No. 21-1151

IN THE

SUPREME COURT OF THEUNITED STATES

PETITION FOR REHEARING FOR WRIT OF CERTIORARI

ARTHUR O. ARMSTRONG,

_____PETITIONER,

Vs.

STATE OF PENNSYLVANIA,
CITY OF PHILADELPHIA SCHOOL DISTRICT,

_____RESPONDENTS.

PETITION FOR REHEARING FOR WRIT OF CERTIORARI

ON PETITION FOR REHEARING TO THE UNITED STATES COURT OF APPEALS
FOR THE TJIRD CIRCUIT

Arthur O. Armstrong, Pro se
8113 Pleasant Hill Road
Elm City, NC 27822
252-236-7912

QUESTIONS PRESENTED

1. Whether Respondent School District of Philadelphia, on August 25, 1992, discharged appellant Arthur O. Armstrong, without just cause, without a hearing, without due process of law in violation of Article B-VIII -grievance Procedure of the Collective Bargaining Agreement without due process of law in violation of the Fourteenth Amendment to the Constitution of the United States.

2. Whether Respondent School District of Philadelphia, on November 18, 1994, transgressed the Fourteenth Amendment to the Constitution of the United States, when respondent deprived appellant of property , when appellee deprived appellant of reinstatement of his teaching position without due process of law in violation of the collective bargaining agreement and the Constitution of the United States

Proceedings and Related Cases

All parties appear in the caption of the case are on the cover page

RELATED CASES

Armstrong v. State of Pennsylvania, et al, No. 2-99-cv-00825-PSD. United States District Court For The Eastern District of Pennsylvania, On November 19, 2021, appellant seeks leave to appeal a district court order entered on September 28, 1999.

Armstrong v. State of Pennsylvania, et al, No. 21-8050. United States Court of Appeals For the Third Circuit. Judgment entered on December 1, 2021.

There is no .parent or publicly held company owning 10% or more of corporate stock.__

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Index to Appendix

For the case from federal court, the opinion from the United States Court of Appeals for the Third Circuit appear at Appendix A to the petition and is unpublished.

For the Opinion of the United States District Court for the Eastern District of Pennsylvania and is unpublished.

JURISDICTION

From the federal court, the date on which the United States Court of Appeals for the Third Circuit decided my case was December 1, 2021.

Constitutional and Statutory Involved

Constitutional Provision
Fourteenth Amendment

Statutory Provision
28 U.S.C.S.1254(1)
28-U.S.C.S.1291
28-U.S.C.S,1746
42 U.S.C.S. 1983

Article B-VIII – GRIEVANCE PROCEDURE

Set out verbatim the constitutional and statutory involved in this case at **Appendix C.**

STATEMENT OF THE CASE

On August 25, 1992, in Philadelphia, County, PA, appellee School District of Philadelphia failed to conform to the requirements f the federal constitution and laws of the United States when appellee acted with reckless indifference and wanton disregard for the truth or falsity and the rights of appellant and others when appellee, without probable cause, acted with including but not limited to: arbitrariness, capriciousness, malice, fraud, falsity, harassment, racial discrimination, racial conspiracy, trickery, pattern of racketeering activities, gross negligence, defamation, equal protection clause violation, distortion, deceit, racketeering, Extortion, misrepresentation and conspiracy when respondent discharged the appellant from his teaching position without due process of law in violation of Article B-VIII – Grievance Procedure of the collective bargaining agreement between the Board of Education and the Philadelphia Federation of Teachers without a hearing, without due process of law in violation of the Fourteenth Amendment of the Constitution of the United States.

And then, on November 18, 1994, respondent did it again – When respondent breached the September 12, 1994 written contractual agreement, acted with false reports, when appellee acted with active connivance

in the making of the was afforded Article B-V.III – Grievance Procedure **False reports** and other conduct amounting to official discrimination clearly sufficient to constitute denial of rights protected by the Equal Protection Clause to deprive appellant o9f property when respondent deprive appellant of reinstatement to his teaching position without due process of law, when respondent breached Article B-VIII – Grievance Procedure, in violation of the collective bargaining Agreement and the Fourteenth Amendment to the Constitution of the United States.

That the conduct complained of was engaged in under color of state law and that such conduct subject Appellant of the deprivation of rights, privileges and amenities secured by the federal constitution and laws of the United States while engaged in the conduct complained of.

As a direct and proximate result of the respondent, petitioner suffered continuing injuries including but not limited to: humiliation, mental distress, psychic injury, injury to his reputation and mental anguish. I pray for judgment in the sum of $125,000,000.00.

. **THEREFORE**, Petitioner prays for judgment in the sum of $125,000,000.00 under 42 U.S.C.S. .1983 Civil rights Act as follows:

Compensatory and punitive damages under 42 U.S.C.S. 1983 – Civil Rights Act.

