

Supreme Court, U.S.

FILED

NOV 19 2021

OFFICE OF THE CLERK

21-924

No. USCA11 No. 21-11526

IN THE  
SUPREME COURT OF THE UNITED STATES

MICHAEL R. ATRAQCHI AND  
IRENE S. ATRAQCHI,

PETITIONERS,

v.

UNITED STATES OF AMERICA, ET AL.,

RESPONDENTS.

On Petition For A Writ of Certiorari To The United  
States Court of Appeals For the Eleventh Circuit

**PETITION FOR WRIT OF CERTIORARI**

Michael R Atraqchi, Pro se  
Irene S Atraqchi, Pro se  
6902 West Hillsborough Avenue, #103  
Tampa, FL 33634  
(813)-886-7799 Ext 103

RECEIVED

DEC 22 2021

OFFICE OF THE CLERK  
SUPREME COURT, U.S.

## CAPITAL CASE QUESTION(S) PRESENTED

In the instance case, there has been a split of authority between the Eighth Circuit in *Abramson v Mitchell*, 459 F.2d 955 (1972), and the case at hand in the Eleventh Circuit when the District Court dismissed the federal question complaint *sua sponte* pursuant to Statute 18 USCA 2520 without a hearing, as "frivolous" in direct conflict with the ruling of Mr. Justice Clark of the U.S. Supreme Court sitting in special designation in the Eighth Circuit who held that cases under Statute 18 USCA 2520 should not be dismissed, but rather a hearing should be held, evidence produced, and decision made accordingly.

The question to be presented:

1. Whether the opinion of the Eleventh Circuit affirming the lower Court's decision in dismissing the Pro se, federal question *in forma pauperis* complaint pursuant to 18 U.S.C 2520 as "frivolous" without a hearing, is in direct conflict with the opinion of the Eighth Circuit rendered in *Abramson v Mitchell*, 459 F 2d 955 (Circuit 8, 1972).

There has been a split of authority between the Ninth Circuit in *Denton v Hernandez*, 504 U.S. 25 (1992) and the Eleventh Circuit opinion, affirming the lower court's decision to dismiss the Atraqchis' complaint pursuant to 28 USC 1915 as frivolous without a hearing.

The question to be presented:

2. Whether the opinion of the Eleventh Circuit affirming the lower Court's decision in dismissing the Pro se *in forma pauperis* complaint as frivolous pursuant to 28 USC 1915 without a hearing, is in direct conflict with the opinion of the Ninth

Circuit rendered in *Denton v. Hernandez*, 504 U.S. 25 (1992) when remanded for a hearing.

Dylann Roof, an individual unknown to the Atraqchis, has been accused and convicted for a hate crime and the murder of nine members of the Emanuel African Methodist Episcopal Church, Charleston, S.C., June 17, 2015, and now he is sitting on death row at Terre Haute Indiana Federal Penitentiary.

Dylann Roof has been convicted wrongly of hate crime and murders since he acted lawfully within his Constitutional protected right, "in the defense of others," when he discovered a conspiracy to kill the Atraqchis, organized and conducted by Michelle Obama from the White House to kill the Atraqchis on the streets of Tampa, Florida executional style by the members of that Church when he acted lawfully and gunned down the conspirators in the basement of that Church, in 2015, at Charleston, South Carolina, and disrupted the conspiracy and saved the Atraqchis' lives.

The only avenue available at law for Dylann Roof to exonerate himself is through Statute 18 USCA 2520 when it is invoked in the Atraqchis' case above, to prove a conspiracy of illegal wiretapping and electronical surveillances to murder the Atraqchis and to save his life.

Inmate Dylann Roof acted legally and promptly when he saved the Atraqchis' lives from being killed (shot to death) by the members of the Emanuel African Methodist Episcopal Church of South Carolina and were in their final meeting to commit the crime of murdering the Atraqchis on the streets of Tampa, Florida on Michael Atraqchi's birthday, which is June 19, and saved the Atraqchis' lives.

Dylann Roof acted within his Constitutional rights when he shot and killed nine members of the Emanuel AME Church "in defense of others," to save the Atraqchis' lives and to stop the conspiracy from going forward and kill the Atraqchis on the streets of Tampa.

