

19-7975

No. _____

Supreme Court, U.S.

MAR 10 2020

OFFICE OF THE CLERK

IN THE

Supreme Court of the United States

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GLENN MYER,

Petitioner,

—v.—

ALL DULLES AREA MUSLIM SOCIETY, et al.,

Respondents.

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE NINETEENTH JUDICIAL CIRCUIT OF
VIRGINIA (FAIRFAX COUNTY)

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

Does Virginia have the right to discriminate against a Pro Se litigant and violate their Civil Rights, US Supreme Court Rulings, Court rules: Subpoena, oral depositions, getting transcripts, Canons of Judges to hold reasonable hearings and to speak in a court without the threat of incarceration.

PARTIES TO THE PROCEEDING

All parties to the proceedings below are named in the caption.

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PETITION FOR A WRIT OF CERTIORARI

The Petitioner Glenn Myer respectfully petitions for a writ of certiorari to review and order of the Virginia Supreme Court to reverse the dismissal of the complaint against The Respondent.

OPINIONS BELOW

The Fairfax Circuit Court denies the Motion to Dismiss on Demurrer twice.

The Fairfax Circuit Court rules that the motions by The Petitioner are not to be accepted by the clerk if not up to their standards and marked, "Lodged by not filed." This motion was made on the first day Charles Poston was appointed to the Court by Chief Justice Lemons on October 16, 2018.

The Fairfax Circuit Court rules that a "No Trespass Order" against a member and owner of a religious organization is valid and dismisses The Petitioners motion and threatens to incarcerate The Petitioner for filing the motion. The Petitioner argued that this Trespass Order violates several US Supreme Court Decisions on October 16, 2018.

The Fairfax Circuit Court rules that the discovery by The Petitioner is severely limited on October 16, 2018.

The Fairfax Circuit Court orders the Clerk to make a CD for a transcript but refuses to let a in forma pauperis take the CD to another reporter or voice emulator which is much cheaper than the \$750 bill the ONLY court reporter at the Courthouse on October 16, 2018.

The Fairfax Circuit Court orders not to take subpoenas from The Petitioner without the approval of Poston. Poston never agreed to any subpoenas. Poston lied to The Petitioner that if The Petitioner would narrow the scope of the discussion the subpoena would be granted on October 16, 2018.

The Fairfax Circuit Court denies an injunction to allow The Petitioner to enter his property to conduct oral depositions. All depositions were denied and motion for depositions were denied October 16, 2018.

The Fairfax Circuit Court states on the record the only reason The Petitioner filed this lawsuit was too: to cause emotion stress with no merits. The complaint's motions for dismissal were denied by two other Judges.

The Fairfax Circuit Court dismisses the complaint on April 15, 2019 with a Pre-filing Injunction Order prohibiting The Petitioner from filling any complaints, motion or any other legal motion in any Virginia Court with the threat of incarceration.

The Fairfax Circuit Court Orders a Pre-filing Injunction against The Petitioner preventing any filing of legal documents in Virginia. Stating that all the lawsuits The Petitioner filed were of "Bad Faith." Never head the merits of any case that The Petitioner filed!

The Petitioner filed an objection to the Pre-filing Injunction with no reply from the court on April 22, 2019!

JURISDICTION

Article III, section 2, to Controversies between two or more States;--between a State and Citizens of another State;--between Citizens of different States;--between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or Subjects. Therefore, this Court does have jurisdiction over this complaint dealing over the property of ADAMS et. al..

STATUTORY PROVISIONS INVOLVED

The relevant provisions of this case are US Constitution Article 3, Section 2, 1st Amendment, 14th Amendment, Virginia Constitution, VA Code § 57 -1 thru §57-21, 26 U.S.C. § 501c3, Va. Code Ann. § 18.2-128, Va. Code Ann. § 57-2.02(b),

SUPREME COURT RULINGS

The relevant Supreme Court Rulings of this care are: *Cooper v. Aaron*, 358 U.S. 1 (1958), *Watson v. Jones*, 80 U.S. 679 (1871), *Jones v. Wolf*, 80 U.S. 679 (1871), *Bouldin v. Alexander*, 82 U.S. 131 (1872)

