

21-5264

ORIGINAL

Supreme Court, U.S.
FILED

JAN 20 2021

OFFICE OF THE CLERK

THE UNITED STATES SUPREME COURT

In Re: PETITIONER
 MELVIN DINKINS

VS

 RESPONDENT
NORMAN K MOON, DISTRICT JUDGE
ET AL.,
REGION TEN CSB

ON PETITION FOR WRIT OF MANDAMUS
TO THE U.S. DISTRICT COURT
WESTERN DIVISION OF VIRGINIA

PETITION FOR WRIT OF MANDAMUS

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IN QUESTION

28 USC 1651

What are the “usages and principles” of law, in this case 28 USC 3730 (b)(1) - when legislature proclaims “A person may bring a civil action for the person and for the United States Government” – and then continues with obvious safeguards even against malfeasance? And is further secured by Article VI 2nd paragraph of the U.S. Constitution?

Having exhausted all other remedies before this Petition, with five cases and then an Appeal, subsequent to the original Federal Civil Action 3:17-cv-00034, is the Relief requested appropriate for Supreme Court consideration of all Real Parties in Interest?

How does Federal case 3:17-cv-00034 of Petitioner, cited against judicial Order 5/19/2017 of Respondent, merit the Discretionary Powers of this United States Supreme Court?

TABLE OF AUTHORITIES

42 USC 1983

31 USC 3729

31 USC 3730 (b)(1)

28 USC 1331

28 USC RULE 42 (a)(1) AND (b)

28 USC RULE 19 CIVIL PROCEDURE

28 USC RULE 17 CIVIL PROCEDURE

15 USC 1692 "FINDINGS AND DECLARATION"

THE PARTIES TO THIS PETITION

Respondent:

District Court Judge Norman K Moon, Western Division of Virginia
Et al.,
Region Ten Community Services Board Inc.

Petitioner:

Melvin Dinkins Pro Se Attorney of Record
Et al.,
The United States of America

DIRECTLY RELATED CASES

State Court

Albemarle County Circuit Court_ case#CL15000401-00
Virginia State Supreme Court_ case#160918

Federal Court

Western District of Virginia Federal Court_ cases #3:16-cv-00003,
3:17-cv-00034, 3:17-cv-00055, 3:18-cv-00001, 3:18-cv-00042,
3:19-cv-00030

Federal Appeal

4th Circuit Court of Appeals case#20-1274

State Immunity Originally Federal

1. Original discrepancies are with **Billing in the Parties' contracted account**, on file Prima Facia, and in combination with charges against "manipulated insurance payments", that initiated Breach of Contract in State Court.
2. The form and tone of Petitioners' Civil Action was acknowledged by the **secondary** Respondent Region Ten CSB as – sounds "in Tort" rather than Breach of Contract – toward an exclusion of the potent charges, by conceding "Tort Causes of Action" on record and signed with State Order. (Exhibit 1Y)
3. Further claims by Region Ten - for Sovereign Immunity, as part local government and part corporate entity – eventually prompted State Dismissal, although, only after the Respondent introduced and admitted a "Mistake" during proceedings. (Exhibit 2Y & Exhibit E5)

4. Also before State Dismissal, “Perjury”, citing a payment related claim under Sworn Testimony, proven false and Judicially **confirmed against** secondary Respondent, signified **Federal** level intrigue – toward examining their admitted “Mistake” further – resulting in the Discovery of “Up-Coding” against Medicare, and confirming “Original Jurisdiction” with Federal Court. 28 USC 1331 (Exhibits X &Y and Exhibit E5)

5. Therefore with additional documented material corroborating the nature of this action, an appropriate indication of the charges would cite Fraudulent Misrepresentation directly against Pro Se Dinkins and Fraudulent Misappropriation of the Petitioners’ **accounts**, in a sequential combination **to induce** Medicare Fraud **against the U.S.**

Conflict of Authority / The Case Under Petition

6. Legislated remedy against fraudulent claims, found in the United States Code of law, **directly** addresses a Persons’ rights regarding

specific matters, while instructing the parameters of Civil Action, citing 31 USC 3729 and 3730.

7. As attorney of record, Pro Se representation informed the Federal Attorneys, and then filed in the Western District of Virginia Federal Court, this information heretofore presented (**under said 31 USC 3730**), compassed with circumstances involving the additional Parties (interest holders of Medicare) **in several transactions**.

