

22-5085
No: 22-

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

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

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;

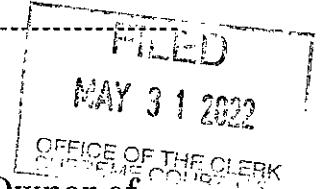
ATLANTIC REALTY DEVELOPMENT CORP AND MIDDLESEX
MANAGEMENT;

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 Respondents



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) Did USCA 3rd circuit failed to vacate the Dist Court's Sua Sponte dismissal of **Complaint/ 1st Amended complaint (FAC) / Second Amended Complaint (SAC) order ?**
- b) Should the USCA 3rd Cir. deny to strike down the Middlesex County's response/Objection to appellant's brief?
- c) Can the USCA failed validate Indian family Court order and invalidate NJ Family Court order when petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were violated by the New Jersey' Unfair justice, Judicial fraud/Obstruction of justice/Contempt of Court?
- d) Should the Lower Courts deny Petitioners Permanent injunction request when Petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were continue to be violated?
- e) When petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were violated by the New Jersey' Judicial fraud/Obstruction of justice/Contempt of Court, do the New Jersey judicial authorities have immunity?
- f) Should the USCA (3rd Cir.) deny the petitioner request to Children Custody?
- g) Lower Courts denying the petitions motion for appoint guardian ad litem or appoint attorney is error.

ii. PARTIES TO THE PROCEEDING

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

Additionally 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

This petitioner(s)/appellant(s), and Stuart Rabner were allowed to appeal (USCA ECF 1-3). When the appellant(s) requested the Caption change, USCA ruled that caption based on final order (USCA ECF-5).

Middlesex County appeared late and filed response/objection late which fatal jurisdictional defect /No jurisdiction to hear.

iii. RELATED CASE(S)

Parallel Petition for writ is filed for 21-3339 (from 3rd Cir).

US Supreme Court Docket # 22-5021
(USCA3 Docket-22-2066 Palani Karupaiyan et al v. L Naganda et al)

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vii. PETITION FOR WRIT OF CERTIORARI

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

viii. OPINIONS BELOW

(a) The NOT PRECEDENTIAL opinion of the United States Court of Appeals 3rd Cir. appears at Appendix: A (1a) to the petition. Date Feb 03 2022. *USCA 3rd Cir. Docket- 21-2560*

Opinion by GREENAWAY, Jr., PORTER, and NYGAARD, Circuit Judges.

(b) USCA 3r Cir. Order Denying Rehearing Penal and En Banc appears at Appendix: F (20a). Judge Scirica's vote is limited to panel rehearing only. Dated May 03 2022.

(c) US Dist Court order dated Oct 21 2020 partly dismissed with prejudice, partly dismissed without prejudice (Appendix: C, 9a)

(d) US Dist Court order of dismissal date Aug 12 2021 (Appendix: D, 12a)

(e) US Dist Court opinion date Aug 12 2021 (Appendix: E, 14a).

(f) US Dist Court whereas Order dismissal SAC May,20 2022 Appeix-V,

66a. Susan D. Wigenton is Dist Judge and Leda D. Wettre,
U.S.M.J.

ix. JURISDICTION

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

A timely filed petition for rehearing was denied by the United States Court of Appeals on May 03 2022, and a copy of the Order denying rehearing appears at Appendix: F. Pet.App-20a.

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

x. CONSTITUTIONAL and STATUTORY PROVISIONS INVOLVED

Parental rights

First Amendment

Fifth Amendment

Ninth Amendment

Fourteenth Amendment

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”

Troxel v. Granville, 530 U.S. 57 (U.S. 2000). Parental rights as “*perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court.*”

Judicial Fraud/Obstruction of Justice/false arresting/jailing.

6th amendment

8th amendment

18 U.S.C. § 1503

265 U.S. 590 (1924);

42 U.S. Code § 1981 - *Equal rights under the law*

42 U.S. Code § 1983 - *Civil action for deprivation of rights*

42 U.S. Code § 1988 - Proceedings in vindication of civil rights

The New Jersey Law against Discrimination (NJLAD)

Indian family Law/Laws from India

THE HINDU MARRIAGE ACT, 1955

The Hindu Succession (Amendment) Act, 2005

India family Court order - K. Palani v. J Ramya (Appendix- L; 44a)

Indian Penal Codes.

The Fair Housing Act, 42 U.S.C. 3601

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. (**56a**) 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 I 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 (**22a**)

In weeks Judicial Fraud consolidation ordered is filed prevent me appeal the FRO. (**30a,31a**) 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 (**38a**), ex-parte amended FRO (**32a**).

