No. 21-6313

In The

**Supreme Court of The United States**



GLEN PLOURDE,

*Petitioner*

v.

KNOX COUNTY, ME; UNKNOWN KNOX COUNTY SHERIFFS OFFICE SUV DRIVER; ALICIA GORDON, Knox County Sheriff's Office Patrol Deputy; NATHANIAL JACK, Knox County Sheriff's Department Deputy; SGT. John Palmer, Knox County Sheriff's Department; PATRICK POLKEY, Knox County Sheriff's Department Lieutenant; DONNA DENNISON, Knox County Sheriff,

*Respondents*

**On Petition For Writ Of Certiorari To The First Circuit Court of Appeals**

# PETITION FOR A WRIT OF CERTIORARI

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## QUESTIONS PRESENTED

1. "Does the well-evidenced fact that a *sua sponte* dismissal pursuant to 28 U.S.C. 1915(e)(2), and The Appeal's Court's subsequent upholding of that decision, is in conflict with the well-evidenced facts of the case itself and multiple instances of controlling case law designed to protect *indigent Pro Se* litigants from the type of abuse by The Courts mean that the Federal Courts have abused their discretion?"

   The facts of this case under review are undeniably credible and are evidenced by numerous exhibits, and The Courts have issued multiple instances of case law that protect *Pro Se* litigants from both procedural and substantive Judicial Abuse(s) and the Federal Courts' actions and decisions have run afoul of that controlling case law in this case under review.

2. "Does the continual disenfranchisement of an individual, as irrefutably evidenced in that individual's court documentation and associated appeals, violate that individual's Fifth Amendment Constitutional Rights, or any other Constitutional Rights?"

   The Federal District Court of Maine has been abusing, among other procedural mechanisms, 28 U.S.C. 1915(e)(2) in order to procedurally dismiss the *indigent and Pro Se* Plaintiff's meritorious complaints against Government Employee defendants *sua sponte* (usually by misquoting the Plaintiff and then invoking *Denton v. Hernandez*) prior to service so that those guilty parties are never required to provide answer in response to the Plaintiff's verifiably accurate and well-evidenced complaints. These abuses have been continually upheld by The First Circuit.

3. "Does The Federal Courts' continual and outright refusal to address Torture by U.S. Government Personnel, and their associated failure to assist the victim in any way whatsoever, infringe upon the victim's Human Rights, Constitutional Rights, Civil Rights, or Rights conferred to the victim under United States and/or International Law?"

   The United States Government and Federal Court System has failed to conduct any investigation, or aid the Petitioner in any way, regarding his true, accurate, and verifiable claims that he has been Tortured by U.S. Government Personnel. This non-action by the Government is in conflict with The Petitioner's basic Human Rights, his Constitutional and Civil Rights, and both Federal and International Law.

   The Petitioner notes that the Federal Courts have Jurisdiction over Torture (18 U.S.C. 113C) as it is a Federal Crime as well as an International Crime.

## LIST OF PARTIES

[X] 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:

## RELATED CASES

*Plourde v. Knox County, Maine; et al,* No. 19-CV-00532, U.S. District Court for the District of Maine. Judgement entered 07/03/20.

*Plourde v. Knox County, Maine; et al,* No. 20–1777, U.S. Court of Appeals for the First Circuit. Judgement entered 06/03/21. Judgement on Petition for Rehearing entered 08/13/21.

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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

[X] For cases from **federal courts**:

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

[X] reported at 20-1777 (US First Circuit); 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 B to the petition and is

[X] reported at 2:19-cv-00532-JAW (US. Maine); 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

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was 06/03/21.

[ ] No petition for rehearing was timely filed in my case.

[X] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: 08/13/21, and a copy of the order denying rehearing appears at Appendix C.

[X] An extension of time to file the petition for a writ of certiorari was granted to and including 11/12/21 (date) on 11/11/21 (date) ~~in Application No. A~~ pursuant to Rule 30(1). 11/4/21 (Federal Holiday, Veterans Day), due date therefore 11/12/21.

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

1. **The Fourth Amendment to the United States Constitution** - The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

2. **The Fifth Amendment to the United States Constitution** - No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

3. **The Eighth Amendment to the United States Constitution** - Excessive bail shall not be required, nor excessive fines imposed, nor cruel and unusual punishments inflicted.

4. **The Ninth Amendment to the United States Constitution** - The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

5. **The Fourteenth Amendment to the United States Constitution, Section 1** - All persons born or naturalized in the United States and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

6. **18 USC Chapter 113C** - Federal Torture Statutes. **Included as Appendix D** due to length.

7. **The Geneva Conventions against Torture and other Cruel, Inhuman, or Degrading Treatment or Punishment, Part 1** – Adopted and opened for signature, ratification and accession by General Assembly resolution 39/46 of 10 December 1984; entry into force 26 June 1987, in accordance with article 27(1). **Included as Appendix E** due to length.

## STATEMENT OF THE CASE

On or about 11/04/17 the Plaintiff moved into a second story apartment, 18A Ocean Avenue, Owls Head, Maine; owned by Steven and Donna Belyea of Trinity on the Ocean, 20 Ocean Avenue, Owls Head, Maine (complaint, ¶14).

On 11/10/17, less than a week after moving into this apartment, the Plaintiff noticed that his apartment had been positively burglarized. After discussing this situation with his mother that same day, and after a highly-suspicious near-accident in which the Plaintiff was nearly T-boned at an intersection by a Knox County Sheriff's Department SUV that was operating after dark on a residential road at a high rate of speed with no running lights whatsoever, the Plaintiff called The Camden/Rockland non-emergency Police Number listed in his area phonebook, and was promptly connected with The Knox County Sheriff's Office Dispatch ("Dispatch"), who said they would send an officer over shortly to take the Plaintiff's statement (complaint, ¶¶15 – 37).

An unusually large number of Knox County Sheriffs Deputy's arrived on scene and the Plaintiff gave his statement to Officer Alicia Gordon ("Officer Gordon") while Officer Drew Graham ("Officer Graham") observed. No action was taken or recommended by The Knox County Sheriff's department to investigate the burglary or attempt to stop or deter any future burglaries (complaint, ¶¶38 – 72).

On 11/13/17, only three days later, the Plaintiff again noticed that his apartment had been burglarized. The Plaintiff again called dispatch and Sheriff's Deputy Nathanial Jack ("Deputy Jack") responded. No effectual action was taken

or recommended by Deputy Jack to investigate the burglary or attempt to stop or deter any future burglaries (complaint, ¶¶73 – 96).

On 11/15/17, the Plaintiff noticed that some sensitive documentation that had been stolen during the dates of approximately 10/10/17 – 10/13/17, while the Plaintiff's car was parked in the Freeport Maine Amtrak parking lot and the Plaintiff was visiting the Federal Bureau of Investigation's ("FBI") Boston Regional Field Headquarters, including his Birth Certificate and Federal FD-258 Fingerprint Card, had somehow conspicuously "reappeared" in an obvious location that the Plaintiff was certain these documents had not been prior to 11/15/17. Not wanting to call the Knox County Sheriff's Department again after the unpleasant meeting with Deputy Jack, the Plaintiff decided to visit The Knox County Sheriff's Department himself, as they are located less than a mile from what was then his apartment, in order to report this incident personally (complaint, ¶¶97 – 118).

On the evening of 11/15/17 the Plaintiff met with Officer Gordon at the Knox County Sheriff's Department in order to deliver his victim statement, which she had requested when she responded to the 11/10/17 burglary call. Officer Gordon also took Deputy Jack's victim statement as well, over the objection of the Plaintiff. Plaintiff found Officer Gordon's demeanor had changed dramatically since he had first met her on 11/10/17, she was now quite unhappy with the Plaintiff and made no efforts whatsoever to hide that fact (complaint, ¶¶119 – 127).