8. For Judicial review, Petitioners' case was brought to the Respondent, District Judge Norman K Moon. And with incredible speed, the District Judge Ruled that attorney of record Dinkins, with IFP status and as a Pro Se Litigant, is **not permitted** to bring a qui tam action on behalf of the United States. Judge Moon then cited 4th Circuit case-references. The Petitioners' **5/17/2017 Federal case**, with Respondent' **5/19/2017 Judicial Order** is submitted for consideration of a Writ, mandating the enforcement of **Federal law over case citations**.

Separation of Powers / Meriting Consideration

9. Thus appealing to the United States Supreme Court jurisdictional authority for a Writ, to uphold that integrity which distinguishes the national powers of governance, supporting Federal law by Mandamus.

Distinctive powers, U.S. Constitutionally **granted to separate branches** of government, specify – Article 1 first sentence – when indicating **Legislature**, that **all such** powers are vested with **Congress**. Power that creates **the** supreme law, Constitutionally, as stated in Article 6.

10. Executed in accordance with Federal law, including 28 USC Rule 17 Civil Procedure, Petitioners' U.S. District Court case 3:17-cv-00034 is captioned "The United States vs Region Ten CSB".

In corroboration with the Federal charges composing Civil Action for damages to Petitioners' accounts, business, and personal credit – multiple documents exhibiting "False Claims", "Up-Coding", and "deliberate fraudulent Misappropriations", are **all cited Prima Facia** as

“Material Evidence” – printed from electronic (interstate) transactions and activated for payment. As well, “Material Witnesses” are all from the secondary Respondents’ own employees.

11. Despite these factors and even without a Hearing, District Judge Moon ignored clear Federal statute “A person may bring a civil action for a violation of section 3729 for the person and for the United States Government” against False Claims 31 USC 3730(b)(1) – instead, the Respondent interposed two case references from Fourth Circuit Appellate Court cited “a lay person may not...” & “a Pro Se litigant may not...” – collectively excluding the rights of individuals which do not employ professional representation.

12. Together with a notation that repudiates Plaintiff’s claim to have brought **action for himself**, and, before any other “Real Party in Interest” could be notified, the action was “Dismissed Without Prejudice” – contrary to **said Federal law** citing “The action may be

dismissed only if the Court and the Attorney General give written consent to the dismissal and their reasons for consenting” 31 USC 3730(b)(1).

The District Court Clerk, after the Petitioner allowed enough time, confirmed that no U.S. Attorney General consent was given. Thereby, Warranting the Discretionary Powers of this United States Supreme Court.

Exceptional Circumstances

13. Whereby facts, with the explicit and direct proof to sustain charges against any determinate subversion of Federal law – would include malfeasance – the Petitioner will preempt such collateral damage, and prompt this Court toward issuing a Writ of Mandamus, addressing the Respondent’s Order **cited against Federal law 31 USC 3730 (b)(1).**

Judiciary Act of 1789
Chapter 20 Section 1 (c) and (d)

14. The Supreme Court has power to issue, specifically, “Writs of Mandamus in cases warranted by the **principles and usages** of law...”

15. It is therefore an obligation indentured upon this Court, recognizing said Legislated Statute 31 USC 3730, to Mandate lawful Process of Civil Action by Pro Se attorney of record Dinkins, the Petitioner, citing case 3:17-cv-00034 filed **5/2017 – 9/2020** in the Western District of Virginia Federal Court, under Judicial Officer Norman K. Moon, Respondent.

16. The fact of that Judicial decision 5/2017 considered, yet aware of what the law states, the Petitioner found that decisions “Without Prejudice” allows content or whatever correction might be necessary, to re-engage the action anew.

17. On several occasions, attorney of record Dinkins presented his case (four additional filings – each dismissed) to the Court. But due to the **language and assertions** by District Judge Moon – “to the extent Relators’ **convoluted complaint** asserts a person claim, it cannot be deciphered by this Court” – the Petitioner submitted action **only for himself**, while simply advising what requisite representation is **mandated** for additional Real Parties in Interest, citing 28 USC Rule 19.

