22- 5021

IN THE

SUPREME COURT OF THE UNITED STATES

PALANI KARUPAIYAN; et al

Petitioners

v.

L. NAGANDA; et al

-- Respondents

PETITION FOR A WRIT OF CERTIORARI

to the United States Court of Appeals
for the Third Circuit, before judgment is entered in that Court

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Palani Karupaiyan.
Pro se, Petitioner,
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212-470-2048(m)

I. QUESTIONS PRESENTED

A) DISTRICT COURT DENYING PLAINTIFF(S) REQUEST TO APPOINT PRO BONO ATTORNEY AND/OR GUARDIAN AD LITEM IS ERROR.

B) DIST COURT DENYING AN ORDER PROHIBITING THE SUPERIOR COURT OF NEW JERSEY, MIDDLESEX COUNTY FAMILY DIVISION AND THE STATE OF NEW JERSEY FROM PLAINTIFF'S ARREST IS ERROR.

C) SUA SPONTE ORDER OF MISSING SAC SHOULD BE VACATED

D) DIST COURT DENYING PERMANENT INJUNCTION RELIEFS IS ERROR.

E) DIST COURT DISMISSING THE SAC UNDER RULE 8 DISMISSAL IS ERROR when dist Court failed to review the complaint under rule 8(f), rule 12(e), rule 12(f) and *Bell v. Hood, 327 U. S. 678 @ 684.*

II. PARTIES TO THE PROCEEDING

Dist Court provide appealable order as

PALANI KARUPAIYAN; et al v. L. NAGANDA ; et al.

Palani Karupaiyan and his children PP, RP were petitioners/plaintiffs

There are 29 defendants.

L.NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM;

J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR;

ARUL THIRUMURUGU;

ATLANTIC REALTY DEVELOPMENT CORP AND MIDDLESEX MANAGEMENT;

MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE;

DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oak Tree Village;

D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing;

COUNTY OF MIDDLESEX; STATE OF NEW JERSEY;

TOWNSHIP OF EDISON

NJ judicial authorities-Marcia Silva, Craig Corson, Jerald Council, Stuart Rabner , Jaynee LaVecchia, Barry T. Albin, Anne M. Patterson, Faustino J. Fernandez-Vina, Lee A. Solomon, Walter F. Timpone, Glenn A. Grant, Allison E Accurso, Patrick DeAlmeida, Joseph Yannotti . These NJ state judges were on USCA Dkt 20-3063

USCA's previous Docket's captions

In Docket 21-2560, **Dkt-5** when the appellant requested caption change, USCA ruled as below

> *"It is noted that although the New Jersey judicial authorities are not included in this Court's caption, the parties are appellees in this action"*

In Docket 21-2560, **Dkt-1-3**

> "Enclosed is case opening information regarding the above-captioned appeal filed by Palani Karupaiyan, Stuart Rabner"

III. RELATED CASE(S)

From USCA 3rd circuit

21-2560 Palani Karupaiyan et al vs L Naganda et al,
21-3339 Palani Karupaiyan v Township of Woodbridge.

There two cases' PETITION FOR WRIT OF CERTIORARI were already delivered to the US Supreme Court and waiting for filing.

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VIII. OPINIONS BELOW (FROM DIST COURT)

1) ECF(56) WHEREAS OPINION dated May 20 2022. **App.4**

2) ECF(57) WHEREAS Order dated May 20 2022. **App.2**

Sua Sponte dismissal of Second amended complaint (SAC) ECF-31

3) ECF(44) Opinion date Aug 12 2021. **App.16**

4) ECF(45) Order Dismissing FAC dated Aug 12 2021. **App.14**

5) ECF(43) Order denying to 3rd amended complaint. **App.22**

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7) ECF(19) Order denying Marshal Service. **App.24**

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Hon. Susan D. Wigenton USDJ; Hon. Leda Dunn Wettre USMJ

IX. JURISDICTION

a) US SUPREME COURT HAS JURISDICTION UNDER ITS RULE 11
Certiorari to a United States Court of Appeals Before

Judgment A petition for a writ of certiorari to review a case pending in a United States Court of appeals, before judgment is entered in that Court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e).

b) 28 U. S. C. § 2101(E).
An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the COURT OF APPEALS may be made at any time before judgment

c) STANDING UNDER ARTICLE III OF THE CONSTITUTION
In *Clinton v. City of New York, 524 US 417 – S. Ct 1998@* 433

("The Court [USSC] routinely recognizes probable ... injury resulting from [governmental actions....
It follows logically that any . .. petitioner who is likely to suffer economic injury as a result of [governmental action] that ... satisfies this part of the standing test").

