

21-407

THE U.S. SUPREME COURT

ORIGINAL

JAMES P. MINNA, ET AL. PROSE.

- APPELLANT/PLAINTIFF

Supreme Court, U.S.
FILED

SEP 10 2021

OFFICE OF THE CLERK

- AGAINST -

BETH VANDOREN ET AL.

- DEFENDANTS / APPELLEES.

APPLICATION FOR A WRIT OF
CERTIORARI

QUESTIONS PRESENTED

UNDER THE DOCTRINE OF RES JUDICATA, OR CLAIM PRECLUSION AND DOCTRINE OF COLLATERAL ESTOPPEL.

1. DOES THE FINAL JUDGMENT ON THE MERITS OF A CRIMINAL ACTION PRECLUDES THE PARTIES OR THEIR PRIVIES FROM LITIGATING ISSUES THAT WERE OR COULD HAVE BEEN RAISED IN THAT ACTION?
AS IN ST. PIERRE V. DYER, 208 F.3d 394, 399 (SECOND CIRCUIT 2000)
QUOTING FEDERATED DEPT. STORES, INC. V. MOITIE, 452 U.S. 394, 398, 101 S. CT. 2424, 69 L. Ed. 2d 103 (1981). ALSO SEE E.D.P. MED. COMPUTER SYS. V. UNITED STATES, 480 F.3d 621, 624 (SECOND CIRCUIT 2007).



QUESTIONS PRESENTED.

UNDER THE DOCTRINE OF RES JUDICATA,
AND DOCTRINE OF COLLATERAL ESTOPPEL

2. DOES A U.S. DISTRICT COURT HAVE
THE POWER AND OBLIGATION TO
DISMISS COMPLAINTS SUA-
SPONTE ON RES JUDICATA
GROUNDS WHEN THE LITIGATION HISTORY
TRIGGERS IT? SEE SALAHUDIN 992 F.
2d AT 449. ALSO SEE ST PIERRE
V. DYER; 208 F.3d 394, 399;
(SECOND CIRCUIT 2000) QUOTING
FEDERATED DEPT. STORES, INC. V.
MOITTE 452 U.S. 394, 398, 101
S. CT. 2424, 69 L. ED. 2d 103 (1981).
ALSO SEE: E.D.P. MED. COMPUTER SYS. V.
UNITED STATES, 480 F.3d 621, 624 (
SECOND CIRCUIT 2007).

QUESTIONS PRESENTED.

UNDER DOCTRINES OF RES JUDICATA, CLAIM PRECLUSION AND COLLATERAL ESTOPPEL.

3. WHY DID THE DEFENDANTS/APPELLEES PRESENT A REDACTED BRIEF AS AN ANSWER TO APPELLANTS/PLAINTIFF MOTION FOR SUMMARY JUDGMENT. WITH SUBLIMINAL MESSAGE IN THE REDACTED PAGES?

4. WHY DID THE U.S. COURT OF APPEALS ACCEPT A PREJUDICIAL UNREADABLE BRIEF? THUS VIOLATING APPELLANTS/PLAINTIFFS' 14TH AMENDMENT DUE PROCESS TO A FAIR APPEAL REVIEW AS IN GIBSON V. WAINRIGHT, SWABA.

LIST OF PARTIES.

ALL PARTIES DO NOT APPEAR IN THE CAPTION OF THE CASE ON COVER OF PAGE. A LIST OF ALL PARTIES TO THE PROCEEDING IN THE COURT WHOSE JUDGMENT IS THE SUBJECT OF THIS PETITION AS FOLLOWS:-

APPELLANTS/PLAINTIFFS:

1. J & W. TRADING & LEASING INC.
A BUSINESS ENTITY DOING
COMMODITY TRADING WORLD
WIDE, REGISTERED IN THE
STATE OF NEW YORK.

