

APPENDIX

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Appendix A

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 3rd day of March, two thousand twenty-two.

Before: Robert D. Sack,
Gerard E. Lynch,
Joseph F. Bianco,
Circuit Judges.

ORDER

Docket No. 21-1088

Sylwia Ewelina Madej Manchanda,
Rahul Manchanda,

Plaintiffs-Appellants,

—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,

Defendants-Appellees.

The Court is in receipt of Plaintiffs-Appellants Sylwia Ewelina Madej Manchanda and Rahul Manchanda's motion to vacate the Court's February 9, 2022 order denying their motion for reconsideration on the ground that the Clerk of Court purportedly decided the reconsideration motion instead of the Circuit Judges that heard Plaintiffs-Appellants' case on December 8, 2021. IT IS HEREBY ORDERED, by the Judges on this panel, that this motion is DENIED because the panel did in fact decide the reconsideration motion (as indicated by their names on the February 9, 2022 order), and not the Clerk of Court (who simply affixed the seal and filed the order at the panel's direction).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

[SEAL]

/s/ Catherine O'Hagan Wolfe

Appendix B

United States Court of Appeals
FOR THE
SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 24th day of March, two thousand twenty-two.

Present:

José A. Cabranes,
Reena Raggi,
Susan L. Carney,
Circuit Judges.

21-1909

Rahul Manchanda,
Plaintiff-Appellant,

—v.—

Douglas Senderoff, M.D.,
*Defendant-Appellee.**

* Although Manchanda identifies himself as “plaintiff” in his notice of removal and notice of appeal, presumably based on his intent to file counterclaims against Senderoff, we note that Senderoff is the plaintiff in the case removed from, and now remanded to, state court.

Appellee moves for dismissal of the appeal, a filing injunction, and other sanctions. Appellant cross-moves for sanctions and leave to file a sur-reply. Upon due consideration, it is hereby ORDERED that the motion for leave to file a sur-reply is GRANTED. It is further ORDERED that the motion to dismiss is GRANTED because this Court lacks jurisdiction over the district court's remand order. 28 U.S.C. § 1447(d); *Shapiro v. Logistec USA, Inc.*, 412 F.3d 307, 310 (2d Cir. 2005).

It is further ORDERED that the motion and cross-motion for a filing injunction and/or sanctions are DENIED. However, Appellant is hereby warned that the continued filing of duplicative, vexatious, or clearly meritless appeals, motions, or other papers in this Court could result in the imposition of sanctions, including a leave-to-file sanction that would require Appellant to obtain permission from this Court prior to filing any further submissions in this Court. See *In re Martin-Trigona*, 9 F.3d 226, 229 (2d Cir. 1993); *Sassower v. Sansverie*, 885 F.2d 9, 11 (2d Cir. 1989).

Finally, the Court notes that Appellant, himself an attorney, has filed a pro se pleading in this appeal that contains racist and anti-Semitic comments. See 2d Cir. 21-1909, doc. 60 (Motion). He has done so in the past, prompting this court to note its disapproval. See 2d Cir. 21-1088, doc. 77 (Summ. Or.) The Court condemns Appellant's comments and warns him that the use of any similar language in future filings in this Court will result in sanctions, regardless of whether the filing is otherwise duplicative, vexatious, or meritless. A copy of both 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.

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FOR THE COURT:
Catherine O'Hagan Wolfe, Clerk of Court

[SEAL]

/s/ Catherine O'Hagan Wolfe

Appendix C

**UNITED STATES COURT OF APPEALS
FOR THE
SECOND CIRCUIT**

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 9th day of February, two thousand twenty-two.

Before: Robert D. Sack,
Gerard E. Lynch,
Joseph F. Bianco,
Circuit Judges.

ORDER

Docket No. 21-1088

Sylwia Ewelina Madej Manchanda,
Rahul Manchanda,

Plaintiffs-Appellants,

—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,

Defendants-Appellees.

Appellants move for a recall of the mandate so the Court can consider their motion for reconsideration.

It is hereby ORDERED that the motion to recall the mandate is GRANTED because the mandate was issued prematurely. It is further ORDERED that the motion for reconsideration is DENIED.

FOR THE COURT:
Catherine O'Hagan Wolfe,
Clerk of Court

[SEAL]

/s/ Catherine O'Hagan Wolfe

Appendix C

UNITED STATES COURT OF APPEALS
FOR THE SECOND CIRCUIT

RULINGS BY SUMMARY ORDER DO NOT HAVE PRECEDENTIAL EFFECT. CITATION TO A SUMMARY ORDER FILED ON OR AFTER JANUARY 1, 2007, IS PERMITTED AND IS GOVERNED BY FEDERAL RULE OF APPELLATE PROCEDURE 32.1 AND THIS COURT'S LOCAL RULE 32.1.1. WHEN CITING A SUMMARY ORDER IN A DOCUMENT FILED WITH THIS COURT, A PARTY MUST CITE EITHER THE FEDERAL APPENDIX OR AN ELECTRONIC DATABASE (WITH THE NOTATION "SUMMARY ORDER"). A PARTY CITING TO A SUMMARY ORDER MUST SERVE A COPY OF IT ON ANY PARTY NOT REPRESENTED BY COUNSEL.

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 17th day of December, two thousand twenty-two.

PRESENT:

ROBERT D. SACK,
GERARD E. LYNCH,
JOSEPH F. BIANCO,
Circuit Judges.

21-1088-cv

Sylwia Ewelina Madej Manchanda,
Rahul Manchanda,

Plaintiffs-Appellants,

—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,

*Defendants-Appellees.**

FOR PLAINTIFFS-APPELLANTS:

JOHN P. FAZZIO, Fazzio Law Offices, New York,

FOR DEFENDANTS-APPELLEES:

ILAN STEIN, Assistant United States Attorney
(Benjamin H. Torrance, Assistant United States
Attorney, *on the brief*), for Audrey Strauss, United
States Attorney for the Southern District of New
York, New York, NY.

Appeal from an order and judgment of the United
States District Court for the Southern District of New
York (Daniels, *J.*).

**UPON DUE CONSIDERATION, IT IS HEREBY
ORDERED, ADJUDGED, AND DECREED** that
the order and judgment of the district court are
AFFIRMED.

Plaintiffs-Appellants Sylwia Ewelina Madej
Manchanda and Rahul Manchanda (collectively,
"Plaintiffs") appeal from the March 30, 2021 order

* The Clerk of Court is respectfully directed to amend the
caption as set forth above.

and judgment of the United States District Court for the Southern District of New York, adopting Magistrate Judge Robert W. Lehrburger's February 23, 2021 Report and Recommendation ("R&R") and dismissing their amended complaint pursuant to Rule 12(b)(1) and Rule 12(b)(6) of the Federal Rules of Civil Procedure.

Mrs. Manchanda seeks to become a lawful permanent resident of the United States based on her marriage to Mr. Manchanda, who is a United States citizen. Mr. Manchanda petitioned the United States Citizenship and Immigration Services ("USCIS") to adjust his wife's immigration status and Plaintiffs subsequently attended an interview conducted by USCIS Officer Andrea Lewis to assess the bona fides of the marriage. Following that interview, Plaintiffs brought this lawsuit, alleging that Officer Lewis insulted, mocked, and humiliated Plaintiffs and their baby during the interview and, after Plaintiffs filed a complaint, retaliated against Plaintiffs by issuing a Stokes Interview notice.¹ Plaintiffs also allege retaliation by USCIS Field Office Director Susan Quintana, who they allege has begun to deny immigration cases filed by Mr. Manchanda on behalf of his private clients. Specifically, and as relevant to this appeal, Plaintiffs asserted violations of the Federal Tort Claims Act, 28 U.S.C. §§ 1346(b), 2671–80 (the "FTCA") for "abuse of process . . . intended to harm the Plaintiffs without economic or social excuse or justification," App'x at 26, and the Administrative

¹ A "Stokes Interview," named after the consent-decree issued in *Stokes v. INS*, No. 74 Civ. 1022 (CLB) (S.D.N.Y. Nov. 10, 1976), is a USCIS procedure "meant to assess the legitimacy of the marriage." *Morgan v. Gonzales*, 445 F.3d 549, 550 n.1 (2d Cir. 2006).

Procedures Act ("APA"), 5 U.S.C § 701 *et seq.*, for Officer Lewis's issuance of a Stokes Interview notice.² Plaintiffs argue, *inter alia*, that the district court incorrectly concluded that: (1) it did not have subject matter jurisdiction to hear Plaintiffs' FTCA claim because Plaintiffs failed to properly exhaust their administrative remedies; and (2) Plaintiffs failed to adequately allege any final agency action, as required for judicial review of their APA claim.

We assume the parties' familiarity with the underlying facts and the procedural history of the case, which we reference only as necessary to explain our decision to affirm.

I. Standard of Review

We review *de novo* a district court's grant of a motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). *Makarova v. United States*, 201 F.3d 110, 113 (2d Cir. 2000). "A plaintiff asserting subject matter jurisdiction has the burden of proving by a preponderance of the evidence that it exists." *Id.* Similarly, we conduct *de novo* review of a district court's grant of a motion to dismiss pursuant to Rule 12(b)(6), construing the "complaint liberally, accepting all factual allegations in the complaint as true, and drawing all reasonable inferences in plaintiffs' favor." *Selevan v. N.Y. Thruway Auth.*, 584

² Plaintiffs also brought claims alleging violations of: (1) 42 U.S.C. § 1983; (2) the Intelligence Reform and Terrorism Prevention Act, 42 U.S.C. § 2000ee-1(e); and (3) their "constitutional right to substanti[ve] and procedural due process" pursuant to *Bivens v. Six Unknown Named Agents of Federal Bureau of Narcotics*, 403 U.S. 388 (1971). See App'x. at 19-26. The district court dismissed each of these claims, and Plaintiffs do not challenge the dismissal of those claims on appeal.

F.3d 82, 88 (2d Cir. 2009). However, we “are not bound to accept as true a legal conclusion couched as a factual allegation,” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (internal quotation marks omitted), allegations that are “no more than conclusions[] are not entitled to the assumption of truth,” and “naked assertion[s] devoid of ‘further factual enhancement,’” that are insufficient to show the plaintiff is entitled to relief, *Ashcroft v. Iqbal*, 556 U.S. 662, 678–79 (2009) (citation omitted). Moreover, to survive a motion to dismiss under Rule 12(b)(6), a complaint must plead “enough facts to state a claim to relief that is plausible on its face.” *Twombly*, 550 U.S. at 570.

II. FTCA Claim

Plaintiffs contend that the district court erred in concluding that it lacked subject matter jurisdiction to hear Plaintiffs’ FTCA claim because they failed to properly exhaust the requisite administrative remedies. In particular, Plaintiffs assert that: (1) they exhausted their administrative remedies by filing, on February 13, a complaint by email with various federal agencies (the “February 13 Claim”) which, though not made using the Standard Form 95, constituted proper “other written notification” under the applicable regulation, 28 C.F.R. § 14.2(a); (2) the February 13 Claim’s request for “redress” was sufficient to meet the FTCA’s requirement of damages “in sum certain” (though Plaintiffs also assert that there is no statutory requirement for a sum certain); and (3) there was, in fact, final agency action when Plaintiffs’ February 13 Claim was “improperly denied on February 27, 2020 through a backdated and retaliatory February 14, 2020 Stokes Interview notice.” Appellants’ Br. at 18. As set forth below, we find these arguments unpersuasive and

conclude that the district court properly dismissed the FTCA claim without prejudice because Plaintiffs failed to properly exhaust their administrative remedies.

The FTCA states that “[t]he United States shall be liable, respecting the provisions of this title relating to tort claims, in the same manner and to the same extent as a private individual under like circumstances.” 28 U.S.C. § 2674. Further, “[a]n action shall not be instituted upon a claim against the United States . . . unless the claimant shall have first presented the claim to the appropriate Federal agency and his claim shall have been finally denied by the agency in writing and sent by certified or registered mail.” 28 U.S.C. § 2675(a). The only additional mechanism for an agency action to be deemed finally denied would be “[t]he failure of an agency to make final disposition of a claim within six months after it is filed,” at which point such inaction “shall, at the option of the claimant any time thereafter, be deemed a final denial of the claim.” 28 U.S.C. § 2675(a). In other words, “[t]he FTCA requires that a claimant exhaust all administrative remedies before filing a complaint in federal district court.” *Celestine v. Mount Vernon Neighborhood Health Ctr.*, 403 F.3d 76, 82 (2d Cir. 2005). Indeed, “[t]his requirement is jurisdictional and cannot be waived,” *id.*, and “[t]he burden is on the plaintiff to both plead and prove compliance with the [FTCA’s] statutory requirements,” including exhaustion, *In re Agent Orange Prod. Liab. Litig.*, 818 F.2d 210, 214 (2d Cir. 1987). “In the absence of such compliance, a district court has no subject matter jurisdiction over the plaintiff’s claim.” *Id.*

With respect to the FTCA’s presentment requirement under Section 2675, Appellees argue

that “the FTCA’s presentment requirement, 28 U.S.C. § 2675(a), requires a claimant to submit . . . a sum certain damages claim.” Appellees’ Br. at 16 (internal quotation marks omitted). Appellees’ interpretation of the presentment requirement relies on a regulation promulgated by the Department of Justice, which states that “a claim shall be deemed to have been presented when a Federal agency receives from a claimant . . . an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain.” 28 C.F.R. § 14.2(a).

This Court recently held, however, that a similar regulation promulgated by the Postmaster General, 39 C.F.R. § 912.5(a), “cannot dictate presentment.” *Collins v. United States*, 996 F.3d 102, 110 (2d Cir. 2021). Section 912.5(a) was promulgated under 28 U.S.C. § 2672, which establishes regulations facilitating settlement, and not under 28 U.S.C. § 2675, which prescribes requirements for presentment. See 73 Fed. Reg. 75,339 (Dec. 11, 2008). Indeed, pursuant to 28 C.F.R. § 14, the Postmaster General was delegated *only* settlement authority by the Department of Justice. 73 Fed. Reg. 70,276 (Nov. 20, 2008). *Collins* suggests that a regulation promulgated under 28 U.S.C. § 2672 is insufficient to prescribe the prerequisites for presentment. And while our decision in *Romulus v. United States* held that adequate presentment of a claim under 28 U.S.C. § 2675(a) requires a claimant to “provide enough information to permit the agency to conduct an investigation and to estimate the claim’s worth,” 160 F.3d 131, 132 (2d Cir. 1998), this Court explicitly avoided the issue of whether “regulations promulgated under 28 U.S.C. § 2672,

related to settlement, apply to the presentment requirement of 28 U.S.C. § 2675(a)." *Id.*

Collins, however, casts no doubt on the "sum certain" requirement. In *Collins*, the appellant, who had been struck by a United States Postal Service truck, had complied with that requirement; he had submitted a Standard Form 95 seeking \$10 million in compensation. We rejected the government's argument, relying on the regulation, that Collins had submitted insufficient information about the accident and his injuries to permit the agency to evaluate the merits and value of his claim and formulate a settlement offer. We then proceeded to examine the statutory language of 28 U.S.C. § 2675(a) and concluded, based on the plain meaning of the word "present," that "based simply on the statutory text . . . the presentment requirement [is] one of notice, not proof." 996 F.3d at 110.

Taking the same approach here, we conclude that a claim that does not set forth a specific demand for damages in a sum certain does not adequately "present" a claim. Unlike the purported requirement for detailed "proof" rejected in *Collins*, the "sum certain" requirement is rooted in the statutory text. The FTCA expressly provides that an action against the United States "shall not be instituted for any sum in excess of the amount of the claim presented to the federal agency." 28 U.S.C. § 2675(b). If a communication to the agency does not demand *any* claim for a specified sum, an action demanding any damages at all necessarily seeks a "sum in excess of the amount of the claim presented to the federal agency." The *Collins* court, indeed, even as it concluded that the USPS regulation was not authoritative with respect to presentment requirements under the FTCA, acknowledged that

the "sum certain" requirement "can be traced to 28 U.S.C. § 2675(b)." 996 F.3d at 110. *Collins* thus cannot be read to overrule our prior approval of a district court's ruling that a properly presented claim must include a "sum certain damages claim." *Romulus*, 160 F.3d at 132. The sum certain requirement is not merely a creature of regulation, but a necessary implication of the text of the FTCA itself.

Here, Plaintiffs filed their February 13 Claim with the U.S. Department of Justice's Civil Rights Division and Office of the Inspector General, in addition to the U.S. Department of Homeland Security's Office for Civil Rights and Civil Liberties and several United States senators, requesting "redress, justice, and a remedy" for alleged "ABUSIVE RACIST DISRESPECTFUL BEHAVIOR AND TREATMENT BY DHS/USCIS EXAMINER/OFFICER ISO LEWIS, AND THE REST OF THE NEW YORK DHS FIELD OFFICE." App'x at 31-33.

