Miscellaneous Docket No. 21-7528 ORIGINAL

In the Supreme Court of the United States

In re Philip A. Bralich, Ph.D.
Pro Se Petitioner

On a Petition for a Writ of Certiorari under United States Supreme Court Rule 10 to the Supreme Court of the United States for Bralich v. Fox News Network, LLC et al, Case No. 20-cv-9161 (LLS) before Senior United States District Judge, the Honorable Louis L. Stanton of the United States District Court of the Southern District of New York appealed as Case Nos. 21-884 and 21-904 of the United States Appellate Court of the Second District which reached final judgment January 5, 2022.

PETITION FOR WRIT OF CERTIORARI WITH APPENDIX IN SUPPORT

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QUESTIONS PRESENTED

The questions presented for review in this matter concern a) the decision of the United States District Court for the Southern District of New to dismiss *sua sponte* Civil Case No. 20-cv-9161 (LLS), Bralich v. Fox News Network LLC et al, b) the seeming rapid and unjust review of the complaint, c) the mistreatment of pro se efforts and significant successes in spite of marked improvement through meeting the Court's recommendations, d) the pressing matter of national interest and importance of the matter in question, and e) the unique and novel issue of Civil Rights that is damaging the nation's integrity, efficiency, and fundamental structure.

This case is currently before the United States Appellate Court for the Second District pending judgment. This petition for a Writ of Certiorari before a judgment in that case has been rendered is tendered as per United States Supreme Court Rule 11 which provides for such early petition to the Supreme Court in pressing matters of national interest and importance and according to 10(c) the unique and novel issue of Civil Rights that has yet to be judged or legislated and which, as just stated, challenges the nation's integrity, efficiency, and fundamental structure. The federal questions were first raised in the initial filing of the complaint of January 29th, 2021, and then in petition for the Writ of Mandamus initially dated February 26th, 2021.

The decision by the United States District Court of the Southern District of New York in the above referenced case is the sole extant judgment being appealed

but without a successful appeal of this judgment the pressing matters of national interest and importance will be excluded from adjudication.

LIST OF PARTIES

PHILIP A. BRALICH, PH.D.,
Pro Se Petitioner,

v.

SUZANNE SCOTT, CHAIRMAN AND, CEO, FOX NEWS NETWORK, LLC, PHILIP T. GRIFFIN, PRESIDENT, MSNBC, JEFF ZUCKER, CEO, CNN WORLDWIDE, GAVIN MORISADA, ABC, INC.,CHAIRWOMAN RONNA MCDANIEL, REPUBLICAN NATIONAL COMMITTEE, TOM PEREZ, CHAIR, DEMOCRATIC NATIONAL PARTY, DONALD J. TRUMP, SEAN HANNITY, TUCKER CARLSON, MARK LEVIN, CHARLES PAYNE, LAURA INGRAHAM, NANCY GRACE, HARRIS, FAULKNER, GREG GUTFELD, MARIA BARTIROMO, RACHEL MADDOW, DON LEMON, JOY BEHAR, WHOOPI GOLDBERG,ROSIE O'DONNELL, KELLY FINEY CHRISTINE KERR, DEFENSE LANGUAGE INSTITUTE AND FOREIGN LANGUAGE CENTER, SUZANNE COATES, MARTHA RZASA, GERALDO RIVERA, JESSE WATTERS, BRIAN KILMEADE, GOVERNOR MIKE HUCKABEE, JUDGE JEANINE PIRRO, DANA PERINO, JUDGE NAPOLITANO, KARL ROVE, NEWT GINGRICH, KEN STARR, SANDRA SMITH, SHANNON BREAM, STEVE HILTON, BILL O'REILLEY, VIRGINIA BRALICH, DAVID BRALICH, MICHAEL BRALICH, SUSAN BRALICH, PAUL BRALICH, MARY CONNORS, PAUL MCKINTRYK, BOB NESTER,EVAN WOLFSEN, PALIN FAMILY, REBECCA MANSOUR,

THOMAS MCCARTER, JACQUELINE SCHELLINGER, YOKO KOKUNI-KESSNER AND ROBERT KESSNER.
Respondents

RELATED CASES

Bralich v. Gayner, Case No. 1:21-cv-03800 (RMR-STV) in the United States District Court for the District of Colorado. There are no corporations involved in this petition and thus no corporate disclosure statement is required.

