, 229 (2007); see also Agostini v. Piper Aircraft Corp., 729 F.3d 350, 353 (3d Cir. 2013) (“[I]f we do not have jurisdiction to review a remand order itself, we cannot have jurisdiction to review a motion to reconsider a remand order.”). To the extent that Shahin maintains that removal was proper under 28 U.S.C. § 1443, we summarily affirm the District Court’s remand order and denial of reconsideration because § 1443 authorizes removal only by defendants, not plaintiff like Shahin, see Balazik v. City of Dauphin, 107 F.3d 1044, 1050 (3d Cir. 1997) (quotation marks omitted), as is necessary to remove under § 1443.

United States Court of Appeals for the Third Circuit,
Order denying Writ of Mandamus entered on May 2,
2019:

Shahin has not been denied any rights under CVRA that could form the basis for mandamus relief in this Court. The CVRA guarantees to the victim of federal crimes a variety of rights, including the right to notice of a court

proceeding involving the crime, the right to be present at any such public court proceeding, the right to be reasonably heard at such a proceeding, and the right to receive “full and timely restitution as provided in law.” 18 U.S.C. § 3771(a). A crime victim can assert there rights in the District Court, and if the District Court denies relief, can file a petition for a writ of mandamus in a Court of Appeals. § 3771(d)(3).

However, in this case, Shahin is seeking only to advance her civil actions. “The rights codified by the CVRA...are limited to the criminal justice process; the Act is therefore silent and unconcerned with victims’ rights to the civil claims against their assailants. United States v. Moussaoui, 483 F.3d 220, 234-35 (4th Cir. 2007); see also In re Siler, 571 F.3d 604, 610 (6th Cir. 2009). As the CVRA provides, “[n]othing in this chapter shall be construed to authorize a cause of action for damages or to create, to enlarge, or to imply any duty or obligation to any victim or other person for the breach of which the United States or any of its officers or employees could be held liable in damages.” § 3771(d)(6). Accordingly, Shahin has failed to demonstrate a right to relief under CVRA.¹

¹ Shahin does not challenge the District Court’s remand orders, and we therefore do not consider whether we would have jurisdiction over such a challenge. See generally In re Fed.-Mogul Glob., Inc., 300 F.3d 368, 388 (3d Cir. 2002)

Delaware Supreme Court, Order of the Court entered on May 2, 2019 and signed by a Chief Justice, Leo E. Strine, Jr.:

On April 4, 2019, the Court affirmed the judgment of the Superior Court, concluded that the appellant’s appeal was frivolous, and determined that the appellees be awarded the reasonable attorneys’ fees and expenses

they incurred in litigating this appeal.¹ The Court ordered the appellees to file affidavits showing these fees and expenses by April 17, 2019.² Each appellee's law firm filed the required affidavit on April 17, 2019. The affidavits showed that Synchrony Bank incurred \$1,189.00 in fees and expenses and Sam's East., Inc. incurred \$ 4,929.00 in fees and expenses. These fees and expenses are very reasonable for the defense of an appeal in this Court and reflect that the appellees handled this appeal as economically as possible by filing a joint answering brief. The Appellant is ordered to pay \$ 1,189 to Synchrony Bank to pay \$ 4,929 to Sam's East., Inc.

As to the Motion for reargument, which we have considered even though it is untimely,³ the appellant rehashes the argument in her briefs and refers to matters outside the scope of this appeal. She has not shown a basis for reargument.

NOW, THEREFORE, IT IS ORDERED that the appellant is ordered to pay \$1,189 to Synchrony Ban and to pay \$4,929 to Sam's East, Inc. The Appellant's motion for reargument is DENIED. The mandate shall issue forthwith.

BY THE COURT:

/s/Leo E. Strine, Jr.
Chief Justice

¹ *Shahin v. Sam's East., Inc.*, 2019 WL 1504050 (Del. Apr. 4, 2019).

² *Id.*

³ The appellant filed a timely motion for reargument on April 18, 2019 but the 15-page motion was stricken because it exceeded the 4-page limit. Supr. Ct. R. 30(c). The appellant filed an amended motion on April 26, 2019.

Delaware Supreme Court, Order of April 4, 2019:

Upon consideration of the parties' briefs and the record below, it appears to the Court that:

(1) This appeal arises from the Superior Court's affirmance of the judgment of the Court of Common Pleas. Having carefully reviewed the record, we find no error or abuse of the discretion in the superior court's decision. Accordingly, we affirm the Superior Court's judgment. As a result of the *appellant's vexatious conduct, we also award the appellees the reasonable expenses, including attorneys' fees, that they incurred in this appeal.* (Emphasis in bold, *Italics*, and underlying is added by the Petition, NS).

(2) On November 14, 2016, the appellant, Nina Shahin, filed a complaint against the appellees, Sam's East, Inc. ("Sam's Club") and Synchrony Bank in the Court of Common Pleas. She alleged that she was unable to buy a 9.98 Arctic Organizer advertised by Sam's Club in August of 2016 because Sam's Club ran out of the item. She alleged that Synchrony bank wrongly placed a hold on her Sam's Club Master Card for fraudulent activity two weeks later that led to her cancelling the card. She sought damages of \$ 20,000 for damage to her credit standing, Sam's Club poor service, insult and humiliation.

...

(4) On April 12, 2017, the defendants informed Shahin that they would move for summary judgment and might seek attorney's fees and costs if she did not voluntarily dismiss her complaint. They provided Shahin with documents showing the Sam's Club advertisement stat that only limited quantities were available, Synchrony Bank placed a hold on her Sam's Club Master card for suspicious charges in Colorado (as authorized by the credit card agreement), and Synchrony Bank attempted to notify Shahin of the reason for the hold. In response

Shahin stated among other things, that there could not be charge in Colorado because she had never been there.

...

(6) On June 28, 2017, the Court of Common Pleas held a pretrial teleconference. After hearing arguments from the defendants and Shahin, the Court of Common Pleas granted the motion for summary judgment, denied Shahin's motion for sanctions, and denied Shahin's additional objections. After expressing anger at the ruling, Shahin left the teleconference before the court had adjourned. Shahin subsequently filed a motion for reconsideration and motions for sanctions against the defendants' attorneys.

(7) On August 17, 2017, the Court of Common Pleas entered an order denying Shahin's objections to the judge, denying Shahin's motion for sanctions, granting the motion for summary judgment, and denying Shahin's motion for reconsideration. On August 28, 2017, Shahin filed motion for access to the tape of the June 28, 2017 hearing because she claimed that the transcript contained unspecified inaccuracies that might be racketeering under 18 U.S.C. § 1512(c)(1) and 18 U.S.C. §1961(1)(B). Shahin also filed a motion to transfer the case to the United States District Court for the District of Delaware.¹ On October 11, 2017 the Court of Common Pleas denied Shahin's motions for the access to the tape of the June 28, 2017 hearing and the motion for transfer. Shahin filed a motion for reconsideration which the Court of Common Pleas denied on December 19, 2017.

...

(9) ...On November 29, 2018, Shahin filed a motion demanding evidence that the appellees' counsel mailed

¹ The District Court found no basis for removal and remanded to the Court of Common Pleas. *Shahin v. Dover Sam's Club East, Inc.*, 2018 WL 3866677, at *2 (D.Del. Aug. 14, 2018).

her the answering brief as stated in the certificate of service. The appellees' counsel stated that they had mailed the briefs to Shahin's address and had not received anything back as undeliverable. This Court denied Shahin's motion, finding there was no basis for requiring further evidence of service.

(10) On appeal, Shahin accuses the appellees and their counsel of fraud and perjury, claims the Court of Common Pleas judge violated her civil rights in a different case involving the Dover Police Department and erred in granting the motion for summary judgment and denying her request for access to the audio recording, and argues that the Superior Court ignored the defendant's perjury in issuing its decision. The appellees argue that the Superior Court did not err and seek their costs and attorneys' fees in this appeal for Shahin's frivolous conduct.

...