The burglary of the Plaintiff's apartment continued on a near-daily basis and it became apparent to the Plaintiff that it was going to be impractical for him to be

calling dispatch on a near-daily basis, so the Plaintiff instead resolved himself to file a comprehensive Police Report and deliver it in person to The Knox County Sheriff's Office (complaint, ¶¶128 – 129).

On 11/16/17 the Plaintiff filed an affidavit with both the Office of Maine State Senator Susan Collins and The Office of Maine State Governor Paul LePage detailing the ongoing burglaries he was experiencing and the fact that the Knox County Sheriff's Department was not taking any action to attempt to stop these continuing crimes. Plaintiff's affidavit also included a request for assistance from those offices. Plaintiff furthermore visited the FBI's Augusta Maine Satellite Office that day in order to speak with the FBI regarding the continuing crimes he was experiencing (complaint, ¶¶130 – 136).

On 11/20/17 the Plaintiff personally visited the Knox County Sheriff's Department to report the additional burglaries he had been subject to and request their assistance in stopping these crimes. Plaintiff met with Lieutenant Pat Pokey ("Lieutenant Pokey"), who informed the Plaintiff that he would not be tasking a detective to these crimes and would instead require the Plaintiff to speak with Deputy Jack about them. Plaintiff also met with Sargent John Palmer ("Sargent Palmer") who treated him rude and abusively. Plaintiff finally met with Deputy Jack who was extremely abusive towards the Plaintiff, and who was literally yelling at the Plaintiff in the Sheriff's Office reception area, telling him that "nothing had been stolen" and that the Knox County Sheriff's Department would refuse to assist the Plaintiff with any future requests for help (denial of Equal Access to and

Protection Under the Law as Owls Head Maine is in Knox County Sheriff's Department's jurisdiction).

Deputy Jack furthermore loudly and abusively disclosed the Plaintiff's protected medical information ("PMI") in the crowded Sheriff's Office reception area. Plaintiff was sternly told by Sargent Palmer to "never call dispatch again", and should the Plaintiff attempt to call dispatch then the Knox County Sheriff's Office would arrest and prosecute the Plaintiff for "nuisance calls". Sargent Palmer pointed out the reception area surveillance camera, which he said was recording everything and thus the Plaintiff knows that his interactions with both Deputy Jack and Sargent Palmer have been positively caught on audiovisual surveillance and are available for evidence (complaint, ¶¶137 – 188).

The Plaintiff was so unnerved by the abusive treatment he had received on 11/20/17 by The Knox County Sheriff's Department that he visited both The Office of Senator Susan Collins and The Office of Governor Paul Lepage the very next day 11/21/17, in order to inform those offices of the abusive treatment he had received and once again seek their help in finding some sort of resolution (complaint, ¶¶191 – 192).

Upon returning to his apartment on 11/20/17 the Plaintiff found that his completed Police Reports had been delivered to him by Knox County Administrator Andrew L. Hart ("Andrew Hart"). Upon review of the Police Reports the Plaintiff noted numerous falsehoods and inconsistencies within those reports and also noted that they had been written with a very "negative spin" against the Plaintiff.

Furthermore, neither Police Report contained the Plaintiff's victim statement(s) that he had been asked to compose by both Officer Gordon and Deputy Jack and had personally delivered to Officer Gordon on the evening of 11/15/17 (complaint, ¶¶193 – 195).

The Plaintiff also immediately called Knox County Sheriff Donna Dennison at the number provided to him by Sargent Palmer. Plaintiff left a voicemail and called Sheriff Dennison on a daily basis for approximately two weeks, leaving voicemails each time, until his call was finally returned (¶¶189 – 190).

On 11/26/17 the Plaintiff sent Knox County Commissioner Andrew Hart ("Andrew Hart"), The Office of Senator Susan Collins, and The Office of Governor Paul Lepage an email noting his concerns with his untenable situation and some of the verifiable discrepancies with the Police Reports. At no time did the Plaintiff receive a response from anyone of any kind. The Plaintiff furthermore asked Andrew Hart how he could file an official complaint or grievance against The Knox County Sheriff's department, and again the Plaintiff received no response whatsoever (complaint, ¶¶196 – 197).

On 11/29/17 the Plaintiff once again visited The Office of Senator Susan Collins and The Officer of Governor Paul LePage and left each of them a large documentation package detailing the ongoing burglary of his apartment as well as the Knox County Sheriff's Department's outright refusal to help him. At no time did the Plaintiff receive any response whatsoever (complaint, ¶¶198 – 202).

The Plaintiff's apartment continued to be constantly burglarized on a near-daily basis. Additionally, the Plaintiff noticed that his computer had been hacked into, including his Gmail and Amazon Prime Accounts, and some files had been modified and others had been completely deleted while connected to The Belyeas' "secure and encrypted" wireless internet connection. Furthermore, the Plaintiff's PlayStation™ 4 had been hacked into while connected to The Belyeas' "secure and encrypted" wireless internet connection such that most of the game mechanics were either broken or altered and the games were therefore nearly unplayable and no longer fun to play whatsoever (complaint, ¶¶203 – 227).

In early December, after approximately 2-weeks of daily voicemails, Sheriff Dennison finally returned the Plaintiff's calls. She stated to the Plaintiff, without any hint of hyperbole, sarcasm, or jest, that her best advice to him was "to get a nail gun and nail down anything that wasn't already nailed down" (again, this was not couched as a "joke" at all – she was serious). Despite this ridiculous comment, the Plaintiff was able to arrange a meeting with Sheriff Dennison for 12/10/17, which was later rescheduled due to a snowstorm to 12/17/17 (complaint, ¶¶221 – 225).

During the Plaintiff's 12/17/17 meeting with Sheriff Dennison at the Knox County Sheriff's Department, Sheriff Dennison stated that she would stand by her subordinates' decision and refuse to investigate any additional complaints of unlawful activity made by the Plaintiff (thus again denying the Plaintiff Equal Access to and Protection Under The Law). Sheriff Dennison also made no effort to defend the "nail gun comment" she had made during her earlier phone call, which

the Plaintiff noted to her was rather ridiculous. Finally, Sheriff Dennison agreed to accept one final detailed victim statement from the Plaintiff that included the return of the Plaintiff's sensitive documentation as well as the malicious hacking of the Plaintiff's electronic devices that he had experienced. Sheriff Dennison also tacitly implicated the FBI as being involved in both the burglary taking place at the Plaintiff's apartment as well as the internet hacking he had experienced (complaint, ¶¶226 – 253).

Upon completion of the victim statement requested by Sheriff Dennison during the 12/17/17 meeting, the Plaintiff sent it to her via email, only to be told that she had already filed the police report without it. The Plaintiff asked Sheriff Dennison how to file an official complaint and/or grievance against The Knox County Sheriff's Department, and she did not respond to this inquiry, as Andrew Hart had previously failed to respond to the same inquiry (complaint, ¶¶254 – 262).

Over the next few years the Plaintiff has made numerous State and Federal Government Entities and Agencies aware of the fact that he has been denied Equal Access to and Protection Under the Law by the Knox County Sheriff's Department, and this decision was sanctioned by Sheriff Dennison herself, although the Plaintiff has never received a single reply from any of the numerous State or Federal Government Entities or Agencies he has contacted (complaint, ¶¶263 – 277).

The Plaintiff has suffered long-lasting and irreversible injury and trauma as a result of the constant burglary and disturbing vandalism he was victim to while staying at The Belyeas' apartment over the time spanning 11/04/17 – 04/21/17 and

the Knox County Sheriff's Department's refusal to investigate any of it or to attempt to put a stop to any of it (complaint, ¶¶278 – 307).

Petitioner filed complaint 2:19-cv-00532-JAW on or about 11/19/19 in order to seek redress for the damages inflicted upon him by The Knox County Sheriff's Department as described in complaint. Complaint 2:19-cv-00532-JAW was/is extremely detailed and contains numerous pieces of objective evidence, such as emails between Sheriff Dennison and himself, that show the Plaintiff was verifiably and positively denied his Constitutional Rights to Equal Access to and Protection Under the Law by the Knox County Sheriff's Department as described in complaint.

