

~~21-6881~~ ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

Supreme Court, U.S.
FILED

DEC 16 2021

OFFICE OF THE CLERK

Aaron J. Bressi — PETITIONER
(Your Name)

vs.

Tracy McCloud (et al.) — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron J. Bressi
(Your Name)

PO Box A
(Address)

Bellefonte, PA 16823
(City, State, Zip Code)

N/A
(Phone Number)

(Page 1 of 2)

Question(s) Presented

1. How does both U.S. District and U.S. Appeals Court motions for appointment of Counsel get dismissed and not be granted pursuant to rule (28 U.S.C. § 1915(e)(1)) of the Federal Rules of Civil Procedure.
2. How does both U.S. District and U.S. Appeals Court, erred by not Serving the defendants.
3. How does this Amended Complaint not be granted pursuant to (Fed. R. Civ. P. 15(a)(2)), which freely gives the Court leave to amend Pleadings, when Justice so requires/as a matter of law.

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4. How does both U.S. District and U.S. Appeals Court, erred by not Serving Subpoenas pursuant to (Fed. R. Civ. P. 45) to obtain evidence towards Claims against defendants.

5. How does this Amended Complaint get dismissed, (for failure to State a Claim).

6. How and why was plaintiff not given opportunity to amend Complaint, (other than a retaliation Claim).

7. How Can these very Serious issues Stated throughout amended Complaint, not be Under Consideration as a importance to the public of the issue. It is a very Serious public issue to allow full blown Criminals run the Pennsylvania Criminal Justice System.

LIST OF PARTIES

[] All parties appear in the caption of the case on the cover page.

X 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:

Brittany Duke	Edward Greco
Ronald McClay	Michael Suiders
Matthew Narcavage	James Best
Daniel Shoop	Vince Rovito
Jill Henrich	Rachael Glasoe
Terry Kechem	Amy Stoak
Patrolman Adams	Kimberly Rickert
Christopher Lapotski	Cathy Duzick
John Gembic; and,	Michael Fantagrosse
office Clerks.	Jennifer Fantagrosse
Benjamin Alhelbalm; and,	Richard Stienheart
office Clerks.	Ginger Stienheart
Michael Toomey	Jeffery Leach
Michael Seward	Denise Carnuccio
Degg Stark	Jeffery Long
Jill Fry	Tyler Mummy
Charles Saylor	Kimberly Seddon
Paige Rosini	Chastity Seddon
Snyder County Prison	Northumberland County
warden; and office Clerks.	Prison warden; Bruce
	Kovach; and Deputy
	warden James Smink;
	Counselor Samuel
	Kranzel.

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APPENDIX G: United States Court of Appeals, Petition for rehearing.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>West v. Atkins</u> , 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988).	(3, 10)
2. <u>Piecknick v. Pennsylvania</u> , 36 F.3d 1250, 1255-56 (3d Cir. 1994).	(3)
3. <u>Taylor v. Barkes</u> , 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015).	(3, 7)
4. <u>Stump v. Sparkman</u> , 435 U.S. 349, 356-57 (1978).	(3, 8)
5. <u>Montgomery v. Pinchak</u> , 294 F.3d 492, 499 (3d Cir. 2002).	(4)
6. <u>Tarbor v. Grace</u> , 6 F.3d 147, 153 (3d Cir. 1993).	(4)
7. <u>Smith-Bey v. Petsock</u> , 741 F.2d 22, 26 (3d Cir. 1984).	(4)
8. <u>Erickson v. Pardus</u> , 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007).	(5)
9. <u>Estelle v. Gamble</u> , 429 U.S. 97, at 106, 97 S. Ct. 285, 50 L. Ed. 2d 251 (1976).	(5)
10. <u>Boykin v. Keycorp</u> , 521 F.3d 202, 214 (2d Cir. 2008).	(5)
11. <u>Blackhawk v. Pa.</u> , 381 F.3d 202, 215 (3d Cir. 2004).	(8)
12. <u>Malibu Media, LLC. v. John Does</u> 1-11, U.S. Dist. Lexis 26217 (2013).	(9)

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Tables of Authorities Cited

13. Mark V. Borough of Hatboro, 51 F.3d 1137, 1141 (3d Cir. 1995). (Page No. 11).

14. Chavarriaga V. New Jersey Dep't of Corr., 806 F.3d 210, 222 (3d Cir. 2015). (Page No. 12)

15. Rode V. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988). (Page No. 12)

Statutes and Rules:

1. 42 U.S.C. § 1983

2. 28 U.S.C. § 1915(e)(1)

3. Fed. R. Civ. P. 15(a)(2)

4. Qualified Immunity / Judicial Immunity / Immunity from Suit.

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Statutes and Rules:

5. Fed. R. Civ. P. 45

6. Fed. R. Civ. P. 45(g)

7. Consideration Governing Review on Certiorari (Rule 10); That this Petition/Case is a very Serious importance to the public of the issue.

