No: 20-955

IN THE

SUPREME COURT OF THE UNITED STATES

DELVA NEWHOUSE,
as Administratrix of the Estate of,
WILLIAM PERRY NEWHOUSE III,

PETITIONER,

-VS-

ETHICON INC, et al,
ETHICON ENDO-SURGERY INC., et al
JOHNSON & JOHNSON, INC., et al

RESPONDENT,

ON PETITION FOR A WRIT OF CERTIORARI TO
THE U.S. FOURTH CIRCUIT COURT OF APPEALS

PETITION FOR A WRIT OF CERTIORARI

Date: Nov 16, 2020

Respectfully Submitted,

PETITIONER IN PRO PER
DELVA NEWHOUSE
865 CARBIDE RD
GLEN, WEST VIRGINIA 25088
(304) 388-5045

CC: Respondent
File

IV

QUESTIONS PRESENTED

QUESTION ONE

DID THE U.S. DISTRICT COURT AND U.S. FOURTH CIRCUIT COURT OF APPEALS JUSTICES ABUSE THEIR DISCRETION, CREATE MANIFEST INJUSTICE, SUBSTANTIALLY ERR, PREJUDICE, AND HAVE A LEGAL DUTY, OBLIGATION, AND SWORN JUDICIAL OATH TO MAKE A WRITTEN DECISION UNDER RULE 60 ON WHETHER THE RESPONDENT ETHICON CORPORATE ATTORNEYS INTENTIONALLY AND IN BAD FAITH KNOWINGLY COMMITTED FRAUD UPON THE COURT TO OBTAIN A WRONGFUL SUMMARY JUDGMENT ENTRY/ORDER FOR FINANCIAL GAIN IN THE U.S. DISTRICT COURT AND APPEAL BY RIGHT IN THE U.S. FOURTH CIRCUIT COURT OF APPEALS IN ORDER, TO PROTECT RESPONDENT(S) ETHICON TO CONTINUE TO UNLAWFULLY MANUFACTURE DANGEROUS AND DEFECTIVE POLYPROPYLENE(ie, COMMON PLASTIC) MESH AND SUTURE PRODUCTS THAT WAS NEVER INTENDED TO BE IMPLANTED IN THE HUMAN BODY IN VIOLATION OF FEDERAL LAW?

QUESTION TWO

DID THE U.S. DISTRICT COURT AND U.S. FOURTH CIRCUIT COURT OF APPEALS JUSTICES ABUSE THEIR DISCRETION, CREATE MANIFEST INJUSTICE, SUBSTANTIALLY ERR, PREJUDICE, AND HAVE A LEGAL DUTY OR OBLIGATION, AND SWORN JUDICIAL OATH TO PROTECT THE GENERAL PUBLIC BY ISSUING A ORDER TO RESPONDENT(S) ETHICON TO CEASE AND DESIST FROM CONTINUING TO UNLAWFULLY MANUFACTURING/SELLING NON-DISSOLVING DANGEROUS AND DEEECTIVE POLYPROPYLENE (COMMON PLASTIC) ADULTERATED MESH AND SUTURE PRODUCTS TO GENERAL PUBLIC THAT WAS NEVER INTENDED TO BE IMPLANTED IN THE HUMAN BODY IN VIOLATION OF FEDERAL LAW?

LIST OF PARTIES

[X] 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:

Petitioner In Pro Per
DELVA NEWHOUSE
865 CARBIDE RD
GLEN, WV 25088

Respondent ETHICON et al
Thomas Combs, and Spann, PLLC
300 Summers St, Suite 1380
Charleston, West Virginia, 25338-3824

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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

[X] For cases from **Federal Courts**:

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, [X] 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, [X] 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.

JURISDICTION

[X] For cases from Federal Courts:

The date on which the United States Court of Appeals decided my case was:

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the U.S. Fourth Circuit Court of Appeals on **SEPTEMBER 15,2020** per Local Rule 40(c), but was not untimely when not counting weekends, and delays in US Postal and Clerks Office processing due to the Covid-19 Pandemic a copy of order 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. § 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).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th Amendment of the U.S. Constitution

21 U.S.C. 331(a)

21 USC 333(a)(2)

21 U.S.C. 351(f)(1)(B)

28 USC 455

28 USC 636(c)

28 U. S. C. § 636(c)(1)

28 U.S.C. § 1631

STATEMENT OF THE CASE

On the Certiorari at bar, On **MAY 5,2017**, These Petitioner(s) timely filed this Federal Complaint against the Respondent(s) ETHICON with Sworn Affidavit that in 2007 surgery took place in Virginia, but that the Petitioner(s) did not start having complications from Respondent(s) ETHICON Polypropylene hernia mesh and suture product until 2016; and that these Petitioner(s) had to file a formal written Federal Judicial Complaint against this U.S. District Court For The Southern District of West Virginia Judge JOSEPH GOODWIN with the Chief Justice in the Honorable U.S. Fourth Circuit Court of Appeals to even process, screen, serve, and prosecute this extremely meritorious Complaint For Civil Action under the inapplicable Federal PRISONER STATUTE, 28 USC 1915.**(See DC ECF #2, and #6).**

On **October 5,2017**, The Respondent(s) ETHICON Corporate Attorneys intentionally and in bad faith file its first convoluted "Answer and Defenses of Respondent(s) Ethicon Inc. To Petitioner(s) Complaint" asserting 80 vague atypical defenses, via, inadmissble third party attorney heresy, without citing any supporting case law, and of course without any sworn affidavits(and NEVER did) or exhibits to the claims asserted against the Respondent(s) ETHICON as required in the clearly established and determined in the U.S. Supreme Court case Celotex Corp. v. Catrett, 477 U.S. 317, 324-25 (1986).

This Petitioner(s) was/is the Original Party to this Complaint Civil Action as well as Administrator, Executor, and Sole Beneficiary with no creditors on the Estate of Petitioner(s) William Perry Newhouse III. That concurs with the Respondent(s) Proxy Corporate Attorneys that Petitioner(s) William Perry Newhouse III, and this

Petitioner(s)'s Son died on **NOVEMBER 16,2018 AT 5:45 PM** from Respondent(s) ETHICON well-known defective, deadly, and dangerous Polypropylene hernia mesh and sutures products, and these Petitioner(s) Expert Witnesses will testify under oath to the Medical Records Records that the Respondent(s) ETHICON Corporate Attorneys already obtained from said Medical Doctors/Hospitals, and were already served copies of in. **(See DC ECF #2, #17, and #136).**

On **JULY 24,2019**, The U.S. District Court Judge For The Southern District of West Virginia held a hearing(ECF #106), and ordered the Respondent(s) ETHICON Senior Corporate Attorney PHILLIP J. COMBS et al to obtain this Pro Se Petitioner(s) Medical Records, and to provide this Petitioner(s) with a copy of any/all Discovery(eg, Plaintif(s) Medical Records) the Respondent(s) Corporate Attorneys get/obtain.