The February 13 Claim's general request for "redress" or a "remedy" does not satisfy the presentment requirement for exhaustion purposes because it failed to provide the appropriate federal agency with an "amount." 28 U.S.C. § 2675(b); *see also Romulus*, 160 F.3d at 132 (noting that the FTCA's presentment requirement under Section 2675(a) requires that a claimant submits "a sum certain damages claim"). Indeed, the February 13 Claim's request for "redress" cannot be read, in context, as a demand for money damages at all. The February 13 Claim was directed to a number of agencies and individuals, including the Civil Rights Division of the Department of Justice, the Office for Civil Rights and Civil Liberties at the U.S. Department of Homeland Security, and various senators, none of whom could be the object of

either a presentment or an action under the FTCA. Even construed in the light most favorable to Plaintiffs, the February 13 Complaint is most generously characterized as a general complaint and request for someone in the federal government to do something about the allegations made and provide some unspecified justice or satisfaction to the Manchandas.

Plaintiffs nevertheless suggest that we should relax any deficiencies with respect to the “technical requirements” of the statute “in the interests of justice.” Appellants’ Br. at 10. However, it is well settled that “[s]overeign immunity is a jurisdictional bar, and a waiver of sovereign immunity is to be construed strictly and limited to its express terms.” *Lunney v. United States*, 319 F.3d 550, 554 (2d Cir. 2003); see also *Millares Guiraldes de Tineo v. United States*, 137 F.3d 715, 719 (2d Cir. 1998) (conditions of the FTCA’s waiver of sovereign immunity “are to be strictly applied against the claimant”). Therefore, there is no legal basis to excuse Plaintiffs’ non-compliance with Section 2675(a) by failing to provide a “sum certain” claim for money damages.

In any event, even assuming *arguendo* that the February 13 Claim was a valid administrative claim under the FTCA, the district court still lacked jurisdiction over the FTCA claim because Plaintiffs filed the lawsuit prematurely. Plaintiffs failed to demonstrate that the February 13 Claim was “finally denied by the agency,” either “in writing” or by “failure . . . to make [a] final disposition . . . within six months after [the claim was] filed.” 28 U.S.C. § 2675(a). It is uncontroverted that the agency did not deny Plaintiffs’ February 13 Claim. Plaintiffs point to their allegation in the Amended Complaint that “[u]pon information, the USCIS investigated [the

February 13 Claim] and it is understood from a DHS Civil Rights Officer 'Ms. Keels' that the investigators found against Defendant ISO Lewis and 'were taking action against her.'" App'x at 19. Not only is there no allegation that the communication was in writing, but the communication itself does not indicate a final action as to the purported claim. To the contrary, it references an incomplete, unspecified action. To the extent Plaintiffs argue that the February 13 Claim should be construed as a claim for damages, the communication makes no reference to that purported claim and cannot be reasonably construed as either granting or denying that claim. Given the absence of a final agency decision with respect to the February 13 Claim, and because six months had not elapsed from the submission of that claim until Plaintiffs filed this lawsuit on February 28, 2020, the district court also lacked jurisdiction on this independent ground.

Accordingly, because Plaintiffs failed to file a proper claim with a "sum certain" and filed the lawsuit prematurely, the district court correctly determined that Plaintiffs failed to exhaust their administrative remedies and properly dismissed the FTCA claim without prejudice for lack of subject matter jurisdiction.³

³ We recognize that Plaintiffs did file a claim with a "sum certain" on a Standard Form 95—the form typically used for presenting tort claims to a federal agency, *see* 28 C.F.R. § 14.2(a)—on March 6, 2020, a week *after* initially filing suit on February 28, 2020, and that more than six months have passed since that form was filed. However, the Supreme Court has made clear that prematurely-filed FTCA claims should be dismissed without prejudice, even where those claims would be ripe if re-filed at a later date. *See McNeil v. United States*, 508 U.S. 106, 111–13 (1993); *see also Duplan v. Harper*, 188 F.3d 1195, 1199 (10th Cir. 1999) ("[A]s a general rule, a premature

III. APA Claim

Plaintiffs also argue that the district court erred in dismissing their APA claim, which alleged they had been subject to arbitrary and capricious action by the USCIS, because Plaintiffs have not yet been subject to a final agency action.

Under the APA, a “reviewing court shall . . . hold unlawful and set aside agency action . . . found to be . . . arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law.” 5 U.S.C. § 706(2)(A). However, the APA makes clear that judicial review is only proper where there is a “final agency action for which there is no other adequate remedy.” 5 U.S.C. § 704; see *Larson v. United States*, 888 F.3d 578, 587 (2d Cir. 2018) (“APA review is limited to [] final agency action.”). For an agency action to be “final,” two conditions must be met: “First, the action must mark the consummation of the agency’s decisionmaking process—it must not be of a merely tentative or interlocutory nature. And second, the action must be one by which rights or obligations have been determined, or from which legal consequences will flow.” *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997) (internal quotation marks and citations omitted).⁴

[FTCA] complaint cannot be cured through amendment, but instead, plaintiff must file a new suit.” (internal quotation marks omitted)).

⁴ Although we have held that “[the] requirement of finality is jurisdictional,” *Air Espana v. Brien*, 165 F.3d 148, 152 (2d Cir. 1999), we have recognized that it is “uncertain in light of recent Supreme Court precedent whether [the APA] threshold limitations [which include finality of agency action] are truly jurisdictional or are rather essential elements of the APA claims for relief.” *Sharkey v. Quarantillo*, 541 F.3d 75, 87 (2d Cir. 2008)

As a preliminary matter, although Plaintiffs contend that the district court failed to consider their argument that the Stokes Interview notice itself constituted a final agency action, that contention misconstrues the record. The district court *did* consider whether the issuance of a Stokes Interview notice could constitute a final agency action and, after rejecting that argument, addressed whether USCIS had issued a decision on Mrs. Manchanda's application for adjustment of status. As set forth below, because the Stokes Interview notice is not a final agency action and the USCIS has yet to issue a decision on the application for adjustment of status, the district court correctly concluded that the APA claim was premature because of the lack of a final agency action.

Plaintiffs allege that "[t]he very act of being set down for a Stokes Hearing implies that a determination has been made that criminally actionable immigration fraud and perjury are most likely present," and thus a Stokes Interview is "the functional equivalent of charging an innocent individual with a crime." Reply Br. at 5. On that basis, they allege that "legal consequences flow" from a Stokes Interview notice, and therefore it should be considered a final agency action under the APA. *Id.* We disagree. No legal consequences flow from the scheduling of a Stokes Interview. As the district court correctly noted, the Stokes Interview is, at most, an additional investigative step that is conducted to

(citing *Arbaugh v. Y&H Corp.*, 546 U.S. 500, 514–15 (2006)). That debate however, is immaterial to our analysis here because the APA claim is subject to dismissal under *de novo* review for lack of agency action regardless of whether it is analyzed under Rule 12(b)(1) or 12(b)(6).

determine whether there is a bona fide marriage. See *Stokes v. INS*, 393 F. Supp. 24, 28 (S.D.N.Y. 1975). It is well settled that such interlocutory investigative steps by an agency do not constitute final agency actions under the APA. See *FTC v. Standard Oil Co.*, 449 U.S. 232, 244–45 (1980) (holding issuance of administrative complaint to initiate proceedings is not final agency action for judicial review); *Veldhoen v. U.S. Coast Guard*, 35 F.3d 222, 225 (5th Cir. 1994) (citing *Standard Oil*, 449 U.S. at 239–45) (“An agency’s initiation of an investigation does not constitute final agency action.”)); see also *DRG Funding Corp. v. Sec’y of Hous. & Urb. Dev.*, 76 F.3d 1212, 1215 (D.C. Cir. 1996) (noting that a decision that “does not end the controversy” is interlocutory in nature, and not a final agency decision). Indeed, the Amended Complaint concedes that the USCIS’s decision on Mrs. Manchanda’s application to adjust her status was still pending when the lawsuit was filed. See App’x. at 29 (noting that “Plaintiffs’ application for marriage-adjustment of status has been pending with Defendants”). Accordingly, in the absence of a final agency action, the district court properly dismissed the APA claim without prejudice.⁵

⁵ Although Plaintiffs also brought an APA claim based on unreasonable delay under 5 U.S.C. § 706(1), they did not challenge the recommended dismissal of that claim in their objections to the R&R filed in the district court, nor did they raise that issue in their brief to this Court. Therefore, that claim is deemed abandoned. See *Mario v. P & C Food Markets, Inc.*, 313 F.3d 758, 766 (2d Cir. 2002) (“Where parties receive clear notice of the consequences, failure to timely object to a magistrate’s report and recommendation operates as a waiver of further judicial review of the magistrate’s decision.”); *Norton v. Sam’s Club*, 145 F.3d 114, 117 (2d Cir. 1998) (“Issues not sufficiently argued in the briefs are considered waived and normally will not be addressed on appeal.”).

* * *

Although it does not affect the result of this appeal, we would be remiss if we did not note in the strongest terms our disapproval of portions of Mr. Manchanda's *pro se* opposition in the district court to the defendants' motion to dismiss insofar as it is burdened by multiple racist and anti-Semitic attacks on, among many others, the district court and magistrate judges who decided the case, and the Assistant United States Attorney who represented the government in these proceedings. See A092-95, Pls. Opp. to Defs. Mot. to Dismiss at 18-21, *Manchanda v. Lewis*, No. 20-cv-1773 (S.D.N.Y. Aug. 22, 2020).

We have considered Plaintiffs' remaining arguments and find them to be without merit. Accordingly, we **AFFIRM** the order and judgment of the district court.

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk of Court

[SEAL]

/s/ Catherine O'Hagan Wolfe

23a

Appendix E

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

[STAMP]

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #: _____
DATE FILED: 7/29/21

21-CV-5788 (AJN)

ORDER

RAHUL MANCHANDA ESQ.,
Plaintiff
—against—
DOUGLAS SENDEROFF MD,
Defendant.

ALISON J. NATHAN, United States District Judge:

“Defendant (now Plaintiff-Appellant) Rahul Manchanda Esq.,” who is a New York State licensed attorney appearing *pro se*, filed this notice of removal. Defendant paid the filing fees to bring this action. For the reasons set forth below, the Court remands this

action to the New York Supreme Court, New York County.

STANDARD OF REVIEW

A defendant in a state-court action may remove a matter to federal district court if the district court has original jurisdiction over the action. 28 U.S.C. § 1441(a). To remove a state-court action to a federal district court:

[a] defendant . . . shall file in the district court of the United States for the district and division within which such action is pending a notice of removal signed pursuant to Rule 11 of the Federal Rules of Civil Procedure and containing a short and plain statement of the grounds for removal, together with a copy of all process, pleadings, and orders served upon such defendant or defendants in such action.

28 U.S.C. § 1446(a). The right of removal is “entirely a creature of statute,” and the “statutory procedures for removal are to be strictly construed.” *Syngenta Crop Protection, Inc. v. Henson*, 537 U.S. 28, 32 (2002). A federal district court may *sua sponte* remand an action within 30 days of the filing of the notice of removal for a procedural defect, or at any time for a lack of subject matter jurisdiction. See 28 U.S.C. § 1447(c); *Mitskovski v. Buffalo & Fort Erie Pub. Bridge Auth.*, 435 F.3d 127, 131-33 (2d Cir. 2006); *Hamilton v. Aetna Life & Cas. Co.*, 5 F.3d 642, 643-44 (2d Cir. 1993).

BACKGROUND

Defendant Rahul Manchanda, who is the “Plaintiff-Appellant” in this notice of removal, brings this action seeking to remove *Senderoff v. Manchanda*, Index No. 152538/2019, an action pending in New York State Supreme Court, New York County, and two corresponding appeals pending in the New York State Appellate Division, First Department. Defendant Manchanda asserts that the state-court action is “[f]ounded on a [c]laim, [c]ounterclaim, or [r]ight [a]rising under the [l]aws of the United States.” (ECF No. 1 at 2.). He further asserts that the notice of removal is timely filed. (*Id.* at 4.)

Defendant Manchanda attaches to his notice of removal copies of the appeals filed in the New York State Appellate Division, First Department; an order of Justice Richard G. Latin, filed in the New York State Supreme Court, New York County; and copies of claims of discrimination that Defendant Manchanda filed with: the New York State Unified Court System, Office of the Inspector General; the Human Rights Council; the Attorney Grievance Committee of the Supreme Court, Appellate Division, First Judicial Department; the Senate Judiciary Committee; the House Judiciary Committee; Congresswomen Rashida Tliab, Ilhan Omar, and Alexandria Ocasio-Cortez; and the Internet Crime Complaint Center.

Defendant is not a stranger to this Court. Because Defendant filed three actions in this court that were dismissed *sua sponte*, by order dated April 16, 2015, the Honorable Vernon S. Broderick of this court warned Plaintiff that the continued filing of frivolous or meritless lawsuits will result in an order under 28 U.S.C. § 1651, barring Plaintiff from filing any new

action in this Court without prior permission. See *Manchanda v. Bose*, ECF 1:15-CV-2313, 3 (S.D.N.Y. Apr. 16, 2015).

DISCUSSION

Removal of this case is improper for two reasons. First, Defendant's notice does not comply with 28 U.S.C. § 1446(a), which requires that a defendant removing an action to federal district court file "a short and plain statement of the grounds for removal" and "cop[ies] of all process, pleadings, and orders" that were served upon him. Defendant fails to detail the nature of the state-court action and the grounds for removal to this Court. Defendant also fails to provide copies of all process, pleadings, and orders that were served upon him. Instead, Defendant attaches copies of the appeals he filed in the Appellate Division and copies of complaints that he filed with various agencies alleging "blatant racism, discrimination and bias by extreme Zionist Jewish NYC Judges against supporters of Palestinian rights, against war with Iran and other Middle Eastern countries." (ECF No. 1 at 25, 30, 34, 36.)

Second, the notice of removal is untimely. A notice of removal must be filed within 30 days of the defendant's receipt of a pleading, motion or other paper indicating grounds for removal. 28 U.S.C. § 1446(b). Based on the case numbers provided by Defendant, the matter he seeks to remove to this Court was filed in 2019. According to the records of the New York State Unified Court System, the request for judicial intervention (RJI) was filed on March 21, 2019. See <https://iapps.courts.state.ny.us/webcivil/>. Despite Defendant's assertion that removal is timely because he filed appeals in the New York

State Appellate Division, First Department, on or about July 1, 2021, it is clear that Defendant's notice of removal, filed in this Court on July 6, 2021, is filed well beyond 30 days of Defendant's receipt of a pleading, motion or other paper indicating grounds for removal.

For these reasons, the Court concludes that this case may not be removed. Thus, the action is remanded to the New York State Supreme Court, New York County. *See Mitskovski*, 435 F.3d at 131 (noting that the Circuit has "interpreted section 1447(c) to authorize a remand for either a procedural defect asserted within 30 days of the filing of notice of removal or a lack of subject matter jurisdiction").

CONCLUSION

Because removal of this action is improper, it is remanded under 28 U.S.C. § 1447(c) to the New York State Supreme Court, New York County. The Clerk of Court is directed to send a copy of this order to that court and to close this action. All pending matters are terminated.

The Clerk of Court is directed to mail a copy of this order to Defendant Manchanda and note service on the docket.

SO ORDERED.

Dated: July 28, 2021

New York, New York

/s/ Alison J. Nathan
ALISON J. NATHAN
United States District Judge

20 CIVIL 1773 (GBD) (RWL)

—against—

JUDGMENT

It is hereby **ORDERED, ADJUDGED AND DECREED:** That for the reasons stated in the Court's Memorandum Decision and Order dated March 30, 2021, Magistrate Judge Lehrburger's Report is adopted. Defendants' motion to dismiss is **GRANTED**. Plaintiffs' amended complaint is dismissed.

29a

Dated: New York, New York

March 30, 2021

RUBY J. KRAJICK

Clerk of Court

BY:

/s/ K. Mango

Deputy Clerk

30a

Appendix G

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

[STAMP]

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC # _____
DATE FILED: MAR 30 2021

MEMORANDUM DECISION AND ORDER

20 Civ. 1773 (GBD) (RWL)

SYLWIA EWELINA MADEJ MANCHANDA and
RAHUL D. MANCHANDA,
Plaintiffs,

—against—

ANDREA LEWIS, SUSAN QUINTANA, U.S.
CITIZENSHIP AND IMMIGRATION SERVICES,
and DOES 1-5,
Defendants.