(14) Under Supreme Court Rule 20(f), this Court may award attorneys' fees and expenses in a frivolous appeal.⁶ Shahin had no basis to demand the audio recording of the June 28, 2017 hearing in the Court of Common Pleas. She offered nothing other than unsupported allegation of perjury and fraud, in her appeal of the Superior Court's decision. Shahin has burdened this Court and others with her numerous and meritless filings.⁷ We conclude that this appeal is frivolous and that the appellees should be awarded their reasonable attorneys' fees and expenses. The appellees are directed to file, by April 17, 2019, affidavits showing the reasonable attorneys' fees and expenses they incur-

⁶ Supr. Ct. R. 20(f); *Scion Breckenridge Managing Member, LLC v. ASB Allegiance Real Estate Fund*, 68 A.3d 665, 688 (Del. 2013).

⁷ In just the last eight months, Shahin has filed four appeals including this one, in this Court. See *Shahin v. UPS Store, Inc.*, No. 406, 2018; *Shahin v. Boney*, No. 425, 2018; *Shahin v. Sam's Club East.*, No. 448, 2018; *Shahin v. City of Dover*, No. 51, 2019.

Red in litigating this appeal for consideration by this Court in determining the amount to be awarded under this order.

NOW, THEREFORE, IT IS ORDERED that the judgment of the Superior Court is AFFIRMED and that the appellant is ordered to pay the costs assessed by this Court. The Appellees are directed to file affidavits showing their reasonable attorneys' fees and expenses in this appeal by April 17, 2019.

BY THE COURT:

/s/ Leo E. Strine, Jr.
Chief Justice

United States District Court for the district of Delaware,
Memorandum Opinion of June 20, 2018:

The exercise of removal jurisdiction is governed by 28 U.S.C. § 1441(a), which states that “[e]xcept as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district court of the United States have original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.” In order to remove a civil action from state court to federal court, a district court must have original jurisdiction by either a federal question or diversity of citizenship. 28 U.S.C. § 1331, 1332, 1441(a). Sections 1441(a) and 1443 both provide that the action may be removed by the defendant to the district court of the United States. *Id.* at §§ 1441(a), 1446. The removal statutes are strictly construed, and require remand to State Court if any doubt exists over whether removal was proper. *See Shamrock Oil & Gas Corp. v Sheets*, 313 U.S. 100, 104 (1941).

...

Fifth, to the extent Shahin contends jurisdiction lies by reason of a federal question, the removal statute provide that “all defendants” who have been properly joined and served must join in or consent to the removal of the action. *See e.g. Auld v. Auld*, 553 F. App’x 807 (10th Cir. Jan. 29, 2014)(removal defective where removing party clearly “lacked an objectively reasonable basis for seeking removal;” *Anderson v. Toomey, L.P.*, 2008 WL 4838139, at *3 (D. Utah Nov. 4, 2008)(only defendant may remove to federal court). Neither defendant joined in or consented to the remove. Sixth, there is nothing left to remove in light of the fact that the all claims were fully adjudicated in the court of Common Pleas. *See 28 U.S.C. §1446(a)*(notice of removal can be filed only in district and division where action in state court is pending); *see also Anderson*, 2008 WL 4838139, at *3 (final judgment may only be appealed, not removed to federal court). This Court does not have jurisdiction and, therefore, the Court of Common Pleas case is not properly before this Court.”

Delaware Superior Court, Order entered on June 20, 2018:

In August of 2014, Ms. Shahin opened a Sam’s Club branded credit card account (hereinafter the “Account”) with Synchrony Bank. On August 6, 2016, Ms. Shahin went to a Sam’s Club store to purchase an Arctic Zone Oversized Trunk Organizer with Removable Cooler (hereinafter the “Trunk Organizer”), which was advertized as being on sale for \$9.98, “[l]imited quantities available on all items.” Upon arriving, Ms. Shahin was unable to purchase as many Trunk Organizers as she intended, apparently because the store’s stock of Trunk Organizers was limited. Ms.

Shahin Consequently sued Sam's Club East., Inc. (hereinafter "Sam's Club").

Several days later, on August 18, 2016 several attempts were made to place charges on the Account from a Domino Pizza in Fruita, Colorado (hereinafter "Attempted Charges"). Determining that the Attempted Charges indicated sufficient risk of fraud or identity theft, Synchrony Bank placed a temporary fraud restriction on the Account on August 19, 2016, so as to prevent further charges. In response to the imposed restriction, Ms. Shahin directed Synchrony Bank to close the Account, which was done pursuant to the request. Ms. Shahin sued Synchrony Bank for having placed the fraud restriction on her account."

...

On appeal, the appellant has an obligation to "marshal the relevant facts and establish reversible error by demonstrating why the action at trial was contrary to either controlling precedent or persuasive decisional authority from other jurisdictions.³ Further, "failure to cite any authority in support of a legal argument constitutes a waiver of the issue on appeal."⁴

...

Upon review of Ms. Shahin's Motion for Reconsideration, the Court finds that Ms. Shahin merely rehashed her earlier accusation of racketeering and misconduct and failed to carry heavy burden by demonstrating newly discovered evidence, a change in the law, or manifest of injustice. Therefore, the CCP did not failed to correct any legal or factual error, and the Motion for Reconsideration was properly denied.

Delaware Court of Common Pleas in and for Kent County, pretrial teleconference that ended in decision on June 28, 2017:

THE COURT: Okay, thank you. Ms. Shahin, did you want to – you didn't file written response- did you want to make any sort of statement in response to that Motion for Summary Judgment”

MS.SHAHIN: Yeah, the summary judgment is full of perjury and written false statement. And I will file motion for sanctions against the attorney;

...

Their claim of the charges for allegedly using my credit card in Colorado- Fruita, Colorado for ordering pizza, it's pure falsification. I have never, ever received anything in writing or verbally from Synchrony Bank about those transactions at all: nothing.

And they can prove nothing except the purchaser's written statement and they cannot prove because the only document which I received was that written letter dated August 19th which says, allegedly, that they want to verify recent transactions: which transactions, they never specified. A message left on my telephone on the same date referring to unauthorized charge of \$ 100, which was a Sam's Club charge for membership dues. So, it was pure falsification. Moreover, whenever somebody tries to use credit card for purchasing pizza, it's made on telephone, when the pizza is deliver, the credit card was supposed to be produced. So, they cannot explain and they did not explain why, why particular card was used in Colorado. Because I never ever been in Colorado.

...

THE COURT: Okay, so as to the Motion for Summary Judgment filed by Synchrony Bank, I'm going to grant that Motion, dismiss Ms. Shahin's case with prejudice; and as to the Motion for Summary Judgment filed by Sam's East, I'm going to grant that Motion for Summary Judgment, dismiss the case against that defendant with prejudice.

JURISDICTION

Jurisdiction of this Court is invoked under 28 U.S.C. §1651.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

United States Constitution

Amendment VI ‘Rights to Fair Trial’

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his favor, and to have the Assistance of Counsel for his defense.

Amendment XIV ‘Civil Rights’

Section 1. 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.

Fair Credit Opportunity Act, 15 U.S.C. § 1961 (FCOA or Regulation B, 12 C.F.R. § 1002)

Part (a) Activities constituting discrimination:

It shall be unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction-

- (1) On the basis of race, color, religion, national origin, sex, or marital status, or age (proved the applicant of a credit transaction has the capacity to contract.

“Effect Test” is a judicial doctrine used to determine whether there is a *prima facie* case of disparate treatment and/or impact.

Part (d) Reason for adverse action; Procedure applicable; “Adverse Action” defined, subsection (6)

For purposes of this subsection, the term “adverse action” means a denial or revocation of credit, a change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested. Such term does not include a refusal to extend additional credit under an existing credit arrangement where the applicant is delinquent or otherwise in default, or where such additional credit would exceed a previously established credit limit.

15 U.S.C. § 1691e – Civil Liability, subsection (b)

Stipulates maximum award of punitive damages of \$10,000.

42 U.S.C. § 1983 ‘Civil Action for Deprivation of Rights’

Every person who, under color of any statute, ordinance, regulation, custom or usage, of any State or territory or

the District of Columbia, subject, or causes to be subjected, any citizen of the United states or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's juridical capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

All Writs Act, 28 U.S.C.A. § 1651 'Writs'

(a) The Supreme Court and all courts established by Act of Congress may issue all writs or appropriate in aid of their respective jurisdictions and agreeable to the usage and principles of law.

28 U.S. Code § 1404 'Change of Venue'

(a) For the convenience of parties and witnesses, in the interest of justice a district court may transfer any civil action to any other district or division where it might have been brought or to any district or division to which all parties have consented.