The above stated conspiracy to kill the Atraqchis was organized and conducted through illegal wiretapping and electronical surveillances imposed upon the Atraqchis by the acts of the Government and certain Christian denominations to convert them from being Muslims, and was ordered by Michelle Obama and her husband, Barack Obama, directly from the White House to silence the Atraqchis for raping and the prostitution of their daughter, by Barack Obama on the streets of Los Angeles, California for money in 1985, and to protect their reputation, and to evade being sued by the Atraqchis for illegal wiretapping and electronical surveillances.

The Atraqchis' daughter who is an honor student with an M.S. in Microbiology from Montana State University at Bozeman, Montana and the University of North Dakota, Grand Forks, North Dakota respectively, was leased for forced prostitution to Barack Obama on or about 1986 by Mumtaz Fargo of Billings, Montana, member of the faculty of University of Montana at Billings after raping and prostituting her in 1977, and now controlling her life and death by the law and psychology, forcing her to tap her parent's telephone, to steal their property and force them into this "Death Cult."

The Defendants use rape, prostitution, and murder as methods of recruitment into this "Death Cult" which now encompasses the USA and other

parts of the World to make the World one race and one religion.

Dylann Roof is believed to be on the field of interception of illegal wire communications imposed upon the Atraqchis when he discovered the conspiracy to kill the Atraqchis and acted promptly to stop the conspirators from going forward with their plan to assassinate the Atraqchis, by shooting them to death on the streets of Tampa, Florida, and saved the Atraqchis' lives.

The question to be presented:

3. Whether Dylann Roof who now is on death row at Terre Haute Indiana Federal Penitentiary for a hate crime and murders, has been wrongfully sentenced to death when he acted within his Constitutional rights" in the defense of others," and saved the Atraqchis' lives, and his only remedy available at law is Statute 18 USCA 2520 to prove a conspiracy of illegal wiretapping and electronical surveillances to kill the Atraqchis, to save his life and set him free.

### **LIST OF PARTIES**

All parties who 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:

Respondents who do not appear in the caption of the case on the cover page are:

Barack Obama, 2446 Belmont Road NW, Washington, D.C. 20008-1610

Michelle Obama, 2446 Belmont Road NW, Washington, D.C. 20008-1610

Shirley Svenson, 7062 Pantego Drive, Fayetteville, North Carolina 28314

Mumtaz Fargo, 1635 Cordova Avenue, Redlands, California 92373-4831

Petitioners are not a corporation. A corporate disclosure statement is not required under Supreme Court Rule 29.6

### **RELATED CASES**

None

## TABLE OF CONTENTS

QUESTIONS PRESENTED.....	i
PARTIES TO THE PROCEEDING.....	v
TABLE OF AUTHORITIES.....	viii
OPINIONS BELOW.....	1
JURISDICTION.....	1
CONSTITUTIONAL AND STATUTORY	
PROVISIONS INVOLVED.....	2
STATEMENT OF THE CASE.....	3
Factual Background.....	3
Procedural Facts.....	5
REASONS FOR GRANTING THE WRIT...	6
1. THE OPINION OF THE ELEVENTH CIRCUIT AFFIRMING THE LOWER COURT'S DECISION IN DISMISSING THE PRO SE, FEDERAL QUESTION <i>IN FORMA PAUPERIS</i> COMPLAINT PURSUANT TO 18 U.S.C. 2520 AS FRIVOLOUS WITHOUT A HEARING, IS IN DIRECT CONFLICT WITH THE OPINION OF THE EIGHTH CIRCUIT COURT OF APPEALS RENDERED IN <i>ABRAMSON V MITCHELL</i> 459 F 2d 955 (CIRCUIT 8, 1972).....	6
2. THE OPINION OF THE ELEVENTH CIRCUIT AFFIRMING THE LOWER COURT'S DECISION IN DISMISSING THE PRO SE <i>IN FORMA PAUPERIS</i> COMPLAINT AS FRIVOLOUS PURSUANT TO 28 USC 1915 WITHOUT A HEARING, IS IN DIRECT CONFLICT WITH THE OPINION OF THE NINTH CIRCUIT RENDERED IN <i>DENTON V. HERNANDEZ</i> , 504 U.S. 25 (1992) WHEN REMANDED FOR A HEARING. ....	8

