

~~20-7001~~

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED
JAN - 8 2021
OFFICE OF THE CLERK

Aaron J. Bressi — PETITIONER
(Your Name)

vs.

Jeffery Brennen (etal.) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron J. Bressi
(Your Name)

PO Box A
(Address)

Bellefonte, PA 16823
(City, State, Zip Code)

N/A
(Phone Number)

RECEIVED
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SUPREME COURT, U.S.

QUESTION(S) PRESENTED

1. How does this Amended Complaint not survive dismissal pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure.
2. How does this Amended Complaint not be granted pursuant to (Fed. R. Civ. P. 15(a)(2)), which freely gives the Court leave to amend pleadings, when Justice So requires/as a matter of law.
3. How does this Amended Excessive Force Claim which is in full detail, get dismissed and not be construed into a claim which without a doubt states a claim upon which relief can be granted.
4. How can these very serious issues stated in this Amended Complaint, not be under consideration as a importance to the public of the issue, this issue/ issues are a very serious public issue.

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:

Edward Purcell

Christopher Lapotskie

Chad Yoder

Christopher Williams

Chief William Carpenter

Terry Kechem

Patrolman Adams

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- APPENDIX D United States Court of Appeals denied petition for rehearing.
- APPENDIX E United States District Court, Amended Complaint.
- APPENDIX F United States District Court, Brief in response to dismiss amended Complaint/Demand for Jury Trial.
- APPENDIX G: United States Court of Appeals, Informal Brief.
- APPENDIX H: United States Court of Appeals, Petition for rehearing.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>West v. Atkins</u> , 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988).	(3)
2. <u>Piecknick v. Pennsylvania</u> , 36 F.3d 1250, 1255-56 (3d Cir. 1994).	(3)
3. <u>Taylor v. Barkes</u> , 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015).	(3)
4. <u>Erickson v. Pardus</u> , 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007).	(4)
5. <u>Boykin v. KeyCorp</u> , 521 F.3d 202, 214 (2d Cir. 2008).	(4)
6. <u>Tellabs, Inc. v. Makor Issues & Rights, Ltd.</u> , 551 U.S. 308, 322 (2007).	(5)
7. <u>Foman v. Davis</u> , 371 U.S. 178, 182 (1962).	(6)
8. <u>Mala v. Crown Bay Marina, Inc.</u> , 704 F.3d 239, 244-46 (3d Cir. 2013).	(6)
9. <u>Kingsley v. Hendrickson</u> , 135 S. Ct. 2466, 2473 (2015).	(7)
10. <u>Graham v. Connor</u> , 490 U.S. 386, 395 n.10 (1989).	(7)
11. <u>Fuentes v. Wagner</u> , 206 F.3d 335, 345 (3d Cir. 2000).	(8)
12. <u>Smith v. Addy</u> , 343 Fed. App'x 806, 808-09 (3d Cir. 2009).	(9)

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(Table of Authorities Cited)

Statutes and Rules:

1. 42 U.S.C. § 1983

2. Fed. R. Civ. P. 12(b)(6)

3. Fed. R. Civ. P. 15(a)(2)

4. Section 1983 Excessive Force Claim

5. Consideration Governing Review on Certiorari (Rule 10);
That this case is a very serious importance to the public of the issue.

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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**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is
 reported at N/A; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

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**:

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.

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JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was August 14, 2020.

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: December 9, 2020, and a copy of the order denying rehearing appears at Appendix D.

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. § 1254(1).

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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. (42 U.S.C. § 1983), It states a claim for relief under § 1983, a Plaintiff must allege, first, the violation of a right secured by the Constitution or laws of the United States and, second, that the alleged deprivation was committed or caused by a person acting under color of state law. (See West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Piecknick v. Pennsylvania, 36 F.3d 1250, 1255-56 (3d Cir. 1994).

2. Also, civil damages are liable to Plaintiff, when the government officials / Police officers involved violated a statutory or constitutional right that was clearly established at the time of the challenged conduct. (see) Taylor v. Barkes, 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015). (Please also see), (Appendix E) and (Appendix F).

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STATEMENT OF THE CASE

1. The Honorable District Court and Appeals Court dismissed this amended Complaint Pursuant to rule 12(b)(6) of the Federal Rules of Civil Procedure. This rule states that a claim is dismissed due to failure to state a claim upon which relief can be granted.

