IN THE SUPREME COURT OF THE UNITED STATES

No:

~~19-8686~~

DR. BEVERLEY M, HARRIS

Petitioner,

v.

THE BOZZUTO GROUP ET. AL.

Respondents

On Appeal from the United States Appeals Court
For the Third Circuit

THE APPELLANT / PETITIONER, PRO SE LITIGANT IN WANT OF A PETITION FOR A WRIT OF CERTIORARI TO REVIEW THE UNITED STATES DISTRICT COURT OF NEWARK NEW JERSEY PER CURIAM PUBLISHED OPINION AND RELEVANT APPENDICES

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ORIGINAL

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IN THE SUPREME COURT OF THE UNITED STATES

A. QUESTIONS PRESENTED FOR REVIEW

Whether the Court should resolve the following questions for which the Federal District Court, Newark New Jersey rejected/denied Petitioner's evidences and amendments, conducted no discovery and trial, denied her motion for In Forma Pauperis (IFP) 5 days after filing her case (**Appendix C**), and closed the case. Then dismissed the case twice, (DE 103 – **Appendix D**) and DE 135 – (**Appendix K**), and granted Summary Judgement to Respondents, (denying Petitioner Procedural Due Process protections) based in part, on non-litigants' (Intervener's) motion and Respondent/FBI motion for dismissal based on "lack of Subject Matter Jurisdiction and Failure to State a Claim"; but in fact the Court does have Subject Matter Jurisdiction and Petitioner did "State a Claim". The questions for this Court?

1. Should Federal law enforcement officers (FBI) ask a US Citizen to spy on another Federal Agency, the Department of Defense, knowing of the consequences to violating the 18 U.S.C. §§ 792-798 and Article 106a of UCMJ and the Espionage Act of 1917[i] (which, in essence would create another contravention of the Court's holding, see *USA v. Ana Montes (2009)*?.....10
2. Should Federal Law Enforcement Officers illegally conspire (see *Dombroski v. Dowling* 459 F. 2d 190 (7th Cir. 1972), and *Griffin v. Breckenridge, 403 U.S. 88 (1971)* with medical person(s) and provide "tracking" device to be implanted in a U.S. Citizen's body, without reasonable cause, a warrant, and without his /her knowledge and/or consent, and in violation of the Fourth Amendment, pursuant to *Bivens v Six Unknown Named Agent* 403 U.S. 388 (1971)" constitute an illegal search in violation of the Fourth Amendment...." and Schloendorff *v. Society of New York Hospital, 105 N.E. 92, 93 (N.Y. 1914) and* 42 U.S.C. § 1985?.....10

3. Whether or not Federal Law Enforcement Officers conspired (see *Dombroski v. Dowling*, 459 F. 2d 190 (7th Cir. 1972) and *Griffin v. Breckenridge, 403 U.S. 88 (1971* , assisted and provided biomedical deadly devices to a foreign medical person to be illegally implanted in a US Citizen's head without probable cause, a warrant from a US Judge and permission from the foreign country's law enforcement official without consent from the Petitioner, all of which are in violation of the Fourth, Fifth, Sixth, and Eight Amendments. Title 18, U.S.C Section 241- Conspiracy, see See *Schloendorff v. Society of New York Hospital* Justice Cardozo, and Reid v. Covert, 354 U.S. 1 (1957), including, U.S, Code Section 249 – Matthew Shepard and James Byrd, Jr., Hate Crimes Prevent Act, Title 18, U.S. Section 242 – Deprivation of Rights Under Color of Law, Title 18, Section 245 – Federal Protection (42 U.S.C. § 1983ected Activities, and *Bivens v. Six Unknown Named Agents 403 U.S. 388 (1971), Katz* v. *United States,* 389 U. S. 347, 351, *Smith* v. *Maryland*, 442 U. S. 735, 740, *Carroll* v. *United States,* 267 U. S. 132, 149, and the United Nation Chart, Article 15 – Freedom from torture or cruel inhuman or degrading... -the United States, see *Christiane Völling v (no name given),(2011)* and whether or not the Respondents/FBI had the right to make Petitioner a "Targeted Individual" "Persons now being called Targeted Individuals are already implanted with the [Wireless Body Area Network] WBAN and are being tortured and killed. It is being used to "punish" people…Nuerostimulators can cause pain all day long…", (*see New Wireless Medical Healthcare Operated by Cell Phone Includes A Multitude of Implant, News Release, Date November 1, 2018, Citizens Against Harmful Technology, CitizenAHT@profonmail.com*) (**Appendix A & B**), without Petitioner's knowledge and/or consent?.....11

4. Did Federal Law Enforcement Officers engaged in deliberate and malicious felonious defamation of character of a U.S. Citizen that deprives that individual from "life, liberty and the pursuit of happiness" under The Fifth Amendment, Fourteen Amendment ratified 1868 called the Due Process Clause, Title 28 Part VI Chapter 181 §4104 and 114. 18 U.S. Code § 242 - Deprivation of rights under color of law, see *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964), and *Jane Doe v United States Department of Justice, et al., 753 F.2d 1092 243 U.S.App.D.C. 354 No. 84-5006?*.....13

5. Did the U.S. District Court err in not finding that Plaintiff/Petitioner Fourth Amended Complaint met the pleading requirements of Ashcroft v. Iqbal, 556 U.S. 662 (2009), and related cases, because that complaint did not relied on allegations of hypothetical possibilities, conclusional assumptions, and unsupported insinuations of discriminatory intent that, but consistent with Petitioner's liability, that stated plausible claims"; grant Summary Judgement to Respondents based, in part, on (a) motion from "intervenor" stating that this Court has no Subject Matter Jurisdiction, see 2 CFR § 92.66 – Procedures in the use of "Letters Rogatory". But in fact, Subject Matter Jurisdiction is conferred upon by this Court pursuant to 28 U.S.C § 1331 (federal question), 28 U.S.C. § 1332, U.S.C. § 702, 42 U.S.C. § 1983, 42 U.S.C.§ 1985, and 42 U.S.C §1986 and the U.S. Constitution to the case[1], (b) denying all of Petitioner's evident and motion to add other violators of her Constitutional Rights, (c) denying Petitioner Discovery Process, and a Trial and no factual evident presented to the Court by Respondents as to why Summary Judgement was warranted, see *See Barth v. Sulpiclo Lines, Inc., 932 F.2d 1540 (5th Cir. 1991)* and the case of *Caperton v. A.T Massey Coal Co., Inc. 556 U.S. 868 (2009).* Could this a denial based on a perceived impairment departure from settled principles