28 U.S. Code § 1441 'Removal of Civil Actions'

(a) GENERALLY.-

Except as otherwise expressly provided by Act of Congress, any civil action brought in a State court of which the district courts of the United States have

original jurisdiction, may be removed by the defendant or the defendants, to the district court of the United States for the district and division embracing the place where such action is pending.

28 U.S. Code § 1443 ‘Civil Rights Cases’

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the united States, or of all person within the jurisdiction hereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

Delaware Code, Title 11 ‘Crimes and Criminal Procedure,’ Chapter 5 ‘Specific Offenses,’ Section 1269 ‘Tampering with Physical Evidence; Class G Felony.’

A person is guilty of tampering with physical evidence when:

(1) Intending that it be used or introduced in an official proceeding or prospective official proceedings the person:

a. Knowingly makes, devises, alters or prepares false physical evidence;

Delaware Code, Title 11 ‘Crimes and Criminal Procedure,’ Chapter 15 ‘Organized Crime and Racketeering,’ Section 1502 ‘Definitions,’

The following words, terms and phrases, when used in this chapter, shall have the meaning ascribed to them

in this section, except where the context clearly indicates a different meaning:

(9) “Racketeering” shall mean to engage in, to attempt to engage in, to conspire to engage in or to solicit, coerce, or intimidate another person to engage in:

a. Any activity defined as “racketeering activity” under 18 U.S.C. § 1961(1)(A), (1)(B), (1)(C) or (1)(D); or

b. Any activity constituting any felony which is chargeable under the Delaware Code or any activity constituting a misdemeanor under the following provisions of the Delaware Code:

...

10. Chapter 5 of Title 11 relating to tampering with jurors, evidence and witnesses;

3. 18 U.S.C. § 1512 ‘Tampering with a witness, victim, or an informant’

(c) Whoever corruptly-

(1) Alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object’s integrity or availability for use in an official proceeding;

...

(h) There is extraterritorial Federal jurisdiction over an offense under this section.

Shall be fined under this title or imprisoned not more than 20 years, or both.

***Shamrock Oil & Gas Corp. v. Sheets, 313 U.S. 100
(1941)***

[Footnote 2]

See H.Rept. No. 1078, 49th Cong., 1st sess., p.1"

"The next change proposed is to restrict the right to remove a cause from the State to the Federal court to the defendant. As the law now provides, either plaintiff or defendant may remove a cause. This was an innovation on the law as it existed from 1789 until the passage of the act of 1975."

"In the opinion of the committee, it is believed to be just and proper to require the plaintiff to abide his selection of a forum. If he elects to sue in a State court when he might have brought his suit in a Federal court, there would seem to be, ordinarily, no good reason to allow him to remove the cause. Experience in the practice under the act of 1975 has shown that such a privilege is often used by plaintiffs to obtain unfair concession compromises from defendant who are unable to meet the expenses incident to litigation in the Federal courts remote from their homes."

"The committee, however, believe that, when a plaintiff makes affidavit that, from prejudice or local influence, he believes that he will not be able to obtain justice in the State court he should have the right to remove the cause to the Federal court. The bill secures that right to a plaintiff."

**IN THE SUPREME COURT OF THE UNITED
STATES**

**PETITION FOR WRIT OF PROHIBITION AND/OR
WRIT OF MANDAMUS**

Petitioner, Nina Shahin, herein applied pursuant to Section 1651, Title 28, United States Code, Rule 21(a) of the Federal Rules of Appellate Procedure, and Rule 20 of the Supreme Court of the United States Rules of Procedure for a Writ of Mandamus or, in the alternative, for a Writ of Prohibition, directed to the above-named respondents: Honorable Leonard P. Stark, Judge of the US District Court for the District of Delaware and Honorable Judge of the Delaware Court of Common Pleas ("CCP") in and for Kent County. In support of this application Petitioner states that she was never able to enforce any provisions of federal laws (even by filing Petition for Writ of Mandamus with the Third Circuit Court of Appeals) that protect her civil and constitutional rights and the Orders and Opinions of the

Courts (Federal and State) that denied those rights are provided below:

I. Orders and Opinions Below:

1) On August 13, 2018, Respondent #1 duly made and entered an order denying all Petitioner's motions and remanding the case to the Delaware Court of Common Pleas in and for Kent County for allegedly having no jurisdiction over the case, although the case in that Court was dismissed 'with prejudice' and closed. Such Order and Memorandum Opinion are set forth in full as **Exhibit M.**

2) On June 28, 2017 Court of Common Pleas held a "pretrial" teleconference call in the end of which Judge of that Court, Honorable Anne Hartnett Reigle, made and entered unduly orders and denied all Petitioner's motions including one for removing that Judge from the case because of her biases towards Petitioner and Motion for Sanctions against attorney representing Synchrony Bank for presenting to the Court fraudulent

material statements. His actions fell under provisions of 11 *Del.C.* § 1233 'Making False Written Statement; 'Class A' Misdemeanor' and 'racketeering' under provisions of 11 *Del.C.* § 1502(5), (9)b.5. Such orders at the end of "pretrial" teleconference that disallowed a proper trial process with discovery, calling witnesses to testify under oath and questioning them, and providing material evidence were not set in full but such "full" order is presented as **Exhibit O**, which Exhibit is attached hereto and by reference incorporated herein.

Because the case went through entire appeal process in the State and Federal Courts all decisions of those Courts that disregarded provisions of the applicable and controlling law and the material underlying facts are attached hereto and by reference incorporated herein:

[x] *For the case from the Third Circuit Court of Appeals:*

- Order of September 11, 2019 affirming District Court dismissal of Petitioner's case for "lack of subject matter jurisdiction" that was certified and mailed on October

24, 2019. Copy of the covering letter to that Order is in **Appendix A** and Order itself in **Appendix B**).

- Order dated October 16, 2019 denying Petitioner's Motion for Rehearing. Copy of the Order in Appendix C.
- Third Circuit Court of Appeals Opinion and Judgment dated May 2, 2019 denying Petitioner's Writ of Mandamus. Copy of the documents in **Appendix F**.

[x] *For the case from the Delaware Supreme Court:*

- Court's Order dated April 4, 2019, denying Petitioner's Motion for access to the tape of recording of "pre-trial" hearing held in conference call on June 28, 2017.

Copy is in **Appendix K**.

[x] *For the case from Delaware Superior Court:*

- Court's Order dated June 20, 2018 affirming the decision of the Court of Common Pleas denying Petitioner's access to the tape of recording of "pretrial" conference call held on June 28, 2017. Copy of that decision is in **Appendix N**, which **Appendix N** of the

Delaware Superior Court's Order is attached hereto and by reference incorporated herein.

II. Statement of Facts.

A) Basic Underlying Facts Supported by Documentary Evidence:

The facts necessary for understanding of the issues presented by this application are as follows:

Petitioner had been a customer and a member of Dover Sam's Club since she moved to Delaware in 2002. Before moving to Delaware she was a member of Sam's Club for many years if Pennsylvania. In 2014 Petitioner was enticed to upgrade her membership to Sam's plus one with a switch to Sam's Club Master Card® ("MC") provided by Synchrony Bank. On 08/11/2014 she was approved for that card, account type 2 with \$2,500 credit limit (Card # 5213331200578483). During entire period of the Petitioner's membership including two years with the Sam's Club plus membership she had never paid the outstanding balance either late or at less than a full

amount. In August 2016 Petitioner received promotional flier for "one-day sale" to be held on August 6, 2016 and was interested in buying one item - arctic trunk organizer advertised for \$ 9.98. The store opened at 7:00 am and in less than half an hour later the item was no longer on public display, i.e., sold out. Petitioner was very upset and went to the customer service to complain. In response she was brought one item, apparently from a storage, which she purchased. On her way to cashier she was asked by many customers where did she get the item and she explained how she got it from a back door storage facility after complaining at customer service. The time of the sale transaction was 8:07 am which included time searching for the item, going to customer service to complaint, calling storage facility. getting the item, and paying for it. Although the ad indicated that "limited quantities available," sale out of the item within twenty minutes after opening was stunning and not in line with quality of service Sam's

Club advertises to its “plus” members. Petitioner went on Sam’s club web site and although the item was advertised in multiple colors when Petitioner attempted to buy one (she has two children and wanted to buy two items for each one of them as a present) the item “was not available.” Petitioner was so upset that she vented her dissatisfaction on line and filed complaint with Better Business Bureau.