Despite the very high-level of detail and copious amounts of objective evidence contained in the complaint that shows the Plaintiff was positively denied his United States Constitutional Rights and Maine State Constitutional Rights, The District Court of Maine nonetheless found the petitioner's complaint to be somehow *"Denton-Like"* (per *Denton v. Hernandez*), although The Court never explained exactly how the Plaintiff's complaint was *"Denton-Like"*, and thus it was impossible for the Plaintiff to update his complaint to The Court's satisfaction (if The Court could ever be truly satisfied with the True, Accurate, and Verifiable facts of this case) and The District Court of Maine dismissed the *indigent and Pro Se* Plaintiff's complaint *sua sponte* after allowing the Plaintiff only one opportunity to amend his complaint.

Petitioner appealed to the U.S. Court of Appeals for the First Circuit, who upheld Judge Woodcock's dismissal without explanation on 06/03/21 and denied rehearing without explanation on 08/13/21.

## REASONS FOR GRANTING THE WRIT

1. **The District Court of Maine has abused its discretionary powers under 28 U.S.C. 1915(e)(2) by improperly dismissing the *Pro Se* Plaintiff's well-pled, well-evidenced, and factually verifiable complaint *sua sponte*, and that decision conflicts with In-Practice Case Law codified by the United States Supreme Court, as well as the Fifth Amendment to the United States Constitution, both of which are designed to prevent abuses such as this.**

In dismissing the Petitioner's well-pled, well-evidenced, and factually verifiable complaint, the district court has stated:

> "...the court agrees with the Magistrate Judge, for the reasons the Magistrate Judge has discussed, that Mr. Plourde's material factual allegations "can reasonably be viewed as the type that warrant dismissal under the Supreme Court's analysis in Denton." Suppl. Recommended Decision at 3-4 (citing Flores, 2013 WL 1122719, at *2)."
> (Appendix B, Pages 2 – 3)

However, in reviewing the Magistrate Judge's Recommended Decision, it is clear that there has been no discussion whatsoever from the Magistrate Judge regarding how or why the Plaintiff's material factual allegations "can reasonably be viewed as the type that warrant dismissal under the Supreme Court's analysis in Denton", only a statement declaring that this is the case (Appendix B.1, Pages 3 – 4).

However, as the Petitioner has described in the "Statement of the Case", the Petitioner's complaint (2:19-CV-00532-JAW) was both well-pled and well-evidenced

by exhibits *proving* the factual contentions of the complaint and included in complaint.

These exhibits include the email conversation between the Plaintiff and Knox County Sheriff Donna Dennison (Complaint, Exhibit M), the email conversation between the Plaintiff and Knox County Administrator Andrew Hart (Complaint, Exhibit I), the affidavits submitted to both The Office of Maine State Senator Susan Collins (Complaint, Exhibits F and L) and The Office of then Maine State Governor Paul LePage (Complaint, Exhibits F and L), the faulty Police Reports issued by both Officer Alicia Gordon and Deputy Nathanial Jack (Exhibits C & D, respectively), the and the conversation the Petitioner had with the Federal Bureau of Investigation ("FBI") at their Augusta Maine Satellite Office.

If there were any faults in the factual allegations made by the Petitioner or the associated exhibits supporting those factual allegations, they were not identified by either Magistrate Nivison nor Judge Woodcock as can be seen from Magistrate Nivison's Recommended Decision (Appendix B.1) and Judge Woodcock's Decision (Appendix B) and thus the *indigent and Pro Se* Petitioner was not able to correct those alleged faults to those Judges' satisfaction, as they were never identified (the Petitioner contends that they don't even exist).

Again, Judge Woodcock has said specifically that:

> "...the court agrees with the Magistrate Judge, for the reasons the Magistrate Judge has discussed, that Mr. Plourde's material factual allegations "can reasonably be viewed as the type that warrant dismissal under the Supreme Court's analysis in Denton." Suppl. Recommended Decision at 3-4 (citing Flores, 2013 WL 1122719, at *2)."
> (Appendix B, Pages 2 – 3)

Although inspection of the Magistrate Judge's Supplemental Decision (Appendix B.1 Pages 3 – 4) show that there is no discussion whatsoever of any kind regarding why he feels the Petitioner's complaint can "reasonably be viewed" as a "*Denton-Dismissal*", there is only Magistrate Nivison's bald, unsupported, and unsubstantiated assertion that this is the case.

Thus Magistrate Nivison has made an unsupported, unsubstantiated, and unfounded finding that the Plaintiff's complaint warrants a "*Denton-Dismissal*", Judge Woodcock has agreed with him "for the reasons the Magistrate Judge has discussed", although there were no reasons discussed whatsoever as is evident from inspection of the Magistrate Judge's Recommended Decision, and thus The Federal District Court of Maine has abused its discretionary powers under 28 U.S.C. 1915(e)(2) by dismissing the Plaintiff's entire well-pled, well-evidenced, and factually conclusive complaint *sua sponte* for no stated reason whatsoever.

The Petitioner realizes that complaints against law enforcement are perhaps viewed as "unsavory" by The Court as The Court probably does not want to perpetuate the factual knowledge that sometimes "the good guys" are actually "the bad guys", as is all too obvious in this case 2:19-cv-00532-JAW, and the Plaintiff has caught them red-handed and has filed a well-pled, well-evidenced, and factually conclusive complaint that leaves the defendants no defense whatsoever. However, that does not give The Court the right to summarily dismiss the *indigent and Pro Se* Plaintiff's meritorious complaint *sua sponte for no stated reason whatsoever*, as they have done in this case (Appendix B & B.1).

Thus in this case it is all too obvious that The District Court has saved the day for "the bad guys", who have clearly and egregiously violated the Plaintiff's Constitutional Rights, as well as made other egregious violations of law that have harmed the Plaintiff, as well-pled, well-documented, and well-evidenced in the Plaintiff's complaint 2:19-CV-00532-JAW.

Digging into this unsupported and unsubstantiated *"Denton-Dismissal"* a bit further, we see that, pursuant to *Denton,*

> "An in forma pauperis complaint may not be dismissed, however, simply because the court finds the plaintiff's allegations unlikely"
>
> And
>
> "Some improbable allegations might properly be disposed of on summary judgment, but to dismiss them as frivolous without any factual development is to disregard the age old insight that many allegations might be "strange, but true; for truth is always strange. Stranger than fiction."" *Denton v. Hernandez*, 504 U.S. 25, 33 (1992).

As for the court finding the Plaintiff's allegations unlikely, this could not be the case for the majority of the salient aspects of the Plaintiff's complaint as those facts were all well-evidenced with supporting exhibits, or pointed to areas where conclusive evidence may be easily obtained for further inspection (Police Dash-Cams and The Knox County Reception Area Surveillance Camera, for instance).

As for the court finding the Plaintiff's allegations "improbable", the United States Supreme Court has issued a warning in their finding in *Denton* that addresses this fact. The Plaintiff has himself admitted in his pleadings to The Court that perhaps some of the facts of the case were "strange or unusual", but they

were only so because that was indeed the conduct of the Officers or the facts of the burglaries, as accurately reported in complaint by the Plaintiff.