[1] See explanation below.

and eventful occurrence of a negative impact, intentional contravention to not maintain the reality of equitableness and appearance of judicial fairness which is essential?.....15

B. PARTIES TO THE PROCEEDINGS BELOW

Plaintiff/Petitioner in the U.S. District Court, Newark, New Jersey

Dr. Beverley M Harris, *pro se*,

Defendants/Respondents in the U.S. District Court, Newark, New Jersey:

The Bozzuto Group, Thomas Bozzuto, Founder of the Bozzuto Group; Toby Bozzuto, Operating Officer, Bozzuto Group Partners of the Bozzuto Group, David Curio, Regional Manager, The Park Apartments; Michelle Demetriou, Manager the Park Apartments.

William Barr, U.S. Attorney General, in his individual and Official capacities, U.S. Department of Justice. Christopher Wray, Director of the Federal Bureau of Investigation; and UNKNOWN AGENTS OF THE FEDERAL BUREAU OF INVESTIGATION

Interveners in the U.S. District Court, Newark, New Jersey:

Stuart Bradie, in his individual and Official capacity as Chief Executive Officer of KBR, Inc.; Dr. Stefan Gress, Dermatologist, in his individual and official capacity, Munich Germany

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IN THE SUPREME COURT OF THE UNITED STATES

I. OPINION OF DISTRICT COURT:

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a. Cases

b. Statutes

APPENDIX.

For more than 7 hours without her know/Consent. She went to have a CAT SCAN,,,

[1] This Act "made it a crime for anyone to convey information intended to interfere with U.S. armed forces' prosecutions of war effort ....."

SUPREME COURT OF THE UNITED STATES

OPINION OF THE COURT

"... Any subject judicial officer significant, extensive, and unjustified effectible influence associated therewith, should sustain absolute judicial immunity under the law, thereupon the judicial record relied upon illustrates clear non - judicial acts taken without any arguable basis, knowingly without employing defining elements of prerequisite service of process upon all legal parties, to constitute clear adjudicative - jurisdiction over the legal parties and or subject - matter thenceforward, pursuant to an invoked appellate examination of adjudicative decree could be deemed invalid on settled Constitutional Grounds, a perceived impairment departure from settled principles and eventful occurrence of a negative impact, intentional contravention to not maintain the reality of equitableness and appearance of judicial fairness which is essential" (see *Frizzell Carrell Woodson v. U.S., No 18-1755 (3:18-cv-00281-HEH)*. The opinion will show the ...intentional contravention to not maintain the reality of equitableness and appearance of judicial fairness which is essential"

There were three Notices of Judgment rendered; one was closed (DE 2) on 11 June 2018, and two were dismissed and terminated on 24 April 2019 (DE 103) and 11 February 2020 (DE135), respectfully, by the United States District, Newark, New Jersey.

The first published per curiam opinion, closed the case five (5) days after the case that was filed with the Court on 6 June 2018 after Petitioner discovered 3 cameras in the apartment[1], she had rented from the Bozzuto Group in Roselle New Jersey. The Court

[1] Petitioner did not motion the Court to obtain key(s) to the equipment room of her apartment until more than a month after she had filed the case based on the cameras she found in her apartment, which the Court has not published, to date.

denied her motion to file as an In Forma Pauperis (IFP) (DE 2) **(Appendix C)**. The Court's opinion was states as:

"Order that Plaintiff's application to proceed without prepayment of fees or cost is DENIED; and it is further Ordered that the Clerk shall close this case.....Order payment in the amount of $400 or a revised application to be proceed in forma pauperis. Signed by Judge Madeline Cox Arleo on 6/11/2018 (JB,) (Entered 6/12/2018)[2]

The second opinion (DE 103) (**Appendix D**) , was rendered on 24 April 2019 based on motion (DE 92) **(Appendix E)** for lack of subject Matter Jurisdiction and Failure to State a Claim, from U.S. Attorney Ben Kuruvilla, representing Jeffery Sessions, Christopher Wray and FBI) and ,(DE 26) (**Appendix F**) motion on the same cause from the Bozzuto Group. The Order stated: "Motion dismissed; that Based on the foregoing, Defendants 'motions to dismiss are GRANTED. Because this is the first dismissal, it is without prejudice to submission, within 60 days, of a properly supported motion to amend the Complaint ***CIVIL CASE TERMINATED.....by judge Madeline Cox Arleo 4/24/2019. (Id,) Entered: 04/26/2019)"[3]

Petitioner filed an appeal with the Third Circuit Court in Philadelphia PA, Case No. 19-3143, (**Appendix G**), but the Appeals Court dismiss the appeal. Opinion of the Court: "Lack of appellate jurisdiction. Ordinarily the proceedings in a district court must be final as to [] all causes of action and parties for a court of appeals have jurisdiction over an appeal under 28 U.S.C § 1291. *Morton Int'l Inc. v. A.E. Staley Mfg. Co., 460 F. 3d 470, 476 (3d Cir. 2006)*. Here

[2] The reason for this harsh ruling by Judge Cox Arleo was because, somehow, a comma was placed in the incorrect place on the form even though the document and income statements clearly showed that the Petitioner 's retired income was below the required income for IFP status

[3]

Harris' third amended complaint remains pending, and the case is therefore not final…in her filings in this Court, those requests are denied…Judge Richard L. Nygaard"

In between the second opinion and the final opinion, dated 11 February 2020 (DE 135). The Court made another ruling (LETTER ORDER) dated 5 December 2019 (**Appendix H)** began by addressing Petitioner 's motion (DE 130) (**Appendix I**) to the Court for an order to have her prior landlord Bozzuto provide rental information to the leasing offices in Maryland where Petitioner is seeking to obtain an apartment. Then the Court addressed Petitioner's motion to plead with the Court to have the FBI Cease and Desist the 24/7 torturing (DE 131) **(Appendix J)** and DENIED both motions. The extreme violation of Petitioner' Eight Amendment Rights, cruel and unusual punishment continues to date with increased pain.