Intangible harm

Attorney's fees under 42 U.S.C.S. 1988 Attorney's Awards Act or a component of punitive damages

Costs and Expenses of this action and such other and further relief asd the Court deems just and proper.

Respectfully submitted this the 15th day of April, 2021.

Respectfully submitted,

Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, North Carolina 27822
252-236=-7912

Appellant demands a jury trial on all issues raised by the pleadings in this action.

DEMAND JURY TRIAL

April 15, 2021

Arthur O. Armstrong, Appellant

VERIFICATION

I, Arthur O. Armstrong, being first duly sworn, deposes and says that he is the Petitioner in the foregoing matter and that the allegations set forth in the Petition are true and correct to the best of his knowledge and belief except for those allegations set forth on information and belief and as to those allegations he believes them to be true.

April 15, 2021

Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

AFFIDAVIT OF ARTHUR O. ARMSTRONG

I swear under penalty of perjury under United States law that the within and foregoing statements set forth in the verification are true and correct (28 U.S.C.S. 1746.)

April 15, 2021

Arthur O. Armstrong, Petitioner

REASONS FOR GRATING THE CERTIORARI

The Petition should be granted on a federal question to advance the case that the United States Court of Appeals for the Third Circuit has decided an important question of federal law, that has not been, but should be settled by this Court, or has decided an important question in a way that conflicts with relevant decision of this Court.

CONCLUSION

Because of the conduct of the appellee the petition should be granted.

April 15, 2021

Arthur O. Armstrong, Appellant

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 21-8050

Armstrong v. Philadelphia School District

(E. D. Pa. 2-99-cv-00825)

ORDER

By order entered October 14, 2005, Mr. Armstrong was enjoined from filing, without prior authorization of this Court, any appeal, petition for writ of mandamus, petition for rehearing, or motion to reopen related to his discharge as a teacher in the Philadelphia public school system, the property located at 1731 East Wynsam Street, Philadelphia, PA, and his asbestos litigation with the Budd Company. This Court further ordered on February 24, 2016, that Mr. Armstrong may file only one motion for authorization to file a new action, petition, or motion in any twelve-month period.

On November 22, 2021,Mr. Armstrong filed an appeal from an order entered in the above-captioned District Court action, which relates to his discharge as a teacher in the Philadelphia public school system. Mr. Armstrong did not seek prior authorization from this Court to file an appeal as required by by this Court's October 14, 2005 injunction order. Additionally, the Court denied Mr. Armstrong's most recent motion for authorization on December 9, 2020, in 20-8043. Mr. Armstrong is therefore not permitted to file a

APPENDIX A

new motion for authorization until December 8, 2021. Accordingly, the foregoing unauthorized appeal is dismissed.

For the Court

s/Patricia S. Dodszuweit
Clerk

Dated: December 1, 2021
LML/cc Mr. Arthur O Armstrong
Kate Barkman, Clerk.

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

No. 21-8022
Armstrong v. Philadelphia School District
(E. D. Pa. 2-99-cv-00825)

ORDER

By order entered October 14, 2005, Mr. Armstrong was enjoined from filing, without prior authorization of this Court, any appeal, petition for writ of mandamus, petition for rehearing, or motion to reopen related to his discharge as a teacher in the Philadelphia public school system, the property located at 1731 East Wynsam Street, Philadelphia, PA, and his asbestos litigation with the Budd Company. This Court further ordered on February 24, 2016, that Mr. Armstrong may file only one motion for authorization to file a new action, petition, or motion in any twelve-month period.

Mr. Armstrong filed an appeal in the above-captioned District Court action, which relates to his discharge as a teacher in the Philadelphia public school system. Mr. Armstrong did not seek authorization from this Court to file an appeal as required by the Court's 14, 2005 injunction order. Additionally, the Court denied Mr. Armstrong's most recent motion for authorization on December 9, 2020, in No. 20-8043. Mr. Armstrong is therefore not permitted to file a new motion for authorization until December 8, 2021. Accordingly, the foregoing unauthorized appeal is dismissed.

For the Court,

s/Patricia S. Dodszuweit
Clerk

Dated: May 5, 2021
LML/cc Mr. Arthur O. Armstrong
Kate Barkman, Clerk

UNITED STATES COURT APPEALS FOR THE THIRD CIRCUIT

C.A. No. 05-8029 Filed Oct., 14, 2005

Armstrong v. School District of Philadelphia, et al

ORDER

Present: SLOVITER, FUENTES, and NYGAARD, Circuit Judges

In appearing that Arthur O. Armstrong, a frequent litigant in this Court, has filed numerous duplicative actions in this Court derived from cases originally heard and finally determined in the federal court of the Third Circuit from action related to this discharge from the Philadelphia public school system, the foreclosure of his Wynsam Street property and his asbestos litigation with the Budd Company

and It further appearing that Arthur O. Armstrong's filings in the various appeals and other actions contain frivolous legal arguments and that the filings are vexatious and abusive of the judicial process.

