No. 22-1042

In the
Supreme Court of the United States

LAUREN ANDERSEN,
Petitioner,

v.

BRITISH AIRWAYS ("BA") PLC, ET AL.,
Respondents.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Second Circuit

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Is it fitting for three Democrat judges from a district court and a panel of three Democrat judges from an appellate court to decide a case that has almost entirely Democrat defendants-appellees, especially when one of them is the sitting New York State Attorney General? Is such an unusual situation grounds for transfer to another circuit?

Did the panel err in applying the *in forma pauperis* (I.F.P.) statute, 28 U.S.C. §1915, to this case, since I, the plaintiff-appellant, had paid the court fees, had never been in prison and was not indigent? Was this a due process violation, given that it resulted in my not being heard at all?

Did the panel err in failing to address the merits, or respond to any of the points raised in the appellate brief? (*Inter alia*, the excessive speed and brevity of the Decision revealed the District Court's predetermined view of the case, leave to replead was not granted, the statement that the case is frivolous was false, among other false statements, and Decision was issued before exhibits were fully filed.)

Are the Brady Handgun Violence Prevention Act of 1993 (18 U.S.C. §922) and the Intelligence Identities Protection Act (50 U.S.C. §421) unconstitutional?

PARTIES

The petitioner (plaintiff-appellant below) is Lauren Andersen. The respondents (defendants-appellees below) are British Airways ("B.A.") PLC, Mr. Anthony Battista Esq., Condon & Forsyth LLP, Three John and Jane Doe B.A. employees; Port Authority of New York & New Jersey; and Mr. Huntley Lawrence, Acting C.O.O., Ms. Karen T. Connelly, Assistant Director, O.I.G., Lt. Michelle Serrano, CCIU/OIG, Sgt. Danielle Liantonio, P.O. Michael Corwin, and Lt. Daniel Carbonaro; Northwell Health, Northwell Health Laboratories, Mr. Michael J. Dowling, C.E.O., Dr. Mark Russ, Dr. John Kane, Dr. Melissa Dudas, Ms. Renee Lifshitz, Dr. Mitchell Shuwall, Dr. Bruce Levy, Ms. Marybeth McManus, John Doe emergency room supervisor, UnitedHealthcare Community Plan of New York, UnitedHealth Group, Ms. Madeline Harlan, One Jane Doe customer service agent, and Mr. Matthew P. Mazzola Esq., Robinson & Cole LLP; Former U.S. Congressman Peter T. King, Esq., Mr. Michael Schillinger, Esq., E.M.S. technician identified only as "Frank 50", John Doe supervisor, and The City of New York; Ms. Judith A. Pascale, Suffolk County Clerk, Mr. Jonathan B. Bruno, Esq., and Kaufman Borgheest & Ryan LLP, Mr. Daniel S. Ratner Esq., Mr. Daniel G. May, Esq., Mr. David A. Rosen, Esq., Ms. Rachel Bloom, Esq., Mr. Graham T. Musynske Esq., and Heidell Pittoni Murphy & Bach LLP, Mr. Jeffrey Carucci, Director, Division of E-Filing, Mr. Justin Barry, Esq. Chief of Administration, and Ms. Sherrill Spatz, Esq., Inspector General, of the N.Y.S. Office of Court Administration; Mr. Bret Parker, Executive Director, and the N.Y.C. Bar Association,

Ms. Letitia A. James, Esq., New York State Attorney General (N.Y.S.A.G.), John Doe representative identified only as "Alex" of the N.Y.S.A.G's office, and John Doe supervisor.

STATEMENT OF RELATED PROCEEDINGS

Andersen v. Pheffer, index no. 717495/2021, Queens Supreme Court

Andersen v. Sullivan, et al., index no. 3252/2019, Queens Supreme Court

Andersen v. N. Shore Long Island Jewish Health System's Zucker Hillside Hosp., 632 F. App'x 13 (2d Cir. 2016)

Andersen v. North Shore Long Island Jewish Health System (NSLIJ) et. al, index no. 602687/2015, Nassau Supreme Court

Andersen v. Venizelos, index no. 13-cv-4370, E.D.N.Y.

Ritchie v. NSLIJ et. al., index no. 009211/2014, Suffolk Supreme Court

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PETITION FOR A WRIT OF CERTIORARI

Petitioner Lauren Andersen respectfully petitions for a writ of certiorari to review the judgment of the United States Court of Appeals for the Second Circuit.

OPINIONS BELOW

All of the following Decisions are unpublished. Judge Laura Swain's decision on my motion for her recusal appears at App. B in the Appendix to this Petition.

The dismissal decision of the U.S. District Court for the Eastern District of New York appears at App. C.

The decision of the U.S. Court of Appeals for the Second Circuit on the appeal appears at App. D.

The decision of the U.S. Court of Appeals for the Second Circuit on the motion for reconsideration appears at App. E.

STATEMENT OF JURISDICTION

The judgment for which review is sought is *Andersen v. British Airways et al.*, Second Circuit docket no. 22-850 ("*Andersen v. B.A.*", 22-cv-1594, E.D.N.Y., formerly 22-cv-1045, S.D.N.Y.) The U.S.

Court of Appeals for the Second Circuit decided the case on October 12th, 2022. A timely petition for rehearing was denied by the Second Circuit on November 28th, 2022, and a copy of the Order denying rehearing appears at App. E.

An extension of time in which to file the petition for writ of certiorari was granted by Justice Sotomayor on February 8th, 2023, the application number was 22A726, and the revised due date was April 27th, 2023. Jurisdiction is invoked under 28 U.S.C. §1254(1).

RELEVANT STATUTORY PROVISIONS

28 U.S.C. §455 pertains to the disqualification of judges. It reads, in relevant part, as follows (complete text in Appendix A):

> "(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding in which his impartiality might reasonably be questioned.
> (b) He shall also disqualify himself in the following circumstances:
> (1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding;..."