However, the Court's overall opinion was focused on appeasing the Defendants' motion for Summary Judgement, which was granted on 11 February 2020. The Court went further to state "…Plaintiff is therefore ordered not to file any additional motions without permission from the Court, and no additional motions while the motions to dismiss are pending, Plaintiff's motions at ECF Nos, 130 and 131 are both DENIED…". These types of orders were never directed to the Defendants throughout this case proceedings.

On 11 February 2020, the District Court rendered aa "Letter Order [DE 135] [**Appendix K**] granting [110] Motion to Dismiss; granting [127] Motion to Dismiss for Lack of Jurisdiction; [128] Motion to Dismiss; granting [129] Motion for Summary Judgement, etc. ***CIVIL CASE TERMINATED*** Signed by Judge Madeline Cox Arleo

Petitioner filed an appeal to the United Appeal Court, Third Circuit, in Philadelphia immediately on 14 February 2020, Case Number **20-1362** (DE 136) **(Appendix L)**

E. BASIS FOR JURISDICTION

The jurisdiction of the Court is invoked pursuant to 28 U.S.C. § 2101(e) to review the final judgment of the Federal District Court of Newark, New Jersey.

F. CONSTITUTIONAL PROVISIONS AND LEGAL PRINCIPLES INVOLVED

18 U.S.C. §§ 792-798 and Article 106a of UCMJ and the Espionage Act of 1917

Title 18, U.S.C Section 241- Conspiracy Against Rights, U.S, Code Section 249 – Matthew Shepard and James Byrd, Jr., Hate Crimes Prevent Act, Title 18, U.S. Section 242 – Deprivation of Rights Under Color of Law, Title 18, Section 245 – Federal Protected Activities, and *Bivens v. Six Unknown Named Agents 403 U.S. 388 (1971,* and the United Nation Chart, Article 15 – Freedom from torture or cruel inhuman or degrading...-the United States The Fourth Amendment to the Constitution prohibits "unreasonable searches and seizures." U.S. Const. amend. IV. The Due Process Clause of the Fourteenth Amendment to the Constitution provides that no "State [shall] deprive any person of life, liberty, or property, without due process of law."

G. STATEMENT OF THE CASE

The material facts alleged in this complaint are of critical importance because the Court must presume such facts to be true for purposes of a motion to dismiss. *NL Indus, Inc. v. Kaplan, 792 F.2d 896, 898 (9the Cir. 1986).*

Petitioner's Involvement with the FBI - Petitioner became involved with the FBI in 2003 when she was employed by the U.S. Air Force, Andrews Air Force Base, as Civil Service Contract Specialist on the U.S. Air Force-1 contracting team She was introduced to the FBI by the Air Force Office of Special Investigation (OSI) , case number *ADOSI file# 331-C-121-B2958032341357*, Period: 22 Aug – 20 Jan 04, Title 18 U.S.C. 802, during an extortion investigation

The OSI contacted the FBI, since it was a civilian case. Petitioner was asked, by the FBI to "go undercover" and she did. The Case went to trial, June 2004, at the Baltimore Federal Court, Maryland and the FBI lost the case. Immediately, Petitioner noticed that the FBI was very angry with her.

Approximately three weeks after the trial, Petitioner, was fired from her new job at the General Services Administration (GSA), Boston, Massachusetts, without cause.
Then, Petitioner noticed a pattern of firing, without cause and could not understand. In 7 years, Petition was fired from 7 jobs as follows:

a. In June 2006 from McDewitt, a Canadian NASA subcontractor in Houston TX
b. In August 2007 from the New York Port Authority, New York City
c. In August 2008 from the University of Phoenix
d. In December 2008 from L-3 Communication, Inc, Waco Texas
e. In June 2009 from KBR, Inc., Iraq, Middle East
f. In January 2011 from the US Army, Camp Arifjan Kuwait Middle East.

After the firing from GSA, Petitioner, relocated to Cypress Texas, in 2006 and accept a job with McDewitt, a Canadian Company contracted with NASA Houston Texas. She was fired after less than a month, without cause.

In September 2002 Petitioner accepted a Contract Specialist job with the U.S. Air Force at Andrews AFB and experienced extortion by her Manager. So, Plaintiff contacted the OSI who

in turn contact the FBI since this was a civilian issue. The case went to trial the Baltimore Maryland U.S. District. The FBI, reportedly, lost the court case and was upset with Petitioner without any explanation. That led to the beginning of retaliatory actions against Petitioner from the FBI.

The Retaliation continues to date. It includes violation of Petitioner's Constitutional Rights and rights under 42 U.S.C. § 1983, 1985, 1986, 12203, violation of 28 U.S.C, and supplemental state claim actionable under Texas Civil Code, Tex Trans. Code § 521.032 (c) (2007 S.B. 11 F) State Privacy Law; and United Nations International Charter, Articles 5, 7, and 15.

