

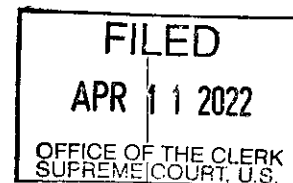
No. **21-1477**

**ORIGINAL**

---

IN THE  
**Supreme Court of the United States**

---



SYLWIA EWELINA MADEJ MANCHANDA and RAHUL D. MANCHANDA,  
*Petitioners,*

—v.—

ANDREA LEWIS, IMMIGRATION SERVICES OFFICER, SUSAN  
QUINTANA, NEW YORK USCIS FIELD OFFICE DIRECTOR, UNITED  
STATES CITIZENSHIP IMMIGRATION SERVICES ("USCIS"), a Federal  
Administrative Agency within the Department of Homeland  
Security ("DHS"), Does 1-5,  
*Respondents.*

ON PETITION FOR WRIT OF CERTIORARI TO THE UNITED STATES  
COURT OF APPEALS FOR THE SECOND CIRCUIT

---

**PETITION FOR WRIT OF CERTIORARI**

---

RAHUL D. MANCHANDA  
SYLWIA EWELINA MADEJ MANCHANDA  
30 Wall Street, 8th Floor  
New York, New York 10005  
(212) 968-8600  
rdm@manchanda-law.com  
*Pro Se Petitioners*

---

## QUESTIONS PRESENTED

1. Does the Second Circuit Court of Appeals and Catherine O'Hagan Wolfe, routinely, and arbitrarily exercise authority beyond the proposed function and jurisdiction of the court on behalf of Jewish Organized Crime and the open and obvious over representation of Jews in the federal and state judiciary, the legal profession in general, control of the Courts of New York City, both on state and federal level?

2. Are statements made in judicial proceedings and governmental investigatory proceedings protected as core political speech under the First Amendment precluding Federal and governmental authorities from punishing the party making the statements without due process as required by the Fifth Amendment made applicable to the States under the Fourteenth Amendment?

**LIST OF ALL PARTIES TO THE  
PROCEEDING IN THE COURT  
as per rule 12.**

1. *Manchanda, et al. v. Lewis et al.*, 21-1088-cv, Order of the United States Court of Appeals for the Second Circuit. Plaintiffs Rahul D. Manchanda and Sylwia Manchanda v. Defendant Andrea Lewis, Susan Quintana and USCIS Immigration Services.
2. *Manchanda v. Senderoff*, 21-1909, Order of the United States Court of Appeals for the Second Circuit. Plaintiff Rahul D. Manchanda v. Defendant Douglas Senderoff.

# TABLE OF CONTENTS

	PAGE
QUESTIONS PRESENTED.....	i
LIST OF ALL PARTIES TO THE PROCEEDING IN THE COURT as per rule 12 .....	ii
APPENDIX TABLE OF CONTENTS .....	iv
TABLE OF AUTHORITIES .....	vi
PETITION FOR WRIT OF CERTIORARI .....	1
OPINIONS BELOW .....	1
BASIS OF JURISDICTION .....	1
CONSTITUTIONAL PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	3
REASON FOR GRANTING THE WRIT .....	9
A. Mr. Manchanda's Statement in His Complaints Are Protected Under the First Amendment As Core Political Speech and Thus The Court's Must Direct The Lower Courts to Grant Him Due Process and Equal Protection As Guaranteed Under the Fifth and Fourteenth Amendments.....	9
CONCLUSION .....	13

## APPENDIX TABLE OF CONTENTS

PAGE

Appendix A: <i>Manchanda, et al. v. Lewis, et al.</i> , 21-1088-cv, Order of the United States Court of Appeals for the Second Circuit, dated March 3, 2022.....	1a
Appendix B: <i>Manchanda v. Senderoff</i> , 21-1909, Order of the United States Court of Appeals for the Second Circuit, dated March 2, 2022 .....	3a
Appendix C: <i>Manchanda v. Lewis</i> , 21-1088, Order of the United States Court of Appeals for the Second Circuit, dated February 9, 2022..	6a
Appendix D: <i>Manchanda v. Lewis</i> , 21-1088-cv, Summary Order of the United States Court of Appeals for the Second Circuit, dated December 17, 2021 .....	8a
Appendix E: <i>Manchanda v. Senderoff</i> , 21-cv-5788, Order of the United States District Court for the Southern District of New York, dated July 28, 2021 .....	23a
Appendix F: <i>Manchanda v. Lewis</i> , 20-cv-1773, Judgment of the United States District Court for the Southern District of New York, dated March 30, 2021.....	28a
Appendix G: <i>Manchanda v. Lewis, et al.</i> , 20 Civ. 1773, Memorandum Decision and Order of the United States District Court for the Southern District of New York, dated March 30, 2021.....	30a

