

IN THE UNITED STATES SUPREME COURT

WASHINGTON, D.C.

21A778

ORIGINAL

Gary Pavlic,

Petitioner

Petition For

v.

SUPERINTENDENT SMITHFIELD SCI,

ET AL.,

Respondents

Writ Of Certiorari

W.D.Pa. #2:15-cv-00961

3rd Cir. #21-2467

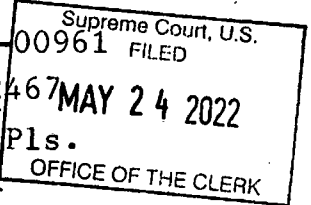
WashCo.Pa. Cmnl.Pls.

#811 of 1998

Cmwlth. Ct. #93WDM2001

Pro Se MANDAMUS "ATTEMPT"

PCRA COUNSEL APPOINTMENT



IN RE:

P E T I T I O N F O R W R I T O F C E R T I O R A R I

\*\*\* MOTION FOR EXTENSION OF (-INDETERMINATE-) TIME TO FILE \*\*\*

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AND NOW COMES, Gary Pavlic, Petitioner in the Captioned, motioning for an indeterminent extension of Filing Time, stating:

1) Petitioner is suffering a -SEIZURE- of ±50% of "Legal Stuffs" comprising years' Research Notes, Black's Law (6th Ed.), Reference Books, "New Evidences()", and so forth, all from having a "safety guard" from a BIC Mini Lighter, used for tightening eyeglasses, of no institutional concern, -not- definable as "contraband" although costing about a month-and-a-half hole time: simply "cover" for the "SEIZURE". -See Grievance, Exhibit 1, noting, that a Greene County "Habeas To Challenge Prison Conditions", No. 461AD2021, was deemed "frivolous" due to not having "exhausted administrative remedies", c/o the Prison Litigation Reform Act, and no substantiation.

i) Note that -desperate- pleas for Medical Helps included there, were also unable to be substantiated due to said "SEIZURE".

2) Judicial Notice is requested of the "Pro Se 'Attempt'" having 1st PCRA Counsel Appointment, recalled from salvaged notes, as

i)

is relevant, considering writing the Common Pleas President Judge, Court Administrator, Clerk of Courts, and all a failure at securing counsel appointment, motioned for: ±15 years tallied without.

i) Relevance here includes, also, that a "Rule" was issued, upon the Commonwealth, to "show cause why a hearing should not be held, "returnable" within thirty (-30-) days. It would seem "no return" would be capitalized upon -for- unfair advantage to thus be taken.

ii) "Special purpose" of mentioning such likes, goes along with, Washington County ("WashCo") Officials being personally sued after a Campaign Association years -prior- the "type of arrest" when the Petitioner's Children were "removed" for criminal investigations, via "administrative orders", in lieu of a criminal warrant, as are all matters -deserving- considerations. A "listing" is requested before -swamping- the Court with redundant excess.

3) Petitioner also requests Judicial Notice be taken whereas the Pennsylvania Department of Corrections ("DOC") knows no bounds, or it better stated "no bottom", at government interference tactic's.

i) Exhibit 2, which see, is self-explanatory, -forbidding- the Clerk from communicating, grievance pending, for what it's worth, months to resolution: always in favor of -repugnant- "policy".

4) At the time of printing, the Grievance as is "Exhibit 1", was -returned- for "substantiation" of property "-SEIZED-", as is yet -another- typical maneuver, intended to have a "chilling effect", hampering at much more than mere Redress, i.e., at this instant. That the Grievance was "rejected", grieved, too, is now Exhibit 3, which see, and, Exhibit 4: the "latest development".

ii)

i) "Unlearned at Law", begging the Court's pardon at use of only "plain English", -again- -requested-, is taking Judicial Notice of -Rights-, grievance-asserted, as Department of Corrections ("DOC") employees continually "remind" of non person status, as seemingly "begs" (repugnant policy-forbidden, impossible-maintaining) court action(s), with DOC-salaried Legal Professionals: to consume dear funds, resources, research time, and so forth, at Legal Interests "attacks" not limited to Legal Work Cell Content Limit "Policy".

ii) An established past practice, a Grievance Coordinator ("GC") often feigns a poor education- intervening instead "coordinating".