It is hereby ORDERED that Arthur O. Armstrong be enjoined from filing, without prior authorization of this Court, any appeals, petition for writ of mandamus, petition for rehearing, motion to reopen matter in this Court, or any other filing related to any of the following:

(1) His discharge as a teacher in the Philadelphia School District and any of its employees, the Philadelphia Board of Education and its members and the Philadelphia Federation of Teachers and its members.

(2) The property located at 1731 East Wynsam Street, Philadelphia Pennsylvania, including but not limited to

action regarding the mortgage foreclosure on said property; the Appellant's tax liability with respect to said property; the Internal Revenue Service's action with regard to said property; the Internal Revenue Service or .its employees; any actions against mortgage companies, banks or employees thereof involved in any aspect of the sale, transfer or foreclosure of said property; and any actions against legal counsel for the Internal Revenue Service, mortgage companies or banks involved in any aspect of the sale, transfer or foreclosure of said property.

(3) His asbestos litigation with the Budd Company, including but not limited to action against the Budd Company, its employees or legal counsel.

It is further ORDERED that Arthur O. Armstrong be Required, as part of seeking this Court's authorization for future filing, to certify that "(1) the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court; (2) he believes the facts alleged in his action to be true; and (3) he knows of no reason to believe his claims are foreclosed by controlling law." See Abdul-Akbar v Watson, 901 F.2d 329, 333 (Cir. 1990) Arthur O. Armstrong is furthered advised that, upon failure to certify or upon false certification, he may be found in contempt The injunction warned that, "upon failure to certify or upon false certification, he may be found in contempt of court and punished accordingly

IT IS SO ORDERED,

By the Court

s/Richard L. Nygaard

Circuit Judge

Case 15-8117 Document 003112215662 Date filed 02/24/2016

IN THE UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

C. A. No. **15-8117**

Armstrong v. School District of Philadelphia, et al

Present: AMBRO, SHWARTZ, and GREENBERG, Circuit Judges

ORDER

By order entered October 14, 2005, Mr. Armstrong was enjoined from filing, without prior authorization of this Court, any appeal, petition for writ of mandamus, petition for rehearing, or motion to reopen related to his discharge as a teacher in the Philadelphia public school system, the property located at 1731 East Wynsam Street, Philadelphia, PA, and his asbestos litigation with the Budd Company. The Injunction required that, in seeking permission for future filings, Mr. Armstrong certify "(1) the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court; (2) he believes the facts alleged in his action to be true; and (3) he knows of no reason to believe his claims are foreclosed by controlling law." The injunction warned that, "upon failure to certify or upon false certification, he may be found in contempt of court and punished accordingly.

Since 2005, Mr. Armstrong has sought permission to file at least 69 times, each application was denied because it did not meet the terms of the injunction. By order dated January 4, 2016, Mr. Armstrong was ordered to show cause within 14 days why he should not .be further sanction which sanction could include, a fine and further restriction on filing. Mr. Armstrong submitted additional motions for authorization date January 4, 2016, but no response to the show cause order By order dated January 22, 2016, the Court imposed sanctions. Mr. Armstrong filed a motion for reconsideration alleging that he never received the show cause order. By order dated February 10, 2016, the Court granted the motion to reconsider and granted Mr. Armstrong 14 days to file a response. Mr. Armstrong has now filed a response. Having considered the response, the Court now enters the following order

The Court has determined that Mr. Armstrong's filing of frivolous actions and motions warrants sanctions. Fed R. App. Proc. 60(b), permits a litigant to seek relief from a final order. The rule does not permit litigants to file repetitive, frivolous motions seeking relief from final orders. Accordingly, it is hereby ordered.

No actions will be taking on the submissions dated January 4, 2016, January 29, 2016 and February 4, 2016. Mr. Armstrong is fined $100.00. Mr. Armstrong must send a

check to the Clerk's Office for $100.00 payable to the Clerk, United States Court of Appeals.

It is further ordered that Mr. Armstrong may not filed motion seeking authorization of this Court to file any appeal, petition for a writ of mandamus, petition for rehearing, motion to reopen matter in this Court or in any District Court related to his discharge as a teacher in the Philadelphia, PA, and his asbestos litigation with the Budd Company before February 1, 2018. No motions for authorization will be accepted if the $100.00 fine has not been paid. Any motion for authorization may not exceed 5 pages. Any motion for authorization must cover any and all cases in which Mr. Armstrong seeks authorization to file a new action, petition or motion. Mr. Armstrong must certify (1) the claims he wishes to present are new claims never before raised and disposed of on the merits by any federal court, (2) he believes the facts alleged in his action to be true, and (3) he knows of no reason to believe his claims are foreclosed by controlling law..Mr. Armstrong may file only one motion for authorization to file a new action, petition, or motion in any twelve-month period. The Clerk will not docket more than one motion in any twelve-month period

By the Court,
s/ Thomas L. Ambro, Circuit Judge

Dated: February 24, 2016
Arthur O. Armstrong
Jason R. Wiley, Esq.
Robert M. Wynne, Esq.
Annette Givhan, Esq.
Barbara A. Fein, Esq.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR O. ARMSTRONG : CIVIL ACTION

vs. Entered February 16, 1999:

SCHOOL DISTRICT OF PHILADELPHIA, et al :NO.99-cv-0825

MEMORANDUM OPINION AND ORDER

HUTTON, J. September 28, 1999

Pro se Plaintiff. Arthur O. Armstrong ("Plaintiff" or "Armstrong") filed this instant action on or about February 16,1999, alleging a claim of conspiracy under federal statutory law.