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OPINIONS BELOW

The sole opinion in this matter from the United States District Court for the Southern District of New York in Case No. 1:20-cv-09161 (LLS) appears at appendices A and B to the petition which present the Civil Judgment and the Order of Dismissal respectively and are published on PACER at http://www.pacer.uscourts.gov.

JURISDICTION

This case is currently closed before the United States Appellate Court for the Second District. This action was originally brought under United States Supreme Court Rule 11, "Certiorari to a United States Court of Appeals Before Judgment" which allows a petition for a writ of certiorari to review a case pending in a United States court of appeals before judgment is entered in that court which is based on facts demonstrated herein that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court (See 28 U. S. C. § 2101(e)). However, after 6 attempts to file under Rule 11, a final judgment in the case was reached, and so it now being brought under Rule 10, specifically, Rule 10(c).

Specifically, the basis for jurisdiction in this Court as specified in Supreme Court Rules 10(c) is the novel issue in Civil Rights violations that has yet to be considered by the legislature and the Courts and there are thus no constitutional provisions, treaties, statutes, ordinances, and regulations involved in the case and

by Supreme Court Rule (11) is the significantly pressing national interest and importance of the matters under consideration.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Constitutional and Statutory Provisions involved in this mater are 1)_ pursuant to New York State and New York City Common Law regarding Civil Rights, Sexual Harassment, and Mencher v. Chesley, 297 N.Y. 94, 75 N.E.2d 257 (1947) (Defamation) including reference to NY Penal Code §130.00 (Sexual Harassment) and 2) pursuant to Federal Statute 42 U.S.C.1983 and by that, Constitutional Amendments I, V, , VII, VIII, and XIV, 42 U.S.C. 1981, 1981a, 1985, 1988, § 2000e §§ 102, 230, 245, 270, 400, 703, 704 or 717, and Subsections 3631 and 14141; U.S.C. 18, Chapter 13, § 241, § 242, § 245, § 247, 28 U.S.C. § 4101(1) (Civil Rights); and, as per U.S.C. 18 § 1964(c) (RICO) and referencing U.S.C. 18 § 1962(b) (Extortion) stating that the relevant state criminal laws cited in a RICO Civil suit be included therein, and according to that, pursuant to New York Penal Law §155.05(2)(e) (Extortion) and § 1962 (c) and (d) of the Federal RICO Act.

STATEMENT OF THE CASE

I. Relief Sought.

COMES NOW, pursuant to Supreme Court Rules 10(c) and referencing Rule 11 and 28 U. S. C. § 2101(b) and (e), Petitioner Philip A. Bralich, Ph.D. (Petitioner) hereby humbly and respectfully submits this petition for a Writ of Certiorari

concerning the final judgment of the District Court of the Southern District of New York in the matter of Bralich v. Fox News, et al, Civil No. 20-cv-9161 (LLS) presided over by the Honorable Judge Louis L. Stanton, dated the 18th day of February, 2021, dismissing the case sua sponte for lack of subject matter jurisdiction (see Appendix (1)), now before the United States Court of Appeals for the Second District and pending judgment (In re: Bralich 21-904), requesting of this Court a reconsideration of the judgment and permission to try the case in the United States Supreme Court.

As explained in this petition, the civil case under consideration represents a matter of both a significantly pressing matter of national interest and importance and a unique issue in the area of Civil Rights that has yet to brought before this court or to be considered by the legislature for appropriate legislative action.

II. The Issues Presented.

The Petitioner has argued to the United States Court of Appeals of the Second District and now argues to this the United States Supreme Court that as a sua sponte order of the Court allows no method of appeal in a situation of dismissal for lack of subject matter jurisdiction, he was compelled to petition the Appellate Court for a Writ of Mandamus mandating that the afore-referenced lower Court grant permission for the Petitioner to request a Writ of Certiorari of the Supreme Court to reconsider the final judgment of the District Court of the Southern District of New York cited above and to allow the matter to be reconsidered and then tried within the Supreme Court.

