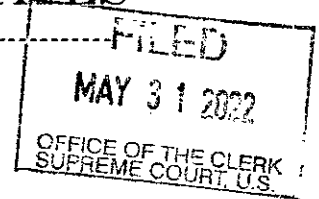


22-5081

No: 22-_____

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES



PALANI KARUPAIYAN; P.P.; R.P., Petitioners

v.

**TOWNSHIP OF WOODBRIDGE; STATE OF NEW JERSEY;
UNITED STATES OF AMERICA; UNION OF INDIA;
OFFICER GANDHI, 5038, individually and in his official
capacity as Parking enforcement officer of Woodbridge;
WOODBIDGE POLICE DEPARTMENT**

Respondent(s)

PETITION FOR A WRIT OF CERTIORARI
to the United States Court of Appeals
for the Third Circuit

Palani Karupaiyan.
Pro se, Petitioner,
Email: palanikay@gmail.com
212-470-2048(m)

I QUESTIONS PRESENTED

- a) When USCA does not have jurisdiction to
Constitutional challenges, US Supreme Court has
(Original) Jurisdiction for the [following] reliefs
petitioner(s) prayed
- b) Did USCA 3rd Circuit fail to vacate the Sua Sponte
dismissal of Dist Court?
- c) USCA affirming Dist Court's dismissal of a complaint
under § 1915(e)(2)(B)(ii) or fail to state claims is error?
- d) Dismissing claims against United States under
sovereign immunity when the parental
rights/Constitutional rights/Civil rights were violated
and Kids injuries is error?
- e) Dismissing claims against India under Foreign
Sovereign Immunities Act ("FSIA") is error?
- f) Dismissing claims against New Jersey under 11th
amendment or any immunity is error?
- g) Woodbridge Defendants are also dismissed without
prejudice for failure to state a claim?

- h) Lower Courts failure to exercise supplemental jurisdiction for state-law claims is error
- i) USCA ruling that officer's (Gandhi) isolated use of a racial slur or epithet by itself does not violate the Constitution Officer Gandhi is error
- j) Lower Court denying to appoint attorney or guarding ad litem to petitioner(s) is error
- k) Lower Court denying post judgment motions against India, US, NJ and Woodbridge **is error.**
- l) USCA 3rd circuit ruling that Section 1981 and 1983 and Civil rights act 1866 applicable only under employment is error?

II PARTIES TO THE PROCEEDING

All parties appear in the caption of the case on the cover page

III RELATED CASE(S)

Petition for Writ of Certiorari for 21-2560 (of USCA 3rd Circuit)

Motion to consolidate the Petition is filed for 21-2560 and 21-3339

IV TABLE OF CONTENTS

I QUESTIONS PRESENTED	2
II PARTIES TO THE PROCEEDING	3
III RELATED CASE(S)	3
IV TABLE OF CONTENTS	5
IV.(B) INDEX OF APPENDIX	7
V TABLE OF AUTHORITIES	8
VI PETITION FOR WRIT OF CERTIORARI	12
VII OPINIONS BELOW	12
VIII JURISDICTION	12
IX CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED	13
X STATEMENT OF THE CASE	13
1) DIST COURT PROCEEDING	13
2) CORE FACTS OF THE COMPLAINT	14
a) Plaintiffs' facts	14
b) Following facts against Woodbridge Township	14
c) Against traffic/Parking enforcement officer	17
d) Allegation against United States and India	18
e) Allegations against New Jersey - MVC	19
g) NJ judicial authority	20
h) Allegations against NJ, US, India	21
i) Against United States	21
j) Allegation against Officer Gandhi and Woodbridge	22
k) Defendant Woodbridge's facts	22
3) DIST COURT ANALYZE AND RULING	23
4) RECONSIDERATIONS MOTIONS (WITHIN 28 DAYS) AND POST-JUDGMENT MOTIONS (AFTER 28 DAYS) WITH DIST COURT	25
5) USCA PROCEEDING	26
6) USCA RULING	26
XI REASONS FOR GRANTING THE WRIT	28

A) WHEN USCA DOES NOT HAVE JURISDICTION TO CONSTITUTIONAL CHALLENGES, US SUPREME COURT HAS (ORIGINAL) JURISDICTION FOR THE [FOLLOWING] RELIEFS PETITIONER(S) PRAYED	28
B) DID USCA 3 RD CIRCUIT FAIL TO VACATE THE SUA SPONTE DISMISSAL OF DIST COURT?	29
C) USCA AFFIRMING DIST COURT'S DISMISSAL OF A COMPLAINT UNDER § 1915(E)(2)(B)(II) OR FAIL TO STATE CLAIMS IS ERROR?	30
D) DISMISSING CLAIMS AGAINST UNITED STATES UNDER SOVEREIGN IMMUNITY WHEN THE PARENTAL RIGHTS/CONSTITUTIONAL RIGHTS/CIVIL RIGHTS WERE VIOLATED AND KIDS INJURIES IS ERROR?	31
E) DISMISSING CLAIMS AGAINST INDIA UNDER FOREIGN SOVEREIGN IMMUNITIES ACT ("FSIA") IS ERROR?	33
F) DISMISSING CLAIMS AGAINST NEW JERSEY UNDER 11 TH AMENDMENT OR ANY IMMUNITY IS ERROR?	34
G) WOODBRIDGE DEFENDANTS ARE ALSO DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM?	36
H) LOWER COURTS FAILURE TO EXERCISE SUPPLEMENTAL JURISDICTION FOR STATE-LAW CLAIMS IS ERROR.	38
I) USCA RULING THAT OFFICER'S (GANDHI) ISOLATED USE OF A RACIAL SLUR OR EPITHET BY ITSELF DOES NOT VIOLATE THE CONSTITUTION OFFICER GANDHI IS ERROR.....	39
J) LOWER COURT DENYING TO APPOINT ATTORNEY OR GUARDING AD LITEM TO PETITIONER(S) IS ERROR.....	40
K) LOWER COURT DENYING POST JUDGMENT MOTIONS AGAINST INDIA, US, NJ AND WOODBRIDGE IS ERROR.....	44
i) <i>Motion to request for Declarative/injunctive orders – reconsideration Dist Dkt-11</i>	46
1) <i>Against United States Amendment to US Constitution</i>	46
A) <i>For Parental rights</i>	46
B) <i>Violation of Petition to Court – 1st amendment</i>	48
2) <i>Against India for parental and property rights</i>	53
3) <i>Against New Jersey and Woodbridge township</i>	55
A) <i>Parental rights against New Jersey</i>	55
B) <i>Moving the NJ municipal Judges to NJ judiciary and removing the traffic ticket docket from Woodbridge municipal Court to District Court</i>	55
4) <i>NJ and it's local Govt should not tow/taken away the homeless's property(s)</i>	57
ii) <i>Lower Courts denying Petitioner request to Stay for United States/President Biden nominate/appoint US Supreme Court Justices and Promote 13 USCA Judges to US Supreme Court stay appointing Judge Brown is error. (Dist Dkt-17)</i>	58

L) USCA 3 RD CIRCUIT RULING THAT SECTION 1981 AND 1983 AND CIVIL RIGHTS ACT 1866 APPLICABLE ONLY UNDER EMPLOYMENT IS ERROR?	59
--	----