d) OTHER STATUES

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X. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Fed.R.Civ.P. 8(a)(2) and (3)
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1st Amendment
4th Amendment
5th Amendment.
14th amendment
Article III of the Constitution

42 US Code § 1983 - Civil action for deprivation of rights
42 US Code § 1982 - Property rights of citizens
42 US Code § 1988 - Proceedings in vindication of civil rights

The New Jersey Law Against Discrimination (NJLAD)
.. and more

XI. STATEMENT OF THE CASE

a) BEFORE DIST COURT PROCEEDING (PARALLEL FAMILY CASES IN NEW JERSEY AND INDIA)

Defendant Ranjeeth called Mr. Karupaiyan ("Palani", Petitioner) before filing fake domestic violence (dv) case and said that himself along with Defendant Naga doing black money/corrupt money transaction in Ramya(my wife)'s bank account and they were plaining to these black money in Ramya's Bank account in billions of dollars so petitioner should allow them to do. Same time, Ramya acted irresponsible, took the kids to daytime women club parties where 2 year old RP was chocked, visited emergency to save life. I told Ramya (Petitioner's wife), do not involve these illegal things, go to work, we need to send the kids to college, Kids marriage expense were unlimited.

Naga, Ranjeeth, Jayapalan (Relatives) came with plan to abduct the kids to India where they have friends/relatives works in judicial Dept so get child custody to hold the kids in India, use the child support/family support money as source of income to do the corruption against Govt of India.

Mr Karupaiyan cancel the kids passport.(**app.68**) Naga, Ranjeeth, Jayapalan came with Plan-B that NJ judicial were total corrupt so easy

to file fake domestic violence case against Petitioner to get child custody, further abduct to India for above reason(s).

Petitioner leased apartment in Dallas, TX for family, moved out before lease expire and Defendant Atlantic's apartment at Edison, NJ lease expired. Atlantic got under table money from Jayabalan to occupy the lease expired apartment, waited for the kids passports to arrive. Atlantic told me that my responsibility to clean the lease expired apartment. Multiple time I refused to clean because lease expired and I moved out. Atlantic listed me in the rental history, forced me to clean the apartment.

Because of Petitioner clean the apartment, Naga, Jayapalan, Ranjeeth filed fake dv case against me. Judge Silva entered Final Restating order (FRO) against me because Im black male, make $140k/year, owe Porsche car, owe $400k home in India when No support evidence/testimony against me. By FRO I was ordered to pay $1900/month (approx.) child support money (**app.30**)

In weeks Judicial Fraud consolidation ordered is filed prevent me appeal the FRO.(**app.38, 39**) The purpose of fraud consolidation order is to continue bill the childsupport money, grand the divorce so bill the

$400k India family home money. These moneys were bill and shared with NJ judicial authorities up to NJ Supreme Court Justices.

I refused to bring the $400k India home money because Im married from India, so NJ does not have jurisdiction to hear family matter because my joint family from India and Im married from India. Indian Supreme Court also ruled same manner.

When NJ judicial fraudulently dragged case for billing benefit, I filed the parallel case in Indian family Court for family reconciliation.(). Also paid approx. $10k to Ramya to go appear in Indian family Court. Ramya went to India and injured the kids and did not appear in India family Court because she did not interest in divorces.

Oct 11 2016 Nj family Court entered ex-parte divorce (**app.40**), ex-parte amended FRO (**app.46**).

New Jersey have high densely engineers, scientists, doctors (high income professional) living than any part of the earth. NJ judicial authorities profiled that these high income professional's family have kids and they save money for kid's education. To rob the kids' education saving, NJ judicial authorities run the corrupt family/trial Courts,

share the money upto NJ Supreme Court justices. The same method they applied against this petitioners.

In the Parallel case, this petitioner got final, latest order from India. Petitioner appealed to NJ appellate Court which denied my appeal for corrupt and fraud purpose as above said judicial fraud. Further I filed petition to NJ Supreme Court which denied my petition with judicial defect by its own mistake.

b) AT DISTRICT COURT PROCEEDING

Plaintiffs filed forma pauperis and civil action against petition captioned defendants and NJ judicial authorities and NJ local Govts. Also plaintiff requested civil action to be combined with Criminal action. The charges are ranging from bicycles thief to NJ Chief Justice violating civil, parental and constitutional rights.

Before serving the complaint, On Oct 1 2020, Dist Court **ORDERED (Sua Sponte)** that

> *the Complaint (D.E. 1) is dismissed without prejudice, except as to Plaintiff's claims (1) against the Judges for acts made in their judicial capacity, and (2) which seek to appeal or overturn the Judges' state Court rulings. Such claims are dismissed with*

prejudice. Plaintiff shall have (30) days to file an Amended Complaint.