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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

☐ For cases from **federal courts**:

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

☐ reported at _____; or,

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

☒ is unpublished.

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

☐ reported at _____; or,

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

☐ is unpublished.

☐ For cases from **state courts**:

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

☐ reported at _____; or,

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

☐ is unpublished.

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

☐ reported at _____; or,

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

☐ is unpublished.

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JURISDICTION

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

The date on which the United States Court of Appeals decided my case was Nov. 1st 2021.

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

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: Dec. 12nd 2021, and a copy of the order denying rehearing appears at Appendix D.

[] 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).

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CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. (42 U.S.C. § 1983), It States a Claim for relief under § 1983, a Plaintiff must allege, first, the Violation of a right Secured by the Constitution or laws of the United States and, second, that the alleged deprivation was committed or caused by a person acting under color of state law. (see) West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Piecknick v. Pennsylvania, 36 F.3d 1250, 1255-56 (3d Cir. 1994).

2. Also, Civil damages are liable to Plaintiff, when the Government officials/Police officers involved violated a statutory or constitutional right that was clearly established at the time of challenged conduct. (see) Taylor v. Barkes, 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015). (Please Also See) Stump v. Sparkman, 435 U.S. 349, 356-57 (1978).

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STATEMENT OF THE CASE

1. It States the Honorable District Court does have discretion to request and or grant an attorney to represent any person unable to afford Counsel pursuant to (28 U.S.C. § 1915 (e)(1)); (See) Montgomery V. Pinchak, 294 F.3d 492, 499 (3d Cir. 2002); (See also) Tabron V. Grace, 6 F.3d 147, 153 (3d Cir. 1993).

Also it states the United States Court of Appeals for the Third Circuit also has the discretion to grant and or appoint Counsel for an indigent/Pro se litigant. It States appointment of Counsel should be made when Circumstances indicate the likelihood of Substantial Prejudice to him resulting, for example, from his probable inability without such assistance to present the facts and legal issues to the Court in a complex but arguably meritorious case. (See) Smith-Bey V. Petsock, 741 F.2d 22, 26 (3d Cir. 1984).

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2. The Honorable District Court and Honorable Appeals Court did in fact erred in not serving the defendants. It states, A document filed (Pro Se) is to be liberally construed, and a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers. (See) Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007) (Citing Estelle v. Gamble, 429 U.S. 97, at 106, 97 S. Ct. 285, 50 L. Ed. 2d 251, (1976); (See also) Boykin v. Keycorp, 521 F.3d 202, 214 (2d Cir. 2008).

3. The Honorable District and Honorable Appeals Court did in fact erred by not amending plaintiff's

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amended Complaint pursuant to the way and why plaintiff Stated in his motion to amend Complaint pursuant to (Fed. R. Civ. P. 15(a)(2)), when amended Complaint was filed. (See) (Appendix E).

which in fact was to have these Claims brought against these defendants in their Individual Capacity also. This would remove all Absolute Immunity from all defendants against these Claims, as well as their Complaints and Claims being barred by the Eleventh Amendment.

It States Qualified Immunity Shields government Officials from Civil damages liability unless the Officials Violated a Statutory or Constitutional right that was Clearly established at the time of the Challenged

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Conduct, which these Government Officials / defendants / Criminals knowingly did. (See) Taylor V. Barkes, 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015).

Also, the Third Circuit has remarked that qualified immunity provides ample protection to all but the plainly incompetent or those who knowing violate the law. These government Officials / defendants / Criminals without a doubt knowingly violated the law against the plaintiff, and may as well be known as being plainly incompetent due to how serious and dangerous these crimes were that were committed against the plaintiff by these defendants. (See)

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Blackhawk V. Pa., 381 F.3d 202, 215 (3d Cir. 2004).

It also States in the Federal Rules of Civil Procedure in both the Honorable District Court and Honorable Appeals Court that a Judge will be deprived of his/her immunity, (this included District Attorneys and Assistant District Attorneys), will be Subject to liability when he/her has acted in the Clear absence of all Jurisdiction. (See) Stump V. Sparkman, 435 U.S. 349, 356-57 (1978). (Please also See) District Court Doc. 15 and 31 (Appendix E, F, and G).