XII CONCLUSION	60
----------------------	----

IV.(b) INDEX OF APPENDIX

A. USCA 3 rd Circuit Opinion	1A
B. USCA 3 rd Circuit Judgment	6a
C. Dist Court order dated Dec 09 2021	8a
D. Dist Court Order of dismiss date Jan 13 2022	12a
E. Petitioner's Food stamp Card	20a
F. Petitioner's Oklahoma driving license	21a
G. Kids passport cancellation request	22a

V TABLE OF AUTHORITIES

Cases

<i>402 U.S. 902, 91 S.Ct. 1377, 28 L.Ed.2d 643 (1971)</i>	61
<i>Allah v. Seiverling, 229 F. 3d 220 - Court of Appeals, 3rd Circuit 2000</i>	35, 37
<i>Antoine v. Byers & Anderson, Inc., 508 U.S. 429, 433 n. 5, 113 S.Ct. 2167, 124 L.Ed.2d 391 (1993)</i>	45
<i>Azubuko v. Royal, 443 F. 3d 302 - USCA, 3rd Cir 2006</i>	44
<i>Babb v. SECRETARY, DEPT. OF VETERANS AFFAIRS, 992 F. 3d 1193 - Court of Appeals, 11th Circuit 2021</i>	59
<i>Babb v. Wilkie, 140 S. Ct. 1168 - Supreme Court 2020</i>	59
<i>Bayron v. Trudeau, 702 F.2d 43, 45 (2d Cir.1983)</i>	29
<i>Bell v. Hood, 327 U. S. 678</i>	61
<i>Bell, 746 F.2d</i>	40
<i>Bivens v. Six Unknown Named Agents of Fed. Bur. of Narc., 456 F. 2d 1339 - Court of Appeals, 2nd Circuit 1972</i>	32
<i>Bolin v. Story, 225 F. 3d 1234 – USCA, 11th Cir 2000</i>	44
<i>Bontkowski v. Smith, 305 F. 3d 757 - USCA, 7th Cir. 2002</i>	45
<i>Boyer v. CLEARFIELD COUNTY INDU. DEVEL. AUTHORITY, Dist. Court, WD Penn 2021</i>	45
<i>Castleberry v. STI GROUP, 863 F. 3d 259 - Court of Appeals, 3rd Cir 2017</i>	39
<i>CBOCS West, Inc. v. Humphries, 553 US 442 - Supreme Court 2008</i>	59
<i>Chavez v. Illinois State Police, 251 F. 3d 612 - Ct of Appeals, 7th Cir 2001</i>	40
<i>CJLG v. Barr, 923 F. 3d 622 - Court of Appeals, 9th Circuit 2019</i>	41
<i>Clairol v. Kingsley, 109 N.J. Super. 22 (App.Div.), aff'd, 57 N.J. 199 (1970)</i>	60

<i>Clark Cnty. Sch. Dist. v. Breeden</i> , 532 U.S. 268, 270, 121 S.Ct. 1508, 149 L.Ed.2d 509 (2001).....	39
<i>Crawford-El v. Britton</i> , 523 U.S. 574, 588 n. 10, 118 S.Ct. 1584, 140 L.Ed.2d 759 (1998)	35, 37
<i>DeWalt v. Carter</i> , 224 F.3d 607, 612 n. 3 (7th Cir.2000).....	40
<i>Faragher</i> , 524 U.S.....	39
<i>FMC Stores Co. v. Borough of Morris Plains</i> , 495 A. 2d 1313 - NJ: Supreme Court 1985.....	60
<i>Fries v. Barnes</i> , 618 F.2d 988, 989 (2d Cir.1980)	29
<i>Gardner By Gardner v. Parson</i> , 874 F. 2d 131 -Ct of Appeals, 3rd Cir. 1989	41
<i>General Building Contractors Assn., Inc. v. Pennsylvania</i> , 458 U.S. 375, 383-384, 102 S.Ct. 3141, 73 L.Ed.2d 835 (1982)	60
<i>Holt Civic Club v. City of Tuscaloosa</i> , 439 U.S. 60, 65-66, 99 S.Ct. 383, 58 L.Ed.2d 292 (1978).....	45
<i>Holt Civic Club v. City of Tuscaloosa</i> , 439 U.S. 60, 65-66, 99 S.Ct. 383, 58 L.Ed.2d 292 (1978);.....	46
<i>In re Gault</i> , 387 U.S. 1, 36-37, 87 S.Ct. 1428, 18 *632 L.Ed.2d 527 (1967)	42
<i>Jensen</i> , 435 F.3d	39
<i>Lassiter v. Dep't of Social Servs. of Durham Cty.</i> , 452 U.S. 18, 27, 101 S.Ct.2153, 68 L.Ed.2d 640 (1981)	42
<i>Lombardo v. Pennsylvania, Dep't of Pub. Welfare</i> , 540 F.3d 190, 194 (3d Cir. 2008)	34
<i>Lynch v. Johnson</i> , 420 F. 2d 818 - Court of Appeals, 6th Circuit 1970	36, 37
<i>Mathews</i> , 424 U.S.	42
<i>Milhouse v. Carlson</i> , 652 F.2d 371, 374 (3d Cir.1981)	35, 37
<i>Monell v. New York City Dept. of Social Servs.</i> , 436 US 658 - Supreme Court 1978	39

<i>Mullis v. United States Bankr. Court for the Dist. of Nev.</i> , 828 F.2d 1385 (9th Cir.1987)	45
<i>Newman v. Alabama</i> , 683 F.2d 1312 (11th Cir.1982)	44
<i>Osei-Afriyie v. Med. Coll. of Pa.</i> , 937 F.2d 876, 883 (3d Cir. 1991)	41
<i>Patel v. Crist</i> , No. 19-9232, 2020	34
<i>Reno v. Flores</i> , 507 U. S. 292, 301-302 (1993)	33, 48
<i>Robidoux v. Rosengren</i> , 638 F. 3d 1177 - Court of Appeals, 9th Cir 2011	41
<i>Rouse v. Benson</i> , 193 F.3d 936, 939(8th Cir.1999)	35, 38
<i>Runyon v. McCrary</i> , 427 U.S. 160, 183, 197, 190, 96 S.Ct. 2586, 49 L.Ed.2d 415....	59
<i>Salahuddin v. Cuomo</i> , 861 F. 2d 40 - Court of Appeals, 2nd Circuit 1988	29
<i>Stanley v. Litscher</i> , 213 F.3d 340, 343 (7th Cir.2000)	35, 38
<i>Sullivan v. Little Hunting Park, Inc.</i> , 396 US 229 - Supreme Court 1969	54
Texas & N. O. R. Co. v. Railway Clerks, 281 U. S. 548, 569-570.....	61
Texas & Pacific R. Co. v. Rigsby, 241 U. S. 33, 39.....	61
<i>Thaddeus-X v. Blatter</i> , 175 F.3d 378, 386 (6th Cir.1999)	36, 38
<i>Tillman, supra</i> , at 439-440, 93 S.Ct. 1090.....	60
<i>Troxel v. Granville</i> , 530 U.S. 57 (U.S. 2000).....	32, 34, 47, 55
<i>Washington v. Glucksberg</i> , 521 U.S. 702 (1997).....	32, 34, 47, 55

Statutes

§ 1981	3, 59
1982	59
28 U. S. C. § 1254(1)	12
28 USC § 1915(e)(2)(B)(ii).....	13, 30
42 USC § 1982.....	54

Civil Rights Act of 1866.....	3, 59, 60
Foreign Sovereign Immunities Act ("FSIA")	2, 33
Hindu Succession Act, 1956 and its amended (2005).....	54

Other Authorities

<u>Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies</u>	12
--	----

Rules

<i>Fed.R.Civ.P. 17(c)</i>	41
<u>Rule 12(b)(6)</u>	46
Rule 54(c),	45
<u>Rule 8(a)(3)</u>	46

Constitutional Provisions

<u>Fifth Amendment</u>	32, 48, 61
First Amendment	35, 37
<u>Fourteenth Amendment</u>	32, 34, 54, 55
Fourth.....	61
U.S. Const. amend. XI	34

VI PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the opinion/judgment/order below.