GEORGE B. DANIELS, United States District Judge:
Plaintiffs Rahul D. Manchanda and Sylwia
Ewelina Madej Manchanda, husband and wife, bring

this action against Defendants Andrea Lewis, an Immigration Services Officer; Susan Quintana, Director of the New York City Field Office, U.S. Citizenship and Immigration Services ("USCIS"); USCIS; and Does 1–5. (Am. Compl., ECF No. 32.) Plaintiffs' claims center around an adjustment of status interview conducted on February 13, 2020 in connection with Sylwia Ewelina Madej Manchanda's application to become a permanent resident of the United States, and Plaintiffs' subsequent complaint to the U.S. Department of Justice ("DOJ") and Department of Homeland Security ("DHS") regarding the interview.¹ (*Id.* ¶¶ 34–35, 51.) Plaintiffs allege that they were the last to be interviewed in a room of hundreds of people. (*Id.* ¶ 37.) Moreover, Plaintiffs contend that while they waited to be interviewed, they were subjected to mocking comments from various USCIS officers. (*Id.* ¶ 38.) Plaintiffs further claim that ISO Lewis, who conducted their interview, insinuated that their marriage was fraudulent and mocked Rahul Manchanda's profession as a New York City immigration lawyer. (February 13 Claim at 2.) ISO Lewis, who is African-American, also allegedly made subtly racist comments to both Rahul Manchanda, who is Indian-American, and Sylwia Ewelina Madej Manchanda, who is Caucasian and from Poland. (*Id.*; Am. Compl. ¶¶ 39–40.) Plaintiffs contend that after the interview, they filed a "formal complaint and request for an investigation with the civil rights divisions of the [DOJ] and [DHS]" regarding the "abusive behavior" of ISO Lewis. (Am. Compl. ¶ 51.)

¹ Plaintiffs' "formal complaint" to DOJ and DHS is attached as Exhibit A to Plaintiffs' amended complaint (the "February 13 Claim"). (ECF No. 32-1.)

Plaintiffs further claim that Defendants took retaliatory action against them for seeking an investigation of ISO Lewis. (*Id.* ¶¶ 53–67.) First, Plaintiffs allege that Rahul Manchanda received a series of peculiar, harassing communications from a purported DHS/USCIS federal employee. (*Id.* ¶¶ 54–56.) Second, Plaintiffs point to the fact that ISO Lewis scheduled a follow-up, so-called “Stokes Interview” with Plaintiffs, (*id.* ¶ 57), which is conducted to determine whether a marriage was entered into for the purpose of evading immigration laws. Finally, Plaintiffs contend that after they filed a second request to investigate the conduct of ISO Lewis, Director Quintana has denied “every single case that [Rahul] Manchanda files on behalf of his private immigration clients.” (*Id.* ¶ 64.)

Based on these allegations, Plaintiffs assert five causes of action against Defendants in their amended complaint. Specifically, Plaintiffs allege violations of 42 U.S.C. § 1983; a provision of the Intelligence Reform and Terrorism Prevention Act, 42 U.S.C. § 2000ee-1(e); the Federal Tort Claims Act (the “FTCA”), 28 U.S.C. §§ 1346(b), 2671–2680; and the Administrative Procedure Act (the “APA”). (Compl. ¶¶ 69–97, 107–125.) Plaintiffs also raise a *Bivens* claim, alleging violations of their “constitutional right to substantial and procedural due process.” (*Id.* ¶¶ 98–106.) Defendants move to dismiss Plaintiffs’ amended complaint in its entirety for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6). (Notice of Mot., ECF No. 38.)

Before this Court is Magistrate Judge Robert W. Lehrburger’s February 23, 2021 Report and Recommendation (the “Report”), recommending that Defendants’ motion be granted, but that Plaintiffs’ FTCA and APA claims be dismissed without

prejudice.² (Report, ECF No. 46, at 1, 24.) Magistrate Judge Lehrburger advised the parties that failure to file timely objections to the Report would constitute a waiver of those objections on appeal. (*Id.* at 24.) Plaintiffs filed timely objections. (Pl.'s Objs. to R. & R. of Magistrate Judge Granting Defs.' Mot. to Dismiss ("Pls.' Objs."), ECF No. 48.) Defendants submitted a response to Plaintiffs' objections, (Defs.' Resp. to Pls.' Objs. to the R. & R. Granting Defs.' Mot. to Dismiss, ECF No. 49), and Plaintiffs filed further reply, (Reply to Def.'s Resp. to Pl.'s Objs. to R. & R. of Magistrate Judge Granting Defs.' Mot. to Dismiss ("Pls.' Reply"), ECF No. 50). Having reviewed the Report, as well as Plaintiffs' objections and the parties' subsequent filings, this Court adopts the Report and overrules the objections. Defendants' motion to dismiss is GRANTED to the extent that Plaintiffs' 42 U.S.C. § 1983, 42 U.S.C. § 2000ee-1(e), and *Bivens* claims are dismissed with prejudice, while Plaintiffs' FTCA and APA claims are dismissed without prejudice.

I. LEGAL STANDARDS

A. Reports and Recommendations.

A court "may accept, reject, or modify, in whole or in part, the findings or recommendations" set forth in a magistrate judge's report. 28 U.S.C. § 636(b)(1)(C). The court must review *de nova* the portions of a magistrate judge's report to which a party properly objects. *Id.* The court, however, need not conduct a *de nova* hearing on the matter. *See United States v.*

² The relevant factual and procedural background is set forth in greater detail in the Report and is incorporated by reference herein. (Report at 1-6.)

Raddatz, 447 U.S. 667, 675–76 (1980). Rather, it is sufficient that the court “arrive at its own, independent conclusion” regarding those portions of the report to which objections are made. *Nelson v. Smith*, 618 F. Supp. 1186, 1189–90 (S.D.N.Y. 1985) (citation omitted).

Portions of a magistrate judge’s report to which no or “merely perfunctory” objections are made are reviewed for clear error. See *Edwards v. Fischer*, 414 F. Supp. 2d 342, 346–47 (S.D.N.Y. 2006) (citations omitted). Objections must be “specific and clearly aimed at particular findings” in the report. *Harden v. LaClaire*, No. 07 Civ. 4592 (LTS) (JCF), 2008 WL 4735231, at *1 (S.D.N.Y. Oct. 27, 2008). Accordingly, the clear error standard also applies if a party’s “objections are improper—because they are ‘conclusory,’ ‘general,’ or ‘simply rehash or reiterate the original briefs to the magistrate judge.’” *Stone v. Comm’r of Soc. Sec.*, No. 17 Civ. 569 (RJS), 2018 WL 1581993, at *3 (S.D.N.Y. Mar. 27, 2018) (citation omitted). Clear error is present when “upon review of the entire record, [the court is] left with the definite and firm conviction that a mistake has been committed.” *United States v. Snow*, 462 F.3d 55, 72 (2d Cir. 2006) (citation and internal quotation marks omitted).

B. Motions to Dismiss for Failure to State a Claim.

“To survive a motion to dismiss, a complaint must contain sufficient factual matter, accepted as true, to ‘state a claim to relief that is plausible on its face.’” *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (quoting *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 570 (2007)). The plaintiff must demonstrate “more than a sheer possibility that a defendant has acted unlawfully”;

stating a facially plausible claim requires the plaintiff to plead facts that enable the court “to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Id.* (citation omitted). The factual allegations pled must therefore “be enough to raise a right to relief above the speculative level.” *Twombly*, 550 U.S. at 555 (citation omitted). “In deciding a motion to dismiss under Rule 12(b)(6), the court may refer ‘to documents attached to the complaint as an exhibit or incorporated in it by reference, to matters of which judicial notice may be taken, or to documents either in plaintiffs’ possession or of which plaintiffs had knowledge and relied on in bringing suit.’” *Fishbein v. Miranda*, 670 F. Supp. 2d 264, 271 (S.D.N.Y. 2009) (quoting *Brass v. Am. Film Tech., Inc.*, 987 F.2d 142, 150 (2d Cir. 1993)).

A district court must first review a plaintiff’s complaint to identify allegations that, “because they are no more than conclusions, are not entitled to the assumption of truth.” *Iqbal*, 556 U.S. at 679. The court then considers whether the plaintiff’s remaining well-pleaded factual allegations, assumed to be true, “plausibly give rise to an entitlement to relief.” *Id.*; see also *Targum v. Citrin Cooperman & Co., LLP*, No. 12 Civ. 6909 (SAS), 2013 WL 6087400, at *3 (S.D.N.Y. Nov. 19, 2013). In deciding the 12(b)(6) motion, the court must also draw all reasonable inferences in the non-moving party’s favor. See *NJ Carpenters Health Fund v. Royal Bank of Scot. Grp., PLC*, 709 F.3d 109, 119–20 (2d Cir. 2013).

**II. PLAINTIFFS' § 1983, § 2000ee-1(e),
AND BIVENS CLAIMS ARE DISMISSED
WITH PREJUDICE**

Magistrate Judge Lehrburger appropriately determined that Plaintiffs' § 1983, § 2000ee-1(e), and *Bivens* claims should be dismissed with prejudice. (Report at 9-18.) First, Magistrate Judge Lehrburger correctly noted that Plaintiffs' § 1983 claim fails, because § 1983 does not apply to actions against the federal government or its officers acting under color of federal law. (*Id.* at 9-11.) Second, Magistrate Judge Lehrburger conducted a careful review of § 2000ee-1 and determined that the statute does not create a private right of action. (*Id.* at 9, 11-14.) Finally, Magistrate Judge Lehrburger surveyed the limited instances in which the Supreme Court has recognized a valid *Bivens* claim for Constitutional violations by federal officials. (*Id.* at 14-18.) Magistrate Judge Lehrburger appropriately concluded that it would be improvident to extend *Bivens* claims to include due process challenges to adjustment of status applications. (*Id.*)

Neither party objects to these determinations.³ This Court has reviewed this portion of the Report and finds no error, clear or otherwise. Plaintiffs'

³ In a footnote in their reply to Defendants' response to their objections, Plaintiffs appear to argue that their allegations are actionable as a *Bivens* claim. (See Pls.' Reply at 9-10 n.5.) However, to the extent this discussion can be considered an objection, it does not target Magistrate Judge Lehrburger's specific findings that the facts of Plaintiffs' case meaningfully differ from those in which the Supreme Court previously recognized valid *Bivens* actions, and it would be imprudent to extend the *Bivens* remedy to this case.

§ 1983, § 2000ee-1(e), and *Bivens* claims are dismissed with prejudice.

III. PLAINTIFFS' FTCA AND APA CLAIMS ARE DISMISSED WITHOUT PREJUDICE

Magistrate Judge Lehrburger recommended that this Court dismiss Plaintiffs' claims under the FTCA and APA without prejudice. (*Id.* at 9–10.) Plaintiffs object to both recommendations.

A. The FTCA Claim.

As to Plaintiffs' FTCA claim, Magistrate Judge Lehrburger found that Plaintiffs have not exhausted their administrative remedies as required by statute. Before filing an FTCA action, a claimant must "first present[] the claim to the appropriate Federal agency and his claim [must be] finally denied by the agency in writing and sent by certified or registered mail." 28 U.S.C. § 2675(a). Alternatively, if the agency fails to issue a written final determination within six months of the date the claim is filed, the claimant may then initiate a FTCA action in federal district court. *See id.* The exhaustion requirement "is jurisdictional and cannot be waived." *Celestine v. Mount Vernon Neighborhood Health Center*, 403 F.3d 76, 82 (2d Cir. 2005).

Magistrate Judge Lehrburger identified four documents that Plaintiffs ask this Court to construe as claims filed with the appropriate agency. These are (1) the February 13 Claim, (2) Sylwia Ewelina Madej Manchanda's initial complaint in this action filed on February 28, 2020, (3) correspondence from Rahul Manchanda to USCIS that is dated March 1, 2020, and (4) a Standard Form 95 Claim for Damage, Injury, or Death that is dated March 6, 2020. (Report

at 19.) Magistrate Judge Lehrburger assumed for argument's sake that Plaintiffs had filed a proper administrative claim, but found that Plaintiffs failed to sufficiently allege that any such claim was finally denied by the agency, either in writing or by failure to make a final disposition within six months after the claim was filed. (*Id.*) Magistrate Judge Lehrburger recognized that Plaintiffs' amended complaint includes an allegation that USCIS investigated their claim and Plaintiffs "understood from a DHS Civil Rights Officer 'Ms. Keels' that the investigators found against Defendant ISO Lewis and were 'taking action against her.'" (*Id.* at 20.) However, Magistrate Judge Lehrburger concluded that an agency's statement that it will take action does not constitute a final denial or disposition of Plaintiffs' claim and further noted that Plaintiffs did not allege that the purported communication reflecting USCIS's position was sent or received in writing. (*Id.*)

Plaintiffs object to these findings and maintain that they exhausted available administrative remedies. Plaintiffs cite three purported claims that were allegedly denied. First, Plaintiffs point to the February 13 Claim and argue that the communication from Keels, which they concede was by telephone, qualifies as a final disposition of their claim. (Pls.' Objs. at 3-4.) Plaintiffs further note that they have received no further communications regarding this claim. (*Id.*) Second, Plaintiffs cite an appeal filed on March 1, 2020 with the Administrative Appeals Office of USCIS (the "USCIS Appeal") that Plaintiffs allege was summarily denied. (*Id.* at 4, 7.) Finally, Plaintiffs refer to the Standard Form 95 Claim for Damage, Injury, or Death dated March 6, 2020 and filed with DHS, which has not been responded to for over a year. (*Id.* at 7-8.)

Plaintiffs' arguments are unavailing. This Court concurs with Magistrate Judge Lehrburger that Keels' alleged response to Plaintiffs does not qualify as a final denial or disposition. Moreover, the February 13 Claim and the USCIS Appeal do not qualify as formal administrative claims. For purposes of 28 U.S.C. § 2675, "a claim shall be deemed to have been presented when a Federal agency receives from a claimant ... an executed Standard Form 95 or other written notification of an incident, accompanied by a claim for money damages in a sum certain." 28 C.F.R. § 14.2(a). Neither the February 13 Claim, nor the USCIS Appeal included a claim for monetary damages directed at the agency. As to Plaintiffs' Standard Form 95, it was filed on March 6, 2020. Less than six months elapsed between that filing and the dates that Plaintiff initiated this action and filed the operative complaint.⁴ Accordingly, DHS's failure to issue a final determination in that period cannot be deemed a denial of Plaintiffs' claim. And the fact that the agency has not responded to date does not cure Plaintiffs' failure to exhaust their claims. *MBE Cap. Partners LLC v. AVPOL Int'l LLC*, No. 17 CIV. 5992 (PGG), 2019 WL 568587, at *5 (S.D.N.Y. Feb. 11, 2019) ("The requirement that prematurely filed FTCA claims be dismissed holds even when ... the FTCA claims would be ripe if re-filed at the date of the court's decision.") (quoting *Liriano v. ICE/DHS*, 827 F. Supp. 2d 264,269 (S.D.N.Y. 2011)). Plaintiffs'

⁴ Plaintiff Sylwia Ewelina Madej Manchanda actually initiated this action on February 28, 2020, seven days *before* the Standard Form 95 was filed. The operative complaint was filed on June 15, 2020.

FTCA claim is dismissed without prejudice for failure to exhaust administrative remedies.⁵

B. The APA Claim.

Plaintiffs' APA claim consists of two separate challenges. First, Plaintiffs argue that Defendants' actions were arbitrary, capricious, and an abuse of discretion. In particular, Plaintiffs allege that they were "arbitrarily made to wait for the [adjustment of status] interview for a prolonged time, humiliated, intimidated, discriminated, abused and insulted," and ISO Lewis scheduled a Stokes Interview to retaliate against Plaintiffs and "without considering the statutorily required documents and evidence demonstrating Plaintiffs' bonafide marriage." (Am. Compl. ¶¶ 117, 119-20.) Second, Plaintiffs contend that their application for adjustment of status has been unreasonably delayed. (*Id.* ¶ 122.)

Magistrate Judge Lehrburger determined that Plaintiffs did not allege final agency action necessary for a substantive APA claim. (Report at 20-22.) Under the APA, a reviewing court must "hold unlawful and set aside agency action" that is "arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with law." 5 U.S.C. § 706(2)(A). Judicial review, however, is limited to "final agency action." *See* 5 U.S.C. § 704. Agency action is "final" if it (1) "mark[s] the consummation of the agency's decisionmaking process," and (2) is "one by which rights or obligations have been determined, or from which legal consequences will flow." *U.S.*

⁵ Plaintiffs also contend in their objections to the Report that exhaustion is waivable. As noted, the FTCA statutory requirement that a claimant exhaust all administrative remedies before filing a complaint is jurisdictional and cannot be waived. *Celestine*, 403 F.3d at 82.

