No. 21-6598

In The

Supreme Court of The United States

GLEN PLOURDE,

Petitioner

v.

NORTHERN LIGHT ACADIA HOSPITAL; CHARMAINE PATEL, Psychiatrist, Northern Light Acadia Hospital; ANTHONY NG, Psychiatrist Northern Light Acadia Hospital; WARREN BLACK, Nurse Practioner Specialist, Northern Light Acadia Hospital; JENNIFER SALISBURY, Psychiatrist, Northern Light Acadia Hospital; MARY MYSHRALL, Patient Advocate at Northern Light Acadia Hospital; UNKNOWN MAINE STATE CRISIS TEAM MEMBER #1; UNKNOWN MAINE STATE CRISIS TEAM MEMBER #2; UNKNOWN MAINE STATE CRISIS TEAM MEMBER #3; UNKNOWN MAINE STATE CRISIS TEAM MEMBER #4; UNKNOWN MAINE STATE CRISIS TEAM MEMBER #5

Respondents

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

PETITION FOR A WRIT OF CERTIORARI

Glen Plourde
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207-659-2595

QUESTIONS PRESENTED

1. "Does the Fact that the Courts' Decision conflicts with Law mean that the Federal Courts have abused their discretion?"

   The Petitioner argues it clearly does as the Law makes it clear that some defendants in this case are "State Actors" although this has not been the finding of the court.

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.

4. "Is the continuing harassment and intimidation of the Petitioner and his family by The United States Government and their friends (i.e. "cronies") lawful, moral, or praise-worthy"?

   The Petitioner finds it clear that it is not and respectfully asks The Honorable Court to put a stop to it before things get out of hand.

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. Northern Light Acadia Hospital, et al; No. 20-CV-00043, U.S. District Court for the District of Maine. Judgement entered 11/12/20.

Plourde v. Northern Light Acadia Hospital, et al; No. 20–2166, U.S. Court of Appeals for the First Circuit. Judgement entered 07/16/21. Judgement on Petition for Rehearing entered 09/01/21.

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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 20-2166 (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 1:20-cv-00043-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 07/16/21.

[ ] 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: 09/01/21, and a copy of the order denying rehearing appears at Appendix C.

[ ] 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

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. **MRS Title 34-B § 3861** – Reception of Involuntary Patients. **Included as Appendix D** due to length.

6. **MRS Title 34-B § 3863** – Emergency Procedure. **Included as Appendix E** due to length.

7. **MRS Title 34-B § 3864** – Judicial Procedure and Commitment. **Included as Appendix F** due to length.

8. **18 USC Chapter 113C** – Federal Torture Statutes. **Included as Appendix G** due to length.

9. **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 H** due to length.

STATEMENT OF THE CASE

On or about 01/20/17, Petitioner was transferred involuntarily and against his will from Redington-Fairview General Hospital in Skowhegan Maine, where he was being held involuntarily and against his will due to The Maine State Crisis Team's abuse of Maine's Emergency Procedure Statutes (Appendix E), to Northern Light Acadia Hospital (variously; "Acadia Hospital", "Acadia") in Bangor Maine, where he was held involuntarily and against his will again due to the abuse of Maine's Emergency Procedure Statutes (Appendix E) by The Maine State Crisis Team as well as Acadia Hospital ("Complaint" 02/27/20 (¶¶18–23). *See also* 1:20-CV-00011-JAW (ME), 20–1565 (First Circuit).

Note that the Petitioner had not been and was not "involuntary committed"; Petitioner was being held pursuant to the abuse of an emergency procedure process (Appendix E) on a day-to-day basis, as seeking an actual involuntary commitment against the Petitioner in Court (Appendix F) would never have succeeded as Petitioner was lucid, alert, eloquent, conversational, and as sane as anyone (more sane than most) during both his involuntary incarceration at Redington-Fairview General Hospital and subsequent involuntary incarceration at Acadia ("Complaint" 02/27/20 (¶¶24–26), although he was experiencing a heightened level of anxiety as Redington-Fairview General Hospital had reduced his long-standing, well-proven, and highly-efficacious dose of prescription anti-anxiety medication, used to treat his PTSD, by 50% for the past 10 days he was held there, and had forced him to take the neuroleptic drug Haldol (Ref. 1:20-CV-00011-JAW (ME); 21-1565 (First Circuit).

Petitioner was assigned psychiatrist Dr. Charmaine Patel ("Dr. Patel") by Acadia. Petitioner demanded his release at every opportunity and The Maine State Crisis Team, Acadia, and all staff he spoke with refused. Dr. Patel furthermore demanded the Petitioner take the mind-altering neuroleptic drug Seroquel, and coerced him into taking it by stating that he would be restrained and subject to forced injection if he did not comply with oral administration ("Complaint" 02/27/20 (¶¶27–40).