INTRODUCTION

I considered two different approaches to this Petition. On the one hand, I could discuss how this case pertains to the Respondents' relentless 12-year intentional deprivation of my privacy and procedural due process rights. And how Northwell Health – a healthcare company located in the shadow of the Statue of Liberty – conspired with other members of its racketeering enterprise (including both private sector and government conspirators) to dupe, drug, rob, traffic, disarm, interrogate, gaslight and torture me, deprive me of informed consent, legal advice and a hearing, defame me in public records using unauthenticated paperwork, and otherwise behave as if the New York and U.S. governments were among the worst authoritarian regimes in the world. I could describe the conspirators' multi-year cover-up and grotesque character assassination campaign against me, an ivy-educated entrepreneur and Christian mother-of-two. I could liken the Second Circuit's decision to a statement that it is perfectly legal for police to arrest you for nothing more than carrying prescription antidepressants, or for peacefully trying to buy an airline ticket, for a hospital to ignore the law in taking away your liberty, and for the psychiatrist's legendary oath of confidentiality as regards his patient's secrets to become null and void if he is sued, for the N.Y.S. Attorney General to allege that you lack standing to obtain your own records from the State if you are *pro se*, for a hospital to put both false and privileged information about you in your medical records and post them on court dockets without your permission, thereby broadcasting everything from

your Social Security number to your family's intimate secrets, for your health insurer to pay for this abuse against your wishes, but only after you forcing you to personally guarantee the fees, for your business competitors to have access to your medical records on the hospital's computer system without your consent, for regulators and courts to deny you the identities or the immigration status of the people who did this to you, that it's acceptable to give you an F.B.I. rap sheet without notice and confiscate your firearm rights with no means of relief, that a bar association should protect its chums at the expense of victims, and that courts should punish whistleblowers instead of helping them.

However, the core of the problem here is not the deprivation of due process itself but the bias in the courts that led to the deficiency of due process. I should have been allowed to move for recusal of the judges before the bad decisions were made, but the decisions happened at such lightning speed that this was impossible.

So, I am taking the alternate approach, which is to focus primarily on the bias that led to the adverse decisions. In *Yee v. City of Escondido*, 503 U.S. 519, 535 (1992), the Court explained that litigants seeking review are not bound by how the question was framed in lower courts.

STATEMENT OF THE CASE

This is a *pro se* civil rights action about privacy. The claims arise under the H.I.P.A.A. Privacy, Security and Breach Notification Rules, 42 U.S.C. §§1983 and 1985, the Americans with Disabilities Act (A.D.A.), the Rehabilitation Act, the Trafficking Victims Protection Act of 2003 (T.V.P.A.), civil R.I.C.O. (18 U.S.C. §1962(a) - (d)), the Civil Rights Act of 1964, and the laws of the State of New York.

The Right to Privacy of healthcare information is older than the Bill of Rights. It has probably existed since the first physicians in history. Privacy is one of fundamental tenets of the Hippocratic oath. This Court has previously found that Ninth Amendment unenumerated rights include (*inter alia*) the right to keep personal matters private and to make important decisions about one's health care or body.

It is disappointing that a case about urgent, current topics that affect millions of people – such as healthcare privacy and cybersecurity – metamorphosed into a case about judicial misconduct in the Second Circuit.

Six Democrat judges assigned to case against Democrats defendants, including Democrat A.G.

A panel of three Democrat judges at the Second Circuit – Judges Denny Chin, Pierre Leval and Eunice Lee – was appointed to review E.D.N.Y.'s decision in

my case, in which the vast majority of the 54 Defendants were Democrats. Even worse, all three judges were members of the New York City Bar Association, which is one of my Respondents. I included the City Bar as a defendant because its lawyer referral service refused without explanation to send me any referrals at all. The Brooklyn Bar Association subsequently told me that its attorneys do not take any cases involving mental healthcare, which was grossly discriminatory. At that point, it was too late to include the Brooklyn Bar as a defendant.

The Circuit panel was assigned even after I had complained that all three judges involved in the decisions on my case in the District courts were Democrats: Judges Laura Swain (S.D.N.Y.), Gary Brown (E.D.N.Y.), and Arlene Lindsay (E.D.N.Y.) The clerks of both the Circuit and E.D.N.Y. are Democrats too – Ms. Wolfe and Ms. Mahoney – which I mention because the clerks often make material decisions in *pro se* cases.

These judges were chosen despite the dominant presence of N.Y.S. Attorney (N.Y.S.A.G.) General Letitia James on the caption, and notwithstanding the fact that defendant Northwell Health is widely known to be a highly political, Democrat-led company. The judges were chosen despite my repeated entreaties to the courts to avoid additional politically-biased bench assignments (appellate brief, doc. #108, ¶¶10-11). Three of my N.Y.S. Supreme Court cases were assigned Democrat judges. E.g. in *Andersen v. Pheffer*, index #717495/2021, all Respondents (including Ms. James) are black Democrats, with a black Democrat

judge. In *Andersen v. Sullivan, et al.*, index #3252/2019, the N.Y.S.A.G. convinced another Democrat judge not to give me the investigation records to which I was entitled. In *Andersen v. North Shore Long Island Jewish Health System (NSLIJ) et. al,* index #602687/2015, a Jewish Democrat judge whose political campaign had been financed by Northwell (a "charity" founded under Jewish auspices and led by Jewish Democrats) improperly dismissed my case on a discovery motion. This was monopolistic abuse of power.

To summarize, the instant matter was decided (App. D) exclusively by six Democrats, after I specifically complained about that the Defendants had closed ranks with their associates for partisan reasons (id., ¶¶68, 70, 381). I did not choose these Defendants due to their political affiliation. I am merely a moderate-conservative independent voter – not an extremist, nor a politician, nor a celebrity. Must a New York litigant go to SCOTUS simply to find a court that is not dominated by Democrats? The exceedingly partisan nature of my judges and adversaries violated my Constitutional rights.

The Circuit panel's composition exuded gamesmanship. It suffered from material conflicts of interest, not only in the form of the City Bar memberships, but also Judge Chin's wife's prominent role at the City of New York (N.Y.C.), and Judge Leval's professorship at Hofstra University. The recommendations by legal scholars (e.g. Tiller and Cross) for the composition of appellate panels are unanimous that such panels should be politically

mixed (doc. #124, pp. 10-12). Why did the Circuit ignore this guideline?

NB: the homogeneity of the panel would not have been a problem if these judges had not chosen to favor their political ties over their ethical duty, conduct which has been frowned on since *Marbury v. Madison,* 5 U.S. 137 (1803). I would prefer a transfer to another circuit if this Court cannot hear my case, but if that is impossible, an Order by this Court for the Second Circuit to adjust its priorities would likely be sufficiently motivating.

The speed of the decisions was as offensive as the bench assignments. Judge Gary Brown of E.D.N.Y. rendered his abbreviated dismissal (288 words) in a half day, before I had finished filing the exhibits, and before I received notification that he had been assigned to the case (see doc #108, p. 16). This was 432 times shorter than the average decision speed that year – clearly an outlier. However, I had not filed it as an emergency application. The decision was a snippet of unsigned text embedded into the electronic docket report, instead of a traditional signed order, which meant I did not receive notice. It was titled "ORDER DISMISSING CASE AS FRIVOLOUS", in caps-lock, screaming like a tabloid headline. But no discussion followed alleging how my 10,700-word, carefully crafted complaint met the definition of frivolous. It was long because this is a civil R.I.C.O. case about a vast criminal enterprise, over 12 years. But my complaint as-filed complied with the Local Rules for E.D.N.Y. – to the best of my knowledge – and Judge Brown's law clerk informed me that his

superior does not have separate limits. If documents fail to comply with the rules, the court clerks customarily inform litigants promptly. The only case Judge Brown cited, *Salahuddin v. Cuomo*, 861 F.2d 40, 42 (2d Cir. 1988), was reversed on appeal and the plaintiff was allowed to replead.

