

21-7820

TRULINCS 67090509 - THOMAS, DARRON - Unit: PHL-F-S

ORIGINAL

FROM: 67090509
TO: Cita, Carmen; Third Circuit, Submission
SUBJECT: Part 1: SCOTUS Certiorari To CA3
DATE: 04/05/2022 02:18:54 PM

Supreme Court, U.S.
FILED

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Docket Number:

In The United States Supreme Court (SCOTUS)

In Re Darron Thomas

On Petition for Writ of Certiorari to the United States Court of Appeals for the Third Circuit (Ca3) [and the EDPA]

Petition for Writ of Certiorari - Rules 10-11-14 & 29, 33.2, 34 & 39

Darron Thomas - Pro Se

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No counsel is listed for some of the opposing parties; Joseph Labar for the U.S.A.

Questions to be answered:

A. The questions to be answered in this petition are:

1. "HA" is hereafter used or "hereafter." With respect to (wrt) "appeals" of Case 2:21-cv-03683-GJP Thomas v June et al (HA, Case 03683), and U.S. v. Darron Thomas, Crim No: 21-416 (HA, Case 21-416), should a writ of certiorari be issued against the (Federal) Third Circuit Court of Appeals (Ca3) and/or the Federal District Court for the Eastern District of Pennsylvania (EDPA) for:

(a) reducing or refusing to exercise its jurisdiction in claiming that GJP did not deny Darron Thomas' (DT) petition for a preliminary injunction (PI) and/or a Temporary Restraining Order (TRO)?

(b) a clear abuse of discretion in (i) misapprehending the fact that GJP explicitly denied the PI's and/or TRO's, that DT was requesting videos to properly identify and give notice to various government officers, and/or the fact that Ashley Banks had been notified of the petition; (ii) misapplied the law in referencing case(s) that are not applicable and/or in claims that PI's and/or TRO's cannot be issued against the government without notice; and/or contradicted both Ca3 and SCOTUS precedent?

(c) actual bias and/or an apprehension of bias on the part of each individual member of the Ca3 panel that made the January 6, 2022 decision in the instant Ca3 case related to the aforementioned EDPA cases?

(d) making a decision in violation of the due process clause of the U.S. Constitution because the Ca3's January 6, 2022 decision and the EDPA's decisions are based on a distorted view of the record?

(e) For the EDPA exceeding its jurisdiction in Case 2-416 and for failing to recuse in both EDPA cases and the Ca3 sanctioning this wide departure from widely accepted judicial practice, should certiorari be issued?

B. The Parties:

2. The parties to the Cases 03683, 21-416, 2-3072, 21-2887, 22-1367 &/or 22-1386 are:

Darron Thomas (DT)
Plaintiff
vs.

Chad June; Ashley Banks; Bradley K. Moss (Principal Judge); Daniel M Outlaw (Philadelphia commissioner of Police); Officer Samuels & Three (3) Unnamed Security Officers (Municipal Court of Philadelphia), & the U.S.A.

C. List of All Proceedings:

3. The relevant proceedings are:

(a) EDPA Cases: i) Case 03683; ii) Case 21-416.
(b) Ca3 Cases: i) In Re: DT -- No: 21-2887; ii) In Re: Darron Thomas -- Cases: 21-3072, 21-3076, 21-1367, 22-1386, 22-1367.

D. Citations of Opinions and Orders of the EDPA and CA3:

4. The relevant orders are: in Case 03683 Aug 24, 2021; in Case 21-3072 &/or 21-3072 -- Nov 16, 18, Dec 1, 15 -2021, Jan 6, 2022; in Case 21-1367 &/or 21-1386 -- circa March 7, 2022 appointing Dennis Caglia (DC) as counsel.

E. Concise Statement of Jurisdiction in SCOTUS:

5. SCOTUS has jurisdiction pursuant to 28 USC ss 1251, 1254 & 1651;

F. Jurisdiction of the (Lower) Appellate Court:

6. The Ca3 had jurisdiction pursuant to 28 USC ss 1292 & 1651, the EDPA had jurisdiction under 28 USC s 1331 & denied a petition for a PI and/or TRO and refused to disqualify a judge.