Respondent's/FBI first conspiracy to illegally implant devices in Petitioner's body began with the KBR, Inc. company's management in Iraq, Middle East in January – February 2009. And continued with Dr. Stefan Gress, a Munich Germany Dermatologist, as follows:

a. Arrangement with KBR, Inc and Dr. Garland Gossett, Houston Texas to illegally implanted a "tracking" device in Plaintiff right leg (**Appendix M**); providing the opportunity to track Petitioner 24/7 anywhere, worldwide

b. Conspired and arranged with Dr. Stefan Gress, Dermatologist, Munich Germany to illegally implant 4[4] devices (**Appendix N**) into Petitioner's head; (1) a torture coil attached to a Capacitor, lethal device capable of killing Petitioner instantly with electrical stimulation

How these devices work: (Appendix A & B) ... a Wireless Body Area Network (WBAN), a system of multiple implantable electronic sensors which relay the electronic signals of the body, including brainwaves, to remote computers... The WBAN is a twoway

[4] Petitioner had originally stated that there were 3 devices in her head but in fact there are 4 devices.

radio system which can send radio frequencies to an implant system to ask it (called a "query") to send back recorded biological activity... This allows person's electrical signals from their brain and body...which can interpret what a person is thinking, seeing, hearing and feeling, and can monitor the functions of their heart, lungs, liver, kidney and other organs and chemistry. The twoway system can also send frequencies to (1) stimulate nerves, muscles, and body organs to cause pain, vibrate, heat[5] up or die and (2) perform torture as if the person was being suffocate, choke, cramp, burned and electronically raped or (3) cause heart attacks and strokes. It can be used for health monitoring or depending on intentions of ser – torture and death"; the latter is the intentions of Respondent/FBI to cause the death of Petitioners because she had refused to SPY ON THE U.S. ARMY, while in Kuwait, Middle East.

Petitioner is experiencing items 2 and 3 above showing the barbarous and inhumane torture that Respondents/FBI is willing to inflict on an innocent BLACK United State Citizen, without cause. These types of hateful person such as Dr. Josef Mengele, of Auschwitz Germany inflicted on innocent people, during the period 1943 -1945, and should be used against I any society, specifically in the Unites State, in 2020, where everyone is guaranteed, Life, Liberty and the Pursuit of Happiness.

Most importantly, this District Court of Newark, Petitioner is convinced, knew about this atrocity and condone it. The Respondent/Bozzuto Group also condoned and participated in providing the means for the FBI to watch Respondent suffer from the excruciating pains by installing cameras in her apartment in Roselle New Jersey. This act of compliance by the

[5] This is what is occurring to Petitioner, is such immense way that she has to constantly taking excessive measures (cold bathe, drinking cold liquid, avoiding hot food and keeping the air condition running in her apartment), in order to keep her body temperature normal.

Bozzuto Group should cause concern as to the Safety and Security of this Country's Military Forces, as the Bozzuto Group focuses on placing their apartment, around the nation, in areas where Military Forces are plentiful, such as Bethesda, and area in Virginia. Should this Country be worried about the Bozzuto Group? Petitioner, as a Military Veteran and someone who has served this Country for more than 31 years, (Active Duty, Civil Services, and with Defense Contractors), believes that we should very concerned about the Bozzuto Group.

Other conspirers, that need to be mention are:

a) The Department of Veteran Affairs (VA) Hospitals in East Orange, Manhattan and the Bronx New York, because they too were aware of the planned merciless killing of Petitioner. On several occasions, the East Orange VA contacted Petitioner telling her to come in "to prep for surgery..." Yet, never informed Petitioner what was the problem when she inquired. In fact, that Hospital went as far as to EDIT A CAT SCANN **(Appendix O)**

b) The Walter Reed VA Medical Hospital hid the CAN SCAN result, by producing photos that Petitioner could not see any details **(Appendix P)**

c) Dr. Bill Yung, Westchester Medical Center, who made the MRI, removed 2 slides that would have shown more details. Even so, Dr. Yung informed Petitioner, after he had discovered that she had obtains the slides showing the "coil", "Capacitor, and the device" in her left eye, his response was "Everything is Normal"; very shocking!!

The Cochlea in the left eye:

(2) a "**cochlea**" a visual device implanted in her left eye capable of providing Respondents the opportunity to see everything Petitioner sees. This device vibrates, restricts her vision, and delivers pain in the eye.

The illegal placement of these devices in Petitioner's body is inhumane" as defined by Human Rights Laws, and Webster's Dictionary; she is an experiment of Respondent/FBI and their co-conspirers.

Respondents have been denying Petitioner from having any rights to "life, liberty, and the pursuit of happiness by telling her friends, family, intimate friends that she is a child molester, prostitute, insane, a liar, and most recently, a terrorist, none of which is true

These some of her Constitutional Rights being denied:

a. The FBI has and still is following Petitioner everywhere[6], to every place she lives, as they are today. She lives at 205 16th Street NE, Washington DC and three (3) FBI Agents resides next door with adjoining wall between the apartment; the same was true when she resided at the Bozzuto Group's apartment in Roselle, New Jersey.

b. Blocking all Petitioner's communications system, 24/7

c. Blocking any and all possibilities for Petitioner to gain employment

d. Blocking all effort for Petitioner for obtaining residency where they are not able to be next door.

e. Follow/monitoring her 24/7

f. Most importantly, continuous painfully torturing Petitioner 24/7

[6] For example, Respondents/FBI followed Petitioner to the "Protest March outside the White House, on Saturday 6 June 2020, and sending young teenagers to sit/stand next to her in conversation in order that they can make claim that she is molesting the young child/children. The FBI is desperate to take Petitioner in custody in order remove the devices and/or kill her. Most importantly, they are concerned about Petitioner's taking her case to the Supreme Court of the United States.

QUESTIONS BEFORE THIS COURT:

Can Respondent/FBI have asked Petitioner to Spy on US Army?

In 2009 through 2011, Petitioner was employed by the US Army at Camp Arifjan, Kuwait. She was there on a special assignment to work with the 89th Logistic Group and the US Army Auditing Agency to create a "wartime" Standard Contracting Unit. Camp Arifjan is a "Combine Force" oversea Post consisting of all branches of the military and the various DoD law enforcement agencies and other federal law enforcement agencies such as the FBI. During that period, Petitioner would meet with all the various units, agencies, etc.in order to develop the "Contract Coordination Unit". She met Gregori Miceli, an FBI agent.

There was some DoD financing investigation being conducted by the Army Auditing Agency and Petitioner participated as needed.

