

21-5707

Supreme Court, U.S.
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IN THE
SUPREME COURT OF THE UNITED STATES

JAMAAL GITTENS

PETITIONER

v.

JUDGE MELISSA T PAVLACK

PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES THIRD CIRCUIT

PETITION FOR A WRIT OF CERTIORARI

Jamaal Gittens

Marlene Street

Charlotte NC 28208

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I. QUESTION PRESENTED

This is matter is a continuance of Jamaal Gittens v Elizabeth Kelly which is currently pending in this court 19-8404. Judge Kelly transferred the states court judgments to judge Mellissa T Pavlack, and she was able to freeze my banking account pursuant to 42 U.S 666, third circuit affirms that these acts are judicial in nature, The question here is whether Mellissa T Pavlack acted in clear absent of jurisdiction, did third circuit court err not granting my motion to amend, did district court abuse discretion denying my motion for consideration. This appeal is also to determine if judge Mellissa T Pavlack is suitable for a conspiracy deprivation of rights claim under 18 U.S 241 18 U.S 242

II. PETITION FOR WRIT CERTIORARI

Petitioner Jamaal Gittens respectfully prays that a Writ of certiorari to vacate states void judgment review, reverse judgment below

III. OPINIONS BELOW

Jamal Gittens v Mellissa T Pavlack Third Circuit Court unpublished opinion February 1, 2021

IV. JURISDICTION

Third Circuit received my motion for rehearing by certified mail march 15, 2021 I received confirmation that it was denied around April 2021 Jamaal Gittens invokes this court's jurisdiction under 28 U.S.C1257 having timely filed petition for writ certiorari within 90 days

V. STATEMENT OF THE CASE

In Jamaal Gittens v Elizabeth Kelly case 19-8404 which is currently pending before this court, I stated that Pursuant to Pa CSA 4342(e) Judge Kelly, domestic Relations, had authority to obtain person jurisdiction over me in the state of North Carolina, by showing proof of service, declaring me father of child by default, for refusal to take a paternity, initiated child support withholdings against my wages, pursuant to Pennoyer v Neff 95 U.S 714 (1978) Pennsylvania's common law civil procedures 42 pa C.S 5301 she lacked personal, subject matter jurisdiction, her acts was administrative non judicial. Forester v White 484 U.S.219 (1988)

Judge Kelly transferred my case to Judge Melissa T Pavlack, and she was able to freeze my wells forgo bank account pursuant to 42 USC 666, I filed a law suit against Judge Melissa T in district court of Pennsylvania, it was dismissed because I failed to state the claim, she acted in her judicial capacity; I didn't demonstrate violations of rights secured by the constitution, or demonstrate that she acted under a color of law I filed a motion for rehearing in district court, which was converted into a motion for consideration; was more detailed on why judge Pavlack shouldn't be relieved from civil liability, district denied my motion without reason I appeal to third circuit, and they affirmed district court's opinion February 1,2021, motion for rehearing was denied

VI.ARGUMENT

Both Judge Elizabeth K Kelly, Judge Melissa T Pavlack lacked personal, subject matter jurisdiction, Jurisdiction is the power to hear and determine the subject matter in controversy between parties to suit, to adjudicate or exercise any judicial power over them Rohde Island v Massachusetts 37 U.S 657 (1838)

Judicial acts are those involving the performance of the functions of resolving disputes between parties, or authoritatively adjudicating private rights. Atkinson Baker Associates v Kolts 7 F 3d 1452(9th cir 1993)

Judge Elizabeth K Kelly, Judge Melissa, never had a dispute, case of controversy before them, it's been judicially determined, that Title IV-D contains no private remedy-either judicial or administrative-through which aggrieved persons can seek redress.. lord v Veazie, 49 U.S 8 How, 251 251(1850) Cleveland v Chamberlain 66, U.S1 Black 419 419(1861) Blessing v freestone 520 U.S 329 (1997) Wehunn v Ledbetter 875 f.2d 1558 (June 27, 1989) Maynard v Williams 72 f.3d848(11th Cir 1996) Steel CO. v Citizens For Better Environment 523 U.S 83(1998)