The Civil matter in question is neither frivolous nor is it a means for dilatory or abusive purposes or meant to harass or to cause unnecessary delay or needless increase in the cost of litigation. As described in both the initial paragraph outlining the violated statutes as well as the statement of claim, the suit concerns a dynamic that has been plaguing not only the Plaintiff but countless others in our educational system, corporate workplace, and religious institutions, devastating family, social, and career lives of innocent professionals from all those walks of life as well as emotionally damaging the children who are caught up in this problem among their teachers and parents. This dynamic, usually called school, workplace, or academic mobbing and bullying has been driving a growing body of research and scholarship in a variety of fields including the medical, psychiatric, and legal professions and is calling for effective legal means of addressing and redressing the problem and of legislation that can prevent it.

In that regard, as an early effort in addressing and redressing these problems, the early portions of this complaint could be copied in whole by members of these communities, who, like the Plaintiff, do not have the financial wherewithal to hire attorneys to defend themselves and make significant forays into the defeat and removal of the problem.

The Plaintiff argues that as a sua sponte Civil Judgment of the Court allows no method of appeal in a situation of dismissal for lack of subject matter jurisdiction that he is compelled by that alone to make a request of this Appellate Court for a Writ of Mandamus mandating that that lower Court grant permission

for the Plaintiff to request a Writ of Certiorari of the Supreme Court to reconsider said final judgment of the District Court of the Southern District of New York and allow the full matter to be reconsidered and then tried within the Supreme Court.

Were the Plaintiff to request instead the setting aside or the reversal of the lower Court's judgment, there would be no reason for the lower Court not to once again reject the matter for lack of subject matter jurisdiction either immediately or at some time later in the proceedings as the Court has clearly indicated its resolution on this matter.

In addition, the Order of Dismissal by the lower Court states that it has decided that a second amended complaint would not be allowed as the Plaintiff had not met the challenge of addressing the Court's objections to the first complaint in spite of dramatic evidence to the contrary, not the least of which by any measure, was not only a significantly improved statement of the matter in hand and the statutes involved in the initial paragraph, a recrafted plain and simple statement of the claim including considered and effective consideration of Twombly-Iqbal requirements which were new to the Pro Se Plaintiff and which pose a significant challenge to lawyers, judges, and legal scholars alike, and a reduction of the original complaint by 30 pages[1]. In addition, objections to the complaint for being

[1] TWOMBLY/IQBAL NOTE: The original Order to Amend by the lower court strongly suggested among other things that the Plaintiff limit his Amended Complaint to under 20 pages which the Plaintiff assiduously attempted to do and managed to reduce the Amended Complaint to just 25 pages from the original 53, just short of the Court's recommendation.

However, in studying the case law in the Order to Amend in order to properly address the other stipulations of the Court, the Plaintiff became significantly confused and intimidated by the material surrounding the Twombly/Iqbal cases and legal articles in their regard discussing FRPC Rule 8 and their implications for the rest of the complaint, and the Plaintiff felt compelled to expand his discussion of his standing to sue to accurately describe to the court his pro se thinking in this regard, fearing all those matters might have a "Twombly/Iqbal"-

rambling and disorganized are misplaced and seem like a pat dismissal of pro se complaints without actually reading them as this is a typical problem in pro se writing. However, in this case, the Plaintiff is a very well organized, practiced, and experienced writing whose background and experience clearly shows through in that complaint, that, while long, is well-organized and well-structured following court guidelines and providing the reader with sections, subsections, and paragraphs that organized in a top down, hierarchical structure was expected of both legal and academic writing with headings and sub-headings, introductory sentences, support sentences, and conclusory sentences all present and in order.

Even the opportunity to submit a motion to contest the objections presented in the Background and Discussion sections of the Order of Dismissal and allegations that unquestionably indicate that the Discovery process will reveal specifics in more than sufficient detail to convince a jury of the Plaintiff's peers of his allegations was not given due consideration.