iii) Various Grievance Exhibits are intended as only a "minuscule sampling" of DOC business science via repugnant "Policy/ies" of an -endless- application (beginning -pretrial- at WashCo's hoosegow, (as appears DOC is an acting adjunct to "fast track incarceration schemes" reportedly now the norm, demanding Court Investigation(s) -enjoining-, and /or Congressional Preventative Litigation)).

iv)) Grievances, Other Exhibits, and Comments, are as follow:

1A: Legal & Personals SEIZURE/Non-Return Grievance; 1B: Stamped Copy of same w/GC's "screening"; 1C: Grievance "'Rejection' Form" c/o GC w/o4.27.22 "DC-135A" to Warden due to Grievances and GCs' conflicts of interest; 1D: o4.27.22 135A to Warden w/GC's Question-Intervention after re-submittal of Grievance; 2A: Form Notice of Clerk's Letter -SEIZURE-; 2B: Clerk's Letter Seizure Grievance; 3A: Grievance on GC's Rejection of Legal Stuffs Seizure Grievance; 3B: o4.30.22 135A to Warden c/o re-submittal of Clerk's Letter Seizure Grievance w/-2nd- GC Rejection Form on same; 4A: -Gross- Neglect Medical Care Grievance; 4B: Initial Review



Response ("IRR") w/"National" Address Database Computer Program Removal Grievance (popularly "Employment Computer") -the reply of a "printed book ... for information in 'Pennsylvania'" -is w/out Organizations and Much More (personally explained before Response) -as a Nation-wide Directory -so Grievance resubmitted to give info and zero-in DOC High Command c/o; 4C: Block Law Computer Removal Grievance (also lists Health Hardships); 4D: IRR as per. Note prior Grievance on Law Computer "Use Notice" of "monitoring" research thus "pre 'allerting'" at Legal Endeavors; 4E: "Book Rate" Mail "END" and Overcharge Grievance (not submitted as MailRoom Super reimbursement and PostMaster Mail Responses -never-delivered to disable countering Mail Disenfranchisements).

5: WashCo "Video Evaluation 'Order' Notice" of Great Significance: Whereas Pennsylvania Common Pleas Courts -never- -completely-relinquish jurisdiction and may act sua sponte to "revisit" a case for various reasons "many years after a sentence is being served" (Federal and State Court recognized), Order is proof: 1) Actors are "allowing" a known fraudulent set of two convictions responsive to each other and of "common scheme" to disenfranchise and defraud- standing; 2) as per Actors ignoring all prior artful and pro se Filings. And as the Federal Habeas "Amendment" by Federal Public Defender "'Sam' Saylor" was /is unwanted, that he -refused- his Client's order to withdraw and submit as once (-excitedly-) promised using "relate back", the Amendment was (pro se) stated unwanted (-after- Saylor withdrew) with a pro se Motion For Leave To Amend (-for double jeopardy-barring Issues), THUS rendering Amendment and "Conditional Grant" -moot-.

6: Proposed "Forensic Psych Motion" disallowed entertaining, per Pa.R.A.P. 9022, counsel appointed, and -no- hybrid representation w/out trial court approval unconstitutional Rules helped rule out pro se alerting a higher court of fraud transpiring /shanghai.

i) With the jail's law library off limits, there was no enabling research so desperately needed to attempt saving a Family. Tyranny set the stage with "chinafication" such that -ALL- Rights would be denied, so much so: courts have been -challenged- to find even ONE Right enjoyed: Appointed's saboteurs TO DATE; No corrections.

ii) Told of known innocence-s- and of prosecutions' preemptive by those boasting "special training" TO know such, having a Forensic Psychologist could have eons ago established the Commonwealth was engaged and proceeded with known false evidence--at -TWO- CASES.

II. Judicial Notice is also requested in re "chinafication" as to Due Process regarding the basic Right of "-Mail-". Where once even a "sacred" Right, it is -still- believed that -once- an article is delivered for mailing, it is -instantly- "property" of the person to whom it is sent. -Seized- and unable to substantiate, is that DOC contracted \$15Million /Year "Smart Communications" to "build a 'database'", as then "Philadelphia Fight" now "Prison Health News" investigated, published. A false flag, it's believed "Philadelphia Inquirer" Investigative Reporters printed not -one- guard tested positive at any hospital for any drug, claimed, in order to vie an -escalation- of tyranny after the "anthrax scare", being tyranny and Rights deprivations.