G. Statutory Provision Authorizing SCOTUS Review on Certiorari:

7. SCOTUS Rules 10, 11, 12, 13, 14, 21, 29, 33, 34 & 39; & 28 USC s 1254 authorize review upon petition for certiorari. The order(s) to be reviewed were made by the Ca3 on January 6, 2022 in Case No: 21-2887 and Case No: 21-3072. Both cases involve Darron Thomas. A common legal issue is the denial of a writ of mandamus wrt an EDPA judge's refusal to recuse himself. In Case 21-2887, one order denied a petition for mandamus wrt a refusal to disqualify a judge & the other order falsely claimed that the Ca3 did not have jurisdiction to review the 'deferral' of a request for a PI and/or TRO, when in fact the EDPA's order 'denied' the Fed. R. Civ. P. Rule 65 motions for PIs and/or TROs. The EDPA orders were in Case: 03683 and Case 21-416. As an attempt to "chill" the litigation in Case 03683, Darron Thomas (DT) was arrested without probable cause and probable cause, to this date, has still not been determined by a judicial officer in Case 21-416, despite a Franks hearing request cca Jan 4, 2022. This was to prevent DT from prosecuting Case 03683. This was in violation of SCOTUS' holding in Gerstein v Pugh & U.S. Const. Amend. 4. DT was also unlawfully arrested without a warrant for a claimed misdemeanor offense. See items 1 (a)-1(g), 3(b)-3(c), 4-7, 9-12, 19-25 and 29-53 of Exhibit 404 -- DT's EDPA submission circa Mar 28, 2022. However, on January 6, 2022, the Ca3, the same panel as in Case 03683, refused to offer mandamus relief wrt a refusal of "Judge" Eduardo Robreno to recuse himself in Case 21-416. This is despite Robreno engaging in wrongful, excessive, inappropriate and/or undeserved decisions/conduct wrt DT -- see items 1-29 of Exhibit 26 and items 1-23, 53-59, 77-81 of Exhibits 55 & 56 all in Case 21-416. This violated the extrajudicial exception, as set out in Liteky.

H. Constitutional Provisions, Treaties, Ordinances and Regulations:

8. The Provisions involved are:

(a) No Arrest Without Probable Cause, Privacy of Person, Unreasonable Search, Excessive Force (including sexual misconduct), and Possessory Interest Clauses of the U.S. Amend. 4; (b) Due Process, Equal Protection of the Law, Sufficiency of the Evidence, Fair Trial Rights Amen. 5; (c) Right to Petition the Government (including the courts) Clause of U.S. Const. Amend. 1; & 28 USC sections 452, 1331, 1254, 1251, 1651, 455, 2679(b)(2); (d) Right to Self-Representation, Effective Assistance of Counsel, Right to an (Unperverted) Jury Trial, Right to Mount A Defense under U.S. Amend. 5 & 6; (e) Right not to be subjected to excessive bail, & right against inhumane prison conditions -- U.S. Amend. 8.; (f) Equal Protection and Right to acquire possess and defend property under the 14th Amend; (g) Fed. R. Civil. Proc. (FRCivP), Rules 1, 52, 65, Fed. R. Crim. P. (FRCrimP) 4, 5, 5.1, 12, 16, 17, 29, 33, 34, 35, 45; (h) Sections 501-504 of the Pennsylvania Landlord Tenant Law; sections 9-1601-91605, 9-301-9304 & of the Philadelphia Home Code (PHC) & Police Directives enforcing sections 91601-91605 of the PHC; and/or (i) 18 USC 111(a).

I. Statement of the Case, Including Material Facts:

9. Material Facts:

(a) The facts from items 11-51 of the August 20, 2021 Amended Complaint in Case 03683 should be read as if fully and explicitly incorporated here.
(b) The facts from Exhibits 39 and 40 in Case 21-00416 should be read as if fully and explicitly incorporated here.
(c) On Sept 28, 2021 Darron Thomas (DT) was followed to the 2nd Floor of 601 Markt Street, Philadelphia, PA 19106, where law enforcement officers, specifically GM, grabbed DT's hand in an effort to prevent DT from advancing an already docketed case.
(d) On Sept 28, 2021, Kevin Eibel lied that the EDPA no longer had jurisdiction in Case 03683.
(e) On Sept 28, 2021 James Kim (JK), Enrico Elongon (EE), Gregory Marks (GM), Devin Wagerman (DW) and Anthony Clemente (AC) acted constitutionally unreasonable, provocatively, in bad faith, and/or used unreasonable force to try to get DT to

