

Case No. _____

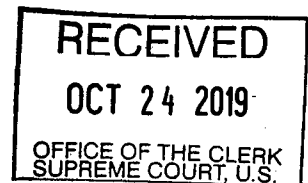
**THE SUPREME COURT
OF THE UNITED
STATES**

Jean Coulter, Petitioner
v.
Gerri Volchko Paulisick
and
Joseph R. Paulisick, Respondents

On Petition for Certiorari
to the United States Court of Appeals
for the Third Circuit

Petition for Writ of Certiorari

Jean Coulter, Petitioner
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In 2015, Coulter filed three (3) Civil Cases in the federal courts – all of them were filed exclusively on the basis of the federal courts' Diversity Jurisdiction.

The first of these cases, *Coulter v. Lindsay*, (21a.) was Dismissed With Prejudice as a Sanction - a decision which was upheld by the Third Circuit.

Coulter filed the second case, the Instant Matter, approximately four (4) months later (9a.), and the last case, just a week after the second one was filed. (3a.)

Prior to the District Court's determination of Coulter's domicile in the Instant Matter (but after the Third Circuit upheld the Dismissal With Prejudice of the first case filed under Diversity Jurisdiction), the final case was Dismissed Without Prejudice (for lack of Diversity Jurisdiction) (14a.) - a decision produced by the same jurist who Dismissed the first case (*Lindsay*) "With Prejudice" less than five (5) months earlier. (22a.)

(a.) Questions Presented for Review

1. Has the Third Circuit improperly determined that domicile of Plaintiff can be based exclusively on the determination of domicile in a subsequently filed case - conflicting with decisions of other Circuits?
2. Has the Third Circuit so far departed from accepted procedures to require This Court to exercise the court's supervisory powers - as the Third Circuit has permitted Dismissal of both the Instant Matter (and the subsequently filed case) as the result of undue deference to clearly improper decisions by obviously biased jurists from the district court?
3. Was Due Process denied when domicile was decided (by a highly biased jurist) without notice?

(b)	<u>Parties in the Court Below</u>	
	Petitioner	Jean Coulter
	Respondents	Gerri Volchko Paulisick and Joseph R. Paulisick

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Case Law

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United States v. Southern California Edison Co., 300 F. Supp. 2d 964, 972 (ED Cal. 2004)	11.
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(d) Reports of opinions and orders

All of the decisions in this matter are designated as non-precedential.

The Dismissal Without Prejudice in the District Court (for lack of subject matter jurisdiction) was docketed on November 30, 2018 (14a.) in the Western District of Pennsylvania at 2:15-cv-937, Coulter's Motion to Amend the Findings was filed on December 28, 2018 and Denied on January 4, 2019.

The appeal of the dismissal for Lack of Subject-Matter Jurisdiction, was filed in the Third Circuit Case at Case 19-1300. (1a.)

(e) Basis for Jurisdiction in this Court

(i) The Order Affirming the Dismissal by the District Court, which is sought to be reviewed, was entered on June 28, 2019. (2a.)

(ii) The date of the order denying rehearing, was filed on July 23, 2019. (1a.)

(iv) Jurisdiction in this Honorable Court, is pursuant to 28 USC § 1254 :

"Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods:

(1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree; ..."

(f) Constitutional Provisions, Statutes and Regulations

U. S. Constitution - Amendment V

"No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in

cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation."

**28 U.S. Code § 1332 · Diversity of citizenship;
amount in controversy; costs**

"(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States; ..."

18 U.S. Code § 4 · Misprision of felony

"Whoever, having knowledge of the actual commission of a felony cognizable by a court of the United States, conceals and does not as soon as possible make known the same to some judge or other person in civil or military authority under the United States, shall be fined under this title or imprisoned not more than three years, or both."

18 U.S. Code § 241 · Conspiracy against rights

"If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same; or

...

They shall be fined under this title or imprisoned not more than ten years, or both; ..."

**18 U.S. Code § 242 - Deprivation of rights
under color of law**

"Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, ... shall be fined under this title or imprisoned not more than one year, or both; ..."

23 Pa. C.S.A. § 2910.

Penalty for unauthorized disclosure.