Army Corps of Eng'rs v. Hawkes Co., 136 S. Ct. 1807, 1813 (2016) (quoting *Bennett v. Spear*, 520 U.S. 154, 177–78 (1997)). Here, Magistrate Judge Lehrburger concluded that the actions identified by Plaintiffs failed to meet either prong of the test. (Report at 21–22.) Indeed, Magistrate Judge Lehrburger found that the “only conceivable final agency action that the Court could potentially review is a USCIS decision on Plaintiffs’ adjustment of status application,” which Plaintiffs allege has yet to be determined. (*Id.* at 22.)

Magistrate Judge Lehrburger further found that Plaintiffs failed to allege a claim of unreasonable delay with respect to their adjustment of status application. The APA requires that agencies conclude matters “within a reasonable time,” 5 U.S.C. § 555(b), and authorizes courts to “compel agency action unlawfully withheld or unreasonably delayed,” 5 U.S.C. § 706(1). Because Plaintiffs’ adjustment of status interview took place on February 13, 2020 and the Stokes Interview was scheduled for May 12, 2020, only a month before the operative complaint was filed, Magistrate Judge Lehrburger concluded that there is no indication that a decision has been unreasonably delayed. (Report at 23.) Magistrate Judge Lehrburger also noted that Plaintiffs do not indicate when the application was initially filed, making it impossible for the Court to determine whether any delay has been unreasonable. (*Id.*)

Plaintiffs object to the Report’s conclusion that they failed to allege final agency action, but do not object to its findings regarding their allegations of unreasonable delay. Specifically, Plaintiffs contend that Magistrate Judge Lehrburger erred in finding that the decision to conduct a Stokes Interview is not a final agency action. (Pls.’ Objs. at 16–18.) Plaintiffs contend that a Stokes Interview is “rare and

intrusive” and “reserved for cases of suspected fraud and abuse to the immigration laws.” (*Id.* at 16–17.) In a Stokes Interview, which is discretionary, spouses are questioned separately by USCIS officers to determine whether their marriage was bona fide. Notwithstanding the alleged rarity and inherently stressful nature of such a proceeding, the fact remains that these interviews are simply a step in an ongoing investigation. Moreover, though legal consequences may flow from actions taken based on such an interview, they do not flow from the decision to conduct the interview itself.

Nonetheless, Plaintiffs’ adjustment of status application may form the basis of a valid APA claim if the agency’s determination is unreasonably delayed or, if resolved unfavorably, as a final agency action subject to judicial review. Accordingly, Plaintiffs’ APA claim is appropriately dismissed without prejudice.

IV. CONCLUSION

Magistrate Judge Lehrburger’s Report is adopted. Defendants’ motion to dismiss, (ECF No. 38), is GRANTED. Plaintiffs’ amended complaint is dismissed.

The Clerk of Court is directed to close the motion accordingly.

Dated: New York, New York
March 30, 2021

SO ORDERED.

/s/ George B. Daniels
GEORGE B. DANIELS
United States District Judge

Appendix H

Fwd: 21-1909 Manchanda v. Senderoff

CC: benjamin.torrance@usdoj.gov, ilan.stein@usdoj.gov, John Fazzio <jfazzio@fazziolaw.com>, jboulton@fazziolaw.com, john.fazzlo@gmail.com, kprotocollo@fazziolaw.com, adembia@fazziolaw.com, cgibbons@fazziolaw.com, "Junior Attorney Monica Trombley, Esq." <monica.trombley@manchanda-law.com>, Kelly McCollum <kelly@law-mccollum.com>, newyork@fbi.gov, CRCL Compliance@hq.dhs.gov, dhsoighotline@dhs.gov, ogc@hq.dhs.gov, crcl@dhs.gov, Joint.Intake@dhs.gov, ICEOPR Intake <ICEOPRIntake@lce.dhs.gov>, civil.rights@usdoj.gov, askdoj@usdoj.gov, Criminal.Division@usdoj.gov, special.litigation@usdoj.gov, opr.complaints@usdoj.gov, OPR.FOIA@usdoj.gov, "Judicial Conduct (EOIR)" <Judicial.Conduct@usdoj.gov>, DRS.Intake Unit@usdoj.gov, Civil.Feedback@usdoj.gov, oig@usdoj.gov
Subject: Re: FW: 21-1909 Manchanda v. Senderoff
Reply-To: RDM@manchanda-law.com

Catherine Wolfe:

You are .blocking even my pro se filing on the Lewis case – that is both unacceptable and illegal.

Its due on or before January 10 – I will file pro se myself – do not reject it this time.

Thanks,

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Kind regards,

Rahul D. Manchanda, Esq.
Manchanda Law Office PLLC
30 Wall Street, 8th Floor
Suite 8207

New York, NY 10005

Tel: (212) 968-8600

Mob: (646) 645-0993

Fax : (212) 968-8601

Toll Free 24 Hour Hotline : (855) 207-7660

e-mail: rdm@manchanda-law.com

web: <https://manchanda-law.com/attorney-profiles/>

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Appendix I

ATTORNEY GRIEVANCE COMMITTEE

Supreme Court, Appellate Division

First Judicial Department

180 Maiden Lane, 17th Floor

New York, New York 10038

(212) 401-0800

JORGE DOPICO

Chief Attorney

Email Complaint and Attachments to AD1-AGC-newcomplaints@nycourts.gov. In addition, please send **one copy** of your complaint and attachments **by regular mail** to the above address. (If you do not have a personal email account, please send two (2) complete sets of your complaint and all attachments. There may be a delay in processing your matter if it is not emailed. Please do not include any original documents because we are unable to return them.)

Background Information

Today's Date: 10/17/21

Your Full Name: (Mr. Ms. Mrs.)

RAHUL DEV MANCHANDA ESQ.

Address: MANCHANDA LAW OFFICE PLLC/

30 WALL STREET, 8TH FLOOR

City: NEW YORK State: NEW YORK Zip Code: 10005

Cell Phone: 6466450993

Business/Home Phone: 2129688600

Email Address: INFO@MANCHANDA-LAW.COM

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Are you represented by a lawyer regarding this
complaint? Yes ☐ No ☒ If Yes:

Lawyer's Name: _____

Address: _____

City: _____ State: _____ Zip Code: _____

Business Phone: _____ Cell Phone: _____

Attorney Information

Full Name of Attorney Complained of (Mr. Ms. Mrs.)
JOHN FAZZIO

Address: 305 Broadway, 7th Floor, Suite 19

City: New York State: New York Zip Code: 10007

Business Phone: (201) 529-8024

Cell Phone: 6098688953

Email Address: jfazzio@fazziolaw.com

Date(s) of Representation/Incident: 01/23/2021

Have you filed a civil or criminal complaint against
this attorney? Yes ☒ No ☐ If Yes:

If yes, name of case (if applicable): _____

Name of Court: _____

Index Number of Case (if known): _____

Have you filed a complaint concerning this matter
with another Grievance Committee, Bar Association,
District Attorney's Office, or any other agency?
Yes ☒ No ☐

If yes, name of agency: FBI, DHS, OTHER AGENCIES

Action taken by agency, if any: UNKNOWN

Details of Complaint

Please describe the alleged misconduct in as much detail as possible including what happened, where and when, the names of any witnesses, what was said, and in what tone of voice, etc. Use additional sheets if necessary.

NYC Attorney John Fazzio blares on his website in complete and total false advertising, fraudulent inducement to contract, that he is a "practicing Christian" but later on during the legal representation if you hire him he confesses that he is both 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 criminalism, or Jewish public corruption/organized crime.

He tells you that he "can't go there" because he is afraaid that it will be construed as "anti-semitic," even if it's the right thing to do, because he doesn't want to get branded or his career hurt or be ostracized by the powerful Jewish organized lobby in the USA due to being perceived as giving legal assistance to anyone who is suing or filing a legal claim against a Jew, even if the claims are directly and on point relating to criminal activity, unethical behavior, or public corruption.

This unfortunately is a very common occurrence in New York City in my law practice as both a lawyer and a litigant over the past 20 years, and as I have exasperatingly and clearly declared before, prevents non-Jews from pursuing achieving justice or protecting their families, when they are in court opposing a Jewish litigant, have a Jewish lawyer, or where the presiding Judge is Jewish, all of this

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increases the odds that you will either lose your case, be publicly defamed/insulted/threatened by the Jewish Judge on the public record or that a rogue set of Attorney Disciplinary Committee members will make up or contrive allegations/charges to get you either sanctioned, admonished, disbarred, or worse.

Please urgently investigate, and advise.

Complainant's Signature (Required) /s/ Raul Manchanda

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Appendix J

U.S. Department of Labor

Office of the Assistant Secretary
for Administration and Management
Washington, D.C. 20210

[SEAL]

March 18, 2022

Rahul Manchanda
rdm@manchanda-law.com

Reference: CRC Complaint No. 22-NY-092

Dear Rahul Manchanda:

The U.S. Department of Labor's (DOL's) Civil Rights Center (CRC) has received your complaint.

CRC has jurisdiction (authority) to enforce nondiscrimination laws in programs and activities that receive Federal financial assistance, either from DOL itself or, under some circumstances, from another Federal department or Agency. This office also has authority to investigate disability discrimination complaints against public entities (such as State or local governments) that operate programs related to labor and the work force.

Important: CRC has no jurisdiction over, and therefore cannot investigate discrimination complaints against, private employers that do not receive Federal financial assistance. Those complaints should be filed with the U.S. Equal Employment Opportunity Commission (EEOC) or a state or local agency. You can learn more about filing a complaint with EEOC on the agency's website at www.eeoc.gov. You may file

50a

a discrimination complaint against a private employer through EEOC's online complaint portal at <https://publicportal.eeoc.gov/Portal/Login.aspx>.

We have carefully reviewed the information you sent us. Unfortunately, the organization or agency against which you filed your complaint does not appear to fall into one of the categories over which CRC has jurisdiction. This means that we have no authority to investigate your complaint, and we are closing your case.

Office of External Enforcement
Civil Rights Center
U.S. Department of Labor
200 Constitution Ave. NW, Suite N4123
Washington, DC 20210
(202) 693-6500 (voice); (202) 693-6505 (fax)
CRCEXternalComplaints@dol.gov

The CRC is committed to ensuring that communications with individuals with disabilities are as effective as communications with other individuals. If you are a person with a disability and require auxiliary aids and services in order to file a complaint, to access the CRC complaint form, or during the CRC complaint process, please contact us at CRCEXternalComplaints@dol.gov or by phone at (202) 693-6500.

51a

Fwd: Fwd: 21-1909 Manchanda v. Senderoff "Motion Order FILED granting to dismiss"

Subject: Fwd: Fwd: 21-1909 Manchanda v. Senderoff "Motion Order FILED granting to dismiss"

From: RAHUL MANCHANDA <RDM@MANCHANDA-LAW.COM>

Date: 3/24/22, 12:29 PM

To: "ny1@ic.fbi.gov" <ny1@ic.fbi.gov>, "newyork@fbi.gov" <newyork@fbi.gov>

CC: "Senior Managing Attorney Ricardo Luis Trujillo, Esq." <luis.trujillo@manchanda-law.com>, "Junior Attorney Mahwash Jaffery, Esq." <mahwash.jaffery@manchanda-law.com>

*New York City FBI Field Office
26 Federal Plaza
New York, NY 10278*

RE: PUBLIC CORRUPTION/PUBLIC INTEGRITY COMPLAINTS AGAINST 2ND CIRCUIT COURT OF APPEALS JUDGES REENA RAGGI, JOSE CABRANES, SUSAN CARNEY

Dear NYC FBI Field Office:

As per the below and attached, in furtherance to my previous countless complaints about Jewish Organized Crime in New York City, buying and selling state and federal judges (mainly top controllers being Jewish judges using desperate dependent black judges as their stormtroopers) please investigate the above referenced judges and their connections to Jewish Organized Crime just as was recently proven and published in the article appearing at Clerk Says Judge Shouldn't Have Heard BofA Spoofing Case – Law360 and even here at Federal Courts To 'Automate' Judges' Financial Disclosures – Law360 wherein not only the judges directly bought off/

bribed/paid for, but that other sweetheart deals, mortgages, speaking arrangements, teaching positions and other financial quid pro quo to their families, friends and cronies.

Quite simply, it is not "racist" or "anti-semitic" to point out or complain in formal government protected complaint forms about organized crime in New York City, of any ethnicity or hue, otherwise the entire FBI squads devoted to certain ethnic organized crime would be prima facie "racist" or "anti-semitic" (see FBI — Eurasian, Italian, and Balkan Organized Crime, FBI — Asian/Eurasian Organized Crime, FBI — Armenian Power Organized Crime Group Targeted in Federal Indictments That Allege Racketeering Offenses, Including Bank Fraud Schemes, Kidnappings, and Drug Trafficking for example).

Please urgently investigate and advise.

cc: Of Counsel Attorneys Luis Trujillo & Mahwash Jaffery

Kind regards,

/s/ Rahul Manchanda, Esq.

Rahul D. Manchanda, Esq.
Manchanda Law Office PLLC
30 Wall Street, 8th Floor
Suite 8207

New York, NY 10005

Tel: (212) 968-8600

Mob: (646) 645-0993

Fax: (212) 968-8601

Toll Free 24 Hour Hotline: (855) 207-7660

e-mail: rdm@manchanda-law.com

web: <https://manchanda-law.com/attorney-profiles/>

53a

Ranked amongst Top Attorneys in the United States
by Newsweek Magazine in 2012 and 2013.
Martindale Hubbell Client Champion Silver 2017
Award Winner, 2020 Gold Award Winner, 2020
Platinum Better Business Bureau Accredited
Business A+ Rating.

COMPLAINT AGAINST CATHERINE O'HAGAN
WOLFE, SECOND CIRCUIT COURT OF APPEALS
LAW CLERK

Subject: COMPLAINT AGAINST CATHERINE
O'HAGAN WOLFE, SECOND CIRCUIT COURT OF
APPEALS LAW CLERK

From: RAHUL MANCHANDA <RDM@MANCHANDA-
LAW.COM>

Date: 3/25/22, 8:44 AM

To: INFO@MANCHANDA-LAW.COM, Luis Trujillo
<Luis.Trujillo@manchanda-law.com>, Sylwia Manchanda
<sylwia.manchanda@manchanda-law.com>, "Junior
Attorney Mahwash Jaffery, Esq." <mahwash.jaffery@
manchanda-law.com>, Admin Oversight <Admin
Oversight@ao.uscourts.gov>

CC: "ny1@ic.fbi.gov" <ny1@ic.fbi.gov>, "newyork@fbi.gov"
<newyork@fbi.gov>, "Criminal.Division@usdoj.gov"
<Criminal.Division@usdoj.gov>, "Texas, Southeast (Cruz)"
<Southeast_Texas@cruz.senate.gov>, cruz_press@cruz.
senate.gov, central_texas@cruz.senate.gov, north texas
@cruz.senate.gov, south texas@cruz.senate.gov, south
central texas@cruz.senate.gov, west texas@cruz.
senate.gov, paul_schedule@paul.senate.gov, paul
schedule@paul.senate.gov, press@paul.senate.gov,
press@paul.senate.gov, media@ronpaulinstitute.org,
paul_schedule@paul.senate.gov

Administrative Office of the United States Courts
One Columbus Circle,
NE Washington, D.C. 20544

**RE: COMPLAINT AGAINST CATHERINE
O'HAGAN WOLFE, SECOND CIRCUIT COURT
OF APPEALS LAW CLERK**

Hello:

This is now our repeated complaint against the above and below referenced law clerk from the 2nd Circuit Court of Appeals who, once again, like a mafia princess, seeks to obstruct justice, sabotage federal cases, threaten and intimidate litigants and their lawyers for asserting their legal and constitutional rights/civil liberties/civil rights, harasses litigants and their lawyers, socially engineer the cases that come before the court, and other criminal and unethical acts and behavior.

Please see the sad and pathetic complaint of my Of Counsel Attorney Luis Trujillo who is simply trying to zealously represent me and our law firm's legal interests, but is being blocked and bullied by Catherine O'Hagan Wolfe.

Furthermore she is also going against a judicial order (attached) by no less than 3 judges allowing him to prepare and file a *sur-reply* in the attached case, amongst all of the courts denials/insults.

This is simply exceeding her mandate and boundaries, and she needs to be legally and equitably reigned in by your Committee.