2. JAMES P. MITCHNA, C.E.O. AND PRESIDENT,
OF J & W. TRADING AND LEASING
INC., IN SYRACUSE, N.Y.

LIST OF PARTIES

APPELLANTS/PLAINTIFFS

3. PETER F. MTHINA, V.P. OF J & W. TRADING AND LEASING INC. AND INVESTOR.
4. MARIE K. MWAKA MTHINA, SECOND VICE PRESIDENT AND INVESTOR. MINOR CHILD.
5. EMMANUEL E. MTHINA, THIRD VICE PRESIDENT OF J & W. TRADING AND LEASING INC. AND INVESTOR. MINOR CHILD.
6. KATHY M. MTHINA, SECRETARY, INVESTOR - J & W. TRADING AND LEASING INC.

LIST OF PARTIES.

ALL PARTIES DO NOT APPEAR IN THE CAPTION OF THE CASE ON COVER PAGE. A LIST OF ALL PARTIES TO THE PROCEEDING IN THE COURT WHOSE JUDGMENT IS THE SUBJECT OF THIS PETITION AS FOLLOWS:-

DEFENDANTS/APPELLEES.

1. CITIZENS BANK, N.A., DOING BANKING BUSINESS IN THE STATE OF NEW YORK AND OTHER STATES.
2. CATHLEEN NASH, THE C.E.O. AND PRESIDENT OF CITIZENS BANK, N.A.
3. JOHN CRUZE, V.P. OF SECURITY FOR CITIZENS BANK, N.A. IN SYRACUSE AREA.

LIST OF PARTIES.

DEFENDANTS/APPELLEES.

4. KEY BANK, N.A. DOING BANKING
BUSINESS IN THE STATE OF
NEW YORK AND OTHER STATES.
5. HENRY MEYER PRESIDENT AND
C.E.O. KEY BANK.
6. LINDA THOSOL, V.P. SECURITY, KEY BANK
SYRACUSE AREA.

LIST OF PARTIES

7. BANK OF AMERICA, N.A., DOING
BANKING BUSINESS IN THE
STATE OF NEW YORK AND
OTHER STATES.
8. BRIAN MOYNIHAN, C.E.O. AND PRESIDENT
FOR BANK OF AMERICA AND
IN OTHER STATES.
9. AMY BIDWELL, SYRACUSE BANK OF
AMERICA, N.A. BRANCH
MANAGER.

LIST OF PARTIES
DEFENDANTS.

10. CITY OF SYRACUSE, NEW YORK
STATE.

11. ANTHONY COLAVITA, CITY OF SYRACUSE
POLICE DETECTIVE.

12. DAVID BUSKE, CITY OF SYRACUSE
POLICE DETECTIVE.

13. ONONDAGA COUNTY, IN THE STATE OF
NEW YORK.

14. BETH VAN DOREN, ASSISTANT PROSECUTOR
IN ONONDAGA COUNTY.

LIST OF PARTIES

15. WOODHAVEN APARTMENTS; DOING BUSINESS
OF APARTMENT RENTALS
IN THE CITY OF SYRACUSE
IN THE STATE OF NEW YORK.

16. VINOD LUTHRA, CEO, PRESIDENT AND
OWNER OF WOODHAVEN
APARTMENTS.

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CASES SIMILARLY

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RELATED CASES.

RES JUDICATA DOCTRINE

1. SE PIERRE V. DYER 208 F.3d 394, 399 (2d Cir. 2000)
2. FEDERATED DEPT. STORES INC. V. MOITIE 452 U.S. 394, 398, 101 S.Ct. 2424, 69 L.Ed. 2d 103 (1981)
3. EDP.MED. COMPUTER SYS. V. UNITED STATES, 480 F.3d 621, 624 (2nd Circuit 2007)

CASES SIMILARLY COLLATERAL ESTOPPEL:

BRANDSTETTER V. BALLY GAMING INC. NO. 11-CV-2594 (JFB) (GRB), 2012 WL 4103917, (E.D.N.Y. SEPT. 18, 2012)

ARKLANE HOSIERY CO. V. SHORE, 439 U.S. 322, 326, 99 S.Ct. 645, 58 L.Ed. 2d 552 (1979)

UNITED STATES V. MENDOZA, 464 U.S. 154, 158, 104 S.Ct. 568, 78 L.Ed. 2d 379 (1984)

AMBASUL V BRONX LEBANON HOSPITAL CTR., NO. 3, C.N.V. (S.D.N.Y. 2005)

BOE V. PEROMMER, 148 F.3d. 73, 80 (2d Cir. 1998)

KIMO V. RYAN 49 F.3d 51, 54 (2d Circuit 1998)

RELATED CASES.