3. DYLANN ROOF WHO NOW IS ON DEATH ROW AT TERRE HAUTE INDIANA FEDERAL PENITENTIARY FOR A HATE CRIME AND MURDERS, HAS BEEN WRONGFULLY SENTENCED TO DEATH WHEN HE ACTED WITHIN HIS CONSTITUTIONAL RIGHTS IN THE "DEFENSE OF OTHERS," AND SAVED THE ATRAQCHIS' LIVES, AND HIS ONLY REMEDY AVAILABLE AT LAW IS STATUTE 18 USCA 2520 TO PROVE A CONSPIRACY OF ILEGAL WIRETAPPING AND ELECTRONICAL SURVEILLANCES, TO SAVE HIS LIFE AND SET HIM FREE. ....	15
CONCLUSION.....	18

#### .INDEX TO APPENDICES

APPENDIX A      Opinion of Eleventh Circuit, filed October 15, 2021.....	1a
APPENDIX B      Court of Appeals Mandate issued December 7, 2021.....	4a
APPENDIX C      Order of U.S. District Court, Middle District of Florida, Tampa Division dated April 23, 2021.....	5a

## TABLE OF AUTHORITIES CITED

### Cases

<i>Abramson v Mitchell</i> , 459 F.2d 955 (1972).....	i, 6, 7, 11
<i>Bryan v. Jones</i> , 530 F.2d 1210, 1214 (5th Cir) (enbanc), cert. denied, 429 U.S. 865, (1976).....	i,13
<i>Denton v Hernandez</i> 504 U.S. 25 (1992).....	i, ii, 8, 9,11
<i>Harlow v Fitzgerald</i> , 457 U.S. 800, 817-18 (1982).....	13
<i>Imbler v Pachtman</i> , 424 U.S. 409, 419 (1976).....	13
<i>Jones v Diamond</i> , 519 F.2d 1090, 1101 (5th Cir. 1975).....	13
<i>Sims v Adams</i> , 537 F.2d 829, 832 (5th Cir. 1976).....	13

### Constitution and Statutes

U.S. Constitutional, First Amendment.....	2
U.S. Constitutional, Fourth Amendment...	2
U. S. Constitutional, Fourteenth Amendment..	2
Statutes 18 U.S.C.A. 2510-2521 (Chapter 119)..	16
Statutes 18 U.S.C.A 2511 (2)(a)(11).....	2
Statute 18 USCA 2520.....i,iv,2,3,5,6,7,8,18	
Statute 28 U.S.C.1254 (1) (Jurisdiction Statute)....	1
Statute 28 U.S.C 1915..... i, 3, 8, 9	
US Supreme Court Rule 29.6.....	v

IN THE  
SUPREME COURT OF THE UNITED STATES  
**PETITION FOR WRIT OF CERTIORARI**

The Petitioners, Michael Atraqchi and Irene Atraqchi respectfully pray that a writ of certiorari issue to review the judgment below.

**OPINIONS BELOW**

The following case is from federal courts:

The opinion of the United States Court of Appeals For the Eleventh Circuit dated October 15, 2021 appears at Appendix A to the petition and was not published.

The mandate of the United States Court of Appeals for the Eleventh Circuit was issued on December 7, 2021 appears at Appendix B, to the petition and was not published.

The opinion of the United States District Court For The Middle District of Florida, Tampa Division dated April 23, 2021 appears at Appendix C to the petition and was not published.

**JURISDICTION**

The date on which the United States Court of Appeals For The Eleventh Circuit decided the Atraqchis' case was October 15, 2021. No petition for rehearing was timely filed in the Petitioners 'case.

The jurisdiction of this Court is invoked under 28 U.S.C. 1254 (1).

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

### U.S. CONSTITUTION:

First Amendment: Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the government for a redress of grievances.

Fourth Amendment: 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.

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

### STATUTORY PROVISIONS:

Statute 18 U.S. Code 2520-Recovery of civil damages authorized. (a) In General.-Except as provide in section 2511 (2) (a) (ii), any person whose wire, oral, or electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity, other than the United States, which

engaged in that violation such relief as may be appropriate.

Title 18 USC 2520(1) provides a civil cause of action against "any person who intercepts... or procures any other person to intercept" wire or oral communications in violation of the Act. The same section provides a statutory defense against the suit if the interception was made with good faith reliance on a court order.

Statute 28 USC 1915: (a)(1) Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefore, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

#### **STATEMENT OF THE CASE**

The Atraqchis moved to the State of Florida in January, 2012 to escape harassment and intimidation imposed upon them by the acts of the Defendants through illegal wiretapping and electronical surveillances to procure them to a field of interception of illegal wire communications to force them into a religious cult practicing among other things, homosexuality and prostitution, as well as murder, as methods of recruitment, spearheaded by Barack Obama, Mumtaz Fargo, Shirley Svenson, and others in violation of the law and the U.S Constitution.