Then on August 19, 2016, Plaintiff received a message at home on her answering machine that “there was suspicious activity on her Sam’s Club MC in the amount of \$100” with a request to call back and either confirm or deny the charge. Since that amount was the Sam’s Club plus annual membership charge the message was questionable, to say the least. Petitioner, though, called back the number and indicated in automated response system that the charge was legitimate. On the same date (i.e., 08/19/2016) Synchrony Bank mailed her a letter regarding “unauthorized use” and/or “fraud”

related to the Petitioner's MC. Copy of that letter is in **Exhibit P.**

The following day (i.e. 08/20/2016) when Petitioner attempted to make purchases at Dover Sam's Club her MC denied the charges three times. Petitioner called the Synchrony number that was printed on the back of her MC (888-746-7726) and talked to the operator who wanted to check her identity by sending her a text message and getting response back. Regrettably, Petitioner had an old-fashioned (flip) phone that did not accept text messages. Documentary evidence of that call exists and was presented to the courts. Operator did not offer any other way to confirm her identity although she was in the Sam's Club with her driving license and other documents available for checking by any of the Sam's Club employees. But, apparently, because Petitioner speaks with a foreign accent no other offer was made to her to check out her identity. Petitioner went to the service desk and asked for help but nobody

was willing and/or able to help. Manager of the store was “not available” either. Petitioner filed complaint with Consumer Financial Protection Bureau. Synchrony Bank in response to that complaint in a letter dated August 31, 2016 made a fraudulent claim that the Petitioner’s MC was blocked in response to the attempted fraudulent use of the card for purchase of pizza in Fruita, Colorado. Fraudulent claim was also made that the Petitioner did not respond to their contacts with request to confirm or deny that attempted use of her MC. The only message Petitioner received from Synchrony was on 08/19/2016 about that “\$100 unauthorized charge” and she responded to it the same evening. See copy of the Sam’s Club (Synchrony Bank) statement of charges in **Appendix Q**. No any contacts about fraudulent use of her MC in Fruita, CO had ever been received. Moreover, Synchrony bank was never able to explain how somebody in Fruita, CO (where Petitioner has never been in her lifetime) obtained

information about her credit card if there was no breach of data at Synchrony. 99.9% of all purchases Petitioner and her husband made were made in Dover Sam's Club. One or two purchases were made in Wilkes-Barre, Pennsylvania where Petitioner's family lived before moving to Delaware. If there was a breach of data at Synchrony Bank it has a legal obligation to notify Petitioner in the format which is used by all institutions that actually were or supposedly had been subjected to breach of data with free credit monitoring and other services. Examples of such notifications are presented in **Appendices R** – from the Delaware Department of Labor (where Petitioner made numerous applications for jobs for which she had never been hired), and S - from AICPA of which Petitioner is a member. Since Synchrony MC became completely useless and Petitioner was insulted, humiliated, embarrassed by her experience with complete lack of assistance either from Synchrony Bank or Sam's Club employees in confirming her

identity on that August 20, 2016 day at Sam's Club she asked for a refund of that \$100 charged to her MC for annual membership dues. That was the end of her multiyear loyal membership at Sam's Club. So, actions of the Synchrony Bank on that date of 08/20/2016 fell under provisions of federal law - Fair Credit Opportunity Act, 15 U.S.C. § 1691 (FCOA or Regulation B, 12 C.F.R. § 1002) that stipulates the following in case of national origin discrimination:

Part (a) Activities constituting discrimination:

"It shall be unlawful for any creditor to discriminate against any applicant, with respect to any aspect of a credit transaction-

(1) On the basis of race, color, religion, national origin, sex, or marital status, or age (proved the applicant of a credit transaction has the capacity to contract)."

"Effect Test" is a judicial doctrine used to determine whether there is a *prima facie* case of

disparate treatment and/or impact.

Part (d) *Reason for adverse action; Procedure applicable;*

“Adverse Action” defined, subsection (6):

“For purposes of this subsection, the term “adverse action” means a denial or revocation of credit, a change in the terms of an existing credit arrangement, or a refusal to grant credit in substantially the amount or on substantially the terms requested. Such term does not include a refusal to extend additional credit under an existing credit arrangement where the applicant is delinquent or otherwise in default, or where such additional credit would exceed a previously established credit limit.”

15 U.S.C. § 1691e – *Civil Liability, subsection (b):*

Stipulates maximum award of punitive damages of \$10,000.

Petitioner suspected that this denial of her access to Sam’s Club MC was concocted in retaliation for her

filing complaints and her dissatisfaction with Sam's Club plus services. This is the only allegation that is supported only by the sequence and substance of events but not documentary evidence. On November 14, 2016 Petitioner filed a lawsuit against Sam's Club and Synchrony Bank in the Delaware Court of Common Pleas in and for Kent County. The lawsuit was filed under provisions of federal law: 15 U.S.C. § 1691 (FCOA or Regulation B, 12 C.F.R. § 1002 and the type of civil case was marked as CARB – 'Confirmation of Arbitration Awards on Consumer Credit Cases.' When Petitioner received the Docket Information ("DI") sheets it was clear that the Court of Common Pleas falsified the type of the Petitioner's lawsuit as "Defamation and Libel" which was the indication of all the falsifications that would follow and especially with the presiding Judge, Anne Hartnett Reigle, who did not know or did not want to know the applicable and controlling rules of law and procedure not only in this case but also in the

criminal case in 2014 staged by Dover Police “accident” in which jury of 11 cops found Petitioner “guilty” in absence of any evidence even police report of the “accident” was denied to them and description or photos of damages was never presented at all. State appointed attorney lied and misled the Petitioner and Petitioner reported that professional misconduct to the Judge and was stripped of the Public Defender altogether in violations of rules of criminal procedure of the CCP.

B. History of Judicial Process

1) Delaware Court of Common Pleas.

Although the type of the case was marked as CARB or arbitration, *nothing* even close to arbitration took place. As a matter of fact, numerous violations of the Petitioner’s constitutional rights to a fair trial, impartial judge, due process, and equal protection were committed.

- Initial Synchrony Bank’s ‘Answer’ to the Petitioner’s lawsuit dated December 20, 2016 and signed by

attorney, John C. Cordrey, in his 'Affirmative Defenses' among baseless claims that Petitioner 1)"fails to state a claim against Synchrony upon which relief may be granted and 2) Petitioner "claims may be barred in whole or in part by the applicable statutes of limitations and/or the doctrine of estoppel, waiver, and laches,' in #3 though stated that her claims "may be subject to arbitration" which was supposed to be under the type of lawsuit filed and in # 5 Mr. Cordrey stated that "alleged acts or omissions giving rise to Plaintiff's claims are the result of innocent mistake and/or bona fide error despite reasonable procedures implemented by Synchrony." (Emphasis added by NS). Nowhere in his 'Answer' were ever mentioned attempted purchases allegedly made in Fruita, CO. That particular statement made by professional attorney representing Defendant, Synchrony bank, was in complete contradiction with fraudulent statements made in Synchrony Bank's letter dated August 31, 2016 (much earlier) and signed by

Jennifer Barnes, Senior Specialist, Corporate Consumer Relations of Synchrony bank in response to the Petitioner's complaint to the Consumer Financial Protection Bureau (CFPB). After signing that 'Answer' on behalf of Synchrony Bank Mr. Cordrey disappeared from the view and was substituted by Mr. Benjamin P. Chapple whose name was the second one on that 'Answer.' Moreover, none of the attorneys ever mailed to the Petitioner their 'Entry of Appearance' form and Petitioner specifically raised the issue of proper 'notice' required by law about that violation which was disregarded by the Court.

- In Pretrial Conference Worksheet and Stipulation Petitioner in # 5 specifically requested a list of Sam's Club employees and especially the one to whom she complained in early hours of Sam's Club working day of that August 6, 2016 "one day sale." That request has never been complied with because there was never formal trial with discovery process.