For the Plaintiff to omit factual information regarding suspicious conduct by the defendant Officers because he is afraid that they were acting "too unusual" to survive a *Denton-challenge* would be a travesty of Justice in which all offending Officers need to do is act unusual or suspiciously in their criminal behavior and thus be ever-free from lawsuit under the misapplication of *Denton* by The Courts (Ref. 1:19-CV-00486-JAW), *as has happened in this case.*

Similarly, for the Plaintiff to omit factual information from his Police Reports regarding the stolen, defaced, or vandalized property associated with the numerous breaking and entering and burglaries he was experiencing because he is afraid that they were "too unusual" to survive a *Denton-challenge* would again be a travesty of Justice in which *all thieves need to do in order to effect terrorism, fear, trauma, and the undermining of the Plaintiff's well-being due to constant breaking and entering is to steal unusual items (i.e. inexpensive items while leaving relatively expensive items) or vandalize the Plaintiff's residence in an unusual or suspicious way (moving furniture around the living room, etc.).* Because such activities may seem "improbable", the thieves need not fear prosecution, or even pursual from Law Enforcement, under the misapplication of *Denton* by The Courts, *as has happened in this case.*

These circumstances are clearly a perversion of the intent of *Denton,* and the United States Supreme Court, in its wisdom, has warned against The Courts being hasty to dismiss "improbable allegations" (citation above).

Furthermore, The United States Supreme Court has held in *Neitzke v. Williams,* 490 U.S. 319, 324 (1989) that:

> "a court may dismiss a claim as factually frivolous only if the facts alleged are "clearly baseless"

The facts alleged in the Plaintiff's complaint are clearly not baseless as the Plaintiff has supplied evidence in exhibit that prove the salient factual assertions of his complaint and has identified areas in which indisputable evidence exists that will continue to support his factual assertions, as discussed above.

It would be impossible for a reasonable person to find the Plaintiff's complaint "clearly baseless" given the level of detail provided and evidence included in exhibit ("complaint", all).

However, *we really have no idea why the Petitioner's complaint was dismissed by the district court because, as stated and cited above, no reason was ever given, only a reference to the case Denton v. Hernandez.* Thus all we know of the district court's dismissal of the Plaintiff's complaint was that it was unfounded, improper, and an abuse of 28 U.S.C. 1915(e)(2).

The district court of Maine's opinion is also in conflict with existing and in-use case law. The Petitioner is *indigent and Pro Se* and cannot find an attorney to represent him (probably due to the Fact that he has been Tortured by United States Government Personnel and the Government obviously doesn't care to see his

complaints against the Government become successful – that would be a logical inference), but he has found a few case citations which support his contentions, and he is quite sure that The Honorable United States Supreme Court knows a few more.

The United States Supreme Court has held that:

> [A *Pro Se* Plaintiff's complaint is subject to] "less stringent standards than formal pleadings drafted by lawyers" (*Haines v. Kerner,* 404 U.S. 519, 520).

The Petitioner is not alleging that there is anything wrong with his complaint, in-fact he is stating the exact opposite – that it is completely fine in form, accurate in information and well-evidenced in exhibit at that, and appropriate given the situation(s) the Plaintiff was subjected to by the defendants, and the Petitioner supports that statement with *Haines,* which states that a *Pro Se* Plaintiff's complaint is not held to the stringent standards of formal pleadings drafted by lawyers.

The Courts have held that:

> "We accept as true all well-pled facts set forth in complaint and draw all Reasonable Inferences therein in the pleader's favor." (*Artuso v. Vertex Pharm Inc.*, 637 F.3d 1, 5 (1st Cir. 2011). *See also Johnson v. Rodruguez,* 943 F.2d 104, 107 (1st Cir. 1991), *Hughes v. Rowe*, 449 U.S. 5, 10 n. 7 (1980), *Instituto De Educacion Universal Corp. v. United States Dep't of Educ.*, 209 F.3d 18, 23 (1st Cir. 2000), etc. et. al.

The Petitioner's complaint did not leave much room for inference as it was well-evidenced by evidence included in exhibit, and when inference was possible those reasonable inferences should have been drawn in the pleader's favor pursuant to the copious case citations cited above. It is therefore clear that the district court's

*sua sponte* dismissal of the Plaintiff's well-pled and well-evidenced complaint is in conflict with The First Circuit's holding in *Artuso v. Vertex Pharm Inc.*, 637 F.3d 1, 5 (1st Cir. 2011), among other cases (see above).

Thus it is evident that the *indigent and Pro Se* Petitioner's complaint was not only improperly dismissed *sua sponte* by the district court of Maine but that improper dismissal is in conflict with existing and in-use controlling case law meant to protect *Pro Se* Litigants from such abuses, much of that protective case law coming directly from The Honorable United States Supreme Court itself.

The Honorable Court should not abide the Unconstitutional, Unlawful, and Discriminatory treatment of an *indigent and Pro Se* litigant for any reason whatsoever. The fact that this type of unlawful abuse is positively occurring, as described herein, should be a "red flag" to The Honorable Court that The Federal Court has been corrupted to such an extent that oversight from a higher authority is necessary at this time; thus certiorari should be granted.

2. **The objectively verifiable and continual and intentional abuse and disenfranchisement of the *indigent Pro Se* Petitioner by The Federal Courts is illegal, unacceptable, and is a violation of the Petitioner's Fifth Amendment Rights, *in addition to other Constitutional Rights conferred to him.* The Continual and Intentional Abuse and Disenfranchisement of an unrepresented *indigent Pro Se Litigant* is of exceptional importance to The United States Supreme Court as it has bearing on *every indigent Pro Se Litigant* in the Federal Court.**

The District Court of Maine has a verifiable history of not treating the Plaintiff fairly, impartially, or in accordance with fact ("abuse" and/or "disenfranchisement"), and this case is no exception. The U.S. First Circuit Court of Appeals has remained silent on these abuses although the Plaintiff has brought

them to their attention in each of his appeals[1], including this case on review for petition for certiorari (Ref. Petitioner's Brief (1st Cir.) 20-1777 Pages 21 – 27, 27 – 32, 32 – 44, 44 – 48; "Motion for Court-Appointed Attorney" 11/27/20 ¶¶2, 3, 4; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶2, 3, 4, 5, 8, 9).

This abuse and disenfranchisement has taken the forms of the following, although this list is by no means all-inclusive.

Most distressing is that the The Federal District Court of Maine commonly mischaracterizes the *indigent Pro Se* Plaintiff's statements and/or complaints *in a most inaccurate and unflattering way* within their Orders, Opinions, Recommended Decisions, and Decisions that are publicly published and available on the internet. However, the *indigent Pro Se* Plaintiff's responses (and corrections of the record) to these unflattering and biased mischaracterizations are unpublished and not available on the internet and thus the Plaintiff is continually and publicly mischaracterized, defamed and/or libeled by The Federal District Court of Maine, an unacceptable and illegal action for which the Plaintiff has no recourse. This type of abuse has happened in every single case the Plaintiff has filed in federal district court. The Plaintiff is page-limited in this Petition to The Honorable Court and thus cannot cite every single instance where this has occurred, as they are copious in quantity, although he can certainly cite objective and verifiable evidence that this has happened and is continuing to happen for This Honorable Court's review (Ref. "Orders" and "Recommended Decisions" and compare them with the Plaintiff's

[1] U.S. Appeals 20-1610, 20-1611, 20-1777, 20-2166, 21-1565 (First Circuit).

actual filings in 1:19-CV-00486-JAW; 2:19-CV-00532-JAW; 1:20-CV-00011-JAW; 1:20-CV-00043-JAW; 1:20-CV-00137-LEW; 1:20-CV-00137-LEW).

The Plaintiff has alerted The First Circuit Court of Appeals to this fact in every one of his appeals to that court, and has provided that court with the specific examples of The District Court's (Me.) mischaracterizations of the Plaintiff's pleadings, including this case.[2] [3] [4] [5] The First Circuit Court of Appeals has refused to respond in any way or put a stop to the common, inaccurate, and particularly unflattering mischaracterizations of the *indigent and Pro Se* Petitioner's pleadings that he has alerted them to.

The Plaintiff finds it logical to believe that The Magistrate Judge and Judges of the Federal District Court (Me.) are intelligent and thus finds it to be a reasonable inference that these highly-unflattering mischaracterizations of the Plaintiff's pleadings are intentional and conducted in bad-faith, particularly as the *Pro Se* Plaintiff is unschooled as an attorney and thus his pleadings are generally common-sensical and easily-readable by a layman.