On **JANUARY 13,2020**, The Respondent(s) Newly Assigned Proxy Corporate Attorney NATALIE B. ATKINSON intentionally and in bad faith knowingly committed FRAUD UPON THE COURT by filing a redundant fraudulent, subjective and misleading "Reply To Petitioner(s)'s Motion For Objection and Strike Respondent(s) Motion For Summary Judgment and Demand For Sanctions(ECF #133); Respondent(s) Motion To Strike Affidavit of Petitioner(s) Delva Newhouse(ECF #134) Respondent(s) Motion To Renew Motion To Dismiss For Failure To Comply with Discovery Obligations and this Court's Order(ECF #135)" that was intentionally and in bad faith knowingly falsely alleged and literally mislead U.S. District Court For The Southern District of West Virginia Judge JOSEPH R. GOODWIN that:

(A) This Petitioner(s) has not answered Interrogatories or Questions at Deposition directed to the Petitioner(s)-Appellant(s) that was literally Objected to in writing by Right by this Petitioner(s);

(B) That the Petitioner(s)-Appellant(s) have not provided the Respondent(s) Corporate Attorneys with Discovery, Admissions, ect, and/or seeks discovery that will be used for impeachment purposes at Jury Trial, pursuant to clearly established FRCiv.P Rule 26(a)(1)(I-II), and FRCiv.P Rule 26(a)(3)(A) et seq;

(C) That the Petitioner(s) Delva Newhouse Sworn Affidavit is a "sham", and thus Petitioner(s) demands to be prosecuted to get a Jury Trial or the Respondent(s) Corporate Attorneys will be prosecuted for knowingly making/filing misleading and false statements in their dispositive pleadings to unlawfully obtain a erroneous judgment);

(D) Demanding that this Petitioner(s) answer inadmissible heresy Interrogatories and answer subjective questions at contested Depositions about Doctor Experts Opinions, in futile attempt, to unlawfully summarily dismiss this very meritorious Civil Action Complaint by Respondent(s) Newly Assigned Corp Attorney filing a frivolous Motion To Dismiss for allegedly failing to answer Interrogatories, Deposition, and disclose Discovery.

(E) and intentionally and in bad faith to deceive/mislead this Federal Court by knowingly falsely asserting in their summary judgment that Respondent(s) ETHICON polypropylene(ie, plastic) 3-0 Vicryl Hernia Mesh and 3-0 Vicryl Sutures was not implanted into the deceased Petitioner(s)'s human body and its not their defective product, and that there exists absolutely no Respondent(s) ETHICON U.S. Patents or EPA 501k Premarket Applications unambiguously lists polypropylene in their hernia mesh or suture products asserting that its completely safe to the EPA.

The problem is on **NOVEMBER 20,2017**, These Petitioner(s) already previously filed a "Motion For Objection and To Strike Respondent(s) Answers and Defenses To Complaint" with Sworn Affidavits, and Exhibits with the attached medical records with "stickers" described in deposition that Respondent(s) ETHICON New Corporate Attorney intentionally and in bad faith literally falsely mislead the U.S. District Court Judge they were not provided with by this Petitioner(s) to wrongfully obtain judgment entry by summary judgment to warrant sanctioning Respondent(s) Corp Attorneys). (**See DC ECF 17, 133, 134, and 135**). See Petitioner's Appendixs H through K

These Petitioner(s) also previous filed a "Demand For Immediate Hospital Bed Deposition and Physical Examination, per Fed.Civ. Court Rules 27, 28, 29, 30, 31, 32, 33, and 35), including Plaintiff(s) Motion For Declaratory Judgment on any case and controversy(ECF #65), and this Petitioner(s) Motion For Objection to Magistrate's Report

and Recommendation Ad Hoc Order denying this Petitioner(s) Motion For Declaratory Judgment regarding the actual claims/issues on the actual case and controversy to expedite this prosecution of this case for Jury Trial. Whether this Petitioner(s) Civil Action Claims should be scheduled for Jury Trial by her Peers from a proper cross-section of society over the Respondent(s) ETHICON well-known defective polypropylene hernia mesh and suture products that has been manufactured for decades causing injury and why it has not been taken off market like lead/toy/auto/food products are, and that injury occurred in 2016. **(See DC ECF #2, #17, and #136).**

This Petitioner even timely filed written Motion For Objection **by Right** regarding discovery/deposition, and demanded a hearing. That the Petitioner(s) signed TWO medical record release forms **while Petitioner(s) William Perry Newhouse was still alive** for the Respondent(s) Corporate Attorneys to get any/all of the Petitioner(s)'s Medical Records from both the CHARLESTON MEDICAL CENTER and UNIVERSITY OF VIRGINIA HEALTH SYSTEM. That treated Petitioner(s) Willliam P. Newhouse III for the Respondent(s) ETHICON defective polypropylene products. So the Respondent(s) Corporate Attorneys cannot assert they never got this or that medical record, in order, for the Respondent(s) Corporate Attorneys to quit sandbagging and playing games for demanded Jury Trial they know they would loose anyways.

And that the Respondent(s) Original Corporate Attorney GORDON MOWEN even sent emails to this Petitioner that before he exits the law firm that he will get the medical records identifying the Respondent(s) ETHICON VICRYL Polypropylene hernia mesh and suture products used throughout the medical records, and the ask for a 90-Day extension to do depositions. **(See DC ECF #136).** See Petitioner's Appendix K.

It should also be noted, That all of the Respondent(s) ETHICON Corporate Attorneys also failed to depose any doctors, experts, or any Petitioner(s) defense witnesses listed for scheduled Jury Trial to seek further unnecessary delays to do this/that. After this Petitioner(s) stated a claim upon which relief must be granted that any reasonable juror/jurists would rule in Petitioner(s)'s favor that there is genuine issue/claim for Jury Trial, based upon the overwhelming evidence in Petitioner(s)'s medical records, surgery transcripts, and literally with the Respondent(s) Ethicon very own Hernia Mesh U.S. Patent(and 501k FDA Premarket Products) filed with the Federal Government identifying the Respondent Ethicon's defective and dangerous Polypropylene (ie, COMMON PLASTIC) non-dissolving hernia mesh and suture products. **(See DC ECF #136).** See Petitioner's Appendix L

Further, These Petitioner(s)s timely filed pleadings/objections that the Respondent(s)s ETHICON Corporate Attorneys was intentionally wasting precious judicial resources by seeking delays, excuses for over three years, and circled like vultures for the remaining time in the Petitioner(s)'s life until he died by the Respoondent ETHICON Corporate Attorneys filing the same inapplicable redundant defenses(ie, failure to state a claim, ect) over and over again. When ALL of the Respondent(s) ETHICON Corporate Attorneys knew fully well that ETHICON negligently continued to manufacture defective, and unreasonably dangerous Polypropylene(ie, COMMON PLASTIC) hernia surgical mesh; and that Respondent(s) ETHICON and their Corporate Attorneys did not provide doctors, surgeons, patients with reasonably sufficient technical information about the risks of its product which caused Petitioner(s) injury, and the unambiguous literal fact. That all of the Respondent(s)

ETHICON Polypropylene(ie, COMMON PLASTIC) non-disolving surgical hernia mesh and sutures products(ie, whether its cut in the shape of a square, circle, triangle, packaged/repackaged, vaginal mesh, and that they name/rename/repackage it whatever they want on advise of the Respondent(s)s ETHICON Corporate Attorneys to unlawfully financially profit by charging/defending) is still Polypropylene; and that Polypropylene(ie, COMMON PLASTIC) was **never** intended to be implanted into the human body. **See Sanchez v. Boston Scientific Corp., 38 F. Supp. 3d 727 - Dist. Court, SD West Virginia 2014; Hendricks v. Boston Scientific Corp., 51 F. Supp. 3d 638 - Dist. Court, SD West Virginia 2014.** Judge Goodwin knows all of this-