Armstrong is a frequent litigant in this Court, .Indeed, at least five civil actions filed by Armstrong are currently pending on the docket. It appears that every current and previous lawsuit filed by Armstrong in the Eastern District of Pennsylvania concerns the same transaction—Armstrong's August 25, 1992, dismissal from his job as a science teacher in the School District of Philadelphia on the grounds of his incompetence and violations of school regulations. As recognized by my colleague, senior Judge John P. Fullam, Armstrong "has been devoting a great deal of time and effort to the apparent goal of making the school authorities rue the day they fired him." Armstrong v. School Dist. Of Philadelphia, Nos. CIV. A.96-4277. CIV..A. 68-5480, 1996 WL 537844, at*1 (E. D. Pa. Sept, 17, 1996).

Judge Fullam's prescient remarks of three years ago

APPENDIX B

impress this Court as a conspicuous understatement. Not only has Armstrong continued his campaign of harassment against any and all parties even remotely related to his 1992 dismissal, said campaign has continued in the face of repeated defeats on adjudicated claims. Armstrong puts forth frivolous legal arguments in equally frivolous lawsuits that are vexations and abusive of the judicial process. Therefore, consistent with the recent actions of the Third Circuit Court of Appeals and the United States District Court for the Middle District of North Carolina, this Court enjoins Armstrong from filing any actions in the Eastern District Pennsylvania without receiving the prior authorization of this Court. Accordingly, Plaintiff is enjoined from filing complaints relating in an way to his discharged from his job with the School District of Philadelphia

BACKGROUNDS.

The School District of Philadelphia terminated Armstrong's employment on or about August 25, 1992. Since that date, Armstrong has filed lawsuits, including the suit currently under consideration, in various jurisdictions seeking various remedies against numerous defendants. While this in itself is not necessarily vexatious, each suit focuses upon the same basic set of facts concerning Armstrong's dismissal from the School District of Philadelphia. Indeed, Armstrong filed at least twenty-four suits in the Eastern District of Pennsylvania alone since the date of his dismissal. He also appealed a sufficient number of adverse district court decisions to prompt the Third Circuit Court of Appeals to enjoin Armstrong "from filing, without prior authorization of [Third Circuit], any appeal or petition for writ of mandamus/prohibition related to any

appeal or petition for a writ of mandamus/prohibition related to his discharge as a teacher in the Philadelphia School District, the Philadelphia Board of Education and its individual members, and the Philadelphia Federation of teachers." (See Third Circuit Court of Appeals Order No. 97-1094, Aug., 14, 1997). Moreover, Armstrong is enjoined from filing any pleadings or submissions in the United States District Court for the Middle District of North Carolina. (See Middle District of North Carolina Order No. 97-01028, June 12, 1998)..

In the instant action, Armstrong names as Defendants the School District of Philadelphia, Willig, Williams & Davidson, the Philadelphia Federation of Teachers, Harold Diamond, Catherine Reisman, and the Harold Diamond Law Office, Armstrong alleges that the above named Defendants "were active and willful conspirators acting in a conspiratorial demeaner against the Plaintiff to deny him his constitutional right in order to defraud him out of his teaching position." (Fl. 's Compl. Para. 6). He seeks Inter alia CONPENSATORY damages under 42 U.S.C.S. 1985(3) and 1986 (Fl. 's Compl para 6). Defendants in the instant action filed various motion for dismissal and summary judgment.

DISCUSSIOM

Federal courts are invested with the equitable power to issue injunctions when such issuance is necessary to effectuate orders of the court and to avoid relitigation of identical or similar issues. In re Packer Ave. Assoc., 884 F. 2d 745, 747 (3d Cir. 1989. The all Writs Act, which codifies this equitable power, provides in pertinent part that "all courts established by Act of Congress may issue all writs necessary

or appropriate in aid of their respective jurisdiction and agreeable to the usages and principles of the law." 28 U.S.C.S. 1651 (a) (1999). Section 1651 (a) therefore authorities district courts to issue an injunction, thereby restricting the excess to federal courts of parties who repeatedly file frivolous litigation. Abdul-Akbar v. Watson, 901 F.2d 329 332 (3d Cir, 1990); Wexler v. Citibank, No. CIV.A. 94-4172, 1994 WL 580191, at *7 (E. D. Pa .Oct 21, 1994). Moreover, "[F]ederal court have both the inherent power and the constitutional obligation to protect their jurisdiction from conduct which impairs their ability to carry out Article III functions.' In re Martin-Trigona, 737 F. 2d 1254, 1261 (2d Cir. 1984). Pro se litigants are not entitled to any special handling or exceptions and therefore do not have license to abuse the judicial process with impunity. Waxler, 1994 WL 580191, at *61. Mallon v. Padova, 806 F. Supp. 1189 (E. D. Pa. 1992.