Plaintiff filed Notice of appeal (USCA doc# 20-3063) and amended the complaint ECF-7 and served all the defendants including the NJ Judicial authorities. In the USCA 3rd circuit, NJ attorney general office filed as below CA-Dkt-11 under doc# 20-3063.

"Although the State Defendants are listed in the caption in the proceedings below, they did not appear or participate in them. Therefore, they do not intend to appear, take a position, or file a brief in this appeal"

USCA ruled that Oct 1 2020 order is not final.

None of the defendants appeared in Dist Court.

During this trial in Dist Court, NJ judicial authorities hired some proxy parties and lawyer in India, filed case in Indian Supreme Court invalidate the law(s) based on Mr Karupaiyan got family Court order from India.(**app.54,56**) Because I filed civil action in US Dist Court, the defendants together attempted to murder the petitioner.(**app.99,100**) Recently NJ issues active arrest/jail warrant.(Dist-Dkt#54)

Only Middlesex County appeared late, requested the Dist Court to dismiss the complaint on Rule 8 and Rule 12.

On Aug 12 2021 Dist Court enter dismissal order (**app.14, 16**) with prejudice for Rule 8 violation and gave opinion.(**app.16**).

On May 20 2022, District Court entered the appealable Opinion and order. **ECF-56, 57**. Plaintiff(s) filed Post judgement motions permanent injunction, declarative order, guardian ad litem/Pro bono appointment. **ECF-59, 63, 64**. Appellant filed notice of appeal and amended notice of appeal timely. **ECF-58, 67**.

c) At USCA 3rd Cir. Proceeding

On Jun 10 2022, USCA 3rd circuit ordered for Briefing schedule. USCA dkt-8. Appellant's brief is schedule to file on Jul 20 2022 or before. Now the petitioners filing the Petition for Writ of Certiorari under Rule 11 of US Supreme Court

XII. REASONS FOR GRANTING THE WRIT

a) District Court denying Plaintiff(s) request to appoint pro bono attorney and/or guardian ad litem is error.

When the plaintiff(s) is pro se and English is not primary language to the plaintiff(s), plaintiff(s) was disabled, unemployed, and homeless, plaintiff filed motion

1) Appoint the attorney to pro se plaintiff **ECF-34**.

2) Appoint guardian ad litem to Children PP, RP or appoint attorney to the plaintiff(s) **ECF-52**

4) Same or similar motions were filed as post judgment motion. **ECF-61, 64.**

These above motions for appoint pro bono attorney and/or guardian ad litem were denied when the plaintiff was in homeless which were denied. ECF-56, 65.

In *Montgomery v. Pinchak, 294 F. 3d 492 - USCA, 3rd Cir. 2002 @* 502

> *"Montgomery was not a sophisticated "jailhouse lawyer", which is applicable to this plaintiff as well. At least Montgomery had roof over his head. Im homeless.*

At least, *Montgomery had jail roof over his head. In this case, plaintiff is homeless, plaintiff's* car roof also taken/towed by Woodbridge police .Dkt 21-3339. In this same case, Landlord towed my champing van.

In *Tabron v. Grace, 6 F. 3d 147 - Court of Appeals, 3rd Circuit 1993 @* 156-157

> *The plaintiff's ability to present his or her case is, of course, a significant factor that must be considered in determining*

whether to appoint counsel. See Hodge, 802 F.2d at 61; Maclin, 650 F.2d at 888. Courts generally should consider the plaintiff's education, literacy, prior work experience, and prior litigation experience. An indigent plaintiff's ability to present his or her case may also depend on factors such as the plaintiff's ability to understand English, see Castillo v. Cook County Mail Room Dept., 990 F.2d 304 (7th Cir.1993) (instructing district Court to appoint counsel on remand to represent indigent plaintiff who had difficulty with the English language), or, if the plaintiff is a prisoner, the restraints placed upon him or her by confinement, see Rayes, 969 F.2d at 703-04 (reversing denial of request for counsel where indigent prisoner was severely hampered in pressing his claims by conditions of confinement making him unable to use typewriter, photocopying machine, telephone, or computer). Where applicable, these factors should be considered

.....