Petitioner later read the "Patients Bill of Rights", which stated that a patient could refuse any and all prescribed medication (as the Petitioner had done as described above), which was posted in the lobby per State Law, and Petitioner noticed Dr. Patel had seen him reading it. The next day, Dr. Patel pre-empted any opportunity to discuss the violations of the Petitioner's "Bill of Rights" by stating to him immediately that he could stop taking any medication any time he wanted to, and the threat of forced injection was seemingly removed. Dr. Patel quickly ended the conversation, allowing no further discussion of the topic ("Complaint" 02/27/20 (¶¶41–46).

Petitioner immediately discontinued use of the mind-altering neuroleptic drug Seroquel, and Dr. Patel responded punitively by reducing the Petitioner's long-standing, well-proven, and efficacious dosage of his prescription anti-anxiety medication, used to treat his PTSD, by 50% ("Complaint" 02/27/20 (¶¶47–51). This course of action is known to be dangerous by the medical community (aggressive titration off of this particular medication leads to seizure, shock, and death) and

Petitioner therefore filed three Official grievances with Acadia Floor Manager Marissa Ellis ("Ms. Ellis"), although nothing ever came of these grievances, despite the fact that the Petitioner knows there is a well-documented procedure at Acadia for handling grievances that wasn't followed in the case of the Petitioner ("Complaint" 02/27/20 (¶¶52–59).

Approximately 2 days' before the maximum holding time a patient can be held via the "emergency procedure" process (Appendix E) without an involuntary commitment proceeding (28 days) (Appendix F), Dr. Patel became extremely anxious to discharge the Petitioner. There was difficulty reaching Petitioner's family, and Petitioner had nowhere to go. Dr. Patel grew increasingly angry and desperate and threatened to discharge the Petitioner to the sidewalk, using the Bangor Police Department as her tool, if Petitioner did not voluntarily discharge himself. After alerting Dr. Patel to the obvious fact that he was not dressed for the winter weather and had no possessions or money with him, Dr. Patel then offered to buy the Petitioner a bus ticket to anywhere he wanted to go. This was not an offer made in jest, it was quite serious, and quite an inappropriate offer to make to someone Dr. Patel contends is a schizophrenic (the most serious mental illness in existence), as Dr. Patel has purposefully and maliciously misdiagnosed the Petitioner to be ("Complaint" 02/27/20 (¶¶60–65).

After Petitioner's mother was reached, Petitioner, Dr. Patel, and Petitioner's mother had a conversation together. Dr. Patel asserted that Petitioner had been "targeted" in the events that led to his involuntary incarceration at Redington-

Fairview General Hospital (Ref. 1:20-CV-00011-JAW (ME); 21-1565 (First Circuit), but would not say by who or why. Dr. Patel also asserted that the Photographic Evidence the Petitioner had taken of his ex-coworker John Green while at the Roadway Inn in Bangor Maine during the period of time of approximately 06/20/16–06/28/16 were "symptoms of schizophrenia" rather than the hard photographic evidence of a person who has tortured the Petitioner as described in complaint ("Complaint" 02/27/20 Exhibit A). Petitioner notes that these were highly suspicious, irresponsible and incriminating statements for Dr. Patel to make as Dr. Patel had explicitly stated that the Petitioner had been intentionally "targeted", but would not say by who or why, and Dr. Patel had not seen the photographs of John Green, who is highly-identifiable from those photographs, nor does she even know John Green, to the best of Petitioner's knowledge ("Complaint" (¶¶66–73).

During the same discharge conversation with Petitioner's Mother, Dr. Patel advised Petitioner's mother to "sever all ties with the Petitioner (her only son) immediately", which is contrary to known medical practice and treatment regarding schizophrenia, which Dr. Patel contends the Petitioner has and the Petitioner knows he does not have. Had Petitioner's mother taken Dr. Patel's bad advice, Petitioner would have been left with no friends, family or support network whatsoever, which is again contrary to known medical practice and treatment regarding schizophrenia ("Complaint" 02/27/20 (¶¶74–77).

During the duration of the Petitioner's involuntary incarceration at Acadia he was subject to many abuses by both "patients" (some of whom self-identified as

undercover officers and FBI agents and gave the Petitioner no reason to doubt it) and nursing staff that are too numerous to list concisely ("Complaint" 02/27/20 (¶¶78–102).

Dr. Patel attempted to make the Petitioner sign a pile of paperwork and Petitioner refused and furthermore told Dr. Patel that if he was forced to sign any such paperwork he would sign it "in letters as large as John Hancock used to sign the Declaration of Independence", in order to indicate that there was something wrong going on. Consequently, Dr. Patel stopped attempting to make the Petitioner sign anything whatsoever and Petitioner was discharged on his own recognizance with possessions received from his mother without problem. Petitioner has never taken any medication for schizophrenia as Dr. Patel had attempted to prescribe, and never received a bill from Acadia for the treatment he had endured there ("Complaint" 02/27/20 (¶¶78–82, 103–105).