Most unsettling is the Fact that the district court (Me.) often makes the particularly inaccurate and unflattering mischaracterizations cited above and then

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[2] Ref. "First Circuit Court of Appeals Appellants Brief 20–1610" pages 12 – 32; "Motion for Court-Appointed Attorney" 11/27/20 ¶¶2, 3, 4; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶2, 3, 4, 5, 8, 9.

[3] Ref. "First Circuit Court of Appeals Appellants Brief 20-1611" pages 32 – 39, "Motion for Court-Appointed Attorney" 11/27/20 ¶¶2, 3, 4; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶2, 3, 4, 5, 8, 9.

[4] Ref. "First Circuit Court of Appeals Appellants Brief 20–1777" pages 27 – 44, 47 – 48; "Motion for Court-Appointed Attorney" 11/27/20 ¶¶2, 3, 4; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶2, 3, 4, 5, 8, 9.

[5] Ref. "First Circuit Court of Appeals Petitioners Brief 20–2166" pages 41 – 48; "Motion for Court-Appointed Attorney" 12/31/20" ¶¶2, 3, 4, 5, 8, 9

uses these improper and inaccurate mischaracterizations to support their assertions that the Plaintiff's pleadings "Golden-like" *(Golden v. Coleman,* 429 Fed. App'x 73, 74 (3rd Cir. 2011), "Flores-like" *(Flores v. U.S. Atty. Gen.,* No. 2:13-CV-00053-DBH, 2013 WL 1122719, at *2 (D. Me. Feb. 26, 2013) and 2:13-CV-53-DBH, 2013 WL 1122635 (D. Me. Mar. 18, 2013), or "Denton-like" *(Denton v. Hernandez,* 504 U.S. 25, 33 (1992). Like the associated unflattering mischaracterizations of the Petitioner's pleadings as cited above, this has happened in every single case the Plaintiff has filed in the federal district court of Maine,[6] and the Plaintiff has alerted The Honorable First Circuit Court of Appeals to this fact (Ref. First Circuit citations above).

Alarmingly, the district court, pursuant to their mischaracterizations of the Plaintiff's complaint(s) and subsequent findings based on those mischaracterizations as discussed above, has warned the Plaintiff that "filing restrictions are in the offing" pursuant to *Cok v. Family Court of Rhode Island,* 985 F.2d 32, 35 (1st Cir. 1993) by Judge Lance E. Walker of The Federal District Court of Maine in both of his published decisions, including this case (Appendix B).[7]

This has had a chilling effect on the *indigent Pro Se* Plaintiff's Right to Equal Access to and Protection under the Law, Access to The Court, and willingness to file additional True and Accurate Complaints in The Federal District Court as he is

[6] Ref. "Orders" and "Recommended Decisions" and compare them with the Plaintiff's actual filings in 1:19-CV-00486-JAW; 2:19-CV-00532-JAW; 1:20-CV-00011-JAW; 1:20-CV-00043-JAW; 1:20-CV-00137-LEW; 1:20-CV-00149-LEW.

[7] Ref. "Decisions" in 1:20-CV-00137-LEW and 1:20-CV-00149-LEW.

justifiably afraid filing restrictions will be unjustly imposed as described above if he files additional complaint(s) in The Federal District Court.

However, the Statute of Limitations does not toll despite the chilling effect the *indigent and Pro Se* Plaintiff has experienced from the district court, and thus the Plaintiff finds that he has been the victim of "fundamental unfairness impinging on his due process rights", pursuant to *DesRosiers v. Moran*, 949 F.2d 15, 23 (1st Cir. 1991). The Plaintiff has alerted The Honorable First Circuit Court of Appeals to this fact (Ref. First Circuit appeals cited above).

In yet another slight to the Plaintiff, the district court has issued a recommended decision(s) and has invited the Plaintiff to file an objection(s) pursuant to Fed. R. Civ. P. 72 in this case on petition for writ 2:19-CV-00532-JAW. The *unschooled and Pro Se* Plaintiff has then spent his time and energy composing such objection, only to find that an Order issued prior to the time allowed by Fed. R. Civ. P. 72 to file such objection had elapsed (14 days) and the *Pro Se* Plaintiff has therefore misspent his time on composing that objection, *although that time would not have been misspent had the District Court of Maine simply waited the 14 days to give the Petitioner opportunity to file such objection as Fed. R. Civ. P. 72 states the Plaintiff is allowed.* This situation has happened in *at least* case 2:19-CV-00532-JAW, as that docket record will reflect, and a similar situation has occurred in case 1:20-CV-00043-JAW.

The Plaintiff would like The Honorable Court to take note of these particular situations as cited in this argument and respond accordingly.

Furthermore, the Plaintiff has filed Motions for a Court-Appointed Attorney pursuant to 28 U.S.C. 1915(e)(1) in this case under review and his other cases before The First Circuit Court of Appeals and cites the above abusive behavior by the district court as evidence that an attorney is required by the *indigent and Pro Se* Plaintiff as he is experiencing "fundamental unfairness impinging on his due process rights" by the district court of Maine, pursuant to *DesRosiers v.* Moran, 949 F.2d 15, 23 (1st Cir. 1991) that he has neither the legal wherewithal to handle himself nor a visible path to redress.

The Petitioner cannot find any logical explanation for this verifiably wrong behavior perpetrated upon the Petitioner by the district court of Maine as evidenced and cited in this argument, except perhaps for the fact that the Plaintiff has properly alleged he has been Tortured by United States Federal Employees (and he has) and perhaps the Federal Courts are seeking to discredit him on the public record. This is not a *Denton-like* statement, it is a logical deduction – as noted in Argument 3, the Petitioner has made *copious amounts* of State and Federal Agencies aware of the Fact that he has been tortured, including the Courts, and *not a single Agency or Court has offered any assistance or response whatsoever.*

The continual and intentional abuse and disenfranchisement of an *indigent Pro Se* litigant, as described within this argument, is not Constitutional pursuant to Fifth Amendment Due Process nor is it lawful. The Honorable United States Supreme Court should have an active and healthy interest in ensuring that the Justice System works fairly, justly, and properly for *everyone* in this country, even

the least among us, such as *the indigent and thus necessarily Pro Se Petitioner*, and therefore certiorari should be granted and The Honorable Court should inspect the pattern of disenfranchisement the Petitioner has been subject to by the Federal Court(s).

3. **The fact that The Federal and Maine Courts, as well as a multitude of Federal Government and Maine State Government Agencies, including defendant Knox County Sheriff Donna Dennison, have completely ignored the Petitioner's true and accurate pleadings of torture, and have refused to assist the Petitioner in any way whatsoever regarding torture, grievously infringes upon the Petitioner's Human Rights, Constitutional and Civil Rights, and Federal and International Rights.**

The fact that The Federal and Maine Courts, as well as a multitude of Federal Government and Maine State Government Agencies, including defendant Knox County Sheriff Donna Dennison, have completely ignored the Petitioner's true and accurate pleadings submitted to them stating that he has been tortured by U.S. Government Personnel and is seeking their assistance for this problem, and the fact that these Government entities have subsequently failed to assist the Petitioner in any way whatsoever, grievously infringes upon the Petitioner's Human Rights, Constitutional and Civil Rights, and Federal and International Rights.

The Federal and Maine State Governments (collectively, "The Government") have failed to conduct any investigation, or aid the Petitioner in any way whatsoever, regarding his true, accurate, and verifiable claims that he has been tortured. This non-action by The Government is clearly in conflict with The Petitioner's basic Human Rights, his Constitutional Rights, and International Law.

The Federal and State Courts have continually and intentionally erred in overlooking the fact that the Petitioner has been Tortured as described extensively in his Court Documentation[8]. Again, this is a violation of International Law as well as the Petitioner's Constitutional Rights and basic Human Rights.