"We emphasize that appointment of counsel under § 1915(d) may be made at any point in the litigation and may be made by

*the district Court sua sponte. See, e.g., Castillo v. Cook County Mail Room Dept., 990 F.2d 304 (7th Cir. 1993) (ordering district Court to appoint counsel to represent indigent civil litigant who had difficulty with English language 157*157 even though litigant had never requested assistance of counsel). Accordingly, even if it does not appear until trial (or immediately before trial) that an indigent litigant is not capable of trying his or her case, the district Court should consider appointment of counsel at that point*

In this case, plaintiff had disabled, eye vision headache problem due to diabetic, homeless, spine injured untreatable so unable to use the computer

In this case, appellants/plaintiffs requested the lower Court to appoint the father as guardian ad litem under *Robidoux v. Rosengren, 638 F. 3d 1177 - Court of Appeals, 9th Cir 2011 @ 1182*

"District Courts have a special duty, derived from Federal Rule of Civil Procedure 17(c), to safeguard the interests of litigants who are minors. Rule 17(c) provides, in relevant part, that a district Court "must appoint a guardian ad litem — or issue another appropriate

order — to protect a minor or incompetent person who is unrepresented in an action. Fed.R.Civ.P. 17(c).

In Gardner By Gardner v. Parson, *874 F. 2d 131 -Ct of Appeals, 3rd Cir. 1989 @146 "We instruct the Court to appoint a next friend for Patsy"*

In CJLG v. Barr, *923 F. 3d 622 - Court of Appeals, 9th Circuit 2019*, @632 *"children have due process rights to appointed counsel. See, e.g., In re Gault, 387 U.S. 1, 36-37, 87 S.Ct. 1428, 18 *632 L.Ed.2d 527 (1967)"*

In CJLG @ 633-639

"When determining whether there is a right to counsel in civil proceedings, like here, the Court must "set [the] net weight" of those three factors "against the presumption that there is a right to appointed counsel only where the indigent, if he is unsuccessful, may lose his personal freedom." Lassiter v. Dep't of Social Servs. of Durham Cty., 452 U.S. 18, 27, 101 S.Ct.2153, 68 L.Ed.2d 640 (1981) . The ***Lassiter*** *presumption is rebuttable. Id. at 31, 101 S.Ct. 2153". Mathews*, 424 U.S. at 348, 96 S.Ct. 893. The government also has an interest in fair proceedings and correct decisions.

In CJLG @ 639,

"Providing counsel would be costly to the government, but the government already chooses to undertake similar costs here. It would also lead to fairer, more accurate decisions—decisions that a broader public might view as more legitimate".

Same/similar situation, 2nd Circuit Dist Judge appointed the pro bono attorney to draft the amended complaint so the defendants were not able to dismiss the FAC

Dist Court should have appointed pro bono attorney to amend the complaint(s), plaintiff(s) complaint might not be dismissed and this case should not come to appeal.

For any and all above states district Court denying the appellant(s)'s motion to appoint pro bono attorney and/or guardian ad litem were error and Petitioners pray this court to vacate this order and order the Dist court to appoint an pro bono attorney and/or appoint guardian ad litem.

b) DIST COURT DENYING AN ORDER PROHIBITING THE SUPERIOR COURT OF NEW JERSEY, MIDDLESEX COUNTY FAMILY DIVISION AND THE STATE OF NEW JERSEY FROM PLAINTIFF'S ARREST IS ERROR.

1. 14th amendment violation

Plaintiff filed Emergency Order to Show Cause seeking entry of an order prohibiting the Superior Court of New Jersey, Middlesex County Family Division and the State of New Jersey from effectuating his arrest in connection with a family Court action in the Superior Court of New Jersey. ECF-54.

This arrest warrant is issued based on Judicial Fraud. ECF(). Because of Plaintiff filed US Dist Court case against the New jersey and New Jersey Judges for this parental right under 14th amendment , *Washington v. Glucksberg, 521 U.S. 702 (1997); Troxel v. Granville, 530 U.S. 57 (U.S. 2000)*, the arrest warrant is issued for retaliation purpose.

2. The right of access to the Courts

In *Allah v. Seiverling, 229 F. 3d 220 - Court of Appeals, 3rd Circuit* 2000 @ 225

We have recognized that "[t]he right of access to the Courts ... must be freely exercisable without hindrance or fear of retaliation." Milhouse v.

*Carlson, 652 F.2d 371, 374 (3d Cir.1981) (locating right to access the Courts in a retaliation case in the **First Amendment** right to petition for redress of grievances); see also Crawford-El v. Britton, 523 U.S. 574, 588 n. 10, 118 S.Ct. 1584, 140 L.Ed.2d 759 (1998) (stating that "[t]he reason why ... retaliation offends the Constitution is that it threatens to inhibit exercise of the protected right").*

Because of Plaintiff exercise his 1st,14th amendment, When the plaintiff is homeless and foodstamp support, New Jersey arresting, jailing violate the 4th amendment .

For the same retaliation reason(s), SAC should not be dismissed.

For any and all reasons stated above, appellant pray this Court for a protection order that New Jersey and local govt should not arrest and/or jail the appellant Palani Karupaiyan.

c) SUA SPONTE ORDER OF MISSING SAC SHOULD BE VACATED

Dist Court dismissed the SAC, ECF-31 by ***Sua Sponte***, ECF-56, 57.