TABLE OF AUTHORITY.

UNDER THE DOCTRINE OF RES JUDICATA CLAIM PRECLUSION

- ① IN RE HYMAN, 502 F.3d 61, 65
(2d Cir. 2007).
- ② YESHIVA TORAI CHAIM VIZNITZ OF
BORO PARK, INC. V. CITY OF NEW YORK,
496 F.2d 122, 123 (2d Cir.
2012).
- ③ SALANUIN V. JONES 992 F.2d 447, 449
(2d Cir. 1993.)
- ④ JOHNSON V. WATKINS 101 F.3d 792, 794-95
(2d Cir. 1996)
- ⑤ PIERRE V. DYER, 208 F.3d 394, 399
(2 Circuit 2000)
- ⑥ GENERATED DEPT STORES, INC. V. MOTIE, 452
U.S. 394, 398, 10 S.Ct. 2424, 69
L.Ed. 2d 103 (1981) U.S.
SUPREME COURT

JURISDICTION

THE PURPOSE OF THIS JURISDICTION IS TO ESTABLISH THAT THE DISTRICT COURT OF THE NEW YORK STATE FEDERAL COURT AND THE COURT OF APPEALS HAVE SO FAR DEPARTED FROM THE ACCEPTED AND USUAL COURSE OF JUDICIAL PROCEEDINGS AS TO CALL FOR AN EXERCISE OF U.S. SUPREME COURT SUPERVISORY POWER.

PLAINTIFF/APPELLANT STATES THAT THE DEFENDANTS MADE AN ORAL MOTION ON APRIL 9, 2014, TO DISMISS THE WRONGFULLY DEFECTIVE INDICTMENT AS SEEN IN "EXHIBIT C". NO ONE FORCED THEM TO PRESENT AN ORAL MOTION.

IT IS A FACT THAT DEFENDANTS DID NOT HAVE ANY CREDIBLE EVIDENCE, TO →

JURISDICTION

TO ESTABLISH A PRIMA FACIE CASE BASED ON CREDIBLE EVIDENCE." ESPECIALLY AFTER DEFENDANTS ADMITTED BEFORE A LIVE COURT THAT APPELLANT DID NOT COMMIT ANY CRIME AND THE INDICTMENT MUST BE DISMISSED.

IT IS A FACT THAT THE INDICTMENT WAS DISMISSED AND THE ISSUE IS "MOOT" AS THE RECORD SHOW. THE DEFENDANTS MOVED TO DISMISS AND ONCE THE INDICTMENT IS DISMISSED, THE ISSUE BECOMES "MOOT".

IT IS A FACT THAT THE RULINGS OF THE NORTHERN DISTRICT OF NEW YORK AND THAT OF COURT OF APPEALS SECOND CIRCUIT ARE "UNCONSTITUTIONAL, INEQUITABLE AND DIRECTLY VIOLATE AND DISENFRANCHISE PLAINTIFFS OF THEIR CONSTITUTIONAL RIGHTS TO DUE PROCESS. A FAIR CIVIL PROCEEDING AND CLEARLY → →

JURISDICTION

⇒⇒⇒ CLEARLY DEMONSTRATE A LACK OF STANDING BY THE DEFENDANTS. PLAINTIFFS/APPELLANTS CLAIM THAT JUDGE GARY L. SHAFER OF NORTHERN DISTRICT COURT OF NEW YORK ERRED AND RULED WITH BIAS AND PREJUDICE. ALSO THE COURT OF APPEALS TWO JUDGES; ROSEMARY S. POOLER AND MICHAEL H. PARK ERRED IN THEIR RULING AND DECISION.

IT IS A FACT PRECEDENT CASES AND RULING WERE PRESENTED BY APPELLANT/PLAINTIFF. BUT WAS IGNORED AND COMPLETELY WENT OUTSIDE OF THE ISSUES OF SUMMARY JUDGMENT, "ANSWER."