Given the improvements from the initial to the amended complaint, in spite of the Court's unwillingness to acknowledge them, either acceptance of the amended complaint as is or leave to present a second amended complaint based on the notion of generosity and leniency to Pro Se litigants alone not withstanding the

type particularity that the Plaintiff could not be fairly expected to know. Thus, 13 pages on the matter were added to Section II(F)(2-7), (pages 9-21) of the amended complaint now under consideration in the Appeals Court herein referenced, out of an abundance of caution and with a humble and respectful apology to the Court for any excess burden this may impose. Hopefully, the Court can either skim through or disregard these pages unless something of the Twombly/Iqbal sort arises.

overall quality and degree of improvement as well as the research into Twombly/Iqbal and other should matters should have been granted.

In particular, the lower Court's judgment as articulated in the Order of Dismissal makes the following arguments, all of which exhibit a determined resolution to prevent the prosecution of the complaint without sufficient justification for doing so as follows,

> 1. Footnote 1 (p. 1): Pro Se confusion caused the Plaintiff to conclude that each Defendant had to be served in his/her own home district to initiate the Complaint though Southern District of New York always seemed to him the most appropriate. When this fact became clear, the Defendant ended his involvement with the other two Courts.
>
> 2. Footnote 2 (p. 3): Is flagrantly false as both the opening paragraphs and the sections on jurisdiction including the Twombly-Iqbal Footnote clearly indicate (Appendices (C) and (D)).
>
> 3. "... is similarly incoherent and lacking in specific allegation." (p. 4): Both the paragraph above and the paragraph below that statement (Appendix Item #(2)) are perfectly coherent albeit a bit complex. A less rapid reading of the Amended Complaint would have revealed the coherency and the fact that the crimes alleged would come out during discovery and the fact that they were constant and too frequent to count and often by strangers but witnessed by many.
>
> 4. "To the extent that ..." (p. 4) as stated in (3) just above there is sufficient description to demonstrate that fuller details will come out in discovery.
>
> 5. DISCUSSION Section A. Article III Standing (pp. 5-6): These facts were asserted with sufficient particularity to guarantee that Discovery would reveal details and further indicates a too rapid, too pessimistic, and too dismissive reading on the part of the Court.
>
> 6. DISCUSSION Section B Further Leave to Amend is Denied (p. 6): As demonstrated in (1) – (5) above, the Court has ignored the many significant and carefully researched improvements to the complaint and has demonstrated the review was too rapid and too hasty to dismiss and that Interrogatories and Requests for Admission would be sufficient to bring much to light. It is almost as though the Court intended to force me to summarize the entire claim in the main body of any application for further consideration by the higher courts.

III. The Facts Necessary to Understand the Issue Presented.

In particular, the Plaintiff argues that the Court's judgment on the matter was mistaken and may illustrate a bias toward the Defendant either conscious or unconscious or perhaps one toward pro se litigants and their tendency to prolix writing to ensure they have covered all the salient facts and details of the case they have to present as well as the many potential legal obstacles and pitfalls that exist in the law and in legal matters that are new to them and with writing skills learned from fields other than law that cannot be redressed through remand to that Court. The Plaintiff further argues that the statement in support of the subject matter jurisdiction of the District Court of the Southern District Court (copied just below) would be accepted by a majority of District Court Judges and as such should be allowed a hearing.

In addition, as the matter in consideration in the Civil Case is one of a significantly pressing and important national matters and one which presents a unique argument, the Petitioner has informed the United States Appellate Court for the Second District that he intends, according to U.S. Supreme Court Rules, 10(c) and Rule No. 11 and 28 U. S. C. § 2101(b) and (e), and had already begun the preparation of said request and will file it with the United States Supreme Court within the next 7 days of the date of that filing.