STATEMENT OF THE CASE

This case is solely based on ADAMS running afoul of the IRS regulations regarding their running a 501(c)(3) organization, while also a political action committee (PAC) daily. The ACE (ADAMS Civic Engagement) Political Action Committee, ADAMS conducted weekly meetings with political candidates, who had regular interactions with candidates' representatives. ADAMS Board members created the PAC to raise money for political candidates and to be lobby in various government bodies on a weekly basis. Board members gave political speeches every Friday and political officials were allowed to ask for votes and to try to further their agenda with ADAMS members. After Mr. Jaka or Mr. Marro would state, "ADAMS is a 501(c)(3) organization and cannot support any candidate," they would proceed to introduce "the Governor of Virginia, Terry McAuliffe!" These types of speeches were often recorded and broadcast on TV by many outlets. In fact, when one conducts a Google search for "Rizwan Jaka politics," there are 466,000 results, or hits; but a search for "Robert Marro Adams Center politics" brings 18,400,000 hits, and "Imam Magid Adams Center Politics" brings 18,300,000 hits. Titles of these results include; "Fighting the Islamic Ban;" "Campaigning against Barbara Comstock;" or "Campaigning for Comstock." Essentially, the results suggest that all of the energy from the mosque went into the campaign for Hillary Clinton, including private meetings with the Clinton campaign team in Virginia, and Mr. Moktadir offering nearly anything to get Hillary elected. When Plaintiff asked Mr. Moktadir, "Where is Trump's campaign team?" He would then give the well-rehearsed answer, "Oh, we

invited them; they just didn't answer or chose not to come!" This subterfuge allowed ADAMS to evade any argument of bias, but there is no such allowance in the IRS code. According to 26 U.S. Code § 501(c)(3), all candidates must be present. Mr. Marro's position was clear when he asked the rhetorical question, "When the Governor calls and wants a meeting, what do you say to him?" Plaintiff's answer was, "You say no! The Governor is not a 501(c)(3) organization, we are; and we need to protect ADAMS! Unfortunately, that position lost.

Rizwan Jaka, ADAMS Chairman of the Board, regularly attended the ACE PAC meetings via phone conference, where he would provide the PAC with advice, financing, and then instruct Robert Marro, another ADAMS Board Member and Government Liaison what political activity. This brings up another question; why would a Mosque and a 501(c)(3) organization have a government liaison? In addition, Mr. Jaka and Mr. Marro created the AIA 2020 group to raise funds from Mosques nationally and internationally with the express purpose of establishing lobbying groups for Muslims that would complement ACE and broaden their political activity. Following the election of President Trump, Mr. Marro solicited the congregation to raise funds for activities to counter the policies of The President, immigration and visas.

The ADAMS Board, along with wealthy or influential Muslims, would congregate at ADAMS to hear state, federal and local politicians and to offer their political support, in the form of "The Muslim Vote," which referred to the 55,000 votes ADAMS controlled, as well as the other 100,000 Muslims in the area. Mr. Rizwan, Mr. Marro, Mr. Sohel, Mr. Ullah, Mr. Ashraf, and the other Board members tried to verbally and physically prevent Plaintiff from attending these meetings. Mr. Jaka claimed Plaintiff was not entitled to be called "leadership" at ADAMS and could not attend even though these meeting were in violation of the Virginia law, and "The ADAMS Charter," which mandates all meetings to be open to all members. Mr. Jaka declared that the Board decides who attends the meetings, including those organized by ACE and, if Plaintiff persisted, the police would be called to remove him. Plaintiff was a member of ACE and was not informed of this extremely important meeting where the Governor of Virginia and other politicians were campaigning. Mr. Ullah and Mr. Ashraf were invited and helped to organized the event, but not Plaintiff.

The first Friday after Trump won the election, Rizwan Jaka asked the entire Virginia Republican Party to assure Virginia Muslims that they would protect them from Trump. He said, "Hold us accountable for our actions, not Trump!" David Ramadan, a former Virginia Republican Delegate orchestrated this event, while Rizwan Jaka appeared on TV as ADAMS Republican Representative while Mr. Marro represented the Democratic response. Mr. Sohel advised Plaintiff that he did not approve which resulted in a shouting match, with Mr. Sohel, Mr. Moktadir and Mr. Jaka threatening to call police to remove Plaintiff, who urged them to call police and expose ADAMS' political activity, which caused the two to back off.

Mr. Jaka also runs ADAMS Boy Scouts, so every meeting features the presence of his Boys to be up front, making their political presence known, opening prayers, pledge of Allegiance, speeches in Richmond and Washington DC all on ADAMS

paying the costs. Like ADAMS, The Boy Scouts of America are also a 501(c)(3) organization, which means they shouldn't be conducting and participating in political events. Mr. Jaka's son also introduces many Virginia politicians and other politicians at these meetings.