VII OPINIONS BELOW

- (a) The NOT PRECEDENTIAL opinion of the United States Court of Appeals 3rd Cir. appears at Appendix: A (1a) to the petition.

Dated May 03 2022. *USCA 3rd Cir. Docket- 21-3339*

Opinion by Hon. KRAUSE, Hon. MATEY and Hon. PHIPPS, Circuit Judges.

- (b) US Dist Court's Letter order dated Dec 09 2021 *Sua Sponte*

(Appendix: C, 8a)

- (c) US Dist Court order of denial for reconsideration Dt Jan 13 2022

(Appendix: D, 12a)

Hon. Esther Salas, U.S.D.J. and Hon. Jessica S. Allen, U.S.M.J.

VIII JURISDICTION

The date on which the United States Court of Appeals decided the case was May 03 03, 2022 at Appendix: A *Pet.App-1a*

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

IX CONSTITUTIONAL and SATATUTORY PROVISIONS INVOLVED

Article II and III

5th amendment

9th amendment (Parental rights)

11th amendment – New Jersey State's sovereign immunity.

14th amendment- Glucksberg, 521 U.S. 702 (1997)) (Parental rights)

Troxel v. Granville, 530 U.S. 57 (U.S. 2000).” (Parental rights)

Foreign Sovereign Immunities Act, 28 U.S.C. §§ 1605–1607

28 USC § 1915(e)(2)(B)(ii) (forma pauperis)

Civil Rights Act of 1866

42 U.S.C. § 1981 & 1982

42 U.S.C. § 1983

42 U.S.C. § 1988

Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies

--By Justice Stephen Breyer of US Supreme Court, Chief Justice NV Ramana of Indian Supreme Court, and William M Treanor, Dean of Georgetown University Law Centre Dated: April 11, 2022

X STATEMENT OF THE CASE

1) Dist Court Proceeding

Plaintiff filed complaint with US Dist Court of New Jersey-

Newark and timely served the complaint to all captioned defendants.

On Dec 09 2022 Dist Court dismissed the complaint by Sua Sponte when no defendants appeared. Plaintiff filed timely notice of appeal, filed reconsiderations motion and some relief motions which were denied. Plaintiff filed amended notice of appeal.

2) Core facts of the Complaint

a) Plaintiffs' facts

Pro se plaintiff Palani Karupaiyan ("Plaintiff") initiated the instant action against defendants Woodbridge Township of NJ, the State of New Jersey, the United States, the "Union of India," Officer Gandhi, and the Police Department of Woodbridge

Plaintiff Palani Karupaiyan ("Palani") is 50 yrs old Naturalized US citizen from India. Home evicted and homeless. Palani is Tamil speaking ethnicity, black color.

Before filing complaint I talked to Woodbridge that I or car did not violated any traffic rule, my home is evicted, the car is my sleeping, living, laptop charging place, why did you tow the car.

b) Following facts against Woodbridge Township

26. On Sep 24 2021, My living place was standing at Silzer ave, Iselin NJ.

27. Both keys of the Porsche is[are] with plaintiff.

28. Silzer ave is dead-end no-traffic, about 10 houses both sides. General resident with parking sticker park both side.
29. No cleaning, or maintenance were done to the silzer ave. there are few potholes.
30. At Parking violation signs were hidden in short live dense tree.
31. Only walk close to the parking sign, anyone see the parking hours,
32. When I walked close and looked at the parking violation sign said that weekdays 12am to 1pm is no parking for non-resident,
33. One of the indian living in the street, that he is happy to see Porsche stopped on their street.
34. None of the street resident is disturbed or they complaint to Woodbridge that they were disturbed by my living place. Traffic also not disturbed; it is deadend street.
35. I placed two big visible notice on the car windshield and driver window.
36. Notice on the car had "Tow service is coming, Palani 212-470-2048"
37. I called local towing he said that fee is \$45 for in-town and should come by 4pm
38. On Sep 23 2021 by 2:30pm I was called my friend and said that a towing vehicle accompanied by black unmarked black car towing the Porsche.
39. When my friend said the our towing is coming pick and leave the car, the woodbridge towing guys waved his hand and said I love you to him.
40. The Woodbridge did not put the car in to neutral, uplift only two wheels dragged the car.

41. My friend said that the way Woodbridge dragged, two tires were scratching the road and tire marks were visible.

42. Sep 23 2021, on or around 3:20pm, Gandhi drive thru to Silzer ave, told me "you black madrasi register your car and park here. I wanted to charge parking violation. It is my living. Otherwise kill you goback to madras"

43. When Sep 24 2021 I called Woodbridge police to confirm who towed the car, they wanted me to say the vin number. I never come to know anyone remember the vin number. I told them I will find out the vin and call them back,

44. At the time of buying car, I wrote the vin my nail which was not able to withstand for 5+yrs

45. I tried to reach home in India for any document have Porsche vin and got from them.

46. Oct 29 2021 I saw a google voice mail at 212-470-2048 saying that I have hearing on Oct 25 2021.

47. When I called the woodbridge, asked about what hearing, they said about unregistered car, and they send summon to 606 Cinder rd, Edison NJ 08820. (already evicted more than year ago).

48. Township told that I need to pay \$55 fine for unregistered car.

49. I told township, I or car did not violated any traffic rule. My home is evicted, the car is my sleeping, living, laptop charging place, why did you tow the car.

50. After Conversation Township took my phone number again and said they should get back to me.

51. I called Woodbridge PD, my home is evicted, the car is my home, sleeping place, I or the car did not violated any traffic violation. Woodbridge PD said they do not believe and refused to return my car.

52. I was told by woodbridge PD that I need to Mvc to register

53. Woodbridge PD should release the car when I comeback with Car Registration and pay \$1445

54. When I asked do I need to pay \$1445 the Woodbridge Township, Police said no, pay to the police and they need to share with towing guy.

55. I asked the PD to provide me itemized bill for \$1445 which was denied.

56. Police confirmed the car is parked on the yard.

57. When say the web docket, following charges are against me

39:3-4	DRIVING OR PARKING UNREGISTERED MOTOR VEHICLE
39:6B-2	NO LIABILITY INSURANCE COVERAGE ON MOTOR VEHICLE
39:4-56.1(B)	WILLFULLY ABANDONING MOTOR VEHICLE
39:8-1	FAILURE TO HAVE INSPECTION

My living place, I do not need to have above state's requirement.

c) Against traffic/Parking enforcement officer.