Thus:

No Mail "permitted" from This Court.

III. Petitioner subsisted on Social Security Income ("SSI") after an Arterial-Venous Malformation ("A-VM") discovered and diagnosed in a part of the brain where once an -inevitable- "bleed" /stroke, DEATH is assured, and to be -instantaneous- "with little chance of coma." An A-VM "anywhere in the body" has a -complication- called "High Output Ventricular Failure", as is self-explanatory. 1st EKG recorded in 1987, it -increasingly- manifests and is intensifying-. Judge K.B. Emery -ignored- the State Statute's -mandating- counsel appointment to prosecute a Compassionate Release in re the Motion, pro se submitted. Legal Confusion "attached" at attempting appeal, after deeming the Motion -Denied- by Operation of Law. "Treatment" was/is the "Gamma Knife"; now "Stem Cell Therapy" for the heart.

i) Out of two recent Requests to copy Medical Records, the last was also rejected. Although a page of "Policy" attached, the Reply stating "once paroled or maxed" also contradicts purging all Files as per "Policy" THEN: begging a grievance at -THAT- "distraction".

2) As the Federal Habeas Application was/is "Hopefully" rendered moot, such is -unknown- because of the long, continual -ignoring- matters pro se asserted[.]. Proof in the pudding, -WashCo- Orders would proceed with scheduling Video Conferences, and even a -2nd- -Order- for an "Evaluation"; WashCo appointed counsel advising to "cooperate", but such would serve to not only -concede- to WashCo wanting to have all prior "defects" waived, but -negate- credible proofs of improprieties, such as preliminary hearing transcript-s- having been -altered- to -protect- feigning prima facie cases, and or -secreted-; even A.D.A. Kristen Clingerman -lying- of -fact- of a -stenographer- at the 1997 matter's preliminary hearing: because

alleged of a -continual- stungun electrocution over the mid chest  
"[F]or over one full minute[.]" -as would have killed! And without  
that transcript, Judge K.B. Emery "allowed" a "change" to- "[T]he  
back of the legs. Quickly, you know." -But Emery "-allowed-" even  
basically -OPPOSITE- under-oath verbatim transcribed allegations-  
-and so much more seemingly -endlessly- pro se -proven---and [Ø].  
Note too, by Rule -supplementing- is permitted and was done--also  
-ignored-. That case/conviction-vacating orchestrations occurred,  
prior to and -at- this instant's preliminary hearing with the 4th  
Amendment violations, -pale- in comparison to -Government Agents-  
-stating- of "known innocence-s-". And learned -how- known, and,  
-denied- having here: Stimulus Money was sent out in search of a  
Forensic Psychologist so to "properly present", that ALL counsel  
-flatly- refused. And after as much as did and did not matter for  
an Indigent -unable- to afford paid counsel thus enjoyed Rights,  
an unwanted retrial may as well be -foregone- so to prevent their  
repeat-s- -again-. As Saylor opted, apparently with "persuasion"  
from WashCo's D.A. for an apparent overall Incompetence Amendment  
Claim, serving to -utterly- -destroy- Petitioner's -credibility-;  
his intended -waiving- the -absolute- -incredibly- -exculpatory-  
Issues--would serve to -bury- not only -known- innocence-s-, but a  
Gross Magnitude of fraud, impropriety, Rights deprivations, as in  
Pennsylvania, retrial "'cures' -all- prior 'defects'".(emphasis)  
The D.A. himself motioned for Bond--to be accepted as a committal.  
i) Saylor, informed to the "Nth Degree" -also- of Health Issues,  
Government Interference Matters including destruction of evidence,  
and an -Express- Amount more, -denied- there being Habeas Bonding.



ii) This Court is aware of such, and only a cursory glance at that in the Habeas Application should serve to arouse interest. WashCo Correctional Facility ("WCCF") was a "Torture Test" and Nightmare of Nightmares with Much More than merely leaving the cell light on at nights. It was the "shock and awe" prepping for WashCo's boast of a "-99%- jury trial 'conviction rate'" -according to a friendly guard. Pre-trial phone monitoring is now accompanied by -cameras- IN CELLS, according to present cellmate, Harrison Carr, and -Yes- WashCo's version of -anarchy- "observes" pot-usage. Disgusting of course, but being reminded of losing a once very happy and healthy Family, having assumed -cares- for elderly, sickly, dieing Parents as well, the Motion For Leave To Amend in the Pittsburgh District Court, pending entertainment, leaves -No- choice but to once again attempt presenting pro se: Collateral Inflictions bar returning.