In *Salahuddin v. Cuomo, 861 F. 2d 40 - Court of Appeals, 2nd Circuit 1988* @43

"this Court [USCA 2nd Cir] has repeatedly cautioned against Sua Sponte dismissals of pro se civil rights complaints prior to requiring the defendants to answer. See, e.g., Bayron v. Trudeau, 702 F.2d 43, 45 (2d Cir.1983); Fries v. Barnes, 618 F.2d 988, 989 (2d Cir.1980) (citing cases)."

For any and all reasons stated above, appellant plaintiff pray this Court to vacate the Sua sponte dismissal of SAC ECF-57 and remand the case to Dist Court for further trial.

d) DIST COURT DENYING PERMANENT INJUNCTION RELIEFS IS ERROR.

Plaintiff filed post judgement motions

1) Permanent Injunction and declarative order reliefs –reconsiderations on Jun 02, 2022 (ECF-59),

2) AMENDED - Permanent injection against New Jersey that New Jersey should not appoint Justice in New Jersey Supreme Court and promote judge from NJ appellate Court thru collegium process on on Jun 4 2022 (ECF-63).

For the above said post judgement motions, on Jun 8 2022, Dist Court denied and ruled as below

> *"This [Dist Court] Court lacks jurisdiction over Plaintiff's Motion for a Permanent Injunction. (D.E. 59.) Significantly, even if this Court had jurisdiction over Plaintiff's motion, Plaintiff's motion would be denied because this action was dismissed by Opinion and Order dated May 20, 2022. (D.E. 56, 57.)* ***Absent direction from the United States Court of Appeals for the Third Circuit, no further consideration by this Court on this matter is warranted****".*

*Dist Court ruling lock of jurisdiction under b*ase on *Venen v. Sweet, 758 F.2d 117, 120 (3d Cir. 1985)*, which is error.

Plaintiff's motion for Permanent Injunction and declarative order reliefs –reconsiderations filed on Jun 02, 2022 (ECF-59) and USCA case opened Jun 3 2022. USCA briefing schedule order was Jun 10 2022 and Dist Court send the amended Notice of appeal on Jun 13 2022. **USCA Dkt-9**

Until Dist Court records moved to USCA and/not until case is not opened with USCA, the Dist Court has jurisdiction. Further Dist Court

send the amended notice of appeal on Jun 13 2022 so district Court has jurisdiction until Jun 13 2022.

Also Dist Court ruled that because of SAC was dismissed (under Rule 8), plaintiff's permanent injunctions/declarative order prayers were denied which is error.

In *Bontkowski v. Smith, 305 F. 3d 757 - USCA, 7th Cir. 2002*@762

> *"can be interpreted as a request for the imposition of such a trust, a form of equitable relief and thus a cousin to an injunction. Rule 54(c), which provides that a prevailing party may obtain any relief to which he's entitled even if he "has not demanded such relief in [his] pleadings." See Holt Civic Club v. City of Tuscaloosa, 439 U.S. 60, 65-66, 99 S.Ct. 383, 58 L.Ed.2d 292 (1978)"*

In *Boyer v. CLEARFIELD COUNTY INDU. DEVEL. AUTHORITY, Dist. Court, WD Penn 2021*

> *"Thus a prayer for an accounting, like a request for injunctive relief, is not a cause of action or a claim upon which relief can be granted. Rather, it is a request for another form of equitable relief, i.e., a "demand for judgment for the relief the pleader*

*seeks" under Rule 8(a)(3) of the Federal Rules of Civil Procedure. Ð****As such, it too is not the proper subject of a Rule 12(b)(6) motion. Ð***Global Arena, LLC, 2016 WL 7156396, at *2; see also Bontkowskiv. Smith, 305 F.3d 757, 762 (7th Cir. 2002).*

For any and all reasons state above Dist Court's denial of plaintiff's motion(s) for permanent injunction is error and to be vacated. Appellant pray(s) this Court for granting the plaintiffs permanent injunction/declaration order motion(s) to be granted.

e) DIST COURT DISMISSING THE SAC UNDER RULE 8 DISMISSAL IS ERROR WHEN DIST COURT FAILED TO REVIEW THE COMPLAINT UNDER RULE 8(F), RULE 12(E), RULE 12(F) AND *BELL V. HOOD, 327 U. S. 678 @ 684.*

On May 20, 2022, Dist Court dismissed the SAC (ECF-31) by *Sua Sponte* ECF-56,57 stating that

Second Amended Complaint fails to provide a clear narrative of either the factual or legal basis for Plaintiff's claims

This Court may dismiss claims that are "legally baseless if [they are] 'based on an indisputably meritless legal theory,'" or are factually baseless because the "facts alleged rise to the level of the irrational or the wholly incredible

For the above ruling Dist Court used Fed. R. Civ. P. 8(a)(2) and (3) and *Ashcroft v. Iqbal*, *556 U.S.* at 678 (*stating that although Rule 8 does not require detailed factual allegations, "it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation*") which is error.