42. Sep 23 2021, on or around 3:20pm, Gandhi drive thru to Silzer ave, told me "you black madrasi register your car and park here. I wanted to

charge parking violation. It is my living. Otherwise kill you goback to madras"

60. 20 foot away where my car was stopped at Silzer ave by white women, in Aug 2021, more than 2 weeks a car was parked with sticker saying that towing service requested with her phone number. This women is not homeless.

d) Allegation against United States and India.

63. I (Palani Karupaiyan) requested Dept of States of US for deny the passport of kids to go to India because of they should be injured in India.

64. Dep of State said Because of NJ state Court order the kids go India, US will not be able to stop the kids going to India.

65. After visiting India, the Kids come back to US with injuries.

66. When I see the kids injured, I cried and did not sleep few days.

67. The kids said the injuries were continuously painning.

68. I was not allowed to take care of the medical attention of kids injuries

69. No others did not take care of the medical attention or need of kids for their injuries.

72. **Relief ()**. Plaintiff pray a declarative order and/or permanent injunction against US that make amendment to the Constitution that Parental rights are Constitutional rights

115. **Relief ()**. Plaintiff pray declarative order or permanent injunction against Union of India that 1) US citizen kids should not be hold in India, and Kids need to return to US for their education, summer vacations and 2) properly kids inheritance property/wealth need to transfer to the kids in USA.

e) Allegations against New Jersey - MVC

84. I requested NJ Motor Vehicle Commission ("MVC") to provide me duplicate title Of Porsche cayenne so I can register my car on some other state which was denied by NJ Mvc.

85. On or around Aug 2021 (approx) at Edison, Sugartree plaza, I requested the NJ

Mvc mobile service to provide me registration to Porsche which was denied.

86. I was told by NJ Mvc's mobile service that Stop order is placed on this Porsche cayenne registration.

f) Complaint with NJ attorney general office (NJAG)

87. On Oct 29 2021, after talking to Woodbridge, I called NJ attorney general (NJAG) office to help about the illegal towing of the vehicle.

88. I told NJAG that my home evicted and Porsche car is my home, sleeping place.

89. NJAG told that Woodbridge can tow the vehicle for unregistred and refused to help me.

90. NJAG told that they do not have **jurisdiction** to resolve the issue.

[NJ waived its 11th amendment immunity]

91. NJAG told that always I should keep the unregistered car in my shoulder or park it in Walmart parking lot to sleep.

92. NJag told that I should apply for **housing assistant** and should not sleep in the car.

93. NJAG told that apply food stamp, pay the food stamp money to Woodbridge. Need to pay the municipal judges by money collected by municipal orders.

g) NJ judicial authority

94. NJ judicial authority denied plaintiff Palani karupaiyan's multiple request that children should not go to India because they should be injured.

h) Allegations against NJ, US, India

163. India, US, NJ failed to protect the kids from injury is violation in NJ personal injury act, the Fifth Amendment US Constitution

165. India, US, NJ failed to protect the kids from injury is violation in NJ Pain and suffering act, the Fifth Amendment US Constitution

168. India, US, NJ failed to protect the kids from injury and cause the plaintiff father and kids suffer from sleep difficulties, untreated injuries is emotional distress violation in NJ Pain and suffering act, the Fifth Amendment US Constitution

i) Against United States

73. When the plaintiffs were injured in Little Rock, Arkansas, I filed petition and its reconsideration with US Supreme Court. docket# 10-9787 which was denied because not enough resource(Justices) available with US Supreme Court. Top most Court denying justice is because of resource is injustice, violation of 1st amendment Constitutional rights.

74. After disposing ex-rays of broken ribcage, Dr Blankenship told me that I could go anywhere for justice.

75. In the situation in accident, Little Rock, Arkansas, my rib cage is collapsed, untreatable injury, still today I have pain, and the injuries

were not healed yet. So top most US Court denying justice to me because of resource is unacceptable injustice to civilized society.

76. A dog cannot be kick, break its bone under law which is jail able crime but my bone broken, justice is denied because unavailability of resource with US Supreme Court.

83. Relief() for any all reason stated above plaintiff prays this Court declarative order or permanent injunction against US that i) US govt/President should not appoint the US Supreme Court justices and promote the Judges from United States Court of appeal by most experienced/expertise. Ii) Promote 34 most experience/expertise USCA Judge to US Supreme Court for 5 years, and they should retire at 70 whichever comes 1st.

j) Allegation against Officer Gandhi and Woodbridge

12. Plaintiff Roshna P ("RP") is Plaintiff Palani Karupaiyan's daughter.

13. RP is born from Edison , NJ.

k) Defendant Woodbridge's facts

14. Woodbridge is a township in Middlesex County, New Jersey, United States.

15. Address of Woodbridge is 1 Main Street Woodbridge, NJ 07095.

16. Woodbridge's email is john.mitch@twp.woodbridge.nj.us.

17. Office Gandhi is parking enforcement officer of woodbridge township and his id is

5038. Gandhi is Gujarati speaking north Indian ethnicity, white skin.

18. **New Jersey** is a state in United States.

153. **Officer Gandhi** called the plaintiff as **black madrasi** is

Racial/color/ethnicity discrimination by **woodbridge, Office Gandhi** violation of

NJ Law against Discrimination (LAD), 18 U.S.C. §§ 242, 42 U.S. Code § 1988

(vindication of civil rights), 42 U.S.C. § 1983, Civil Rights Act of 1866, Title VI of

the Civil Rights Act of 1964 and the "OJP Program Statute as set forth in

paragraph 42, above.

3) Dist Court analyze and ruling

Dist Court ruled that Plaintiff alleges various claims for relief that do not exist, such as "denial of justice" (Count 14),

"unfair justice" (Count 17), and

"excessive charging" (Count 18).

Plaintiff does include some recognized legal theories for relief such as malicious prosecution (Count 1),

unlawful discrimination (Count 2),

violation of the Americans with Disabilities Act (Count 5), and

violation of due process (Count 16).

Compl. ¶ 153 (152?) (alleging that by taking away Plaintiff's "living property," Woodbridge and its police violated the Americans with Disabilities Act)

Additionally failure to exercise the Supplemental jurisdiction over any state-law claims. (see. Footnote, Dec 9 2021's order)

First, the Foreign Sovereign Immunities Act ("FSIA") "provides the sole basis for obtaining jurisdiction over a foreign state in federal Court." Specifically, the FSIA provides that a "foreign state shall be immune from the jurisdiction" of both federal and state Courts except as provided by 28 U.S.C. §§ 1605–07. *See* 28 U.S.C. § 1604. Based on the facts as pled, it does not appear that any of the exceptions apply to permit suit against India

Second, "[t]he United States, as sovereign, is immune from suit save as it consents to be sued, and the terms of its consent to be sued in any Court define that Court's jurisdiction to entertain the suit

The Court ruled that Karupaiyan's claims against New Jersey, the United States and India are barred by immunity doctrines. The Court also ruled that Karupaiyan's allegations against the Woodbridge defendants were too conclusory to state a federal claim, and it declined to exercise supplemental jurisdiction over any state-law claims. He also filed several post-judgment motions, which the District Court construed in part as motions for reconsideration and denied. Karupaiyan has amended his notice of appeal to challenge that ruling as well.

