

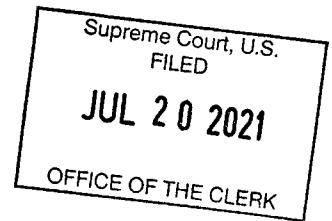
21 No. 5949

ORIGINAL

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**In the Supreme Court of the United States**

*In re Henryk S. Borecki, Petitioner*

v.



United States Department of Homeland Security  
&  
Arizona Department of Transportation

*On Petition for a Writ of Mandamus  
to the Secretary of Homeland Security and the Governor of Arizona*

\_\_\_\_\_

**Petition for Writ of Mandamus**

Henryk S. Borecki  
*Pro Se*

Susan DiFrancesco  
*Wife, Representative & Witness*

16220 N. 7th St., #1374  
Phoenix, Arizona 85022  
602-942-2965

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## **QUESTION PRESENTED**

In addition to the questions presented in the companion petitions for a writ of certiorari and a writ of habeas corpus, this petition for a writ of mandamus sets forth as follows:

**Whether this court should issue a writ of mandamus in order to immediately expedite the issuance of petitioner's long-delayed REAL Travel ID, in advance of the new deadline, insofar as the petitioner has dutifully presented complete and authentic documentary evidence of his biological and national identity and origin, and his naturalized citizenship, to the federal and state authorities implementing the Congressional command of the Real ID Act of 2005?**

## TABLE OF AUTHORITIES

The same authorities, statutes and regulations set forth in the companion petition for a writ of certiorari are incorporated herein.

### Petition for Writ of Mandamus

The petitioner, Henryk S. Borecki, respectfully presents a supplemental petition for a writ of mandamus, directed to the United States Secretary of Homeland Security, currently Alejandro Mayorkas, and the Governor of Arizona, currently Doug Ducey, to be evaluated and reviewed concurrently with the underlying judgments of the United States Court of Appeals for the Ninth Circuit and the District Court of Arizona, numbered and dated respectively as Appeal No. 21-15572, March 29, 2021, and Civil action No. CV21-00415-PHX-MTL, March 10, 2021, inasmuch as this petition shares *a common nucleus of operative facts* with the companion petition for a writ of certiorari, for a review of those proceedings, and is such as would be expected to be reviewed during the *same deliberative process*.

### Opinions Below

The orders of the court of appeals for the Ninth Circuit and the district court of Arizona are not published, but are set forth in the appendix to the companion petition for the writ of

certiorari. There are no written or published decisions by the underlying administrative federal and state agencies.

### Jurisdiction

The plaintiff's complaint was dismissed by the District Court on March 22, 2021. The appellant's appeal was dismissed by the Ninth Circuit on April 14, 2021. The petitioner's request for a review of these decisions was promptly filed within the time for relief and within the jurisdiction provided by 28 U.S.C. 1254(1). Supplemental jurisdiction of this petition for mandamus is provided by 28 U.S.C. 1651(a).

### Statutory Provisions Involved

Reprints of the Real ID Act of 2005 and the original False Claims Act are included in the appendix to the companion petition for a writ of certiorari.

### STATEMENT

In conformity with Rule 20.1, and in further amplification of the reasons why supplemental relief is appropriate, the petitioner would state as follows:

1. In aid of the Court's appellate jurisdiction, the supplemental writs, if prudentially warranted on the merits, would immediately provide the declaratory and injunctive relief — ***prior to the upcoming deadline*** — without further extending litigation on an uncomplicated, uncontested, and

indisputable fact, to wit: the petitioner's identity and citizenship.

2. These are the exceptional circumstances warranting the exercise of these powers:

a. the failure of the state authorities to scan and to copy the very identification documents which were presented;

b. the failure of the state authorities to provide even a short and simple hearing to the petitioner;

c. the imposition of an additional requirement on the petitioner, to make and obtain false and fraudulent documentation; and

d. the refusal of the federal authorities, in charge of the supervision of the joint federal-state program, to intervene during this injustice and to prevent a denial of civil rights.