Appendix H: Email Correspondence with Court Clerk Catherine O'Hagan Wolfe .....	43a
Appendix I: Attorney Grievance Complaint Against Former Attorney John Fazzio .....	45a
Appendix J: Various Complaints Filed by Rahul D. Manchanda .....	49a
Appendix K: Human Rights Council Complaint Procedure Forms .....	72a
Appendix L: Attorney Grievance Committee Subpoena .....	90a
Appendix M: Complaint against Judge Richard Berman, Second Circuit .....	92a
Appendix N: Letter to US Attorney General William P. Barr .....	99a
Appendix O: Manchanda Answer, 2021-1336 .....	102a
Appendix P: USDOJ Civil Rights Complaint against African American Gov't Workers at Behest of their Jewish Bosses and Supervisors .....	118a

## TABLE OF AUTHORITIES

PAGE(S)

**Cases**

<i>Ark. Writers Project v. Ragland</i> , 481 U.S. 221 (1987) .....	11
<i>Buckley v. Valeo</i> , 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976) .....	11
<i>In re Sawyer</i> , 360 U.S. 622, 79 S. Ct. 1376, 3 L. Ed.2d 1473 (1959).....	12
<i>Landmark Communications, Inc. v. Virginia</i> , 435 U.S. at 829, 98 S. Ct. 153, 56 L. Ed.2d 1473 (1959).....	12
<i>Meyer v. Grant</i> , 486 U.S. 414, 108 S. Ct. 1886, 100 L. Ed. 2d 425 (1988) .....	10
<i>New York Times v. Sullivan</i> , 376 U.S. 254 (1964) .....	10

**Statutes**

28 U.S.C. § 1257.....	1
-----------------------	---

**Constitutional Provisions**

U.S. Constitution, Amendment I .....	2, 9
U.S. Constitution, Amendment V .....	2, 9
U.S. Constitution, Amendment XIV .....	3, 9

**Other Authorities**

- Margaret Tarkington, *A Free Speech Right to Impugn Judicial Integrity in Court Proceedings*, B.C. Law Review, Col. 51:363, 368 ..... 9
- Eli Wald, *Jewish Lawyers and the U.S. Legal Profession: The End of the Affair?*: Touro Law Review, Vol. 36. No. 1 (2020), Art. 19..... 5
- Wolfram, *Modern Legal Ethics*, Ch. 12.2: "Lawyer's Extrajudicial Expressive Rights of Lawyers", p. 632 ..... 9, 11





## PETITION FOR WRIT OF CERTIORARI

Rahul D. Manchanda, an attorney admitted into the practice of law in the State of New York, respectfully petitions, pro se, this court for a writ of certiorari to review the judgment of the New York Court of Appeals, Second Circuit.

### OPINIONS BELOW

The decision by the New York Court of Appeals, Second Circuit, denying Mr. and Mrs. Manchanda's direct appeal is reported as *Manchanda, et al. v. Lewis, et al.* 21-1088-cv. The New York Court of Appeals, Second Circuit, denied Mr. and Mrs. Manchanda's motion for reconsideration on March 3, 2022. (Appx 1a).

### BASIS OF JURISDICTION

Mr. Manchanda (and Mrs. Manchanda) proceeds on a writ of certiorari for review of the multiple judgments to pursuant to and invoking Rule 12.4 both resulting from the same lower court, and involving identical or closely related questions.

1. *Manchanda, et al. v. Lewis et al.*, 21-1088-cv, Order of the United States Court of Appeals for the Second Circuit
2. *Manchanda v. Senderoff*, 21-1909, Order of the United States Court of Appeals for the Second Circuit

Mr. Manchanda (and Mrs. Manchanda) also invokes this Court's jurisdiction under 28 U.S.C. § 1257,

having timely filed this petition for a writ of certiorari within ninety days of the New York Court of Appeals, Second Circuit's judgment.

### **CONSTITUTIONAL PROVISIONS INVOLVED**

#### **United States Constitution, Amendment I:**

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances.

#### **United States Constitution, Amendment V:**

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself; nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation.

United States Constitution, Amendment XIV:

All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of 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 its jurisdiction the equal protection of the laws.

**STATEMENT OF THE CASE**

This case is about the egregious abuse of power by various court and government personnel in the State of New York based upon racist and politically motivated hatred of Petitioner, Rahul D. Manchanda.