- 4) Reconsiderations motions (within 28 days) and post-judgment motions (after 28 days) with Dist Court

On dec 23, 2021 Plaintiff filed Motion to request for Declarative/ Injunctive orders against NJ, US, India. ECF-11

On Dec 27 2021, plaintiff filed motion to Removing the traffic ticket docket from Woodbridge municipal Court to District Court. ECF-12

On Dec 27 2021, plaintiff filed motion to Appoint guardian ad litem to Children PP, RP or appoint attorney to the plaintiff(s). ECF-13

On Jan 13 2022, above 3 motions were denied. Plaintiff filed amended notice of appeal.

On Feb 07 2022, plaintiff filed motion to Issue Emergency/ immediate stay for United States/President Biden nominate/appoint US Supreme Court Justices and Promote 13 USCA Judges to US Supreme Court Ecf-17

On Mar 18 2022, Plaintiff filed motion to Protection order that Woodbridge Township should not arrest me. ECF-18

All above file motions, plaintiff filed in USCA docket as well.

5) USCA proceeding

Appellant filed timely notice of appeal and forma pauperis.

Appellant filed all the reconsideration motions and post judgement motions from Dist court with USCA 3rd circuit.

USCA Judged the appeal that possible dismissal due to a jurisdictional defect, possible dismissal under 28 U.S.C. § 1915(e)(2), or possible summary action pursuant to Third Circuit LAR 27.4 and I.O.P. 10.6

No appellee appeared in the USCA 3rd circuit.

6) USCA ruling

We [USCA] will affirm substantially for the reasons explained by the District Court. We see no basis to disturb the Court's rulings that Karupaiyan's federal claims against New Jersey, the United States, and India are barred by the principles of immunity that the Court explained.

We also see no basis to disturb the Court's ruling that Karupaiyan did not state a federal claim against any of the Woodbridge defendants. He relies on statutes governing employment, but those statutes do not apply because he does not allege that he has or had any employment relationship with any of the defendants. He also claims that Officer

Gandhi's use of the slur violated his civil rights. But as Courts have recognized, an officer's isolated use of a racial slur or epithet by itself—reprehensible though it is—does not violate the Constitution.

Karupaiyan did not allege any other facts plausibly suggesting that any of the Woodbridge defendants violated any of his federal rights. Nor do any of his filings in the District Court or this Court suggest that the District Court erred in denying reconsideration or any of his other requests for relief

XI REASONS FOR GRANTING THE WRIT

a) When USCA does not have jurisdiction to Constitutional challenges, US Supreme Court has (Original) Jurisdiction for the [following] reliefs petitioner(s) prayed

- i) A declarative order and/or permanent injunction against US that make amendment to the Constitution that Parental rights are Constitutional rights
- ii) A declarative order or permanent injunction against Union of India that 1) US citizen kids should not be hold in India, and Kids need to return to US for their education, summer vacations and 2) properly kids inheritance property/wealth need to transfer to the kids in USA.
- iii) A Declarative order or permanent injunction against US that
 - A) US govt/President should not appoint the US Supreme Court justices and promote the Judges from United States Court of appeal by most experienced/expertise.
 - B) Promote 13 most experience/expertise USCA Judge to US Supreme Court for 5 years, and they should retire at 70 whichever comes 1st.

For the above petitioners' prayed reliefs USCA did not have jurisdiction. The Supreme Court of United States has original jurisdiction so petitioner(s) pray this court for their petition for writ of certiorari to be granted.

b) Did USCA 3rd Circuit fail to vacate the Sua Sponte dismissal of Dist Court?

The plaintiff's complaint was dismissed ECF-4 by Dist Court's Sua Sponte decision before defendants appear (or answer). USCA 3rd Circuit failed to vacate the Sua Sponte dismissal order dated Dec 9 2021. In similar situation, USCA 2nd Circuit vacated the order of dismissal against 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)."

Also Dist court ruling that Plaintiff alleges various claims for relief that do not exist, such as "denial of justice" (Count 14), "unfair justice" (Count 17), and "excessive charging" (Count 18).

Denial of justice, unfair justice claims are under 1st amendment violation. Excessive charge claim is under 4th amendment violation.

Dist court ruling that Plaintiff does include some recognized legal theories for relief such as malicious prosecution (Count 1), unlawful discrimination (Count 2), violation of the Americans with Disabilities Act (Count 5), and violation of due process (Count 16) is error when enough allegations were charged against the defendants.

For any and all above reason(s) petitioner(s) pray this Court for their request for Writ of Certiorari to be granted.

c) USCA affirming Dist Court's dismissal of a complaint under § 1915(e)(2)(B)(ii) or fail to state claims is error?

In the Dist Court's dismissed the complaint under § 1915(e)(2)(B)(ii) by *Sua Sponte*. ECF-4 and USCA affirmed Dist Court order which is error. See Dist Court dkt ECF-19 and USCA dkt# 21, this petitioner provided change of address with noted the lower Courts that Mr Karupaiyan is supported by NYC HRA food stamp. When the petitioner is in NYC food stamp (appendix-E, 20a), Dist Court dismissing the complaint under § 1915(e)(2)(B)(ii) or failure state the claim and USCA

affirming the Dist Court order is error so this Court should grant the Writ of Certiorari.

d) Dismissing claims against United States under sovereign immunity when the parental rights/Constitutional rights/Civil rights were violated and Kids injuries is error?

Supporting facts from complaint

63. I (Palani Karupaiyan) requested Dept of states of US for deny the passport of kids to go to India because of they should be injured in India.(Appendix-H, 22a)

64. Dep of State said Because of NJ state Court order the kids go India, US will not be able to stop the kids going to India.

65. After visiting India, the Kids come back to US with injuries.

66. When I see the kids injured, I cried and did not sleep few days.

67. The kids said the injuries were continuously painning.

68. I was not allowed to take care of the medical attention of kids injuries

69. No others did not take care of the medical attention or need of kids for their injuries.

94. NJ judicial authority denied plaintiff Palani Karupaiyan's multiple request that children should not go to India because they should be injured.

In complaint @163,165, 168, plaintiff alleged that India, US, NJ failed to protect the kids from injury and cause the plaintiff father and kids suffer from sleep difficulties, untreated injuries

In Bivens v. Six Unknown Named Agents of Fed. Bur. of Narc., 456 F.

2d 1339 - Court of Appeals, 2nd Circuit 1972 @ 1341.

"Agents of the FBI performing similar functions, have no immunity to protect them from damage suits charging violations of Constitutional rights."

In Washington v. Glucksberg, 521 U.S. 702 (1997), @ 720

that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children.

In Troxel v. Granville, 530 U.S. 57 (U.S. 2000)

*"The United States Supreme Court has recognized the right of parents to be and active and integral part of their children's lives as

"perhaps the oldest of the fundamental liberty interests
recognized by [the Supreme] Court."*

In Troxel @ 65

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." Washington v. Glucksberg, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides

heightened protection against government interference with certain fundamental rights and liberty interests." Id., at 720; see also Reno v. Flores, 507 U. S. 292, 301-302 (1993).

When the plaintiffs/Kids were injured, petitioners Constitutional rights violated, US did not have immunity against petitioner(s) claims.

e) Dismissing claims against India under Foreign Sovereign Immunities Act ("FSIA") is error?

Damages caused by India is similar to US. In fact India and US combined did the wrong doings against the petitioners.

When the parental rights damaged by India under 14th amendment, 5th amendment, Glucksberg, Troxel, Union of India does not have immunity as US does not have immunity.