3. Although adequate relief was requested by the petitioner as a complainant and as an appellant, the underlying courts denied and ignored addressing the merits of the controversy in order to correct this injustice.

4. Within the ambit of the Clerk's guidance, and pursuant to Rules 10 and 14.1(h), and for the further edification of the reader, the petitioner states the supporting argument as follows:

The decisions of the court of appeals and the district court, and the actions and non-actions of the Department of the Homeland Security and the Arizona Department of

Transportation — in avoidance and evasion of the principles of Rule 10(a) — have so far departed from the accepted and usual course of judicial proceedings by failing to examine and by failing to make a factual inquiry into the documentary evidence supplied, *ab initio*, with the complaint and the memorandum to the complaint, and demanded by the very congressional statute which governs the procedures for identification in this matter, so as to call for an exercise of this Court's supervisory power. Chief Justice John Marshall simplified the questions, appropriately and elegantly, in the following capsulization:

In the order in which the court has viewed this subject, the following questions have beeen [sic] considered and decided.

1st. Has the applicant a right to the commission he demands?

2dly. If he has a right, and that right has been violated, do the laws of this country afford him a remedy?

3dly. If they do afford him a remedy, is it a mandamus issuing from this court?

*Marbury v. Madison*, 5 U.S. (1 Cranch) 137, 154 (1803).

**Petitioner's Answers under Declaration  
to the Factual Questions on Form AO 242 (Rev. 09/17)**

These are the petitioner's answers, under declaration, to the factual questions on Form AO 242:

1. Henryk S. Borecki.  
No other names have been used.
2. United States of America and its States and Territories  
16220 N. 7th St., #1374, Phoenix, Arizona

My identification numbers are:

04-14-53	SSN ████-███-8360
YC 763040	SSN ████-███-6740
CE 347897	IL B620-3375-3107
A g gg4 934	TX 05028048
8460198	AZ D01249522
8463026	TX 02657500
A 3561818	IL 3123794

3.  Federal authorities  State authorities  Other  
Will not give REAL Travel ID to petitioner.
4.  Other (*explain*): [Apr 27, 2021. DHS]  
“The deadline is now postponed until May 3, 2023.”
5. Decision or Action You are Challenging:  
 The lack of REAL Travel ID — without a hearing — after presenting all of the aforementioned identification numbers to federal and state authorities.
6. More information and detail:

January 16, 2020:	Interview at ADOT
January 24, 2020:	Request for ADOT hearing
December 14, 2020:	Request to DHS General Counsel
March 10, 2021:	Civil action No. CV21-00415-PHX-MTL
March 22, 2021:	“failure to state a claim for relief”
March 29, 2021:	Appeal No. 21-15572
April 14, 2021:	“dismissed for lack of jurisdiction”

6(d): Still no REAL Travel ID.

7. Your Earlier Challenges of the Decision or Action:

Yes  Appeal Yes  Grievance Yes  Administrative

8. Did you file a second appeal to a higher authority, agency or court?

Yes

9. Did you file a third appeal?

A fourth appeal: to this Court.

10.  No 28 U.S.C. 2255 motion

11.  No Immigration Proceedings

12.  No other appeals

13. Grounds for Your Challenge in This Petition:

As a citizen of the United States of America, petitioner is entitled to interstate domestic travel within the jurisdiction of this nation, *just like everyone else* who has already obtained a REAL Travel ID.

14. Any other grounds?

No

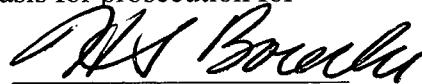
15. State exactly what you want the court to do:

The same thing that petitioner requested in the first place on January 16, 2020, from the administrative agency, to wit: issue Travel ID. In addition, the petitioner requests the special damages delineated in the complaint, and a published opinion by this Court, if warranted.

Declaration Under Penalty of Perjury

I, Henryk S. Borecki, declare under penalty of perjury, that I have read this petition, and the information in this petition is true and correct. I understand that a false statement of a material fact may serve as the basis for prosecution for perjury.

Dated: September 17, 2021

  
Henryk S. Borecki  
Petitioner