Interestingly enough, Petitioner has learned since the filing of this complaint, from his most recently received medical records (which change without explanation each time Petitioner obtains a copy) (Ref. 1:20-CV-00043-JAW), that Dr. Patel had attempted to involuntarily commit the Petitioner by Court Order (Appendix F), although someone (the medical records are unclear) canceled that Involuntary Commitment Hearing prior to any Court Hearing taking place. Note that Petitioner was never informed of such a pending hearing, nor was he given the proper paperwork for such hearing, nor was he offered a court-appointed attorney,

as the rules governing Involuntary Commitment Proceedings (Appendix F) say he must be upon commencement of such action.

This was unfortunately not the Petitioner's first experience with Acadia or the first time medical malpractice has been visited upon him by Acadia. Petitioner was held at Acadia for 28 days (again, the maximum without an involuntary commitment hearing) between the dates of approximately 11/21/15–12/17/15 ("Complaint" 02/27/20 (¶106).

The psychological assessment used as an excuse to initially incarcerate the Petitioner at Acadia consisted of exactly one vague question asked by Dr. Anthony Ng ("Dr. Ng"), to which Petitioner provided an equally vague answer. Petitioner was then informed he would be held against his will at Acadia hospital via a day-to-day emergency procedure process (Exhibit E) ("Complaint" 02/27/20 (¶¶107–112).

Petitioner was assigned Jennifer Salisbury ("Dr. Salisbury") as his attending psychiatrist, who had a LCPC assistant named Dr. Warren Black ("Dr. Black"). Both Dr. Salisbury and Dr. Black illegally coerced the Petitioner to cooperate with their "treatment plan", telling him if that he did not they would seek an involuntary commitment against the Petitioner and that "in their experience there was a 99.9% chance the judge would choose to involuntarily commit the Petitioner. Petitioner was told that an involuntary commitment would result in him being strapped to a gurney and forcibly injected with mind-altering neuroleptic drugs, and that an involuntary commitment could last "3 months, 6 months, or a year or longer". As the Petitioner was a legal novice at that time (and quite naïve), he was coerced into

"complying" with Dr. Salisbury and Dr. Black against his wishes and out of fear, while in hindsight Petitioner now realizes that there was no chance whatsoever a reasonable judge would have involuntarily committed the Petitioner as Petitioner was lucid, alert, eloquent, conversational, and as sane as anyone else (more sane than most) ("Complaint" 02/27/20 (¶¶113–117).

Dr. Salisbury and Dr. Black prescribed the Petitioner various mind-altering neuroleptic drugs in various dosages and Petitioner was coerced into taking them out of fear that they would seek an involuntary commitment against him and subsequently hold him for a very long period of time while he underwent forced injection, which they stated they would do if he refused at any time to take the drugs they prescribed. Note that this is in violation of the Petitioner's "Patients Bill of Rights" although Petitioner did not see The Bill of Rights posted on the wall at that time ("Complaint", ¶¶41–42, 120). Furthermore, the Petitioner was coerced into "cooperating" with them as both of them told him that his "compliance" with their "treatment plan" would result in his release from Acadia sooner than later. As it was, they kept the Petitioner at Acadia for as long as possible (28 days) without seeking a court ordered involuntary commitment ("Complaint", ¶¶118–125).

Both Dr. Salisbury and Dr. Black attempted to coerce the Petitioner into taking what they described as "heroic dosages" of mind-altering neuroleptic drugs, which were as much as 10 times (1000%) higher than the maximum recommended dosages in the Physician's Desk Reference Manual ("PDR"). Petitioner presented Dr. Salisbury and Dr. Black with multiple copies of the PDR that stated that such

extreme dosages could result in permanent brain damage or even death, and they finally relented and no longer advocated "heroic dosages" and prescribed dosages that were still high given the short time to titration but did not exceed the PDR's maximum dosages ("Complaint", ¶¶126–130).

Dr. Salisbury, without explanation, drastically reduced the Petitioner's long-standing, well-proven, and highly-efficacious anti-anxiety prescription, which Petitioner takes for his PTSD, which put him at risk for seizure and other neurological complications, including death, and resulted in him being in a severely heightened state of anxiety in what was already a very stressful situation ("Complaint", ¶¶131–134).