REASONS FOR GRANTING THE PETITION

DID THE U.S. DISTRICT COURT AND U.S. FOURTH CIRCUIT COURT OF APPEALS JUSTICES ABUSE THEIR DISCRETION, CREATE MANIFEST INJUSTICE, SUBSTANTIALLY ERR, PREJUDICE, AND HAVE A LEGAL DUTY, OBLIGATION, AND SWORN JUDICIAL OATH TO MAKE A WRITTEN DECISION UNDER RULE 60 ON WHETHER THE RESPONDENT ETHICON CORPORATE ATTORNEYS INTENTIONALLY AND IN BAD FAITH KNOWINGLY COMMITTED FRAUD UPON THE COURT TO OBTAIN A WRONGFUL JUDGMENT FOR FINANCIAL GAIN IN THE U.S. DISTRICT COURT AND THE U.S. FOURTH CIRCUIT COURT OF APPEALS IN ORDER, TO PROTECT RESPONDENT(S) FOR CONTINUING TO UNLAWFULLY MANUFACTURING POLYPROPYLENE(ie, COMMON PLASTIC) MESH PRODUCTS THAT WAS NEVER INTENDED TO BE IMPLANTED IN THE HUMAN BODY IN VIOLATION OF FEDERAL LAW?

On the case at bar, These Petitioner(s) filed numerous pleadings, motions, and objections on all of the Respondent(s)-Apellees ETHICON Corporate Attorneys redundant pleadings and/or motions barred under either the Issue and/or Claim Preclusions of the Res Judicata Doctrine that is clearly established by the U.S. Supreme Court in BROWN V FELSON, 442 U.S. 127(1979); ALLEN V MCCURRY, 449 U.S. 90, 94(1980). Atypically alleging that these Plaintiff-Appellees failed to state a claim; failed to disclose; failed to

describe the Respondent(s)s product, etc; and fraudulently/falsely alleging that all of the Respondent(s) ETHICON Polypropylene(ie, COMMON PLASTIC) Hernia Mesh and Suture products is safe to be implanted in the human body, contrary to Federal Law and Medial Experts.

FEDERAL CIVIL RULE 60. "RELIEF FROM A JUDGMENT OR ORDER"

(a) CORRECTIONS BASED ON CLERICAL MISTAKES; OVERSIGHTS AND OMISSIONS. ***The court may correct a clerical mistake or a mistake arising from oversight or omission whenever one is found in a judgment, order, or other part of the record.*** The court may do so on motion or on its own, with or without notice. But after an appeal has been docketed in the appellate court and while it is pending, such a mistake may be corrected only with the appellate court's leave.

(b) GROUNDS FOR RELIEF FROM A FINAL JUDGMENT, ORDER, OR PROCEEDING. On motion and just terms, the court may relieve a party or its legal representative from a final judgment, order, or proceeding for the following reasons:

(1) mistake, inadvertence, surprise, or excusable neglect;

(2) newly discovered evidence that, with reasonable diligence, could not have been discovered in time to move for a new trial under Rule 59(b);

(3) fraud(whether previously called intrinsic or extrinsic), misrepresentation, or misconduct by an opposing party;

(4) the judgment is void;

(5) the judgment has been satisfied, released, or discharged; it is based on an earlier judgment that has been reversed or vacated; or applying it prospectively ***is no longer equitable; or***

(6) any other reason that justifies relief.

(c) TIMING AND EFFECT OF THE MOTION.

(1) *Timing.* A motion under Rule 60(b) must be made within a reasonable time—and for reasons (1), (2), and (3) no more than a year after the entry of the judgment or order or the date of the proceeding.

(2) *Effect on Finality.* The motion does not affect the judgment's finality or suspend its operation.

(d) OTHER POWERS TO GRANT RELIEF. This rule does not limit a court's power to:

(1) entertain an independent action to relieve a party from a judgment, order, or proceeding;

(2) grant relief under 28 U.S.C. § 1655 to a Respondent(s) who was not personally notified of the action; or

(3) set aside a judgment for fraud on the court.

(e) BILLS AND WRITS ABOLISHED. The following are abolished: bills of review, bills in the nature of bills of review, and writs of coram nobis, coram vobis, and audita querela

(Quoted in full verbatium, emphasis added).

This Petitioner(s) claims that in their timely filed Motion For Relief Judgment, that: (A) it is not being presented for any improper purpose, such as to harass, cause unnecessary delay, or needlessly

increase the cost of litigation; (B) the claims, defenses, and other legal contentions are warranted by existing law or by a non-frivolous argument for extending, modifying, or reversing existing law or for establishing new law; (C) the factual contentions have evidentiary support or, if specifically so identified, will likely have evidentiary support after a reasonable opportunity for further investigation or discovery; and/or (D) the denials of factual contentions are warranted on the evidence or, if specifically so identified, are reasonably based on belief or a lack of information. See FRCiv.P Rule 11(b) et seq.

This Petitioner(s) claims that on the case at bar, That "Extraordinary Circumstances" existed for the U.S. District Court Judge to correct the numerous clerical mistakes, judicial mistakes, and substantial legal errors arising from oversight or omission in the Final Judgment Order, or other part of the record, including inadvertence, manifest/literal Fraud, misconduct, and misrepresentation of facts intentionally committed by Respondent(s) Corporate Attorneys in Bad Faith. See Ackermann v. United States, 340 U.S. 193, 199-202, 71 S.Ct. 209, 212-14, 95 L.Ed. 207 (1950); Ford Motor Co. v. Mustangs Unlimited, Inc., 487 F.3d 465, 468(6th Cir. 2007). Relief is limited to "unusual and extreme situations where principles of equity mandate relief." Olle v. Henry & Wright Corp., 910 F.2d 357, 365 (6th Cir. 1990). "The decision to grant Rule 60(b)(6) relief is a case-by-case inquiry that requires the trial court to intensively balance numerous factors, including the competing policies of the finality of judgments and the incessant command of the court's conscience that justice be done in light of all the facts." Thompson v. Bell, 580 F.3d 423, 442 (6th Cir. 2009) (quoting Blue Diamond Coal Co. v. Trustees of UMWA Combined Benefits Fund, 249 F.3d 519, 529 (6th Cir. 2001)).

This Petitioner(s) claims that that it would be a mistake, inadvertence, or excusable neglect by failing/refusing to follow clearly established Federal law, as determined by the Supreme Court of the

United States; or that this court's prior order resulted in a decision that was based on an unreasonable determination of the facts in light of the evidence presented in the State Court proceeding. See FRCP 60(b)(1) et seq; Fed. R. Civ. P. 60(b)(4); United Student Aid Funds v. Espinosa, 559 U.S. 260, 271 (2010). Also see Kelly v. Bergh, No. 07-13259, 2009 WL 5217677, at *2 (E.D. Mich. Dec. 28, 2009) (citing Bd. of Trs., Sheet Metal Workers' Nat'l Pension Fund v. Elite Erectors, Inc., 212 F.3d 1031, 1034 (7th Cir. 2000)).