In *Garrett v. Wexford Health*, *938 F. 3d 69 - Court of Appeals, 3rd Circuit 2019 @ 94*

> *We first consider Rule 8's "short" statement requirement. Certainly, there can be no single "proper length" for stating a particular claim. The level of factual detail will vary with the complexity of the claim asserted. Moore, supra, § 8.04[1][d].*

In this case, plaintiff(s) is pro se and English is not primary language so no single proper length is applicable to this case.

See the following simple allegations rule 8 requirement of short and plain statement of the claim

1. Appellant's parental rights violated

See SAC@166

Because of I have Porsche car, and $400k property India and because I make more money than Ramya or Ramya has no income, because of family Court attorney billing child support money this FRO was entered. More money maker need to pay

more for the child support so more money can be billed. Because I cannot follow to Ramya's work place to prove Ramya's income, the FRO is entered. ***App.30, Exh-11***

See SAC@170

On or about Oct 30 2015 ***Naga emailed a consolidation order3*** *that consolidate domestic violence and divorce case is consolidated. In this email Naga warned me that I should not appeal the domestic violence case until divorce case is over. I did not receive any consolidation order from Middlesex family Court thru USPS as I received other orders.* ***App.38, 39, Exh-12, 13***

Further NJ Court entered Ex-parte Amended FRO, Ex-parte JOD (App.40, 46) and NJ Supreme Court failed to vacate the FRO(s)/JOD by its own fatal judicial defect.

2. Appellant's conjugal rights violated.

See SAC@290

After I receive final order from India family Court, I went NJ supreme Court for petition enforce foreign judgment, they told me that I should do it in the family Court.

NJ judges entered FRO (**App.30**) by unfair justice because of Plaintiff is Indian black male and Judicial Fraud consolidation order (**App.38, 39**) is filed prevent the plaintiff to appeal. Based on these two wrongdoing, plaintiff is not able to life his wife and kids, violated the

Indian family Court order (**App.50, 54**) where only place plaintiff has jurisdiction for family matter,(NJ do not have jurisdiction for family matter of the petitioner(s))

3. False arrest and jailing

Because of Plaintiff refused to bring $400k India home values for the benefit of New Jersey judges' corruption, plaintiff was falsely arrested, and falsely arrested, jailed twice and because I filed case in dist Court against the New Jersey Judges. (**App.58 to 67**). These wrong doings were violation of constitutional rights.

In *Allah v. Seiverling, 229 F. 3d 220 - Court of Appeals, 3rd Circuit 2000* @ 225

> *" We have recognized that "[t]he right of access to the Courts ... must be freely exercisable without hindrance or fear of retaliation." Milhouse v. Carlson, 652 F.2d 371, 374 (3d Cir.1981) (locating right to access the Courts in a retaliation case in the First Amendment right to petition for redress of grievances); see also Crawford-El v. Britton, 523 U.S. 574, 588 n. 10, 118 S.Ct. 1584, 140 L.Ed.2d 759 (1998) (stating that "[t]he reason why ... retaliation offends the Constitution is that it threatens to inhibit exercise of the protected right").*
>
> *Retaliation may be actionable, however, even when the retaliatory action does not involve a liberty interest. See, e.g., Stanley v. Litscher, 213 F.3d 340, 343 (7th Cir.2000) (holding that plaintiff stated claim for retaliatory transfer even though no liberty interest involved in transfer); Rouse v. Benson, 193 F.3d 936, 939(8th Cir.1999) (same). "[G]overnment actions, which*

*standing alone do not violate the Constitution, may nonetheless be Constitutional *225 torts if motivated in substantial part by a desire to punish an individual for exercise of a Constitutional right." Thaddeus-X v. Blatter, 175 F.3d 378, 386 (6th Cir.1999) (en banc).*

Because I have filed case in Dist Court for my parental rights, 14th amendment violations against NJ which issued active arrest/jail warrants without due process against the petitioner. (Dist docket 20-cv-12356-SDW-LDW@ 54)

In ***Lynch v. Johnson,*** *420 F. 2d 818 - Court of Appeals, 6th Circuit 1970*@820 no immunity when **No due process** and for depriving him of same in violation of 42 U.S.C. § 1983 (1964).

