

No. 19-5896
17-3623

USCA3

ORIGINAL

Supreme Court, U.S.
FILED

AUG 01 2019

OFFICE OF THE CLERK

IN THE

SUPREME COURT OF THE UNITED STATES

Mitchell Dinnerstein PETITIONER
(Your Name)

Burlington County College vs. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

USCA3
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Mitchell Dinnerstein
(Your Name)

18 Lawrence St
(Address)

Tuckson, NJ 08527
(City, State, Zip Code)

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(Phone Number)

Questions Presented

The question's I am presenting to the court are, If the application of rule 56(d) is unreasonably used to quickly end a proceedings and denies a petitioner his rights to a trial. Does that violate the first and the seventh amendment? And if Rule 56 in its entirety is used unreasonable to end cases, does that also violate the first and seventh amendment? If a plaintive is locked out of his own trial and the judge relinquishes his responsibility to administer justice to the defense lawyer in a pro Se hearing, is that a violation of the first and seventh amendment? Also if a government lawyer or members of their justice department team acted as defense attorneys for a government agency, and that attorney became a judge in a case where the plaintiff was also the plaintiff when the judge was a lawyer, or members of his team acted as defense attorneys for the government. Should he sit on the case? If he has an interest in discrediting the plaintiff? And if that judge eliminates a vital piece of evidences that proves the plaintiff's case, to protect his own or associates reputation's and is unreasonable in applying rule 56, is that a violation of the first and seventh amendment. If the court assumes evidence to be truthful or knows a defense attorney has submitted false information and knowingly accepts it. Is that a violation under the first and seventh amendments? If the appellate court reviewing the case, makes a statement in their opinion that reinforces a negative stereotype without the evidence to prove it, is that a violation of the civil rights act of 1968? If the appellate court makes a statements that have little to no factual foundation in the evidence, but go from the assertions of the defense lawyer, is that a violation of the first and seventh amendments? If we are a nation of laws. And this court decides what the law is. In the interest of Justice Rule 56 should be clarified. Because as Justas Brennen said in his dissenting option when Rule 56 was adopted. It is confusing and it is going to be used every day, and I ad confusion makes it ripe for abuse.

Abuse that will be crystal clear if all the evidence is reviewed.

Does the omission of evidence (the tape mentioned in my exhibit (X)) and other evidence I submitted constitute, denying me my right to due process. Does locking me out of the discovery process and ruling when it was still underway with relevant material of factual evidence in dispute violate my right to due process?

From the trial court 1:13-cv-5598(NLK/KMW).

"On Behalf of Defendant HILLMAN, District Judge"

I don't understand how a Judge can act be on behalf of a litigant in a trial he is presiding over

"Appearing pro se CARMAN SAGINARIO, JR. KELLY ESTEVAM ..."

I don't understand how two attorneys can appear Pro SA? Did their client pull out of the proceedings?

"... to deny Plaintiff additional discovery and time to respond to Defendant's summary judgment motion" " ..The Court will grant summary judgment in favor of Defendant, finding no need for additional discovery..."

From USDC3

"Even if Dinnerstein could satisfy his prima facie burden with regard to any of his allegations, nothing in the record suggests that the College's proffered explanation for terminating Dinnerstein-that he violated the College's Civility Policy on several occasions-was Pretext. See Fuentes v. perskie, 32F .3d

Fuentes, "... 2) Allows the fact finding to infer that discrimination Cause of the adverse employment action."

I am only a lay person but the USDC3 did not read ...2) in Fuentes.

I also was not given the opportunity to present evidence, and in any event the trial court judge and the appellate court interpretation of the case are in dispute

regarding the strength of my case. If this court reviews my case it will see, I have a very strong case.

The fact of this trial are the Judge approved a summary Judgement when the trial was still in discovery. See exhibit (X) in my case brief. I also was locked out of the discovery process because what was on the tape I requested in Exhibit (X). I was sexually assaulted when I worked for GSA I talked about that on the tape plus the damning evidence about the college on the tape. That is why I was called by the Judge's chambers and told not to show up for a scheduled evidence hearing. I called back and it was the trial judge who told me not to show up through person in his office. The hearing was never rescheduled. And I was locked out of the trial after that.

Back to when I worked for GSA. I quit GSA because it was before the congressional accountabilities act. I asked NJ Rep Jim Saxton to help me get another job. He did but The US attorney's office represented GSA. Even though I didn't ask for money. Michael Chertoff was the Lawyer of record. He was, Judge Hillmans, the trial Judges in this case, boss at that time.

I also think I was the deliveryman for a lot of banker boxes for Justice Alito during his big Mafia trial when he was the US Attorney for NJ. What I think I remember about Justice Alito is, Lawyers used to always bother him when he would walk out of a room into the hallway. He didn't want to talk to them so he would start running. I think Justice Alito is fast. I would bet he could beat all the other Justices in a foot race.