Immediately upon arrival, the Atraqchis discovered a new field of interception of illegal wire

communications imposed upon them in the State of Florida denying them all economic opportunities, caused them to be homeless for eight years, unable to support themselves, and denied them all medical care available to them in the Tampa area and elsewhere to force them into this "Death Cult."

As a result of the ongoing conspiracy against them, the Atraqchis lost their health, become ill, and their condition become chronic which could result in their death, because of the denial of all their medical care available, by all medical providers in this area, through the field of interception of illegal wire communications imposed upon them to cause them death; and are suffering life threatening elements at this time, as a result thereof, and continuously until the present.

The Atraqchis were unaware of a conspiracy which was in motion to shoot them dead on the streets of Tampa, Florida on or about June 17, 2015, organized and conducted by Michelle Obama and Barack Obama, directly from the White House to be carried on by certain individuals, members of the Emanuel AME Church of Charleston, S.C.

On the 17th day of June, 2015, an individual person by the name of Dylann Roof, unknown to the Atraqchis before, entered the Emanuel AME Church of South Carolina and executed the conspirators who were meeting at the basement of that Church where they finalized their plans to do away with the Atraqchis when Roof gunned them down, killing all the conspirators, nine of them, and kept one alive to tell the story to the Police and left the Church.

The Atraqchis learned of the assassination attempt on their lives from the news that evening and the following days when it unraveled, and the facts were revealed and from the testimony and the trial of

Dylann Roof as well from his appeal to the Atraqchis through the media and the Court record; and now convicted, Dylan Roof, is on the death row in Terre Haute Indiana Federal Penitentiary awaiting the Atraqchis' court decision to invoke Statute 18 USCA 2520 to produce the evidence of a conspiracy against the Atraqchis to exonerate him and to prove that he acted within his Constitutional rights when he discovered the conspiracy to kill the Atraqchis, to free him from his sentence and to restore his constitutional rights and allow him a new trial on the merits to justify his action and set him free.

Dylann Roof was convicted wrongly with a hate crime and sentenced to death when he acted within his Constitutional rights in the defense of others and saved the Atraqchis' lives.

The Atraqchis believed and allege that Dylann Roof was on the field of interception of illegal wire communications when he discovered the conspiracy to murder the Atraqchis.

The Atraqchis also believe that he consented to the wiretapping of his telephone and was forced into it by the acts of Government and others, and like the rest of the U.S. citizens, he was conned by certain Christian denominations to join this Cult unaware of the fact that it was an Anti-America conspiracy, and it is a Protestant religious inquisition. It is illegal under the Constitution of the U.S.A. Therefore, he could not invoke through the Court 18 USCA 2520 as the only remedy available to him at law, to save his life.

#### Procedural Facts:

This civil action was commenced on April 22, 2021 when the Atraqchis served and filed the pro se *in forma pauperis* Federal question complaint seeking

Declaratory Judgment and Injunctive Relief against the Defendants, United States of America, Michelle Obama, Barack Obama, and others for illegally wiretapping the Atraqchis in the State of Florida and disseminating the information gained whereby heard by the “general public” in violation of the law and the U.S. Constitution.

The U.S. District Court for the Middle District of Florida, Tampa Division dismissed the complaint *sua sponte* and before serving as frivolous on April 23, 2021 and the Atraqchis appealed.

The Notice of Appeal was timely filed on May 3, 2021

The Eleventh Circuit affirmed the lower court’s ruling dismissing the *in forma pauperis* complaint as frivolous on October 15, 2021; and the Atraqchis filed their timely Notice of Appeal on October 25, 2021 for Writ of Certiorari with this Court.

#### **REASONS FOR GRANTING THE PETITION**

1 The opinion of the Eleventh Circuit Court of Appeals affirming the lower Court’s decision in dismissing the Pro se, federal question *in forma pauperis* complaint pursuant to 18 U.S.C 2520 as frivolous without a hearing, is in direct conflict with the opinion of the Eighth Circuit Court of Appeals rendered in *Abramson v Mitchell*, 459 F 2d 955 (Circuit 8, 1972).