Constitutional injuries to the petitioners done by Union of India should override the FSIA's immunity as well.

Plaintiffs' claims were life threatening injuries to the Kids, so India does not have immunity under FSIA. So the lower Courts decisions were incorrect and Union of India has no immunity under FSIA against the petitioners' claims.

f) Dismissing claims against New Jersey under 11th amendment or any immunity is error?

Dist Court ruled in the Sua Sponte dismissal that the Eleventh Amendment bars all private suits against non-consenting states in federal Court. U.S. Const. amend. XI; Lombardo v. Pennsylvania, Dep't of Pub. Welfare, 540 F.3d 190, 194 (3d Cir. 2008) ("The immunity of States from suit in the federal Courts is a fundamental aspect of state sovereignty."). Although there are some exceptions to sovereign immunity, it does not appear that any apply in this case to permit suit against the state of New Jersey. See Patel v. Crist, No. 19-9232, 2020 WL 64618, at *3 (D.N.J. Jan. 7, 2020). USCA affirmed this state Court ruling which is error.

The petitioner was homeless. Petitioner moved Oklahoma to stay temporarily at friend's motel and obtained Oklahoma driving license. (21a). After Oklahoma, further petitioner applied Foodstamp with NYC and now petitioner is receiving FoodStamp from NY City, HRA. (20a)

Further 14th amendment- Glucksberg, 521 U.S. 702 (1997)) (Parental rights), Troxel v. Granville, 530 U.S. 57 (U.S. 2000)."
(Parental rights) were violated by NJ. So NJ did not have immunity for these injuries.

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, 11th 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).

When plaintiff did not have permanent address in NJ, lower Courts dismissing, affirming claims under 11th amend is error and claims against NJ should not be dismissed.

g) Woodbridge Defendants are also dismissed without prejudice for failure to state a claim?

When NJ refused to register my car, and my car is my living, sleeping place because of Im homeless, car was waiting for local towing to help the petitioner.

Without any notification to the petitioner, Woodbridge towed the petitioner's living, sleeping car because the car was not registered with NJ. Without any jury hearing, Woodbridge took the plaintiffs property.

For the Woodbridge's wrong doings, civil rights and Constitutional injury plaintiff filed case in the Dist Court. Because of plaintiff filed case against Woodbridge, Woodbridge issue arrest warrant without due process which is retaliation. (Dist Dkt-18).

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).

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

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*"[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).*

So lower courts denying claims against Woodbridge is error.

h) Lower Courts failure to exercise supplemental jurisdiction for state-law claims is error.

In fact, US Supreme Court has original jurisdiction against any and all defendants' any and all claims charged by the petitioners. So lower courts failure to exercise the supplemental jurisdiction for the state-law claims against any defendants.

i) USCA ruling that officer's (Gandhi) isolated use of a racial slur or epithet by itself does not violate the Constitution Officer Gandhi is error

In Castleberry v. STI GROUP, 863 F. 3d 259 - Court of Appeals, 3rd Cir 2017 @265

Under the correct "severe or pervasive" standard, the parties dispute whether the supervisor's single use of the "n-word" is adequately "severe" and if one isolated incident is sufficient to state a claim under that standard. Although the resolution of that question is context-specific, it is clear that one such instance can suffice to state a claim. See Faragher, 524 U.S. at 788, 118 S.Ct. 2275 ("isolated incidents" will amount to harassment if "extremely serious") (quotations omitted); see also Clark Cnty. Sch. Dist. v. Breeden, 532 U.S. 268, 270, 121 S.Ct. 1508, 149 L.Ed.2d 509 (2001) (per curiam) (quotations omitted) (same); Jensen, 435 F.3d at 449 n.3 (same).

In this case, Officer Gandhi call Black madrasi. (complaint@42) is severe, extremely serious, no one in the civilized society accept this wrongdoings, suffice to state a claim.

In Monell v. New York City Dept. of Social Servs., 436 US 658 - Supreme Court 1978 @ 695

*"We conclude, therefore, that a local government may not be sued under § 1983 for an injury inflicted solely by its employees or agents. Instead, it is when execution of a government's policy or custom, whether made by its lawmakers or by those whose edicts or acts may fairly be said to represent official policy, inflicts the injury that the government as an entity is responsible under § 1983. Since this case unquestionably involves official policy as the moving force of the constitutional violation found by the District Court, see supra, at *695 660-662, and n. 2,"*

In Chavez v. Illinois State Police, 251 F. 3d 612 - Ct of Appeals, 7th Cir 2001 @ 646

"This does not mean, however, that the use of racially derogatory language is without legal significance. Such language is strong evidence of racial animus, an essential element of any equal protection claim." DeWalt v. Carter, 224 F.3d 607, 612 n. 3 (7th Cir.2000); Bell, 746 F.2d at 1259

So office Gandhi calling black Madrasi is against equal protection (Constitutional rights) claim so the lower Courts ruling is error.

j) Lower Court denying to appoint attorney or guarding ad litem to petitioner(s) is error

Appellants/plaintiff(s) filed motion with lower Courts for Appoint guardian ad litem to Children PP, RP or Appoint attorney to the

plaintiff(s) Dist dkt-13, USCA dkt-5. Lower Courts ruled that only attorney can represent the kids, as well ruled father cannot represent under by Osei-Afriyie v. Med. Coll. of Pa., 937 F.2d 876, 883 (3d Cir. 1991). In Osei-Afriyie, the plaintiff did not request/ application the Court to appoint parent/father as guardian ad litem. 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”.

So lower Court failed to appoint counsel or guardian ad litem is
error.

k) Lower Court denying post judgment motions against India, US, NJ and Woodbridge is error.

Lower Court denying petitioner post judgement motions for his relief(s) because lack of jurisdiction is error. Petitioner filed these motions within 28 days of final order. Some of the petitioner's post judgement motions filed after 28 days of final order were filed because the defendants continues violated petitioners rights such as arrest warrants. All these motions were filed with USCA as well.

In Bolin v. Story, 225 F. 3d 1234 – USCA, 11th Cir 2000 @ 1243

“In order to receive declaratory or injunctive relief, plaintiffs must establish that there was a violation, that there is a serious risk of continuing irreparable injury if the relief is not granted, and the absence of an adequate remedy at law. See Newman v. Alabama, 683 F.2d 1312 (11th Cir.1982).

In Azubuko v. Royal, 443 F. 3d 302 - USCA, 3rd Cir 2006 @ 304

Injunctive relief shall be granted when a declaratory decree was violated or declaratory relief was unavailable.” 42

U.S.C. § 1983; Bolin v. Story, 225 F.3d 1234, 1242 (11th Cir.2000)

(explaining that the amendment applies to both state and federal

judges); see also Mullis v. United States Bankr. Court for the Dist. of Nev., 828 F.2d 1385 (9th Cir.1987); Antoine v. Byers &Anderson, Inc., 508 U.S. 429,433 n. 5,113 S.Ct. 2167,124 L.Ed.2d 391 (1993) (noting that the rules regarding judicial immunity do not distinguish between lawsuits brought against state officials and those brought against federal officials).

In this case, petitioners' constitutional rights, parental rights, civil rights, Conjugal rights, 14th amendment, India family Court orders are violated, that there is a serious risk of continuing irreparable injury if the relief is not granted and declaratory relief was unavailable to the petitioners.

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.