For the above false arrest/jailing, Dist Court should have renter justice as at *Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969* @ 239-240 and *Bell v. Hood, 327 U. S. 678, @ 684*

4. Lower Court failed review the complaint under Rule 8(f) and Rule 12(f)

A document filed pro se is "to be liberally construed," Estelle, 429 U.S., at 106, 97 S.Ct. 285, and "a pro se complaint, however in-artfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers," ibid. (internal quotation marks omitted). Cf. Fed.

Rule Civ. Proc. 8(f) ("*All pleadings shall be so construed as to do substantial justice*")"

In *Conley v. Gibson, 355 US 41 - Supreme Court 1957 @ 48*

"Following the simple guide of Rule 8 (f) that "all pleadings shall be so construed as to do substantial justice,"

Indeed, because of its ***prolixity****, it gives the defendant much more information about the plaintiff's conception of his case than the civil rules require* ***(see the very brief model complaints in the Forms Appendix to the rules)****. And it appears to state a claim that would withstand challenge under Fed.R.Civ.P. 12 (b)(6).*

The question we must decide, therefore — surprisingly one of first impression in this circuit — is whether a District Court is authorized to dismiss a complaint merely because it contains repetitious and irrelevant matter, a disposable husk around a core of proper pleading. As our use of the word "disposable" implies, we think not, and therefore that ***it is an abuse of discretion.***

In our many years of judging, moreover, we cannot recall many complaints that actually met the standard of chaste, Doric simplicity implied by Rule 8 and the model complaints in the Forms Appendix. Many lawyers strongly believe that a complaint should be comprehensive rather than brief and therefore cryptic. They think the more comprehensive pleading assists the judge in understanding the case and provides a firmer basis for settlement negotiations. This judgment by the bar has been accepted to the extent that complaints signed by a lawyer are never dismissed simply because they are not short, concise, and plain

But the complaint contains everything that Rule 8 requires it to contain, and we cannot see what harm is done anyone by the fact that it contains more. ***Although the defendant would have been entitled to an order striking the irrelevant material from the complaint, Fed.R.Civ.P. 12(f),*** *we doubt that it would have sought such an order, unless for purposes of harassment, because the extraneous allegations... cannot harm the defense. They are entirely ignorable. Excess burden was created in this case not by the excesses of Davis's complaint but by the action of the defendant in moving to dismiss the complaint and the action of the District Court in granting that motion.*

Were plaintiffs' confessed overdrafting their only sin, we would be inclined to agree that dismissal was an overly harsh penalty." Kuehl v. FDIC, supra, 8 F.3d at 908 . *See also* Simmons v. Abruzzo, 49 F.3d 83, 87 (2d Cir.1995) . *Indeed; the punishment should be fitted to the crime, here only faintly blameworthy and entirely harmless.*

To the principle that the mere presence of extraneous matter does not warrant dismissal of a complaint under Rule 8, as to most generalizations about the law.

We also take this opportunity to advise defense counsel against moving to strike extraneous matter unless its presence in the complaint is actually prejudicial to the defense. Stanbury Law Firm, P.A. v. IRS, *221 F.3d 1059, 1063 (8th Cir.2000) (per curiam)*

In Simmons v. Abruzzo, *49 F. 3d 83 - Court of Appeals, 2nd Cir. 1995 @87*

When a complaint fails to comply with these requirements, the District Court has the power, on motion or ***sua sponte****, to* ***strike such parts*** *as are redundant or immaterial. See* Salahuddin v. Cuomo, *861 F.2d at* 42

This is especially true when the complaint states a claim that is on its face nonfrivolous. Indeed, in vacating the with-prejudice dismissal in Salahuddin v. Cuomo, we indicated that since the 15-page complaint, though prolix, gave the defendants notice of the substance of certain claims that were not frivolous on their face, a with-prejudice dismissal of even a subsequent similar amended complaint would be inappropriate. See 861 F.2d at 43 (suggesting that if future amended complaint failed to comply with Rule 8, Court could simply strike redundant or scandalous matter, leaving the nonfrivolous claims to be litigated).

5. Lower Courts failed review the plaintiff complaint in *SEWRAZ* big picture standard

In *SEWRAZ v. Long, Court of Appeals, 4th Circuit 2011,*

Regarding the length and complexity of Sewraz's complaint, ... the substantive portions of his complaint comprised 265 paragraphs in thirty-three pages. While Sewraz's computation of damages and specifics as to all of his losses were more detailed and repetitive than necessary in a complaint, ***his actual claims were easy to understand and were comprehensible without difficulty or guesswork.***

Turning to the other factors, we find that the Defendants could easily determine what causes of action applied to them and what factual allegations supported each cause of action. While a defendant would likely need to read the complete factual background in order to see the ***big picture*** *alleged, the facts are intelligible and clearly delineated as to each defendant. In addition, because Sewraz was proceeding prose, his complaint was entitled to greater leeway. See Toevs v. Reid, 267 F. App'x 817, 819-20 (10th Cir.2008) (finding dismissal of twenty-three-page pro se complaint that was "not a model of conciseness" but "alleged*

violations of identifiable. . . rights supported by factual assertions tethered to particular defendants "was an abuse of discretion).