The Washington Post once ran an article entitled, "Misconception About Boy Scouts & Girl Scouts," which was an anti-Trump article regarding the Muslim Ban. Following the publication of the article, Plaintiff discussed these various transgressions with Imam Magid, Mr. Marro and Wael Alkhairo. Imam Magid, who is a member of the Executive Committee, clearly was disturbed by the article and assured everyone that all laws would be followed and promised Plaintiff he would appoint a non-Muslim lawyer to vet ADAMS and to ensure that all committees would adhere to proper organization rules. That promise was never kept; after many political events at ADAMS, Mr. Jaka would state ADAMS had been vetted by Ibrahim Moiz and Asim Ghafoor, two lawyers who were part of the leadership at ADAMS, and he would assert that the organization was in full compliance with IRS rules. Plaintiff has found no evidence that Asim Ghafoor has a license to practice law in Virginia and Mr. Jaka has refused to provide supporting documents. He has also refused to allow Plaintiff to attend Board meetings, receive meeting minutes or other written documents, including financial accounts prepared by Joey Musmar, who is a CPA for ADAMS. The Board Secretary has told Plaintiff that no minutes exist, and that Mr. Jaka is the only one who has written records, but Mr. Jaka has refused to give these documents to Plaintiff upon request several times, all of which are documented.

Anytime The Petitioner stumbled upon secret or "private" meetings, Mr. Jaka would adjourn them, or have Plaintiff removed by the police. The first such event occurred on June 11, 2017, when Plaintiff attended a Board meeting in Chantilly and found the Board holding a secret meeting. At the time, Plaintiff admonished the Board that it was in violation of the Charter and proceeded to record the "Public" meeting, at which time Mr. Rizwan threatened Plaintiff with police if he did not leave. When Plaintiff stood his ground and refused, the Board called Imam Rafa to forcibly remove Plaintiff removed from ADAMS, but Imam Rafa instructed the Board not to remove Plaintiff; that he had spoken with Plaintiff before the meeting and wanted him there. Mr. Jaka then selected someone else to call police and state he was in charge and wanted Plaintiff removed. Plaintiff demonstrated to police that, as a member of ADAMS, the charter stated that he was an owner and that Va. Code Ann. §13.1 could not be invoked. Plaintiff also informed the officers that, by removing him from "his" property, there would be Constitutional issues, including the First Amendment, and they would be violating several U.S. Supreme Court precedents, prohibiting a minority from making disciplinary decisions concerning a member. Fairfax County Police Officer Antal agreed with Plaintiff, but Officers Adams and Steranko disagreed and threatened to arrest Plaintiff if he did not cooperate, at which point Plaintiff asked to be arrested. Officer Antal then asked Plaintiff to leave. In order to minimize tension, and Plaintiff obliged, even as he chastised Officers Adams and Steranko and advised them they were violating Plaintiff's Constitutional Rights. Steranko firmly disagreed, advising Plaintiff that he was in Virginia, not Washington, D.C.

A second similar event occurred on July 9, 2017, the date of the next Board meeting. In that meeting, Rizwan Jaka, Syed Moktadir and Yasmin Shafiq gave each member two minutes to speak, but refused to allow others present to participate in voting. They also denied everyone copies of the minutes. Mr. Shafiq directed Plaintiff to call Asim Ghafoor for the minutes, but Mr. Ghafoor never returned any of his calls or emails. The Board ignored the demands of the members and Mr. Moktadir insisted that Wael was a personal matter and could not be discussed. The denial of information is a clear violation of the Charter, this meeting was recorded by the Plaintiff.

On July 27, 2017, Iqbal Unus and the Plaintiff were selected by Imam Magid to redraft the bylaws. Syed Moktadir claimed only the Board can write the Bylaws, but Plaintiff strongly objected, asking, "How can the Board re-write the by-laws, if the by-laws govern the Board." This was another violation of the charter, but Mr. Moktadir and Plaintiff went to Imam Magid, who lied about appointing Plaintiff and Mr. Unus. The Plaintiff informed Moktadir that he was going to file a suit against ADAMS and that he also planned to file an IRS complaint (13909) under the federal Whistleblower statutes. When Mr. Moktadir dared Plaintiff to do so and said he would lose, Plaintiff called him stupid and Shaheen Hossain said he would slap Plaintiff three times and raised his hand to the Plaintiff's face. It was then that Mr. Moktadir pushed him in the back. A video (without sound) tape confirms the story. Plaintiff filed the 13909 and the lawsuit later that day and emailed it to the leadership at ADAMS.