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

- In Boyer Instead, the Injunctive Relief Allegations must be construed as what they actually have to be -- a request for equitable relief.

So Lower courts denying the relief for the petitioners post judgment motions were error.

i) Motion to request for Declarative/injunctive orders – reconsideration Dist Dkt-11

On Dec 23 2022, Plaintiffs filed **Motion to request for Declarative/injunctive orders – reconsideration Dist Dkt-11.**

1) Against United States Amendment to US Constitution

A) For Parental rights

Plaintiff requested multiple times to govt of United states/Dept. of

States to deny that kids' passport(s) and my kids should not go to India because the kids should be injured/endangered which was denied. When the kid went to India, the kids were seriously injured in India and their life is threatened. Since Aug 2015 to today I'm separated from my kids illegally. Kids education, health, well beings, day to day parent-child relationship and theirs' day to day care need is violated.

It is violation of US. In Washington v. Glucksberg, 521 U.S. 702 (1997), @ 720

"that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children".

In Troxel v. Granville, 530 U.S. 57 (U.S. 2000).

"The United States Supreme Court has recognized the right of parents to be and active and integral part of their children's lives as "perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court."

In Troxel @ 65

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We

have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process."

Washington v. Glucksberg, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." *Id.*, at 720; see also *Reno v. Flores*, 507 U. S. 292, 301-302 (1993).

B) Violation of Petition to Court – 1st amendment

When the plaintiffs were injured in Little Rock, Arkansas, I filed Petition and its reconsideration with US Supreme Court which was denied because not enough resource (Justices) available with US Supreme Court.

The petition was eligible to be granted by law. Also the reconsideration for petition was also eligible to be granted. Because of enough Justices available in the Supreme Court of US, petitioners' justice is continuously denied till today.

Supporting fact from Complaint

22) Top most Court denying justice is because of resource is injustice, Violation of 1st amendment Constitutional rights. [Nowhere in the Constitution said that justice be denied]

23) After disposing ex-rays of broken ribcage, lung injury, heart injury Dr Blankenship told me that I could go anywhere for justice.

24) In the situation in accident, little rock, Arkansas, my rib cage is collapsed, untreatable injury, still today I have pain, and the injuries were not healed yet. So top most US Court denying justice to me because of resource is unacceptable injustice to civilized society.

25) A dog cannot be kicked, break its bone under law which is jail able crime but my bone broken, justice is denied because unavailability of resource with US Supreme Court.

27) When enough Justices were not available in US Supreme Court, Dr Blankenship such peoples gain mistrust against US judicial system including US Supreme Court.

Because of political appoint the Justice in US Supreme Court, and not enough number of justices in US Supreme Court, petitioner(s)'s justice was denied by top most US Court and petitioner(s)'s Constitutional rights are violated.

31) US Supreme Court has responsibility, responsible duty to protect US Constitutional rights, which was denied by US Supreme Court.

32) Also politician appointing Justice in the US Supreme Court violated the title vii, age discrimination, equal employment opportunities, *equal justice under law* which was welcome message of US Supreme Court front of the building. e.g President Biden nominated Judge Brown to US Supreme Court with his racial, gender biased promise on this election campaign when this case is subjudice.

Nowhere in the Constitution states that Justice can be denied valid reasons or not enough number of justices in US Supreme Court. Also does not mention number of justices in US Supreme Court.

In session dated Apr 11, 2022 **Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies** with Hon. Justice Stephen Breyer of US Supreme Court, Hon. Chief Justice NV Ramana of Indian Supreme Court, and William M Treanor, Dean of Georgetown University Law Centre, Justice Breyer said below:

"Breyer recalled being impressed by a clinic he saw in Ahmedabad, Gujarat on a visit to India more than two decades ago. It offered women the chance to present problems they were experiencing to a panel of three experts: a lawyer, a psychologist and a social worker"

"Those three women who hear the problem will try to figure out how to help them. It might be going to the police, it might not be. It might be bringing a law case, it might not be." Breyer added that he kept a photo of that scene on his office wall for years, and often described the model to visitors"

He [justice Breyer] really appreciated the system.

In same above session Justice Ramana said that

Collegium process to appoint judges most democratic.

On judicial appointments, CJI Ramana said that although the government is a key stakeholder, when the collegium reiterates its decision to appoint a candidate, the government has no choice but to comply with it.

'Cannot get more democratic than this [Collegium process].

Supreme Court of India has 34 justices including CJI. (by The Supreme Court (Number of Judges) Amendment Bill, 2019)

The PIL (Public Interest Litigation) jurisdiction is an innovation of the Indian judiciary, particularly the Supreme Court. It is mainly meant for the marginalised people who cannot

approach the Court through advocates to expose their cause. The idea is to promote access to justice.

Also Constitution does not specify/require qualifications for US Supreme Court Justices such as age, Education, profession, or native-born citizenship.

For any all reason stated above plaintiff prays this Court declarative order or permanent injunction against US and Constitutional amendment that

- i) US govt/President should not appoint the US Supreme Court Justices and promote the Judges from United States Court of Appeal by most experience / expertise by Collegium process.
- ii) Promote 34 most experience/expertise USCA's Judges to US Supreme Court for 5 years based on Collegium process, and the US Supreme Court Justices should retire at their age 70 or five years of service whichever comes 1st. Bring the total US Supreme Court Justices to 34 [by USSC Justice Breyer and CJI of India Raman's conversion session]. Accordingly make amendments to US Constitution.

iii) Petitioner(s) prays this Court for a declarative/permanent injunctive order against US to amend the Constitution for parental rights.

iv) Declarative order or permanent injunction to US govt and President that to make Constitutional changes that age, citizenship need to US Supreme Court justice as the age, citizenship requirement of US president.

Educational/Professional qualification requirement should match Admission to the Bar of the Federal Court.

2) **Against India for parental and property rights**

Union of India have habit of holding US citizen kids for the reason of Kids admitted in Indian school or going to school in India.

Petitioner requested Indian consulate/embassy that do not issue visa/travel document to kids to go India because of injury, endangerment of children, endangerment of abduction of children, which was denied.

When the kids went to India, they were endangered and injured in India. No medical attentions were given to kids injuries.

My father in law, brother in law tried to abduction my children for the purpose of refusing/deny to provide in heritance to the children, to do corruption against Govt of India.

45) The same reasons as my relatives, India also hold the US citizen children in India, refused to return the children back to US. Also deny the US Court orders.

In India, by law, children inherit the parents/fore-parents inheritance (Heir) automatically, without will.

Above said reasons, India and my relatives in India wrong doings violates 42 USC § 1982 and Hindu Succession Act, 1956 and its amended (2005), parental rights as US violated in 14th amendment, Glucksberg, Troxel,

In Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969 @237

"Section 1982 covers the right "to inherit, purchase, lease, sell, hold, and convey real and personal property."

Petitioner prays this Court that declarative order or permanent injunction against Union of India that

i) US citizen kids should not be hold in India, and Kids need to return to US for their education, summer vacations, parental rights and

ii) Properly kids inheritance property/wealth from the kids
parents/fore-parents need to transfer to the kids in USA.

3) **Against New Jersey and Woodbridge township**

A) Parental rights against New Jersey

New Jersey violated the petitioners parenting rights same as
United States under 14th amendment- Glucksberg, Troxel.