The doctrine of precedent is essential for the separation of legislative and judicial powers, if judges had legislative power to “depart from” established legal principals, “the subject would be in the hands of arbitrary judges, whose decisions would then regulated only by their own opinions. *Anastasoff v U.S.* 223.F.3d 898 (8th cir 2000)

The constitution must be interpreted in the light of common law, the principals and history of which were familiarly known to the framers of the constitution *South Carolina v United States* 199 U.S. 437 at 199 U.S 450(1905)

I initially commenced suit against Mellissa T Pavlack, because she seized my assets under a color of law, in addition, I filed a law against domestic relation. Which was granted by District court, .my claim against Mellissa T Pavlack was denied Because I failed to state the claim, she acted in her judicial capacity; I didn't demonstrate violations of rights secured by the constitution,; demonstrated that she acted under a color of law I filed a motion for rehearing, which was converted into a motion for consideration; was more detailed on why judge Pavlack shouldn't be relieved from civil liability, district denied my motion without reason

I appealed to third circuit; they affirmed district court's decision. Stated because Judge Pavlack is immune from suit; we agree with the District Court that allowing Gittens to amend his complaint would have been futile. See *Grayson v. Mayview State Hosp.*, 293 F.3d 103, 108 (3d Cir. 2002);

District Court did not abuse its discretion in denying Gittens' motion for reconsideration because the motion did not meet the requirements under either Federal Rule of Civil Procedure 59(e) or 60(b). See *Lazaridis v. Wehmer*, 591 F.3d 666, 669 (3d Cir. 2010) (per curiam) (describing the grounds for a motion for reconsideration under Rule 59(e)); *Budget Blinds*, 536 F.3d at 251 (3d Cir. 2008) (describing same under Rule 60(b)).

I filed a motion for rehearing, because Mellissa T Pavlack lacked jurisdiction, my motion to amendment was granted by District court; The motion for consideration was denied without reason, Third circuit denied my motion rehearing, even after I provided documentation supporting my claim;

Reviewing my initial complaint, I filed with district court, I did demonstrated judge Mellissa T Pavlack, lacked jurisdiction, Title IV-D contains no private remedy 42 USC 609(a)(8) she seized my assets under a color of law, to avoid the states reduction federal grant money, due to a non compliance, third circuit, district, shouldn't have had issues with term **contract**, **involuntary servitude**, I demonstrated that Mellissa T Pavlack has cooperative arrangements, an implied contract, with the government, to locate noncustodial parents establishing, paternity to receive funding 45 CFR 302.34 see 31 U.S 6305 as I addressed, this contract denies equal protection, due process, right to privacy, gives courts rights to seize property under a color of law, by default, with no trial or jury Pa CSA 4342(e) 42 U.S 666

In my case, under these provisions, domestic relations, a single separate unit 42, U.S 654, not a competent court of jurisdiction, was able to send fictions court documents to my residences, obtain personal jurisdiction over me in the state of North Carolina, make default judgment with judge Kelly, this denies due process,. My right to privacy was violated under Title 23 43041 and 4305,(PA), judge Mellissa T Pavlack, has special interest in this matter under Title 23 chapter 4373 an incentive base program denies equal protection, especially when it's based off quota PIQ-03-01 judge Mellissa T Pavlack, Judge Kelly, domestic relations, will violate your constitutional rights, to maintain federal funding. For example, according to the federal Child support manual, voluntary consent is required to establish paternity; declaring someone father as a child by default isn't protocol