On July 31, 2017, Officer Iversen and approximately 10 other officers dressed in body armor came to ADAMS to remove Plaintiff. At the same time, Joshua Salaam presented a no trespass order to Plaintiff stating that, "The Man Upstairs wants you out of here!" That referred to Imam Magid. Many named Defendants were present, and beforehand, Saad Yacoob said, "I can't wait to see you walk out in hand cuffs!" The Plaintiff clearly restated all the same discussions to Officer Iverson, who argued, "Virginia does not have a whistleblower law, that's federal law, and we don't enforce federal law." Plaintiff complained about this violation of his constitutional rights to Iverson's superior, Capt. Hines, who responded by asking Plaintiff to remove him from Plaintiff's email list.

Imam Magid called Plaintiff and admitted instructing Joshua Salaam to remove Plaintiff because Plaintiff punched Moktadir and went after children, which all were lies! Imam Magid said ADAMS lawyers told him Plaintiff does not have the right to sue ADAMS and will loose, so The Petitioner should give up.

During the Motion to Dismiss, Judge Carroll orders that the Circuit Court did not have jurisdiction over the matter and refused to up hold US Supreme Court Decision dictating the law covering Religious Organizations.

Judge Bellows dismissed the Demurrer to Dismiss which was repeated by Judge Shannon and warned The Respondent not to file a motion to dismiss again.

The Petitioner was assaulted by the Sheriffs at the Courthouse, incarcerated. The Petitioner took the Judges and Officers to Federal Court for their Civil Rights

Violations. The Petitioner was charged with a felony and 4 misdemeanors all dismissed!

Chief Justice White Appoint Judge Charles Poston to preside over all of the cases brought by The Petitioner. Judge Poston denies the motion to allow ADAMS to have depositions at ADAMS and threatens to incarcerate The Petitioner if he ever files another motion that has already been dismissed. Poston also denies the civil rights by depriving all subpoenas, depositions, *duces tecum* and the ability to obtain a transcript of the hearings without paying thousands of dollars.

Poston orders a Pre-Filing Injunction preventing The Petitioner from filing any motions, complaints or any documents without his approval, if any violation The Petitioner would be incarcerated! Then, Poston dismisses the complaint with prejudice without dealing with the merits of the case!

Considering the Actions of the Judges of Fairfax County Courthouse is in direction opposition to the "Rule of Law," "Interest of Justice," and the American Way of Life! For the Virginia Supreme Court to rule that no mistakes were made by the Judges cry afoul and this court must uphold the US Supreme Court Decision, *Cooper v. Aaron*, 358 U.S. 1 (1958).

A. Statutory and Supreme Court Rulings Background

1. *Watson v. Jones*, 80 U.S. 679 (1871) - This ruling defined who owns a religious organization. Out of the three, ownership by congregation is the only applicable section. Since no Pope rules over Islam and no one person hold the title of ADAMS, the congregation owns ADAMS. Since The Petitioner was a member of ADAMS when the illegal eviction from his property, *Watson v Jones* was violated by ADAMS, The Police that removed The Petitioner and the Judges that refused to uphold the ruling.

2. *Bouldin v. Alexander*, 82 U.S. 131 (1872) - CLEARLY states that ONLY the congregation has the authority to remove a member of the congregation! Since The Petitioner was a member of ADAMS, ONLY the congregation of ADAMS has the authority to remove The Petitioner from ADAMS!

3. *Cooper v. Aaron*, 358 U.S. 1 (1958) - Here The US Supreme Court ruled that any public official that does not comply with the law or a Supreme Court Ruling is waging war against the Constitution and must be dealt with, should be removed.

4. Virginia Constitution - Article I. Bill of Rights

Section 16. Free exercise of religion; no establishment of religion: but it shall be left free to every person to select his religious instructor, and to make for his support such private contract as he shall please.

5. § 18.2-128. Trespass upon church or school property: B. It shall be unlawful for any person, whether or not a church member or student, to enter upon or remain upon any church or school property in violation of (i) any direction to vacate the property by a person authorized to give such direction or (ii) any posted notice which contains such information, posted at a place where it reasonably may be seen. Each time such person enters upon or remains on the posted premises or after such

direction that person refuses to vacate such property, it shall constitute a separate offense.

6. US Constitution Bill of Rights, 1st Amendment - Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof, or abridging the freedom of speech or of the press, or the right of the people peaceably to assemble and to petition the government for a redress of grievances.