- In the letter dated 04/12/2017 and signed by both – Benjamin Chapple on behalf of Synchrony and Selena Molina on behalf of Sam’s East., Inc. the lie about alleged attempt to use Petitioner’s MC in Colorado in spite of Mr. Cordrey’s characterization of the “unauthorized charge” of \$100 on 08/19/2016 as a “mistake” and/or “bona fide error” was repeated without any explanation of how somebody in Colorado would have had information about Petitioner’s credit card unless there was a breach of data at Synchrony which without proper notification and offered free credit services would be sufficient to file a lawsuit even if the victim was not a national minority. In the final section of that letter attorneys in their attempt to “clear up misunderstanding that you [i.e., Petitioner] have regarding the declined transaction” made a complete mix up of all underlying facts including the refund that Petitioner asked for on 08/20/2016 after unsuccessful attempts to confirm her identity with Synchrony operator and Sam’s

Club employees. The only “fraudulent charge” information Petitioner received from Synchrony by phone was related to \$ 100 Sam’s Club membership plus charge made on 08/19/2019. Financial statement for that period reflected that charge, date of Synchrony letter of the same date and the message left on Petitioner’s phone were all done on 08/19/2016. When Petitioner finally asked for a refund of that \$ 100 fees on 08/20/2016 that refund was made to another Petitioner’s card because Synchrony Bank MC was no longer functioning. So, conclusion that “...the restriction on the Account following the discovery of the attempted fraud on August 19, 2016 was not caused by the August 20, 2016 refund of your Sam’s Club membership fee”(Sic?!) Petitioner has never claimed that and, therefore, it is a complete falsification of the Petitioner’s claims. The letter ended with threats to the Petitioner about seeking attorneys’ fees and expenses. Petitioner was overseas during period 04/12/2017 – 05/05/2017 and

responded in detail to that communication after her return including final note that the attorneys' communication had a lot of documents attached although those documents were not numbered, identified, or mentioned in the letter which questioned the substance of that communication with apparent and exclusive intent to harass and intimidate the Petitioner.

- On April 11, 2017 Petitioner filed her "Strong Objections to the Judge, Honorable Anne Hartnett Reigle, Presiding over this Case and Her Order issued on March 23, 2017." The history of the Petitioner discrimination in all aspects of her life was recorded in numerous Petitions for Writ of Certiorari to this Court: ##06-1334, 08-676, 09-9281, 09-10032, 09-10505, 10-8580, 11-5563, 11-5564, 11-5565, 11-7105, 12-7103, 12-7106, 12-7107, 12-7337, 12-7339, 12-7338. Except for this Extraordinary Petition another similar Petition will be filed within 60 days after this one which is related to systematic Dover Police harassment that started in

2012 with her illegal arrest, illegal incarceration, beatings and torture in prison. In 2013 Dover Police Officer (Dale Boney) falsified the evidence and gave Petitioner a ticket (this will be the subject of the next Petition), in 2014 there was a fabricated by Dover Police "accident" in which no any evidence was provided by the State prosecutor (even police report of the accident was denied to the jury) but the jury of 11 cops found Petitioner "guilty." Judge presiding over that case was also Honorable Anne Hartnett Reigle who falsified provisions of applicable law in sentencing which she later acknowledged herself (Title 21 of the DE Motor Vehicle Code, Chapter 42 – Reports of Accidents, Penalties; Interpretation of Laws; section 4201(c)) and had to change her sentencing but that misrepresentation of that law in sentencing was denied by the State prosecutor who later claimed that the oversight was professionally excusable. Petitioner objected to such a jury that consisted of only cops with

presiding lady, employee of the State Bank Commissioner where Petitioner applied many times for the jobs advertised but never was offered one and filed complaints of discrimination against the agency. Honorable Judge assured her that her objections would be recorded but later claimed that Petitioner had never objected to such a jury. In order to prove Petitioner had to purchase the transcript that cost more than \$ 900 and was unaffordable to her. Moreover, pretext of purchase first before being allowed to get access to tape did not work in this case. Denial in this case was that the case had been closed.

- On June 14, 2017, Mr. B.P. Chapple, who started to represent Synchrony after disappearance of Mr. Cordrey filed his Motion for Summary Judgment which was full of lies and fraudulent statements. Similar Summary was filed by Sam's East., Inc. In those Motions were "sworn" testimonies of two employees from the respective Defendants: Laurinda Rainey from Sam's Club

and Martha Koehler – from Synchrony. If Ms. Rainey's statements were dishonest (she claimed that the store register showed that the arctic trunk organizer was selling until 2:04 pm (obviously to those who complained, were dissatisfied and brought the item from a backroom), Ms Koehler's statements were outright lies about Fruita, CO "attempted fraudulent" use of the Petitioner's MC. That statement was perjury but the Petitioner was never allowed to call those witnesses for testimony and prove that they lied. On June 21, 2017 Petitioner mailed to the attorneys her Motion for Sanctions because of their misrepresentations of underlying material facts made to the Court in their Motion for Summary Judgment which, according to the Court of Common Pleas Rul. of Civ. Proc. 11(b), were subject to sanctions. Rule 11(c) indicates how such motion can be initiated: "If, after notice, and reasonable opportunity to respond, the Court determines that subdivision (b) has been violated, the Court may, subject

to the conditions stated below impose appropriate sanctions upon the attorney, law firms, or parties that have violated subdivision (b).” The ‘notice’ required under this rule is 21 days after the service of the motion. Petitioner did not get response from the attorney before “pretrial” teleconference held on June 28, 2016. Petitioner though received a call from the clerk of the Court asking for that Motion apparently because she was notified by attorneys of the existence of that Motion. Petitioner provided a copy of that Motion to her on condition that it was unofficial and cannot be considered as filed. Clerk did not display any objections or reservations which she later fraudulently denied in the transcript. See transcript in **Appendix O**.

- Also on June 21, 2017 Petitioner filed a request for a change of date of hearing from June 28, 2017 to some other date in August, because of that 21-day required notice to attorneys but it was completely disregarded by presiding Judge which is another evidence of

discrimination and violation of the Petitioner's constitutional rights in the CCP.

- Transcript of that “pretrial” hearing is provided in **Appendix O** and is nothing short of a process in a kangaroo court in which all procedural norms were violated and the Petitioner was harassed and abused that caused her eventually to hang up. During that hearing Petitioner protected the rights of professional attorney and refused to provide comments on her Motion for Sanctions because of her legal obligation to 21 day-notice. Presiding Judge disregarded that rule of her own Court and dismissed the Petitioner's case with prejudice. Petitioner's Motion for Sanctions albeit not officially filed regardless of fraudulent assurances of the clerk was officially filed on July 12, 2017 i.e., after the required 21-day notice but obviously to no avail. Since the Judge closed the case “with prejudice” on that June 28, 2016 day.
- Petitioner paid \$ 54 for the transcript of hearing but

found that it did not correctly reflect harassment to which Petitioner was subjected during hearing. Instead she was presented in that transcript as unable to speak clearly, confused and lost. On 08/28/2017 Petitioner officially requested access to the tape recording of that hearing because of "inaccuracies" that might fall under provisions of 'racketeering' under 18 U.S.C. § 1512(c)(1) and 18 1961(1)(B) if made with specific intent to misrepresent the underlying facts of actual words spoken. But Petitioner was denied access since the Judge claimed that she had closed the case. As it can be seen from that transcript that no underlying law under which Petitioner filed her lawsuit (i.e., 15 U.S.C. § 1691 (FCOA or Regulation B, 12 C.F.R. § 1002) had been considered or discussed in that "pretrial" conference call in any way, shape or form! Lies provided by attorneys were accepted as true, Petitioner's claims supported by documentary evidence, denied, no discovery or real trial took place. This was such an insult and humiliation

that it is difficult to comprehend. It became clear that Petitioner's claims under federal law could not be prosecuted in State court system. Petitioner's appeals within the State court system thus were limited to request for access to tape of recording of that "pretrial" conference call held on June 28, 2017. On the same day Petitioner filed her Motion for Reconsideration because of those numerous violations of her rights. But actual decision of the Honorable Judge was issued on August 17, 2017 that denied all her Motions belatedly and prompted Petitioner's filing her Motion-Demand for Transfer of the Case to the US District Court for the District of Delaware on 09/5/2017. Honorable Judge Anne Hartnett Reigle denied Petitioners' Motions for transfer and access to the tape of recoding claiming that "there is no rule in this Court that permits such a transfer of a case" demonstrating yet again her complete incompetence and bias towards the Petition because Delaware Code specifically indicated in 10 *Del.C.* § 1902

that “No civil action, suit or other proceedings brought in any court of this State shall be dismissed solely on the ground that such court is without jurisdiction on the subject matter, either in the original proceeding or on appeal.” Not only Honorable Judge failed to consider the law under which the lawsuit had been filed but she also disregarded (or did not know) about provisions of the Delaware Code about transfer of such cases to the federal jurisdiction.