FROM: 67090509

TO: Cita, Carmen; Third Circuit, Submission

SUBJECT: Part 2: SCOTUS Certiorari to CA3 Re Case 03683

DATE: 04/05/2022 08:48:19 AM

Statement o the Case and Matrial Facts Continued:

Material Facts CONTNUED:

(i)The EDPA, Ca3, Prosecutors and defense counsel engaged in a number of coordinated and/or similar conduct as follows:

(A) Gerald J Pappert (GJP), Timothy Rice, Judge Wells and Eduardo Robreno engaged in wrongful, excessive, undeserved or inappropriate conduct. For Wells see transcript of Feb 16, 2022 hearing where she could not find probable cause but still remanded DT in custody. For Rice and Robreno see items 1-23 of Exhibits 26 and 27 and items 1-17, 19-39 and 41-81 of Exhibit 55. For GJP see items 1-19 and 37-53 of Exhibit 40. All exhibits are from Case 21-416.

(B) On Dec 29 , 2021, even though two days late, Joseph Labar (JL) and Dennis Caglia (DC) submitted coordinated jury instructions and/or Voir Dire, where DC waived DT's right to supply jury instructions and the only jury instructions submitted were those of JL.

(C) On November 1, 2021 Robreno convened a hearing and on the same date GJP claims to have denied a recusal motion. See Exhibits 47-51 in Case 21-416.

(D) On Jan 6, 2022, each of the EDPA and Ca3 made coordinated decisions in Cases 21-416, 21-2887 and 21-3072 and/or 21-3076

(E) The clerk and/or person's working in the Clerk's office in each of the EDPA and Ca3 disregarded the law by failing to provide copies of the record to DT or making decisions, such as appointing counsel, refusing to make documents available to the appropriate judge(s) or staying cases/motions, which are outside their authority. See all of Exhibits 117 and 118. Also see items 19-31 of Exhibit 81.

(F) Robreno, JL and DC conspired to deny DT access to material and relevant evidence where DC failed to request such evidence; JL failed to respond to discovery requests by DT; and Robreno failed to remove DC even though there was clear cause. See transcript of the November 22, 2021 hearing; Exhibits 113, 114, 129 and items 7-23 & 29-37 of Exhibits 148 and 149.

(G) Robreno, the Ca3, Patricia Dodszuweit (PD), Mark Wilson (MW), Katrina Young (KY), DC conspired to deny DT the effective assistance of counsel where MW, KY and DC each failed to file any motions or failed to file any motions which set out case law, legal analysis and/or legal authority such that they waived DT's arguments. Robreno then refused to remove DC and then claimed that DT was engaged in prarrel represtetion - represented by counsel and at the same time engaging in self representaion. This was actually Robreno engaging in wrongdoing and trying to take advantage of said wrongdoing. That is, in violation of 18 USC 3006A, Robreno explicitly appointed MW and KY for the purposes of "bail only". See items 1-23 and 19-43 of Exhibits 26 and 55. All of Exhibits 64, 65, 66, 67, 94, 95, 96, 97 and items 7-29 of Exhibits 148 & 149 show that DC was clandestinely appointed for the "purposes of bail only."

Statement of The Case:

10. Under SCOTUS Rule 12.4 the different judgements ae brought to SCOTUS in one petition. Darron Thomas is a common party to all judgments concerned. There are three common and interrelated legal issues pursuant to Rule 12.4, which are (i) perversion of the existence of, or lack thereof, jurisdiction across the EDPA and Ca3; (ii) decisions based on recharacterizations or distorted views of the record; and (iii) petitions for writ of mandamus in connection with refusal to disqualify a "judge".

11. Wrt Case 21-416, when the Ca3 denied mandamus on January 6, 2022, the Ca3 engaged in an embarrassing departure from SCOTUS precedent by sanctioning the EDPA subjeting DT to pretrial restraint of liberty and trial without the court establishing probable cause, and, thereby, personal jurisdiction. All in violation of the holding in Gerstein v Pugh and the U.S. Const. Amend. 4. The Ca3 claimed that mandamus did not flow because the EDPA had engaged in judicial acts. However, a lack of jursdction precludes the EDPA's acts being judicial. See Stump v. Sparkman. Furthermore, even if the EDPA's actions were judicial, per items 53-77 of Exhibits 26 and 27, the 'extrajudicial exception' set out in the Liteky decision implicates mandamus relief because the EDPA had engaged in wronful, inappropriate, excessive or undeserved conduct. For details see items 1-23, 31-47, and 53-81 of Exhibits 26 and 27; and items 1-13, 15-23 and 27-37 of Exhibits 148 and 149.