Agent Miceli apparently had discovered information about the investigation and was aware of Petitioner's role as a Contract Specialist. So, Agent Miceli asked if Petitioner to provide him information on the Army's activities in violation of 18 U.S.C. §§ 792-798, and Article 106a of UCMJ and the Espionage Act of 1917[i] and in contravention of the Court's opinion in the case of *USA v. Ana Montes (2009)*. Petitioner said NO, explaining to him the "military is my family" In the case of Ana Montes, the FBI investigated this case and heard what Magistrate Judge Ricardo Urbina explained to her that she had let down her family and her Country, the USA. Petitioner was very surprised that Agent Miceli would have asked her to commit such crime against the DoD.

Illegal Tracking device implanted in Petitioner's Right leg - In January 2009, Petitioner accepted an Air Traffic Controller position with the KBR, Inc, DoD Contractor to go to Iraq. In February 2009, Petitioner was sent back to Houston Texas where she was residing, by KBR, Inc.; no reason given. Within a week, Petitioner would sooner learn that she was

scheduled to have a colonoscopy test, "as part of a flight physical" at the St Joseph Hospital in Houston, instead of the Department of Veteran Affairs (VA) Hospital, as a Disabled Veteran She would later discovery (in April 2017) that a "tracking" device was illegally implanted in her right leg without her knowledge and/or permission,

In the case of, *Schloendorff v. Society of New York Hospital* Justice Cardozo stated: "Every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient's consent commits an assault, for which he is liable in damages" In addition, the noted medical author, Dr. Fletcher stated in his book on the intersection of medicine and morals: "[W]e may say that in general we can validly assert our right as patients to know the medical facts about ourselves. Several reasons have been given for it, but perhaps the four fundamental ones are:

a. First, that as persons our human, moral quality is taken away from us if we are denied whatever knowledge is available.
b. second, that the doctor is entrusted by us with what he learns, but the facts are ours, not his, and to deny them to us is to steal from us what is our own, not his;
c. third, that the highest conception of the physician-patient relationship is a personalistic one, in the light of which we see that the fullest possibilities of medical treatment and cure in themselves depend upon mutual respect and confidence, as well as upon technical skill; and,
d. fourth, that to deny a patient knowledge of the facts as to life and death is to assume responsibilities which cannot be carried -out by anyone but the patient, with his own knowledge of his own affairs"

Illegal Tracking devices implanted in Petitioner's Head - When the FBI conspired with Dr Gress in Munich Germany, to illegally implanted the 4 devices in Petitioner's head without her

knowledge and/or permission, they violated her Fourth, Fifth, Sixth and Eight Amendments Right and UN Charter, Articles 15 – Cruel and Unusual Punishment,

The Title 18, U.S.C Section 241- Conspiracy Against Rights, U.S, Code Section 249 – Matthew Shepard and James Byrd, Jr., Hate Crimes Prevent Act, Title 18, U.S. Section 242 – Deprivation of Rights Under Color of Law, Title 18, Section 245 – Federal Protected Activities, and *Bivens v. Six Unknown Named Agents 403 U.S. 388 (1971,* and the United Nation Chart, Article 15 – Freedom from torture or cruel inhuman or degrading... -the United States governs provides protection for individuals who suffer such indignancy. See *Schloendorff v. Society of New York Hospital* Justice Cardozo stated: "Every human being of adult years and sound mind has a right to determine what shall be done with his own body; and a surgeon who performs an operation without his patient's consent commits an assault, for which he is liable in damages" In addition, the noted medical author, Dr. Fletcher stated in his book on the intersection of medicine and morals: "[W]e may say that in general

Respondents/FBI also violated Petitioner's Fifth and Sixth Amendments. In the case of *Reid v. Covert, 354 U.S. 1 (1957),* the opinion of the Court, "the Court's core holding of the case is that U.S. Citizen, civilians abroad have the right to Fifth and Sixth Amendments Constitution protection" Unfortunately, Petitioner did not receive that protection from Respondents/FBI.

Dr. Gress and German medical practices are guided by Medical Codes and Pledges: its "Special Medical Procedures are guidelines to how to treat patients. The Medical Procedures states "In the case of special medical measures or procedures that give rise to ethical problems, and in connection with which the Chamber of Physicians has formulated recommendations regarding establishment of their indications and implementation, physicians must observe

these recommendations." Further, in the case of *Christiane Völling v (no name given),(2011),* the Regional Court of Cologne Germany ruled that "The doctor had no good reason for failing to provide full diagnostic information". Dr. Gress, apparently, never followed these guidelines and/or procedures when he illegally implanted these deadly devices in Petitioner's head.

Having these devices in her body, Petitioner has completely lost any expectation of privacy and the Rights to life, liberty and the Pursuit of Happiness; a completed deprivation of all Rights, most importantly, her Fourth Amendment Right.

"The Fourth Amendment protects not only property interests but certain expectations of privacy as well. *Katz* v. *United States,* 389 U. S. 347, 351. Thus, when an individual "seeks to preserve something as private," and his expectation of privacy is "one that society is prepared to recognize as reasonable," official intrusion into that sphere generally qualifies as a search and requires a warrant supported by probable cause. *Smith* v. *Maryland,* 442 U. S. 735, 740. The analysis regarding which expectations of privacy are entitled to protection is informed by historical understandings "of what was deemed an unreasonable search and seizure when [the Fourth Amendment] was adopted." *Carroll* v. *United States,* 267 U. S. 132, 149. These Founding-era understandings continue to inform this Court when applying the Fourth Amendment to innovations in surveillance tools.

Defamation that leads to Deprivation - Title 28 Part VI, Chapter 181, § 4101 addresses Defamation and 114. 18 U.S. Code § 242 - Deprivation of rights under color of law. The term "defamation" means any action or other proceeding for defamation, libel, slander, or similar claim alleging that forms of speech are false, have caused damage to reputation or emotional distress, have presented any person in a false light, or have resulted in criticism, dishonor, or condemnation of any person. It also outlined the 2 types of defamation: libel and slander.