Especially in light that recently rules were passed forcing the federal judiciary to electronically disclose their financial conflicts of interest beholden to billionaires, and also wherein SDNY federal judge Liman was recently called out for public corruption wherein his own wife had improper dealings/financial benefits with such luminaries as Goldman Sachs.

With this complaint email we also cc the Federal Bureau of Investigation and the U.S. Department of Justice Criminal Division because we also believe that they may have jurisdiction over this matter, as well.

Please urgently investigate and advise.

Fwd: PUBLIC CORRUPTION AND ORGANIZED
CRIME COMPLAINT AGAINST ROLANDO ACOSTA

Subject: Fwd: PUBLIC CORRUPTION AND
ORGANIZED CRIME COMPLAINT AGAINST
ROLANDO ACOSTA

From: RAHUL MANCHANDA <RDM@MANCHANDA-
LAW.COM>

Date: 2/22/22, 7:22 AM

To: "Texas, Southeast (Cruz)" <Southeast_Texas
@cruz.senate.gov>, cruz_press@cruz.senate.gov, central_
texas@cruz.senate.gov, north_texas@cruz.senate.gov,
south_texas@cruz.senate.gov, southcentral texas@cruz.
senate.gov, west texas@cruz.senate.gov, 12022260577
@efaxsend.com, 12022253414@efaxsend.com, 12022250235
@efaxsend.com, 12022250003@efaxsend.com

CC: "Senior Managing Attorney Ricardo Luis
Trujillo, Esq." <luis.trujillo@manchanda-law.com>,
"Junior Attorney Mahwash Jaffery, Esq." <mahwash.
jaffery@manchanda-law.com>, Kelly McCollum <kelly@
law-mccollum.com>

Senate Judiciary Committee
224 Dirksen Senate Office Building.
Washington DC 20510

House Judiciary Committee
2138 Rayburn House Office Building
Washington, D.C. 20515

**RE: PUBLIC CORRUPTION AND ORGANIZED
CRIME COMPLAINT AGAINST JUDGE
ROLANDO ACOSTA**

This is a formal complaint and request for investigation
against Judge Rolando Acosta of New York Supreme
Court First Department located at 27 Madison Avenue,
New York, NY 10010 and into the CORRUPTION
AT THE DEPARTMENTAL DISCIPLINARY

COMMITTEE FIRST DEPARTMENT ("DDC First), located at 180 Maiden Lane, 17th Floor, New York NY 10017, wherein I have filed several civil lawsuits and disciplinary complaints against certain members of Jewish Organized Crime in New York City, but their friends/cronies who sit on that Court and the DDC First have contrived to charge me for being somehow "anti-semitic," which is not even an ethics violation, even though all of my complaints are strictly about organized crime of an ethnic persuasion.

I have tons of documentary and physical evidence to back up my claims.

Please investigate the public corruption, use of a New York Supreme Court Appellate Judge and a quasi-governmental agency as a tool to destroy a private lawyer for political reasons, their own ethics/legal violations, e.g. the fact that formerly disgraced/indicted for corruption DDC Chief Tom Cahill now has his daughter Lauren Cahill on the DDC staff, while equally corrupt former DDC Chief Roy Reardon now has his daughter, Abigail Reardon, on the DDC staff as well, going after the original complainants who got them thrown off/in trouble back in 2007 (myself, Christina Anderson, others).

cc: Of Counsels Luis Trujillo & Mahwash Jaffery,
Ethics Attorney Kelly Mccollum

/s/ Rahul D. Manchanda, Esq.

Kind regards,
Rahul D. Manchanda, Esq.
Manchanda Law Office PLLC
30 Wall Street, 8th Floor
Suite 8207
New York, NY 10005
Tel: (212) 968-8600

Fwd: Fwd: PUBLIC CORRUPTION AND ORGANIZED
CRIME COMPLAINT AGAINST ROLANDO ACOSTA

Subject: Fwd: Fwd: PUBLIC CORRUPTION AND
ORGANIZED CRIME COMPLAINT AGAINST
ROLANDO ACOSTA

From: RAHUL MANCHANDA <RDM@MANCHANDA-
LAW.COM>

Date: 2/22/22, 7:53 AM

To: cg.newyork@mea.gov.in, dcg.newyork@mea.gov.in,
hoc.newyork@mea.gov.in, fsoci.washington@mea.gov.in,
fspic.washington@mea.gov.in, minca.washington@mea.
gov.in, psamb.washington@mea.gov.in, psdcm.washington
@mea.gov.in, mineco.washington@mea.gov.in, com3.
washington@mea.gov.in, psdcm.washington@mea.gov.in
CC: "Senior Managing Attorney Ricardo Luis
Trujillo, Esq." <luis.trujillo@manchanda-law.com>,
"Junior Attorney Mahwash Jaffery, Esq." <mahwash.
jaffery@manchanda-law.com>, Kelly McCollum <kelly
@law-mccollum.com>

*India Consulate NYC
3 East 64th Street
New York NY 10065*

**RE: PUBLIC CORRUPTION AND ORGANIZED
CRIME COMPLAINT AGAINST ROLANDO
ACOSTA**

This is a formal complaint and request for investigation against Judge Rolando Acosta of New York Supreme Court First Department located at 27 Madison Avenue, New York, NY 10010 and into the CORRUPTION AT THE DEPARTMENTAL DISCIPLINARY COMMITTEE FIRST DEPARTMENT ("DDC First), located at 180 Maiden Lane, 17th Floor, New York NY 10017, wherein I have filed several civil lawsuits and disciplinary complaints

against certain members of Jewish Organized Crime in New York City, but their friends/cronies who sit on that Court and the DDC First have contrived to charge me for being somehow "anti-semitic," which is not even an ethics violation, even though all of my complaints are strictly about organized crime of an ethnic persuasion.

I have tons of documentary and physical evidence to back up my claims.

Please investigate the public corruption, use of a New York Supreme Court Appellate Judge and a quasi-governmental agency as a tool to destroy a private lawyer for political reasons, their own ethics/legal violations, e.g. the fact that formerly disgraced/indicted for corruption DDC Chief Tom Cahill now has his daughter Lauren Cahill on the DDC staff, while equally corrupt former DDC Chief Roy Reardon now has his daughter, Abigail Reardon, on the DDC staff as well, going after the original complainants who got them thrown off/in trouble back in 2007 (myself, Christina Anderson, others).

cc: Of Counsels Luis Trujillo & Mahwash Jaffery,
Ethics Attorney Kelly McCollum

/s/ Rahul D. Manchanda, Esq.

Kind regards,

Rahul D. Manchanda, Esq.
Manchanda Law Office PLLC
30 Wall Street, 8th Floor, Suite 8207
New York, NY 10005
Tel: (212) 968-8600
Mob: (646) 645-0993
Fax: (212) 968-8601
Toll Free 24 Hour Hotline: (855) 207-7660
e-mail: rdm@manchanda-law.com
web: <https://manchanda-law.com/attorney-profiles/>

COMPLAINT AND REQUEST FOR INVESTIGATION AGAINST REMI SHEA, STAFF INVESTIGATOR FOR DEPARTMENTAL DISC...

Subject: COMPLAINT AND REQUEST FOR INVESTIGATION AGAINST REMI SHEA, STAFF INVESTIGATOR FOR DEPARTMENTAL DISCIPLINARY COMMITTEE FIRST DEPARTMENT

From: RAHUL MANCHANDA <RDM@MANCHANDA-LAW.COM>

Date: 3/28/22, 5:06 PM

To: public.integrity@ag.ny.gov, "complaint@doi.nyc.gov" <complaint@doi.nyc.gov>, JCOPE.Investigation@jcope.ny.gov, investigations@jcope.ny.gov, iab@nypd.org, 15184863745@efaxsend.com, AD1-AGC <AD1-AGC@nycourts.gov>, AD1-AGC-newcomplaints@nycourts.gov, "Senior Managing Attorney Ricardo Luis Trujillo, Esq." <luis.trujillo@manchanda-law.com>, "Junior Attorney Mahwash Jaffery, Esq." <mahwash.jaffery@manchanda-law.com>, investigations@osc.ny.gov, "ny1@ic.fbi.gov" <ny1@icfbi.gov>, "newyork@fbi.gov" <newyork@fbi.gov>, IG <ig@nycourts.gov>, 12125147158@efaxsend.com, MIGBM <migbm@nycourts.gov>

New York State Attorney Generals Office

Public Integrity Unit

Office of the Attorney General

The Capitol

Albany, NY 12224-0341

NYC Department of Investigation

180 Maiden Lane, 16th Floor

New York, NY 10038

RE: COMPLAINT AND REQUEST FOR INVESTIGATION AGAINST REMI SHEA, STAFF INVESTIGATOR FOR DEPARTMENTAL DISCIPLINARY COMMITTEE FIRST DEPARTMENT

61a

Hello:

As per our FBI complaint, this is a formal complaint and request for investigation against Remi Shea, staff Investigator at the Departmental Disciplinary Committee First Department, who threatened my Junior Associate Attorney Mahwash Jaffery for performing Of Counsel duties for our law firm.

This woman Ms Shea has literally scared off countless attorneys that I have both hired and paid in violation of criminal law and ethics.

Please urgently investigate this woman, and advise.

Thanks,

cc: Joint Commission on Professional Ethics, NYC
Department of Investigations, NYPD Internal Affairs
Bureau, NYS Office of the Inspector General, Departmental Disciplinary Committee First Department,
Law Firm Staff/Of Counsel, NYS Office of the State
Comptroller, Office of Court Administration

Kind regards,

/s/ Rahul D. Manchanda, Esq.

Rahul D. Manchanda, Esq.
Manchanda Law Office PLLC
30 Wall Street, 8th Floor
Suite 8207
New York, NY 10005
Tel: (212) 968-8600
Mob: (646) 645-0993
Fax: (212) 968-8601
Toll Free 24 Hour Hotline: (855) 207-7660
e-mail: rdm@manchanda-law.com
web: <https://manchanda-law.com/attorney-profiles/>

FURTHER COMPLAINT AGAINST DEPARTMENTAL DISCIPLINARY COMMITTEE FIRST DEPARTMENT ("DDC First") – JORGE ...

Subject: FURTHER COMPLAINT AGAINST DEPARTMENTAL DISCIPLINARY COMMITTEE FIRST DEPARTMENT ("DDC First") – JORGE DOPICO, REMI SHEA, OTHERS

From: RAHUL MANCHANDA <RDM@MANCHANDA-LAW.COM>

Date: 2/25/22, 8:08 AM

To: "complaints@dhr.ny.gov" <complaints@dhr.ny.gov>, tips@dhr.ny.gov, info@dhr.ny.gov, CRCEExternalComplaints@dol.gov, 12123363790@efaxsend.com, info@eeoc.gov

CC: "Senior Managing Attorney Ricardo Luis Trujillo, Esq." <luis.trujillo@manchandalandlaw.com>, "Junior Attorney Mahwash Jaffery, Esq." <mahwash.jaffery@manchanda-law.com>, Law Office Manager Sylwia Manchanda <sylwia.manchanda@manchanda-law.com>, 15184863745@efaxsend.com, investigations@osc.ny.gov, "complaint@doi.nyc.gov" <complaint@doi.nyc.gov>, Civil Rights <Civil.Rights@ag.ny.gov>, nysag@ag.ny.gov, public.integrity@ag.ny.gov

New York State Division of Human Rights ("DHR")
One Fordham Plaza, 4th Floor
Bronx, NY 10458
Phone: 1-888-392-3644
Email: info@dhr.ny.gov

US Equal Opportunity Commission (EEOC)
131 M Street, NE
NE Washington, D.C. 20507
Phone: 1-800-669-4000

63a

Director
Civil Rights Center (CRC)
Attention: Office of External Enforcement
US Department of Labor
200 Constitution Avenue, NW
Room N-4123
Washington, DC 20210
Fax: 202-693-6505 (Attention: Office of External
Enforcement)
Email: CRCEXternalComplaints@dol.gov

New York District Office – EEOC
33 Whitehall Street, 5th Floor
New York, NY 10004

RE: FURTHER COMPLAINT AGAINST DEPART-
MENTAL DISCIPLINARY COMMITTEE FIRST
DEPARTMENT (“DDC First”) – JORGE
DOPICO, REMI SHEA, OTHERS

The DDC First, located at 180 Maiden Lane, 17th Floor, New York NY 10017, is constantly targeting me and my law firm (minority owned and staffed) for our normal law firm charges to clients as “excessive” even though this is Manhattan, the richest city in the world, and they routinely look the other way and actually encourage those white and jewish lawyers from big law firms (or small firms) who charge 10 times what we charge.

The DDC First’s attitude towards us is pretty much “how dare you charge what white and jewish people charge, as a colored minority lawyer/law firm?”

Please urgently investigate and advise.

cc: Of Counsels Luis Trujillo & Mahwash Jaffery,
NYS Office of Inspector General, NYS Office of the
State Comptroller, NYC Department of Investigation,

COMPLAINT AGAINST CATHERINE O'HAGAN
WOLFE, SECOND CIRCUIT COURT OF APPEALS
LAW CLERK

Subject: COMPLAINT AGAINST CATHERINE
O'HAGAN WOLFE, SECOND CIRCUIT COURT OF
APPEALS LAW CLERK

From: RAHUL MANCHANDA <RDM@MANCHANDA-
LAW.COM>

Date: 3/25/22, 8:44 AM

To: INFO@MANCHANDA-LAW.COM, Luis Trujillo
<Luis.Trujillo@manchanda-law.com>, Sylwia Manchanda
<sylwia.manchanda@manchanda-law.com>, "Junior
Attorney Mahwash Jaffery, Esq." <mahwash.jaffery
@manchanda-law.com>, Admin Oversight <AdminOver
sight@ao.uscourts.gov>

CC: "ny1@ic.fbi.gov" <ny1@ic.fbi.gov>, "newyork@fbi.gov"
<newyork@fbi.gov>, "Criminal. Division@usdoj.gov"
<Criminal. Division@usdoj.gov>, "Texas, Southeast
(Cruz)" <Southeast_Texas@cruz.senate.gov>, cruz_
press@cruz.senate.gov, central_texas@cruz.senate.gov,
north_texas@cruz.senate.gov, south_texas@cruz.senate.
gov, southcentral_texas@cruz.senate.gov, west_texas@
cruz.senate.gov, paul_schedule@paul.senate.gov, paul_
schedule@paul.senate.gov, press@paul.senate.gov,
press@paul.senate.gov, media@ronpaulinstitute.org,
paul_schedule@paul.senate.gov

Administrative Office of the United States Courts
One Columbus Circle, NE
Washington, D.C. 20544

**RE: COMPLAINT AGAINST CATHERINE
O'HAGAN WOLFE, SECOND CIRCUIT COURT
OF APPEALS LAW CLERK**

Hello:

This is now our repeated complaint against the above and below referenced law clerk from the 2nd Circuit Court of Appeals who, once again, like a mafia princess, seeks to obstruct justice, sabotage federal cases, threaten and intimidate litigants and their lawyers for asserting their legal and constitutional rights/civil liberties/civil rights, harasses litigants and their lawyers, socially engineer the cases that come before the court, and other criminal and unethical acts and behavior.

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Furthermore she is also going against a judicial order (attached) by no less than 3 Judges allowing him to prepare and file a *sur-reply* in the attached case, amongst all of the courts denials/insults.

This is simply exceeding her mandate and boundaries, and she needs to be legally and equitably reigned in by your Committee.

Especially in light that recently rules were passed forcing the federal judiciary to electronically disclose their financial conflicts of interest beholden to billionaires, and also wherein SDNY federal judge Liman was recently called out for public corruption wherein his own wife had improper dealings/financial benefits with such luminaries as Goldman Sachs.

With this complaint email we also cc the Federal Bureau of Investigation and the U.S. Department of Justice Criminal Division because we also believe that they may have jurisdiction over this matter, as well.

Please urgently investigate and advise.

66a

FAX COVER SHEET

TO

COMPANY

FAX NUMBER 12123154906

FROM RAHUL MANCHANDA

DATE 2022-03-24 16:30:03 GMT

RE Fwd: Fwd: 21-1909 Manchanda
v. Senderoff "Motion Order FILED granting to dismiss"

COVER MESSAGE

*New York City FBI Field Office
26 Federal Plaza
New York, NY 10278*

RE: PUBLIC CORRUPTION/PUBLIC INTEGRITY
COMPLAINTS AGAINST 2ND CIRCUIT COURT OF
APPEALS JUDGES REENA RAGGI, JOSE
CABRANES, SUSAN CARNEY

Dear NYC FBI Field Office:

As per the below and attached, in furtherance to my previous countless complaints about Jewish Organized Crime in New York City, buying and selling state and federal judges (mainly top controllers being Jewish judges using desperate dependent black judges as their stormtroopers) please investigate the above referenced judges and their connections to Jewish Organized Crime just as was recently proven and published in the article appearing at Clerk Says Judge Shouldn't Have Heard BofA Spoofing Case – Law360 and even here at Federal Courts To 'Automate' Judges' Financial Disclosures – Law360 wherein not only the judges directly bought off/bribed/paid for, but that other

sweetheart deals, mortgages) speaking arrangements, teaching positions and other financial quid pro quo to their families, friends and cronies.