12. Wrt to Case 03683 & 21-2887, the Ca3 claims they have no jursdiction where the EDPA 'denied' a FRCivP Rule 65 motion for a temporary restraining order (TRO) and/or preliminary injunction (PI). The Ca3 distorts the record and recharacterizes the EDPA's Jan 6 decision as a 'deferral' of the PI and/or TRO. However, this is a distorted view of the record as the EDPA's decision uses the words "deny," "denied," or other form of the word "deny," and does not use any form of the word "defer". See Reyes Mata v. Lynch, 576 U.S. 143, 135 S. CT 2150, 192. L.Ed. 2d 225, 25 Fla. L. Weekly Fed. S 348 (2015) (HA, Reyes

Mata); Steel Co. v. Citizens for Better Environment, 523 U.S. 83, 89, 118 S. Ct. 1003, 140 L. Ed. 2d 210 (HA, Steel Co.); and Colorado River Water Conservation Dist. v. United States (HA, Colorado River), 424 U.S. 800, 817, 96 S. Ct. 1236, 47 L. Ed. 2d 483. Furthermore, the EDPA's decision was based on a distorted view of the record because the EDPA claimed that Ashley Banks (AB) had not been notified of Case 03683. This was a patently false statement by the EDPA. See items 1-29 and 89-119 of Exhibit 39, and items 37-53 of Exhibit 40. In addition to notifying AB, DT had requested videos to identify other parties. This was clear reason why those parties had not been notified. The EDPA falsely claimed that no reason was given for not notifying the relevant parties. Moreover, the EDPA contradicted the case law referenced in the last mentioned exhibits so that it would not have to engage the equitable factors under Fed. R. Civ P. 65. Said case law allowed for TROs and/or PIs to be issued to the gov't without notice but provides for notice and a response by the gov't before the 14 day time limit of a TRO expires. In refusing to exercise jurisdiction, the Ca3 sanctioned the EDPA's wide departure from accepted judicial practice. The Ca3's denial of mandamus relief in Case 21-3072 suffers from the same infirmities. Infirmities which are identical to the denial of mandamus relief wrt case 21-416. Since the relevant case law was already in the record, both the Ca3 and EDPA abused their discretion, violated the Equal Protection clause &/or the Due Process clause by basing their decision on a distorted view of the record. This was to ensure that both the EDPA and the Ca3 would not have to engage their relevant jurisdictions; the merits of the case; and/or the applicable equitable factors wrt 21-3072.

13. With the EDPA not granting hearings in Case 03683 the EDPA & Ca3's decision is effective final. Even if the Ca3 &/or EDPA actions in the instant cases are one-off, denying certiorari may be viewed as condonation, discouraging future remedial action by the EDPA and/or Ca3.

14. The issues presented are important to the public because the situation is such that the courts are singling out pro se litigants, of certain kinds, and on the basis of their status, not conduct, the courts are subjecting such litigants to a "chilling effect." In fact, the courts are being transformed into the machinery of a criminal enterprise. See items 77-81 of Exhibit 26, Exhibit 115, item 1-23 of Exhibit 140; items 1-11, 13-23, and 27-37 of Exhibits 148 & 149. In fact, the courts have gone as far as kidnapping DT to prevent him from advancing his docketed case, all in breach of U.S. Const. Amend. 1, 4, 5, 6, 8 & 14. See the entirety of Exhibits 115, 30 & 31; and items 1-43 & 49-71 of each of Exhibits 39 and 40.

15. Where the EDPA, a Federal District Court, denies a FRCivP Rule 65 motion for a TRO &/or a PI, the Ca3, a Court of Appeals, erred in declining to take jurisdiction over the petitioner's claims because, inter alia, practice of recharacterizing the EDPA's orders (or petitioner's pleadings) so as to offer possibility of relief could not justify the Ca3's alternative approach, what the Ca3 may not do is wrap merits decisions in jurisdictional garb so that SCOTUS cannot address possible division between that court and every other. See Reyes Mata, *supra*.