7. US Constitution Article III Section I - The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish. The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour, and shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.

B. Factual Background

In 2014 The Petitioner became a member of ADAMS in 2015 witnessed gross violations of IRS Rules governing Religious organizations and brought this to the attention of the governing body of ADAMS. ADAMS then twice called the police to remove The Petitioner from his own property as a member of the congregation despite The Petitioner claiming his Civil Rights and the violations ADAMS were committing.

ADAMS allowed politicians after every jumma on Fridays for Politicians to come and request the vote, allow them to canvass the mosque talking with many members to vote for the candidate and/or work for the candidate

The Loudon Sheriff's Office removes The Petitioner in June of 2017, based on an argument that way 125 members have the right to control ADAMS that has over 55,000 members. ADAMS required that anyone who wants to vote must pay \$50 dollars a year or a life membership. The same people are always getting elected who were running the political organization.

C. Procedural History

1. The Petitioner brings suit against ADAMS which ADAMS is dismissed by Judge Carroll claiming the court did not have jurisdiction over the case. The Petitioner on motion of reconsideration argued the point that VA Statute for Circuit Court has jurisdiction over all matters in Virginia covered by Virginia Statute and Civil Right issues. The Petitioner also argued that US Supreme Court ruling: *Cooper v. Aaron*, 358 U.S. 1 (1958) mandated that This Court must obey the rulings of the Supreme Court. Court ignored all Supreme Court Rulings that were argued. TWO Judges dismissed Demurrer motions and warned The Respondent not to file another motion to dismiss.

2. The Circuit Court denied The Petitioner most of the rights afforded by Virginia Supreme Court Rules such as: issuing subpoenas, conducting oral depositions, allowing court transcript and serving duces tecum. Judge Poston at every hearing threatens The Petitioner with jail time for arguing with him. In another case brought by The Petitioner, Poston dismisses against not based on merits and instructs The Court Clerk's office to show all Pro Se litigants this dismissal!

3. The Petitioner filed to remove Judge Poston from the bench because of the Civil Right violations, violations of Canons of Judges in Virginia to hold hearings promptly, not to show bias, be considerate to litigants and other serious, egregious rulings and actions by Judge Poston reminding him that his actions now would be viewed as a Judge behaving BADLY as stated in *Cooper v. Aaron*, 358 U.S. 1 (1958) and the US Constitution Article III section I. Judge Poston dismissed the motion. Judge Poston states on the record that The Petitioner only brings suits of people he does not like and causes financial hardship on those people. Judge Poston never once allowed the merits of the case to be discussed!

4. The Respondent filed a motion to dismiss the case not based on the merits, but because The Petitioner filed other complaints against judges and other business there were stealing or violating his rights. The Respondent based this dismissal on a case where a litigant brought more than 90 suits against one hotel. Not only does Poston dismiss the case with Prejudice not based on merits, but issues a Pre-Motion Injunction restricting The Petitioner's ability to file motions or complaints, Judge Poston instructs the Clerk not to accept any requests for Statement of Facts so he could appeal this case to Virginia Supreme Court with the Statement of Facts, and other cases that Poston just dismissed, The Virginia Supreme Court dismissed all of the cases due to no Statement of Facts.

5. At the Virginia Supreme Court hearing, all the points were clearly brought up and the court dismissed the appeal that no errors were made by the court.

REASON FOR GRANTING REVIEW

1. The Civil Rights of The Petitioner have been grossly violated by the Fairfax County Courthouse, Judge Carroll, Judge Poston, Judge White and the Virginia Supreme Court. These Judges were not afraid to ignore the US and VA Constitutions, US Supreme Court Rulings and Virginia Statute. The Right to worship his religion without restraints, The Right to ownership of ADAMS as guaranteed in US Supreme Court ruling: *Watson v. Jones*, 80 U.S. 679 (1871). Removed illegally by ADAMS which violated *Bouldin v. Alexander*, 82 U.S. 131 (1872) that only the congregation may remove a member.

2. The Petitioner was charged several times with baseless crimes, incarcerated for 7 days were all the cases against The Petitioner were dismissed.

3. Denied the basic VASC Rules allowed in a complaint, not allowed to perform any meaningful discovery in this case which all mount to the denial of Justice and Civil Rights of The Petitioner.

CONCLUSION

In the Interest of Justice and The Rule of Law, this case must be heard and the case be overturned.

Respectfully submitted,

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