

NO. 21-5707

Supreme Court, U.S.
FILED

NOV 27 2021

OFFICE OF THE CLERK

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

MOTION TO AMEND REHEARING

Jamaal Gittens

1206 Marlene Street

Charlotte NC 28208

(704)975-8173

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MAR 21 2022

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SUPREME COURT

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APPENDICES

APPENDIX A	Ohio's administrative code Rule 5101:12-1-80
APPENDIX D	Federal Child support manual page 20

I'm requesting a motion to amend rehearing, based off newly discovered evidence, and to emphasize more on the unconstitutionality, of the governing statutes; I only had limited time to resubmit the rehearing, 15 days

The U.S constitution prescribes what the "jurisdiction" of the Federal government is, by the enumerated powers. The government can regulate foreign and interstate commerce, fix the standards of weights and measurements, and establish rules of naturalizations, bankruptcy laws, coin money and provide for punishment for counterfeiting, protect the arts and science by copyrights and patents, punish for piracies and felonies committed on the high seas, raise and support an army and navy, and lay collect direct taxes by apportionment, and indirect taxes by excises, duties, or impost; that's the extent government can go. Creating a single separate unit 42, U.S 654, to locate noncustodial parents, establishing paternity, has no relationship to public health or wealth; nothings necessary and proper in this enactment, it's just a scheme to reduce the states federal grant, upon finding a substantial noncompliance. *Blessing v freestone* 520 U.S 329 (1997) *Wehunn v Ledbetter* 875 f.2d 1558 (June 27, 1989);

Power does not exist for government to control rights that are purely private *Munn v Illinois* 94 U.S 124 (1876) *Mugler v Kansas* 123 US 623 659 right at 660 (1887). It's not within the enumerated powers, for government to create a unit, to locate noncustodial parents, establishing paternity, disrupt homes; intervene in people's social lives H.R 1961 Interstate Child Support Act. Pa CSA 4342(e) Under these provisions Domestic Relations, single separate unit 42, U.S 654 has authority to obtain personal jurisdiction over non residence of the state of Pennsylvania,, by showing service of process on the defendant, declaring him father of child by default, for refusal to take a paternity, this supersedes enumerated powers

Under our system of government upon the individuality and intelligence of the citizen, the state does not claim to control him, except to his conduct to others, leaving him the sole judge as to all that affects himself "*Mugler v Kansas* 123 US 623 at 660

I mentioned that Judge Mellissa Pavlack has a contract with the government, pursuant Ohio's administrative code Rule 5101:12-1-80 a "contractor refers to a private or government entity which whom CSEA enters into a IV D contract" A government entity includes the court, sheriff, clerk of court ETC

A Contract is when a substance of the transaction meets definition for a federal reward or sub wards; carrying out a project or program. Nonfederal entity means state local government that carries out a federal reward as a recipient, sub-recipient 45 CFR 75.2 Judge Mellissa Pavlack, is acting as a contractor, not in a judicial capacity, to reap federal rewards Title 23 chapter 4373 PIQ-03-01

CONCLUSION

Page 20 of the federal child support manual clearly states, the administrative process must be presided over by an individual who is not a judge of the court, Judge Mellissa Pavlack lacked jurisdiction; she's not supposed to be overseeing these cases Forester v White 484 U.S.219 (1988)

Respectfully submitted

Type or printed notary name

Seal

- Place Notary Signature Above -

My commission expires

Date

Jamaal A Gittens

1206 Marlene Street

Charlotte NC 28208

(704) 975-8173

_____

United States Supreme Court

Clerk Of Court

1 first street NE

Washington DC 20543

March 12, 2022

ATTN clerk of court;

Under rule 44 of appellant procedures, This motion for rehearing is also the challenge the unconstitutionality the interstate child support act, enacted by congress H.R 1961 also the statues of Pennsylvania Pa CSA 4342(e)/