During the duration of the Petitioner's incarceration at Acadia, he was constantly subject to abuses from Acadia Staff, which are too numerous to list here although he will provide a few highlights. Nurses Aid "Bob" constantly referred to the Petitioner as "Acadia Hospital's Patient Zero", implying that Petitioner was suffering from some new, unknown, and contagious form of mental illness. Nurse's Aid "Randy" called the Petitioner "a Terrorist" when he saw Petitioner reading a copy of "1001 Arabian Nights". Bangor Police Department Officer David Trumbull, whom the Petitioner has some history with ("Complaint", Exhibits A, B), wearing his full police uniform, violently tackled and restrained a patient directly outside the room and in full view of where the Petitioner and Acadia Hospital Patient Advocate Mary Myshrall were having a meeting. Petitioner does not know what Officer David Trumbull was doing there as Bangor Police Officers are not part of

Acadia Hospital's Staff and therefore finds this incident suspicious. Petitioner was constantly given "the run around" regarding his legal status as everyone he asked regarding it, including Dr. Black and Dr. Salisbury, consistently gave him conflicting information and thus Petitioner was kept in a constant state of fear and near-panic. These are the types of abuses the Petitioner suffered multiple times per day at Acadia by the staff, just to name a few ("Complaint", ¶¶135–150).

Petitioner attempted to speak with Patient Advocate Mary Myshrall regarding these abuses and when he finally met with her she was no help whatsoever ("Complaint", ¶¶142–150).

Dr. Salisbury has intentionally and maliciously misdiagnosed the Petitioner with schizophrenia, the most serious mental illness known to man, which is now codified into the Petitioner's permanent medical records, despite the fact that the DSM-5 and the Petitioner's history and accomplishments show that this diagnosis simply does not fit, not by any stretch of the imagination. Petitioner had been seeing a psychiatrist semi-regularly since approximately 2004 who has diagnosed him with Post Traumatic Stress Disorder ("PTSD") and the Petitioner was/is responding well to the anti-anxiety medication he has been taking for over 15 years, and was/is perfectly functional as a result of this medication. Petitioner's psychiatrist for over 10 years had never suggested Petitioner suffered from anything worse than PTSD. Similarly, no psychiatrist the Petitioner has met with since Dr. Salisbury (except Dr. Patel, also employed by Acadia) has ever suggested

that Petitioner suffers from anything worse than Generalized Anxiety Disorder, never-mind PTSD, *never-mind schizophrenia* ("Complaint" 02/27/20 (¶¶151–156).

Interestingly enough, the Petitioner can find no record of any "Dr. Jennifer Salisbury" on the internet, which is unusual for an accredited "medical professional". Petitioner notes that the "Dr. Jennifer Salisbury" of Acadia bore a striking resemblance to CIA Agent "Cate Haiden" (Ref. USSC Pet. for Writ for Cert 18-299 and 18-448) and if asked to pick them out of a lineup, Petitioner could not tell the difference.

Petitioner filed civil complaint 1:20-CV-00043-JAW on or about 02/07/20 in order to seek redress for the injuries described above. Petitioner noted in his complaint that he was aware it required amendment and would do so in the time afforded to him by Fed. R. Civ. P. 15(a)(1)(A). Regardless, Magistrate Judge Nivison has issued a recommended decision on 02/13/20, only six (6) days' later (when in the past it has taken him up to sixty (60) days to respond to Petitioner's complaint(s)), thereby procedurally robbing the Petitioner an opportunity to amend his complaint once "as a matter of course" pursuant to Fed. R. Civ. P. 15(a)(1)(A).

Magistrate Nivison allowed one and only one amendment of Petitioner's complaint and asserted that no State Actor(s) were involved in any of the atrocities visited upon the Petitioner as described above. Judge Woodcock agreed with Magistrate Nivison's recommended decision(s), and Petitioner's complaint was dismissed *sua sponte* for failure to name a "State Actor" against which Petitioner's claims could be directed (i.e. "subject matter jurisdiction") (Appendix A).

Petitioner appealed to the First Circuit who upheld the lower court's decision. Petitioner submitted a Combined Petition for Rehearing and Rehearing En Banc which was also denied.

Thus the Petitioner appeals to the United States Supreme Court of America.

REASONS FOR GRANTING THE WRIT

1. **The District Court of Maine has abused its discretion by improperly dismissing the *Pro Se* Petitioner's complaint *sua sponte* and prior to service on any defendant, and that decision conflicts with Law.**

The Petitioner's complaint was dismissed for subject matter jurisdiction, specifically the district court contends that no "State Actors" were involved in any of the atrocious activities described in the case history. The Petitioner contends that this is wrong on its face.