18. Those repeated dismissals (which only 3:17-cv-00055 is considered appropriately discharged), continued to suppress this action until Pro Se learned **when filing the fourth case**, that no Attorney General consent was provided for the original Dismissal.

19. Representation of Federal Civil Action with Related Cases, is brought in acknowledgment of **Appellate Jurisdictional Authority** held by the United States Supreme Court.

Parties with Interest

20. The Pro Se Petitioner, is a recipient of Social Security Disability benefits, yet uses neither medication nor counselors – through personal request and doctor approval in 1990-91 – although a “representative payee” (fiduciary) is mandatory for the continued distribution of benefits.

21. In an attempt to terminate continued public assistance, Pro Se Dinkins has been establishing a business since 1992 – and disengaged that attempt when leaving California, then re-engaged after a return to hourly employment in Virginia – finding Self Employment possible between 2015-2017.

22. Primary business, composes the catalyst for an exposition which promotes specialized endeavors of multinational entities, by retailing books & reports and similar material with memorabilia from regional, continental, and global government organizations.

23. Petitioners' secondary business was still developing, retailing indigenous merchandise, characteristic of the origins which specializes in that product, including certain American Western wares.

24. The Primary Respondent, of course, is a Federal Judge in the United States District Court, Western Division of Virginia, the Honorable Judge Norman K. Moon. Now a Senior Judge with the Federal Court.

25. The secondary Respondent Region Ten CSB, is corporation registered with the Virginia State Corporation Commission, and, part governmental entity. Region Ten is engaged in Mental Health recovery and Substance Abuse rehabilitation Programs.

26. Aid structured by means of Region Ten, services the complete range of clientele within that field of Health Care, over large "regions" covering Virginia; and, is related with State facilities while associated or partnered with hospitals and many other establishments.

27. Given the extraordinary influence & resources generated, as one of forty-seven operations around the State, with subsidies through the Virginia Department of Behavioral Health and Development Services – the secondary Respondents’ capacity to incur dubious incidents is considerable – especially, when transacting Financial & Fiduciary accounts, private Insurance, Medicare & Medicaid, and similar monetary activities that directly target mentally unstable clients.

Conclusive Facts for Remedy

28. Conclusively, the Petitioners' Civil Action which is before this Court, remains obstructed by the Respondents' Judicial Order, regarding cited Federal law.

And indicating the **alternative remedies** filed vigilantly – arguments that identify the nature of charges with **definitive Federal statutes** cited 42 USC 1983, 15 USC 1692 “Findings and Declaration of Purpose”, and 28 USC Rule 19 Civil Procedure – against Damages that are accumulating, other remedies have exhausted after Federal Appeal.

29. Information presented to Respondent Judge Moon, before the final District Court Ruling **2/18/2020**, is submitted for Supreme Court review citing Federal Rule 59(e) Motion and Brief. Therein Petitioner **specifies** “Material Facts” relayed with **further** “Material Evidence”, that, directly addresses prior Judicial Ruling **7/29/2019**. Supreme Court Judicial Notice of both Rulings, hereby cited evading 42 USC 1983, is requested.

Relief Sought

30. The **currently displaced** action for which a Mandamus is Petitioned, and, the **recently discharged** action still abstaining certiorari with this Court, are two cases – with the same Subject Matter, Parties, Exhibits, and Witnesses – whereby the Petitioner, as “attorney of record” for these cases, suggests consolidation. A Hearing through **Summary Judgment** has already been introduced to both Respondents, cited with 28 USC Rule 42 of Civil Procedure.

31. Upholding the **Process of legal action directed by Federal statute** 31 USC 3730 (b)(1), with a Writ of Mandamus against **cited Order** in case 3:17-cv-00034, is hereby requested of the U.S. Supreme Court, by Petitioner Dinkins, to initiate solution on this matter concerning the Respondent, District Judge Norman K Moon, et al., Region Ten CSB.

32. Further, with said Mandate requiring Judicial recognition of Federal statute, Supreme Court review is requested to evaluate the **substance** and **consistency** of Petitioners' litigation – administered without “failure to prosecute” despite Respondents' dismissal of multiple cases. Whereby, this Court may consider the whole Civil Action, citing an original (31 USC 3730) and subsequent (42 USC 1983/15 USC 1692 “Congressional Findings and Declaration”/28 USC Rule 19), **directly related cases.**

33. A Motion by attorney of record Pro Se, the Petitioner, is already filed with the brief for conclusion of Process **through Summary Judgement**, thus, only indisputable facts are authorized for Hearing, and all Parties must enjoin the Material Facts, Material Evidence, and Material Witnesses prescribed for stated charges.