Further, A Fciv.P Rule 60(b)(6) Motion For Relief From Judgment must be based on circumstances not covered by one of the first five clauses, and "strictly legal error" is considered a "mistake" under Rule 60(b)(1). Hopper v. Euclid Manor Nursing Home, Inc., 867 F.2d 291, 294 (6th Cir. 1989); Stokes v. Williams, 475 F.3d 732, 735 (6th Cir. 2007)(citing Olle v. Henry & Wright Corp., 910 F.2d 357, 365 (6th Cir. 1990)), and Federal Appellate Courts have long "recognized a claim of legal error as subsumed in the category of mistake under Rule 60(b)(1)." Pierce v. United Mine Workers of America Welfare and Retirement Fund, 770 F.2d 449, 451 (6th Cir. 1985) (citing Barrier v. Beaver, 712 F.2d 231, 234 (6th Cir. 1983)).

On the case at bar, This Petitioner(s) demanded that the Final Judgment Order be corrected for imminent Federal Appellate Court Review under Abuse of Discretion for failure correct earlier mistakes. Since "a district court by definition abuses its discretion when it makes an error of law." Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 405 (1990); Koon v. United States, 518 U.S. 81, 100 (1996); Yeschick v. Mineta, 675 F.3d 622, 628 (6th Cir. 2012) (citing Jones v. Ill. Cent. R.R. Co., 617 F.3d 843, 850 (6th Cir. 2010)). "A motion made under Rule 60(b)(6) is addressed to the trial court's discretion which is 'especially broad' given the underlying equitable principles involved." Hopper v. Euclid Manor Nursing Home, Inc., 867 F.2d 291, 294 (6th Cir. 1989). Since a "Substantive Error" has

occurred, and that this Federal Court's is decision is Void, based upon any/all of the Substantive Errors of Law and Erroneous Decisions on Federal Law as determined by the US Supreme Court superseding the Federal Rule of Law inadvertently by mistake as quoted in this Honorable US District Court Judge's Final Judgment Order as follows:

On the case at bar, This Petitioner(s) claimed that the U.S. District Court Judge abused his discretion, created manifest injustice, substantially erred, prejudiced, and blatantly violated these Petitioner(s)(s) clearly established Federal Constitutional Rights to Equal Protection Due Process of Law, and Access to the Courts in his quest to act a Judicial Advocate to protect Respondent(s) ETHICON Corporate Attorneys, and continue to allowing the Respondent(s) ETHICON et al to continue to manufacture their well-known defective polypropylene hernia and suture products, instead of taking it off the market like other defective medical devises after decades of Federal Litigation and Appeals. By wrongfully/erroneously granting summary judgment to the Respondent(s) ETHICON Corporate Attorneys. After the Respondent(s) ETHICON Corporate Attorneys intentionallly and in bad faith knowingly mislead the U.S. District Court Judge by committing FRAUD UPON THE COURT, based upon the Respondent(s) ETHICON Corporate Attorneys falsely advising this Federal Judge that:

(A) ERRONEOUS DECISION- SUBJECT MATTER JURISDICTION.

These Petitioner(s)(s) filed this Federal Complaint against the Respondent(s) on **MAY 5,2017**, with a Sworn Affidavit that claimed 2007 surgery took place in Virginia but did not start having complications from Respondent(s) ETHICON polypropylene hernia mesh and suture product until 2016; and then these Petitioner(s)(s) had to file a formal written Federal Judicial Complaint with Chief Justice against this Honorable U.S. District Court Judge JOSEPH GOODWIN to even process, screen,

and prosecute this Civil Action under the inapplicable Federal PRISONER STATUTE, 28 USC 1915 et seq. **(ECF #2, and #6)**. See Petitioner's Appendixs H through J.

In Phillips v. Seiter, 173 F. 3d 609(7th Cir. 1999), the court held: "When a court lacks jurisdiction, the ordinary course is, indeed, to dismiss, just as these two district courts did. But 28 U.S.C. § 1631, enacted in 1982, provides that a district court that finds it lacks jurisdiction over a case "**shall, if it is in the interests of justice, transfer such action . . . to any other court in which the action . . . could have been brought at the time it was filed.**" Since the term "interests of justice" is vague, district courts have a good deal of discretion in deciding whether to transfer a case. Gunn v. United States Dept. of Agriculture, 118 F.3d 1233, 1240 (8th Cir.1997); **Afifi v. United States Dept. of Interior, 924 F.2d 61, 64 (4th Cir.1991)**; Miller v. Hambrick, 905 F.2d 259, 262 (9th Cir.1990). The court can transfer the case even if not asked to do so by either party. Rodriguez-Roman v. INS, 98 F.3d 416, 423 n. 9 (9th Cir.1996); General Atomics v. NRC, 75 F.3d 536, 539-40 (9th Cir.1996).

In fact, to avoid the pitfalls for unwary Petitioner(s)s created by subject-matter courts, Congress enacted a liberal transfer statute (28 U.S.C. § 1631) when it created the Federal Circuit.

> The uncertainty in some statutes regarding which court has review authority creates an unnecessary risk that a litigant may find himself without a remedy because of a lawyer's error or a technicality of procedure.
>
> At present, the litigant's main protective device, absent an adequate transfer statute, is the wasteful and costly one of filing in two or more courts at the same time. This puts increased burdens on the courts as well as the parties.
>
> Therefore, the language of [28 U.S.C. § 1631] is broadly drafted to permit transfer between any two federal courts.

Senate Report No. 97-275, 1982 U.S.Code Cong. & Admin.News 11, 21.

In short, Congress discouraged wasteful parallel appeals by creating a safety net for litigants who might seek review in a single wrong forum. The transfer statute has been applied to reviews of

MSPB decisions. See Williams 715 F.2d at 1491(transferring mixed case to district court); Hays v. Postmaster General, 868 F.2d 328, 331 (9th Cir.1989)(remanding to determine whether transfer would serve the interests of justice).

Then after this case was filed these Petitioner(s)s filed a formal written "Motion To Demand The U.S. Magistrate DWANE TINSLEY Be Removed From Case For Good Cause and Prejudice". Because, No Consent was ever give by either party for this Magistrate Judge to proceed over this case as required by clearly established Federal Civil Court Rule 53(a)(2), 28 USC 636(c), and 28 USC 455.

In **Roell v. Withrow, 538 US 580(2003)**, The U.S. Supreme Court Justices, and not some Inferior Federal Court Judge clearly established that:

"The Federal Magistrate Act of 1979 (Federal Magistrate Act or Act) expanded the power of magistrate judges by authorizing them to conduct "any or all proceedings in a jury or nonjury civil matter and order the entry of judgment in the case," as long as they are "specially designated ... by the district court" **and are acting "[u]pon the consent of the parties**." 28 U. S. C. § 636(c)(1)."

Further, "28 USC 636(c)(2) establishes the procedures for a § 636(c)(1) referral:

"If a magistrate judge is designated to exercise civil jurisdiction under [§ 636(c)(1)], the clerk of court **shall**, at the time the action is filed, notify the parties of the availability of a magistrate judge to exercise such jurisdiction." § 636(c)(2). Within the time required by local rule, "[t]he decision of the parties **shall** be communicated to the clerk of court." Ibid. Federal Rule of Civil Procedure 73(b) specifies that the parties' election of a magistrate judge shall be memorialized in "a joint form of consent or separate forms of consent setting forth such election," see Fed. Rules Civ. Proc. Form 34, and that neither the magistrate nor the district judge "**shall** ... be informed of a party's response to the clerk's notification, **unless all parties have consented to the referral of the matter to a magistrate judge.**" The procedure created by 28 U. S. C. § 636(c)(2) and Rule 73(b) thus envisions advance, written consent communicated to the clerk, the point being to preserve the confidentiality of a party's choice, in the interest of protecting an objecting party against any possible prejudice at the magistrate judge's hands later on. See also § 636(c)(2) ("Rules of court for the reference of civil matters to magistrate judges shall include procedures to protect the voluntariness of the parties' consent").