The Court will grant certiorari if there are disagreements on the same legal issue decided in a different way in the Circuit Courts “known as split of authority amongst the circuits.” The Court is more likely to grant certiorari to ensure that all cases are treated in a constituent manner under the law.

The Atraqchis have asserted a cause of action against all Defendants for illegal wiretapping and

electronical surveillances which is embedded in Statute 18 USCA 2520 as the U.S. Congress intended.

The Statute states:

Title 18 USC 2520(1) provides a civil cause of action against "any person who intercepts...or procures any other person to intercept" wire or oral communications in violation of the Act. The same section provides a statutory defense against the suit if the interception was made with good faith reliance on a court order.

Furthermore, Statute 18 USCA 2520 confers upon the Atraqchis or any aggrieved person to sue any person under the Act for illegal wiretapping and electronical surveillances for declaratory judgment and injunctive relief, and for damages as the Court deems proper including but not limited to the former Presidents of the United States and other officials.

The Statute states:

18 USCA 2520 (a): In General-Except as provided in section 2511 (2) (a) (ii), any person whose wire, oral, or electronic communication is intercepted, disclosed, or intentionally used in violation of this chapter may in a civil action recover from the person or entity, other than the United States, which engaged in that violation such relief as may be appropriate.

The case at hand should not have been dismissed since the Atraqchis asserted a cause of action of illegal wiretapping and electronical surveillances against all Defendants and that the matter of the illegal wiretap and electronical surveillances has an arguable basis in law and in fact.

Mr. Justice Clark of the U.S. Supreme Court, sitting in special designation in the Eight Circuit Court, held in *Abramson v. Mitchell*, 459 F2d (Cir. 8,

1972): When the matter of illegal wiretapping and electronical surveillances is brought to the attention of the Court, cases should not be dismissed, but rather the Trial Court could have held a hearing and the Application, the Order, and such other relevant evidence could have been produced and a decision reached. The case was reversed and remanded for Plenary Hearing.

In the instant case, the District Court dismissed the Atraqchis' case *sua sponte* and on the pleadings, without a hearing, and the production of the Court order, the application, and other relevant documents. Thus, the record is not complete and will result in a wrong judgment, since the Court does not have all the evidence to make a rational decision, which is in violation of the Act, Statute 18 USCA 2520 and should be reversed and remanded for a Plenary hearing.

Therefore, the dismissal of the Atraqchis' complaint is inconsistent with the Eighth Circuit judgment even if they use the defense of the good faith reliance on a court order. The Court should have held a hearing and produced the lacking evidence: wiretap application, the order, and such other relevant evidence, and a decision made accordingly.

2. The opinion of the Eleventh Circuit affirming the lower Court's decision in dismissing the *Pro se in forma pauperis* complaint as frivolous pursuant to 28 USC 1915 without a hearing, is in direct conflict with the opinion of the Ninth Circuit rendered in *Denton v. Hernandez*, 504 U.S. 25 (1992) when remanded for a hearing.

The Supreme Court will grant certiorari if there are disagreements on the same legal issue decided in a different way in the Circuit Courts "known as split of authority amongst the circuits."

The Supreme Court is more likely to grant certiorari to ensure that all cases are treated in a constituent manner under the law.

In the Atraqchis' case, the Eleventh Circuit affirmed the U.S. District Court's decision and held that the U.S. District Court has the discretion to dismiss frivolous *in forma pauperis* complaints at any stage under Statute 28 USC 1915, and concluded that the Plaintiffs' allegations are "clearly baseless," "fanciful," "fantastic," "delusional," or without "an arguable basis either in law or in fact."

The facts asserted in the Plaintiffs' complaint are not fantastic; and their allegations are true, specifically the murder of nine people who conspired to kill the Atraqchis.

In a similar case, *Denton v Hernandez*, 504 U.S. 25, (1992), filed under 28 U.S.C. 1915, the District Court dismissed the *in forma pauperis* complaint finding that the facts alleged appeared to be wholly fanciful, however the Ninth Circuit Court of Appeals reversed and remanded three of the five cases submitted, concluding in their lead opinion that a court can dismiss a complaint as factually frivolous only if the allegations conflict with judicially noticeable facts and that it would be impossible to take judicial notice that none of the alleged rapes occurred in the case of *Denton v. Hernandez*. Additionally, the Ninth Circuit precedent gave Hernandez a chance to amend his complaints which never happened in the Atraqchis' case.