Any officer or employee of the court, other than a judge thereof, ... who willfully discloses impounded or otherwise confidential information ..., other than as expressly authorized and provided in this chapter, commits a misdemeanor of the third degree.

23 Pa. C.S.A. § 2915. Court and Agency Records.

...(b) Who may access court or agency records. . . .
Only the following are authorized to access court or agency records for the purpose of releasing nonidentifying or identifying information under this chapter :

- (1) The court which finalized the adoption.
- (2) The agency that coordinated the adoption.
- (3) A successor agency authorized by the court which finalized the adoption.

23 Pa. C.S.A. § 2931. Access to information.

(a) Who may access information. - - The following individuals may file a written request for ... information ... with the court which finalized the adoption the agency which coordinated the adoption or a successor agency ..."

(g) Concise Statement of the Case
District Court's Subject Matter Jurisdiction

The Instant Matter concerns Claims by Coulter, a Citizen of New Jersey, against Citizens of Pennsylvania who own the property next-door to Coulter's family-home in Pennsylvania. Thus, jurisdiction in the District Court is pursuant to 28 U.S. Code § 1332 - Diversity of citizenship :

"28 U.S. Code § 1332 - Diversity of citizenship;
amount in controversy; costs

(a) The district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between—

(1) citizens of different States; ..."

Pertinent Factual History

The matter under consideration at this time, involves a Civil Case filed by Coulter, a Citizen of New Jersey, who is attempting to recover for damages to Coulter's property which were caused by trees which were located on property owned by Gerri and Joseph Paulisick. When large limbs from Paulisicks' trees have fallen, they damaged Coulter's family-home, as the result of Paulisicks negligence and even utter disregard for the safety and property of others. (9a.)

Despite the fact that Paulisicks were aware that Coulter had resided in the home for a lengthy period (even for a short time after the death of the Coulter's mother), Paulisicks have continued to only contact Coulter's brother any time that their trees cause damage to the house. Because of Paulisicks decision to notify Coulter's brother, while refusing to even leave a message on the machine which Coulter had continued to maintain inside the house, Paulisicks have (perhaps unknowingly at first), actively assisted in the brother's crimes against Coulter.

Even after learning (years prior to the filing of the Civil Complaint) that Coulter's brother had already sold his share to Coulter, Paulisicks have continued to assist Coulter's brother, (by informing the brother of Coulter's comings and goings) in the brother's repeated thefts and vandalism of the home over which the brother no longer has any rights. And, even more egregiously, since the filing of the Complaint, Paulisicks have continued to act in complete disregard for both Coulter's property and Coulter's Due Process Rights – as they have even chosen to submit dubious filings, when they were aware that Coulter was traveling abroad, and then completely "failed" to even serve Coulter with that filing (in an apparent attempt at assuring that even if Coulter had her mail forwarded to her during her trip), Coulter would still be left "in the dark!"

Procedural History

On March 6, 2015, Coulter first filed a matter in the federal courts, on the basis of Diversity Jurisdiction (*Coulter v. Lindsay*). That case was Dismissed With Prejudice on March 6,

2015, by District Judge Cathy Bissoon, as a Sanction. (22a.) In January 2016, the Third Circuit upheld Judge Bissoon's Order of March 6, 2015, Dismissing that case With Prejudice. Both courts were aware that Jurisdiction was exclusively on the basis of Diversity (and that all of the *Lindsay* Defendants were domiciled in Pennsylvania). (21a.)

Approximately six (6) months, Coulter filed the Instant Matter in the federal courts. And, a week later, Coulter filed another case (*Coulter v. Coulter*). Both of these later cases were also filed on the basis of Diversity Jurisdiction alone.

The Instant Matter was assigned to District Judge Joy Flowers Conti, on July 20, 2015. On January 11, 2016, just a few days before the Third Circuit upheld the decision in the earlier Diversity Case (which was Dismissed With Prejudice as a Sanction), the Instant Matter was Stayed - ostensibly to allow for another case involving Coulter to completely settle the question of the ownership of Coulter's property. (10a.)