- It has to be noted that in April 29-30, 2017 issue of the Wall Street Journal in section B, ‘Business News’ on a front page there was an article titled “Synchrony Punished After Earnings Miss.” There is no surprise that with such quality of financial services to its customers, lies, fraud, and discrimination bank cannot do well with its customers!

2) Appeal to the Delaware Superior Court.

On January 2, 2018 Petitioner filed her appeal with the Delaware Superior Court in and for Kent

County. Since in September Petitioner filed her Motion-Demand for Transfer of the case to the District Court because of provisions of federal law under which she filed her lawsuit and which were disregarded by the Court of Common Pleas her appeal was specifically limited to the request for access to the tape of recording of the teleconference held on June 28, 2017. In Petitioner's Opening Brief she described all falsifications of the applicable law committed by the presiding Judge, Honorable Anne Hartnett Reigle, in her criminal case of fabricated "accident" in 2014 and even in her correspondence with the Petitioner afterwards. To prove her false claim that Petitioner did not object to the jury of 11 cops Petitioner had to pay \$900 for the transcript of two-day hearing. In that case Judge denied her Motion for Access to the tape on the basis that Petitioner did not pay for the transcript. In this particular case the pretext was that the "case was closed."

In the Defendants' responses professional attorneys again committed frauds with their repeated claims of their "witnesses" employees of the respective businesses who could testify whatever attorneys wanted in order to keep their jobs. Judge's decision dated 06/20/2018 is presented in **Appendix N**. Five days later Petitioner filed her Motion for Reconsideration indicating in that Motion that the Honorable Judge, Noel Easton Primos, failed to address the main issue of her appeal: access to the tape of recording. The Judge accused the Petitioner that she "...merely rehashed earlier accusations of racketeering and misconduct, and failed to carry her heavy burden by demonstrating newly discovered evidence, a change in the law, or manifest of injustice" (Sic!) Judge denied that Motion on 07/03/2018 without addressing the main issue of the Petitioner's appeal which additional evidence of how State Judges disregard material facts and provisions of the controlling and applicable law.

3) Appeal to the Delaware Supreme Court.

On 08/30/2018 Petitioner filed her Notice of Appeal with the Delaware Supreme Court. Again the only issue on appeal was the access to the tape of “pretrial” teleconference hearing held on 06/28/2017. Copy of the Transcript (**Appendix O**) was attached to the Notice.

Petitioner submitted her Opening Brief on 10/15/2018. Just to give idea about Petitioner’s argument she provided below titles of 5 arguments she presented to Court in her Brief:

1. Falsification of material facts through fraud and perjury; # 2. Complete disregard by presiding Judge and professional attorneys representing defendants of the law under provisions of which the plaintiff-appellant’s complaint had been filed; # 3. Questionable process under standards of law, procedure and the Court’s own rules of procedure; # 4. Illegal decision by the CCP Judge with questionable professional standards; # 5. Illegal decision by the Judge of the Superior Court.

By the due date of the Defendants' 'Answering Brief' Petitioner got nothing from their attorneys. She went to the office of the Supreme Court and was told that 'Answering Brief' had been filed on a due date. In order for her to write her Reply Brief by the due date she requested the clerk to provide her with a copy of the Brief which he did albeit after many hours of waiting. On 11/29/2018 Petitioner filed with the Court Motion-Demand for the attorneys to provide evidence of their mailing to the Petitioner their Opening Brief as they certified in the attached Certificate of Service. Professional attorneys' 'Answer' to that Motion failed to provide any evidence. As usual, they made their (unsupported i.e., "fraudulent") claims that "Counsel for Appellee ... confirmed with staff in our office that a copy of Appellees' Joint Answering Brief, Appendix to the Joint Answering Brief and Compendium to the Answering Brief was address to Ms. Shahin and brought to our firm's mailroom to be sent to her via First Class

Mail on November 14, 2018. Consistent with our normal practice, all of the firm's outgoing mail was then taken by courier to the post office on November 14, 2018. No mail addressed to Ms. Shahin has since been returned as undeliverable." Again professional attorneys presented a lie to the Court because that multiple pound weight of their joint 'Answer' and attached 'Appendix' could not possibly be sent by First Class Mail. By its weight and thickness (first class mail in case of a doubt would be pulled through a cut of few millimeters in carton sheet and if it is getting through it can be mail by First Class). Maximum weight for a First Class package is 13 oz. (Information from a USPS web site). That package mailed by professional attorneys that had a weight of many pounds could not be possibly sent by First Class mail but would require other type of mailing like Priority or Certified Mail which would trigger a receipt for that type of mailing. That weight US Post Office does not accept as a first class mail and the

Petitioner knows that by a long experience with the Dover post office. Again, professional attorneys submitted lies to the Court and not only were not punished for that but also their unsupported claim was accepted by the Court.

Delaware Supreme Court Order was issued on 04/04/2019 and copy is attached in **Appendix K**. Although there were three names of the Judges on the Order (Strine, Chief Justice, Valihura and Vaughn), the Order was signed by the Chief Justice. In the very first paragraph Chief Justice insulted Petitioner by characterizing her "conduct" as "vexatious and frivolous." In the second paragraph the Justice presented the underlying facts in a completely erroneous manner, failed to indicate any rules of law on the basis of which the lawsuit had been filed and ordered professional attorneys who presented false and fraudulent statements to the Courts to file their request for

reimbursement of their fees and expenses to be paid by the Petitioner by April 17, 2019 and the attorneys complied. The whole Court's decision with presenting history of filing but without indication of the essence of those filings and the Petitioner's version of events supported by documentary evidence added insult to injury. With his Order dated 05/02/2019 (**Appendix G**) Chief Justice, Leo Strine, confirmed decisions of all prior Courts, impose payment of fees and expenses upon Petitioner and closed the case with the Mandate. Since the decision of the Court was so out of line with insults and falsifications with complete absence of reference to any law Petitioner filed her Motion for Writ of Mandamus at the Third Circuit Court of Appeals and Petition for Impeachment of three Delaware Judges including Chief Justice and the Judge of the CCP Court, Anne Hartnett Reigle. Petition for Impeachment was written under specific provisions of the Delaware Constitution and should have been considered by the

Delaware legislature. Petitioner attempted to hand over that Petition to the Senator from her district, Trey Paradee, who refused to accept that Petition saying that all against whom Petition is written are his "childhood friends." When Petitioner attempted to present Petition to the Governor, his assistant refused to accept it either and in violation of provisions of the Constitution under which it was written recommended to mail that petition to the Court on the Judiciary over which Chief Justice presides. That recommendation was similar to putting a fox in a chicken coop. Petitioner attempted to contact officials in the Delaware legislature who are responsible for procedural acts but to no avail and without any response. Leo Strine though resigned his Chief Justice position effective September 2019. How Delaware State Courts are graded with "F" and the Delaware public opinion about Delaware court system and its judges is presented in **Appendix T**.

4) Process in the US District Court for the District of DE.

