

21-5816

ORIGINAL

IN THE
Supreme Court of the United States

Supreme Court, U.S.
FILED

SEP 27 2021

OFFICE OF THE CLERK

RONALD PEDEN, pro se,

Petitioner,

v.

DNC, et al.,

Respondents.

On Petition for Writ of Certiorari to the United
States District Court for the
District of Massachusetts

PETITION FOR WRIT OF
CERTIORARI

Ronald Peden
25 Aberdeen Ave., #3
Cambridge, MA 02138
ronpeden@gmail.com
617-497-9082

QUESTIONS PRESENTED

1. Are Federal judges at liberty to unilaterally issue rulings and orders based on personal **political preferences**, in addition to race and class bias, when the relevant facts and laws are not favorable to those personal preferences?
2. Does the court's undue delays, contrary to the Code Of Judicial Conduct, in order to render a request for a preliminary injunction moot, thereby avoiding the merits and facilitating dismissal, qualify as a dismissal on the merits for purposes of satisfying the doctrine of **res judicata**?
3. Can the doctrine of **Prudential Standing** shield defendants from accountability for conduct the congress has determined to be felony crimes potentially punishable with imprisonment and substantial civil penalties?
4. Does the media have the legitimate right or responsibility to filter political messages and platforms for appropriateness to be seen and heard by the general public, particularly when filtering is influenced by the conflict between the interests of American voters to be fully informed and the commercial interests of the media to increase profits and revenues from campaign advertising funds of candidates?

LIST OF PARTIES

- ☐ All parties appear in the caption of the case on the cover page.
- ☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

see attached (next pg.)

RELATED CASES

Ronald Peden v. DNC, no. 1:21-cv-10360-PBS, US District Court, District of Massachusetts, judgement entered March 23, 2021.
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Ronald Peden v. DNC et al, no. 1:20-cv-11019-PBS, US District Court, District of Massachusetts, judgement entered Oct. 30, 2020.

Attachment

List of Parties

RONALD PEDEN.

Plaintiff - Appellant.

v.

DEMOCRATIC NATIONAL COMMITTEE, DNC; TOM PEREZ, Chairman, DNC; SEEMA NANDA, f/k/a CEO, DNC; PUBLIC BROADCASTING SERVICE, PBS; PAULA KERGER, President and CEO, PBS; JUDY WOODRUFF, Anchor, Managing Editor, PBS; MARK D. SHIELDS, Political Analyst, The PBS Newshour; GREATER WASHINGTON EDUCATIONAL TELECOMMUNICATIONS ASSOCIATION, INC., owner of WETA TELEVISION; SARA JUST, Executive Producer, PBS Newshour; DANA ROBERSON, Executive Producer, PBS Newshour; COMCAST CORPORATION, Parent of NBCUniversal; BRIAN L. ROBERTS, Chairman and CEO of Comcast; NBC UNIVERSAL MEDIA, LLC; STEVE BURKE, Chairman, NBCUniversal Media; JEFF SHELL, CEO, NBCUniversal; MARK LAZARUS, Chairman, NBCUniversal Broadcast, Entertainment & Lifestyle, Sports and News; CESAR CONDE, Chairman, NBCUniversal News Group; NOAH OPPENHEIM, President, NBC News; ANDREW LACK, Chairman, NBCUniversal News Group; JENNIFER SUOZZO, Executive Producer, NBC Nightly News; MATT FRUCCI, Executive Producer, NBC Nightly News; JOHN REISS, Executive Producer, Meet the Press; CHARLES DAVID TODD, "Chuck", Political Director, NBC News; NATIONAL AMUSEMENTS, INC., Holding Company of ViacomCBS; SHARI ELLIN REDSTONE, President, National Amusements, Inc.; VIACOMCBS, Parent Company of CBS News and Face the Nation; ROBERT MARC BAKISH, President and CEO, ViacomCBS; GEORGE CHEEKS, Chairman and CEO, CBS Entertainment Group; COLUMBIA BROADCASTING SYSTEM, CBS; SUSAN ZIRINSKY, President and Sr. Executive Producer, CBS News; NORAH O'DONNELL, Anchor and Managing Editor, CBS Evening News; MARY HAGER, Executive Producer, Face the Nation; CATHERINE REYNOLDS, Producer, Face the Nation; JILLIAN HUGHES, Producer, Face the Nation; ELIZABETH CAMPBELL, Producer, Face the Nation; JAKE MILLER, Producer, Face the Nation; THE WALT DISNEY COMPANY, ("Disney"), owner of Disney Media Networks, part of ABC; BOB IGER, Chairman and CEO, Walt Disney; ALAN HORN, Co-Chairman, Walt Disney Studios; AMERICAN BROADCASTING COMPANIES, INC.; JAMES GOLDSTON, President, ABC; GEORGE STEPHANOPOULOS, Chief Political Correspondent, ABC News; DAVID MUIR, Anchor, Managing Ed., ABC WorldNews Tonight.