Furthermore, the U.S. Supreme Court held in the above case, *Denton v Hernandez*, that the court is not bound, as it usually is when making a determination based upon the pleadings, to accept without question the truth of the plaintiff's allegations, and that to respect the congressional goal

of assuring equality of consideration for all litigants, the initial assessment of the *in forma pauperis* plaintiff's factual allegations must be weighed in the plaintiff's favor. They also concluded that a factual frivolousness finding is appropriate when the facts alleged rise to the level of the irrational or the wholly incredible, whether or not there are judicially noticeable facts available to contradict them, but a complaint cannot be dismissed simply because the court finds the allegations to be improbable or unlikely.

It is impossible for the District Court to state that the allegations in the Atraqchis' complaint are untrue, since they did not hold a hearing and produce the evidence of the wiretap application, order, and other relevant documents which are in the position of the Government to adjudicate the case and bring this matter to a conclusion and stop further bloodshed, assassination attempts, and put innocent people on the death row, and to save America from the evilness of this religious inquisition.

The Petitioners' complaint alleged Statutory and Constitutional violations. Additionally, the Atraqchis stated that they were illegally wiretapped and under electronical surveillances in Hotels rooms in the State of Florida, Tampa area, on the train, buses, restaurants, stores, on the streets, hospitals and doctors' offices, mosques, libraries, and elsewhere, and from the White House for the purpose of isolating, criminating and controlling the Plaintiffs and impose religious inquisition upon them, homosexualize, rape, blackmail, and procure them into a field of interception of illegal wire communications where they will be forced to commit crimes against humanity, and against innocent American citizens, and convert them to Baptist and/or Methodist sect of Christianity from being Muslims,

other religions, and Christian denominations in violation of the law and the U.S. Constitution.

It is imperative to state that not every *in forma pauperis* complaint is frivolous when it is judged on the pleadings and dismissed to wean out the complaints of indigent litigants. The U.S. Supreme Court unjustly gives such a wide latitude to dispose of the *in forma pauperis* complaints without a hearing and especially in the Atraqchis' case *sua sponte* which precipitated in the murder of nine people, members of the Emanuel AME Church, and one individual struggling now to keep himself alive, sitting on the death row wrongly at Terre Haute Indiana Penitentiary screaming his head off in Court stating he is innocent and that white national individuals are going to get him out of this jail. In additional, the U.S. Government has paid \$88 million dollars to settle the damages and also resulted in the removal of the Confederate flag from the grounds of the Capitol of South Carolina. All of this is certainly not "fanciful," "fantastic," or "delusional," but rather are hard facts which should been considered by the lower court when they dismissed the Atraqchis' case as frivolous.

Therefore, the dismissal of the Atraqchis' complaint is inconsistent with the Ninth Circuit opinion in the case of *Denton v. Hernandez*, 504 U.S. 25 (1992).

All of this is too heavy a price for the Government and the Judiciary to swallow. It would have better to have held or to convene a hearing where the truth will be revealed and a decision made accordingly. *Abramson v. Mitchell*, 459 F2d (Cir. 8, 1972).

The Atraqchis have been in litigation for forty-two years in four jurisdictions, four U.S. District Courts and most of them were paid for by the

Atraqchis. Only lately, when they become destitute, they proceeded in *forma pauperis* to litigate their cases of illegal wiretapping and to expose this Death Cult's activities as anti-American, but they were ignored, laughed at, insulted and jeered, and the now the United States of America has been swallowed by this Cult, similar to what had happened in the Ottoman Empire in the turn of the 19th Century, and was dismantled and reduced to present day Turkey at a loss of 77 % of its real estate holding by the same "Death Cult," and precipitated the Armenian Massacre.

This 'Death Cult" is using the minorities in this Country as they did the Armenian minority, in the Ottoman Empire and destroyed it and so far, this conspiracy of illegal wiretapping is preceding parallel with that of the Ottoman Empire, using the Black people to achieve their aim and if it is left unchecked, will precipitate in a massacre of the Black minority in this Country and let this be a lesson that we can all learn from and to prevent it.

This Honorable Court has the power to stop this religious inquisition by granting this writ of certiorari and save America and this democracy from ruin by the use of the injunction through the Atraqchis' case, as it will be proven in the lower court, and prevent the fragmentation of the United States of America as it happened in the Ottoman Empire.