34. As such, the Relief Sought in this Petition involves a Hearing, or an contiguous Judicial Proceeding, whereas the Supreme Court may decide with an Order for Briefs, to consider among documented Material and Federal law, to Grant a Writ for:

(A) Mandamus **correcting the disposition** of “unlawfully” discharged Civil Action, with considerations for **all** Real Parties in Interest, through a Summary Judgement.

(B) In the alternative, this Court may find it appropriate to conduct a Hearing or otherwise conclude proceedings on its’ own.

35. The matter 20-1274 leaving 4th Circuit Federal Court, for Certiorari review by this U.S. Supreme Court (prior to time complications **Exhibit CLK**), must already be reviewed for the Writ of Mandamus as a **directly related** case, and is identified in this document.

Hereby presented, and relayed to all Parties, related case from District Court 3:19-cv-00030 and Federal Appellate 20-1274 will not continue

with certiorari in this Supreme Court, thereby as “attorney of record”
Dinkins, the Petitioner inducts Judicial review of this action as filed,
while eliminating further unnecessary loss of time and expense.

36. Indicating the contested decision of Respondent District Judge
Norman K. Moon, to be – ascribing to the Appellate Court Ruling, rather
than administering his own resolution firmly compatible with legislated
statute, knowing the SUPREMACY OF FEDERAL LAW – especially one
that is clear and explicit enough for there to be no question, Pro Se
subsequent actions may be authorize to convoke eminent results.

7/24/2021



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APPENDIX

1.0 STATE CIVIL ACTION

Albemarle Circuit Court

Virginia Supreme Court

2.0 FEDERAL CIVIL ACTION

U.S. District Court, Western Division of Virginia

4th Circuit Federal Court of Appeals

EXHIBITS

(Taken from the final District Court Case 3:19-cv-00030)

INDEX TO APPENDIX

1.0 State Circuit Court

1.1 Case_CL 15000401-00

Manuscripts Listing; Complaint; Leave to Amend Bill and Motion (Bill in Equity & Motion for Judgment); Judicial Order; Defendant Response; Defendant Memorandum; Notice to Remand; Judicial Order

1.0 State Supreme Court

1.1 Case_160918

Bill of Particulars; Court Ruling

INDEX TO APPENDIX CONTINUED

2.0 Western District of Virginia Federal Court

2.1 Case_3:16-cv-00003

Complaint; Federal Question Removal; Judicial Order

2.2 Case_3:17-cv-00034 **(CASE UNDER PETITION)**

Complaint; Motion to Seal; IFP Application; Civil Cover; Judicial Order

2.3 Case_3:17-cv-00055

Civil Cover; Complaint; Judicial Order

2.4 Case_3:18-cv-00001

IFP, Complaint; Judicial Ruling; Rule 60 Motion; Judicial Order

2.5 Case_3:18-cv-00042

Complaint; Judicial Order; Objection; Rule 60 Motion & Brief; Judicial Order

2.6 Case_3:19-cv-00030

Complaint; Summary Motion & Brief; Motion to Amend Service & Complaint; Judicial Ruling 7/29/2019 (second page missing) & Order; Rule 59(e) Motion & Brief (both Amended); Rule 60 Motion & Brief; Judicial Order 2/18/2020; Notice of Appeal

2.0 4th Circuit Federal Appellate Court

2.1 Case_20-1274

Informal Appellate Brief; Defendant Response Brief; Notice of Judgement (upholding District Court); Rehearing Petition; Court Denial of Rehearing; 4th Circuit Mandate Oct. 5, 2020

EXHIBITS_ A, B, C, D, E5, F, X, Y, Y6, // Y1, Y2, Y3, Y78, Y80

I, Melvin Dinkins Pro Se, and representing as the "attorney of record" with related cases, do certify that copies of this Petition and attached documents are appropriately provided to all Parties named herein, on this 24th day of July 2021.

Respondent(s):

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MELVIN DINKINS

**Additional material
from this filing is
available in the
Clerk's Office.**