On July 12, 2018, while Coulter was out of the country (a fact which Paulisicks were well aware of), Paulisicks' Counsel chose to secretly file Motions setting up their attempt to have Judge Conti dismiss the matter before Coulter would return from abroad. Indeed, Paulisicks filing itself proves that they made no attempt to provide service on Coulter, as it never even attempts to claim that service was made! So, it was only when the court mailed an Order for Coulter's response to Paulisick's filing, that Coulter was first notified of the secret filing.

It is also worth noting that, in the summer of 2018, the appeal of Coulter's Civil Action against Judge Conti, Judge Bissoon and a number of

judges from the Third Circuit was still pending in this court. (16-497) Yet, Judge Conti chose to continue to rule in this case!

Because of the still pending Civil Case against Judge Conti, as well as Judge Conti's refusal to hold Defendants' Counsel responsible for their clearly "improper" filings (without service of those filings on Coulter), Coulter filed Motion for Recusal on October 3, 2018.(14a.) In that Motion for Recusal, Coulter specifically raised Judge Conti's prior concealment of criminal actions by one of the District Court's Brethren (Judge Bissoon) (25a. – 29a.) along with alerting Defendants' Counsel of their obligation to report the crimes of the judge (pursuant to Rules of Professional Conduct for Attorneys)! (19a.)

Facts Requiring Recusal of District Judge Conti

Judge Bissoon and Judge Conti first became co-conspirators for the clear purpose of victimizing Coulter, earlier in 2015, about three (3) months before Coulter filed the Instant Matter. At that time, Coulter erroneously sent an Official Complaint of Judicial Misconduct or Disability (25a. – 29a.) to Judge Conti as the Chief Judge of the District (instead of sending it to the Chief Judge of the Circuit as procedures require). At that time, Judge Conti became aware of some of Judge Bissoon's prior crimes – specifically the fact that Judge Bissoon had chosen to violate Criminal Statutes, as well as Coulter's Rights, by permitting Sealed documents from the state court to be released by Defendants' Counsel – and then refusing to re-seal those criminally released Sealed Records! Indeed, as explained in the Formal Complaint of Misconduct, repeatedly Judge Bissoon chose to illegally release

sealed Adoption Records involving Coulter. (27a.) However, when the district's Chief Judge (Judge Conti), received the erroneously sent "Official Complaint of Judicial Misconduct or Disability", Judge Conti chose to conceal the Complaint rather than forwarding it to the Chief Judge of the Third Circuit – and thus Judge Conti chose to join into a conspiracy with Judge Bissoon, actively participating in the Violation of Coulter's Rights to Privacy (with those officially Sealed State Court Records).

So, perhaps it should have been expected that Judge Conti would have acted in such a blatantly biased manner when, despite the pending Motion for Recusal, (which had been pending for nearly two (2) full months), Judge Conti chose to ignore Coulter's Motion, in order to "allow" Judge Conti to Dismiss Coulter's case on November 30, 2018! :

"... Before the court are a motion for recusal ... a motion for sanctions, special relief, and a change of venue (ECF No. 22), filed by ... plaintiff ... Also pending is a motion to dismiss and strike this civil action filed by the defendants..."

"... Coulter claims to have been a resident of New Jersey 'since 2014', and alleges that she 'pays taxes as a resident of New Jersey, carries Health Insurance which limits payments to New Jersey-based providers, [and is licensed to drive in New Jersey.' (ECF No. 9 ¶ ¶ 1-2_. Coulter's mailing address listed on the face of the amended complaint" (a Post Office Box address), "is located in Philadelphia, Pennsylvania, and she admits that has been her principal mailing address since 2011.

8.

On July 27, 2015, seven days after filing her original complaint in" (the Instant Matter), "Coulter filed a second suit in the Western District of Pennsylvania, ..., this time against her brother, ... The court" (Judge Bissoon) "issued an order for Coulter to show cause why jurisdiction was proper, ... (Civil Case 15-967, ECF No. 2) Coulter filed a response, attaching numerous documents (Civil Case 15-967, ECF No. 2) After review of these materials" District Judge Bissoon "... found that Coulter did not produce a preponderance of evidence sufficient to meet the burden of proof and overcome the presumption of her Pennsylvania domicile ... Coulter appealed to the Third Circuit Court of Appeals, which affirmed" Judge Bissoon's determination in that unrelated case. "The court of appeals held that a motion for recusal filed by Coulter against" Judge Bissoon " was rendered moot after the court concluded that it lacked jurisdiction." (13a. - 14a.)