16. If this case is remanded to the Ca3, a request is made for the Ca3 to be differently constituted to preclude the influence of the Ca3's prior holding. See National Labor Relations Board v. Pittsburg Steamship Company, (HA NLRB).

K. Basis of Federal Jurisdiction In The CA3:

17. 18 USC ss 1331, 1292 & 1651 provides Ca3 & EDPA jurisdiction.

L. Direct and Concise Argument Amplifying the Reasons the Writ Should Be Granted:

18. This is a case where DT, a property owner, sought to protect property by resorting to court remedy, pursuant to FRCivP 1 & 65, Equal Protection of the Law, Due Process, Const. Amend 14 -- defense and protection of property -- in accordance with the right to petition the courts at a time and in a manner that is meaningful, as provided for under Const. Amend. 1. Instead of honoring Const. Amend. 1, 28 USC section 452 and local Rule 40.1.1 in the EDPA, officers of the EDPA kidnapped DT, engaged in provocative conduct, exercised bad faith, and eventually falsely arrested and imprisoned DT; subjected DT to pretrial detention and extended restraint of liberty without probable cause, and eventually to a farcical criminal trial, still without probable cause and where jury instructions and selection were perverted to deceive the jury into reaching a guilty verdict even though the evidence was insufficient. See DT's submission to the EDPA, circa March 28, 2022, (HA, Exhibit 404). items 1(a)-1 (g), 3(b)-3(c), 4-6, & 19-59 are especially relevant.

19. The crux of the matter concerning the Ca3's action in Case 03683 is that, the Ca3 erred in declining to take jurisdiction over DT's appeal of the 'denial' of PIs &/or TROs because whether the EDPA rejected DT's FRCivP. Rule 65 motion for PIs and/or TROs where AB was properly notified and the EDPA was informed of this, or whether the EDPA was aware that DT was requesting video evidence to identify some of the respondents and where TROs can be issued to gov't officers without notice, the Ca3 had jurisdiction to review that decision under section 1292 of 28 USC. The Ca3 did not lose jurisdiction because the Ca3 quoted a case which was entirely dismissed so that petitions for PIs and/or TROs were never considered (clearly distinguishable from DTs case).

20. The Ca3's handling of the appeal in case 21-2887, and/or connected to Case 03683, is similar -- except it was GJP's order that was misconstrued as a 'deferral' instead of a 'denial' -- to Mata's motion (see Mata, *supra*) being construed as something it is not. The Ca3's reading was not a fair and reasonable reading of the record. See National Labor Relations Board (NLRB) *supra*. GJP similarly misconstrued in claiming that AB, one of the respondents, had not been notified. See items 91-129 of Exhibit 39 in Case 21-416. The same is true of GJP's claim that no reason was given for notifying some of the other respondents.

21. Wrt Case 21-416, the Ca3 sanctioned egregious departure from accepted judicial practice when it refused mandamus connected to disqualification of Robreno, when in fact Robreno was operating without jurisdiction because a judicial officer had not determined probable cause within the confines of adversarial judicial proceedings. See items 1-29 of Exhibit 26, and pages 9-16 of Exhibit 27.

22. In terms of the recharacterization engaged in by the CA3 wrt to Case 03683, DT's filings nor the Jan 6 order in Case 21-2887 were not mystifying & did not need recharacterization. See Justice Thomas' dissenting opinion in *Reyes Mata*, *supra*, referencing *Castro*, 540, U.S., at 385-386 for the proposition that such recharacterization is unusual. The Ca3 engaged in this kind of recharacterization of GJP's Aug 24 order. This kind of recharacterization has been disavowed for being used to hamstring the cases of pro se litigants, as is happening in the instant case. See *Reyes Mata*, *supra*.

23. as the night follows day, that the Ca3 had jurisdiction in Case 21-2887. A person seeking to prevent the breach of constitutional rights -- irreparable harm -- as DT was with Case 03683, has a statutory -- 28 USC section 452 -- and Const Amend. 1 right to petition the court for a PI &/or a TRO. See items 31-47 Of Exhibit 40. If the EDPA denies said relief, the Ca3 has jurisdiction to review said decision. Denials of PI &/or TROs by the Ca3 on a distorted view of the record cannot circumvent it's jurisdiction. This is the reason there is a conflict -- all other Circuits accepting jurisdiction to review denials of PIs and/or TROs while the Ca3 says it does not have jurisdiction -- that SCOTUS should grant certiorari to resolve.