Defendants - Appellees.

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CASES

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STATUTES AND RULES

38 Stat. 730 (Pub. Law 63-212) section 26.	p. 4.
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OTHER

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☐ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the United States district court appears at Appendix C to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was _____.

☒ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: June 30, 2021, and a copy of the order denying rehearing appears at Appendix A.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

First Amendment freedom of speech

Seventh Amendment right to a jury trial.

Fourteenth Amendment equal protection of the laws.

Sherman Antitrust Act, 15 U.S.C. §§ 1-7

38 Stat. 730 (Pub. Law 63-212) section 26

STATEMENT OF THE CASE

This matter was filed in the Federal District of Massachusetts, in early May 2020, by plaintiff Ronald Peden, seeking a preliminary injunction in the Democratic party presidential primary, as provided for under anti-trust law [38 Stat. 730 (*Pub. Law 63-212*) section 26], pursuant to the refusal of defendants to acknowledge plaintiff's intent to be considered for participation in the process, after having been so informed in June 2019 (see, peden2020.com, or go to <https://www.youtube.com/watch?v=evH89RDpej8>). Plaintiff additionally made anti-trust claims of conspiracy and monopoly under the Sherman Act, as well as Freedom of Speech and Equal Protection rights infringements under the US Constitution against defendants.

The Massachusetts Federal District Court took no action on any part of plaintiff's claim, including the request for a preliminary injunction, until after the Democratic party convention had selected its nominee and the primary process was already completed at the end of October 2020 when the complaint was dismissed in its entirety by Chief Justice Patti B. Saris.

Justice Saris' dismissal was reasoned on a lack of prudential standing, as well as on DC Circuit Court of Appeals rulings in *Gary Johnson, et al., v. Commission on Presidential Debates, et al.*, 16-7107, First Circuit rulings in *Council for Employment v. WHDH (1978)*, and the US Supreme Court in *Eastern Railroad Presidents Conf. v. Noerr Motor Freight (1961)* that "foreclosed" on commercial claims made under the Sherman Act in matters that are exclusively political. In addition, plaintiff's Constitutional claims were dismissed against these private defendants as not being the product of state action (*Memorandum And Order of Dismissal, October 30, 2020*).

An appeal to the First Circuit was dismissed as not having been filed timely, and a subsequent refile by plaintiff in the District Court also alleging Sherman Act prohibitions against conspiracy and monopoly was also dismissed by Justice Saris under the doctrines of prudential standing and res judicata.

Given the proximity of the First Circuit Court of Appeals to the District Court, sharing the same physical location, plaintiff has no confidence in the independence or objectivity of that Court to decide

the matter contrary to the corrupt influence of Justice Patti Saris, given the political and social import of the matter and the magnitude of such a contrary outcome nationally. Plaintiff therefore prays for review by this Supreme Court of the United States.

1. Political preference

By declining to act on plaintiff's complaint in a timely manner Justice Saris appeared to predetermine a favorable result to the defendants in this matter. Subsequent rulings guaranteed a judgment for defendants regardless of the facts and the law suggesting a contrary result, such as this court's holding in *Allied Tube v. Indian Head, Inc.* that "private actors," like these defendants, are "presumed to be acting primarily on [their] own behalf" and not in the public interest, due to revenues and profits accruing to corporate defendants and shareholders unaccountable to the general public, and under procedures and guidelines established outside the purview of public deliberation, 486 U.S. 492 at 504 (1988). Also ignored were this court's holdings in *Associated Press v. United States*, 326 U.S. 1, 7 (1945) on restrictions to free speech.

The judge's undue delays and contrary rulings make clear that she is partial to personal political loyalties to the Democratic party and its eventual nominee, the current president. Moreover, the contradictory unwillingness to hold defendants accountable for violations of constitutional rights as private actors, while at the same time denying accountability for violations of private commercial prohibitions as public actors, evidences a clear bias and inability of Justice Saris to be objective and impartial.