IT IS A FACT THAT ISSUE OF THE CRIMINAL CASE IS "MOOT" IT NO LONGER EXISTS. DEFENDANTS HAVE NO RIGHT TO BRING IT NOW. THEY MADE IT A "MOOT ISSUE" WHEN THEY MADE AN ORAL MOTION TO DISMISS THE DEFECTIVE INDICTMENT.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED:

1. RES JUDICATA DOCTRINE
2. CLAIM PRECLUSION DOCTRINE
3. COLLATERAL ESTOPPEL DOCTRINE
4. 14TH AMENDMENT TO THE U.S. CONST.
5. DOUBLE JEOPARDY & DUE PROCESS
FOR DENYING APPELLANTS THEIR
RIGHTS TO RES JUDICATA DOCTRINE
AND COLLATERAL ESTOPPEL DOCTRINE.
6. THE DENIAL OF THE RIGHT TO
ANNUNZIO WILLY ACT
TITLE 31 U.S.C.A 5318(G)(3)
7. TITLE 42 U.S.C.A 1985(3)
8. TITLE 42 U.S.C.A 1983
9. TITLE 42 U.S.C.A 1981
10. TITLE 42 U.S.C.A 1981 SECT. A AND B
11. TITLE 8 U.S.C.A. SECTIONS 43 AND 47.
12. DENIAL TO REDRESS

STATEMENT OF THE CASE.

DEFENDANTS/APPELLEES BROUGHT FALSE FRAUDULENT, WRONGFUL CRIMINAL CHARGES OF POSSESSION OF FORGED INSTRUMENTS; AFTER HE HAD OPENED BUSINESS BANK ACCOUNTS. THE DEPOSITED CHECKS WERE GOOD CHECKS, WERE NOT FORGED CHECKS.

THE DEFENDANTS DID NOT HAVE ANY EVIDENCE TO PRESENT BEFORE THE GRAND JURY, THEREFORE, THE PROSECUTOR FOUND WRONG LAW TO ENTER IRRELEVANT EVIDENCE INTO GRAND JURY AND AT PETITE JURY TO CONVICT. THE DEFENDANTS WERE ALSO COERCED BY THE PROSECUTOR TO LIE BEFORE THE GRAND JURY AND AT TRIAL.

THE SYRACUSE POLICE DETECTIVE WERE ALSO INVOLVED IN COERCING THE BANK WITNESSES.

AFTER CONVICTION APPELLANT WAS SENTENCED TO 12 YEARS TO 24 YEARS IN MAXIMUM SECURITY PRISON.

WHILE BEING IMPRISONED,



STATEMENT OF THE CASE

→ APPELLANT APPEALED HIS CONVICTION AND AFTER 10 YEARS OF INCARCERATION, THE APPELLATE COURT REVERSED THE CONVICTION UNANIMOUSLY AND ORDERED A NEW TRIAL WITH PROPER EVIDENCE.

ON APRIL 9, 2014; THE DEFENDANT FILED AN ORAL MOTION FOR THE COURT TO DISMISS THE INDICTMENT BECAUSE IT WAS DEFECTIVE. THE COURT DID DISMISS THE INDICTMENT AS EXHIBIT "C" SHOWS.

APPELLANT WAS LEGALLY RELEASED FROM CUSTODY AND WENT TO U.S. FEDERAL DISTRICT COURT OF NORTHERN DISTRICT OF NEW YORK, AND FILED A CIVIL LAWSUIT TO REDRESS PURSUANT TO TITLE 8 U.S.C.A. SECTIONS 43 AND 47, AND TITLE 31 U.S.C.A. SECTION 5318(G)(3) (THE AMMUNIZIO WILLY ACT WHICH DECLARES SAFE HARBOR TO DEFENDANTS BUT, THE CONGRESS NEGATES SAFE HARBOR WHEN DEFENDANTS VIOLATE APPELLANTS/PLAINTIFFS CIVIL AND CONSTITUTIONAL RIGHTS; THEY BECOME ACCOUNTABLE AND LIABLE., AND 42 U.S.C.A. 1985(3), 1983

STATEMENT OF THE CASE

NOW, IT IS TIME TO REDRESS PURSUANT TO TITLE 31 U.S.C.A. § 318 (G)(3) TITLE 8 U.S.C.A. SECTIONS 43 AND 47 AND TITLE 42 SECTION 1985 (3) AND 1983, AND 1981, AND 1981 (A) AND (B).