FROM: 67090509

TO: Cita, Carmen; Third Circuit, Submission

SUBJECT: Part 3: SCOTUS Certiorari to CA3

DATE: 04/05/2022 08:48:48 AM

24. Nothing changes when the EDPA denies a motion for a PI and/or a TRO because the EDPA falsely claims that at least one party, AB, was not notified and/or cites inapplicable case law. See Fed. R. Civ P. 65, and items 1-29 and 89-127 of Exhibit 39 in Case 21-416. Under s 1292 the Ca3 has jurisdiction to review a denial of a PI and/or a TRO, the Ca3 recasting of said 'denial' as a 'deferral' makes no difference to the jurisdictional issue. Whether the EDPA denied the motions for a TRO and/or PI, and/or the Ca3 or the EDPA distorts the record, or recharacterizes the record unnecessarily, the Ca3 has jurisdiction to review that decision. This is so because when a federal court has jurisdiction, it also has a virtually unflagging obligation to exercise that authority. See Colorado River, *supra*.

25. In Case 21-2887 the Ca3 construed away judicial authority by rebranding the EDPA's 'denial' as a 'deferral.' Such action violates SCOTUS's precedent because it entails sidestepping judicial obligation to exercise jurisdiction and renders relief impossible. This is instead of identifying a route to relief.

26. In respect of Case 21-3072, exhibits 75 and 76 demonstrate that, in the first instance, the Ca3 rebranded the petition for mandamus relief as a petition requesting relief for ineffective assistance of counsel. Of course, there is no relief for ineffective assistance of counsel in the Ca3 while the case is still pending in the Ca3. This caused a delay of a constitutional right, being DT's right to appear before a fair and impartial judicial officer. Breach of constitutional rights are routinely found to be irreparable harm by courts. See items 37-41 of Exhibit 40. As such, the Ca3's recasting/rebranding subjected DT to irreparable harm in Case 21-416, both when it claimed the case was about ineffective assistance of counsel and when it ignored the 'extrajudicial exception' in *Liteky* and claimed that mandamus relief is not available. See items 53-57 of Exhibits 55 and 56.

27. True enough that courts sometimes construe one kind of filing as another. If the court misbrands a motion, but could get relief under a different label, a court will often make the requisite change. But that established practice does not entail sidestepping the judicial obligation to exercise jurisdiction. And it results in identifying a route to relief, not rendering relief impossible. That makes all the difference between a court's generously reading pleadings and a court's construing away adjudicative authority. See Colorado River, *supra*. Also see Moore's Federal Practice section 59.11[4] (3 ed. 2015) (explaining how court's treat untimely Rule 59 motions as Rule 60 motions because there are no time limits on Rule 60 motions).

28. In Case 21-416 the EDPA had a jurisdictional obligation to determine probable cause, per Const. Amend. 4. The EDPA evaded that obligation, and, in so doing, subjected DT to pretrial restraints/conditions and a (farcical) criminal trial. See *Gerstein v Pugh*, Items 1-19 and 23-31 of Exhibit 81, and items 1-11, 13-29 and 31-37 of Exhibits 148 and 149. The Ca3 sanctioned this wide departure from judicial practice when the Ca3 claimed that Robreno was not subject to the mandamus relief sought by DT. See items 1-13, 15-23, and 27-37 of Exhibits 148 and 149.