Not all of the Petitioner's court documentation in which he describes the fact that he has been tortured is listed here, as that documentation is copious in quantity, although the Petitioner will list some of the numerous ***Judicially Noticeable*** places where the Petitioner has described the Fact that he has been Tortured to The Courts, highlighting specifically The Federal Courts who have jurisdiction over both Torture and matters of International Law.

The Petitioner has made the Maine State Supreme Court aware multiple times of the Fact that he has been tortured[9] [10] [11]. The Petitioner has additionally made The Maine State Superior Court aware of the Fact that he has been tortured[12] [13] [14] [15] [16] [17] [18]. The Petitioner has furthermore made some of The Maine District

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[8] Citations Below
[9] PEN-18-458; Pages 41 – 49, Argument 7. Appendix, Pages 48 – 75.
[10] PEN-19-514; Pages 38 – 39, Argument 7. Appendix, Pages 139 – 166; 243 – 258.
[11] KEN-18-479; Pages 47 – 50, Argument 9. Appendix, Pages 25 – 163, 205 – 219, 271 – 299.
[12] AUGSC-AP-18-69 removed to BANSC-AP-19-11; Pages 84 – 96, 104 – 111, 132 – 133. Appendix, Pages 305 – 320, 458 – 460, 461 – 465, 466 – 488, 489 – 490, 493, 503.
[13] AUGSC-AP-18-20 removed to BANSC-AP-19-12; Pages 136 – 149, 154 – 163. Appendix, Pages 237 – 239, 245 – 247, 321 – 325.
[14] AUGSC-CV-20-00222; Complaint, various additional filings, testimony.
[15] AUGSC-CV-21-00014; Complaint, various additional filings, testimony.
[16] BANSC-CV-20-00017; Complaint, Exhibits, various additional filings.
[17] BANSC-CV-20-00055; Complaint, Exhibits, various additional filings.
[18] SKOSC-CV-20-00006; Complaint, Exhibits, various additional filings.

Courts aware of the fact that he has been tortured[19] [20] [21] [22] [23] [24] [25]. Thus it is clear that The Maine State Court(s) is well-informed as to the plight of the Petitioner and yet they have offered him no assistance whatsoever, despite his constant pleas for their help.

The Petitioner has made The Honorable United States Supreme Court aware multiple times of the Fact that he has been Tortured[26] [27] [28] [29] [30] [31]. The Petitioner has additionally made the United States First Circuit Court of Appeals aware of the Fact that he has been Tortured[32] [33] [34] [35] [36]. The Petitioner has furthermore made The United States District Court of Maine aware of the Fact that he has been

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[19] PENDC-CR-16-20309; Various Filings, Testimony, Off-Record discussion with District Attorney Marianne Lynch.
[20] KENDC-CR-18-20983; Various Filings, Testimony.
[21] KENDC-CR-18-21183; Various Filings, Testimony.
[22] WATDC-PA-18-00329; Various Filings, Testimony.
[23] WATDC-SA-18-00377; Various Filings.
[24] WATDC-SA-18-00383; Various Filings.
[25] PENDC-PA-16-00103; Various Filings, Testimony.
[26] Petition for Writ of Certiorari 19-299.
[27] Petition for Writ of Certiorari 19-448.
[28] Petition for Writ of Certiorari 20-7827.
[29] Petition for Writ of Certiorari 20-8474.
[30] Petition for Writ of Certiorari 21-5493.
[31] Petition for Writ of Certiorari 21-5865.
[32] 20-1610, Pages 3, 22; "Motion for Court-Appointed Attorney" 11/27/20 ¶5; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶5, 8, 9; "Complaint", Exhibit N; "Combined Petition for Rehearing En Banc and Panel Rehearing" Pages i – ii, 2, 3 – 5, 5 – 15, 17.
[33] 20-1611, Pages 2, 7, 14, 27 – 29, 29 – 32, 32 – 33, 38 – 39; "Motion for Court-Appointed Attorney" 11/27/20 ¶5; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶5, 8, 9; "Combined Petition for Rehearing En Banc and Panel Rehearing" Pages i – ii, 2 – 10, 16 – 17; "Complaint", ¶¶61 – 62, Exhibits AA, K.
[34] 20-1777, "Motion for Court-Appointed Attorney" 11/27/20 ¶5; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶5, 8, 9; "Combined Petition for Rehearing En Banc and Panel Rehearing" Pages i – iv, 5, 16 – 18.
[35] 20-2166, Pages 2, 6, 15, 28, 44, 49 – 55; "Motion for Court-Appointed Attorney" 12/31/20" ¶¶5, 8, 9; Combined Petition for Rehearing En Banc and Panel Rehearing" pages v – vi, 2 – 3, 8 – 16, 16 – 17.
[36] 21-1565, Pages 8 – 9, 22 – 23, 43, 48 – 54, 56.

Tortured[37] [38] [39] [40] [41] [42]. Thus it is clear that The United States Federal Court(s) is well-informed as to the plight of the Petitioner and yet they have offered him no assistance whatsoever, despite his constant pleas for their help.

It is all-too clear that The United States Court System, both Federal and State, as well as The Department of Justice has erred in continually and intentionally overlooking the highly-grievous Fact that the Petitioner has been verifiably Tortured and in not responding to it or otherwise providing the Petitioner with any assistance whatsoever and are therefore in violation of Constitutional, Federal, and International Law.[43]

The Courts' continual and intentional decision to overlook and ignore the fact that the Petitioner has been tortured, as well as offer him no redress whatsoever, *not even a Reply*, conflicts with The United States Constitution and Federal and International Law.[44]

Furthermore, Torture is of exceptional importance as it is both a heinous Federal and International Crime that is, in some cases, punishable by death and/or International Sanctions and **The Courts' failure to address the issue, *much***

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[37] 1:19-CV-00486-JAW; Complaint(s), Exhibits, Various Filings.
[38] 2:19-CV-00514-JAW; Complaint(s), Exhibits, Various Filings.
[39] 1:20-CV-00011-JAW: Complaint(s), Exhibits, Various Filings.
[40] 1:20-CV-00043-JAW; Complaint(s), Exhibits, Various Filings.
[41] 1:20-CV-00137-LEW; Complaint, Exhibits.
[42] 1:20-CV-00149-LEW; Complaint, Exhibits.
[43] Ref. "Eighth and Ninth Amendments to the United States Constitution"; "USC Chapter 113C – Torture" Appendix D; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix E).
[44] Ref. "Eighth and Ninth Amendments to the United States Constitution"; "USC Chapter 113C – Torture" Appendix D; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix E).

***less offer the Petitioner a response of any kind***, raises serious doubts as to The United States' commitment to honor its own Constitution and Laws or its agreed-upon International Obligations.

The Petitioner has made The United States First Circuit Court of Appeals aware of the Fact that he has been tortured *in every Appeal he has written to them* (Ref. citations above), has made The Maine State Supreme Court aware of the Fact that he has been tortured *in every Appeal he has written to them* (Ref. citations above), and has made The Honorable United States Supreme Court aware of the Fact that he has been tortured *in every Appeal he has written to them* (Ref. citations above).

The Courts' have been made aware that the Petitioner has made numerous Federal and State Agencies aware of the fact that he has been Tortured (Ref. citations above), and none of these numerous Federal and State Agencies, The Federal Court System, or The Maine State Court System has complied with Constitutional Law, U.S. Law, or International Law regarding the Petitioner's true, accurate, verifiable, and signed and notarized complaints of Torture.[45]

The Petitioner notes that Torture is both a very serious Federal and International Crime and that The Maine State Supreme Court continually attempts to evade the issue by stating that it is "not within their jurisdiction" (Ref. Maine State Supreme Court Cases cited above, and associated responses to Petitioner's

[45] Ref. "Eighth and Ninth Amendments to the United States Constitution"; "USC Chapter 113C – Torture" Appendix D; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix E).