In 1964, the court issued an opinion in *New York Times Co. v. Sullivan*, 376 U.S. 254 (1964) dramatically changing the nature of libel law in the United States. In that case, the court determined that public officials could win a suit for libel only if they could demonstrate "actual malice" on the part of reporters or publishers. In that case, "actual malice" was defined as "knowledge that the information was false" or that it was published "with reckless disregard of whether it was false or not". This decision was later extended to cover "public figures", although the standard is still considerably lower in the case of private individuals"

Similarly, in the case of *Jane Doe v United States Department of Justice, et al., 753 F.2d 1092 243 U.S.App.D.C. 354 No. 84-5006*, the Court argued that point, "Taking the plaintiff's factual allegations as true, we now find that the stigmatizing nature of the Department's charges, her discharge, and the subsequent foreclosure of future employment opportunities, including government job opportunities, combined to deprive Doe of a constitutionally protected liberty interest in reputation without due process" This parallels the same situation. Petitioner has seen deceptive documentation stating that she is a prostitute posted in her Background file, **(In District Court File)**, and a document from Respondents/Bozzuto's attorney referring to Petitioner as a "sex offender" **(In District Court File),** and public document stating that I am a "terrorist" Since September 2019 to March 2020, Petitioner has had applied for more than 1,280 jobs and have been consistently rejected. The same hold true for finding an apartment to call home; more than 30 within the last two (2) months; been rejected in every case[7]

[7] The Respondents/FBI consistently defaming Three FBI agents move into the apartment next door where Petitioner resides and was given a key to her apartment by the Landlord/SCF Management. The FBI goes into Petitioner's apartment on a constant basis when she is away and because of the "tracking" device in

No Due Process - the US District Court, Newark New Jersey - The District Court granted Summary Judgement to Respondents and Intervener pursuing to 28 U.S.C....Section 1331, which states: "provides that the District Courts have original jurisdiction in all civil actions arising under the Constitution, laws, or treaties of the United States"; this District Court has, "Subject-matter jurisdiction is the authority of a court to hear cases of a particular type or cases relating to a specific subject matter...must be distinguished from personal jurisdiction, which is the power of a court to render a judgment against a particular defendant, ..., its rulings or decrees cannot be enforced upon that party, except by comity[8]; i.e., to the extent that the sovereign which has jurisdiction over the party allows the court to enforce them upon that party[9]. In accordance to 2 CFR § 92.66 – Procedures in the use of "Letters Rogatory".

The Petitioner submitted Letter Rogatory twice,(DE- 61) (**Appendix Q**) and an amendment (DE 78), to the Court during the period. In both cases, the Court **denied**[10] them.

Further, "the enabling statute for diversity jurisdiction, 28 U.S.C. § 1332, grants the district court's jurisdiction in an action that meets two basic conditions:

a) *Complete diversity requirement.* No defendant is a citizen of the same state as any plaintiff.
b) *Amount in controversy requirement.* The matter in controversy exceeds $75,000"[11]

her right leg they know when to illegally enter her apartment. Even Petitioner's bank destroyed her credit report with lies from FBI.

[8] In law, **comity** is "a practice among different political entities (as countries, states, or courts of different jurisdictions)" involving the "mutual recognition of legislative, executive, and judicial acts."

[9] https://en.wikipedia.org/wiki/subject-matter-jurisdiction#cite_note1

[10] The District Court DENIED all 15 Motions, except the second IFP motion, submitted to the Court during the proceeding.

[11] These case meet these requirements

In furtherance, subject - matter jurisdiction fails: if a judge does not follow statutory procedure, and where the judge does not act impartially. *Armstrong v. Obucino, 300 Ill. 140, 143 (1921), Bracy v. Warden, U. S. No. 96 - 6133 (June 9, 1997)* (underline emphasis). Notably, Lack of subject - matter jurisdiction is a non - waivable defect which may be raised at any stage of the proceeding." *State v. LaPier, 961 P.2d 1274, 289 Mont. 392, 1998 MT 174 (1998).* Holding any Ruling made in absence of subject - matter jurisdiction is a nullity." *State v. Dvorak, 574 N. W.2d 492, 254 Neb. 87 (1998).* Further, judgments entered where court lacked either subject matter or personal jurisdiction, or that were otherwise entered in violation of due process of law, must be set aside". *Jaffe and Asher v. Van Brunt, SDNY 1994 158 F. R. D. 278.*

Personal jurisdiction the manifest right to control individual within the territorial boundaries clearly established by constitutional law. The purpose of notice to assert constitutional power and give statutorial notice of pendency of a legitimate action exercising jurisdictional analysis must be provenly a reasonable minimum precedential contact existence as a threshold matter by preponderant evidence and not by making nonfrivolous allegations. Second, if it could not legally hear the matter upon the jurisdictional paper presented, its finding that it had the power can add nothing to its authority, it had no authority to make the findings." *The People v. Brewer, 328 Ill. 472, 483 (1928)* without specific finding of jurisdiction by the court in an order judgment, the order or judgment does not comply with the law and is void. The finding can

not be merely an unsupported allegation. A Decision is void on the face of judgment roll when from four corners of that roll, it may be determined that at least one of three elements of jurisdiction is absent: (1) jurisdiction over the parties, (2) jurisdiction over the subject matter, or (3) jurisdictional power to pronounce particular judgment that was rendered". *B & C*

Investments, Inc., v. T & M Nat. Bank & Trust, 903 P.2d 339 (Okla. App. Dov. 3, 1995). Settled in *Anastoff v. United States (8th Cir. 2000)* "The judicial power of the United States is limited by the doctrine of precedence.") The law is well - settled that a void order or judgment is void even before reversal. "Courts are constituted by authority and they cannot go beyond that power delegated to them. If they act beyond that authority, and certainly in contravention of it, their judgments and orders are regarded as nullities. They are not voidable, but simply void, and this even prior to reversal." *Valley v. Northern Fire & Marine Ins. Co., 254 U. S. 348, 41 S. Ct. 116 (1920)*. Further Once Challenged, jurisdiction cannot be assumed, it must be proved to exist." *Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P.2d 389*. Therefore, in this precedent adoption, "The burden shifts to the Court to prove jurisdiction." *Rosemond v. Lambert, 469 F.2d 416*, and to justify constituted limited jurisdiction, "Courts must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper, 102 F.2d 188*: *Chicago v. New York, 37F.Supp. 150*. This ministerial duty is reflected in relevant case law and the Judicial Code of Conduct which provides a judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.