Rahul Dev Manchanda is a seasoned litigator specializing in international, immigration, family, and criminal law. He has been practicing for nearly two decades maintaining an office in downtown Manhattan on Wall Street. Contemporaneous to opening and during his law practice more than 20 years ago, he periodically worked and provided information for the United States Government and the Federal Bureau of Investigation in intelligence gathering, counterterrorism and analysis, often traveling overseas to the Middle East and other parts of the world. He can provide more details and names of some of his handlers and contacts but only if Mr. Manchanda and his family can be assured of their safety from attackers both within, and without, the United States government.

The firsthand experiences that Mr. Manchanda has witnessed over more than 20 years inspired him to speak out against the secret power structure of the United States and the international community. Specifically, Mr. Manchanda has dedicated himself and his resources to exposing conspiracies and corruption plots within the United States Judicial Court and Legal System.

Equipped with his legal degree and the freedoms afforded to him under the Constitution as a citizen of the United States, Mr. Manchanda continues his blitzkrieg-like legal and equitable attack against individuals, institutions and policies actively violating their constitutional and legislative power and authority.

This has not come without a cost. Mr. Manchanda has suffered immensely due to the severe retaliation for speaking out against well documented Jewish Organized Crime. Suffering — a divorce, separation from his children, bankruptcy, and a heart attack — all in a matter of years does not even begin to summarize his suffering.

Despite the obvious and apparent correlation between the moment Mr. Manchanda gained the gumption to speak to the truths he witnessed while performing analysis and intelligence gathering for the United States Government and Federal Bureau of Investigation counterterrorism division both domestically and overseas and his life crumbling apart, Plaintiff continues to complain against any and all government agencies and persons who he deems as a threat and danger to American institutions. This, he believes to be his duty as an American citizen.

Mr. Manchanda's observation about the overrepresentation of the Jewish people in New York's

legal system is neither new nor scandalous. *See, e.g.,* Eli Wald, *Jewish Lawyers and the U.S. Legal Profession: The End of the Affair?*: Touro Law Review, Vol. 36, No. 1 [2020], Art. 19:

"Scholars of the legal profession have long puzzled over the apparent affinity between Jewish lawyers and the law, in and outside of the United States...This article advances a new explanation to account for the overrepresentation of Jewish lawyers in the U.S. legal profession in the twentieth century...

...the love affair of Jews and American law is to an extent a story of New York City Jews and the practice of law in that city... Consider the following statistics regarding the overrepresentation of Jewish lawyers compared to the percentage of Jews in the City's population. In 1885, there were about 5,000 lawyers in New York City, of whom about 400 were Jewish. Yet by 1960, the New York City Bar was slightly over 60% Jewish, significantly higher than their percentage in the City's population. With regard to overrepresentation in positions of power and influence, before 1945, there were essentially no large elite Jewish law firms in New York City, and every member of the elite club was a large White-Anglo-Saxon-Protestant ("WASP") law firm. Most Jewish lawyers were concentrated in the lower spheres of the city's bar as solo practitioners and members of small law firms. By the mid-1960s, however, this reality had changed significantly. Growing much faster than the WASP firms, the Jewish firms had caught up with the

WASP firms, attained elite status, and accounted for six of the twenty largest law firms in New York City." (Footnotes with source citations omitted).

While Mr. Manchanda recognizes that the views expressed in his complaints are controversial, he is not required to temper his beliefs or reduce his public political dialogues to the lowest common denominator in order to avoid causing offense. Courtesy and civility may be virtues in a practicing lawyer, which the State may properly encourage through regulation. However, the State's interest in, and authority to, imposed such standards on political, and good faith speech as to pressing social matters, is difficult to discern.

Upon information and belief, Jewish Organized Crime retaliation began soon after Mr. Manchanda began releasing debriefings and reports which go against Zionist interests after his return from Iran in 2006/2007. Retaliatory tactics continue in a variety of forms.

For example, Court Clerk of the New York Court of Appeals, Second Circuit, Catherine O'Hagan Wolfe, called, Mr. Manchanda's of counsel, Luis Trujillo, on Friday, March 25, 2022, warning him of disciplinary action if he continued to file papers on behalf of Mr. Manchanda in an attempt to have Mr. Trujillo resign.

This comes after Ms. Wolfe, unilaterally, decided to unconstitutionally block Mr. Manchanda's application for admission and pro se filings; actions completely outside of her purview. (Appx 43a).

Upon information and belief, Ms. Wolfe, has no authority to forbid filings of an attorney based upon what she believes to be appropriate or not, nor does she have the right to threaten to do so.