I believe this is the president that the appellate court should have taken into account. And my question is, why didn't they?

PHC, Inc. S'holder Litig., 762 F.3d 138, 144, (1st Cir. 2014) (" 'Typically, when the parties have no opportunity for discovery, denying the Rule 56(d) motion and ruling on a summary Judgment motion is likely to be an abuse of discretion.'")

LIST OF PARTIES

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

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

RELATED CASES

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Miller v. city of Cincinnati

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Burlington County Times

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IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

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

OPINIONS BELOW

☒ For cases from **federal courts**:

*First Page following
Table of Content.*

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

After USAC3

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

N/A

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

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

- ☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____ *march, 8, 2019*

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

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

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

I was given 60 more days
~~The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1).~~

*and told to Resubmit
by 10, 9, 2019*

☐ For cases from **state courts**:

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

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

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

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

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOKED

Due process

Rule 56

1st, 7th, 5th, 9th, 10th, 14th, amendments to the United States Constitution.

The United states Enabling Act or Acts.

When State Prosecutors or US attorneys defend, State Government, Federal Government, Government Agencies, Government Officials, or any form of Government, Partial Government, Government Contractors, Privatized Agency's, individuals, groups, organizations, company's, That Prosecutors feel are not subject to or above the Law.

The Congressional Accountabilities Act of 1995. And what was not covered in it.

STATEMENT OF THE CASE

I do not believe the United States Supreme Court has taken up the issue of civility codes on college campuses in an in depth review. I believe it should because of danger it presents to freedom of speech and due process.

DOE v. University of Michigan
D. Public Interest

"The final factor, the public interest, primarily addressed impact on non-moving parties" Hunter v. Hamilton Cnty 635 F. 3d 219, 244"

"Protecting a person's right to due process is always in the public interest Civil Liberties Union v. Livingston Cnty 796 F. 3d 636, 649"

"When a constitutional violation is likely ... the public interest militate in favor of injunctive relief because it is always in the public interest to prevent violations of a parties constitutional rights" Miller v. City of Cincinnati, 622 F. 3d 524, 540"

I didn't say or do the things the college and opposing counsel said I did. If the court reviews my case brief it proves it. I believe I have shown the court my rights were violated. I also believe I have shown the court I am not a very good litigator or a candidate for a membership in Mensa. I have never had representation in this case and I should have been represented by the EEOC and the NJEA. Without getting into specifics that was a violation of my rights also. That is why I am trying to get representation. I will enclose I copy of a letter I have sent to, Civil Right organizations, Law Colleges, Bar Associations, and Law Firms. I hope the court will grant me reasonable time to try to retain legal counsel.

8/25/2019

Mitchell Dinnerstein
18 Lawrence St
Jackson, NJ 08527
(732) 908-3226

XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX
XXXXXXXXXXXXXXXXXX

Dear sir or madam,

I am writing you this letter to see if you organization would help me writ a petition for a writ of certiorari and or any representation or advice you could help me with in the US Suprema Court. I do not have the funds or expertise to go forward with this on my own. The title and case number is,

Mitchell Dinnersrtein v Burlington County College. USCA # No.17-3623.

The case is in regard to rule 56 as a whole and rule 56(d) being applied unreasonably. I believe the rezone it was done was I used to work for GSA before the, Congressional Accountabilities Act was made into law.

I was sexually assaulted by my supervisor. Back then the Justice department would act as GSA's Lawyer and they still do it today. I believe and it can be proven, the judge closed the current case I have before the Supreme Court because a key piece of evidence in this case sows what the Justice department did to me in the past. The Judge was a lawyer for it back then and his boss was the lawyer of record. He kept out critical evidence, He would not let me participate in

evidence hearings after the first one and a lot more unreasonable actions by the court.

The current case is an EEOC case with damages I estimated at Six to Seven Million dollars in lost wages pension and SSI. It is all documented in the lower court brief. If you won't I will send a full copy of it to you, and it will show I should have won the case. I hope its on line with the federal could so you can just look it up. Not only the trial judge but the Appellate Judges assumed and down right lied.

This was justified because I did not reply correctly to the Rule 56 motion so they interpreted the law that lies become truth after that and they slandered me. As a lay person it seems crazy to me.

I am going to enclose some photo copies of documents. First is a letter dated August, 7, 2019 sent to me by the US Supreme Court? Next my reply to the letter. I will also send five pages of my attempt at a petition of certiorari.

I thank you for your good work in trying to keep the country on track with its laws and rules and please call or E-mail me at mitchelldinnerstein@aol.com if you want more information.

Thank you again,

Mitchell Dinnerstein

REASON FOR GRANTING THER PETITION

Without the court reviewing the reasons behind the divisiveness destroying this country and the attack on the constitution that goes hand and hands with it our form of government may be irreparably damaged. "All Politics is Local" Local refers to needing local skills to win the primary election that gets Federal Politicians into their safe seat, and the need for backroom political skills in the state legislature to do that. Since Richard Nixon had greatly increased the responsibilities of local government to distribute and administer federal allocated funds, and money has become the lifeblood of politics. Especially since the Supreme Court case Citizens United. The necessity and effort of fund raising has in many cases turned deviant in it practice.