#### **Immunity Defense:**

Additionally, the Eleventh Circuit Court of Appeals stated in their order that the Atraqchis' *in forma pauperis* complaint is frivolous when it appears that the plaintiff "has little or no chance of success," indicating that the defendants absolute immunity justifies dismissal before service of process.

Absolute immunity in the United States is defined as a type of sovereign immunity for government officials that confer complete immunity from criminal prosecution and suits for damages, so long as officials are acting within the scope of their duties.

Qualified immunity in the United States is defined as a legal principle that grants government officials performing discretionary (optional) functions immunity from civil suits unless plaintiffs show that the official violated clearly established statutory or constitutional rights.

In *Imbler v Pachtman*, 424 U.S. 409, 419 (1976) it was held that the existence and the extent of any immunity defense depends upon the position occupied by the defendant as well as the motivation of the defendant. Unless the district court is thoroughly familiar with the position, it cannot determine whether the occupant of the position is entitled to absolute immunity without first conducting a hearing. Likewise, for those having only a qualified immunity, a hearing is usually necessary to determine whether the defendant's motivation entitles him to a defense of good faith. See *Sims v Adams*, 537 F.2d 829, 832 (5th Cir. 1976); *Bryan v. Jones*, 530 F.2d 1210, 1214 (5th Cir) (en banc), cert. denied, 429 U.S. 865, (1976); *Jones v. Diamond*, 519 F.2d 1090, 1101 (5th Cir. 1975).

In *Harlow v Fitzgerald*, 457 US 800, 817-18 (1982), it was held that public officials performing a discretionary function enjoys qualified immunity in a civil action for damages, provided his or her conduct does not "violate clearly established statutory or constitutional right of which a reasonable person would have known."

In the instant case, absolute immunity does not cover the assassination order by Michelle Obama and Barack Obama from the White House and that their absolute immunity does not extend to conspire with the members of the Emanuel AME Church to kill the Atraqchis on the streets of Tampa, Florida.

Moreover, Barack Obama illegally wiretapped the Atraqchis before he became President in 1986 when he prostituted the Atraqchis' daughter on the streets of Los Angeles, California.

Therefore, Barack Obama and Michelle Obama are not protected by absolute immunity or any other immunity available, neither are any of the other Defendants in this case, to cover the assassination attempt conspiracy against the Atraqchis and all other crimes which they have committed.

Again, as mentioned above the District Court did not hold a hearing to establish the facts and the truth in the case to determine whether or not the officials are immune, because the Plaintiffs are indigent.

Moreover, the Defendants mentioned above have committed a massacre against the Atraqchis' families both in Iraq and the United States, killing all of the Atraqchis' family in Iraq and Plaintiff's Irene Atraqchi's sister, cousins, and uncle and stole their property and ranches in the State of Montana and continued the destruction until the present as will be proven; as well as the killing of the U. S District Judges: Judge James F Battin, of the US District Court for the District of Montana; Judge Gerhard Gesell for the US District Court of Washington, DC, and Judge James Robertson, US District Court of DC who presided over the Atraqchis' previous cases in these Districts.

3. Dylann Roof who now is on death row at Terre Haute Indiana Federal Penitentiary for a hate crime and murders, has been wrongfully sentenced to death when he acted within his Constitutional rights in the "defense of others," and saved the Atraqchis' lives, and his only remedy available at law is Statute 18 USCA 2520 to prove a conspiracy of illegal wiretapping and electronical surveillances, to save his life and set him free.

Dylann Roof is an individual who is unknown to the Atraqchis before, when he acted within his Constitutional rights to execute and kill the conspirators at the basement of that Church to disrupt the conspiracy and save the Atraqchis' lives.

The Atraqchis believe Dylann Roof was monitoring the activities of the conspirators through the field of interception of illegal wire communications imposed upon the Atraqchis by the acts of Michelle Obama and Barack Obama from the White House, the Government, and the members of the Emanuel AME Church and others; and they were within hours of executing and killing the Atraqchis on the streets of Tampa, Florida when he acted in the defense of the Atraqchis and interrupted the conspiracy when he shot and killed the conspirators and saved the Atraqchis' lives.

Dylann Roof will have the evidence to prove his innocence that he lawfully acted in shooting the conspirators when Statute 18 USCA 2520 is invoked, and the evidence is produced which is vital and pivotal for his defense to save his life as will be proven from the Atraqchis' case; otherwise Roof will be executed by the Government without the due process of the law, since he could not invoke the Statute stated above and save himself, because he has consented to the tapping of his telephone.