To elucidate, the unique matter under consideration in that Civil Case is one of what might be called, "Equal Opportunity Bigotry," an as yet undefined category in Civil Rights and thus absent in Civil Rights legislation as well as outside the

scope of FCC regulation, which describes the significantly pressing and important national matter which is the bigotry exhibited between a) political parties, b) of the rich versus the poor and the poor versus the rich, and c) the so-called left-wings and right-wings of American politics which has infected the general population, qualified U.S. voters, significant pieces of legislation, the U.S. educational system in primary, secondary, and college and university programs, the work place, and American media to such a degree as to threaten the foundation of the nation, its foundational documents and democratic system, and to potentially collapse the economy through a refusal to pass significant legislation to the pay the debt while engaged in constant exacerbations of it, to pretend that cutting taxes alone can pay for government, and the deliberate and concerted bamboozlement vis propaganda of the American voting public along these lines among other significantly pressing and important matters through the inability of the FCC to regulate this form of bigotry.

Further, the case being described outlines well-documented seditionist and treasonous activities on the part of wealthy cohorts in this nation to cripple what they refer to as the "tyranny of the majority," the vote, and replace it with wealth based oligarchic control of the government and the electorate.

The documentation of these matters just mentioned are found in University of Kentucky Professor of History Nancy McLean's scholastic research and report, *Democracy in Chains*, which is based on the discovery of an abandoned archive at George Mason University, the documents of which describe strategies, plans,

agendas, and financing for a conscious and deliberate overthrow of the U.S. democracy via the tools of economic warfare to expand the number of the impoverished and to solidify the power and the abuses of the wealthy. The quote below (found on most sites that sell the book), taken from promotions for McLean's book describes the basic dynamic.

> Behind today's headlines of billionaires taking over US government is a secretive political establishment with deep and troubling roots. The capitalist radical right has been working not simply to change who rules, but to fundamentally alter democratic governance. But billionaires did not launch this movement [but joined in troves]; a white intellectual in the embattled Jim Crow South did. This book names its true architect — Nobel Prize–winning political economist James McGill Buchanan — and dissects the operation he and his colleagues designed to alter every branch of government to disempower the majority.
>
> In a brilliant, engrossing narrative, Nancy MacLean shows how these ideas were forged in a last-gasp attempt to preserve the white elite's power in the wake of *Brown v. Board of Education*. By recasting the era's legal and social-movement successes, Buchanan developed a brilliant, if diabolical, plan to undermine the majority's ability to use its numbers to level the playing field between the rich and powerful and the rest of us. Corporate donors and their right-wing foundations were eager to support Buchanan's work in teaching others how to divide America into 'makers' and 'takers'. And when a multibillionaire on a messianic mission, Charles Koch, discovered Buchanan, he created a vast, relentless, and multi-armed machine to carry out Buchanan's strategy.
>
> Based on ten years of research, this revelatory work tells a chilling story of right-wing academics and big money run amok, and is a call to arms to protect the achievements of twentieth-century American self-government. (Multiple sites advertising McLean's book).

To cite just a few of the abuses on the agenda described and documented in McLean's book, they include: obscuring census data to give "conservative districts more than their fair share of representation."

"Preventing access to the vote,". "Decrying 'socialized medicine.' Trying to end Social Security using dishonest vocabulary like "strengthened." Lionizing Lenin. Attempting to institute voucher programs to "get out of the business of public education." Increasing corporatization of higher education. Harboring a desire, at heart, to change the Constitution itself in a manner that can only be described as "repugnant" to that document.

Efforts to further impoverish the middle and lower classes, to remove access to health care for those of all ages and the other abuses mentioned in brief above and described and documented in detail in McLean's book can only be described as acts of war upon the democratic system established by the Founding Fathers and proscribed in the U.S. foundational documents.

Assessments by the U.S. military of damage done to a nation as the result of war would necessarily include such assessments of deliberate and consequential economic damage, the impoverishment of the populace, their loss of rights, and their loss of access to health care. As such it is necessary to conclude that what is documented in that book are indeed acts of war and as such are seditionist and treasonous.