New Jersey has something called "Pay to Play" it makes it legal for politicians to charge contractors to receive government contracts. Let's say it was 10% of a contract. To keep the money flowing in, The College was kept in a constant state of disrepair through the intentional misconduct and negligence of others. And by blaming me a Jewish person for it was political correct because of the BDS Movement on compass and an anti-Semitic popular culture. Also a constant state of renovation must be kept going. This can be done by doing things that are unnecessary or having deviant people destroy things. Whether the money comes from Federal, State, Local governments, Insurant fraud, donations, lotters, or extortion, there is still the "pay to play" money coming in to feed politically and personally connected people.

If you look at the newspaper article I have enclosed from the Burlington County Times titled, Rowan College at Burlington County receive single offer for Pemberton Campus. That is where I worked. It is abandoned because of the deviant behavior of a government controlled investment groups. They destroyed a college that was only 50 years old. But to destroy the college they had to destroy the good people trying to save it. I was one of those people. You just have to read my case brief which proves it.

The real danger to this county is not shadow governments or some other conspiracy theory. Its government employees and politicians who set up, for lack of better words, Government controlled Investment Groups. But theses

7

investment groups have great advantage over everyone else. They have the Enabling Act. Which gives them the power to interpret and make Law. If they do get caught breaking the law, most of the time, State Prosecutors and US Attorneys flip and become defense attorneys for the guilty and attack the innocent. And finally, most of the time they don't have to pay taxes. How do the American people stand a chance to enjoy the rights and privileges enumerated in the Constitution with all that staked against them?

At the College the investment group had to keep the hate going. This was done to keep the money coming in. The people had to be divided along lines that could be exploited to steal money and skirt the law. This was most often done by placing deviant shills who were members of protected groups in key positions. Then by using the civility code, or misinterpreting the Civil Rights Act, making false accusations to get rid of good civil servants, of all raise's and creeds. On the other side there was the propaganda of vilifying all members of particular minorities groups. This was done to get people who were not members of protected groups to feel powerless and discriminated against and quit or to just keep the turmoil and hate going. This practice was not only done by the college but it seems to be everywhere. And it is still going on today. Both of these divisive strategies are propagandized and reinforced by popular culture so people will not unite and save our county from this insanity. The same way the college was destroyed by hate and greed. More and more Americas Institutions will fall to this manufactured form of hatred.

I am also encasing an article to show this is nothing new. It's an article titled, Abraham Lincoln's "Bank War"

On review of the facts of this case it will become indisputable that I was made an example of for trying to be a good civil servant by a corrupt government investment group, deviant layers, State prosecutor and other state officials, and the lower federal courts. They all, devalued, slandered, and harassed me, with impunity. The same way Jim Crow was used to keep black people in a state of draconian subjugation in the past by government controlled investment groups. Is being done today but has become more inclusive. The strategies I have explained are being used by modern government protected investment groups to establish a draconian system to subjugate the vast majority of all the people in America. That is what is going on all across our country today. I hope that is a good enough reasons to grant the petition. Because if it is not stopped, our county may never recover from it.

CONCLUSION

I have trouble communicating in writing. I am dyslexic. That being the case, I hope I have presented, clearly enough, that this is a winnable case. I also hope I have presented the public need that I should be granted the petition.

The Civility Codes in question was arbitrary enforced, it used lies to silence and intimidate good civils servants to allow deviant people to steal. In my, Case Brief, you have seen every time I got assaulted or asked the college to obey the law or rules. I was suspended through false accusations and the Caprices use of the civility code. This was done because I was Jewish. This was shown to be the case on many occasions. And if you hear the tape I asked for in my exhibit (X) you will have another. Why was it so impotent to suppress that evidence?

The public need that this case can fulfill is one of clarity. Since this court has not ruled decisively on Civility Codes on College Campuses. And the abuse that they present is inherently dangerous to free speech and du proses. And the vagueness of the rules in Civility Codes are so open to abuse in there enforced that an environment of, fear, silence of thought and expression, and forced political conformity, has taken root. And also the inability to used free speech to ask the government to redress grievances has been lost in large part to many people.

When rule 56 was adopted Justice Brennan, in his decanting option said, it is confusing and will be used every day. Also, in PHC. Inc S'Holder Litig it says about, Rule 56, "...a summary judgment motion is likely to be an abuse of discretion." I hope you agree that this court providing clarity regarding Rule 56 is also in the public interest.

I am trying to retain council. If I am granted the Petition I know one of the organizations I have contacted will represent me.

The petition for a writ of certiorari should be granted

Respectfully submitted

Mitchell D. Newman

Date: 9/3/2019