Former attorney, John Fazzio, behaved similarly when he confessed "that he is Jewish (his mother is Jewish) and that he is a Freemason and that this prevents him from pursuing claims/causes of action that naturally occur throughout your case wherein you are forced to file claims against Jews, Jewish people, Jewish criminals, or Jewish public corruption/organized crime." (**Appx 45a**).

Similarly, Respondents, Andrea Lewis, Immigration Services Officer, Susan Quintana, New York USCIS Field Office Director, United States Citizenship Immigration Services ("USCIS"), a federal administrative agency within the Department of Homeland Security ("DHS"), and Does 1-5, do not have the authority to prematurely deny Petitioner Mrs. Manchanda adjustment simply because she is married to Mr. Manchanda. As a spouse to an American citizen, Mrs. Manchanda, the mother of Mr. Manchanda's two-year-old son, Gabriel, has every right to legally adjust her status to green card without threatening vulgar and inappropriate questioning by ISO officers.

What attorney, practicing immigration law for over 20 years, is subjected to further review by USCIS for his own bona fide marriage in which he has a child with his wife?

The retaliation continues in all forms, impacting Mr. Manchanda in all venues. Mr. Manchanda has and continues to file any and all civil complaints to any and all government agencies requesting protection from Jewish Organized Crime as his right and duty as an American citizen. (**Appx 49a, 92a, 99a, 118a**).

For example, July 24, 2021, Mr. Manchanda filed a Human Rights Council Complaint Procedure Form in which he summarizes his complaint as follows:



"As we have reported before to your Committee, Jewish organized crime has become the only real force in the USA after their massive takedown in the 1990s of the Italian-American based organized crime networks, and their Irish counterparts decades prior. Now however, Jewish organized crime/terrorism/money power has succeeded in corrupting through bribery, cronyism, threats, intimidation, blackmail, extortion, harassment, economic boycotts, reputation/character assassination, mass surveillance, media ownership, and complete top down political corruption in the executive, legislative and judicial branches of the United States government, both federal, state and local, wherein if they do not target/punish individual(s) directly, use African-American "stand-ins" that they have elevated to those positions of governmental power through campaign donations, election fraud, lobbying, other mechanisms to carry out their destruction of American citizens or residents who are against Jewish/Israeli domestic and foreign policies and value systems. This has rendered USA into the former USSR." (Appx 72a).

Mr. Manchanda, in good faith, appeals to any and all agencies within the United States and abroad to address his grievances, without facing harm to himself, his family or his business.

As stated above, Mr. Manchanda' views come at a very high cost. (Appx 102a). The Attorney Grievance Committee has subpoenaed him for language he uses, claiming it anti-Semitic. (Appx 90a).

Once again, the Court of Clerk of the Court of Appeals, Second Circuit, Catherine O'Hagan Wolfe, summarizes in an order dated March 23, 2022, for the case *Manchanda v. Senderoff* (21-1009) the following: "A copy of this order and the pleading containing the racist and anti-Semitic comments will be provided to this Court's Grievance Panel and the attorney disciplinary committee for the New York Appellate Division, First Department." (Appx 1a).

An order dated February 9, 2022, for the case *Manchanda v. Lewis et al.* (21-1088) the following: "It is hereby ORDERED that the motion to recall the mandate is GRANTED because the mandate with issued prematurely." (Appx 6a).

### REASON FOR GRANTING THE WRIT

#### A. Mr. Manchanda's Statement in His Complaints Are Protected Under the First Amendment As Core Political Speech and Thus The Court's Must Direct The Lower Courts to Grant Him Due Process and Equal Protection As Guaranteed Under the Fifth and Fourteenth Amendments

When speaking in an extrajudicial context, Mr. Manchanda enjoys the same constitutional freedoms as would a non-lawyer. *See, e.g. Wolfram, Modern Legal Ethics*, Ch. 12.2 "Lawyer's Extrajudicial Expressive Rights of Lawyers", p. 632 ("In general, a lawyer enjoys the same rights as other citizens to speak or write on any matter, assuming that he or she plays no lawyerly role in the matter under comment. Particularly in matters of political concern, the court have generally refused to relegate lawyers to a second-class citizenship with respect to expressive rights."); Margaret Tarkington, *A Free Speech Right to Impugn*

*Judicial Integrity in Court Proceedings*, B.C. Law Review, Col. 51:363, 368. ("...attorney are only allowed to file their statements in court on behalf of clients by virtue of being admitted to the bar of that court. [fn omitted] Thus the argument made by courts that an attorney agrees to certain restrictions on her speech as a condition of her license to practice law has greater appeal in the context of speech made in court filings than it has where an attorney makes statements in another forum open to public expression.").