The thirteenth amendment forbids involuntary servitude excepts punish for a **crime.**, In criminal purposes, it means a condition of servitude in which a victim is forced to work for the defendant by use of threat of physical restraint or physical injury or by the use of threat coercion through law or legal United States v ike kozminski 487 U.S 931(1998) reviewing Pennsylvania statues Pa CSA 4342(e) it references, contempt proceedings, coercion, jail time for refusal to pay, whenever I use my social, domestic relations tracks me down, sends a withholding to my employer, child support is then deducted, that's involuntary servitude. I had no reasonable means to escape; a social is needed for employment, bank account, loans; enjoyment rights secured by the constitution

VII. CONCLUSION

Judge Elizabeth K Kelly, Judge Melissa, never had personal jurisdiction, a case of controversy, Jurisdictions consists of two opposing parties, contrary to that, there's no real dispute. Lord v Veazie, 49 U.S 8 How, 251 251(1850) Cleveland v Chamberlain 66, U.S1 Black 419 419(1861) Steel CO. v Citizens for Better Environment 523 U.S 83(1998)

The Judicial tribunal is limited determining the rights of persons, or of property which is are controverted, cannot declare future cases for the government principals rules of law Tyler v judges of the court of registration 179 U.S 405 at 179 U.S409 (12/17/1950)

Pursuant to 45 CFR 303.34 Judge Melissa T Pavlack has cooperative arrangements to provide assistance to the title IV agency 45 CFR 302.3,4 which is domestic relations, a single separate unit 42, U.S 654, Judge Melissa T Pavlack under this provision, is acting administratively, non judicial, in her own private persons forester v White 484 U.S.219 (1988);

The colorful Title IV-D is simply a yardstick for the Secretary to measure the *system wide* performance of a State's Title IV-D program, allowing her to increase the frequency of audits and reduce the State's federal grant upon a finding of substantial noncompliance. 42 USC 609(a)(8)

Judge Melissa T Pavlack, conspired with domestic relations, to seized my banking assets under a color of law, to suit the state, simply for a **noncompliance**, to avoid states reduction of federal grant money, Figueroa v Blackburn 208F.3d 435 (2000) does not apply to my case, Subject matter jurisdiction is only determined from pleadings” Hall v State, 933 S.W.2d 363,326 AR 1996; Judge Melissa T Pavlack, Judge Elizabeth K Kelly only obtained jurisdiction under a color of law; the only discretions is the states incentives base program, meeting quota PIQ-03-01

District court granted my motion to amend; the motion for consideration was denied without reason, there’s nothing on record, contrary to what’s on filed, it should be granted. In my appeal to third circuit on record, I demonstrated thoroughly, a conspiracy, deprivation of rights claim, it should be granted

VIII PETITION FOR WRIT OF CERTIORARI SHOULD BE GRANTED

This petition should be granted because the state courts judgment is void,, based off judicial precedent, it must be vacated under rule 60 Judge Melissa T Pavlack acted in clear absent of jurisdiction, A void judgment which includes judgment entered by a court which lacks jurisdiction over the parties or the subject matter, or lacks inherent power to enter the particular judgment, can be attacked at any time, in any court, either directly or collaterally”, provided that the party is properly before the court, Long v. Shore bank Development Corp., 182 F.3d 548 (C.A. 7 Ill. 1999).

It is clear that a judge who acts in the absence of subject matter jurisdiction may be held liable for judicial acts *stump v Sparkman* 435 U.S. 349, 98 S CT. 1099 (1978)

Where judge presumes to exercise jurisdiction beyond understood boundaries, judge is not entitled to immunity. *Dykes v Housemann*, 743 F.2d 1488 (11th Cir. 1980)

When a judge knows that he lacks jurisdiction, or acts in the face of clearly valid statutes expressly depriving him of jurisdiction, judicial immunity is lost. *Ranking v Zeller* 633 F.2d 844(1980)

WHEREFORE, the reasons stated herein, Writ of certiorari should be granted,

Type or printed notary name

Seal
- Place Notary Signature Above -

My commission expires

Date

Respectfully submitted

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