Most outrageous is the appearance of a potential quid pro quo from the District Court that involves financial consideration from wealthy corporate media defendants for her guarantee. The denial of plaintiff's motion to disqualify herself similarly places the federal courts in a most unflattering light of not only being subject to political influence, but of being corrupt and immoral.

2. Res Judicata

The District Court improperly dismissed plaintiff's claim on the grounds of res judicata (Order of Dismissal, March 7, 2021, p.3). Res Judicata, however, assumes a case has been fairly heard and litigated. The actions of Chief Justice Patti B. Saris to evade the merits of this case with her unduly prejudicial refusal to recognize plaintiff's request for injunctive relief, as provided under the Sherman Act, contrary to Rule 2.6 (A) of the MA Code of Judicial Conduct requiring cases "to be fairly heard according to law," and expressly rejected by the Chief Justice in denying plaintiff's *Motion To Disqualify* of September 8, 2020, instead represents an obvious desire to deny plaintiff that opportunity to be fairly heard in a jury trial, as provided under the statute as well as the Seventh Amendment. Plaintiff has been unfairly prejudiced by the lack of diligence on the part of Judge Saris.

3. Lack of Prudential Standing Ruling Facilitates Felony Criminal Conduct

The imposition by congress of significant civil as well as criminal penalties for defendants, upon conviction, is clear indication of congressional intent to not allow prohibited commercial conspiracy and monopoly conduct to go unaddressed. Nonetheless, Chief Justice Saris, under the doctrine of prudential standing, unilaterally excused defendants from unlawfully conspiring to monopolize against plaintiff and in favor of their preferred candidate and private commercial interests, felony crimes potentially punishable with significant incarceration and civil penalties under the Sherman Anti-trust Act which properly focuses on the misdeeds of defendants. The District Court (as well as the First Circuit Appeals Court) have exploited the fact that plaintiff was without counsel in their desire to dispose of the matter in favor of defendants, contrary to Rule 2.2 of the Massachusetts Code of Judicial Conduct for judges to be fair and impartial.

4. The media as a filter of political candidates and messaging

There is no requirement under the United States Constitution or under any legislation enacted by congress that mandates political candidates for the presidency be first qualified by the private interests of the commercial media in order to stand for or be considered for that office. The complete refusal to even acknowledge plaintiff's candidacy, for reasons that include an insufficiency of money accruing to the revenues and profits of these private defendants, amounts to an unlawful exercise of monopoly power against plaintiff's voice of dissent for purposes of financial gain, as well as an arbitrary expansion of constitutional requirements to participate in the election and violations of free speech and equal protection guarantees.

REASONS FOR GRANTING CERTIORARI

Granting certiorari is important for affirming the relevance of America's constitution and federal laws to accomplish the very object of the three co-equal branches in a government of the people, for the people and by the people, as well as for the myriad of reasons that similarly go to the foundations of our democracy, not the least of which is the combination of the judiciary and the press as a political faction being exactly what this government was constructed to prevent, recognized as a major threat to its continued existence.

Additional important reasons for granting certiorari include:

1. The necessity of Americans to believe in free and fair elections, a belief severely undermined by the conduct of judge Patti B. Saris and the Democrat party in this election;
2. The importance of dissent in our democracy;
3. The proper role of campaign funds in determining candidate viability to participate in national elections;
4. The custom of prioritizing the pecuniary interests of private corporations over the rights of the voting public to be fully informed in selecting their representatives;

5. The implications for infringement of equal protection guarantees via the reliance upon campaign donations as a presumed barometer of candidate popularity, where substantial and increasing economic inequality significantly advantages wealthy and resourceful communities to promote candidates advocating in their interest, and as well disadvantages financially depressed groups by artificially suppressing advocacy on behalf of communities lacking the necessary disposable dollars to comparably articulate their favor for candidates and platforms/policies in their interest.

CONCLUSION

More than anything this case represents a composite of the many issues driving America towards its imminent rupture: exponentially increasing inequality, institutional and systemic race and class bias, political and judicial corruption, as well as equal access to justice in the courts. For these numerous reasons of grave importance to the continuation of our experiment in popular government in this critical moment of American history, petitioner prays his Writ of Certiorari is granted.

Respectfully submitted, September 22, 2021

A handwritten signature in black ink, appearing to read "Ronald Peden". The signature is fluid and cursive, with the first name "Ronald" and last name "Peden" clearly distinguishable.

Ronald Peden, pro se

25 Aberdeen Ave., #3

Cambridge, MA 02138

617-497-9082

ronpeden@gmail.com