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. (42a, 44a) Because I filed civil action in US Dist Court, the defendants together attempted to murder the petitioner. (60a, 61a)

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.

Finally on Aug 12 2021 Dist Court enter dismissal order (**12a**) with prejudice for Rule 8 violation and gave opinion.(**14a**).

c) At USCA 3rd Cir. Proceeding

Plaintiff timely appealed with granted forma pauperis, none of the defendants appeared in USCA. Appellants timely filed appellants' brief and served all the appellees.

On Nov 23 2021 (ECF-10), Nov 26 2021 (ECF-11, hard copy) Middlesex County appeared late and filed objection/response to the appeal lately, beyond the briefing schedule on old/closed docket. See ECF-10, 11 under Doc# 21-1813. USCA ruled following text order ECF-11

*TEXT ONLY ORDER (Clerk) The Court's order entered
August 5, 2021, dismissed the appeal for lack of jurisdiction.
Accordingly, no action will be taken on Appellee County of
Middlesex's brief submitted on November 23, 2021.
(NR)[Entered: 12/02/2021 12:06 PM]*

On the Current/active docket 21-2560, On Nov 9 2021, Middlesex County filed appearance ECF-15 and Nov 17 20212 appellant filed request to strike the appearance of Middlesex county .ECF-16.

On Dec 6 2021, Middlesex filed Motion filed by Appellee County of Middlesex to file Brief for Appellee out of time. ECF-17.

On Dec 7 2021 Response filed by Appellee County of Middlesex to letter. ECF-18, which is late, out of date response.

On Feb 03 2022, USCA 3rd Cir ruled below. ECF-26. Appendix-A (1a)

NOT PRECEDENTIAL PER CURIAM OPINION Coram:

KRAUSE, BIBAS and SCIRICA, Circuit Judges. Total Pages: 6.

Karupaiyan's letter motion to strike the appearance of Middlesex County and to expedite the appeal is denied. Middlesex County's motion for permission to file an opposition brief out of time is granted and the Clerk is directed to docket in this case the brief that was filed in C.A. No. 21-1813 on November 23, 2021.

On Feb 15 2022 Appellant filed Petition for rehearing Panel and En banc. USCA dkt-29

On May 3 2022 USCA denied the rehearing. App-F, 20a. Also USCA denied the petitioners request to appoint attorney or guardian ad litem in 21-2560, 21-3339 which are parallel petitions.

xii. REASONS FOR GRANTING THE WRIT

a) Did USCA 3rd circuit failed to vacate the Dist Court's Sua Sponte dismissal of Complaint/ 1st Amended complaint (FAC) / Second Amended Complaint (SAC) order ?

The plaintiff's complaint was dismissed, Second Amended Complaint (SAC) by Dist Court's Sua Sponte decision ECF-4 , ECF-57 (respectively), 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)."

Further

Lower Court dismissing complaints/affirm for prolixity is error.

In Davis v. Ruby Foods, Inc., 269 F. 3d 818 - *Court of Appeals, 7th*

Circuit 2001 @ 820

*It *820 nevertheless performs the essential function of a complaint under the civil rules, which is to put the defendant on notice of the plaintiff's claim. Leatherman v. Tarrant County Narco Intellig & Coordi Unit, 507 U.S. 163, 168, 113 S.Ct. 1160, 122 L.Ed.2d 517 (1993) Bennett v. Schmidt, 153 F.3d 516, 518-19 (7th Cir.1998); Ostrzinski v. Seigel, 177 F.3d 245, 251 (4th Cir.1999).*

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).

In Davis @ 821

"If the [trial] Court understood the allegations sufficiently to determine that they could state a claim for relief, the complaint has satisfied Rule 8." Kittay v. Kornstein, 230 F. 3d 531 - *Court of Appeals, 2nd Circuit 2000* at 541, "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".

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 dismiss the complaint or 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).

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 pro se, his complaint was entitled to greater leeway. See *Toebs 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").

Lower 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.

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."*

For any and all above stated principles, Dist Court dismissing the plaintiff complaint/FAC/SAC for **prolixity** and failed to review the complaint under Rule 8(f), Rule 12(f) and Rule 12(e) and failed review the Big picture standard as SEWRAZ when the complaint involve over two dozen defendants, over 6 years of continues wrongdoing till today, 3 different jurisdiction the case went thru also Dist Court's abuse of discretion and USCA affirming is error so petitioner(s) pray this Court for Writ of Certiorari to be granted.

b) Should the USCA 3rd Cir. deny to strike down the Middlesex County's response/Objection to appellant's brief?