Request for transfer to the US District Court for the District of Delaware was made on August 28, 2017 after receiving Order from the Judge of CCP, Anne Hartnett Reigle, denying all Petitioner's motions and making no any mention of the law under which the lawsuit had been filed: 15 U.S.C. § 1691 *et. seq.*, "ECOA" or Regulation B. On Civil Cover Sheet Petitioner in part II 'Basis of Jurisdiction' indicated in # 3 'Federal Question,' in part IV 'Nature of Suit' marked two sections: # 430 'Banks and Banking' and # 440 'Other Civil Rights.' In attached documents Petitioner provided copy of that 08/17/2017 CCP decision, and all material related to the Petitioner's Objections of the Judge, Anne Hartnett Reigle's being the presiding Judge because of her mishandling Petitioner's case of 2014 "staged accident" and jury of 11 cops, absence of any evidence even police report or photos of any damages to allegedly hit car. There were documents attached proving that the Judge

did not even mention the law applicable to such a situation. Petitioner also provided copy of the "Confidential" answer from the Court on the Judiciary signed by Chief Justice, Leo Strine, dismissing Petitioner's complaint against the Judge with all those instances of gross abuse of judicial discretion by the Judge of the Court of Common Pleas and denial of justice to a national minority, foreign born woman and *pro se* litigant. Petitioner paid also \$ 400 full fee as if the case had been initiated in the District Court. The Judge assigned to that case was Leonard P. Stark. His decision came out almost one year later on August 13, 2018 (**Appendix M**) in which he claimed that the Court had no jurisdiction. His argument is based on few legal premises all of which are questionable and presented to this court for consideration:

- 1) The exercise of removal jurisdiction is governed by 28 U.S.C. § 1441(a), which states that "[e]xcept as otherwise expressly provided by Act of Congress, any

civil action brought in a State court of which the district courts of the United States have original jurisdiction, may be removed by the defendant or defendants, to district court of the United States for the district and division embracing the place where such action is pending.”

2) In order to remove a civil action from state court to federal court, a district court must have original jurisdiction by either a federal question or diversity of citizenship. The removal statutes are strictly construed, and require remand to State court if any doubt exists over whether removal was proper. *See Shamrock Oil & Gas Corp v. Sheets*, 313 U.S. 100, 104 (1941).

3) “Shahin filed her petition for transfer, construed as a notice of removal, well beyond the 30 days allowed by §1446(b).

4) “..the Complaint does not raise federal claims and, therefore, jurisdiction does not vest pursuant to 28 U.S.C. § 1331.”

5) "...to the extent Shahin contends jurisdiction lies by reason of federal question, the removal statute provides that "all defendants" who have been properly joined and served must join in or consent to the removal of the action. *See e.g., Auld v. Auld*, 553 F.App'x 807 (10th Cir. Jan. 29, 2014) (removal defective where removing party clearly "lacked an objectively reasonable basis for seeking removal"); *Anderson v. Toomy, L.P.*, 2008 WL 4838139, at *3 (D. Utah Nov. 4, 2008).

6) "...there is nothing left to remove in light of the fact that the all claims were fully adjudicated by the Court of Common Pleas. *See* 28 U.S.C. § 1446(a) (notice of removal can be filed only in district and division where action in state court is pending); *see also Anderson*, 2008 WL 4838139, at *3 (final judgment may only be appealed, not removed to federal court).

5. Third Circuit Court of Appeals.

Process in the Third Circuit Court of Appeals went through two differences processes: I. Petition for Writ of

Mandamus and **II.** Appeal of the decision of the US District Court.

a) Petition for Writ of Mandamus.

On March 26, 2019 when it was obvious to the Petitioner that her civil and constitutional rights were violated at all levels of judicial system under circumstances that were criminal and even mafia-style racketeering (especially in the Delaware Supreme Court with the Chief Justice induced retaliation with award of attorneys' fees to attorneys who committed fraud) she submitted her Petition for Writ of Mandamus Pursuant to 18 U.S.C. § 3771(d)(3) The Crime Victims' Rights Act with Appendix of documents in Support. The Writ was based on three lawsuits filed by the Petitioner in State courts: City of Dover and Officer Dale Boney, Sam's East., Inc. and Synchrony Bank, cases in which Petitioner was deprived of any real judicial process with discovery, questioning of witnesses and competent and

impartial evaluation of all evidence by presiding Judge. The first case that yet to be presented to this Court was related to the pattern of Dover Police harassment that started in 2012 with Petitioner's illegal arrest, illegal incarceration, beatings and torture in prison as a result of which she came out as a complete invalid unable to walk. Petitioner's charges included felonies' of 'obstruction of justice' and 'racketeering' committed by the presiding Judges, and 'perjury' and 'fraud' committed by professional attorneys. Those were criminal acts for which nobody wanted to initiate investigation or prosecution, but the Petitioner was a victim. Appendix to the Petition had documentary evidence of complete corruption of the judicial system including 47 pictures of Petitioner's injuries all over her body from forehead to her toes made by a forensic nurse after Petitioner's release from prison, list of jury pool in Petitioner's criminal prosecution for "staged accident" in which more than 50% of the jury were cops and for every one she

removed from the jury prosecutor installed another one and the pool was inexhaustible. Petitioner provided evidence of the Honorable Judge, Anne Hartnett Reigle complete dishonesty and incompetence with intentional obstruction of justice in that particular case. Appendix also included original of the Petitioner's Petition for Writ of Certiorari to this Court against PNC Bank (place where Petitioner was illegally arrested in 2012) filed on July 24, 2017 but declined for recording due to missing deadline for submission and returned back to the Petitioner. All that evidence proved multiple criminal offences committed by different State officials from police officers to judges at all level of State investigational, prosecutorial, and judicial systems. In the processing of that Petition requirements of the Third Circuit Court L.A.R. 21.1 (b) (notification of the US Attorney) was disregarded and the 5-day requirement of 18 U.S.C. § 3771(d)(3) violated. Third Circuit Court of

Appeals decision dated 05/02/2019 (well after 5-day requirement) is presented in **Appendix F**.

b)Petitioner's Challenge to the Judge of the US District Court Remand of her Case to the State Court.

Petitioner filed her Motion for Transfer on 11/13/2017 after it became clear that she could not get justice in the State Court where her civil and constitutional rights were grossly violated. District Court's Order dated 08/13/2018 remanded the case back to the Court of Common Pleas where it has been closed 'with prejudice.' (**Appendix M**). Petitioner filed a timely appeal to the Third Circuit Court of Appeals. Petitioner received a letter from that Court that had a name of Clerk mentioned as a signatory but actually signed by Jo-Ann Williams, Administrative Supervisor. In the letter a claim was made that "Under 28 U.S.C. § 1447(d) (enclosed), an order remanding a case to the state court from which it was removed is not reviewable on appeal

or otherwise.” Copy of the section of the law mentioned was not enclosed in spite of the claim made in the letter.

(Appendix H). The author of the letter was either unaware of the content of that section or intentionally distorted the content and for that reason did not enclose it because the section says the following: “An order remanding a case to the State Court from which it was removed is not reviewable on appeal or otherwise, except that an order remanding a case to the State court from which it was removed pursuant to section 1443 of this title shall be reviewable by appeal or otherwise.”

Section 1443 stipulates the following: “Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending: (1) Against any person who is denied or cannot enforce in the court of such State a right under any law providing for the equal civil rights of citizens of

the United States or of all Persons within the jurisdiction thereof;"

Petitioner filed her "Objections" to that letter specifically because of her case that involved civil rights. (**Appendix E**). Third Circuit of appeals Order dismissing Petitioner's case was dated 09/11/2019 but certified and mailed to the petitioner on 10/24/2019 (**Appendix B**). This Writ is presented in response to that decision.

I. Statement of Issues Presented.

Six issues related to this case were raised by the Honorable Judge, Leonard P. Stark, in his decision dated 08/13/2018 (**Appendix M**) and stipulated above on pages 36-38. Additional issue was raised by the Third Circuit Court of Appeals in its decision dated 09/11/2019 but certified and mailed on 10/24/2019 (**Appendix B**). Those seven issues will be discussed below in more details:

1-2. Does the Plaintiff have a right to remove case from State to the US District Court and were there any doubts in this case?