The Statute "Reception of Involuntary Patients" (Appendix D) that governs both "emergency treatment" (MRS Title 34-B § 3863, i.e. Appendix E) and "involuntary commitment" (MRS Title 34-B § 3864, i.e. Appendix F), both of which the Petitioner was subject to by defendants Charmaine Patel and "Unknown Maine State Crisis Team Members #1 – 5", according to Petitioner's medical records, clearly state that:

> The institution, any person contracting with the institution and any of its employees when admitting, treating or discharging a patient under the provisions of sections 3863 and 3864 under a contract with the department, for purposes of civil liability, must be deemed to be a governmental entity or an employee of a governmental entity under the Maine Tort Claims Act, Title 14, chapter 741. [PL 1989, c. 906 (NEW).]
>
> (Ref. MRS Title 34-B § 3861(1)(A), i.e. Appendix D)

Therefore defendant Charmaine Patel is properly considered a "State Actor" for the purposes of Civil Liability in this case as she has both initially held the Petitioner for a few days under "emergency treatment" (Appendix E) before initiating a civil "involuntary commitment" proceeding against the Petitioner (Appendix F), a proceeding the Petitioner was never made aware of, never received the proper notification, documentation, and lawyer for, and a proceeding that never took place; and thus a proceeding that the Petitioner reasonably believes was never expected to go to court at all and thus Charmaine Patel was abusing the "involuntary commitment" statute (Appendix F) in order to detain the Petitioner indefinitely (i.e. until the court proceeding) without having to file for daily "emergency treatment" (Appendix E) and thus exposing those who filed for such to civil liability under MRS Title 34-B § 3861 (Appendix D). Thus Charmaine Patel is properly considered a "State Actor".

Likewise, defendants "Unknown Maine State Crisis Team Members #1 - 5" are also properly considered "State Actors" for the purposes of Civil Liability in this case as the Petitioner was technically under their "care" upon his arrival at Acadia as they had filed for "emergency treatment" of the Petitioner on the day they brought him against his will to Acadia. That "emergency treatment" filing they filed did not expire until the following day, at the earliest (Appendix E), and thus they are properly considered both defendants and State Actors in this case.

2. **The Petitioner has continually been abused and disenfranchised by The district court and it shows. 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 and/or Pro Se Litigant* in the Federal Court.

The District Court of Maine has a verifiable history of not treating the Petitioner 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 Petitioner has brought them to their attention in each of his appeals[1], including this case on review for petition for certiorari, 20–2166 (Ref. "First Circuit Court of Appeals Appellants Brief 20–2166" pages 41 – 48, 49 – 55, 55 – 56; "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 Federal District Court of Maine commonly mischaracterizes the *indigent Pro Se* Petitioner'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* Petitioner's responses (and corrections of the record) to these unflattering and biased mischaracterizations are unpublished and not available on the internet and thus the Petitioner is continually and publicly mischaracterized, defamed and/or libeled by The Federal District Court of Maine, an unacceptable and illegal action for which the Petitioner has no recourse. This

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

type of abuse has happened in every single case the Petitioner has filed in federal district court. The Petitioner 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 Petitioner'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-00137-LEW).

The Petitioner 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 mischaracterizations of the Petitioner's pleadings, including this case.[2] [3] [4] [5] [6] 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.

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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 Appellants Brief 21–1565" pages 40 – 48, 48 – 54, 55; "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.

[6] 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

The Petitioner finds it logical to believe that The Magistrate Judge and Judges of the Federal District Court are intelligent and thus finds it to be a reasonable inference that these highly-unflattering mischaracterizations of the Petitioner's pleadings are intentional and conducted in bad-faith, particularly as the *Indigent Pro Se* Petitioner 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 often makes the particularly inaccurate and unflattering mischaracterizations cited above and then uses those improper and inaccurate mischaracterizations to support their assertions that the Petitioner'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 Petitioner has filed in the federal district court of Maine,[7] and the Petitioner 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 Petitioner's complaint(s) and subsequent findings based on those

[7] Ref. "Orders" and "Recommended Decisions" and compare them with the Petitioner'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-00137-LEW.

mischaracterizations as discussed above, has warned the Petitioner that "filing restrictions are in the offing" pursuant to *Cok v. Family Court of Rhode Island,* 985 F.2d 32, 35 (1st Cir. 1993), specifically by Judge Lance E. Walker of The Federal District Court of Maine in both of his published decisions.[8]

This has had a chilling effect on the *indigent Pro Se* Petitioner'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 justifiably afraid filing restrictions will be unjustly imposed as described above if he files additional complaint(s) in The Federal District Court of Maine.

However, the Statute of Limitations does not toll despite the chilling effect the *indigent and Pro Se* Petitioner has experienced from the district court of Maine, and thus the Petitioner 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 Petitioner has alerted The Honorable First Circuit Court of Appeals to this fact (Ref. First Circuit appeals citations above).