The U.S. Supreme Court also clearly established and held that, "We think the better rule is to accept implied consent where, as here, **the litigant or counsel was made aware of the need for**

consent and the right to refuse it, and still voluntarily appeared to try the case before the Magistrate Judge. Inferring consent in these circumstances thus checks the risk of gamesmanship by depriving parties of the luxury of waiting for the outcome before denying the magistrate judge's authority. Judicial efficiency is served; the Article III right is substantially honored. See Commodity Futures Trading Comm'n v. Schor, 478 U. S. 833, 849-850(1986).

Then U.S. District Court Magistrate DWANE TINSLEY conspired with the Respondent(s) ETHICON Corporate Attorneys to actually TRANSFER Jurisdiction of these Petitioner(s) Civil Action **THREE TIMES** into numerous Federal Multi-Jurisidiction Courts In Washington DC, Georgia, and the State of New Mexico since this case has been pending.

This Petitioner(s) then timely objections to this Petitioner(s)(s) Civil Action being Transferred by Respondent(s) ETHICON Corporate Attorneys and U.S. District Court Magistrate DWANE TINSLEY into said Federal Multi-Jurisidiction Courts In Washington DC, Georgia, and New Mexico. Because neither the Petitioner(s)s nor the Respondent(s) reside there; and now this Honorable U.S. District Court Judge wants to decide that this case should have been transferred to a U.S. District Court in the State of Virginia where the 2007 hernia surgery took place. When the U.S. District Trial Court Judge knew very well THREE YEARS AGO when he screened this case. That this Civil Action could have been transferred by this Honorable U.S. District Court Judge to a Virginia U.S. District Court years ago. Then what would have been that incompetent Federal Court Judges in Virginia excuse for Justice would have been? That this case should be transferred back to West Virginia.

(B) ERRONEOUS DECISION- STATUTE OF LIMITATIONS

This Petitioner(s) claims that the U.S. District Court Judge assertion that the Statute of Limitations began to run as soon as the Petitioner(s) had hernia surgery in 2007 is erroneous,

ludicrous, laughable, and inapplicable. Because, Under Federal Law a Litigant cannot file a civil action before they suffer a actual personal injury, and because the Respondent(s) Corporate Attorneys intentionally and in bad faith fraudulently asserted throughout its pleadings that their Respondent(s) VICRYL polypropylene hernia mesh and sutures products was never implanted in the Petitioner(s) body 2007 surgery as listed/identifed in Petitioner(s) Medical Records as the Respondent(s) ETHICON polypropylene hernia mesh and sutures products(ie, PLASTIC that was never intended to be in the human body like lead, asbestos, etc). See Appendixs I, J, and and L.

In Locke v. Johns-Manville CORPORATION, 275 SE 2d 900, Va: Supreme Court(1981), The Virginia Supreme Coourt Justices clearly established that: " The Virginia statute of limitations is governed by Code §§ 8.01-243(A) and -230. Section 8.01-243(A) provides, in pertinent part, that "every action for personal injuries, whatever the theory of recovery ... shall be brought within two years next after the cause of action shall have accrued."

The relevant part of § 8.01-230 provides that "[i]n every action for which a limitation period is prescribed, the cause of action shall be deemed to accrue and the prescribed limitation period **shall begin to run from the date the injury is sustained in the case of injury to the person....**".

There is no right of action until there is a cause of action. Caudill v. Wise Rambler, 210 Va. 11, 13, 168 S.E.2d 257, 259 (1969). The essential elements of a cause of action, whether based on a tortious act or breach of contract, are (1) a legal obligation of a Respondent(s) to the Petitioner(s), (2) a violation or breach of that duty or right, and (3) harm or damage to the Petitioner(s) as a proximate consequence of the violation or breach. Id. See Sides v. Richard Machine Works, Inc., 406 F.2d 445, 446 (4th Cir. 1969). A cause of action does not evolve unless all of these factors are present. Specifically, without injury or damage to the Petitioner(s), no right of action accrues; stated differently,

a Petitioner(s)'s right of action for damages for bodily injuries does not accrue until he is hurt. Id.; Barnes v. Sears, Roebuck & Co., 406 F.2d 859, 861 (4th Cir. 1969).

The provisions of the statute of limitations under discussion, enacted in 1977 as a part of the wholesale revision of former Title 8 of the Code of Virginia, are not only consistent with the foregoing case law but are also compatible with the nature and purpose of such a general statute of limitations. They are intended to require prompt assertion of an accrued right of action, not to bar such a right before it has accrued. Caudill, 210 Va. at 13, 168 S.E.2d at 259.

Thus, according to the medical evidence before us, and keeping in mind that the burden to prove facts necessary to establish an application of the statute of limitations is upon a Respondent(s), Louisville and Nashville Railroad v. Saltzer, 151 Va. 165, 168, 144 S.E. 456, 457(1928), we are confronted in this case with a medical condition that does not arise at a specific point of time, as does a broken bone; mesothelioma results over a period of time, the beginning of the period being unknown. In other words, the cancer—the hurt—the harm— the injury—did not spring up at infliction of the wrongful act, that is, when the dust was inhaled no later than 1972. Rather, the— tumor—the hurt—the harm—the injury— manifestly occurred before June of 1978 when the mesothelioma was diagnosed; the time it began to form before that date not being shown by the evidence. Simply put, legally and medically there was no injury upon inhalation of Respondent(s)' asbestos fibers.

(C) ERRONEOUS DECISION- PETITIONER(s) SHOULD HAVE JOINED CLASS ACTION

This Federal Judge erroneous ruling that Petitioner(s) should have joined a hernia mesh class within two years of hernia mesh surgery even though there was nothing wrong with him, and even though Medical Experts were treating him for medical problems like thousands of Fellow American are being misdiagnosed at present, and treated for at billions of dollars at taxpayers expense annually that

they didnt know medical problems was being caused by the Respondent(s) ETHICON defective polypropylene hernia mesh and sutures products is ludicrous.

Further, These Petitioner(s)s NEVER soliticited any Corporate Law Firm Attorneys to be a member of any hernia mesh class action. Instead, These Petitioner(s)s were soliticited by numerous Corporate Law Firms unlawfully accessing hospital and insurance records in violation of HIPA Law, and because these Petitioner(s)s are not incompetent to handle their own affairs to need to be represented by any attorney from dozens of Corporate Law Firms milking the court system and clients.

(D) ERRONEOUS DECISION- PETITIONER(S) SWORN AFFIDAVIT IS A SHAM

This Petitioner(s) Sworn Affidavit is a "Sham" by falsely alleging to Federal Judge that this Petitioner(s) did not say the Petitioner(s) had medical problems/complications in 2016 until she did her deposition, and filed responses/objections to Respondent(s) Motions To Dismiss, Summary Judgment, and subjective Deposition.