2. Whereas, an evidenced claim of a Statutory Matter. Given for a measurable equity component relative to the ascribed indigence benefit elements afforded, and the appearance of impropriety set forth self - executing ministerial judicial recusal and or conducive to invoking automatic federal disqualification provisions.

Petitioner Believes that the district court judge was biased, and it was more probable than not she/he had an interest in the outcome of the case, and in doing so deprived the petitioner of procedural and substantive due process. *See Barth v. Sulpiclo Lines, Inc., 932 F.2d 1540 (5th Cir. 1991)* and the case of *Caperton v. A.T Massey Coal Co., Inc. 556 U.S. 868 (2009)* held "that

due process requires recusal. Recusal is required 'where the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable.'. Here, the district court judge and respondent's attorney went to the same law school and graduated the same year. The probability is too high for the district court judge to not have an interest in the petitioner's case.

Petitioner also believes this is the same occurrence as the US Attorney representing the FBI Respondents and the Judges; offices buildings are next to each other, where meetings can easily be made.

Under the Section 1983, Due Process, Petitioner believes that the District Court did not pursue her case in compliant with "due process" procedures when she abruptly "closed" in March 2019 and again in February 2020 case without any reason(s) and or justification. In essence, the Court is deliberately "depriving Petitioner from attaining and enjoying given rights to "life, liberty and the pursuit of happiness" without due process.

Further, Petitioner believes that this Court's agenda does not reflect her cause of action in her complaint, same of which was used in the *Bevins v Unknown Agent*, The District Court did disagreed and denied Petitioner's amended complaint that set forth the following:

> a). the Bivens: Means conspired to violate, 4th Amendment, Unreason able Search and Seizure; violation of (42 U.S.C. § 1983, 42 U.S.C.§ 1985, and 42 U.S.C §1986)
>
> b). Bivens: Means conspiracy to violate 5th and 14th Amendments, Due Process Rights; in violation 42 U.S.C.§ 1983, 42 U.S.C § 1985, and 42 U.S.C. §1986
>
> c). Bivens: Means conspiracy to violate, 8th Amendment, Cruel and Unusual
>
> d). Punishment; in violation of (42 U.S.C. § 1983, 42 U.S.C § 1985, and 42 U.S.C§1986) and violates UN Nations §1986) and violates UN Nations 1986 and other inhuman articles

The case of *City of Canton v. Harris* has resulted in mother landmark changes. The Supreme Court has more recently applied the "deliberate indifference" standard to cases outside of the prison context, involving a public school's failure to do anything to control student sexual harassment[12]. It is hardly far-fetched to apply the same standard where social service or housing benefits are denied as a result of government's "deliberate indifference".

Finally, The Due Process Clause of Article VI of the Constitution requires that some type of judicial forum be available for Plaintiff to challenge the lawfulness of designation or status

Failure to state a claim upon which relief can be granted, and Pleadings
" The Rule argues that "an objection that an opponent's point is irrelevant or invalid, while granting the factual basis of the point are no longer satisfied by "an unadorned the-defendant-unlawfully-harmed me a accusation." Iqbal, 129 S. Ct. at 1949 (citing Twombly 550 U.S. at 555). Now, neither a "formulaic recitation of the elements of a cause of action" nor "naked assertions [of fact] devoid of further factual enhancement" is sufficient to withstand dismissal. To satisfy the new standard under Twombly and Iqbal, "a complaint must contain sufficient factual matter, accepted as true, to 'state a claim to relief that is plausible on its face.'" Id. (citing *Twombly, 550 U.S. at 57 0).* A claim has facial plausibility when the plaintiff pleads enough factual content that allows the court to draw the reasonable inference that the defendant".

Despite claims by the Respondents and Intervener, Petitioner did also seek a declaratory judgement pursuant to 28 U.S.C. § 2201, the Privacy Act, 5 U.S.C. § 552a, the Freedom of Information Act (FOIA), 5 U.S.C. § 552, the Foreign Intelligence Surveillance Act (FISA), 50 U.S.C. § 1801, et seq, the Declaratory Judgement Act, 28 U.S.C. § 2201, as well as directly under the First, Fourth, Fifth, Eight, and Fourteen Amendments to the Constitution of the United

[12] Davis v. Monroe County Board of Education, 526 U.S. 629 (1999).

States, and the United Nation Article 15 and with regard to those Dependents sued in their individual capacities, the U.S Supreme Court in its decision in the case of *Bivens v. Six Unnamed Agents of the Federal Bureau of Investigation, 403 U.S.C. 388 1999 (1971)*.

Plaintiff have clearly provided factual and undisputable evidence during the District Court process. Petitioner defense on behalf a *pro se's* effort in any case points to:

Puckett v. Cox, 456 F. 2d 233 (1971) (6th Cir. USCA) "It was held that a *pro se* complaint requires a less stringent reading that one drafted by a lawyer in accordance Justice Black in Conley v. Gibson (see case listed above, Pro Se Rights Section)" . Further in the case of *Sherar v. Cullen, 481 F. 2d 946 (1973)* "There can be no sanction or penalty imposed upon one because of his exercise of Constitutional Rights" and in case Sims v. Aherns,271 SW 720 (1925)."The practice of law is an occupation of common rights.

REASON FOR GRANTING THE WRIT OF CERTIORARI

If there is a case[13] to be heard now here, in the home circuit of the Chief Justice for The U. S. Supreme Court, which no other legal avenues constitutionally means exists, within an inherent forum of redressability and immediacy, as a matter of law, for this unresolved remedial 28 U.S.C § 1346 (b) standing civil action brought forth there against the proper Defendants, members of Agencies of the United States of America. 28 U.S.C. § 1332, U.S.C. § 702, 42 U.S.C. § 1983, 42 U.S.C.§ 1985, and 42 U.S.C §1986), and other non-United States Government related individuals, is this case.