In yet another slight to the Petitioner, the district court has issued a recommended decision(s) and has invited the Petitioner to file an objection(s) pursuant to Fed. R. Civ. P. 72 in case 2:19-CV-00532-JAW. The *unschooled, indigent, and Pro Se* Petitioner 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* Petitioner has

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

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 Petitioner 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 this case 1:20-CV-00043-JAW as described in the case history.

This is as ridiculous as it is unfair, and is additional evidence that the district court has a less-than-impartial view of the Petitioner, if not evidence of direct disenfranchisement itself.

A similar situation has occurred in this case where the Petitioner has filed an initial complaint on 02/07/20 (Ref. 1:20-CV-00043-JAW, "Complaint", 02/07/20), has noted within that complaint that he is aware that it needed amendment and would amend his complaint pursuant to Fed. R. Civ. P. 15 in the 20-days' time afforded to him by that Rule, and instead of waiting the usual 60 days or so to respond to the Petitioner's initial filing (Ref. 1:19-CV-00486-JAW; 1:19-CV-00532-JAW; 1:20-CV-00011-JAW), the district court has *seized the opportunity to prevent the Petitioner from amending his complaint "once as a matter of course" within 20 days of filing pursuant to Fed. R. Civ. P. 15 by responding to it in exactly 6 days' time, which is approximately 1/10 of the time it has taken for response (approximately 60 days) in all of the other Petitioner's Pro Se cases referenced above* (Ref. 1:20-CV-00043-JAW, "Recommended Decision", 02/13/20).

Not only was this *exceedingly timely review* unnecessary, as the Petitioner had already stated to the district court in his complaint that it required amendment and would be amended "once as a matter of course" pursuant to Fed. R. Civ. P. 15, but *this exceedingly timely review was completely unhelpful as it only reiterated the deficiencies in the Petitioner's complaint that the Petitioner had already identified himself within his own complaint for amendment* (Ref. "Complaint", 02/07/20, ¶11; "Recommended Decision", 02/13/20).

Clearly this exceedingly timely review was performed in much less time (approximately 1/10 the time) of the other complaints the Petitioner has filed as noted above, and the only logical reason for it, that the Petitioner can deduce, was to procedurally rob the Petitioner (Procedural and/or Substantive Due Process infringement) of a chance to amend his complaint "once as a matter of course" within 20-days pursuant to Fed. R. Civ. P. 15, *which was exactly the Petitioner's intention as stated within that complaint itself* (Ref. 1:19-CV-00043-JAW, "Complaint", 02/07/20, ¶11).

Subsequently, the Petitioner was given one and only one opportunity to amend his complaint before *Judge Woodcock acted on Magistrate Nivison's 02/13/20 Recommended Decision and dismissed the Petitioner's complaint 9 months later on 11/12/20.* The Petitioner finds the fact that *he was given one and only one opportunity to amend his complaint, and that being pursuant to a recommended decision that only identified deficiencies already identified by the Petitioner himself in his initial complaint,* to be a clearly unfair, unjust, and

improper way to treat an *indigent Pro Se* Petitioner and his complaint. Thus the Petitioner again asserts his Fifth Amendment Procedural and Substantive Due Process Rights are being infringed upon by the district court of Maine.

Again, the Petitioner understands that this situation is perhaps not as grievous as the previous examples he has cited, which rise to the level of unlawful and unethical behavior, in his humble opinion, although the Petitioner rightfully finds that it is additional evidence that the district court has a less-than-impartial view of the Petitioner and has treated him less-than-impartially.

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

Furthermore, the Petitioner 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 behavior by the district court, some of it unlawful (criminal) as discussed, as evidence that an attorney is required by the *indigent and Pro Se* Petitioner 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 Petitioner has properly alleged he has been Tortured by United States Federal Employees (and he

has, it is completely verifiable *should someone care to look*) 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 – both State and Federal, and *not a single government 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 and it indeed results in "fundamental unfairness impinging on [the Petitioner's] due process rights". 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 (Lady Justice wears a blindfold for a reason), even the least among us such as *indigent and Pro Se litigants,* and therefore certiorari should be granted.

3. **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 fact that The Federal and Maine Courts, including defendant Charmaine Patel, as well as a multitude of Federal Government and Maine State Government Agencies, 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 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[9]. Again, this is a violation of The Geneva Conventions against Torture 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.

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[9] Citations Below

The Petitioner has made the Maine State Supreme Court aware multiple times of the Fact that he has been tortured[10] [11] [12] [13]. The Petitioner has additionally made The Maine State Superior Court aware of the Fact that he has been tortured[14] [15] [16] [17] [18] [19] [20]. The Petitioner has furthermore made some of The Maine District Courts aware of the fact that he has been tortured[21] [22] [23] [24] [25] [26] [27]. 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 Maine State Court(s) are therefore in violation of Constitutional, Federal and International Law, as is explained below.