The Court therefore has broad discretion to protect its jurisdiction. Lvsiak v. Commissioner of Internal Revenue, 816 F. 2d 311, 313 (7th Cir. 1987). Enjoining a plaintiff from filing additional action is an appropriate sanction to curb frivolous litigation. Id..

In the instant action, Armstrong has filed at least twenty-five lawsuits alleging groundless claims relating to his dismissal by the School District of Philadelphia. This Court recognizes that Armstrong litigious conduct in the Eastern District of Pennsylvania rises to the level whereby the All Writs Act by be invoked. Although this remedy is extreme, the court is of the view that such action is warranted in this circumstance. It is imperative that this Court ensure that it limited resources are allocated in such a

way as to promote and protect the interests of justice. Cognizant that this Court should be flexible when dealing with a pro se litigant, see In McDonald, 489 U. S. 180, 184, 109 S. Ct. 519, 520, (1972), The time has come where this Court can no longer tolerate Armstrong's abuse of the judicial system.

Accordingly, this Court enjoins Arms3trong from access to the federal court system without prior leave of this Court. Leave of Court will be granted upon Armstrong's showing through a properly filed petition that the proposed filing: (1) can survive a challenge under Federal Rules of Civil Procedure 12; (2) is not barred by principles of claim or issue preclusion: (3)is not repetitive or violative of a court order; and (4) is in compliance with Federal Rules of Civil Procedure 11. The Order and Injunction will not apply to the filing of timely notices of appeal from this Court to the Third Circuit Court of Appeals and papers solely in furtherance of such appeals. Finally, the Court grants all of Defendants' pending motions, denies all of plaintiff's pending motions, and orders the clerk of Court to mark as closed this case (99-cv-825) and all other pending civil actions including, but not limited to, 99-3424, 99-4587, 99-4586,, and 99-4699) in the Eastern District of Pennsylvania in which Armstrong is a plaintiff.

An appropriate Order follows.

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

Arthur O. Armstrong	)	Civil Action
	)	
vs.	)	
	)	No. 99-0825
School District of Philadelphia, et a.	)	

ORDER

AND NOW, On the 28th day of September, this Court enters rthe following Orders and Injunctions:

(1) The Court GRANTS Defendant School District of Philadelphia's Motion for Summary Judgment (Docket, No. 5)

(2) T he Court GRANTS Harold Diamond, et al' Motion to Dismiss (Docket No 8) and

(3) T he Court GRANS Defendants Philadelphia Federation of Teachers, Willig Williams, and Davidson and Catherine Reisman's Motion for Summary Judgment (Docket No. 10)

To protect the integrity of the courts all Defendants and any potential Defendants from the harassment of further frivolous litigation initiated by Armstrong, issues the following Injunctions:

(1) T he Court enjoins Armstrong, or any entity acting on his behalf. From filing and action in any court, state or federal, against the Defendants named in

(2) T he instant action, without first obtaining leave of the Court

(3) T The Court enjoins Armstrong or any entity acting on his behalf from filing anynew action

or proceeding in any federal court, without first obtaining leave of this Court.

This Court enjoins Armstrong from filing any further paprs in any Court, pending or

(4) T

terminated in the Eastern District of Pennsylvania, without first obtaining leave of this Court.

Because Mr. Armstrong has ignored previous injunctions issued against him, , the Court finds it is likely that Armstrong will attempt to ignore this Court's action, therefore,

The Court ORDERS the Clerk of court to refuse to accept any submission for filing except petitions or leave of Court , unless such submission for fiking ar accompanied by an Order of thus Court granting leave. In the event , Armstrong succeeds in filing paper in violation of this Court , upon such notice, the clerk of court , shall under authority of this Court's order immediately , strike such pleading or filings.

Leave of court shall be forthcoming upon Armstrong's demonstrating through a properly filed petition, that the proposed filing (1) can

Survive a challenge under Federal Rules of Civil Procedure 12; (2) is not barred by principles of claim or issues- preclusion;)3) is not repetitive or violative of a court order; and (4) is in compliance with Federal Rule of Civil Procedure 11.

The Court orders Armstrong to attach a copy of this order and injunction to any petition for leave of court.

The court orders the clerk of court to file and enter into the docket this memorandum Opinion, order and injunction and provide a copy of same to all parties in each case against which Armstrong has actions pending in the Eastern District of Pennsylvania.