iii) Immune compromised, the A-VM forbids COVID vaccination. And a -dangerous- complication is Chronic Obstructive Pulmonary Disease. "COPD" with an Inhaler took ±three years to be prescribed, over-working the heart significantly. Open mouth breathing is regular, and Congestive Heart Failure led to "bloating" from a 32" waist to 44½" in ±three months. "Bloating is an often overlooked symptom of a heart condition." -Merck's Home Medical Manual 2009. Feet swell and kidneys aching -daily-, a 1998 Federal Habeas, dismissed without prejudice to "exhaust State remedies", when pro se attempting to engage the Court to -avoid- the "abstention doctrine" and act: before instinctively known -evil- worked: now stress and rigor as exacerbation? A "healthy sense of paranoia", prison may be safer, although organ shut-down is pooh-poohed -while- it's -documented-.

viii)

iv) Kindly note of after fainting, complaining of "high spells", Trans Ischemic Attacks\* ("TIAs"), vertigo, a -myriad- of maladies, overnight guards' LED Flashlights are "flashbulbs" -interrupting- REM sleep. "Merck's" states \*TIAs are "a stern forewarning stroke is imminent." Add "chronic fatigue" and a walker at only -67-, for -navigation-, while ("dieing") waiting to be heard.

#### MOTION FOR COUNSEL APPOINTMENT

IV. While understood qualifications exist for Lawyers presenting before This Court, a number of letters posted seeking pro bono assistance /help may -not- have as much as been posted as per no acknowledgments. Health and DOC, the above and Exhibits included herein as set forth at length, which see, Petitioner motions for counsel appointment as health is forbidding ever more so.

1) If pro bono assistance is found, voluminous Filings and Other Matter will take time and effort as per "National Importance" in re Certiorari; the "Highest Court in the Land" Must be appraised. (It is not expected of finding pro bono assistance.)

2) In A QUARTER CENTURY, personal challenges were made as to the "mandatory" use of Professionals' "acceptable" esoteric, language, methodology, rules of court(s) adherence, "pomp and circumstance", ad infinitum, in order to "'present'", by -Right-, and Submissions acted upon. Begging the Court's pardon for use of "plain English", only, lacking "Legal Training", Petitioner will gratefully proceed pro se, if given opportunity; if given needed understanding of not

able to convey--except via person to person in everyday language:  
ever so needing to clear and restore the Family Name; establish of  
"disallowed" witnesses of any kind or type; ad infinitum.

i) Only -rejected- at Presentments (-so -How- TO "present"?),  
Exhibit -7- is of a "Professional Format". Thus, "pro se" is  
"indecipherable" and /or "incoherent", and courts ---reject---  
-ALL- ELSE. Petitioner is a "square peg" as just doesn't "fit-in",  
and over-supplying always failed--although ready, willing' ...  
awaiting a "form"-?- -if such exists--to

not be -denied- Justice--due to -indigence-.

ii) See, Third Circuit Orders attached, as seemingly -defy- of as  
much as -ONE- "pro se 'Entry'" having conveyed of constitutionally  
guaranteed Right(s) violated...disallowed.

#### MOTION FOR BOND

1) Petitioner also motions Bond be set. In the event -granted-  
Liberty on Bond, -No- known avenue exists at "forcing" a -hungry-  
DOC turn over personal properties. If destroyed new evidences at  
the two simultaneously prosecuted (-preemptive-) "malicious  
prosecutions", so that further disenfranchisement further offends,  
-other- means will have to be sought, and /or replacements, so  
that Justice -Finally- will be -properly- "administered".