Based on the foregoing, we conclude that the District Court abused its discretion in dismissing the complaint for failure to comply with Rule 8(a). Given that the complaint was clear and understandable and gave Defendants appropriate notice of the claims against them, the dismissal was improper. See Garst, 328 F.3d at 378(holding that a Court could not dismiss a complaint merely because it contains repetitious and irrelevant matter, as "surplusage in a complaint can be ignored").

6. Dist Court failed to function under Rule 12(e)

In *Schaedler v. Reading Eagle Publication, Inc.*, 370 F. 2d 795 -

Court of Appeals, 3rd Circuit 1967 @798

Rule 12(e) authorizes a motion for a more definite statement if the complaint is "so vague or ambiguous that a party cannot reasonably be required to frame a responsive pleading." It does not expressly authorize the dismissal of the complaint on noncompliance with an order granting the motion, but provides that "the Court may strike the pleading to which the motion was directed or make such order as it deems just."

....an effort is made to comply with the order of the Court granting it, the insufficiency of the effort does not justify automatic dismissal of the action.

In the present case any inadequacy of the effort to amend the complaint must be judged in the extenuating circumstances that it was written by a lay litigant appearing pro se and that there is no reason to question the good faith of his attempt to comply with the Court's order.

7. Dist Court filed to render justice under *Bell v. Hood, 327 U. S. 678 standard*

In *Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969* @ 239-240

*"We had a like problem in Bell v. Hood, 327 U. S. 678, where suit was brought against federal officers for alleged *239 violations of the Fourth and Fifth Amendments. The federal statute did not in terms at least provide any remedy. We said: 239*

"[W]here federally protected rights have been invaded, it has been the rule from the beginning that Courts will be alert to adjust their remedies so as to grant the necessary relief. And it is also well settled that where legal rights have been invaded, and a federal statute provides for a general right to sue for such invasion, federal Courts may use any available remedy to make good the wrong done." Id., at 684."

8. District Court dismissing SAC or denying plaintiff's Claim under Rule 8(a)(c) is error.

In *Cohen v. Office Depot, Inc., 184 F. 3d 1292 - Court of Appeals, 11th Circuit 1999* @ 1298-1299

*"It is true that Rule 54(c) tempers the effect of **Rule** 8(a)(3) somewhat by stating that, except in the case of default judgments, "every final judgment shall grant the relief to which the party in*

whose favor it is rendered is entitled, even if the party has not demanded such relief in the party's pleadings."

.....

*"at Hanna v. Plumer, 380 US 460 ,470- Supreme Court 1965 at 1143. Likewise, in this case, because *1299* ***Rule 8(a)(3)*** *allows a plaintiff to request in her initial complaint all the relief she seeks, it says "implicitly, but with unmistakable clarity" that a plaintiff is not required to wait until a later stage of the litigation to include a prayer for punitive damages, nor is she required to proffer evidence or obtain leave of Court before doing so.*

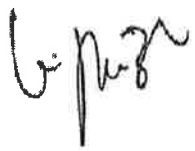
Plaintiffs' Permanent Injunction and declarative order reliefs. ECF-59 substitutes the Rule 54(c) and/or Rule 8(a)(3) requirement.

For any and all reason stated above, Plaintiffs SAC should not be dismissed under Rule 8. Petitioner(s) pray this court to vacate the Sua sponte order of dismissal of SAC **ECF- 57** and remand the case to Dist Court.

XIII. CONCLUSION

For any and all foregoing reasons, Petitioner(s) Palani Karupaiyan, PP, RP pray(s) that this Court issue a Writ of Certiorari to review the Opinion/judgment/order of the United States Dist Court of New Jersey – Newark div before Judgment is entered in the United States Court of Appeals for the Third Circuit for Dist Court orders/Opinions

Respectfully submitted.



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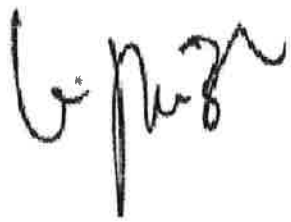
XIV. CERTIFICATE OF COMPLIANCE FOR WORD COUNT AND FONT

I. Palani Karupaiyan, prose-petitioner under penalty of perjury that

a) The Petition for Writ of Certiorari has 6000 or less words count.

b) This Petition prepared with Century Schoolbook font with size 12/14.

Respectfully submitted.



Palani Karupaiyan