29. Perversely, the EDPA sought out jurisdiction over 21-00416 by misconstruing their probable cause obligations and the legitimacy of the information filed by the government. Said information was filed in a manner consistent with ambush or surprise. See items 13-29, 31-47 and 51-67 of Exhibits 26 and 27. The government's information also did not use the words of 18 USC 111(a), as the gov't's info used "and" instead of "or" as used in the statute. See *U.S. v Goodwin*, as referenced in items 1-3 of Exhibit 404. Furthermore, the gov't's information did not set out the "knowingly" and "willingly" elements of a violation of 18 USC 111(a). The EDPA was required to assume that it lacked jurisdiction, then engage a process to determine personal jurisdiction, via a probable cause determination, and, secondly, in a two-step sequential process, determine subject matter jurisdiction. See items 9-11 of Exhibit 130, referencing *Lomax*; and items 1(a)-1(g), 3(b)-3(c), 4-6, 9-12, 19-25, and 29-59 of Exhibit 404. The EDPA failed to engage this process of establishing jurisdiction. The EDPA was then obligated to thereafter rule that it had jurisdiction or did not have jurisdiction. This the EDPA did not do. The Ca3 in its Jan 6, 2022 decision regarding Case 21-3072 and/or 21-3076 sanctioned this wide departure from accepted judicial practice that the EDPA had engaged in. That is, the the Ca3 allowed the EDPA to evade statutory and constitutional jurisdictional prerequisites. The Ca3 itself engaged in this kind of evasion in Case 21-2887. See Colorado River, *supra*. Also see *Daimler Chrysler Corp. v Cuno*, 547 U.S. 332, 342, n.3, 126 S. Ct. 1854, 164 L. Ed. 2d 589 (2006), as referenced in Justice Thomas' dissenting opinion in *Reyes Mata* *supra*.

30. DT is proceeding Informa Pauperis (IFP) and was assigned counsel pursuant to 18 USC section 3006A and/or the CJA in both the EDPA and the CA3 in Case 21-416 and Case 22-1386.

31. This subission is being sent via first class mail and has not been notarized because the requirement to notarize in SCOTUS Rule 29.2 is superseded by the IFP rules under SCOTUS' Rule 39.

Appendix A: Order and Opinions

Darron Thomas does not have a copy of most of the orders and opinions in the various court cases because under the current conditions of confinement -- based on false arrest -- and the concerted effort of DC, the CA3 and the EDPA deny DT access to the record, DT has been unable to retrieve copies of the record.

Appendix B: Constitutional Provisions

Provisions per item 7 above.

Appendix C - Other Materials

The other materials include Exhibits 400-412, which show that: (i) the CA3 appointed Dennis Caglia even though there was an ineffective assistance of counsel challenge against Dennis Caglia (DC) involved in the appeal; (ii) that DC had withdrawn, thereby hindering the speed, if not the substance of DT's case, because of the conflict of interest which was known at the time the CA3 appointed DC; (iii) the CA3 reinforced DC's and the EDPA's commitment to deprive DT of access to the record in both the EDPA cases and the CA3 cases; (iv) the FDC has failed to respond to DT's request for documents which would prove DC's dishonesty and dishonesty in the Presentencing Investigation Report (PSR); and evidence which shows that the trial and entire criminal proceedings against DT violated the U.S. Constitution and/or federal law.

Certificate of Service

Circa April 5, 2022

Darron Thomas caused of copy of this petition to be served on Joseph Labar, AUSA, representing in Case 21-416; Ashley Banks at her last known address: 87 W Sharpnack Street, Philadelphia, PA 19119; Bradley K. Moss and Officer Samuels at the Municipal Court of Philadelphia; Danielle Outlaw at the Office of the Commissioner of Police Philadelphia; Chad June, at City Hall Philadelphia either via mail or by submitting electronically to the CA3 whose electronic system should cause the relevant parties to be notified because they were previously notified of action in the CA3 and EDPA.

leave the EDPA.

(f) On Sept 28, 2021 DW rapidly approached DT, DT asked DW to desist, DW came closer, DT raised his hands above his head and turned his back to avoid contact, DW pinned his pelvis (and erect penis) to the rear of DT's body, to severe DW's unreasonable force in the form of his (pelvic) physical contact, DT simultaneously turned around and lowered his arm to about chest height to prevent his elbow from making contact with DW in the vicinity of the head and face. See AC's trial testimony between Feb 23, 2022 and March 1, 2022. In about 5 seconds, DT was then subjected to shoving against a wall, with an attempt to slam DT's face into the wall. In around another 5 seconds, both of DT's hands were secured behind his back but GM, DW, and AC, instead of trying to cuff DT, yanked DT's hands downward & toward the floor causing DT's shoulders and back to drop toward the ground. Between 12 noon and 5:15 PM DT was arrested and transferred to U.S. Marshals, then into the Federal Detention Center (FDC) in Philadelphia. All this happened without a warrant and while DT was seeking to advance litigation which was already docketed in the courthouse where JK, EE, GM, AC, DW and others accosted DT. see eference t Exhibit 404 in item 7 above. DT was held in custoy for 72 hours before being afforded a court hearing on Oct 1, 2021.