The Court orders the clerk of court for the Eastern District of Pennsylvania to provide a copy

of the accompanying Memorandum, Opinion and injunction to the clerk of court for the Middle District of North Carolina.

The court denies Armstrong's Motion to amend Caption (Docket No. 15).

The Court denies Armstrong's motion to litigate School Officials (Docket No. 14).

The Court denies any remaining motions not specifically enumerated herein.

The Court orders the clerk of court to mark this case and all other cases pending in the Eastern District of Pennsylvania **CLOSED**.

By the Court

s/Herbert J. Hutton

+. IN TH UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

ARTHUR O. ARMSTRONG : MISCELLANEOUS

: :

. : NO.

MEMORANDUM

NEWCOMER. S. J. July, 2001

Currently before the Court is pro se Plaintiff, Arthur O. 3Armstrong, whose numerous recent filings fail to comply with prior court orders.

I. BACKGROUND

Pro se Plaintiff Arthur O. Armstrong (Armstrong") is a well known litigant in the Eastern District of Pennsylvania. Since 1994, he has commenced at least 27 lawsuits in this district alone. Not only has Armstrong failed in each cause of action, but he has also been subject to numerous sanctions and injunctions' Armstrong's persistence in .presenting this Court with meritless actions and motions has become a vexatious abuse of the judicial process and has impeded the courts' ability to fulfill its Article III FUNCTIONS. Armstrong has repeatedly failed to comply with court orders and injunctions set forth by Judge Herbert J. Hutton of the Eastern District of Pennsylvania and William L Osteen of the Middle District of North Carolina. Recently, Armstrong has inundated this court with numerous motion and pleadings that do not comply with Judge Osteen or Judge Hutton's orders. This court has had enough of Plaintiff's behavior.

II STATEMENT OF FACTS

Because Armstrong has filed so many lawsuits, the court will group his cases according to subject matter. The first set of lawsuit filed by Armstrong in the eastern District of Pennsylvania involved asbestos related damages. (hereinafter the "asbestos Cases"). The first was Armstrong vs the Budd Company where Judge Charles R. Weiner dismissed Armstrong's complaint with prejudice for failure to state a claim. And ordered him to pay the defendant's costs and attorney's fees. Additionally, Judge Weiner prohibited Armstrong from filing further civil actions or motions relating to asbestos exposure against the Budd Company or its counsel, unless, the action or motion is accompanied by a doctor's report. Nevertheless, Armstrong disregarded the court's order and filed a subsequent suit against The Budd Company. Judge Joseph McGlynn dismissed the second suit and fined Armstrong $500.00 for failure to comply with Judge Weiner's order.

Armstrong, then commenced twenty-four lawsuits against the Philadelphia School District and the Philadelphia Board of Education, (herein the "School Board cases. All of these suits related to his discharge from the Philadelphia School District, prompting Judge Hutton to characterize Armstrong's behavior as a "campaign of harassment." Armstrong vs School District of Philadelphia, No. 99-cv-0825, 1999 WL 773507 at *1 (E. D.. Pa. Sept.7 at *1 (E. D.. Pa. Sept.9, 1999). Judge Hutton then enjoined Armstrong from

filing any federal lawsuits in any district of Pennsylvania without the leave of the court (hereinafter the Hutton order"). Hutton order at *3. The Hutton order specified that the court would not grant leave unless Armstrong demonstrated through a properly filed motion, that the proposed filing met certain specification." Additionally, Armstrong was to attach a copy of the Hutton's order to any petition for leave of the court Id.. Subsequently, the Third Circuit Court of Appeals also +enjoined Armstrong from appealing decisions relating to his discharge against the Philadelphia School district, the Philadelphia Broad of Education and the Philadelphia Federation of Teachers. Armstrong vs the School District of Philadelphia, No. 97-1094 (3rd Cir. August 14, 1997).

The third group of cases Armstrong has filed challenge the IRS' seizure of his Philadelphia residence (hereinafter the IIRS Case"). That case was filed here, and this Court dismissed Armstrong's amended complaint for lack of subject matter jurisdiction. Notwithstanding, this court's determination, Armstrong filed two motion for summary judgment and one motion to reopen the action after the case had been decided.. However, the court denied all of Armstrong's motions as moot. Even then, Armstrong filed a motion to reopen the case , two motions for summary judgment, and a motion for leave to file the amended complaint, all of which were denied.

Four days after the disposition of the IRS case, Armstrong filed suit against the United States in this Court.

However the Court granted summary judgment in favor of the defendants; Six days after the case was closed, Armstrong filed an amended.