Stay of execution should be granted and a new trial on the merits.

**The Historical Perspective of Chapter 119  
(18 USCA 2510-2521)**

Chapter 119 was enacted by the U.S. Congress and reluctantly signed by President Johnson into law in 1965 upon the insistence of the clergies to protect their flocks from the Hippie movement of the 1960's by having their members consent to the tapping of their telephone to be monitored by each other. As a result, the wiretap become an instrument of stealing each other's parishioners and convert them to their sect, blackmail and criminate them, so they may not return to their religion and become a new member of their sect bribing them with money, degrees, and sex etc., and use them to monitor others, to procure them to a field of interception of illegal wire communications and forced them to commit a crime against humanity and against innocent citizens of the U.S. in violation of the law and the U.S. Constitution, and is continuous until the present.

This field of interception of illegal wire communications became large and pandemic encompassing all the adult citizens and non-citizens in the USA and all over the world, and now any person could spy on any person to procure them into their own sect using the law and psychology to force them into this Cult; and it became a Religious Inquisition.

As a result of the above field of interception of illegal wire communications, no life is safe in the United States and around the world; and chaos has prevailed as it is happening on the streets of America and we have observed it on television and in the newspapers, and due to the illegal wiretapping. Riots and killings are on a daily basis, election fraud is conducted by illegal wiretapping and electronical

surveillances; stealing of properties, rape and murder, are the norm; and our laws are obsolete similar to what had happened in the Ottoman Empire and reduced it to present day Turkey. If this will continue, and the field of interception of wire communications is not pre-empted, it will destroy this Country.

The U.S. population has been misled and conned by this movement when they were informed that upon joining to the field of interception was for their protection disguising the fact that they are converted to another religion alien to them and kept in the conspiracy by force with no escape, except through death. This includes all the US population and others among whom are carpenters, taxi drivers, Presidents, clergy, doctors, lawyers, teachers, housewives, congressmen, senators, cabinet members, Jews, Muslims, Christians, Buddhists, black and white and now all the population is suffering the consequences of this Protestant religious inquisition and are continuous until the present.

Accordingly, all the adult working population of the United States are on the same field of interception of illegal wire communications and electronical surveillances, and nobody is allowed to work unless he consented to the wiretapping of his telephone as a requirement to earn a living in this Country. Nobody could access the medical care without not being a member of this Cult or live anywhere in the United States without being a member of this Cult. Orders are given through the field of interception and must be obeyed, our laws obsolete, and the Country is run by incompetent people, and the individuals advanced through homosexuality, prostitution, and murder instead of

hard work, good citizenship, and the loyalty to the U.S. Constitution.

Accordingly, this religious Cult is running the Government of the United States at this time and that our Democracy is in danger, and this will cause a civil war and the fragmentation of the United States of America, and we will all perish; and our democracy will cease to exist.

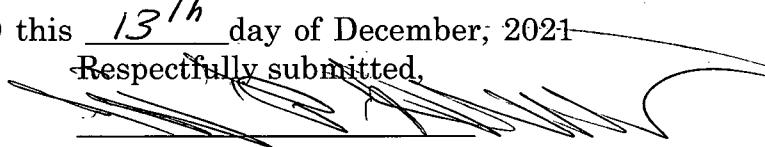
The Atraqchis did not join, nor have ever been members of this Cult, and that they have never consented to the wiretapping of their telephone and electronical surveillance of their home, cars, and property. Therefore, the Atraqchis are able to proceed with Statute 18 USCA 2520, and while all others depend upon the Atraqchis to save them from the evilness of this movement by the use of the instrument of injunction and free America from tyranny and the chaos which the Cult has caused.

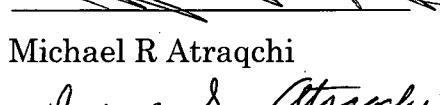
### CONCLUSION

For the foregoing reasons, Michael R. Atraqchi and Irene S Atraqchi, respectfully request that this Court issue a writ of certiorari to review the judgment of the United States Court of Appeals For The Eleventh Circuit.

DATED this 13<sup>th</sup> day of December, 2021

Respectfully submitted,

  
Michael R Atraqchi

  
Irene S. Atraqchi

6902 West Hillsborough Ave#103  
Tampa, FL 33634  
813-886-7799