THESE ARE THE SAME DEFENDANTS WHO MADE ORAL MOTION TO DISMISS THE DEFECTIVE INDICTMENT. AS SEEN IN EXHIBIT C.

STATEMENT OF THE CASE:

DEFENDANT/APPELLEES BROUGHT FALSE, FRAUDULENT, WRONGFUL CRIMINAL CHARGES OF POSSESSION OF FORGED INSTRUMENTS AFTER HE HAD OPENED A BUSINESS BANK ACCOUNTS AT THREE BANKS. THE DEPOSITED CHECKS WERE GOOD CHECKS THEY WERE NOT FORGED CHECKS.

THE DEFENDANTS DID NOT HAVE ANY EVIDENCE TO PRESENT BEFORE THE GRAND JURY THEREFORE THE PROSECUTOR BROUGHT IN FALSE EVIDENCE TO FIT THE CRIME CHARGED, USED WRONG LAW AND THE WITNESSES WERE COERCED BY SYRACUSE POLICE DETECTIVES AND ASSISTANT PROSECUTOR TO LIE BEFORE GRAND JURY AND PETITE JURY TO CONVICT. AFTER 10 YEARS OF IMPRISONMENT, THE N.Y. STATE APPELLATE COURT 4TH JUDICIAL DEPARTMENT REVERSED THE CONVICTION AND ORDERED THE PEOPLE TO GIVE APPELLANT A NEW TRIAL. CITING THAT A WRONG →

STATEMENT OF THE CASE

→ LAW WAS USED TO ENTER FALSE, IRRELEVANT EVIDENCE INTO THE CASE. "SEE EXHIBIT A"

MEANWHILE THE BANKS HAD TESTIFIED FALSELY WHERE A CRIME WAS NOT COMMITTED. THEY LOST APPELLANTS' 705 VERY VALUABLE LETTERS OF CREDIT. THEY PROMISED TO COLLECT.

ON APRIL 9, 2014 THE DEFENDANTS ADMITTED BEFORE A LIVE COURT BY MAKING AN ORAL MOTION FOR THE COURT TO DISMISS THE INDICTMENT. SEE EXHIBIT C. NOW THE ISSUE IS COMPLETELY MOOT. IT DOES NOT EXIST AND IT NEVER EXISTED. DEFENDANTS ARE ACCOUNTABLE FOR THE WRONGS THEY DID UPON PLAINTIFF, ALSO VERY LIABLE FOR THE LOST 705 VERY VALUABLE LETTERS OF CREDIT. THEY MUST REIMBURSE APPELLANTS/PLAINTIFFS.

REASONS FOR GRANTING CERTIORARI

IT IS A FACT THAT APPELLEES/DEFENDANTS PRESENTED TO COURT OF APPEAL SECOND CIRCUIT AN ANSWERING BRIEF THAT IS REDACTED FROM PAGE ONE TO THE LAST PAGE, AS AN ANSWER TO APPELLANT'S/ PLAINTIFFS MOTION FOR SUMMARY JUDGMENT.

WHY WAS THIS BRIEF REDACTED. IT WAS REDACTED IN ORDER TO HIDE THE RES JUDICATA ISSUE.