Then, in 1998, Armstrong filed a complaint against Firstrust Bank (hereinafter "Firstrust") for fraud.." Once again, summary judgment was entered in favor of the defendants. Following this Court's decision, , Armstrong filed an additional motion for summary judgment which the Court denied as moot. Repeating his past behavior, Armstrong filed two motions for summary judgment and a motion for reconsideration of the court's order granting summary judgment. Armstrong appealed, but the Third Circuit affirmed this Court's decision.

Disturbingly, Armstrong has not only been abusing this district. In 1998, Judge William L. Osteen of the Middle District of North Carolina, in Armstrong vs. Koury Corporation, 16 F. Supp. 2d 616, 618 (M. D. N. C..1998, issued an order and injunction in response to Armstrong's predatory litigation in the face of sanctions and in disregard of the injunction" hereinafter "Osteen Order"). The purpose of that order was to protect "the court .. and any potential defendants from the harassment of frivolous and vexatious litigation initiated by Plaintiff." Id. At 622. Importantly, the court enjoined -without first obtaining leave of the court. Also, because Armstrong ignored previous injunction, Judge Osteen ordered him to demonstrate that

any proposed filing: (1) can survive a challenge under Rule 12 of the lFederal Rules of Civil Procedure: (2) does not violate principles of issue or claims preclusion; (3) is not repetitive or violative of a court order; and (4) complies with Rule 11 of the Federal Rules of Civil Procedure. Id. The Appellate court upheld the injunction and thus, Armstrong must still seek leave of the court before initiating any federal lawsuit.

Currently, Armstrong has mailed to this court, but not filed, over thirteen .motions pertaining to many of the aforementioned cases. With regard to the School District cases, Armstrong has filed a motion alleging conspiracy between Judge Hutton and Third Circuit Judge Carol Mansmann and a motion for summary judgment. Additionally, he has mailed one motion against Firstrust for constitutional violations " accompanied by a motion for summary judgment, and a motion to supplement the caption to include the City of Philadelphia. Furthermore, Armstrong has sent multiple motions and miscellaneous pleadings directly to the U. S. Attorney in Armstrong vs, United States case. In Armstrong vs. United States. Armstrong has also sent a letter to this court alleging conspiracy between the District Court and the IRS. Finally, Armstrong has asked this Court for permission to file a lawsuit against Comroe, Hing & Associates for wantonness and grossness and has supplemented his request with +a motion for summary judgment.

II. DISCUSSION

Armstrong's consistence failure to comply with court orders necessitates responsive action on the part of tis Court. The Court has therefore chosen to take such action under Rule 11.

The purpose of Rule 11 9f the Federal Rules of Civil Procedure is to deter... frivolous lawsuits and to streamline the administration of the federal courts." Martin v. Farmer First Bank, 151 F.R.D. 44, 47 (E. D. Pa. 1993. Section (b) (2) requests representations to the court to be warranted by existing law.. Courts have interpreted this section to allow them to impose sanctions when pleadings are filed in contraventions of court orders. See Morley v. Civa-Celgy Corp., 66 F. 3d 21 (2d Cir. 1995), See also James Wm, Moore, et al., Moore federal Practice statute 11,11[7] [a] (3d ed. 2000) explaining that section (b) (2) applies to the law of the case). Moreover courts implement a standard of "objectives reasonableness" when evaluating claims under Rule 11. Martin, 151 F. R. D. at 48. Therefore a Plaintiff must conduct a "reasonable inquiry" to ensure that this standard is met. Id., at 47. Although court rarely use Rule 11, they may choose to impose sanctions in sufficiently extraordinary circumstances. See Id.

Pro se plaintiffs are held in less "stringent standards" than practicing attorneys. Hines vs Kerner, 404 U. S. 519, 520 (1972). However, because federal courts must protect their Article III functions, pro se plaintiffs "and not entitled to any special handling or exceptions." Wexler v Citibank, No. CIV. A. 95-40172, 1994 WL 580191 at *6 (E. D. Pa. Oct. 21 1994). Further, pro se plaintiffs are not shielded from Rule 11 sanctions. See Block v. Hunsicker, No. 88-6488, 1988 WL 120742 at * 3 (E. D. Pa. Nov. 9, 1988). Rule 11 (c) (2) states that the court's discretion in sanctioning is limited by "what

is sufficient to deter repetition of such conduct of comparable conduct from others similarly situated."

Armstrong, a pro se plaintiff and a self described "simii-professional litigator," is subject to the requirements of Judge Hutton and Judge Osteen's orders, issued under the All Writs Act, section 1651 (a), which enables district court to limit access to federal courts of parties responsible for the filing of frivolous motions. Hutton order at *2, Osteen order a2t *620. Armstrong has disobeyed these orders by failing to demonstrate that his filings met each order's requirements. Indeed, he did not state that his proposed filings complied with the individual criteria set forth by the Hutton and Osteen orders. Instead, Armstrong merely attached a blanket statement of alleged compliance with Judge Osteen's order and entirely ignored Judge Hutton's order.