Judge Brown made a credibility determination in dismissing my complaint without first making any factual inquiry into the complaint's allegations, and he erred in doing so. He should have made reasonable accommodations for my disability and *pro se* status, and allowed me to replead, but did not.

This was perhaps the ultimate "high-tech lynching", for a layperson. My case was reduced to an embarrassing, Kafkaesque sand-pounding exercise.

The timing was an indication that the Decision was improvidently made before my case was assigned to Judge Brown. Judge Swain decided (App. B) to transfer the case from S.D.N.Y. to E.D.N.Y. under 28 U.S.C. §1404(a), rather than recuse herself. I should have been allowed time to consider this, as well as Judge Brown's and Magistrate Lindsay's assignment to the case (doc. #108, p. 23 et seq.) It was apparent that Judge Brown issued his Decision with deliberately excessive haste to eliminate initial disclosures and preempt a recusal motion. Even worse, the dismissal's timing – issued only 18 days after my complaint to the U.S. Department of Justice (see p. 15) – created an appearance of impropriety.

Judge Brown said, perfunctorily, "factual predicates appear to have been thoroughly litigated in a series of cases as described in *Andersen v. N. Shore Long Island Jewish Healthcare Sys.'s Zucker Hillside Hosp.*, No. 12-CV-1049 (JFB ETB), 2015 WL 1443254, at *6 (E.D.N.Y. Mar. 26, 2015), aff'd sub nom. *Andersen v. N. Shore Long Island Jewish Health Sys.'s Zucker Hillside Hosp.*, 632 F. App'x 13 (2d Cir. 2016)." However, there was no discussion in the Decision to establish that any significant thought had gone into that statement. The only previously decided claims were against Northwell and UnitedHealthcare seven years ago, but I had eliminated those claims from the complaint. I devoted part of my complaint to preempting potential claims preclusion and S.O.L. objections, and part of my appellate brief to refuting Judge Brown's abundantly false statements about predicates and S.O.L.s (doc. #108, pp. 6-7; doc. #109, ¶308 et seq.) Consideration should have been given to my facts and arguments.

Among other factors contributing to Judge Brown's conflicts, U.S. Senator Chuck Schumer was Brown's sponsor for his appointment to the bench at E.D.N.Y. (doc. #108, pp. 8 & 30). Sen. Schumer had spearheaded the passage of the Brady Law, which I called into question in my complaint, and Judge Brown owed him a favor. He had an incentive to protect Schumer's discriminatory "brainchild". Schumer and other New York politicians have helped Northwell to attract **billions** of dollars in T.A.R.P. and other Federal funding (doc. #109, ¶400). Northwell and its associates have thanked Senator Schumer by repeatedly and generously supporting his

campaigns for reelection. Schumer's endorsement of Brown created a debt of gratitude, which led to conflicts of interest.

I filed my appeal on Oct. 24, 2022. The Circuit panel's response to my 33-page appellate brief was to issue yet another abbreviated Decision (243 words), in the space of eight days. This was more than nine months shorter than the average time from notice of appeal to disposition in the Circuit, which was such undue alacrity that it again indicated a predetermined view of the matter. The haste of the panel's Decision was transparently politically-driven, because the elections were imminent at the time, including Letitia James'.

Like the District Court, the Circuit panel entirely avoided discussion of the merits in its Decision, which made the panel appear even more biased than it already did. The panel only said the appeal "lacks an arguable basis either in law or in fact," which was a conclusory statement that provided no information about the thought process behind it.

The panel cited *Neitzke v. Williams*, 490 U.S. 319, 325 (1989), which is a case about the *in forma pauperis* (I.F.P.) statute, 28 U.S.C. §1915. However, this statute did not apply here, because I never sought to proceed I.F.P. in this case, and I have never been in prison. The Circuit's Decision also cited *Pillay v. I.N.S.*, 45 F.3d 14, 16-17 (2d Cir. 1995), a deportation case in which a panel acknowledged that the plaintiff-appellant had paid his court fees so therefore it could not dismiss his appeal under the §1915 standard.

Salahuddin, the case that Judge Brown cited, was also an I.F.P. case, so my problem started at E.D.N.Y. This may have been a vestige of my first *pro se* case, 11 years ago with Judge Bianco, in which I was poorly counseled to apply I.F.P., but this should not have affected the instant case.

Judge Swain of S.D.N.Y. ordered me on February 28th, 2022, to either pay the $402 filing fees or apply for I.F.P. I did not qualify for I.F.P. at the time. The docket report stated that my $402 payment was processed on 3/01/2022, Clerk's Receipt Number 465401294537, and the receipt stated it was a "civil filing fee" (See App. F.) Judge Swain's Decision (App. B) acknowledged that I paid the fees.

Were the District and Circuit courts' decisions based on a genuine misunderstanding about application of the I.F.P. statute to my case? The Clerk's office at the Second Circuit told me that my case was not designated I.F.P. in their files, and my only route to resolve this matter was to ask SCOTUS. Regardless of the intent, if the decisions were made under the §1915 standard, all of the court fees that I paid were an unlawful form of taxation.

FRCP 26(a)(1)(B)(iv) explains that "Proceedings Exempt from Initial Disclosure" include "an action brought without an attorney by a person in the custody of the United States, a state, or a state subdivision". However, this did not apply to my situation, since not only is Northwell a <u>private</u> hospital company, but I was in its custody once, 12 years ago, for 18 days. I do not have a criminal record

or history of violence, and underwent a so-called "civil" psychiatric hospitalization at Northwell.

Could the courts possibly have misconstrued the P.L.R.A. (42 U.S.C. §1997e), believing that it applied to patients of private mental healthcare facilities? That seems like too egregious a blotting of their copybook.

It is discriminatory, and libelous by innuendo, for a court to assume that a case stemming from an involuntary psychiatric hospitalization is I.F.P., because not all patients are incarcerated or indigent. But if the lower courts did indeed make such a fundamental error of interpretation, that might explain their hasty decisions, and the resulting Pygmalion effect. None of the other exemptions under FRCP 26(a)(1) applied to me.

The panel's Decision appeared to be a knee-jerk reaction to endorse the District Court's faulty Decision, due to prejudice against conservative and *pro se* appellants.

The panel also denied my motion for a change of venue to a different circuit (doc. #91) where I had argued there would have been fewer conflicts of interest. It simply ignored my six pages of arguments as if I were mute.