Honorable Judge Leonard P. Stark in his Memorandum Opinion claimed that under 28 U.S.C. 1441(a) the right of removal is afforded to the “defendant or defendants” and that the statute is “strictly construed” and “require remand to State court if any doubt exists over whether removal was proper.” Reference was made to the case *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 104 (1941). That case of the US Supreme Court looked into the history of the transfer provision going back to 18th Century (“Judiciary Act of 1789”) with subsequent modifications in 1867, 1875, and 1887. The strict interpretation of the Statute was introduced by Act of 1887, 24 Stat.552., Id. at 106. But even that stricter amendment had provision for the plaintiff to remove the case to federal court if the plaintiff “had reason to believe and did believe that, from prejudice or local influence, he was unable to obtain justice in said State

court, the district court shall, on application of the other party, examine into the truth of said affidavit and the grounds thereof, and, unless it shall appear to the satisfaction of said court that said party will not be able to obtain justice in said State Court, it shall cause the same to be remanded thereto..." *Id.*, [Footnote 1] at 109. Another Honorable Judge of the same US District Court (Gregory M. Sleet) stated in his Memorandum Opinion: "Under 28 U.S.C. §1404(a), a district court has "broad discretion to determine, on an individualized, case-by-case basis, whether the convenience and fairness consideration weigh in favor of transfer." *Jumara v. State Farm Ins. Co.*, 55 F.3d 873, 883 (3d Cir. 1995). The court engages in a two-step inquiry. It first determines whether the action could have been brought originally in the proposed transferee forum and then asks whether transfer would best serve the convenience if the parties and witnesses as well as the interests of justice. *Smart Audio Techs., LLC v. Apple, Inc.*, No. 12-

134-GMS, 910 F. Supp.2d 718, 2012 WL 5865742, at *1 (D. Del. Nov. 16, 2012). It is the defendant's responsibility to demonstrate that transfer is appropriate at each step, *Jumara*, 55 F.3d at 879-80, and, "unless the balance of convenience of the parties is strongly in favor of defendant, the plaintiff's choice of forum should prevail." *Shuttle v. Armco Steel Corp.*, 431 F.2d 22, 25 (3d Cir. 1970); *see also Smart Audio Techs.*, 2012 WL 5865742, at *3, 910 F. Supp.2d 718. *See W.R. Berkley Corp. v Niemela*, Slip Copy 2017 WL 4081871.

3. Does the provisions of 28 U.S.C. § 1446(b) apply to the Petitioner's case?

Taking into consideration that the Appellant's Notice of Transfer is filed under provisions of civil rights statute or 28 U.S.C. § 1443 does 30-day limitation apply to this case?

4. Could the Judge claim that the Petitioner's case that had been filed under provisions of 15 U.S.C. § 1691 "does not raise a federal claim"?

The case cited by the Judge in the same paragraph (i.e., *Anderson v. Toomey, L.P.*, 2008 WL 4838139, at *3 (D. Utah Nov. 4, 2008)) in support of his claim states though that “The well-pleaded complaint rule states that a case “arises under federal law within the meaning of [28 U.S.C.] §1331 if a well pleaded complaint establishes either that federal law created the cause of action or that the plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.”³⁰ Superscript ³⁰ makes a reference to *Empire Healthchoice Assur., Inc. v. McVeigh*, 547 US 677, 690, 126 S. Ct. 2121, 165 L. Ed.2d 131 (2006).

5. Does the Petitioner have to obtain consent of the Defendants for the transfer?

Petitioner did not find in the cited case (i.e., *Auld v. Auld*, 553 F.Appx, 807 (2014) reference to any consent that should have been obtained from the Defendants in the case of civil rights statute!

6. Although final judgment was rendered by the Court of Common Pleas, that Order was issued in violations of the Petitioner's civil and constitutional rights and in view of obvious presiding Judge's bias towards Petitioner who specifically indicated that bias in her Objections and which Objections were disregarded and dismissed by the Judge. Was that particular reason ("all claims were fully adjudicated" albeit in violation of constitutional and civil rights) then applies to the Petitioner's case in consideration of a remand?

Petitioner would like to make reference to address that particular Judge's argument to already cited above Footnote 1 presented in *Shamrock Oil & Gas Corp. v. Sheets*, 313 U.S. 100, 109 (1941) that Petitioner "had reason to believe and did believe that from prejudice or local influence, [she] was unable to obtain justice in said State court."

7. Third Circuit Court of Appeals stated in its decision of 09/11/2019 but certified on 10/24/2019 (Appendix B) that "Shahin has not shown that she has been "denied or cannot enforce [her] specified federal rights in the state courts," *Davis v. Glanton*, 107 F.3d 1044, 1050 (3d Cir. 1997) as is necessary to remove under § 1443." Is Petitioner's Writ of Mandamus

filed in that Court of Appeals should be considered as that “necessary” “demonstration” that she was “denied or cannot enforce [her] specific federal rights in the state courts”?

Petitioner filed her Writ of Mandamus under provisions of 18 U.S.C. § 3771(d)(3) The Crime Victims’ Rights Act on March 26, 2019 and indicated in that Writ all those violations of her civil and constitutional rights in this and another, yet to be filed in this Court in the next 60 days Officer Dale Boney’s case including detailed explanations of all violations of her rights by the presiding Judge, Anne Hartnett Reigle, in another 2014 criminal case fabricated by Dover Police in its pattern of harassment that started in 2012 with her illegal arrest, illegal incarceration, beating and torture in prison; 2013 case of fabricated evidence by Officer Dale Boney in parking incident. In its decision denying that Petition the Court in its Opinion classified it as “not precedential” and ruled that “Shahin’s petition is “closely related to two civil cases...” then “...in this

case, Shahin is seeking only to advance her civil actions” and in superscript¹ reference indicated that “Shahin does not challenge the District Court’s remand orders, and we therefore do not consider whether we would have jurisdiction over such a challenge. *See generally In re Fed.-Mogul Glob., Inc.*, 300 F.3d 368, 388 (3d Cir. 2002).” It appears that the Appellate Court wants to have it both ways: Petitioner did not prove that she was unable to enforce her civil rights in State courts and that she did not challenge the federal district court remand!!! REALLY? Since that Writ of Mandamus in details and with supporting documentary evidence provided ample proof of her inability to enforce any civil rights statutes in State Courts and was a victim of criminal behavior of professional attorneys, state prosecutor, and state judges with no any investigation or prosecution and she was a victim of those crimes then claim that she failed to do so is insincere to say the least and fraudulent to say the most.

II. Statement of Relief Sought.

The same Third Circuit Court of Appeals ruled in another case, (see *Shutte v. Armco Steel Corp.*, 431 F.2d 22, 23 (3d Cir. 1970)) - "The use of the mandamus power conferred on this court by the All Writs Act, 28 U.S.C. §1651, can be the indicated remedy to correct an erroneous transfer. *Van Dusen v. Barrak*, 376 U.S. 612, 84 S. Ct. 805, 11 L. Ed. 2d 945 (1964);"

Since Third Circuit Court of Appeals failed in its legal functions, Petitioner, therefore asks this Court for the following remedies:

- 1) Remand the case back to the US District Court for the District of Delaware for proper judicial proceedings with process of discovery that includes calling witnesses, submitting and requesting documents and evidence, with preservations of all constitutional rights to both parties: Plaintiff and Defendants.

- 2) Mandate the Judge of the Delaware Court of Common Pleas Honorable Anne Hartnett Reigle to issue

order to allow Petitioner access to the tape recording of the “pretrial” teleconference held on June 28, 2017.

V. Reasons Why Writ Should Issue.

The reasons the Writ requested herein should issue are as follows: i) there are issues raised in ## 1-7 above that were not clearly defined in the law or precedent and were interpreted in different ways by courts; ii) judicial processes in State and Federal court system grossly violated Petitioner’s constitutional rights, pattern that has been going on since Petitioner, a Ukrainian national minority, with her husband of Egyptian national origin, entered this country legally in 1989 in all aspects of her life: employment, financial rights, credit opportunity, violations of her constitutional rights under Amendments IV, VI, VIII, and XIV; iii) Petitioner filed numerous Petitions for Writ of Certiorari to this Court which all have been denied in cases which she now understands had been filed in State Courts under provisions of federal laws or in other words in the courts

that lack subject matter jurisdiction. Petitioner, here-
fore pray for the last chance for this Court to honor her
civil and constitutional rights.

**III. Appendix provides copies of documents that
incorporate by reference herein Appendices
from A to T as indicated in Table of Contents.**

Wherefore, Petitioner respectfully prays that a Writ of
Mandamus or, in the alternative, a Writ of Prohibition,
be issued by this Court directed to Respondents, the
Honorable Lenard P. Stark, Judge of the United States
District Court for the District of Delaware, for accepting
the transfer of the Petitioner's case to that Court and to
Honorable Anne Hartnett Reigle, Judge of the Delaware
Court of Common Pleas in and for Kent County to issue
Order for Petitioner's access to the tape recording of the
"pretrial" hearing held on June 28, 2017, and for such
other and further relief as the Court may deem proper.

Date: March 10, 2020

For the Petitioner, Nina Shahin
NINA SHAHIN, CPA, MAS, MST