IT IS A FACT THAT THE REDACTING OF THE ANSWERING BRIEF, DOES NOT CURE THE ISSUE OF RELITIGATING THE CRIMINAL ISSUE THAT WAS DECIDED IN THE NEW YORK STATE COURTS, BECAUSE THE SUBLIMINAL MESSAGE HAS ATTACHED ITSELF IN THE REDACTED BRIEF. NO MATTER WHAT THEY DO, IT WILL ALWAYS BE THERE. THESE DEFENDANTS VIOLATED APPELLANT'S/ PLAINTIFFS THEIR CIVIL AND CONSTITUTIONAL RIGHTS TO DUE PROCESS WHEN THEY CONSPIRED WITH EACH OTHER AND DECIDED TO BRING FALSE, FRAUDULENT, CRIMINAL CHARGES →

REASONS FOR GRANTING CERTIORARI

→ WITHOUT COMMITTING ANY CRIME

IT IS A FACT THAT:- THESE DEFENDANTS DID COMMIT THESE WRONGFUL ACTS, BUT, WHEN IT COMES TO REDRESS BY APPELLANTS, THE DEFENDANTS ARE BEING FLIGHTY, THEY DO NOT WANT TO ADMIT, THOUGH ON 9/APRIL 2014 THEY ADMITTED IN CRIMINAL COURT FOR THE COURT TO DISMISS THE DEFECTIVE INDICTMENT.

THEY PROCURED THE INDICTMENT, THEY MADE IT TO BE DEFECTIVE, THEY DID ASK THE PRESIDING JUDGE IN THE CRIMINAL COURT TO DISMISS THE INDICTMENT.

REASONS FOR GRANTING THE CERTIORARI

WHY APPELLANT IS APPLYING FOR THE
WRIT OF CERTIORARI

IT IS A FACT THAT THE UNITED STATE
DISTRICT COURT OF NORTHERN DISTRICT
OF NEW YORK, AND THE COURT OF
APPEALS HAVE DECIDED AN IMPORTANT
QUESTION OF FEDERAL LAW THAT
HAS NOT BEEN, BUT SHOULD BE
SETTLED BY THIS COURT, OR HAS
DECIDED AN IMPORTANT FEDERAL
QUESTION IN A WAY THAT CONFLICTS
WITH RELEVANT DECISIONS OF THIS
COURT.

THE ISSUE IN QUESTION IS
RES JUDICATA, OR CLAIM PRECLUSION,
AND DOCTRINE OF COLLATERAL ESTOPPEL.

IT IS A FACT THAT THE DISTRICT
COURT AND THE COURT OF APPEALS
SECOND CIRCUIT ENTERED A DECISION

//

SUPREME COURT

NATURE OF SUPREME COURT REVIEW

IT IS A FACT THAT THE U.S. SUPREME COURT HEARS ISSUES OF IMPORTANCE BEYOND PARTICULAR FACTS.

AS ISSUES OF RES JUDICATA/CLAIM-
PRECLUSION AND DOCTRINE OF
COLLATERAL ESTOPPEL THAT OTHER
COURTS PAY MUCH ATTENTION TO
WHEN IT IS BROUGHT IN FRONT OF THE
COURT AS IN ST. PIERRE V. DYER,
208 F.3d 399 (2d Circuit 2000).

QUOTING FEDERATED DEPT. STORES
INC. V. MOTTIE, 452 U.S. 394, 398,
101 S. CT. 2424; 69 L. Ed. 2d 398,
(1981). ALL THESE CASES ARE PRECEDENTS
TO DOCTRINES OF RES JUDICATA OR CLAIM
PRECLUSION. AS A MATTER OF FACT,
THE U.S. SUPREME COURT MADE A RULING
IN FEDERATED DEPT. STORES V. MOTTIE
452 U.S. 394, 398, 101 S. CT. 2424, 69 L. Ed.
2d 398, 1981. DEFENDANT'S ANSWERING BRIEF
MUST BE DISMISSED AS A MATTER OF LAW.

THE ISSUE IS MODI

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CONCLUSION

THE PETITION FOR A WRIT OF CERTIORARI SHOULD BE GRANTED BECAUSE THE CRIMINAL CASE ISSUE HAS BEEN A "MOOT" ISSUE SINCE APRIL 9TH, 2014, THE DAY THE INDICTMENT WAS DISMISSED BECAUSE IT WAS RULED AS DEFECTIVE AND ILLEGAL. AFTER THE DISMISSAL, THE ISSUE BECAME "MOOT."

THEREFORE, THE PETITION FOR A WRIT OF CERTIORARI MUST BE ISSUED/GRANTED.

RESPECTFULLY SUBMITTED

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