The panel mentioned briefly that several parties had moved to intervene in the appeal, without ruling on the motion. These included my North Carolina-resident parents (Shirley Andersen, M.D.,

and Harold Andersen, M.D.), my German-resident son (Cameron Lintott), and my U.K. company Andersen Caledonia Ltd. The intervenors – two elderly and disabled, and one living overseas – were receiving service by mail so they were prejudiced by the excessive haste of the decisions. My teenage son F.L.'s due process rights were completely obstructed because as a minor, he could not represent himself, as a *pro se* litigant I could not represent him, and the bar associations had snubbed us... as if teens needed any more convincing that the justice system considers them to be non-persons. The Circuit is ill-equipped to deal with unrepresented disabled, international or teenage litigants, which made the City Bar's misconduct so dangerous. But for Judge Brown's hasty Decision, the intervenors and the other 20+ potential plaintiffs might have been able to join the case under FRCP 20(a)(1).

I filed a motion for reconsideration (doc. #124), but the panel issued an even shorter, 53-word decision (doc. #128) which, again, utterly failed to address the merits, and neglected to resolve the improper application of the I.F.P. statute (App. E).

My case should have been decided on the merits. By ignoring them, the panel was saying that the judging of this case was only about politics, elitism and conflicts of interest. If the panel had been politically balanced and had considered the merits, the decision might have been reached fairly. Canon 3(A)(5) of the *Code of Conduct* demands that judges demonstrate due regard for the rights of the parties to

be heard, and to have issues resolved without unnecessary cost or delay.

Trump and U.S.D.O.J.

Former President Trump has recently been indicted in a New York State (N.Y.S.) court for making hush money payments to porn star Stormy Daniels. Meanwhile, also in Manhattan, two of my Respondent lawyers have defended Northwell for publishing what amounts to pornography in my medical records with me as the unwilling "porn star". I refer to two of the lawyers – Daniel May and Daniel Ratner – as the "Store-Me Daniels". Northwell hospital staff stripped, drugged, assaulted, battered, and trafficked me, and created and publicly distributed adult material in my medical records, which has been improperly displayed to general audiences on the permanent public court dockets. Manhattan DA Bragg said of Trump that he couldn't "normalize serious criminal conduct", but meanwhile, NY State has not only normalized but also covered up my Respondents' criminal conduct.

I say this because I have personally experienced what Mr. Trump refers to as a disgraceful weaponization of our justice system, which is being used to achieve Governor Hochul's and former Governor Cuomo's public vows to chase every last conservative out of N.Y.S.

I asked the U.S.D.O.J. in Sept. 2020 to pursue criminal investigation of the defendants' misconduct;

it sent me a polite letter dated Nov. 24, 2020, saying it had received my complaint and takes such complaints seriously, but I received nothing further, despite reminders. The Biden D.O.J. has continued to ignore me.

The DOJ's silence is remarkable, given the astonishing number and severity of §1961 predicate acts in this case (doc. #109, pp. 126-128) include *inter alia* obstruction of justice (18 U.S.C. §1503), mail and wire fraud (18 U.S.C. §§1341 and 1343), credit card fraud (18 U.S.C. §1644), receiving proceeds of extortion (18 U.S.C. §880), bank fraud (18 U.S.C. §1344), forced labor (18 U.S.C. §1589), money laundering (18 U.S.C. §1956), witness/victim tampering and retaliation (18 U.S.C. §§1512-1513), wiretapping (18 U.S.C. §2511), coercion and enticement (18 U.S.C. §2422), selling or transferring obscene matter (18 U.S.C. §1466), false statements (18 U.S.C. §1001), false entries (18 U.S.C. §§1005-1006), falsification of business records (18 U.S.C. §1519), aiding and Abetting (18 U.S.C. §2), wrongful disclosure of individually identifiable health information (42 U.S.C. §1320d-6), hate crime acts (18 U.S.C. §249), and penalties for disclosing Social Security numbers (42 U.S.C. §1320a–7a). In addition, there were many NY penal code violations including *inter alia* public corruption, false arrest, kidnapping, false imprisonment, battery, grand larceny, and evidence tampering.

The fact that D.O.J. has remained silent may be an extension of the prejudice that I discussed in *Andersen v. Venizelos*, index no. 13-cv-4370, E.D.N.Y.

I brought that *pro se* case, prompted by this Court's denial of a writ of certiorari in *Oravec v. Cole* (12-222). I noticed similarities between the way that members of the Crow Tribe were denied law enforcement due to F.B.I.'s animus against them, and the fact that I and similarly situated plaintiffs were refused police and F.B.I. assistance due to a prior psychiatric hospitalization. But Judge Joseph Bianco said in his Decision that the F.B.I. Director was "shielded by sovereign immunity" so his court could not compel the F.B.I. to investigate my allegations. So, if police, regulators, the State A.G., and the lower courts all turn a blind eye to such misconduct, the lower courts can't compel F.B.I., and D.O.J. won't willingly investigate, what recourse remains to plaintiffs such as me? And does every protected class really need to litigate separately against F.B.I. to eliminate all forms of discrimination?

This form of disability discrimination has reared its ugly head repeatedly throughout the past 12 years, not only from law enforcement but also from regulators and the courts. The irony is that 53 million Americans suffer from some form of mental illness, according to N.A.M.I. (the National Alliance on Mental Illness). Further, their demographics make them more likely to be Democrats than Republicans. They are more likely than the general adult population to be female, young (18-25), L.G.B.T., multiracial, and/or to have significantly lower household income (doc. #124, p. 12). Ironically, this means I have put the majority of my thousands of unpaid, thankless hours of effort on administrative complaints and litigation over the past 12 years

mainly into helping Democrats, and my six judges acted to harm their own fellow voters.

28 U.S.C. §455, the *Code of Conduct*, and judicial disqualification

Surely, the Circuit panel members should not have needed anyone to remind them that they were City Bar members, and that this was unacceptable because the City Bar was a Defendant. They should have realized this, and self-disqualified under 28 U.S.C. §455.

In the absence of a judge's self-disqualification, a litigant theoretically has the ability to make a complaint to the Circuit Clerk, citing violations of the Canons of the *Code of Conduct for United States Judges ("the Code of Conduct")*. I say "theoretically" because the administrative process assumes there is an unbiased person in place at the Circuit to evaluate such a complaint.

These judges violated the following canons of the *Code of Conduct*:

- Canon 2 (A & B) – the "appearance of impropriety".
- Canon 2C – "membership in an organization that practices invidious discrimination".
- Canon 3(A)(3) – "avoid comment or behavior that could reasonably be interpreted as harassment, prejudice or bias."
- Canon 3(A)(4) – the "right to be heard".