(g) On Oct 1, 2021, in court, for the 1st time, DT learned that he was charged with misdemeanor violation of 18 USC section 111(a). DT was stripped of court appointed counsel; not afforded a probable cause hearing by a judicial officer; and was subjectd to pretrial conditons of bail, including abridging of the rt to petition the court at a time and in a manner that is meaningful. This is so as DT was ordered not to enter any federl buildings unless escorted by Pretrial Services (PS). Between Oct 1, 2021 and Dec 31, 2021 PS officers either invited DT to enter federal buildings or refused to escort DT into said buildings. Such PS officers include Tamika Baxley on Oct 7, Kim Kaleta between Nov 15 and 22, and Jimmy Gedeus between Dec 15 and Dec 31. See Exhibits 30 and 31; items 3-23, 27-47 and 53-77 of Exhibits 26 and 27; items 1-7 and 17-29 of Exhibits 34 and 35, items 1-11 and 13-37 of Exhibits 34 and 35, items 1-31 of Exhibit 130, all of each of Exhibits 113, 114, and 129; all of Exhibits 117 and 118; items 1-7, 9-13, 5-23, and 27-37 of Exhibits 148 and 149; and DT's Jan 4, 2022 submissions. All exhibits referenced are from Case 21-416.

(i) Between Oct 8 and Oct 15, 2021 probable cause hearings were continued because the gov't failed to deliver documents to DT &/or filed an information less than 3 hours before the start of court hearing.

Table of Contents: Format Of SCOTUS Certiorari Submission:

- (i) Preamble -- Rule 34 Headings
1. Questions To Be Answered [1(a)])
2. Parties to proceeding (list of) [1(b)(i)]
3. List of poceedings in state, federal trial and appellate Courts [1(b)(iii)]
4. Under 1500 words (Rule 33.1), or 5 pages (Rule 33.2), otherwise Table Of Contents required [1c)]
5. Citations of the official and unofficial reports of opinions and orders in Ca3 and EDPA [1(d)]
6. Concise statement of basis for jurisdiction in SCOTUS [1(e)]; date of order to be reviewed and stating that petition filed under Rule 11 [1(e)(i)]; ...
7. Statutory provision authorizing SCOTUS review on certiorari [1(e)(iv)] -- see 28 USC section 2101(a)-(e).
8. Constitutional provisions, treaties, ordinances and regulations involved in the case. Where not set out here, put in Appendix in accordnce with l(i) [maybe error, instead of h(i)] [1(e)(v)].
9. Statement of the case setting out the facts material to consideration of the questions presented [1(g)].
10. Basis of federal jursdiction in Ca3 [1(g)(ii)]. -- 28 USC ss 1331, 1292
11. Direct and concise argument amplifying the reasons for allowance of writ [1(h) -- see Rule 10].
12. The opinions, orders, findings of fact, and conclusions of law, written or orally given and transcribed, in conjunction with decision for which review is sought [1(h)(i)].
13. Any other relevant opinions, ..., conclusions of law ...
14. Paper filings a must [Rule 29.1]
15. 1st Class mail with notarization from prison and prepaid stamps required to be in mail prior to expiration of 90 days, pursuant to 28 USC section 1746 [Rule 29.2].
16. Service of 1 copy required under Rule 33.2. If Under Rule 33.1 3 copies required for service [Rule 29.3]
17. Service to U.S. Solicitor General in lieu of service to federal gov't or officer thereof. Address Room 5614, Department of Justice, 950 Pennsylvania Avenue, N.W., Washington DC 20530-0001. Where officer should appear also serve officer [Rule 29.4(a) and 9(b) constitutional challenge to Act of Congress, with need to state that 28 USC section 2403(a) may apply; or a state with need to state that recite 28 USC section 2403(b) may apply, with service to State Attorney General (SAG), & state whether the lower court cerified to the SAG the fact that the constitutionality of a statute of that state was drawn into question (See Rule 14.1(e)(v)].
18. Proof of Service must accompany the filing with SCOTUS Clerk [Rule 29.5].
19. Appendix A - Orders & Opinions
20. Appendix B - Constitutional Provisions
21. Appendix C - Other Materials