4. The Honorable District Court and Honorable Appeals Court did in fact erred in not Serving two Subpoenas to both Northumberland County

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Offices who were Served [redacted]
Correctly pursuant to (Fed.
R. Civ. P. 45), by the plaintiff!
And also erred by not
holding both Northumberland
County Offices in Contempt
pursuant to (Fed. R. Civ. P.
45(g)), due to the
plaintiff filing a Motion:
To hold in Contempt, due
to both offices failed
without adequate excuse to
obey their Subpoenas.
(See) Malibu Media, LLC,
V. John Does 1-11, U.S.
Dist. Lexis 26217 (2013).
(Please also See) (Appendix F),
and (Appendix G).

5. The Honorable District
Court and Honorable Appeals
Court did in fact erred by
dismissing plaintiff's Amended
Complaint/Claims, for failure
to State a Claim. It States,

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every person who, under Color of Statute, Ordinance, regulation, Custom, or Usage, of any State or Territory or the District Columbia, Subjected, any Citizen of the United States or Other person within the Jurisdiction thereof to the deprivation of any rights, privileges, or immunities Secured by the Constitution and laws, Shall be liable to the party injured in an action at law.... To State a Claim Under Section 1983, a plaintiff is required to show that an individual acting Under Color of State law Violated the plaintiff's Constitutional rights or Statutory rights. (See) West V. Atkins, 487 U.S. 42, 48, 108 S.Ct. 2250, 101 L. Ed. 2d 40 (1988).

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It also States in order for a plaintiff to adequately State a Claim Under Section 1983, he must establish that the defendant(s) deprived him of a right(s) Secured by the United States Constitution acting Under Color of State law. (See) Mark V. Borough of Hatboro, 51 F.3d 1137, 1141 (3d Cir. 1995). (Please See) District Court Doc. 15

6. The Honorable District and Honorable Appeals Court did in fact erred in dismissing plaintiff's Amended Complaint/Claims without affording him the opportunity to amend his Claims regardless of the fact they allowed plaintiff to amend retaliation Claim.

It States, a plaintiff alleging a Constitutional

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Violation must portray Specific Conduct by Officials which violates Some Constitutional right. (See) Chavarriaga V. New Jersey Dep't of Corr., 806 F.3d 210, 222 (3d Cir. 2015). By doing so, a plaintiff must demonstrate a defendant's (Personal Involvement) in the alleged Constitutional violation by adequately alleging either (1) the defendant's personal involvement in the alleged violation; or (2) his actual knowledge and acquiescence in the wrongful Conduct. (See) Rode V. Dellarciprete, 845 F.2d 1195, 1207 (3d Cir. 1988). (Please also See) District Court Doc. 15 and Doc. 31 (Appendix E, F, and G).

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7. That the Honorable District Court and Honorable Appeals Court did in fact erred so seriously on these issues, that this Honorable Supreme Court of the United States, 100% without a doubt should take the consideration of the serious importance to the public of the issue. It is a very serious and dangerous issue to have these very serious and dangerous criminals/ Government Officials/ Defendants operate/run the Criminal Justice System in the State of Pennsylvania.

Also, by protecting these Government Officials/ Criminals/ Defendants with Immunity from Suit/lawsuit, so they can do whatever they want, to whoever

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they want, whenever they want, by using the Criminal Justice System as a weapon towards innocent people. (See) District Court Case No. 4:18-CV-1345, Doc. 15 and Doc. 31, along with all (Exhibits) filed towards Amended Complaint/Claims as evidence against these Very Serious and dangerous government officials/Criminals/defendants.

Which now 100% without a doubt gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case.

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REASONS FOR GRANTING THE PETITION

I Aaron J. Bressi ask this Honorable Supreme Court of the United States to grant this Petition for a writ of Certiorari pursuant to (Rule 10) of this Honorable Court.

This Petition 100% without a doubt falls under the Judicial Discretion of this Honorable Court's Considerations governing review on Certiorari. (See Rule 10); (See also) District Court Doc. 15 and Doc. 31, along with all exhibits filed as evidence towards Amended Complaint/claims. (Please also See); (Appendix E, F and G).

Which now gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case. (see) (Appendix) A, B, and C, and E). (See also) District Court Doc. 15 and Doc. 31, along with all exhibits filed as evidence towards Amended Complaint/claims.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Aaron Bressi

Date: December 16, 2021