- Canon 3(A)(5) – judges must dispose of matters promptly, efficiently, and fairly.
- Canon 3(C) – judges must be "patient, dignified, respectful, and courteous to litigants..."
- Canon 3(C)(1)(a) – a judge should disqualify himself if he "has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding."
- Canon 4 – judges may only serve as an "officer, director, trustee, or nonlegal advisor" of an educational organization.
- Canon 4(H) – emoluments from extrajudicial activities must be reported.

I filed substantive administrative complaints about all six judges (Circuit, S.D.N.Y. and E.D.N.Y.), in April 2022, which were swatted away, just as my appeal had been stifled. (Circuit Docket numbers: 22-90034-jm, 22-90035-jm, 22-90038-jm, 22-90041-jm). I then submitted them to the Judicial Council for review, and they were again denied with barely any comment. This was despite the fact that I had submitted scrupulously-researched Statements of Facts to accompany my complaints, which referred in detail to the *Code* no fewer than 22 times, and to the individual canons 50 times, carefully matching each complaint about each judge to the relevant canon.

Other judges existed in the Circuit who were not City Bar members, but they were not chosen. There was a total failure of the administrative review process for recusal, which needs to be considered.

I will refrain from going into detail about these administrative complaints, because they are on the Circuit's record, and the conflicts described herein should be sufficient for disqualification. It seemed pointless to apply for a writ of mandamus against an entire panel, after even the Judicial Council had failed to discipline them. Why don't the usual bench selection criteria apply in the Second Circuit?

It is particularly important that Judge Denny Chin's wife, Kathy Hirata Chin, works directly for my Defendant N.Y.C., as Acting Chair of the N.Y.C. Commission on Police Corruption.[1] The N.Y.P.D.'s misconduct is central to my claims against the City. Further, Mrs. Chin's remit includes reviewing reports on topics such as "discipline of officers who have made false official statements", but one of my grievances about the N.Y.P.D. is that its detective made a false statement but was not disciplined. This was another conflict of interest for the double Chins, that demanded further investigation. One would think that a Chinese-American judge would understand better than most the need to prevent indefinite detention on American soil.

Additionally, Judge Pierre Leval holds a Professorship in Communications Law at Hofstra Law School, while Hofstra Medical School is part of the same university and is owned by and co-branded with my Defendant Northwell Health. Professorships tend to be paid positions, so filthy lucre was likely a factor.

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1 https://www.crowell.com/professionals/Kathy-Hirata-Chin; https://www.nyc.gov/site/ccpc/about/commissioners.page

Judge Brown and Magistrate Lindsay lecture at Touro Law School, which was founded under Jewish religious auspices, and is lavishly supported by Northwell. Aren't these transparent conflicts, under Canons 2A/B and 2C? Shouldn't judges have to disclose their income from extrajudicial jobs which create conflicts? With a huge hospital system like Northwell, information such as where these judges' doctors practice is relevant.

Interpreted literally, Canon 2C prevents judges from sitting on the faculty of a religious law school, such as Touro, Yeshiva, or St. John's. It would be helpful if this Court could confirm that, since the Judicial Council ignored my questions about it, and this criticism applied to several of my judges. Canon 2C says "a judge should not hold membership in any organization that practices invidious discrimination on the basis of race, sex, religion, or national origin." Whether an organization practices invidious discrimination can depend on several factors, including whether "the organization is dedicated to the preservation of religious, ethnic or cultural values of legitimate common interest to its members". Shouldn't courts be required to uphold Canon 2C? If so, could we agree that it does not matter which particular religious sect is the school's sponsor? This canon needs some clarification.

In addition, I complained about Judge Joseph Bianco (doc. #109, pp. 293-297), who dismissed my 2012 case against Northwell (632 F. App'x 13 (2d Cir. 2016)). His conflicts included a Touro faculty job, moonlighting as a Catholic Deacon, and ties to the

national intelligence services. This was important, but it is only indirectly related to the instant case so I will refrain from discussing it further here.

A bar association is not just a professional organization, but also an "old boys' network", analogous to a college fraternity. Fraternities are known to have an informal system of support whereby members use their positions of influence to help or protect other members. Imagine the absurdity of a theoretical case by a female student who was abused by members of a college fraternity, being judged by other members of the same fraternity. Surely this Court would call that a conflict of interest.

Nobody should have understood this better than Judge Eunice Lee, the third member of the Circuit panel. She served on the City Bar's Committee on Professional Responsibility, which is a subject that would normally include conflicts of interest in its scope.

Shouldn't each judge's full C.V. be public information, including e.g. education, employment, business, political, financial, religious, healthcare, fraternal, national security relationships, political patronage, identities of spouses, other close family members, and staff, and their occupations? With these judges, the public information was incomplete.

The facts that the City Bar was a defendant, and that all three Circuit panel members were in the City Bar "fraternity", should have resulted in that panel being identified as conflicted. The City Bar was

both judge and jury, and transformed into a Star Chamber. The framers of the Constitution could not have envisioned bar associations that practice obstruction of justice, since bar associations did not exist until the American Bar Association was founded in 1878.

Judge Laura Swain of S.D.N.Y. quoted *MacDraw Inc. v. Cit Group Equip. Fin., Inc.*, 138 F.3d 33 (2d Cir. 1998) in her Order (doc. #47, page 3) saying, "At least in the Federal system, judges separate themselves from politics when going on the bench, and their life tenure reduces any felt reliance on political patrons." However, clearly, Congress does not believe this, otherwise there would not be months of acrimonious debate over every SCOTUS nominee. It is when patronage or debt of gratitude continues beyond the judge's appointment to the bench that problems can arise, as in this matter. *MacDraw* continued,

> "Indeed, a suggestion of partiality based on the appointing administration may often be a double-edged sword. If a Democratic appointee's impartiality toward lawyers publicly identified as active Republicans may be questioned, a Republican appointee's impartiality toward lawyers' adversaries might similarly be questioned on the ground that a Republican judge might favor the Republican lawyer."

Isn't such an egregious degree of bias universally intolerable, from either side of the aisle? If I had been a Democrat plaintiff suing several Republican defendants, and I was assigned exclusively Republican judges, who prejudiced me, wouldn't that have been as unjust as my current situation?

Is it possible that the Circuit deliberately created the most biased panel conceivable, using an eristic approach to inversely prove this point? If so, that would make its motives appear less malicious. But it could hardly have shown its hand, due to the codes of silence in place.

My defendant N.Y.C. is notorious for the omertà that the N.Y.P.D. practices, commonly referred to as the "blue wall of silence" (e.g. see *Lopez v. City of New York*, 20-cv-2502 (LJL) (S.D.N.Y. June 9, 2022)), and *Valentin v. New York City*, No. 94 CV 3911 (CLP) (E.D.N.Y. Sep. 9, 1997)). This metaphorical "wall" extended around Judge Chin from Mrs. Chin.