A simple review of the FIRST pleadings filed by Petitioner(s) William Perry Newhouse that was his supporting sworn affidavit to his Complaint For Civil Action and Response Pleadings that said that he did not start having complications from Respondent(s)'s ETHICON polypropylene hernia and sutures until 2016; and that No Medical Experts initially suspected that the Respondent(s)'s ETHICON polypropylene hernia and sutures products(that was suppose to be safe) was the real cause of of this Petitioner(s)(s) medical complications until 2016. See Petitioner's Appendixs H through J.

STANDARD OF REVIEW FRAUD UPON THE COURT NEVER ADDRESSED

Both the U.S. District Court Judge and U.S. Fourth Circuit Court of Appeals Justices refused to uphold any form of Justice by continuing to violate and disregard clearly established biding case law

decisions by U.S. Supreme Court Justice quoted by this Petitioner(s). That the U.S. Supreme Court held/declared in Brady v. Maryland - 373 U.S. 83(1963), that any:

"'Decency, security, and liberty alike demand that government officials shall be subjected to the same rules of conduct that are commands to the citizen. In a government of laws, existence of the government will be imperilled if it fails to observe the law scrupulously. Our government is the potent, the omnipresent teacher. For good or for ill, it teaches the whole people by its example. Crime is contagious. If the government becomes a lawbreaker, it breeds contempt for law; it invites every man to become a law unto himself; it invites anarchy. To declare that in the administration of the criminal law the end justifies the means * * * would bring terrible retribution. Against that pernicious doctrine this court should resolutely set its face.' Olmstead v. United States, 277 U.S. 438, 485, 48 S.Ct. 564, 575, 72 L.Ed. 944 (1928) (dissenting opinion).

In MILLIKEN V MEYER, 311 U.S. 457, 61 Sct 339, 85 LEd2d 278(1940), The U.S. Supreme Court clearly established that, "A void judgment which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, ***or an order procured by Fraud, can be attacked at any time, in any court, either directly or collaterally, provided that the party is properly served before the court"***. See DAVIDSON CHEVROLET INC. V CITY AND COUNTY OF DENVER, 330 P.2d 1116(1958); STEINFELD V HODDICK 513 U.S. 809(1994).

The U.S. Supreme Court in Tyler v. Magwire, 84 U.S. 253 (1872), has long clearly established and held, that: "Repeated decisions of this court have established the rule that a final judgment or decree of this court is conclusive upon the parties, and that it cannot be reexamined at a subsequent term, ***except in cases of fraud***, as there is no act of Congress which confers any such authority." Because, No fraud is more odious than an attempt to subvert the administration of justice. The court is unanimous in condemning the transaction disclosed by this record. Our problem is how best the wrong should be righted **and the wrongdoers pursued"**. As Respondent(s) and Attorney Brandon Buck will be-

In Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 U.S. 238 (1944), The U.S. Supreme Court on deciding a case of Fraud upon the Court committed by attorneys held, that: ***"From the beginning, there has existed along side the term rule a rule of equity to the effect that, under certain circumstances, one of which is after-discovered fraud, relief will be granted against judgments regardless of the term of their entry"*** See Marine Insurance Company of Alexandria v. Hodgson, 11 U.S. 332 (1813); Marshall v. Holmes, 141 U.S. 589 (1891).

On **NOVEMBER 20,2017**, These Petitioner(s) have filed Petitioner(s)s' Motion For Objection and To Strike Respondent(s) Answers and Defenses To Complaint, Sworn Affidavits, Exhibits(ECF #17 with the attached medical records with "stickers" described in deposition that Respondent(s) Corporate Attorney falsely misleading to the Federal Judge they were not provided by this Petitioner(s) to warrant sanctioning Respondent(s) Corporate Attorneys); Petitioner(s) Demand For Immediate Hospital Bed Deposition and Physical Examination, per Fed.Civ. Court Rules 27, 28, 29, 30, 31, 32, 33, and 35), including Petitioner(s) Motion For Declaratory Judgment on any case and controversy(ECF #65), and this Petitioner(s) Motion For Objection to Magistrate's Report and Recommendation Ad Hoc Order denying this Petitioner(s)s Motion For Declaratory Judgment on the actual case and controversy to expedite the prosecution of this case for Jury Trial. Whether this Petitioner(s) Civil Action Claims should be scheduled for Jury Trial by her Peers over the Respondent(s) well-known defective polypropylene hernia mesh and suture products for unlawful financial corporate gain, attorneys fees, tax write offs, and not be taken immediately off market like lead/food products. See **ECF #2, #17, and #136**. See Petitioner's Appendixs H through J.

Further, This Petitioner(s) even filed written Objections by Right demanding a Hearing regarding discovery/deposition, FRCiv.P Rule 30(d); and the Petitioner(s) signed TWO medical record

release forms **while Petitioner(s) William Perry Newhouse was still alive** for the Respondent(s) Proxy Corporate Attorneys to get any/all of the Petitioner(s) Medical Records from both the CHARLESTON MEDICAL CENTER and UNIVERSITY OF VIRGINIA HEALTH SYSTEM. That treated Petitioner(s) Willliam P. Newhouse III for the Respondent(s) defective polypropylene products. So the Respondent(s) ETHICON Corporate Attorneys cannot assert they never got this or that medical record, in order, for the Respondent(s) Corporate Attorneys to quit sandbagging and playing games for demanded Jury Trial they know they will loose. Further, The Respondent(s) prior Corporate Attorney GORDON MOWEN even sent emails to this Petitioner(s) that before he exits the law firm that he will get the medical records identifying the Respondent(s) VICRYL product used throughout the medical records, and the ask for a 90-Day extenstion to do depositions. See **ECF #136**. See Petitioner's Appendixs K.

On **JULY 24,2019**, This Honorable Federal Court Judge held a hearing**(ECF #106)**, and ordered the Respondent(s) ETHICON Senior Corporate Attorney to obtain Petitioner(s)s Medical Records, and to provide this Petitioner(s) with a copy of any/all Discovery(eg, Petitioner(s) Medical Records) the Respondent(s) Corporate Attorneys get/obtain. As of to date, The Respondent(s) ETHICON Newly Assigned Attorney NATALIE B. ATKINSON and the rest of Respondent(s) Corporate Attorneys have failed to provide this Petitioner(s) with any Discovery demanded, and even had peon secretaries intentionally and in bad faith answer this Petitioner(s) submitted discovery of Interrogatories(ECF #56). That knows absolutely nothing about the Respondent(s) defective polypropylene products, what evil they work for, or much less no knowledge where they keep the coffee filters at Ethicon Corporate Headquarters.