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68a

U.S. DEPARTMENT OF JUSTICE

Civil Division, Torts Branch
Federal Tort Claims Act Staff

[SEAL]

Post Office Box 888
Benjamin Franklin Station
Washington, D.C. 20044

GKJ:HLSwann:hls
157-0-32-47

March 19, 2022

Mr. Rahul Manchanda
Manchanda Law Office, PLLC
30 Wall Street, 8th Floor
Suite 8207
New York, NY 10005

Re: Administrative Tort Claim for Rahul Manchanda

Dear Mr. Manchanda:

This is in response to your administrative tort claim dated December 18, 2021, which you submitted to the Department of Justice (Department). The Department received the claim on December 27, 2021. This office received it on January 21, 2022.

Because your claim concerns an alleged tort involving the Administrative Office of the U.S. Courts (AOUSC), I am forwarding it to that agency. All further communication on this matter should be directed to the AOUSC at the address listed below.

69a

Very truly yours,

/s/ Hope L. Swann

HOPE L. SWANN

Paralegal Specialist

Civil Division, Torts Branch

cc: Ms. Tiffany L. Lewis
Paralegal Specialist
Office of the General Counsel
Administrative Office of the U.S. Courts
One Columbus Circle, N.E., Room 7-290
Washington, D.C. 20544

70a

U.S. DEPARTMENT OF JUSTICE

Civil Division, Torts Branch
Federal Tort Claims Act Staff

[SEAL]

Post Office Box 888
Benjamin Franklin Station
Washington, D.C. 20044

GKJ:HLSwann:hls
157-0-32-2
157-0-32-3

March 22, 2022

Mr. Rahul Manchanda
Manchanda Law Office, PLLC
30 Wall Street, 8th Floor
Suite 8207
New York, NY 10005

Re: Administrative Tort Claim of Rahul Manchanda

Dear Mr. Manchanda:

This is in response to your administrative tort claim dated January 3, 2022, which you submitted to the Department of Justice (Department). The Department received the claim by facsimile mail on January 24, 2022.

Because your claim concerns an alleged tort involving the U.S. Department of State (State) and the Internal Revenue Service (IRS), I am forwarding the claim to those agencies. All further communication on this matter should be directed to the State and the IRS at the addresses listed below.

71a

Very truly yours,

/s/ Hope L. Swann

HOPE L. SWANN

Paralegal Specialist

Civil Division, Torts Branch

cc: Ms. Kristina Beard
Attorney Advisor
Supervisor of Torts
U.S. Department of State
2430 E Street, N.W., Suite 203
South Building
Washington, D.C. 20037-2800

Ms. Mary Ellan Krcha
Claims Manager
Internal Revenue Service
IRS Office of Chief Counsel
General Legal Services
CC:GLS:CLP, Room 6404
1111 Constitution Avenue, N.W.
Washington, D.C. 20224

Appendix K
Human Rights Council
Complaint Procedure Form

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
 - Anonymous complaints are not admissible;
 - It is recommended that your complaint does not exceed eight pages, excluding enclosures.
 - You are kindly requested not to use abusive or insulting language.
- I. Information concerning the author(s) of the communication or the alleged victim(s) if other than the author

Individual ☒ Group of individuals ☒ NGO ☐

Other ☐

Last name: MANCHANDA

First name(s): RAHUL

Nationality: INDIAN AMERICAN US CITIZEN

Address for correspondence on this complaint:
30 WALL ST, 8TH FLR, NYC 10005

Tel and fax: (please indicate country and area code)
(212) 968-8600/8601

E-mail: INFO@MANCHANDA-LAW.COM

Website: www.manchanda-law.com

Submitting the complaint:

On the author's own behalf: ☒

On behalf of other persons: ☐

(Please specify:)

II. Information on the State Concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): NEW YORK, NEW YORK, USA, FEDERAL & STATE COURTS

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

This complaint is against Catherine O'Hagan Wolfe, who is the Chief Law Clerk of the Second Circuit Court of Appeals, located at 40 Foley Square, New York NY 10007, who in our legal opinion operated as the "chief gatekeeper" to protect the before-reported Jewish Organized Crime which infests and completely controls the federal and state courts in New York City, the seat of most of the world's money, power, wealth, global influence, progressivism, and originator of global foreign and domestic policy around the world, for good or for bad. This woman Catherine O'Hagan Wolfe routinely blocks/obstructs

legitimate complaints against bad/corrupt judges who instead serve the global oligarchs rather than the people; blocks attorneys from court admission if they have a track record/history of bringing civil lawsuit cases challenging corruption and oligarchy; and in our opinion takes "legal bribes" in order to carry out her responsibilities as "gatekeeper" for corrupt oligarchs and Jewish Organized Crime.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies – please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

We have prepared and filed countless complaints with the FBI, DHS, state and federal courts (all quashed), senators, congressmen, councilmen, DOJ, all ignored.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

Oh they have been exhausted beyond belief/ reason, and there is no where else to go, hence our complaints/requests for investigation to your office/committee.

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

Yes similar, but not exact, this time naming another key player in the gross violation of human rights embedded within one of the highest, most influential federal courts in USA.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

Unknown, pending, but we have recently been made aware that US Secretary of State Antony Blinken has recently allowed the UN to come into the USA to investigate systemic racism, discrimination, gross violation of human rights in the USA – please add this to your list and do not waste this opportunity for the entire world and its people – you may never get this chance again.

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (Please tick as appropriate): Yes ☐ No ☒

Please indicate which information you would like to be kept confidential

Date: 07/31/2021 Signature: /s/ Rahul Manchanda

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

– Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful): ☒

– Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure): ☒

– Any other evidence or supporting documents deemed necessary: ☒

VIII. Where to send your communications?

**Office of the United Nations High
Commissioner for Human Rights
Human Rights Council Branch-Complaint
Procedure Unit**

OHCHR- Palais Wilson

**United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland**

Fax: (+41 22) 917 90 11

E-mail: CP@ohchr.org

**Website: http://www.ohchr.org/EN/HRBodies/
HRC/Pages/HRCIndex.aspx**

**Human Rights Council
Complaint Procedure Form**

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author(s) of the communication or the alleged victim(s) if other than the author

Individual ☒ Group of individuals ☐ NGO ☐

Other ☐

Last name: MANCHANDA

First name(s): RAHUL

Nationality: INDIAN-AMERICAN US CITIZEN

Address for correspondence on this complaint:
30 WALL ST 8TH FL NYC 10005

Tel and fax: (please indicate country and area code)
(212) 968-8600/8601

E-mail: INFO@MANCHANDA-LAW.COM

Website: www.manchanda-law.com

Submitting the complaint:

On the author's own behalf: ☒

On behalf of other persons: ☐

(Please specify:)

II. Information on the State Concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): NEW YORK, NEW YORK, USA, FEDERAL & STATE COURTS

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

For the past nearly 20 years, as an Indian-American lawyer/litigant/American/NYS born U.S. Citizen I have experienced unbelievable and unacceptable bullying, intimidation, discrimination, racism, harassment, targeting, surveillance, sabotage and unconstitutional treatment by African-American police offices, DHS Agents, FBI Agents, federal and state judges, child protective service workers, federal and state court law clerks, governmental administrative staff, and others within N.Y.C. government (and New Haven CT government) against me, and anyone else who either loves me, is in my family, is in my law firm business, or is a

friend or client of mine. This is usually and often at the behest and direction of their Jewish bosses and supervisors in whatever forum/venue of this kind of targeted harassment and torture. I can provide many more details and tangible evidence if required, as I can not fit all of this within this one small complaint box, but many of my specific allegations/evidence have been immortalized forever in my federal and state court lawsuits in both New York and Connecticut. Please investigate and advise.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies – please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

**NOTHING BUT MOCKERY, PREMATURE
CASE DISMISSAL, RETALIATION**

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

**OH YES, THEY HAVE BEEN EXHAUSTED
BEYOND BELIEF.**

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

IN PAST 20 YEARS OF PRACTICE FOR ME AND MY CLIENTS, YES.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

UNKNOWN.

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes ☐ No ☒

Please indicate which information you would like to be kept confidential

Date: 04/21/2021 Signature: /s/ Rahul Manchanda

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

- Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful): ☒ (PUBLIC RECORD)
- Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure): ☒ (PUBLIC RECORD)
- Any other evidence or supporting documents deemed necessary: ☒ (PUBLIC RECORD)

VIII. Where to send your communications?

**Office of the United Nations High
Commissioner for Human Rights
Human Rights Council Branch-Complaint
Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: [http://www.ohchr.org/EN/HRBodies/
HRC/Pages/HRCIndex.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx)**

**Human Rights Council
Complaint Procedure Form**

- You are kindly requested to submit your complaint in writing in one of the six official UN languages (Arabic, Chinese, English, French, Russian and Spanish) and to use these languages in any future correspondence;
- Anonymous complaints are not admissible;
- It is recommended that your complaint does not exceed eight pages, excluding enclosures.
- You are kindly requested not to use abusive or insulting language.

I. Information concerning the author(s) of the communication or the alleged victim(s) if other than the author

Individual ☒ Group of individuals ☐ NGO ☐

Other ☐

Last name: MANCHANDA

First name(s): RAHUL

Nationality: AMERICAN

Address for correspondence on this complaint:
30 WALL STREET, 8TH FLOOR, SUITE 8207, NEW
YORK NY 10005

Tel and fax: (please indicate country and area code)

TEL: (212) 968-8600;

FAX: (212) 968-8601

E-mail: INFO@MANCHANDA-LAW.COM

Website: www.manchanda-law.com

Submitting the complaint:

On the author's own behalf: ☒

On behalf of other persons: ☐

(Please specify:)

II. Information on the State Concerned

Name of the State concerned and, as applicable, name of public authorities responsible for the alleged violation(s): US COURT OF APPEALS, SECOND CIRCUIT, NEW YORK, NY 10007, UNITED STATES OF AMERICA, SPECIFICALLY US COURT OF APPEALS 2ND CIRCUIT CHIEF JUDGE ROBERT KATZMANN, 40 FOLEY SQUARE, THURGOOD MARSHALL US COURTHOUSE, NEW YORK NY 10007

III. Facts of the complaint and nature of the alleged violation(s)

The complaint procedure addresses consistent patterns of gross and reliably attested violations of all human rights and all fundamental freedoms occurring in any part of the world and under any circumstances.

Please detail, in chronological order, the facts and circumstances of the alleged violations including dates, places and alleged perpetrators and how you consider that the facts and circumstances described violate your rights or that of the concerned person(s).

As was repeatedly stated in my previous complains or in my various requests for investigation, I have it on good evidence and intelligence from parties with first-hand knowledge, that Chief Judge Robert Katzmann is first and foremost beholden and loyal to Jewish and foreign state Israeli interests, not to

American jurisprudence, the United States Constitution, or the American people.

He presides over many federal and state courts in the Second Circuit wherein he routinely instructs and approves of his federal district judges to deny relief, punish, sanction, harass and terrorize, as well as publicly flog/humiliate lawyers/litigants that his Rabbis and other leading Jewish billionaire/influential individuals advise him are either critical of, or not as friendly as they should be to, the State of Israel or the Jewish people.

He presides over this massive criminal enterprise, i.e., that of the federal courts, its judges/law clerks/staff/security personnel, and sways major court decisions, case precedent, American law and culture, and the protections afforded under the United States Constitution, instead making them subservient to Jewish Talmudic Law, Jewish Noahide Law, and Jewish Torah Law, with anti-constitutional, anti-Christian, pro-communist decisions pertaining to abortion, homosexuality, freedom of speech, first amendment issues, gun rights, extreme militant feminism/racism/zionism/homosexuality, and countless other major federal issues and constitutional principles.

Additionally he also uses his position of power and influence to pressure his federal judges within his Second Circuit to unfairly (such as in my case) target, paint, tag, label and retaliate against civil rights lawyers who bring civil rights cases in order to protect and defend their own (or their clients) civil/human/constitutional rights, those of their families or children, as "frivolous" or "sanctionable," even though both federal law, the United States and all State Constitutions, protect and defend these

types of lawyers/litigants (as they are not after money or pecuniary gain) if those lawyers/litigants have a solid, good faith belief in their case and causes of action, and certainly if they are backed up by facts.

However, if that targeted lawyer/litigant (such as myself) are hated or not liked by organized Jewry in New York, Connecticut or wherever the 2nd Circuit Court of Appeals has jurisdiction or influence, Chief Judge Robert Katzmann encourages and/or rewards those federal judges/law clerks/staff/security personnel who target, humiliate, insult, threaten with sanctions or loss of law license, suspension, contempt, jail time, or other written public humiliation in their written judicial opinions, thus inviting the whole world to "take a piece out of" that lawyer/litigant in any and all court forums where they have a legitimate case, or where their client does (such as in my case).

This effectively paralyzes the lawyer/litigant, and allows their enemies to commit such civil rights/liberties/human rights atrocities/constitutional rights violations that would strike terror or death into their hearts – such as in my case of literally never seeing my own children again, fear of bringing a lawsuit to compel my visitation, stopping unfair biased child support magistrates who are cronies/business associates of my ex-wife and her organized criminal feminist gangs to illegally set me up to go to prison, and countless other tangible examples (with evidence) that undersigned could provide to this Committee, if asked.

At the end of the day, the American citizen is the ultimate defender of his own constitutional, civil, and human rights.

But if he is actively prevented from doing so, based on the above, he in effect, becomes a slave.

And this is exactly what Chief Judge Robert Katzmann and his ilk, want.

Please urgently investigate, and advise.

IV. Exhaustion of domestic remedies

1- Steps taken by or on behalf of the alleged victim(s) to exhaust domestic remedies – please provide details on the procedures which have been pursued, including recourse to the courts and other public authorities as well as national human rights institutions*, the claims made, at which times, and what the outcome was:

LITTLE TO NO OUTCOME, ONLY FURTHER AND MORE AGGRESSIVE/BLATANT RETALIATION AGAINST UNDERSIGNED COMPLAINANT, HIS FAMILY, HIS LAW FIRM BUSINESS, HIS MINOR CHILDREN, AND ELDERLY MOTHER, AFTER MULTIPLE YEARS LONG COMPLAINTS TO THE FEDERAL BUREAU OF INVESTIGATION (U.S. & NY AND CT FIELD OFFICES), TO THE FEDERAL COURT COMPLAINTS BUREAU, TO NY ATTORNEY GENERAL, TO NYS COMMISSION ON JUDICIAL CONDUCT, TO U.S. DEPARTMENT OF JUSTICE, TO U.S. DEPARTMENT OF HOMELAND SECURITY, TO WASHINGTON D.C. OFFICE OF INSPECTOR GENERAL, CIVIL RIGHTS DIVISIONS OF ALL OF THESE AGENCIES, EVEN THE PRESIDENT OF THE UNITED STATES DONALD TRUMP AND APPROXIMATELY 10-20 U.S. CONGRESSMEN AND SENATORS, ETC.

* National human rights institutions, established and operating under the Principles Relating to the Status of National Institutions (the Paris Principles), in particular in regard to quasi-judicial competence, may serve as effective means of addressing individual human rights violations.

2- If domestic remedies have not been exhausted on grounds that their application would be ineffective or unreasonably prolonged, please explain the reasons in detail:

OH YES, DOMESTIC REMEDIES HAVE BEEN COMPLETELY AND TOTALLY EXHAUSTED *AD INFINITUM*, *AD NAUSEAM* - THE UNITED STATES OF AMERICA HAS BEEN COMPLETELY AND TOTALLY COMPROMISED, OCCUPIED, AND INFILTRATED FROM THE VERY TOP, ON DOWN

V. Submission of communication to other human rights bodies

1- Have you already submitted the same matter to a special procedure, a treaty body or other United Nations or similar regional complaint procedures in the field of human rights?