Professors of the same university, such as Judge Leval's Hofstra, are also known to adhere to a code of silence when it comes to misconduct by their colleagues. Otherwise, why would it be necessary for universities to have anti-retaliation policies, as many do? e.g. The D.O.J. said in September 2022 that Harvard University could be held responsible for retaliation by its professors (see *Czerwienski v. Harvard Univ.*, Civil Action 22-10202-JGD (D. Mass. Mar. 27, 2023).

In *MacDraw,* two attorneys appealed Judge Chin's decision to impose sanctions on them because they questioned his impartiality based on his race and political affiliation. The Circuit affirmed. However, that case lacked the additional conflicting factors that exist in my case: the City Bar, N.Y.P.D., law school faculty affiliations, and multiple Democrat Respondents including Ms. James. Shouldn't judges be required to disclose volunteer and fraternal associations that could lead to bias? One must look at the whole package of conflicts and codes of silence.

Shouldn't the court system eliminate its own conflicts of interest, and not expect struggling, disabled, underfunded *pro se* plaintiffs to do that? (NB: Justice Sonia Sotomayor has been given a medal by my Respondent the City Bar.[2])

Judicial bias and due process

This Court last discussed judicial bias at length 14 years ago in *Caperton v. A.T. Massey Coal Co., Inc.*, 556 U.S. 868 (2009), which is widely referred to as the objective standard in judicial recusal. It was concluded that a court must make a due process determination whether the litigants had a fair hearing when a justice's participation in a case is challenged. *Caperton* dealt with finances of elected state judges,

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[2] https://www.nycbar.org/media-listing/media/detail/city-bar-presents-association-medal-to-us-supreme-court-justice-sonia-sotomayor-and-unveils-her-portrait

whereas the Federal judges in the instant case were of course appointed. However, the *Caperton* tests for bias apply here, so my case provides an opportunity to fine-tune the message of *Caperton*. It is clear that I was denied any hearing at all, let alone a fair one. *Caperton* is an aptly-named comparator for this discussion due to the amount of gamesmanship that has occurred.

Perceived bias (without more) was not recognized as a constitutionally compelled ground for disqualification until *Caperton*. Justice Kennedy wrote,

> "The Due Process Clause incorporated the common-law rule requiring recusal when a judge has 'a direct, personal, substantial, pecuniary interest' in a case, *Tumey v. Ohio*, 273 U.S. 510 (1927), but this Court has also identified additional instances which, as an objective matter, require recusal where 'the probability of actual bias on the part of the judge or decisionmaker is too high to be constitutionally tolerable,'" *Withrow v. Larkin*, 421 U.S. 35 (1975).

Justice Kennedy continued, "objective standards may also require recusal whether or not actual bias exists or can be proved... The failure to consider objective standards requiring recusal is not consistent with the imperatives of due process."

The biases in my case were not limited to partisan politics. My judges displayed perceived bias due to their political uniformity, but they also suffered from a high likelihood of actual bias. For example, Mrs. Chin's high-profile chair of N.Y.C.'s Commission, and Judge Leval's Hofstra Professorship, likely involve direct pecuniary interest, as mentioned *supra*. Judge Brown's sponsorship for the bench by Northwell's close associate, Sen. Schumer, was an indirect but strong pecuniary interest. In addition, Judges Brown and Lindsay have teaching roles at Touro, a major recipient of Northwell's patronage (doc. #109, p. 27, 263-267, 269-273), which was an indirect but closely-linked pecuniary interest. There were personal biases in addition to the political and pecuniary ones, likely including gender and disability bias, bias against *pro se* litigants, and against litigants believed to be I.F.P. Two senior male judges and one junior female one being assigned to a case about a woman who was assaulted and battered by men is a perceived bias. The fact that all six judges are Democrats is a perceived bias, however that perception is enhanced because there were no Republicans involved at all, contrary to recommendations for such panels – thereby tilting the balance toward actual bias. Pushing the panel even further to the left was the Democrat-led N.Y.S.A.G., which had deliberately botched its quasi-judicial function in dismissing my administrative complaint (id., pp. 71-73), added to the fact that Ms. James was supported in her campaign by Northwell and its associates.

This Court should consider whether, "'under a realistic appraisal of psychological tendencies and human weakness,'" the challenged justice's interest 'poses such a risk of actual bias or prejudgment that the practice must be forbidden if the guarantee of due process is to be adequately implemented.'" *Caperton*, 556 U.S. at 883-84 (quoting *Withrow*, 421 U.S. at 47). I submit that the answer to that question as applied to my case is affirmative. *Withrow* held that a claimant "must overcome a presumption of honesty and integrity in those serving as adjudicators..." The biases among my six judges were severe enough to require self-disqualification, but they failed to do so, thereby compromising their integrity.

Current status, and highlights of other topics from the case

Due to the courts' turning of the proverbial blind eye to the Respondents' misconduct, my medical records have remained on the leaky paper docket at Suffolk County Clerk's office since 2014 (doc. #109, p. 113 et seq.) Privileged information – in addition to false information about my family and me – remains on the N.Y.S. and Federal electronic dockets, some of it since 2012, putting us at risk of identity theft. Unless law enforcement takes an interest, is there any other solution remaining to me to force removal of the information other than civil litigation?

I will mention only briefly here some of the other topics that I would have liked to cover, to avoid being accused of prolix. They include cybersecurity,

identity theft, the H.I.P.A.A. Privacy, Security and Breach Notification Rules, G.I.N.A. (the Genetic Information Nondiscrimination Act of 2008), the *Katz* test, chalking, 50 U.S.C. §421 (the Intelligence Identities Protection Act), and the Brady Handgun Violence Prevention Act of 1993 (18 U.S.C. §922), as they apply to this matter, as well as the causes of action (42 U.S.C. §§1983 and 1985, the Americans with Disabilities Act (A.D.A.), the Rehabilitation Act, the Trafficking Victims Protection Act of 2003 (T.V.P.A.), civil R.I.C.O. (18 U.S.C. §1962(a)-(d)), the Civil Rights Act of 1964, and State laws), but unfortunately, bias in the Circuit panel changed the topic of conversation.

An interesting question might be whether the Respondents who run the N.Y.S. Courts e-filing service think that Section 230 of the Communications Decency Act (C.D.A.) protects them from accusations of defamation and invasion of privacy when they allow lawyers to publish unredacted medical records on the dockets. I would argue that C.D.A. §230 does not protect them, because these State officials did not provide adequate data security; in fact, they fell far short of complying with the N.Y.S. Shield Act of 2019 (doc. #109, p. 61). Additionally, the N.Y.S. Supreme Court clerks failed to exercise their customary editorial function and did not remove my records from the dockets after I explained that the records contained both false and privileged material. However, we did not have the chance to discuss this topic, due to the dominance of the judicial misconduct problem. I was unable to add the other 20+ potential

plaintiffs to my case because I did not have an attorney, thanks to the City Bar.