On **JANUARY 13,2020**, The Respondent(s) Newly Assigned Attorney NATALIE B. ATKINSON intentionally and in bad faith knowingly committed fraud upon the court by filing a panic-striken and

fraudulent "Reply To Petitioner(s) Motion For Objection and Strike Respondent(s) Motion For Summary Judgment and Demand For Sanctions(ECF #133); Respondent(s) Motion To Strike Affidavit of Petitioner(s) Delva Newhouse(ECF #134) Respondent(s) Motion To Renew Motion To Dismiss For Failure To Comply with Discovery Obligations and this Court's Order(ECF #135)" falsely alleging and misleading this Honorable Federal Court that:

> (A) This Petitioner(s) has not answered Interrogatories or Questions at Deposition directed to the Petitioner(s)s that was literally Objected to in writing by Right by this Petitioner(s);
> (B) That the Petitioner(s)s have not provided the Respondent(s) Corporate Attorneys with Discovery, Admissions, ect, and/or seeks discovery that will be used for impeachment purposes at Jury Trial, pursuant to clearly established FRCiv.P Rule 26(a)(1)(I-II), and FRCiv.P Rule 26(a)(3)(A) et seq;
> (C) That the Petitioner(s) Delva Newhouse Sworn Affidavit is a "sham", and thus Petitioner(s) demands to be prosecuted to get a Jury Trial or the Respondent(s) Corporate Attorneys will be prosecuted for knowingly making/filing misleading and false statements in their dispositive pleadings to unlawfully obtain a erroneous judgment);
> (D) Demanding that this Petitioner(s) answer inadmissible heresy Interrogatories and answer subjective questions at contested Depositions about Doctor Experts Opinions, in futile attempt, to unlawfully summarily dismiss this very meritorious Civil Action Complaint by Respondent(s) Newly Assigned Corp Attorney filing a frivolous Motion To Dismiss for allegedly failing to answer Interrogatories, Deposition, and disclose Discovery.
> (E) and intentionally and in bad faith to deceive/mislead this Federal Court by knowingly falsely asserting in their summary judgment that Respondent(s) ETHICON polypropylene(ie, plastic) 3-0 Vicryl Hernia Mesh and 3-0 Vicryl Sutures was not implanted into the deceased Petitioner(s) human body and its not their defective product, and that there exists absolutely no Respondent(s) ETHICON U.S. Patents or EPA 501k Premarket Applications unambiguously lists polypropylene in their hernia mesh or suture products asserting that its completely safe to the EPA. See **ECF #136**

The U.S. Supreme Court Justices clearly established that U.S. District Court Judges must look beyond the pleadings and assess the proof to determine whether there is a genuine need for trial. Matsushita Elec. Indus. Co. v. Zenith Radio Corp., 475 U.S. 574, 587 (1986). If Respondent(s) carries its burden of showing there is an absence of evidence to support a claim, ***The Plaintiff must***

demonstrate by affidavit, depositions, answers to interrogatories, and admissions of file, that there is a genuine issue of material fact for trial. Celotex Corp. v. Catrett, 477 U.S. 317, 324-25 (1986).

It should also be noted, That all of the Respondent(s) Corporate Attorneys have also failed to depose any doctors, experts, or any Petitioner(s) defense witnesses listed for scheduled Jury Trial to seek further unnecessary delays to do this/that. After this Petitioner(s) stated a claim upon which relief must be granted that any reasonable juror would rule in Petitioner(s) favor that there is genuine issue/claim for Jury Trial, based upon the overwhelming evidence in Petitioner(s) medical records, surgery transcripts, and the Respondent(s) Ethicon very own Hernia Mesh U.S. Patent(and 501k FDA Premarket Products) filed with the Federal Government identifying the Respondent(s) Ethicon's defective and dangerous polypropylene hernia mesh and non-dissolving suture products. See **ECF #136**. See Petitioner's Appendixs L

So this Petitioner(s) demanded that the Final Order be corrected for Federal Appellate Court Review under the Abuse of Discretion Standard for failure to correct earlier mistakes. Since "a district court by definition abuses its discretion when it makes an error of law." Cooter & Gell v. Hartmarx Corp., 496 U.S. 384, 405 (1990); Koon v. United States, 518 U.S. 81, 100 (1996); Yeschick v. Mineta, 675 F.3d 622, 628 (6th Cir. 2012) (citing Jones v. Ill. Cent. R.R. Co., 617 F.3d 9843, 850 (6th Cir. 2010)). "A motion made under Rule 60(b)(6) is addressed to the Trial Court's discretion which is 'especially broad' given the underlying equitable principles involved." Hopper v. Euclid Manor Nursing Home, Inc., 867 F.2d 291, 294 (6th Cir. 1989).

DID THE U.S. DISTRICT COURT AND U.S. FOURTH CIRCUIT COURT OF APPEALS JUSTICES ABUSE THEIR DISCRETION, CREATE MANIFEST INJUSTICE, SUBSTANTIALLY ERR, PREJUDICE, AND HAVE A LEGAL DUTY OR OBLIGATION, AND SWORN JUDICIAL OATH TO PROTECT THE GENERAL PUBLIC BY ISSUING A ORDER TO RESPONDENT(S) ETHICON TO CEASE AND DESIST FROM CONTINUING TO UNLAWFULLY MANUFACTURING/SELLING NON-DISSOLVING DANGEROUS AND DEEECTIVE POLYPROPYLENE (COMMON PLASTIC) MESH AND SUTURE PRODUCTS TO GENERAL PUBLIC THAT WAS NEVER INTENDED TO BE IMPLANTED IN THE HUMAN BODY IN VIOLATION OF FEDERAL LAW?

Further, This Petitioner claims that the Respondent(s) ETHICON has never been ordered by any Federal Court or advised by the Respondent(s) ETHICON Corporate Attorneys to cease, desist, or be criminally prosecuted for knowingly manufacturing POLYPROPYLENE(ie, Common Plastic) hernia and vaginal mesh, and suture products that DOES NOT dissolve, and was never intend to be implanted in the human body for financial gain pursuant to pursuant to 21 U.S.C. 351(f)(1)(B), in violation of the Federal Food, Drug, and Commerce Act(FDCA), 21 U.S.C. 331(a) and 333(a)(2) for their criminal wrongdoing for continuing to knowingly make, sell, and peddle the defective and unreasonably dangerous non-dissolving POLYPROPYLENE(ie, Common Plastic) mesh and suture products as other Corporations/CEOS have been criminally charged as Corporations/CEOS for their wrongdoing and/or manufacturing defective products in the clearly established cases entitled United States v. Curtiss-Wright Export Corp., 299 US 304(1936); United States v. Dotterweich, 320 US 277(1943); Pennekamp v. Florida, 328 US 331(1946); Dennis v. United States, 341 US 494(1951); United States v. A & P Trucking Co., 358 US 121(1958); United States v. National Dairy Products Corp., 372 US 29 (1963); United States v. General Motors Corp.,384 U.S. 127 (1966); United States v. International Minerals & Chemical Corp., 402 US 558(1971); United States v. Park, 421 US 658(1975); Upjohn Co. v. United States, 449 US 383(1981); United States v. Halper,

490 US 435(1989). Also see US v. Nippon Paper Industries Co., Ltd., 109 F. 3d 1(1st Circuit 1997); United States v. FMC Corp., 572 F. 2d 902(2nd Circuit,1978); United States v. Koppers Co., Inc., 652 F. 2d 290(2nd Circuit 1981); US v. Twentieth Century Fox Film Corp., 882 F. 2d 656(2nd Circuit 1989); United States v. Johnson & Towers, Inc., 741 F. 2d 662(3rd Circuit 1984); United States v. Basic Const. Co., 711 F. 2d 570(4th Circuit,1983); US v. Automated Medical Laboratories, Inc., 770 F. 2d 399(4th Circuit 1985); United States v. General Motors Corp., Case 1:15-cv-073429(S.D. N.Y.); U.S. v. Tanaka et al., Court Docket No.: 16-cr-20810-GCS-EAS (E.D. Michigan).