YES - RELATED COMPLAINTS BUT NEVER ABOUT THIS ULTIMATE SCOURGE OF HUMAN RIGHTS VIOLATORS, CHIEF JUDGE ROBERT KATZMANN, WHO IS ULTIMATELY THE ONE TO BLAME FOR NEARLY ALL OF MY PREVIOUS COMPLAINTS SUBMITTED TO YOUR OFFICE/ COMMITTEE. HE ALSO AFFECTS NEGATIVELY THE OTHER 190 UNITED NATIONS MEMBER COUNTRIES WHO TRY AND OBTAIN/SEEK OUT JUSTICE EITHER IN, OR AGAINST, THE USA FOR BUSINESS, CORPORATE, GOVERNMENT, OR INDIVIDUAL COURT/HUMAN RIGHTS DISPUTES.

2- If so, detail which procedure has been, or is being pursued, which claims have been made, at which times, and the current status of the complaint before this body:

NA - SEE ABOVE.

VI. Request for confidentiality

In case the communication complies with the admissibility criteria set forth in Council resolution 5/1, kindly note that it will be transmitted to the State concerned so as to obtain the views of the latter on the allegations of violations.

Please state whether you would like your identity or any specific information contained in the complaint to be kept confidential.

Request for confidentiality (*Please tick as appropriate*): Yes ☐ No ☒

Please indicate which information you would like to be kept confidential

Date: May 22, 2020 Signature: /s/ Rahul Manchanda

N.B. The blanks under the various sections of this form indicate where your responses are required. You should take as much space as you need to set out your responses. Your complaint should not exceed eight pages.

VII. Checklist of supporting documents

Please provide copies (not original) of supporting documents (kindly note that these documents will not be returned) in one of the six UN official languages.

– Decisions of domestic courts and authorities on the claim made (a copy of the relevant national legislation is also helpful): ☒ – ALSO PUBLIC RECORD IN THE SDNY ON INTERNET WHERE I WAS EITHER A PLAINTIFF OR A LAWYER.

– Complaints sent to any other procedure mentioned in section V (and any decisions taken under that procedure): NA

– Any other evidence or supporting documents deemed necessary: ADDITIONAL INFORMATION/ EVIDENCE/SUPPORTING DOCUMENTS CAN BE PROVIDED QUICKLY AND EASILY, UPON REQUEST, BY YOUR COMMITTEE.

VIII. Where to send your communications?

**Office of the United Nations High
Commissioner for Human Rights
Human Rights Council Branch-Complaint
Procedure Unit
OHCHR- Palais Wilson
United Nations Office at Geneva
CH-1211 Geneva 10, Switzerland
Fax: (+41 22) 917 90 11
E-mail: CP@ohchr.org
Website: [http://www.ohchr.org/EN/HRBodies/
HRC/Pages/HRCIndex.aspx](http://www.ohchr.org/EN/HRBodies/HRC/Pages/HRCIndex.aspx)**

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Appendix L

SUPREME COURT OF
THE STATE OF NEW YORK
APPELLATE DIVISION:
FIRST JUDICIAL DEPARTMENT

In the Matter of an Investigation of the
Attorney Grievance Committee for the
First Judicial Department into the
Professional Conduct of An Attorney
and Counselor-at-Law

*JUDICIAL SUBPOENA
AD TESTIFICANDUM*

Docket No.: 2021.1336

The People of the State of New York

TO Rahul D. Manchanda, Esq.
C/O Kelly McCollum, Esq.
PO Box 432
Old Lyme, CT 06371
kelly@law-mccollum.com

WE COMMAND YOU, that all business and
excuses being laid aside, you appear and attend
before the Attorney Grievance Committee for the
First Judicial Department, 180 Maiden Lane, New
York, New York 10038, on the 25th day of February,
2022, at 10:00 AM, and at any recessed or adjourned
date to give testimony in this investigation into the

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professional conduct of an attorney an counselor-at-law.

☒ Personal appearance is required.

Failure to comply with this subpoena is punishable as a contempt of Court and shall make you liable to the person on whose behalf the subpoena was issued for a penalty not to exceed one hundred and fifty dollars (\$150) and damages sustained by reason of your failure to comply.

WITNESS, Honorable Rolando T. Acosta, Presiding Justice of said Court, at 27 Madison Avenue, New York, New York 10010, on the 18th day of February, 2022.

/s/ Susanna Molina Rojas
SUSANNA MOLINA ROJAS
CLERK OF THE COURT

Subpoena returnable to:

Jorge Dopico, Chief Attorney
Attorney Grievance Committee
First Judicial Department
180 Maiden Lane – 17th Floor
New York, New York 10038
Telephone No.: (212) 401-0800
Attention: Remi E. Shea, Esq.

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Appendix M

[LETTERHEAD]

**MANCHANDA LAW OFFICE PLLC
30 WALL STREET, 8TH FLOOR.
NEW YORK, NEW YORK 10005
TEL: (212) 968-8600
FAX: (212) 968 -8601
INFO@MANCHANDA-LAW.COM
WWW.MANCHANDA-LAW.COM**

August 8, 2021

VIA ELECTRONIC AND U.S. MAIL

National Security Agency
ATTN: Office of the Inspector General Hotline
9800 Savage Rd., Suite 6247
Ft. George G. Meade, MD 20755

**RE: JEWISH ORGANIZED CRIME AND
GOVERNMENT CORRUPTION**

Something legal and equitable must be done about the pervasive and overwhelming Jewish based Organized Crime and its corresponding corruption, bribery, intimidation, money power, control, and undermining of the 3 branches of the U.S. Government, most notably in the federal and state judiciary, particularly in New York City (SDNY and 2nd Circuit) and all of the other major cities in the United States.

I have filed countless numerous complaints with nearly every agency in this country for some type of investigation, oversight or probe into this issue and have received little to no reply.

Their favorite tactic is also to use African-American "stand-ins" who are both compliant and immoral to

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target and destroy those American citizens under the color of law and authority who object to and protest against Jewish domination of American domestic and foreign policy, in order to create "plausible deniability" that it is in fact, them.

Please urgently investigate and advise.

Respectfully submitted,

/s/ Rahul Manchanda
Rahul Manchanda, Esq.

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**MANCHANDA LAW OFFICES & ASSOCIATES
PLLC
14 WALL STREET, 20TH FLOOR
NEW YORK, NEW YORK 10005
TELEPHONE: (212) 968-8600
FACSIMILE: (212) 968-8601**

June 10, 2014

VIA FACSIMILE AND US MAIL

Clerk of Court
United States Court of Appeals
Thurgood Marshall, U.S. Courthouse
40 Foley Square
New York, NY 10007

Dear Sir or Madam:

Th is complaint is being directed at Judge Richard Berman of the US District Court SDNY, 500 Pearl Street, New York NY 10007 and secondarily his law clerks Christine Murray and others responsible thereon.

Before I get into my complaint, I have to pose a general question as a preface and background to this complaint. Why is it that Judges (regardless of race, religion or creed) within the 5 boroughs of New York City routinely treat Jewish lawyers appearing in front of them better than non-Jewish ones?

Specifically, why is it that (and I have seen this with a comparative and factual analysis of my own motion types as well as theirs, which are either completely similar or where mine are actually drafted and researched better) that theirs are routinely granted immediately, quickly, or right away, while mine are routinely denied, delayed, nit-picked, dismissed, disrespected, scrutinized for errors or

inaccuracy, ridiculed, lambasted or I, as an Indian-American Hindu, am otherwise simply humiliated, threatened, yelled at, or otherwise abused in their courtroom?

I am speaking based on facts and empirical evidence that I have seen (visible even within the complaints I have sent to your office over the past 12 years since I have been in law practice) wherein, for example, I have submitted a Motion to Withdraw from Legal Representation, and the Judges have routinely literally held me by the legs, refusing to let me withdraw or terminate representation, even if the client consents or wants me to withdraw, or where the client has lied to my face thus jeopardizing my own law license, or where the client has physically threatened me to kill me, or where continuing on with legal representation would force me to not be able to zealously represent my client, or even where the opposing counsel has consented to my withdrawal from the case - but the only thing that forces me to continued indentured servitude and slavery to work for free on a case that is either impossible or impracticable for me to work on, and will ultimately undermine the client's constitutional rights and the court's ability to effectively administer justice in a US Courthouse is the power hungry, self-centered, unchecked, arbitrary, and capricious behavior of a Judge?

I say this because each and every time I have been a litigant in a case (not a Lawyer), and have utilized the services of a Jewish lawyer who wished to withdraw from my case, due usually to my lack of any more money to pay them with, that their Motions to Withdraw have been approved by the Judge, each and every time, even in the face of my vocal and vehement opposition and protests thereof, complete

with brilliantly drafted written Motions to Oppose their Withdrawal, but their Motions to Withdraw are granted out of hat, immediately, without opposition or the need for a hearing, as a matter of right and expediency, quickly and smoothly, while I have been left out in the cold, lawyer-less, powerless, and penniless, thus leading to such severe civil and human rights losses such as the loss of the custody of my 2 children on multiple occasions, my bankruptcies both personal and professional on multiple occasions, the continued physical and mental abuse of my 2 little children by my ex-wife on multiple occasions, and other such horrid legal circumstances. See my Judicial complaints against Judges Cheryl Weir-Reeves, Clark Richardson, Michael Baird, and Anthony Carbone, for starters.

This has occurred more times than I can count, thus leading to the above legal catastrophes, and was always related to my lack of any more money to pay them with, but in all of my cases that I have been a lawyer in, where I have requested to withdraw, and especially now in my current Motion to Withdraw in front of US District Judge Richard Berman of the US District Court SDNY located at 500 Pearl Street, New York NY, my client Augusto Cuesta has lied to and misled me and the forensic psychologist I referred him to for his defense, threatened me and my safety, refused to pay me for my work or replenish his retainer fee, has disregarded my legal advice about his 5th Amendment Rights and confessed to all sorts of crimes and illegal activities thus forcing me to potentially violate my oaths as an Officer of the Court not to perpetrate a fraud on the court if I were forced to continue on with representing him, and all sorts of other major problems and difficulties attendant in representing this man any further. In short, I have

REAL grounds to terminate representation, while the Jewish lawyers in the past who have represented me, have only used the fact that I could no longer **PAY** them anymore due to insolvency , for which the law and the US Constitution actually **PRESCRIBES** that a Judge can force a lawyer to remain working on a case.

But Judge Richard Berman, even though I submitted my Motion to Withdraw on Case No 1 :14-cr-00249-RMB on or about May 9, 2014 refuses to either sign off on or consent to my withdrawal, and has even more egregiously refused to notify me about last minute changes to the court calender (the subject of another complaint in your office that I submitted this past week wherein a June 12 Hearing at 9:30 AM was moved up to June 9 to 9 AM, on the night of June 5, where I was purposefully and conspicuously left off of the electronic notifications list, thus sabotaging me and creating a situation where I couldn't show up for court , opening me up to the trap and set-up of sanctions or contempt by Judge Richard Berman, which AUSA Margaret Graham threatened me with, and where the only way I was told about this was when Assistant US Attorney Margaret Graham emailed me a smarmy and arrogant email reminder on Sunday night June 8 the night before the hearing when I already had prior engagements for Monday June 9, and couldn't conceivably make it on time) .

I make this complaint because it has become far too common, and far too accepted in New York City, that Jewish Lawyers have a great deal of power, are better lawyers, get away with a better defense, have personal relationships with Judges, and are worth a lot more money to pay then non-Jewish ones such as myself and many of my colleagues who also happen to

be non-Jewish racial minorities such as Indians, Latins , African-Americans , Arabs, Muslims , Asians, and other under-represented minority lawyers in New York City.

This type of double-standard is only **ONE** example of why a complaint such as this one is absolutely **ESSENTIAL** towards the liberation from the yokes of slavery and second-tier status of the vast majority of minority owned non-Jewish law firms and attorneys in New York City.

I also have 2 other disciplinary complaints against the Jewish Assistant US Attorney Daniel Richenthal who is also assigned to this case as Opposing Counsel, who has consistently been abusing me, berating me, threatening me, humiliating me, intimidating me, and castigating me throughout this Augusto Cuesta case, and upon information and belief he is currently being questioned and investigated about his bullying unconstitutional behavior by the Departmental Disciplinary Committee First Department, the US Department of Justice Special Litigation unit, the NY FBI, and other entities charged with policing the misbehavior and misconduct of out-of-control power hungry arrogant and constitutionally-violating prosecutors and US Attorneys.

Respectfully submitted,

Rahul Manchanda, Esq .

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Appendix N

[LETTERHEAD]

**MANCHANDA LAW OFFICE PLLC
30 WALL STREET, 8TH FLOOR
NEW YORK, NEW YORK 10005
TEL: (212) 968-8600
FAX: (212) 968-8601
INFO@MANCHANDA-LAW.COM
WWW.MANCHANDA-LAW.COM**

September 6, 2020

VIA ELECTRONIC AND US MAIL

The Honorable U.S. Attorney General
William P. Barr
U.S. Department of Justice
950 Pennsylvania Avenue, NW
Washington , DC 20530-0001

**RE: REQUEST FOR INVESTIGATION INTO
NEW YORK CITY GOVERNMENT**

Dear Hon William P. Barr:

Is anyone even looking into, or doing anything about,
Communist infiltration of New York City
government?

That is, the complete and total subjugation of the
federal/state/local judiciary, executive and legislative
branches by foreign money and support, for at least
the past few decades?

How, like a mafia, if one wishes to seek any help or
get equal treatment under the law, or avoid targeted
harassment, extortion, blackmail, surveillance, set
ups, monitoring, or any other type of severe civil
liberties violations prohibited by the U.S.

Constitution, you have to both openly and secretly support the leftist, socialist, communist-based Democrat party?

That if you are a minority, and a conservative, then you are at even greater risk of the above referenced types of organized government and private gang-stalking by the powers that be, in New York City?

Is anyone even looking into the rampant bribery, corruption, cronyism, conspiracy, and RICO violations by and between these Democrat power brokers, again in both the public, and private sector?

I have previously reported how, over the past 20 years, when I as a conservative minority Republican lawyer in New York, have ever needed the help or assistance of my supposedly elected congressmen and senators, such as Jerrold Nadler, Kirsten Gillibrand, Chuck Schumer, that these corrupt idiots won't even return my phone calls, or emails, or faxes, not only for myself, but for my law firm clients if they know that I am their attorney?

I have also reported countless times, that if I am a litigant or lawyer in the federal, state or local courts here, that I am nearly always assigned a black judge (federal, state or local) who invariably bends over backwards to rule against me, or my clients, simply because of my open political affiliation?

That in my opinion, these black judges and government employees are controlled, directed, and assigned by very close-knit, wealthy, predominantly Jewish, leftist, socialist, Democrat, if not outright Communist, leadership, business owners, supervising judges, rabbis, etc?

Now we know that they are often in the form of terrorist ANTIFA, or BLM, in their violent form.

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Why, even in the current Republican/relatively conservative administration, is no one still either getting back to me or advising me, if these criminal, public corruption issues, are even being investigated or looked into?

It is already September 2020, 2 months before the election, almost 95% into this new administration, and still nothing substantial has either been done, or accomplished, or investigated, with regards to this.

Is that because the same powerful entities described above, also control and direct your law enforcement/regulatory agencies, as well?

That's where I am leaning towards in my opinion as to why nothing is getting done to actually help people like me, similarly situated, in New York City generally.

Please investigate and advise.

Respectfully submitted,

/s/ Rahul Manchanda

Rahul Manchanda, Esq.

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Appendix O

[LETTERHEAD]

LAW OFFICE OF

KELLY McCOLLUM

~~295 Madison Ave., 12th Floor | New York, NY 10017~~

kelly@law-mccollum.com

Tel. 646-704-3490 | Fax 360-937-6985

Address during COVID:

PO BOX 432, OLD LYME, CT 06371

January 14, 2022

By Email

Remi E. Shea, Esq.

Staff Attorney

Attorney Grievance Committee

Supreme Court, Appellate Division

First Judicial Department

180 Maiden Lane, 17th Floor

New York, NY 10038

Re: My Client, Rahul Manchanda, Esq;
The Committee's *Sua Sponte* Investigation
Docket No. 2021.1336.

Dear Ms. Shea:

I. Introduction.

This Answer is respectfully submitted to the Committee's above-captioned *sua sponte* investigation of my client, Mr. Manchanda. The Committee's opening letter dated September 13, 2021 alleges that Mr. Manchanda's statements in various complaints filed with government agencies are "at the very least, intemperate" and could, "at ... worst, ... reasonably be viewed as racist and anti-Semitic." The Committee's

letter asserts that Mr. Manchanda's statements "raise ethical concerns"; and the Committee cites, without exclusion, New York Rule of Professional Conduct 8.4(h), which is a catch-all provision that simply provides: "A lawyer or law firm shall not ... engage in any other conduct that adversely reflects on the lawyer's fitness as a lawyer."