As with many computer problems, the best solution might be to just "reboot the system", i.e. in this instance, force reversion to paper filing until the N.Y.S. court system complies with the Shield Act, as Suffolk County was forced to do in response to a 2022 cyberattack. Could this Court order the N.Y.S. court system to do so?

In a recent example of government hypocrisy, the F.D.A. now requires medical devices to be secured against cyberattacks.[3] However, H.H.S. told me it wouldn't investigate or report the dissemination of my records on the court dockets, which amounted to cybersecurity breaches. H.H.S. said that was the N.Y.S.A.G.'s job. It is unheard-of and discriminatory for privileged information to remain in the public domain for years after the host has been alerted, as in this case. Many courts are taking such breaches seriously, e.g. Anthem's $39m settlement[4], and the Regal Medical cases.[5] Even the Federal courts' electronic records system has been affected by

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[3] https://www.cnn.com/2023/03/29/tech/fda-medical-devices-secured-cyberattacks/index.html

[4] https://www.fiercehealthcare.com/tech/anthem-to-pay-39m-to-state-ags-to-settle-landmark-2015-data-breach

[5] https://www.beckershospitalreview.com/cybersecurity/11-lawsuits-filed-against-california-medical-group-over-ransomware-attack-that-affected-3-million-patients.html

cyberattacks.[6] An amicus brief could help less technology-literate American citizens to understand the cybersecurity issues in this matter.

The *Katz Test* is "a twofold requirement, first that a person have exhibited an actual (subjective) expectation of privacy and, second, that the expectation be one that society is prepared to recognize as 'reasonable.'" (*Katz v. United States*, 389 U.S. 347 (1967), *398 U.S. at 361 (Harlan, J., concurring)).* Hospital patients generally expect that their privileged information will be kept private, but especially when psychiatric care is involved because it tends to encompass highly sensitive information. For a hospital to take confidential information from a patient without a warrant, under false pretenses, and wantonly publish it in a public forum as these Respondents did, fails to meet American society's definition of reasonable (doc. #109, p. 120).

While robbing me of my privacy, Respondents defied various other standards set by this Court and other Federal courts. They failed to establish the need for confinement discussed in *O'Connor v. Donaldson*, 422 U.S. 563 (1975) ("a state cannot constitutionally confine without more a non-dangerous individual who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends"), or in *Addington v. Texas*, 441 U.S. 418 (1979) (raised burden of proof required to commit individuals for psychiatric treatment from

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[6] https://www.uscourts.gov/news/2021/01/06/judiciary-addresses-cybersecurity-breach-extra-safeguards-protect-sensitive-court

"preponderance of the evidence" to "clear and convincing evidence"), or in *Olmstead v. L.C.*, 527 U.S. 581 (1999) (non-dangerous disabled individuals are entitled to reasonable accommodations to reside integrated into the community, instead of institutions), or *Rennie v. Klein*, 462 F. Supp. 1131 (D.N.J. 1978) (individual's constitutional right to refuse psychiatric medication), and they failed to meet the standard of safe confinement discussed in *Youngberg v. Romeo*, 457 U.S. 307 (1982). Erring on the side of caution is not a legal standard. Apparently, the legal profession and healthcare industry need a reminder about these concepts.

As in my case, *Dubin v. U.S.* (22-10), currently pending this Court's decision, involves false billing to Medicaid for psychological services. *Dubin* is a criminal matter, but by contrast none of my Defendants has been prosecuted. After committing identity theft by taking privileged information from me coercively and under false pretenses, both in the hospital's locked facility and later in litigation, the Respondents disseminated my private information without my authorization – with apparent goals of profit, harassment and obstruction. Should each misuse of my name have counted as an instance of identity theft, as in *Dubin*?

The H.I.P.A.A. Breach Notification Rule, 45 CFR §§ 164.400-414, requires H.I.P.A.A. Covered Entities and their Business Associates to provide notification following a breach of unsecured protected health information. However, no breach notification occurred, because the Respondents failed to identify

what happened as a breach (doc. #109, pp. 61-66), or even as an incident. Neither the District nor the Circuit Court so much as mentioned this very serious violation of H.I.P.A.A. law. It appears to be unprecedented for such a flagrant H.I.P.A.A. breach to go completely ignored. N.Y.'s Shield Act mandates that officials such as Respondents Barry and Carucci take personal responsibility for data security, but they failed to do so, and the N.Y.S.A.G. refused to intervene. Artificial intelligence should be used to screen dockets for breaches, otherwise hackers will use it to steal privileged information (id., pp. 70). Fines need to be imposed, as a deterrent to prevent Respondents from continuing this misconduct. How can that happen unless this Court decides to take a look?

The Brady Law permits the F.B.I. to enter the name of any patient who has been hospitalized for alleged mental illness into its N.I.C.S. (National Instant Crime Statistics) database (id., pp. 93-96), a mechanism that D.O.J. refers to as the "Federal mental health prohibitor" (the "Prohibitor"). This permanently revokes the patient's Second Amendment rights. According to 18 U.S.C. §922(g)(4), you have an affirmative defense if you were committed by a Federal agency, and you have been found to be "rehabilitated" – whatever that means.[7] Due to the involvement of defendant Abraham Lopez, a Filipino who testified he was a Federal employee, I may be able to use this affirmative defense to escape the purgatory of the F.B.I.'s computers. But there is no explanation

[7] https://www.atf.gov/file/58791/download

in the statute of how one is supposed to use this defense, and the lower courts failed to explain it. This is important not only for me, but also for the six million other people who have been entered into the N.I.C.S. database, most of whom are likely unaware because F.B.I. apparently gets away with deploying the Prohibitor in an unconstitutionally opaque manner – a throwback to J. Edgar Hoover's national blacklist. Also, the Prohibitor fails to carve out temporary mental health problems, which are common. The guidance available on the internet has gone from almost nothing in 2011, to confusing today.

I am entitled to know whether I can legally own a firearm or not (doc. #109, p. 94). I was unable to obtain this information from F.B.I., despite several attempts. I did not receive notification that I was subject to the Prohibitor, but official notification is required. My research has not revealed any other historical cases that have dealt with this aspect of Brady. Northwell failed to file the mandatory paperwork with the N.Y. Mental Hygiene Court. For my firearm ownership status to be left in a gray area by the Respondents violated my due process and 2A rights. If my firearm rights were confiscated due to the actions of a Federal agent such as Abraham Lopez, does that make me seditious?