"Motions for Reconsideration" and "Motions for Finding of Facts and Conclusions of Law"), despite the fact that The State of Maine has both a duty and obligation to ensure that its citizens Human Rights are protected and that their United States Constitutional Rights are respected, upheld, and incorporated through the Fourteenth Amendment to the United States Constitution.[46]

Setting aside The Maine State Courts' refusal to abide by Federal Law and The United States Constitution, The Federal Courts' unquestionably have Jurisdiction over Torture and Claims of Torture.[47] The Federal Court(s) has offered no response whatsoever to the Petitioner's numerous pleadings that he has been tortured (Ref. citations above), and has refused to assist the Petitioner in any way, despite the Fact that Torture is both a Federal and International Crime and is unquestionably within their jurisdiction.

Furthermore, the Petitioner has discussed the fact, within his court documentation (Ref. citations above) that he has reported the fact that he has been Tortured to every Government Agency that he could think of that could conceivably be able to help him. These State and Government Agencies include, but are not limited to, The United States Department of Justice, The Federal Bureau of Investigation, The United States Attorney General, The United States Supreme Court, The United States First Circuit Court of Appeals, The United States District Court of Maine, The United States Chapter (Maine) of The American Red Cross,

[46] Ref. Eighth, Ninth, and Fourteenth Amendments to the United States Constitution.
[47] Ref. "USC Chapter 113C – Torture" Appendix D; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix E).

The American Civil Liberties Union (ACLU), The Offices of Maine State Senators Susan Collins and Angus King, The Maine State Supreme Court, The Maine State Superior Court, The Maine Human Rights Commission, The Maine Office of the Attorney General (Janet Mills), The Maine Office of the Governor (Paul LePage), The Maine Government Oversight Committee, The Maine Office for Program Evaluation and Government Accountability, The Knox County Sheriff's Department, The Kennebec County Sheriff's Department, and The Penobscot County Sheriff's Department.

***None of the above State or Federal Government Agencies has offered the Petitioner any help whatsoever, not even a response***, and are therefore in violation of both Federal Law 18 U.S.C. 2340, 2340(A), and 2340(B) and Part 1 Article 13 of The Geneva Conventions Against Torture.[48]

Part 1 Article 13 of The Geneva Conventions Against Torture states:

> "Each State Party [including the United States] shall ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities. Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given."
> (Ref. "Geneva Conventions Against Torture Part 1, Article 13" – Appendix E).

The Petitioner has alleged he has been Tortured by Federal Government Employees during his employment at CDI Aerospace (UTC Hamilton Sundstrand, Windsor Locks, CT) during the years of 2012 – 2013 to all of the Federal and State

[48] Ref. "Eighth and Ninth Amendments to the United States Constitution"; "USC Chapter 113C – Torture" Appendix D; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix E).

Government Courts and Agencies identified above (although that list is not all-inclusive) as early as 11/01/16 (arguably 11/20/15 as this information was disclosed to an "Officer David Trumbull" of the Penobscot County Sheriff's Office on that day), *and not a single one of those Government Agencies has acted to "ensure that any individual who alleges he has been subjected to torture in any territory under its jurisdiction has the right to complain to, and to have his case promptly and impartially examined by, its competent authorities"*, nor have they acted to ensure *"Steps shall be taken to ensure that the complainant and witnesses are protected against all ill-treatment or intimidation as a consequence of his complaint or any evidence given"*, as Article 13 of The Geneva Conventions Against Torture demands they must (*See* above).

Therefore it is clear that the above Federal and State Government Agencies, including The Federal Courts and Maine State Courts, are in International Violation of The Geneva Conventions Against Torture, Part 1 Article 13, to which The United States of America is bound to uphold as it is both a signed and principal party to The Geneva Conventions against Torture as well as The United Nations, who have adopted The Geneva Conventions against Torture.

Similarly, The above Federal and Maine State Government Agencies, including The Federal and Maine State Courts, are in International Violation of The Geneva Conventions Against Torture, Part 1 Article 14, to which The United States of America is bound to uphold as it is both a signed and principal party to The Geneva Conventions against Torture as well as The United Nations, who have

ratified through vote (The United States voting in the affirmative) and have thus adopted The Geneva Conventions against Torture. Part 1 Article 14 of The Geneva Conventions Against Torture states:

> 1. "Each State Party [including The United States] shall ensure in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible. In the event of the death of the victim as a result of an act of torture, his dependents shall be entitled to compensation".
> 2. "Nothing in this article shall affect any right of the victim or other persons to compensation which may exist under national law".
> (Ref. "Geneva Conventions Against Torture Part 1 Article 14", Appendix E).

At no time has any of the above-mentioned State or Government Agencies, including The Maine State and Federal Court Systems, "ensure[d] in its legal system that the victim of an act of torture obtains redress and has an enforceable right to fair and adequate compensation, including the means for as full rehabilitation as possible", as Part 1 Article 14 of The Geneva Conventions Against Torture demand they must, and these State and Government Entities are therefore again undeniably in violation of International Law (*See* above).

Finally, The above-named State and Federal Courts and Government Agencies may attempt to "wish away" the Fact that the Petitioner has been Tortured, and may somehow wish to call his claims of torture unfounded, frivolous, not rising to the level of Torture, etc., *as he has thus-far provided only a handful of details regarding the Torture he has endured,* ***details that are fit to print***, as he is justifiably afraid to publicly disclose the more heinous aspects of the Torture he has endured *because he knows those heinous aspects to be classified as at least "Secret" ("Top Secret" in the case of the Petitioner) and knows that "the means and methods*

*employed" to Torture him "are not commonly known amongst the General Population".* This is not a case of simple water-boarding or being made to stand naked in a pyramid (i.e. "Abu Ghraib"); the Torture the Petitioner has endured from United States Government Personnel is much worse, and the injury he has suffered has been lasting, persistent, and painful – and it shows no signs of abating.

However, somehow simply "wishing away" the Petitioner's allegations of Torture as unfounded, frivolous, or not rising to the level of Torture, is still in violation of The Geneva Conventions Against Torture. Articles 12 and 16 state specifically that:

> "Each State Party [including the United States] shall ensure that its competent authorities proceed to a prompt and impartial investigation, wherever there is reasonable ground to believe that an act of torture has been committed in any territory under its jurisdiction".
> (Ref. "Geneva Conventions Against Torture Part 1, Article 12", Appendix E).

> And Article 16 continues to state specifically that:

> 1. "Each State Party [including the United States] shall undertake to prevent in any territory under its jurisdiction other acts of cruel, inhuman or degrading treatment or punishment which do not amount to torture as defined in article I, when such acts are committed by or at the instigation of or with the consent or acquiescence of a public official or other person acting in an official capacity. ***In particular, the obligations contained in articles 10, 11, 12 and 13 shall apply with the substitution for references to torture of references to other forms of cruel, inhuman or degrading treatment or punishment."***
> 2. "The provisions of this Convention are without prejudice to the provisions of any other international instrument or national law which prohibits cruel, inhuman or degrading treatment or punishment or which relates to extradition or expulsion."
> (Ref. "Geneva Conventions Against Torture Part 1, Article 16", Appendix E).

Therefore, The United States of America is obligated to "ensure that its competent authorities proceed to a prompt and impartial investigation" under

Articles 12 and 13, even if The Courts and The Government Agencies listed above do not believe the cruel, humiliating, and degrading treatment the Petitioner has been subject to as described to them rises to the level of Torture.

Maine State Senator Susan Collins apparently does not, as she has responded to the Petitioner only by curtly calling his allegations of Torture simply "Workplace harassment" (History will show that this was not a shining moment for Ms. Collins), instead of helping the Petitioner with a *prompt and impartial investigation pursuant to Part 1 Articles 12, 13 and 16 of The Geneva Conventions against Torture as Senator Collins is obligated to do by International Law*, as an investigation is still warranted under Article 16 of The Geneva Conventions against Torture (*See* above).