This case perfect posture given to the conferred consideration of reviewability of departure by the district court panel decisions set out in substantial error, offers an ideal vehicle to resolve

[13] Violation of First, Third, Fourth Eight, and Fourteenth Amendments, and violation of the United Charter, Article 15.

the five questions left open heretofore, emphasizing Constitutional jurisprudence of the First, Fourth, Fifth, and Eight, Fourteenth Amendments infringements, clearly at issue in connection with this case particular, the challenged constituted limited jurisdiction, the usurpative judicial sua sponte dismissals, and the judicial ministerial self - executing recusal I legal disqualifications.

Wherefore, Petitioner is Dr Beverley Maud Harris, not just a Black Woman, "but a natural person in truth and in law, the original Plaintiff *pro se* litigant, of clear tangible or intangible rights afforded, as such citizenry immutable liberties, privileges and immunities, having appealed the unfavorable ruling as well as the Appellant pro se litigant, save effortfully in a manner as such prescribed therefor, do effect, in jurisprudential spirit and in jurisdictional fact heretofore, respectfully petition this Supreme Court, as the purposed Appellant / Petitioner, pro se litigant, for a writ of certiorari that is both unique and important, pursuance to supervisory review of the United States District Court of Newark, New Jersey"

Further Once Challenged, jurisdiction cannot be assumed, it must be proved to exist." *Stuck v. Medical Examiners, 94 Ca 2d 751. 211 P.2d 389*. Therefore, in this precedent adoption, "The burden shifts to the Court to prove jurisdiction." Rosemond v. Lambert, 469 F.2d 416, and to justify constituted limited jurisdiction, "Courts must prove on the record, all jurisdiction facts related to the jurisdiction asserted." *Latana v. Hopper, 102 F.2d 188: Chicago v. New York, 37F.Supp. 150.* This ministerial duty is reflected in relevant case law and the Judicial Code of Conduct which provides a judge shall hear and decide matters assigned to the judge except those in which disqualification is required or recusal is appropriate.

Whereas, an evidenced claim of a Statutory Matter. Given for a measurable equity component relative to the ascribed indigence benefit elements afforded, and the appearance of

impropriety set forth self - executing ministerial judicial recusal and or conducive to invoking automatic federal disqualification provisions. The leading court case on pleadings is Conley v. Gibson.

This case perfect posture given to the conferred consideration of reviewability of departure by the district court panel decisions set out in substantial error, offers an ideal vehicle to resolve the five questions left open heretofore, emphasizing Constitutional jurisprudence of the First, Fourth, Fifth, and Eight, Fourteenth Amendments infringements, clearly at issue in connection with this case particular, the challenged constituted limited jurisdiction, the usurpative judicial sua sponte dismissals, and the judicial ministerial self - executing recusal I legal is qualifications. The invoked judiciary ministerial ethical obligations binding under 28 U.S.C. § 453 Oath of Justices and Judges and adjudicative duty pursuant to 28 U.S.C. § 1292 (2012), and certain interlocutory and collateral orders, 28 U.S.C. § 1292 (2012); Fed. R. Civ. P. 54 (b*); Cohen v. Beneficial Indus. Loan Corp., 33 U. S. 541, 545 - 46 (1949),* is to interpret and apply law to specific situations and not define law which is the responsibility of the legislature.

Whereas, any wholesale attempt to limit Supreme Court review of constitutional questions would itself be unconstitutional.

As Chief Justice Marshall voiced in *Cohens v. Virginia, 19 US (6 Wheat.) 264 (1821).* It is most true that this Court will not take jurisdiction if it should not; but it is equally true that it must take jurisdiction if it should. The judiciary cannot, as the legislature may, avoid a measure, because it approached the confines of the constitution. We have no more right to decline the exercise of jurisdiction, which is given, than to usurp that which is not given. The one or the other would be treason to the constitution. Id. at 404. Therefrom Article III and *Marbury v. Madison 5 US (1 Cranch) 137 (1803*), it is mandatory within the scope of authority the power or

manner of the federal court's adjudicators exercise of a conferred corollary duty to provide a constitutional adjudicative forum competence to dispose of all judicial matters fairly, promptly, and efficiently, in administering of relevant laws nexus to the cognizable facts of the interested legal litigants equal under the law sustained by constituted Plea Adjudicative jurisdiction, that must be decided at its earliest opportunity and before allowing the litigation to proceed to impose juxtaposition of a attendant claim brought forth by statutory authority and its due process maintenance is essential to the impartial and equal administration of justice.

WHEREAS: It is Petitioner's hope that this Court will grant an emergency order to have Petitioner remove these deadly devices, as she is unable to get assistance from any medical facility because of Respondents'/FBI continuously blocking the effort. For example, on 26 May 2020, Petitioner went to the National Institute Health, in Bethesda Maryland for medical advice and assistance in find a Neurologist. Petitioner asked to speak with a Neurologist as it did advertise that the Neurologist is open on Tuesday and Thursday from 1 PM to 5 PM. Petitioner arrived at the Clinic, at approximately 2:30 PM, she spoke with a young lady and explained that she wanted to speak with a Neurologist about an emergency situation. As she sat and waited for a response, she was approached by a huge man nametag shows his last name as Ruiz. He walked up into my face and started to rudely interrogate Petitioner. He asked, "how did you get in here?" I showed him my authorization Temporary badge (**Appendix R).** Then he yelled in Petitioner's face and said, "get out of here before I call the security guard to throw you out?". These are the type of reception Petitioner always get when she reaches out for help,

In essence, Petitioner is here to ask this Supreme Court of the United States, at the highest level of our Judicial System, to save her life and not let the FBI make the decision as to whether she lives or dies

H. CONCLUSION

The Petitioner requests that the Court grant the petition for writ of certiorari.

8 June 2020

By: _____

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