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[10] PEN-18-458; Pages 41 – 49, Argument 7. Appendix, Pages 48 – 75.
[11] PEN-19-514; Pages 38 – 39, Argument 7. Appendix, Pages 139 – 166; 243 – 258.
[12] KEN-18-479; Pages 47 – 50, Argument 9. Appendix, Pages 25 – 163, 205 – 219, 271 – 299.
[13] KEN-20-217; Pages 18 – 25, Argument 1.
[14] 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.
[15] AUGSC-AP-18-20 removed to BANSC-AP-19-12; Pages 136 – 149, 154 – 163. Appendix, Pages 237 – 239, 245 – 247, 321 – 325.
[16] AUGSC-CV-20-00222; Complaint, various additional filings, testimony.
[17] AUGSC-CV-21-00014; Complaint, various additional filings, testimony.
[18] BANSC-CV-20-00017; Complaint, Exhibits, various additional filings.
[19] BANSC-CV-20-00055; Complaint, Exhibits, various additional filings.
[20] SKOSC-CV-20-00006; Complaint, Exhibits, various additional filings.
[21] PENDC-CR-16-20309; Testimony, Off-Record discussion with District Attorney Marianne Lynch.
[22] AUGDC-CR-18-20983; Various Filings, Testimony.
[23] AUGDC-CR-18-21183; Various Filings, Testimony.
[24] WATDC-PA-18-00329; Various Filings, Testimony.
[25] WATDC-SA-18-00377; Various Filings.
[26] WATDC-SA-18-00383; Various Filings.
[27] PENDC-PA-16-00103; Various Filings, Testimony.

The Petitioner has made The Honorable United States Supreme Court aware multiple times of the Fact that he has been Tortured[28] [29] [30] [31] [32] [33] [34]. The Petitioner has additionally made the United States First Circuit Court of Appeals aware of the Fact that he has been Tortured[35] [36] [37] [38] [39]. The Petitioner has furthermore made The United States District Court of Maine aware of the Fact that he has been Tortured[40] [41] [42] [43] [44] [45]. 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.

The United States Federal Court(s) are therefore in violation of Constitutional, Federal and International Law, as is explained below.

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[28] Petition for Writ of Certiorari 19 - 299.
[29] Petition for Writ of Certiorari 19 - 448.
[30] Petition for Writ of Certiorari 20 - 7827.
[31] Petition for Writ of Certiorari 20 - 8474.
[32] Petition for Writ of Certiorari 21 - 5493.
[33] Petition for Writ of Certiorari 21 - 5865.
[34] Petition for Writ of Certiorari RE: 20-1777 (First Cir.) filed 11/12/21.
[35] 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.
[36] 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.
[37] 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.
[38] 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.
[39] 21-1565, Pages 40 – 48, 48 – 54, 55; "Motion for Court-Appointed Attorney" 11/27/20 ¶5; "Second Motion for Court-Appointed Attorney" 12/08/20 ¶¶5, 8, 9;
[40] 1:19-CV-00486-JAW; Complaint(s), Exhibits, Various Filings.
[41] 2:19-CV-00514-JAW; Complaint(s), Exhibits, Various Filings.
[42] 1:20-CV-00011-JAW; Complaint(s), Exhibits, Various Filings.
[43] 1:20-CV-00043-JAW; Complaint(s), Exhibits, Various Filings.
[44] 1:20-CV-00137-LEW; Complaint, Exhibits.
[45] 1:20-CV-00149-LEW; Complaint, Exhibits.

It is all-too clear that The United States Court System, State and Federal, 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, as will be explained below.[46]

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, as will be explained below.[47]

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 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

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

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

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.[48]

The Petitioner notes that Torture is both a 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 "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.[49] Anything less is willful neglect and a crime.

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

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

Setting aside The Maine State Courts' refusal to abide by Federal Law and The United States Constitution, The Federal Courts' – and the Department of Justice – unquestionably have Jurisdiction over Torture and Claims of Torture.[50] The Federal Court(s) has offered no response whatsoever as to why it continues to ignore the Fact that the Petitioner has been Tortured and has refused to assist him 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, 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

[50] Ref. "USC Chapter 113C – Torture" Appendix G; "Geneva Conventions Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment", Appendix H).

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.[51]

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 H).

The Petitioner has alleged he has been Tortured by Federal Government Employees during his employment at CDI Aerospace (United Technologies Corp. Hamilton Sundstrand – now Raytheon, Windsor Locks, CT) during the years he worked there, 2012 – 2013, to all of the Federal and State 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 Bangor Police Department 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*

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

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 of America] 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 H).

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", which is Disneyland compared to what the Petitioner has endured); the Torture the Petitioner has endured from United States

Government Personnel is much, much worse, and the injury he has suffered has been lasting, persistent, and painful – and it shows no signs of abating.