This amended Complaint does without a doubt state a claim upon which relief can be granted, (Please see) (Appendix E) and (Appendix F). It also states in Federal Court rules of Civil procedure that "A document filed (pro se) is to be liberally construed, and a pro se Complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers, (see) Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007); (see also) Boykin v. KeyCorp, 521 F.3d 202, 214 (2d Cir. 2008). It also states in Federal Rules of Civil Procedure, in deciding dismissal

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pursuant to rule 12(b)(6), the Court may consider the facts alleged on the face of the Complaint, as well as "documents incorporated into the Complaint by reference, and matters of which a Court may take judicial notice." (See) Tellabs, Inc. v. Makor Issues & Rights, Ltd., 551 U.S. 308, 322 (2007).

Which now gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case.

2. The Honorable District Court and Appeals Court without a doubt should have granted this amended Complaint pursuant to (Fed. R. Civ. P. 15(a)(2)), which states the Courts "should freely give leave

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[to amend] Complaint when Justice so requires/as a matter of law. (See) *Foman V. Davis*, 371 U.S. 178, 182 (1962); (see also) (Appendix E) and (Appendix F).

I Aaron J. Bressi the plaintiff, already shown both lower Courts that these defendants without a doubt are guilty of all claims brought against them in this amended Complaint, along with all the evidence filed in the form of exhibits to back-up all claims filed against these defendants in this amended Complaint. (See) *Mala V. Crown Bay Marina, Inc.* 704 F.3d 239, 244-46 (3d Cir. 2013).

3. The Honorable District Court and Appeals Court should have not dismissed this amended

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Excessive Force Claim, which is in full detail and without a doubt states a claim upon which relief can be granted.

Defendant Brennen did (maliciously and Sadistically) use excessive force while I was walking through the police station to be transferred to Snyder County prison. This was no (push or shove), this was a violent attack by a mentally unstable officer, who thinks he is above the law.

(See) Kingsley v. Hendrickson, 135 S. Ct. 2466, 2473 (2015); (See also) Graham v. Connor, 490 U.S. 386, 395 n.10 (1989).

This defendant minutes earlier came to the holding cell after committing hours of crimes against me, and properly restrained me for transportation to Snyder County prison, defendant

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purcell was also with him. I was shackled at my feet with a restraint belt on and handcuffed to a ring on my stomach, which is located on the restraint belt.

And for no reason what so ever, defendant Brennen's explosive anger disorder kicked in and he assaulted me to the point it was clearly (repugnant to Consience of mankind), (see) Fuentes v. Wagner, 206 F.3d 335, 345 (3d Cir. 2000).

I the plaintiff could of easily died from blunt force trauma, due to my head being slammed off the concrete wall in the hallway or even a broken neck due to being restrained for transportation, and violently assaulted with no way to use my hands to protect myself from serious injury. (see)

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Smith V. Addy, 343 Fed. App'x 806, 808-09 (3d Cir. 2009);
(See also) (Appendix E);
(Appendix F) and (Appendix H).

4. I Aaron J. Bressi will show this Honorable Supreme Court of the United States, that I the plaintiff was a major victim of multiple crimes from multiple people. And also reported these crimes to the Coal Township Police department and also Northumberland County emergency dispatch, by dialing 911 multiple times. And that I was also a victim of multiple major crimes committed against me by the very serious and dangerous criminals / defendants / Coal Township Police Dept. / Officers.

That this Honorable Court should take into consideration

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that this case is a very serious importance to the public of the issue. (Please see) (Appendix E) and (Appendix F).

Again, which now, without a doubt gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case. (Please also See) (Appendix G) and (Appendix H).

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REASONS FOR GRANTING THE PETITION

I Aaron J. Bressi ask this Honorable Supreme Court of the United States to grant this petition for a writ of Certiorari pursuant to (Rule 10) of this Honorable Court.

This case 100% without a doubt falls under the Judicial Discretion of this Honorable Court's Considerations governing review on Certiorari.

(See Rule 10); (see also) (Appendix E), (Appendix F) and (Appendix H).

Which now gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case. (Please also see) (Appendix G).

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Arnon Bressi

Date: January 8, 2021