To summarize our position herein, the Committee's investigation should be closed without further action because:

- (1) Mr. Manchanda believes in good faith that the statements made by him in his complaints are true.
- (2) Mr. Manchanda was neither representing any client nor appearing as a lawyer before any tribunal in connection with the complaints that are the subject of the Committee's investigation —and, as such, the contents, tone, or "temper" of the complaints are of limited relevance to any evaluation of Mr. Manchanda's conduct or fitness as a lawyer.
- (3) Mr. Manchanda has a constitutionally-protected right to express his views without censorship or punishment by State agencies. Indeed, Mr. Manchanda's statements at issue in the Committee's investigation are "core political speech" which is afforded the highest level of constitutional protection, i.e., strict scrutiny.
- (4) Because Mr. Manchanda's views were expressed in an extrajudicial context and not in his capacity as a lawyer, his statements are afforded the same level of constitutional protection as would the statements of a non-lawyer.

- (5) To the limited extent that Mr. Manchanda's freedom of expression might be counterbalanced by the right of the State to regulate the legal profession — which we believe it would not be in this extrajudicial context — it is well recognized that a lawyer's criticism of the judicial system is a crucial freedom that is to be particularly protected.
- (6) There is no disciplinary Rule which prohibits the expression of good-faith political views by a lawyer in the context of a complaint filed with government agencies in the lawyer's individual capacity, even where such views may be controversial or may be viewed as "intemperate" or even racist or anti-Semitic — and any such rule would clearly amount to an unconstitutional infringement on free speech protections.
- (7) The Rule cited in the Committee's opening letter, Rule 8.4(h), is a non-specific "catch-all" provision which does not afford notice of prohibited conduct and should not serve as the basis for the imposition of discipline against Mr. Manchanda.
- (8) In the absence of any Rule prohibiting Mr. Manchanda's conduct, the imposition of discipline upon Mr. Manchanda would constitute an impermissible violation of due process — a further infringement upon Mr. Manchanda's constitutional rights.

For all of these reasons, as discussed herein, we respectfully submit that the Committee's *sua sponte* investigation should be closed without further action.

II. Mr. Manchanda's Statements In His Complaints Are Based Upon His Good Faith Beliefs And Do Not Reflect Adversely On His Fitness As A Lawyer.

The Committee's investigation is focused on the following three complaints filed by Mr. Manchanda:

- (1) The Committee's opening letter focuses, *first*, on Mr. Manchanda's February 24, 2021 Complaint to the Committee itself, against attorney Kenneth Baum, Esq.. Mr. Baum is an attorney representing Mr. Manchanda's adversary in a federal court case Mr. Manchanda filed on a pro se basis against ECMC Student Loan Collections, seeking legal redress for deceptive business practices amongst other state and federal claims. The essence of Mr. Manchanda's complaint against Mr. Baum is that, rather than respond to the merits of Mr. Manchanda's legal arguments, and because Mr. Baum is losing the case, Mr. Baum has attempted to publicly humiliate and smear Mr. Manchanda by referencing past *false* allegations that Mr. Manchanda engaged in violent criminal conduct.

The Committee's opening letter focuses on the following language in Mr. Manchanda's February 24, 2021 Complaint (and the italicized language in the quote below was included in Mr. Manchanda's complaint [emphasis added] but notably *omitted* from the Committee's opening letter):

"The problem is, that it is mostly these German-Jewish American attorneys, such as Kenneth Baum, who actually do aid and abet criminal and unethical acts and conspiracies *such as what is currently being perpetrated*

by ECMC student loans as outlined in my case, that truly engage in criminal and unethical acts, are bullies, and only do this to smear and hurt me because they are losing their case, and want to diminish me dishonestly in this manner."

We respectfully submit that the italicized language in the above quote, although omitted from the Committee's opening letter, is crucial to a fair reading of Mr. Manchanda's complaint. The addition of the italicized language confirms that Mr. Manchanda is referring to specific conduct by Mr. Baum which Mr. Manchanda believes is unethical and merits investigation and sanction.¹

Mr. Manchanda's implication that Mr. Baum is part of a group of "these German-Jewish American attorneys" who behave in the way Mr. Baum allegedly has, may make the Committee uncomfortable, and may not be particularly relevant to the Committee's assessment of the allegations against Mr. Baum — but this represents Mr. Manchanda's good faith belief and

¹ Mr. Manchanda's reference to Mr. Baum aiding and abetting his clients' "criminal and unethical acts and conspiracies" was intended as a counterpoint to Mr. Baum's allegations concerning Mr. Manchanda's supposed criminal conduct. Support for Mr. Manchanda's allegations against Mr. Baum's clients has been filed in the federal court case, and can be provided to the Committee upon request or viewed on PACER. Mr. Manchanda used the term 'aiding and abetting' to refer to Mr. Baum's representation of his client, particularly in the context of Mr. Baum engaging in what Mr. Manchanda believes is ethically unsound conduct in an effort to avoid losing the client's case, as set forth in Mr. Manchanda's complaint.

he is free to express that view without fear of punishment by the State.²

- (2) The Committee's opening letter focuses, *second*, on Mr. Manchanda's May 19, 2021 complaint filed with the various government agencies, including the Grievance Committee. This Complaint is entitled "TOO MANY JEWS IN THE NEW YORK CITY FEDERAL AND STATE JUDICIARY."

As to this Complaint, also, Mr. Manchanda believes that his views expressed therein are true, and these views are based upon Mr. Manchanda's own experiences as an Indian-American litigant and attorney of two decades in New York's city, state and federal judiciaries. Again, Mr. Manchanda's views may make the Committee uncomfortable, but the expression of unpopular or "intemperate" social and political views is no basis for imposing discipline upon Mr. Manchanda.

In particular, it has been Mr. Manchanda's experience as both a litigant and a lawyer in New York that non-Jewish, and particularly minority, litigants such as Mr. Manchanda are at a disadvantage in the legal system because of the predominance of Jewish lawyers and judges.

² Surely the Committee is accustomed to complainants, such as Mr. Manchanda, sometimes providing information or opinions in their complaints that may not be relevant to the Committee's assessment of the ethical issues involved. And surely Mr. Manchanda, as a *pro se* litigant and complainant before the Committee, should not be subject to discipline against his law license, merely for providing the committee with superfluous context which he believes in good faith to be true.

It should be noted that Mr. Manchanda's observation about the overrepresentation of Jewish people in New York's legal system is neither new nor scandalous, as the Committee's response would suggest. *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.)

The underrepresentation of minority races in the New York legal profession is likewise well documented. See, e.g., <http://documents.nycbar.org/files/BenchmarkingReport2016.pdf>.

Certain of the language used by Mr. Manchanda (such as Mr. Manchanda referring to black judges "do[ing] the bidding" of Jewish "masters") might well be viewed as numb to historical cultural sensitivities. But Mr. Manchanda is not required to sugar-coat his political views to make them more palatable.

- (3) The Committee's opening letter focuses, *third*, on Mr. Manchanda's July 24, 2021 complaint to the Human Rights Counsel, and provided by Mr. Manchanda to the Committee. This Complaint focuses on Mr. Manchanda's concerns about Jewish organized crime having become a dominant source of power in the United States, and about that organized crime having corrupted federal, state and local political institutions (including the judiciary) to "carry out their destruction of American citizens or residents who are against Jewish/Israeli domestic and foreign policies and value systems."

The views expressed by Mr. Manchanda in his July 24, 2021 complaint are, again,

representative of Mr. Manchanda's good-faith beliefs.

The point to be made with respect to Mr. Manchanda's statements being based upon his good-faith beliefs, is, among other things, that there is no element of dishonesty involved in Mr. Manchanda's conduct. The lack of dishonesty is relevant because it shows that Mr. Manchanda's conduct does not reflect adversely on his integrity or, consequently, on his fitness as a lawyer. See Rule 8.4(h), cited by the Committee in its opening letter and discussed herein, *infra*.

The fact that Mr. Manchanda was not representing any client or appearing before a tribunal as a lawyer with respect to any of the three complaints further supports that his conduct does not reflect adversely on his fitness as a lawyer.

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

III. Mr. Manchanda's Statements In His Complaints Are Protected Under the First Amendment As Core Political Speech.

When speaking in an extrajudicial context (and not in court filings made in his capacity as a lawyer), 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 Freedoms: 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 courts 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, Vol. 51:363, 368. ("... attorneys 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 Complaints (most particularly, his second and third complaints discussed above) concern 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). Here, the State's interest, as far as can be discerned from the Committee's opening letter appears to be no more than the punishment of what could be viewed as intemperate or arguably racist or anti-Semitic language. Even assuming that such a punishment would legitimately stem from the Committee's prerogative of disciplining lawyers for the protection of the public (which we don't think that it would in this context of Mr. Manchanda's extra-judicial non-lawyerly statements), it is very certain that a prohibition on "intemperate" or arguably racist or anti-Semitic speech is not narrowly tailored to further that interest.

In a different context, the seminal Supreme Court decision in *New York Times v. Sullivan* 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). Thus the Grievance Committee, a State-designated forum for complaints and grievances of the people, should not be countenanced to complain that it does not wish to hear Mr. Manchanda's particular viewpoint.

As discussed above, Mr. Manchanda's extrajudicial statements made outside his capacity as lawyer are afforded the same constitutional protections as would be the statements of a non-lawyer. Even assuming, *arguendo*, that Mr. Manchanda's freedoms of expression were to be counterbalanced to some limited extent by the right of the State to regulate the legal profession — which we believe that it is not, in this extrajudicial context — it is well recognized that a lawyer's criticism 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 overtly 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 criticism 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. 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 of 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."

IV. Because No Disciplinary Rule Prohibits Mr. Manchanda's Expression of "Intemperate" Views In an Extra-Judicial, Non-Lawyerly Capacity, Due Process Precludes The Imposition of Discipline Upon Him.

There is no disciplinary Rule which prohibits the expression of good-faith political views by a lawyer in the context of a complaint filed with government agencies in the lawyer's individual capacity, even where such views may be controversial or may be viewed as "intemperate" or even racist or anti-

Semitic. Indeed, as discussed above, any such rule would clearly amount to an unconstitutional infringement on free speech protections.

The Rule cited in the Committee's opening letter, Rule 8.4(h), is a non-specific "catch- all" provision which does not afford notice of prohibited conduct and should not serve as the basis for the imposition of discipline against Mr. Manchanda. See Roy Simon, *Simon's Rules of Professional Conduct Annotated* (2014 Ed.), p. 1894 ("Rule 8.4[h] is seldom the sole basis for disciplinary charges against a lawyer. Rather, it is usually an add-on to other charges. Typically, a court first finds a violation of some other section of the Rules and then finds that the violation of the other section reflects negatively on the lawyer's fitness as a lawyer. When the courts do find a violation of Rule 8.4(h), the conduct tends to be egregious, often involvement some form of sexual misconduct.").

In the absence of any Rule prohibiting Mr. Manchanda's conduct, the imposition of discipline upon Mr. Manchanda would constitute an impermissible violation of due process — a further infringement upon Mr. Manchanda's constitutional rights. Indeed, it is well-recognized that attorney disciplinary proceedings are quasi-criminal in nature and, as such, lawyers are entitled to due process in the form of notice and opportunity to be heard. See *In re Ruffalo*, 390 U.S. 544 (1968).

V. Conclusion.

Mr. Manchanda has led a storied life and, as is the case with all of us, his views and beliefs have been shaped by his experiences. These include experiences overseas and exposures to the inner workings of various political/power entities, as well as

experiences as both a litigant and a lawyer of Indian descent within New York's city, state and federal judiciaries, for two decades.

With due respect to the Committee and its authority in the oversight of the legal profession for the protection of the public, Mr. Manchanda is NOT required to justify or provide evidentiary support for his social/political views or his criticisms of the judiciary, expressed in an extra-judicial, non-lawyerly capacity, in order to avoid sanction by this Committee. The State and its agencies are not the arbiter of what views he is entitled to express without fear of punishment. It must be enough to say that Mr. Manchanda believes in good faith that his various statements are true; and that his complaints that are the focus of the Committee's investigation are part of Mr. Manchanda's efforts to speak truth to power in order to bring about a positive change in the system.

Finally, it is appropriate to note that Mr. Manchanda fully agrees that racism is a serious problem within New York's judicial system. In fact, Mr. Manchanda's complaints that are the subject of the Committee's investigation complain of exactly that- institutional prejudice within the justice system and unequal access to justice for litigants of certain races or ethnic backgrounds. The complaints express Mr. Manchanda's deep concern that the predominance of Jewish attorneys and judges in New York's judicial system, including the Federal Courts, results in disparate treatment and unequal access to justice for non-Jewish litigants such as Mr. Manchanda, who is a brown American of Indian descent. Accusing Mr. Manchanda of racism or anti-Semitism based upon those complaints is, therefore, sadly ironic.

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For all of the reasons discussed above, we respectfully submit that the Committee's *sua sponte* investigation of Mr. Manchanda should be closed without further action by the Committee.

Respectfully yours,

/s/ Kelly L. McCollum
Kelly L. McCollum

VERIFICATION

I have read the above Answer of my attorney, Kelly McCollum, and I confirm the accuracy thereof and adopt and approve of its contents.

/s/ Rahul D. Manchanda
Rahul D. Manchanda

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Appendix P

[SEAL]

United States Department of Justice
Civil Rights Division
civilrights.justice.gov

Thank you for submitting a report to the Civil Rights Division.

Report successfully submitted

Your record number is: **67878-HGD**

What to expect

1. We review your report

Our specialists in the Civil Rights Division carefully read every report to identify civil rights violations, spot trends, and determine if we have authority to help with your report.

2. Our specialists determine the next step

We may decide to:

Open an investigation or take some other action within the legal authority of the Justice Department.

Collect more information before we can look into your report.

Recommend another government agency that can properly look into your report. If so, we'll let you know.

In some cases, we may determine that we don't have legal authority to handle your report and will recommend that you seek help from a private lawyer or local legal aid organization.

3. When possible, we will follow up with you

We do our best to let you know about the outcome of our review. However, we may not always be able to provide you with updates because:

We're actively working on an investigation or case related to your report.

We're receiving and actively reviewing many requests at the same time.

If we are able to respond, we will contact you using the contact information you provided in his report. Depending on the type of report, response times can vary. If you need to reach us about your report, please refer to your report number when contacting us. This is how we keep track of your submission.

What you can do next

1. Contact local legal aid organizations or a lawyer if you haven't already

Legal aid offices or members of lawyer associations in your state may be able to help you with your issue.

American Bar Association, visit
www.findlegalhelp.org or call (800) 285-2221

Legal Service Corporation (or Legal Aid Offices),
visit www.lsc.gov/find-legal-aid or
call (202) 295-1500

2. Get help immediately if you are in danger

If you reported an incident where you or someone else has experienced or is still experiencing physical harm or violence, or are in immediate danger, please call 911 and contact the police.

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Your submission

Contact

Contact information

Your name

RAHUL MANCHANDA

Email address

INFO@MANCHANDA-LAW.COM

Phone number

2129688600

Address

30 WALL STREET 8TH FLOOR

SUITE 8207

NEW YORK, New York 10005

Are you now or have ever been an active duty service member?

No.

Primary concern

What is your primary reason for contacting the Civil Rights Division?

Mistreated by police, correctional staff or inmates

Does your situation involve physical harm or threats of violence?

Yes

Location

Did this happen while in custody or incarcerated?

No.

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Where did this happen?

Location name

NEW YORK CITY PUBLIC AND PRIVATE PLACES

Address

-
-

NEW YORK, New York

Personal characteristics

Do you believe any of these personal characteristics influenced why you were treated this way?

Family, marital, or parental status

Immigration/citizenship status (choosing this will not share your status)

National origin (including ancestry and ethnicity)

Race/color

Religion

Date

When did this happen?

4/21/2021

Personal description

In your own words, describe what happened

For the past nearly 20 years, as an Indian-American lawyer/litigant/American/NYS born U.S. Citizen I have experienced unbelievable and unacceptable bullying, intimidation, discrimination, racism, harassment, targeting, surveillance, sabotage and unconstitutional treatment by African-American police officers, DHS Agents, FBI Agents, federal and state judges, child protective services workers, federal and state court law clerks, governmental

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administrative staff, and others within NYC government (and New Haven CT government) against me, and anyone else who either loves me, is in my family, is in my law firm business, or is a friend or client of mine.

This is usually and often at the behest and direction of their Jewish bosses and supervisors in whatever form/venue of this kind of targeted harassment and torture.

I can provide many more details and tangible evidence if required, as I can not fit all of this within this small complaint box, but many of my specific allegations/evidence have been immortalized forever in my federal and state court lawsuits in both New York and Connecticut.

Please investigate and advise.