Could this Court clarify the mechanics of Brady's affirmative defense? Could it explain that entering names of individuals who have had psychiatric care into the N.I.C.S. database without notice – or leaving such individuals in the dark about

their status – is a gross violation of their due process and 2A rights?

The courts have been just as dismissive of G.I.N.A. (the Genetic Information Nondiscrimination Act of 2008) as they have been about Brady. G.I.N.A. protects people such as me with hereditary illnesses from discriminatory treatment. It is well-established in the scientific literature that there is a genetic basis for certain psychiatric conditions (id., p. 133). However, I have been unable to convince the courts to recognize that G.I.N.A. applies to me, or even to consider it. The lower courts need this Court's help to understand that psychiatric illnesses are often hereditary, and in those cases G.I.N.A. may apply.

The lower courts also ignored my point that 50 U.S.C. §421 – the Intelligence Identities Protection Act of 1982 – is unconstitutional in a case such as mine, because it can result in a deprivation of procedural due process rights if it prevents the victim from identifying his abusers and obtaining evidence. §421's information-chilling encourages the existence of tyrannous secret police like the KGB. The statute fails to consider the genuine possibility that an intelligence officer has committed crimes and needs to reveal his true identity to a court (id., p. 100 et seq.) Defendant Lopez and two of his colleagues at Northwell – Drs. Mark Russ and Lauren Hanna – deliberately blew their own covers. Even worse, these human equivalents of "ghost guns" made plainly false statements in their depositions in lieu of invoking their 5th amendment rights. Should they be entitled to immunity after such a performance? It is too easy for

them to be recalled, or to classify evidence, thereby avoiding accountability.

Can a private psychiatric ward ever legally be used for Federal surveillance of a detainee? The hospitalization becomes a farcical guardianship proceeding, inside a box-within-a-box, with Uncle Sam as both jailer and guardian, and the detainee as absolute pawn... literally a slave.

Shouldn't all participants in a court of law be authentic? Otherwise, court decisions in cases such as this would be based on fiction. Didn't I have the right to know whether I needed to visit the F.I.S.A. court to obtain the information I sought? If litigating there is as impossible as it appears without an attorney, that completely deprives me or any similarly situated litigant of due process. This could invalidate §421.

Could we agree that it is improper for the Federal government to interfere in the care of a patient in a private hospital without visible warrants, and that it is wrong for a Federal agent to lie about his identity under oath?

The manner in which several of the Respondents barged onto the scene without obtaining warrants or identifying themselves, had the effect of "chalking" me as a target or gull. In *Taylor v. Saginaw*, No. 17-2126 (6th Cir. 2019), the Sixth Circuit held that the practice of "chalking" in which parking enforcement officers applied chalk to mark the tires of parked vehicles to track the duration of time for which those vehicles had been parked

constituted a search under the Fourth Amendment. Mr. Lopez chalked me by mentioning his Federal sponsors in his deposition, which implied that I was an Agency insider or there had been some legitimate reason for the Federal government to be involved in detaining me, when in fact none had been alleged. Forcing me to air sensitive family matters in public pleadings, instead of dealing with them administratively and privately, was also a form of chalking, and of cruelty. (See *Bryant v. County of Los Angeles,* Dist. Court, CD California 2022, 20-cv-9582). The courts' erroneously marking me as I.F.P. and misleadingly labeling my case as frivolous was also a form of chalking.

Remarks about *pro se* litigants

Surely this Court knows that *pro se* litigants are treated prejudicially compared with attorneys. That has been made brutally and repeatedly apparent to me over 12 years of litigation.

This unfairness was enhanced by the fact that I have not been self-represented by choice, but only because my access to legal counsel has been obstructed. I was denied the Mental Hygiene Legal Service counsel to which I was entitled at the Northwell hospital where I was detained, and my attempts to retain counsel have been thwarted for most of the intervening 12 years. If I had known this was going to happen, I might have attended law school, but that seemed like an extreme measure for

someone who was already more than a half century old and didn't want to practice law. Mysteriously, every attorney who was referred to me by the bar associations was conflicted.

I wrote to Chief Clerk Scott Harris on February 21st saying that I was looking for an attorney admitted to the Supreme Court Bar Association, to write a petition for a writ of certiorari. I noted that the SCOTUS website formerly included a search tool for the Bar, but it was no longer on the Court's website. He responded that SCOTUS does not appoint counsel for this purpose, and wrongly assumed that I was an indigent petitioner. I had said in my letter that I was looking for a **list of members of the bar,** not appointment of counsel by the Court, and that I had searched but could not find such a list anywhere else.

I wasted a month on this fool's errand. If SCOTUS wants to discourage *pro se* litigants from applying, wouldn't it make sense for it to enable them to find attorneys? Concealing the list of members of the bar violates the due process rights of every *pro se* litigant in the country.

REASONS FOR GRANTING THE PETITION

This case is a vehicle to resolve some exceptionally important issues without triggering a deluge. As in *Caperton,* the facts of this case are sufficiently extreme to minimize the danger of a flood of subsequent litigation. The approximately 20

similarly situated victims of docket doxing in New York are a manageable number, and by drawing a line under the N.Y.S. court system's misconduct, this Court would stop the accumulation of new victims. If I succeed in alerting individuals who may have been opaquely entered into the N.I.C.S. database, the F.B.I. should be able to handle reparations.

I ask this Court to turn off the "mute" button that the District Court pressed, and the Circuit Court held in place. The word gamesmanship is inadequate to describe bullying in litigation wherein the playing field is this severely tilted. Gamesmanship is being used to improperly launder these Respondents' reputations – analogous to sportswashing.

Thanks to the information-chilling that is pervasive in this matter, Governor Hochul and Ms. James won their elections in November 2022. Otherwise, Lee Zeldin and Michael Henry might have had a fighting chance. If this Court could retroactively call into question the legitimacy of those elections, it could be justifiable to do so, due to the extent these politicians have chilled information flow to avoid public censure. The Governor and N.Y.S.A.G. turned a blind eye to this delinquency. Under normal circumstances, regulators and the media would have reported on such activity, but in this instance, politically-motivated information-chilling systems prevented that from happening. I ask this Court to prevent officials from the banana republic of New York from continuing to use their illegal means of government oppression.

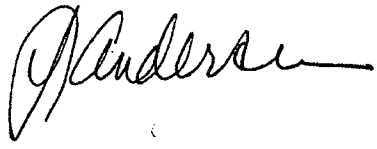
I relocated out of N.Y. in 2022, because nobody should have to cope with the State's shameful politically-motivated persecution.

CONCLUSION

For the foregoing reasons, the Petition for a writ of certiorari should be granted. I simply have not been heard.

DATED:
April 24, 2023
Chapel Hill, NC

Respectfully submitted,



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