Mr. Manchanda's speech concerns social and political issues and he expressed those views in a public forum for the purpose of bringing about social and political change. Thus, his statements are "core political speech" which is afforded the highest level of constitutional protection (i.e., strict scrutiny). See *Meyer v. Grant*, 486 U.S. 414, 108 S. Ct. 1886, 100 L. Ed. 2d 425 (1988) (core political speech involves any interactive communication concerning political change").

A strict scrutiny analysis requires the State to show that a restriction is necessary to further a compelling state interest and is narrowly tailored to achieve that end. See *Ark. Writers Project v. Ragland*, 481 U.S. 221, 231 (1987).

Furthermore, the seminal Supreme Court decision in *New York Times v. Sullivan*, 376 U.S. 254 (1964) found that strict scrutiny required a standard of "actual malice" when evaluating speech concerning public figures. Under this standard, the First Amendment protects even false speech about public figures, provided the speaker does not have "actual malice." Certainly, Mr. Manchanda's statements in his complaints should be held to a standard not more oppressive than the "actual malice" standard articulated in *Sullivan*. Under

such a standard, Mr. Manchanda's statements which he believes in good faith to be true as discussed above, are clearly protected and not subject to censorship or punishment by the State.

Nor is it relevant whether Mr. Manchanda's views were solicited by the recipients of his complaints, particularly where the recipients are public agencies. Mr. Manchanda is free to circulate his statements in a public forum without regard to whether his views or opinions were requested. See *Buckley v. Valeo*, 424 U.S. 1, 96 S. Ct. 612, 46 L. Ed. 2d 659 (1976) (circulating handbooks and petitions, posting signs and placards, and making speeches and orations are all forms of core political speech so long as they in some way address social or political issues, government officials or governmental activities).

As discussed above, Mr. Manchanda's extrajudicial statements made outside his capacity as a lawyer are afforded the same constitutional protections as would be the statements of a nonlawyer. Even assuming, arguendo, that Mr. Manchanda's freedom of expression were to be counterbalance to some limited extent by the right of the State – which we believe that it is not, in this extrajudicial context – it is well recognized that a lawyer's criticisms of the judicial system is a crucial freedom that is to be particularly protected. See, e.g., *Wolfram*, Ch. 12.2, "Lawyers' Extrajudicial Freedoms", p. 636:

"[The Supreme Court's] general approach to speech restrictions...has been cautious and overly protective of speech. Justice Holmes' famous aphorism about 'clear and present danger' has been refined by the Court...in the context of decisions limiting the power of the state to proscribe criticisms of judges or the

judiciary. The Supreme Court has...said that 'the operations of the courts and the judicial conduct of judges are matters of utmost public concern.' [Citing *Landmark Communications, Inc. v. Virginia*, 435 U.S. at 829, 840, 98 S. Ct. 1535, 1542, 56 L.Ed.2d 1473 (1959)]. The Court has also said that injury to the reputation of judges or of judicial institutions is an insufficient basis for state suppression of free expression. [citing 435 U.S. at 841-42, 98 S. Ct. at 1542-43]. To be sure, in 1959 five members of the Court, in *In re Sawyer* [360 U.S. 622, 79 S. Ct. 1376, 3 L Ed.2d 1473], refused to extend the clear and present danger test to extrajudicial comments by lawyers. And, from a narrow point of view, a system of adjudication would undoubtedly operate more smoothly if all persons, including lawyers, were prohibited from making any public comment. But the recent decisions of the Court dealing with free speech commentary on trials and with lawyer free speech in the area of lawyer advertising ...make it doubtful that the Court would resist the logic of extending significant constitutional protection to the extrajudicial comments of lawyers. The right should be limited only after a particularized showing on an inescapable need to impose a gag order or to impose retrospective sanctions in order to further a compelling state interest other than the suppression of free speech or press."

**CONCLUSION**

For the foregoing reasons, Mr. and Mrs. Manchanda respectfully request that this Court issue a writ of certiorari to review the judgment of the New York Court of Appeals, Second Circuit.

DATED this 13<sup>th</sup> day of May 2022

Respectfully submitted,

/s/ Rahul D. Manchanda

Rahul D. Manchanda

*Pro Se Petitioner*

30 Wall Street, 8<sup>th</sup> Floor

New York, New York 10005

Tel.: (212) 968-8600

Fax: (212) 968-8601

E-Mail: RDM@manchanda-law.com