Further, the propaganda wing of this movement, if you might call it that, is the cable news networks, who, in a constant, vitriolic, and infantile display of all the cheap rhetorical skills of manipulation and control of the populace typical of the bigots of a by-gone age, who in the times before Civil Rights Legislation, operated freely and turned their venom on what are now protected classes, are now

consciously, deliberately, and with great consciousness of their efforts and their guilt in this matter turning their skills in bigotry against unprotected classes such as the poor, the uninsured, and opposing parties to further exacerbate and hasten the destruction of the nation because while the FCC can prosecute such clear violations of the norms of civil society with protected classes, they have no power to do so with unprotected classes.

Their consciousness of guilt in this matter as well as the conscious and deliberate nature of their bigotry has been displaced from the members of the relatively recently formed notion of protected classes and is now projected on to the poor and uninsured by the wealthy and the right by the left and the left by the right both by those informally named and referring to themselves as such and as well as by the major, established political parties.

Their culpability and consciousness in what they do as Equal Opportunity Bigotry is demonstrated in the ease and immediacy of which they can cease the bigoted abuses immediately upon presentation of topics relating to or the presence of members of the protected classes. Members of all the protected classes can be found advocating for and participating in the new Equal Opportunity Bigotry but the poor and largely the left-wing but also the right-wing, not having been identified as protected classes are victims of the abuse.

The issues of the economic war on America, Equal Opportunity Bigotry, treason, and sedition are all part and parcel of the Civil Complaint the Petitioner is requesting a Writ of Certiorari to request that it be heard before the Supreme

Court. Once the Supreme Court weighs in on the issues therein contained, the legislature can follow with appropriate legislation to address and end the problems therein described which threatens the very life of the Republic.

REASONS WHY THE WRIT OF CERTIORARI SHOULD ISSUE.

In order to impress upon both the United States Appellate Court of the Second Circuit and this, the Supreme Court of the United States of the extreme urgency of the matter, the Petitioner would like to point out that there is either an incredibly deluded or deliberate attempt to collapse the U.S. economy as evidenced by the absolute refusal of both sides of the aisle of Congress to propose or even consider the paying down of the national debt while continuing to increase it wantonly and egregiously while blaming the other side of the aisle for the problem.

For example, a simple proposal for a ten-cent percent gallon gas tax aimed solely at the payment of the debt would pay it off entirely in just six or seven years, yet in spite of many efforts to popularize this solution among sitting members of both Houses of Congress, it, and any other possible solution are ignored. In addition, the profoundly foolish notion that tax cuts alone will continue to fund the government and will pay the debt or that the Trickle Down Fairy will solve all problems if there are more and more tax cuts on the wealthy while not a single voice is raised to increase the sense of responsibility of the voters to pay their taxes and their debts is not only unconscionable, it is bound to collapse the economy in short order, and the Petitioner humbly and respectfully suggests that the Court's

immediate attention to this matter will prompt legislation and reforms that will solve both the problems of the economic war on America and the impending collapse of the economy.

In sum, the Petitioner humbly and respectfully petitions this the Supreme Court of the United States to grant a Writ of Certiorari that the Supreme Court might review the above described case in lieu of the lower Court and to excuse any arrogance or disrespect that might be implied by his petition to the Supreme Court for a Writ of Certiorari to hear his Civil Case on appeal via Rule 11 by a Pro Se Plaintiff.

CONCLUSION

The Petition for a Writ of Certiorari should be granted.

Humbly and respectfully submitted,

Philip A. Bralich, Ph.D.

I declare under the penalty of perjury that the foregoing is true and correct.

Signed this first day of March, 2022.

Signature of Petitioner /s/ Philip A. Bralich

INDEX TO APPENDICES

APPENDIX A Order of Dismissal by the Honorable Judge Louis L. Stanton, U.S.D.J. of the District Court of the Southern District of New York, dated February 18, 2021 (attached).

APPENDIX B Civil Judgment by the Honorable Judge Louis L. Stanton, U.S.D.J. of the District Court of the Southern District of New York, dated February 18, 2021 (attached).

APPENDIX C Initial sections of the Initial Complaint.

APPENDIX D Initial section of the Amended Complaint.

APPENDIX E Rulings of the lower court.

TABLE OF AUTHORITIES CITED

CASES

STATUTES AND RULES