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As I addressed previously, This matter is a continuance of judge Kelly Jamaal Gittens v Elizabeth Kelly which is currently pending before this court 19-8404, Kelly transferred the judgment to Melissa T Pavlack, and she was able to freeze my banking account pursuant to 42 U.S 666, I knew lower would dismiss my claim against Pavlack, so I waited to appeal to this court, to link both case together; I was also limited due to the Rooker-Feldman doctrine

Pursuant to Pennoyer v Neff 95 U.S 714 (1978) Pennsylvania's common law civil procedures 42 pa C.S 5301 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 Rhode Island v Massachusetts 37 U.S 657 (1838)

Process from the tribunals of one state, cannot run into another state and summon a party there domiciled to respond to proceeding against him "A personal Judgment is without any validity if it be rendered by a state court in an action upon a money damage against a nonresident of the state who was served publication of summons" Pennoyer v Neff 95 U.S 714 (1978)

The true nature of the title IV D program has been judicially determined Blessing v freestone 520 U.S 329 (1997) Wehunn v Ledbetter 875 f.2d 1558 (June 27, 1989); it's just a scheme to reduce the states federal grant, upon finding a substantial noncompliance. Judge Melissa T Pavlack, conspired with Domestic Relations, to seize my assets 'under a color of law, to suit the state, simply for a **noncompliance**, to avoid states reduction of federal grant money, which she herself, is rewarded, receives compensation Title 23 chapter 4373 an incentive base program denies equal protection, there's conflicts of interest

The documents on record from lower court, clearly shows that my motion to amend was granted by district court, that my motion for consideration was denied without reason, the motion to amend should remain in effect

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 under this provision, Pavlack is acting administratively, non judicial, in her own private persons forester v White 484 U.S.219 (1988);

The order Mellissa T Pavlack sent to my bank was a fraudulent document, contained no probable cause, An order is not enforceable until it is reduced to writing, signed by the judge, and filed with the clerk of court Carland V Branch 164 NC App, 403 (N.C ct App.2004) All writs process issuing from a court of the United States shall be under the seal of the court and signed by the clerk thereof 28 USC 1691 A rubber stamp isn't sufficient United States v Leon 468 U.S 897 (1984) Pavlack order is invalid, its stamped common pleas, Domestic relations; it's an illegal judgment not filed with the clerk of court

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 statutes 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

CONSTITUTIONAL CHALLENGE RULE 44

Since I was injured by the governing state statute, I have standing to declare it unconstitutional Commonwealth of Massachusetts v Mellon 262 U.S. 447(1923) Pennsylvania's statute Pa CSA 4342(e) widely known as The Uniform interstate family support act, is null in void; Domestic relations, single separate unit 42, U.S. 654, Having jurisdiction to send subpoenas, court orders, violates separation of power clause in the federal constitutions. Domestic Relations operates under the executive branch, having its own civil procedures, is truly a violation of due process, judges are not impartial, there's conflict of interest. Title 23 chapter 4373 An Act is invalid giving judicial power to officers who are not under the constitution of commonwealth, to deprive persons of their property without due process of the law Tyler v judges of the court of registration 179 U.S. 405 at 179 U.S. 406 (12/17/1950)

The Great, Honorable Supreme court of Minnesota said "The administrative child support process created by Minn. Stat 518.5511(1996) violates separation of powers doctrine by infringing on district courts original jurisdiction, by creating a tribunal which is not inferior to the district court, and by permitting child support officers to practice law. Therefore, the statute is unconstitutional" in re marriage of Sandra Lee Holmberg v Ronald Gerald, in re marriage of Denise M. Kalis-Fuller v Lee Fuller in re Marriage of Kristi Sue Carlson V Steven Alan Carlson C7-926, C8-97-1132 (1999)

REASONS PETITION FOR REVIEW 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, conspired to seize my assets under a color of law, this suit under 18 US 241 18 US 242 is sufficient. 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).

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