Armstrong proposed filings are violative of the judges' orders and thus, cannot be warranted by existing law. Armstrong's delinquent behavior, coupled with his "intolerable abuse of (the) judicial process" justifies sanctions under Rule 11. Osteen's order at 621. However, as mandated by Rule 11, the court will first order Armstrong to show cause why he should not be sanctioned.

_____ Clarance C. Newcomer, S. J.

FOOTNOTES

1 Armstrong v. the Budd Co., No. 95-cv-07287, filed Nov., 20, 1995

.2. Armstrong v. The Budd Co. No 97-cv-03887 (E. D. Pa. filed June 6, 1997.

3. These cases includes: Armstrong vs. Philadelphia Bd., No 94-3544, (E. D. Pa.) filed June 9, 1994). Armstrong vs. Philadelphia Fed 'n of Teachers, No. 96-4277 (E. D. Pa. filed .June 10, 1996). Armstrong v. School District of Philadelphia, No. 96-5480 (E. D. Pa. filed Aug. 7, 1996). Armstrong v. Sch Dist of Philadelphia, No. 96-5740 (E. D. Pa. filed Aug. 19, 1996), Armstrong v. Waiter, No. 96—5925 (E. D. Pa. filed Aug. 28, 1996). Armstrong v. Sch Dist. Of Philadelphia, No. 97-6130. (E. D. Pa., filed Sept. 30, 1997) Armstrong v. Sch Dist. of Philadelphia, No. 99-00825 (E. D. Pa. filed February 16, 1999). Armstrong v. Sch Dist. Of Philadelphia, No. 99-03424 filed July 6, 1999).

4. The court enjoins Armstrong of any entity acting on his behalf, from filing any new action or proceeding in any federal court without first obtaining leave of this Court. Id., at * 3.

5. The proposed filing must be able to survive a challenge under Federal Rules of Civil Procedure 12; (2) is not barred by principles of claim or issue preclusion; (3) is not repetitive the federal Rule of Civil Procedure 11 Id.

6. Armstrong v, Internal Revenue Serv. No. 95-06642 (E. D. Pa. filed Oct 18, 1995).

7. Armstrong v. United States, 97-00393 (E. D. Pa. filed Jan., 17, 1997).

FOURTEENTH AMENDMENT

All persons or naturalized in the United States or the State in which they reside, no State shall make or enforce any law which shall abridge any privileges or immunities of the citizens of the United States, nor shall any State deprive any person of life, liberty or property without due process of law; nor deny to any person within it jurisdiction the equal protection of the law.

42 U.S.C.S.1983

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subject or caused to be subjected, any citizen of the United States, or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws of the United States shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Article B-VIII

GRIEVANCE PROCE

A grievance is a complaint involving the work situation, that there is a lack of policy, that the policy or practice is improper and unfair, or there has been a deviation from or misinterpretation or misapplication of a practice or policy; or that there has been a violation, misinterpretation, misapplication, inequitable or otherwise improper application of any provision of this Agreement

APPENDIX C

CERTIFICATE

Arthur O. Armstrong vs. State of Pennsylvania, et al 2-99-CV-00825-PSD

Arthur O. Armstrong vs. State of Pennsylvania, et al 21-8050

I hereby certify that the petition for rehearing is filed within 25 days of the date of denial, on grounds that it is limited to intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented. That it is restricted to the grounds specified in this paragraph and that it is presented in good faith and not for delay.

May 10, 2022

Arthur O. Armstrong, Petitioner
8113 Pleasant Hill Road
Elm City, NC 27822

CERTIFICATE OF COMPLIANCE

No. 21-1151

Arthur O. Armstrong,

Petitioner,

vs.

State of Pennsylvania., et al,

Respondents.

As required by the Supreme Court Rule 33.1(h), I certify that petitioner's petition contains 666 words, excluding the parts of the petition that are exempted by the Supreme Court Rule 33.1(d).

I declare under penalty of perjury that the foregoing is true and correct.

Executed on May 23, 2022.

Arthur O. Armstrong, Petitioner

No. 21-1151

IN THE

SUPREME COURT OF THE UNITED STATES

Arthur O. Armstrong,

Petitioner,

vs.

State of Pennsylvania, et al

Respondents.

PROOF OF SERVICE

I, Arthur O. Armstrong do swear or declare that on this May 23, 2022, as required by the Supreme Court Rule 29.1, I have served a CORRECTED petition for Rehearing for writ of certiorari on each party in the above proceeding, or that party's counsel and every other person required to be served by depositing an envelope containing the above documents in the United States mail properly addressed to each of them and with first-class postage prepaid, or by delivery to a third party commerical carrier for delivery within 3 calendar days three copies of the inbound document to: **Office of the General Counsel, School District of Philadelphia, 440 North Broad Street, Suite 313 Philadelphia, PA 19130.**

I declare under penalty of perjury that the foregoing is true and correct.

Executed on **May 23, 2022**.

Arthur O. Armstrong, pro, se