It is entirely inconceivable that Judge Conti was unaware of the March 2015 Order in *Lindsay*, as the listing of cases filed by Coulter (as found on pacer.gov) has *Lindsay* in the line immediately above the Instant Matter. So, it is abundantly clear that the November 2018 Order by Judge Conti was the decision by an extremely biased jurist and further that it was both knowingly and improperly based exclusively on a subsequent (and bogus) "determination" of Coulter's domicile produced

9.

by Judge Bissoon (in a matter filed after the filing of the Instant Matter).

It is also obvious that Judge Conti chose to overlook the March 2015 Order, because to do otherwise would have required that Judge Conti must "determine" that Coulter had ceased being domiciled in New Jersey and became a Pennsylvania Citizen - between March 6, 2015 (when Judge Bissoon and the Third Circuit must have decided that Coulter was actually domiciled in New Jersey) and July 20, 2015 (when the Instant Matter was filed). And, no change in circumstances existed upon which this change of Citizenship could be based. It is also noteworthy that no set of circumstances was provided by either Judge Bissoon or any jurist from the Third Circuit, which could have possibly resulted in this change of domicile for Coulter, either! (21a.)

Further proof of the assertion that Coulter's domicile was "conveniently" determined rather than it being made on the actual circumstances, is the fact that neither Judge Conti nor the Third Circuit En Banc, have ever described any basis for their determination that Judge Conti appropriately used the determination in a subsequently filed matter, in order to determine if the federal court possessed Subject Matter Jurisdiction on the basis of Diversity Jurisdiction in this case – in direct conflict with decisions in every other circuit!

(h) Argument

On March 6, 2015, in *Coulter v. Lindsay*, Judge Cathy Bissoon wrote an Order Dismissing the case, With Prejudice, (22a.) based on an erroneous determination that the case violated an Order from

December 2012, by Judge Bissoon. That 2012 Order restricted Coulter's filing of cases in the federal courts with respect to two (2) specific origins which the claims cannot arise from - and ordered the Clerk of the district court to assign any case filed by Coulter exclusively to Judge Bissoon! While the Complaint did not involve the specific issues which Judge Bissoon had restricted, the Third Circuit still affirmed the dismissal with prejudice on January 13, 2016.

What is important to note from the improper dismissal of the Complaint in *Lindsay* though, is the fact that both the District Court and the Third Circuit En Banc must have determined, prior to ruling in *Lindsay*, that they possessed Subject-Matter Jurisdiction! Case Law in every Circuit clearly requires that every judge in the district courts as well as those jurists in the circuit courts, must assure that the federal courts possess jurisdiction, prior to taking any further action in a case before them. As explained in Grupo Dataflux v. Atlas Global Group, LP, 541 U.S. 567, 124 S. Ct. 1920, 158 L. Ed. 2d 866 – Supreme Court 2004, citing United States v. Southern California Edison Co., 300 F. Supp. 2d 964, 972 (ED Cal. 2004) :

"district courts have an 'independent obligation to address [subject matter jurisdiction] *sua sponte*' "

Similarly, Case Law in every circuit (including the Third Circuit), make it clear that the Circuit Courts are also required to assure that the federal courts possess Subject-Matter Jurisdiction – regardless of the stage in the proceeding, as

described the Third Circuit case Zambelli Fireworks Mfg. Co., Inc. v. Wood, 592 F. 3d 412 (2010) :

"Under this Court's continuing obligation to assess its subject matter jurisdiction, we can dismiss a suit *sua sponte* for lack of subject matter jurisdiction at any stage of the proceeding. Carlsberg Res. Corp., 554 F. 2d at 1256."

Therefore, that fact that Coulter was, in March 2012, not a Citizen of Pennsylvania was decided as an adjudicated "fact", as the result of the decision by the Third Circuit ruling En Banc, on January 13, 2016.