Petitioner pray this Court for declarative order or permanent
injunction to make Constitutional change in NJ Constitution for
parental rights.

B) Moving the NJ municipal Judges to NJ judiciary and removing
the traffic ticket docket from Woodbridge municipal Court to
District Court

1) Plaintiff prays a declarative order and/or permanent injunction against
NJ that move all the NJ's Municipal judges under NJ judiciary payroll

because

- i) Municipal judges are appointed by NJ Municipal govt when parties
entitled to hear by Constitutionally appointed Judges,
- ii) NJ Municipal judges are appointed by Municipal Mayor who are
relative/friend to Mayors.
- iii) For the purpose of generating revenue for municipality Municipal
judges were Writing orders.

- iv) By the revenue generated by Municipal judges, they were paid by Municipal govt.
- v) Municipal judges were encouraged by Municipality and its mayor Write orders to generate revenue. So the Mayor and municipal Judges were major beneficiary.
- vi) Judge should be disinterested person of money from the order he signs which is failing in the Municipal Court function, municipal judges appointment, Municipal judges sign order, Judges paid from the money generated.
- vii) Citizens, Residents were biased, prejudiced/injured by the municipal judges appointed by Municipal Mayor by Writing orders to the benefit of Municipal mayor and Municipal Judges (together).
- viii) Petitioner is entitled to file claim/counter claim against the charges so these Woodbridge traffic ticket docket to be moved to Dist Court.

For any and all reason stated above petitioner prays this Court for a declarative/ Permanent injunctive order that 1) move all NJ municipal judges to NJ judiciary payroll 2) further NJ municipality govt/mayor should not appoint municipal judges, and NJ govt should appoint the municipal judges 3) Deposit all the traffic violation fined

dollar amount by Municipal Court order to be deposited in NJ treasury.

4) Removing the traffic ticket docket from Woodbridge municipal Court to Dist Court. 5) Invalidate the arrest warrant issued by Woodbridge against the Petitioner.

4) NJ and it's local Govt should not tow/taken away the homeless's property(s).

a) When petitioner is homeless, NJ dmvc refused to register my vehicle because car registration has stop order, Woodbridge towed away without notifying me. Woodbridge charging \$1445 for towing. In fact petitioner called local tow service for \$45 and waited.

b) Local govt taking away my property violate the due process and jury trial, excessive fine instead of local govt to help the less fortunate poor. [Constitutional violation]

c) Plaintiff suffered from covid because the local govt taking away my property.

For any and reasons stated above plaintiff prays this Court for declarative order and/or permanent injunction against

NJ/local should not take away homeless people vehicle and need to provide the service to the homeless as where they need their vehicle to be placed and Local govt should be paying this expense. Local govt Need to provide service to the poor, less affordable.

ii) Lower Courts denying Petitioner request to Stay for United States/President Biden nominate/appoint US Supreme Court Justices and Promote 13 USCA Judges to US Supreme Court stay appointing Judge Brown is error. (Dist Dkt-17)

When this case was at Sub-Judice, President Biden nominated Judge Brown for US Supreme Court because his promised in the election campaign that he should appoint a black women justice to US Supreme Court if he win the election.

Racial based promising itself wrong/incorrect where/when Justice System or US Supreme Court needs unbiased decision maker. If US President should have promised in his election that he should appoint all black women justices to entire US Supreme Court, no one in the civilized society accept the biased promise where unbiased decision need to be taken.

President and US govt appointing judge Brown Jackson to US Supreme Court is violating racial, age, and gender discrimination in

Babb v. Wilkie, 140 S. Ct. 1168 - Supreme Court 2020 and

Babb v. SECRETARY, DEPT. OF VETERANS AFFAIRS, 992 F.

3d 1193 - Court of Appeals, 11th Circuit 2021

US Supreme Court (Constitutional guardian) cannot take racial, age and gender based discriminative decision which applicable to US Govt and President (Constitutional leader) when they makes decisions.

For any and all reasons stated above, petitioner(s) prays this court for declarative order that US Govt Appoint of Judge Brown to US Supreme Court should be invalidated because President Biden and US govt violate/promote the racial, and gender discrimination and against Babb ruling. This Court is constitutional Guardian.

- 1) USCA 3rd circuit ruling that Section 1981 and 1983 and Civil rights act 1866 applicable only under employment is error?

In CBOCS West, Inc. v. Humphries, 553 US 442 - Supreme Court 2008

@ 1953, 1956

*This Court has long interpreted §§ 1981 and 1982 alike because they were enacted together, have common language, and serve the same purpose of providing *1953 black citizens the same legal rights as enjoyed by other citizens. See, e.g., Runyon v. McCrary, 427 U.S. 160, 183, 197, 190, 96 S.Ct. 2586, 49 L.Ed.2d 415.*

As indicated in *Runyon*, the Court has construed §§ 1981 and 1982 alike because it has recognized the sister statutes' common language, origin, and purposes. Like § 1981, § 1982 traces its origin to § 1 of the Civil Rights Act of 1866, 14 Stat. 27. See *General Building Contractors Assn., Inc. v. Pennsylvania*, 458 U.S. 375, 383-384, 102 S.Ct. 3141, 73 L.Ed.2d 835 (1982) (noting shared historical roots of the two provisions); *Tillman, supra*, at 439-440, 93 S.Ct. 1090 (same).

For above reasons, USCA ruling that section 1981, civil rights act 1866 were applicable to only employment matter is error.

XII 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 Court of Appeals for the Third Circuit, and Dist Court orders/Opinions.

In *FMC Stores Co. v. Borough of Morris Plains*, 495 A. 2d 1313 - NJ: Supreme Court 1985 at 425-426,

"this court ruled that Failure to file a timely appeal is a fatal jurisdictional defect. Clairol v. Kingsley, 109 N.J. Super. 22 (App.Div.), aff'd, 57 N.J. 199 (1970), appeal dismissed, 402

U.S. 902, 91 S.Ct. 1377, 28 L.Ed.2d 643 (1971). By rule 2:6-

4(b), *this petition for certification should be unopposed and the*

Petition for Certification should be granted in favor of the

petitioner"

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

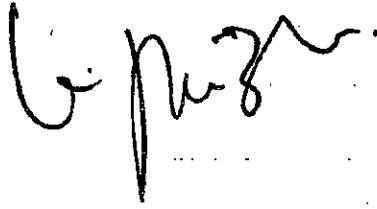
"[W]here federally protected rights have been invaded, it has been the rule from the beginning that courts will be alert to adjust their remedies so as to grant the necessary relief. And it is also well settled that where legal rights have been invaded, and a federal statute provides for a general right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

The existence of a statutory right implies the existence of all necessary and appropriate remedies. See Texas & N. O. R. Co. v. Railway Clerks, 281 U. S. 548, 569-570. As stated in Texas & Pacific R. Co. v. Rigsby, 241 U. S. 33, 39:

"A disregard of the command of the statute is a wrongful act, and where it results in damage to one of the class for whose especial benefit the statute was enacted, the right to recover the damages from the party in default is implied"

When any and all the defendants/respondents fail to appear in the lower courts is equal to failure to file a timely appeal. So Petitioners pray this Court for all theirs prayers to be granted because no defendants/respondents appeared in lower Courts.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'Palani Karupaiyan', written in a cursive style.

Palani Karupaiyan
Prose, petitioner,
212 470-2048(m),
palanikay@gmail.com