-How- to have Rights and -Law- applicable and enjoyed-?-

WHEREFORE, as the Petitioner has evidenced obvious hardships being foisted rendering dysfunction at legal interests, certainly encompassing enjoyment of fundamental, constitutionally protected Rights, discernible of serving obstacles to sought Justice; it is prayed the Most Honorable Court GRANT needed extensions, and, per that hampering Justice: enjoin, or, in the alternative, GRANT the Motion For Counsel Appointment and the Motion For Liberty On Bond and, all other Relief, deemed just and proper, in the interest of Justice; allowing to enable gaining medical cares, and, above all hopefully "acceptably presenting" to secure far past due Justice.

Humbly, Respectfully Submitted May 24 2022




Gary Pavlic,  
Petitioner pro se

O R D E R

Petitioner is hereby GRANTED:

by the Court: \_\_\_\_\_ J.

VERIFICATION / PROOF OF SERVICE:

I,  (Gary Pavlic), hereby verify, on this 24<sup>th</sup> Day of May 2022, that the Foregoing statements are true and correct, to the best of memory, knowledge, and beliefs, and, that Service is made, this same Day, upon:

United States Supreme Court  
Office of the Clerk (one Original, one Copy)  
Washington, D.C. 20543-0001

Ronald Eisenburg, Esquire,  
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Eugene A. Vittone II / Jason M. Walsh  
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Gary Pavlic  
SCI-Greene  
/DV2415, 175 Progress Drive  
Waynesburg, Pennsylvania  
15370

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

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No. 21-2467

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GARY PAVLIC,  
Appellant

v.

SUPERINTENDENT SMITHFIELD SCI; ATTORNEY GENERAL PENNSYLVANIA;  
DISTRICT ATTORNEY WASHINGTON COUNTY

(District Court No.: 2-15-cv-00916)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, McKEE, AMBRO, JORDAN, HARDIMAN,  
GREENAWAY, JR., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER,  
MATEY, and PHIPPS, Circuit Judges

The petition for rehearing filed by **appellant** in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

BY THE COURT,

s/THOMAS L. AMBRO  
Circuit Judge

Dated: February 24, 2022

CJG/cc: Jason M. Walsh, Esq.  
Eugene A. Vittone, II, Esq.  
Gary Pavlic

CLD-035

**UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT**

C.A. No. 21-2467

GARY PAVLIC, Appellant

VS.

SUPERINTENDENT SMITHFIELD SCI, ET AL.

(W.D. Pa. Civ. No. 2:15-cv-00916)

Present: AMBRO, SHWARTZ and BIBAS, Circuit Judges

Submitted are:

- (1) Appellant's motion for a certificate of appealability;
- (2) Appellant's "Letter of Intent," in support of request for a certificate of appealability;
- (3) Appellant's supplemental response in support of request for a certificate of appealability;
- (4) By the Clerk for possible summary action;
- (5) Appellant's summary action response; and
- (6) Appellant's Exhibits

in the above-captioned case.

Respectfully,

Clerk

CLD-035

GARY PAVLIC, Appellant  
VS.  
SUPERINTENDENT SMITHFIELD SCI, ET AL.

21-2467

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ORDER

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Because no substantial question is presented by this appeal, we summarily affirm the District Court denial of Appellant's pro se motions, which were filed in proceedings under 28 U.S.C. § 2254. See 3d Cir. LAR 27.4 and I.O.P. 10.6. In particular, the District Court did not abuse its discretion in holding that Appellant failed to show that the appointment of substitute counsel was in the "interests of justice." See Martel v. Clair, 565 U.S. 648, 663-64 (2012). The District Court also correctly determined that Appellant's complaints about the conditions of his confinement and the Washington County Children and Youth Services should be brought in a separate action. See Preiser v. Rodriguez, 411 U.S. 475, 484, 498-99 (1973); Leamer v. Fauver, 288 F.3d 532, 542 (3d Cir. 2002). Finally, the District Court properly concluded that there was no merit to Appellant's argument that a "double jeopardy bar" prevents his retrial in state court. Appel v. Horn, 250 F.3d 203, 217 (3d Cir. 2001). To the extent that a certificate of appealability is required here, we decline to issue one for the reasons discussed above. See Slack v. McDaniel, 529 U.S. 473, 478 (2000).

By the Court,

s/Thomas L. Ambro  
Circuit Judge

Dated: December 6, 2021

CJG/cc: Gary Pavlic  
Eugene A. Vittone, II, Esq.  
Ronald Eisenberg, Esq.  
Jason M. Walsh, Esq.