And, it is important to note, therefore, that the Third Circuit's affirmation of the Dismissal With Prejudice in *Lindsay* was obviously also "available" for Judge Conti's use in determining Coulter's citizenship. Simply put, in *Lindsay*, it must have been determined that Coulter was not a Citizen of Pennsylvania in March 2015. Therefore, Judge Conti's decision to accept a determination of domicile (from the case heard by Judge Bissoon) in a matter filed subsequent to the filing of the Instant Matter, clearly is in direct conflict with decisions in every other circuit, all of which have ruled that the state of the Parties' Domicile(s) on the date of filing alone, is all that must be reviewed and utilized in order to determine if the federal courts possess Subject-Matter Jurisdiction!

Case Law from every other Circuit, makes it clear that Diversity Jurisdiction in the federal courts, is determined only on the basis of the Parties' Citizenship as of the date of filing of the Civil Complaint, as explained in America's Best Inns v.

Best Inns of Abilene, L.P., 980 F. 2d 1072, 7th Circ. (1992) :

"... At oral argument the court reminded the parties of the need to establish complete diversity of citizenship. In particular, the ~~court stated that it would be necessary to~~ enlarge the record to show the citizenship of every partner as of the date the complaint was filed. See U.S.C. § 1653. ..."

See also Freeman v. Northwest Acceptance Corp. 754 F. 2d 553 – 5th Circ. 1985 : "[2] The citizenship of the parties on the date the complaint was filed determines the existence of diversity jurisdiction..." and Rowland v. Patterson, 852 F. 2d 108 4th Circ. 1998, citing Topp v. CompAir Inc., 814 F. 2d 830, 832 n.1. (1st Circ. 1987) : "... except in cases removed from state court, diversity is determined with reference to the date on which a complaint is filed in federal court." and Gilbert v. David, 235 US 561, 35 S. Ct. 164, 59 L.Ed. 360 – Supreme Court 1915 : "... If the plaintiff was domiciled in the State of Michigan when the suit was begun ..."

Despite apparently almost universal acceptance of the date of filing as the date for which Diversity Jurisdiction is calculated by every other circuit, the third circuit has decided that it can ignore the ruling by this court in Gilbert v. David, as Judge Conti, and indeed the Third Circuit ruling En Banc did when those jurists decided that Coulter's domicile at a later date (albeit only a week later), shall be considered to have formed the basis for determining whether Diversity Jurisdiction exists or not – rather than requiring jurists in any portion of the

third circuit to be required to consider the "inconvenient" question of the Parties' (specifically Coulter's in this case) citizenship on the date of filing!

(i) Conclusion

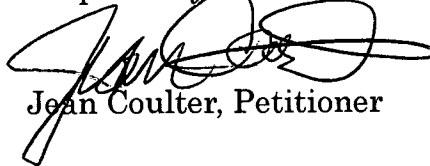
It is readily apparent from the actions by District Judge Joy Flowers Conti as well as the Panel and En Banc Decisions of the Third Circuit, that for jurists within all levels of the Third Circuit, their actions have "so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power".

Further, it appears obvious that Judge Conti chose to dismiss the case, in this manner, as a "thank you" gift to Defendants' Counsel - who "graciously" chose not to report the crimes by Judge Bissoon which were presented in Coulter's Motion for Recusal "... Counsel for Defendants is now obligated to report the crimes by both District Judge Cathy Bissoon, and This Court ..." (19a.) The fact that this type of silent communication, through the issuance of clearly bogus decisions by judges and attorneys who consciously "risk" their professional future on their firm belief that the "secret handshake" will always be respected by absolutely every members of the "Just Us System" – is a scourge the likes of which has not been seen before in this nation!

Each member of the judiciary must accept responsibility for the incredible level of corruption which is currently openly displayed by every judge, lawyer or member of law enforcement. But, the responsibility for this situation ultimately must rest

on the bench of each member of the Supreme Court (the Justices, as well as their Clerks) – as without the *laissez-faire* attitude of this, the most honored court in the world, such an outrageous level of corruption would be impossible! All it would take is one honest person! What will it take for that one lone voice from a member of the "Just Us System" to be finally heard over the din of the collapse of our country and indeed our civilization?!

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Jean Coulter', with a large, stylized flourish extending to the right.

Jean Coulter, Petitioner