Somehow simply "wishing away" the Petitioner's allegations of Torture as unfounded, frivolous, or not rising to the level of Torture, is in violation of The Geneva Conventions Against Torture, Articles 12, 13 and 16. Article 13 is quoted above, and Article 12 states specifically that:

> "Each State Party [including the United States of America] 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 H).

And Article 16 continues to state specifically that:

> 1. "Each State Party 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 H).

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, and 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, as Maine State

Senator Susan Collins did not, when she has stated, verbatim, "Also, in your letter you use the word *tortured* to describe how you were treated. For purposes of this letter I will use the term *mistreated"* (how thoughtful of her), 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).

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

Therefore, there is "reasonable ground" to believe the Petitioner has been tortured (or at least subjected to Cruel, Inhuman, or Degrading Treatment) as he has pled numerous times pursuant to *Artuso v. Vertex Pharm Inc.,* 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 incorrectly 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.*, 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 a *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 G), International Law (Appendix H), 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.* 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 (save Collins' denial),*** 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.,* and an investigation is therefore demanded pursuant to The Geneva Conventions against Torture, Part 1, Articles 12, 13, 14 and 16 (Ref. Appendix H), 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 (save Collins' denial, if that is somehow a response).

Thus, at present, almost six years' have passed since the Petitioner first disclosed 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 G), The United States Constitution[52], or International Law, specifically The Geneva Conventions Against Torture (Appendix H).

The Petitioner has asked The First Circuit Court of Appeals specifically and in multiple briefs (citations above), 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 reply.***

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, and it does not bode well for the future of the Petitioner.

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[52] Citations above.

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 H), United States Law (Appendix G), and The United States Constitution.[53]

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 newly-installed Taliban in Afghanistan,* ***while simultaneously ignoring Torture perpetrated upon our own citizens within our own country by our own Government Personnel.*** The holier-than-thou balloon pops upon investigation of the Petitioner's allegations of Torture.

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. Thus The Honorable United States

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

Supreme Court cannot afford to cast a blind eye to this issue and thus Certiorari should be granted, and at the very least, the *indigent and Pro Se* Petitioner should be put in contact with an Agency that can and will assist him with the issue of the Torture he has suffered.

4. **The Petitioner and his family continue to be harassed by The Government and their cronies and this harassment is illegal, unconstitutional, and unjustifiable.**

Petitioner has alerted The Honorable Court to the fact that he and his family have been harassed by The Government (and their cronies) in Pet. for Writ. of Cert. 18-299 and 18-448. The Petitioner must sadly inform the court that this harassment and intimidation is continuing, and asks the court for assistance.

The Petitioner moved home to his parents' house in December of 2019. Immediately upon moving back in with his parents, petitioner has been harassed and continues to be harassed by all three of his neighbors. This harassment includes, but is not limited to, loud, obnoxious conversations about the Petitioner spoken in louder than conversational tones of voices (clearly meant to be overheard by the Petitioner) overheard from his neighbors back yard, the neighbors' yelling directly at the Petitioner from the neighbors back yard, gunshots fired from the neighbors back yard *at a much greater than average frequency* when the Petitioner is outside, and the neighbors' stalking the petitioner from the neighbors back yard. Note that only one neighbor has a back yard directly adjacent to the Petitioner's back yard although he has been harassed by all three neighbors from that back yard (a communal harassment site, apparently).

The Petitioner's parents have directly witnessed some of this *intentional harassment* and will attest to it if the need arises. Again, the examples cited above are not all-inclusive.

Petitioner also finds that he cannot go anywhere (besides court) and reasonably expect to be left alone. It is clear the Petitioner is under round-the-clock surveillance although if this surveillance is supposed to be covert, the actors are blowing their cover on purpose. The Petitioner and his father could find no peace of mind during ice fishing season and the regular fishing season this year due to this type of harassment, and Petitioner's father can and will attest to it if the need arises.

Petitioner knows one neighbor is a law enforcement officer and another works for the Federal Government, and expects no help from either institution.

Petitioner therefore asks The Honorable Court to end this intimidation and harassment of his family that is being conducted by The Government.

CONCLUSION

The Petition for Certiorari should be granted, and the Petitioner 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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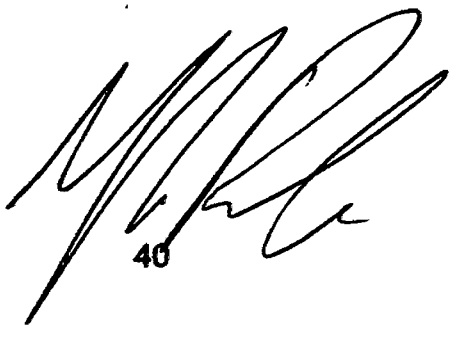

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