This Petitioner(s) claims that it is a literal fact that **ALL** Non-Class Action Lawsuits that were filed by Individual Plaintiff Complainants against the Corporate Respondent ETHICON for knowingly continuing to manufacture Polypropylene(ie, COMMON PLASTIC) Hernia Mesh, Vaginal Mesh, and Suture Products were ALL systematically assigned to U.S. District Court Judge JOSEPH R. GOODWIN For The Southern District of West Virginia to be dismissed after years of litigation that refused to join Class Action Lawsuits as this Petitioner. That were filed by Corporate Law Firms Nationwide literally arguing the same/identical claims, including any/all cases wrongfully transferred from U.S. Multi-Court Jurisdiction to the U.S. District Court For The Southern District of West Virginia for Judge JOSEPH R. GOODWIN to systematically dismiss, in order, to product Corporate Interests and Fellow Members of the WV Bar Assocation(ie, ETHICON Corporate Attorneys). See Huskey v. Ethicon, Inc., 29 F. Supp. 3d 691(SD West Virginia 2014)(Judge Joseph R. Goodwin): Huskey v. Ethicon, Inc., 29 F. Supp. 3d 736(SD West Virginia 2014)(Judge Joseph R. Goodwin); Huskey v. Ethicon, Inc., 848 F. 3d 151(4th Cir. 2017)(Judge Joseph R. Goodwin); Mullins v. Ethicon, Inc., 147 F.

Supp. 3d 478(SD West Virginia 2015(Judge Joseph R. Goodwin); Mullins v. Ethicon, Inc., 117 F. Supp. 3d 810(SD West Virginia 2015)(Judge Joseph R. Goodwin); Edwards v. Ethicon, Inc., 30 F. Supp. 3d 554(SD West Virginia 2014)(Judge Joseph R. Goodwin); Lewis v. Johnson & Johnson, 991 F. Supp. 2d 748(SD West Virginia 2014)(Judge Joseph R. Goodwin); GALLEHUGH v. ETHICON, INC., No: 12-CV-001838(SD West Virginia 2017)(Judge Joseph R. Goodwin); Holmes v. ETHICON, INC., No 12-CV-1206(Dist. Court, SD West Virginia 2017)(Judge Joseph R. Goodwin); Aldrich v. ETHICON, INC., No: 12-CV-001364(Dist. Court, SD West Virginia(2017)(Judge Joseph R. Goodwin); SYMANK v. ETHICON, INC., 12-CV-001836(SD West Virginia 2017)(Judge Joseph R. Goodwin); Haddon v. ETHICON, INC., No: 12-CV-02200(SD West Virginia 2017)(Judge Joseph R. Goodwin); SOLTANSHAHI v. ETHICON, INC., 12-CV-02688(SD West Virginia 2017)(Judge Joseph R. Goodwin); POCZTOWSKI v. ETHICON, INC., No: 12-CV-01470(SD West Virginia 2017)(Judge Joseph R. Goodwin); Kowalski v. ETHICON, INC., No: 12-CV-01323(SD West Virginia 2017)(Judge Joseph R. Goodwin); Smallwood v. ETHICON, INC., No: 12-CV-01662(SD West Virginia 2017)(Judge Joseph R. Goodwin); Higgins v. ETHICON, INC., No: 12-CV-01365(SD West Virginia 2017)(Judge Joseph R. Goodwin); Toennies v. ETHICON, INC., No: 12-CV-02687(SD West Virginia 2017)(Judge Joseph R. Goodwin); Ferguson v. ETHICON, INC., No: 12-CV-01544(SD West Virginia 2017)(Judge Joseph R. Goodwin); Lewis v. ETHICON, INC., No: 12-CV-04301(SD West Virginia 2013)(Judge Joseph R. Goodwin)(Judge Joseph R. Goodwin); Wilson v. ETHICON, INC., No: 12-CV-02099(SD West Virginia 2017)(Judge Joseph R. Goodwin); Clayton v. ETHICON, INC., No: 12-CV-00489(SD West Virginia 2017)(Judge Joseph R. Goodwin); Martin v. ETHICON, INC., No: 12-CV-01495(SD West Virginia 2017)(Judge

Joseph R. Goodwin); Bates v. ETHICON, INC., No: 12-CV-2020(SD West Virginia 2017) (Judge Joseph R. Goodwin); RASOS v. ETHICON, INC., No: 12-CV-01599(SD West Virginia 2017)(Judge Joseph R. Goodwin); Bennett v. ETHICON, INC., No: 12-CV-00497(SD West Virginia 2017)(Judge Joseph R. Goodwin); Garrett v. ETHICON, INC., No: 12-CV-09075(SD West Virginia 2019)(Judge Joseph R. Goodwin); Waynick v. ETHICON, INC., No: 12-CV-01151(SD West Virginia 2017)(Judge Joseph R. Goodwin); Taylor v. ETHICON, INC., No: No: 12-CV-00376(SD West Virginia 2017(Judge Joseph R. Goodwin) etc. See Petoitioner's Appendixs L and M.

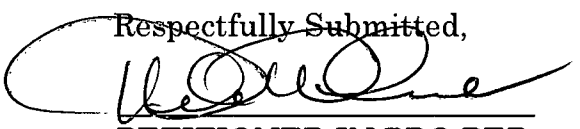
On **APRIL 11,2018**, U.S. District Court For The Southern District of West Virginia Judge JOSEPH R. GOODWIN also issued a ad hoc non-medical expert order to all Class and Non-Class Members on pending related Federal Litigation regarding the Respondent(s) ETHICON Polypropylene(ie, COMMON PLASTIC) non-dissolving Vaginal Mesh Products. That unless the Female Plaintiffs surgically remove the Respondent(s) ETHICON well-known defective, toxic, and dangerous Polypropylene Vaginal Mesh Products in the Plaintiffs Vaginas that has grown and adherred to their vagina walls and other internal organs. That U.S. District Court Judge JOSEPH R. GOODWIN was going to dismiss all their Federal Lawsuits against Respondent(s) ETHICON contrary to the overwhelming evidence from actual licensed Medical Experts that is was not possible to safely remove the Respondent(s) ETHICON Polypropylene Vaginal Mesh Products just like this Petitioner(s)s Medical Experts advised this Petitioner(s) that they could not remove it from inside his body because it has adherred to the Petitioner(s)s organs inside his body and/or that he would never survive the removal surgery. See Appendix L and M.

CONCLUSION

WHEREFORE, This Petitioner's Pro Se Petition For a Writ of Certiorari should be granted. By issuing an Order GRANTING this Petition For a Writ of Certiorari. Because this Petitioner has proven the proceedings involves a serious Federal Questions of Law and; (1) Issue an opinion/ruling of Great Public Importance as to whether both the U.S. District Court Judge and U.S. Fourth Circuit Court of Appeals Justices should have issued a opinion/order on whether the Respondent Ethicon Corporate Attorneys knowingly, intentionally and in bad faith committed Fraud Upon the Court to wrongfully obtain a summary judgment based upon the overwhelming evidence against said Corporate Attorneys over Petitioner(s) written objections/pleadings by Right; (2) Issue an opinion/ruling of Great Public Importance as to whether both U.S. District Court Judge and U.S. Fourth Circuit Court of Appeals Justices opinion was contrary to, conflicts with, or unreasonably applied Federal Law and Fraud Upon the Court as determined by the U.S. Supreme Court, as all circumstances should dictate and Justice would so demand.

Date: 4/20/16, 2020

Respectfully Submitted,



PETITIONER IN PRO PER
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CC: Respondent
File