Furthermore, The First Circuit has held that

> "We accept as true all well-pled facts set forth in complaint and draw all Reasonable Inferences therein in the pleader's favor." (*Artuso v. Vertex Pharm Inc.*, 637 F.3d 1, 5 (1st Cir. 2011). *See also Johnson v. Rodruguez*, 943 F.2d 104, 107 (1st Cir. 1991), *Hughes v. Rowe*, 449 U.S. 5, 10 n. 7 (1980), *Instituto De Educacion Universal Corp. v. United States Dep't of Educ.*, 209 F.3d 18, 23 (1st Cir. 2000), et. al., etc.

And the Petitioner notes that the United States Supreme Court has substantially identical holdings as well, too numerous to cite here.

The Petitioner's claims of Torture have been signed and sworn to under Notary and Penalty of Perjury, and are well-pled in *every single document The Courts have received from the Petitioner which describes them*, and therefore must be accepted as True by The Courts (and This Court), pursuant to the holding in

*Artuso v. Vertex Pharm Inc, et al.* Furthermore, The Courts must draw all reasonable inferences therein in the pleader's favor, again pursuant to *Artuso v. Vertex Pharm Inc, et al.*

Therefore, there is "reasonable ground" to believe the Petitioner has been tortured (or at least subjected to Cruel, Inhuman, or Degrading Treatment that he is rightfully afraid to discuss publicly for reasons described above) as he has pled numerous times pursuant to *Artuso v. Vertex Pharm Inc., et al.,* and therefore an investigation is demanded by The Geneva Conventions Against Torture Article 12 (*See* above).

Additionally, The United States Supreme Court (This Court) has held that

> [The Pleadings of a *Pro Se* Party are subject to] "less stringent standards than formal pleadings drafted by lawyers" (*Haines v. Kerner*, 404 U.S. 519, 520)

The Petitioner is not sure of what exactly he has to do in order for The Federal Court System to "*properly receive the allegation that the Petitioner has been tortured from the Petitioner*". The Maine State Supreme Court has "properly received the allegation that the Petitioner has been tortured" and has responded inappropriately that it is not within their jurisdiction as described above; however, *The Federal Courts have not told the Petitioner exactly what is additionally required of him,* ***if anything at all,*** *in order for The Federal Courts to take his allegations of Torture seriously and in response, act accordingly.*

Pursuant to *Haines v. Kerner* and *Artuso v. Vertex Pharm. Inc., et al.*, the Fact that *The Petitioner has alleged he has been tortured to The Maine State and*

*Federal Courts numerous times and in every Complaint, Appeal, and Motion for a Court-Appointed Attorney they have received from him* (Ref. citations above) should easily satisfy the *Pro Se* Petitioner's burden of pleading the Fact that the Petitioner has been Tortured to The Maine State and Federal Courts, since as an *indigent and Pro Se* Petitioner the Petitioner has no idea how to accomplish this in any way other than the numerous way(s) he already has (Ref. citations above).

The *Pro Se* Petitioner has been told by The Federal District Court of Maine (citations above) that he cannot file a complaint for Torture because Torture is a Federal Crime and the Petitioner is not a Federal Prosecutor. That may be true, but that is not an excuse for The Federal Courts to *completely ignore the Petitioner's True, Accurate, and Verifiable pleadings that he has been tortured, as it runs afoul of United States Law (Appendix D), International Law (Appendix E), the Petitioner's basic Human Rights, and The Constitution of The United States, as described above.*

Thus the Petitioner's Pleadings of Torture are proper and should be properly recognized and addressed by The Federal Courts (and/or The Department of Justice) due to their own holdings in *Artuso v. Vertex Pharm Inc., et al.*, and *Haines v. Kerner.*

Therefore, whether or not the above-named Federal Courts, Maine State Courts, and Federal or Maine State Government Agencies, including This Court, would like to believe the Petitioner has been Tortured, *and they have not told the Petitioner that at all,* ***in-fact they have all been suspiciously silent regarding the matter of Torture at every mention of Torture and have never offered the***

***Petitioner a response of any kind whatsoever***, the fact that the Petitioner has been tortured has been extensively-pled and well-pled in his complaint(s) and pleadings (Ref. citations above), and Those Courts, as well as This Court, must therefore accept the fact that the Petitioner has been tortured to be True pursuant to the holding in *Artuso v. Vertex Pharm Inc., et al.,* and an investigation is therefore demanded pursuant to The Geneva Conventions against Torture, Part 1, Articles 12, 13, 14 and 16 (Ref. Appendix E), an investigation which has never been conducted, to the best of the Petitioner's knowledge, ***as not a single Government Agency has ever attempted to contact the Petitioner or solicit additional information in regards to the Torture he has suffered from United States Government Personnel.***

Thus, at present, almost six years' have passed since the Petitioner first disclosed that he was Tortured to a Government Agency and the above-named Government Agencies and Courts are still not in compliance with United States Law (Appendix D), The United States Constitution, or International Law, specifically The Geneva Conventions Against Torture (Appendix E).

The Petitioner has asked The First Circuit Court of Appeals specifically and in multiple briefs (citations above), specifically in the briefs' conclusion, to:

> "The Appellant also asks The Honorable United States First Circuit Court of Appeals to connect him with an *Impartial Federal Government Agency* such that a *Prompt and Impartial Investigation* into the Petitioner's allegations of Torture may be conducted pursuant The Geneva Conventions Against Torture, to which The United States is bound by The United Nations to comply with".
> (Ref. "First Circuit Court of Appeals Appellant's Brief 20–1611", pages 38–39)

which they have not done. ***They have not even offered the Petitioner a response regarding Torture..***

The Petitioner has heard that "Silence is Golden", but finds that in this ongoing situation of The Federal Courts' and Federal Agencies refusing to respond to the Fact that the Petitioner has been Tortured by United States Government Personnel, that "The Silence is Deafening" and what it has to say isn't very Good, Lawful, Humane, or Encouraging.

The Federal and Maine State Court Systems, as well as The Government Agencies listed above, are therefore in violation of The Geneva Conventions against Torture, Articles 12, 13, 14, and 16 (Appendix E), United States Law (Appendix D), and The United States Constitution.[49]

The Fact that the United States is all-too willing to ignore the Petitioner's claims of Torture ***despite the fact that he has been seeking redress for this issue for the past six years*** is both troublesome and disconcerting and suggests the fact that The United States is all talk and no action, as well as hypocritical, when it comes to the issue of Torture and Human Rights Abuses. *We Americans are quick to condemn other countries for Human Rights Abuses, such as the new Taliban Government of Afghanistan,* ***while simultaneously ignoring Torture perpetrated upon our own citizens within our own country by our own Government Personnel.***

[49] Ref. "Eighth and Ninth Amendments to the United States Constitution".

The fact that these Human Rights Abuses (Torture of the Petitioner) have come from within The United States itself and have been perpetrated by United States Government Personnel on a lawful and law-abiding United States Citizen (the Petitioner) for no foreseeable or understandable reason whatsoever makes this fact all the more disconcerting. This has been the Petitioner's experience; it has not been pleasant, and it has not been in accordance with United States Law, Constitutional Law, nor International Law. The Honorable United States Supreme Court cannot afford to cast a blind eye to this ongoing and illegal issue and thus Certiorari should be granted, and the *indigent and Pro Se* Petitioner should be put in contact with an Organization or Agency that can and will assist him with the issue of the Torture he has suffered.

## CONCLUSION

The Petition for Certiorari should be granted, and the Plaintiff should be put in contact with an entity with the proper credentials to assist him with the Torture he has positively endured and the lasting, persistent, and painful injuries of unknown severity that have resulted from that Torture.

Respectfully Submitted,

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