When the Middlesex filed response with Docket 21-1813, already USCA ruled unjurisdictional. On the opinion. USCA moved Middlesex's response to 21-2560 docket. On docket 20-3063, when I requested the USCA to re-open the docket, USCA Court ruled that no jurisdiction and appellant need to go US Supreme Court.

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"

For the above principal, Now Petitioner pray this Court that Middlesex County's response/objection should be strike down and petitioners' writ for certiorari should be granted and petitioner(s) all prayer against the Middlesex County should be granted.

The same rule/principle apply to the parties/defendant(s)/respondent(s) failed to appear in the lower Court. Petitioners prays against these all defendant(s)/respondent(s) should be granted.

c) Can the USCA failed validate Indian family Court order and invalidate NJ Family Court order when petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were violated by the New Jersey' Unfair justice, Judicial fraud/Obstruction of justice/Contempt of Court?

Because 1) I cancelled the passport of kids to prevent the abduction of kids to India, 2) I told my wife Ramya do not involve in black money transaction with Naga, Ranjeeth, Jayabalan against Govt of India 3) because I told my wife to go work for kids education money needed Naga, Jayabalan, and Ranjeeth filed fake domestic violation case (DV)

By the fake dv, NJ family Court granted FRO against Mr Karupaiyan, favor my wife, kids without any supporting evidence or testimony because Im black man, makes \$140k, owe Porsche car, capable to pay child support, bill the child support, bill the India family home money \$400k. (22a)

Continues billing childsupport money and hold the FRO for the purpose of grating divorce, Judicial fraud consolidation order was filed (30a, 31a). When this petitioner filed a parallel family reconciliation case (62a) in Indian where marriage happened and only place for family case jurisdiction, NJ family Court entered ex-party Amended Final restraining order-AFRO) (32a), ex-party divorce.(38a)

When petitioner requested the USCA 3rd circuit to validate the Indian family Court order and invalidate the NJ judicial fraud Court order, USCA denied my request (1a) under Rooker¹–Feldman² doctrine which is error for following reason.

1) NJ family Court has No jurisdiction to petitioners family matters.

New Jersey does not have Jurisdiction to hear my family matter because Im married from India. Only India family Court have jurisdiction to grant divorce. NJ orders were ex-parte with Judicial fraud in nature.

¹ Rooker v. Fidelity Trust Co., 263 U.S. 413 (1923)

² District of Columbia Court of Appeals v. Feldman, 460 U.S. 462 (1983)

2) Federal Courts Ruling in Domestic Relationship cases favor the petitioner(s)

See In Spindel v. Spindel, 283 F. Supp. 797 - Dist. Court, ED New York 1968, an action to determine validity of Mexican divorce and seeking damages for fraud in obtaining same. an action to determine validity of Mexican divorce and seeking damages for fraud in obtaining same. The defendant's motion to dismiss is in all respects denied

In Spindel, @ 801, "**Barber v. Barber**, 62 U.S. (How. 21) 582, 16 L.Ed. 226 (1859), the Court in Wisconsin was asked to interfere to prevent that decree from being defeated by fraud.

In Spindel @ 806, **Power of District Courts in Matrimonial Cases Where Divorce is Not Sought and** Issues of marital status are not alien to the federal Courts. See, e. g., Wolf *806 v. Gardner, 386 F.2d 295 (6th Cir. 1967);

Even if the federal Courts lack jurisdiction to grant a divorce, "[t]his does not necessarily mean that they lack jurisdiction to determine the validity of a divorce decree rendered by a foreign Court provided there is some jurisdictional basis, such as diversity." 6A Moore, Federal Practice ¶ 57.21[2] at pp. 3125-3126.

In *Spindel* @809 "is unable of itself to enforce the decree summarily upon the husband, that Courts of equity will interfere to prevent the decree from being defeated by fraud." 62 U.S. (How. 21) at 590-91.

In *Spindel* @811 in *McNeil v. McNeil*, 78 F. 834 (N.D.Cal.1897), in which a judgment was sought to annul a divorce decree allegedly procured by fraud, a case virtually on all fours with the present action, the Court distinguished Barber, declaring: "Here there is no question if parties may be divorced or must forever remain together, — no question of the grounds of divorce. It is a question purely of chancery jurisdiction. For what the judgment was rendered is not essential. It is that it was obtained by fraud, and hence unjust to hold and use, and, because it is, the Court has jurisdiction." 78 F. at 835.... 320 U.S. 796, 64 S.Ct. 263, 88 L.Ed. 480 (1943) (intimating that a "completely void divorce" granted by a "Mexican decree" could be declared invalid by the district Court).

In *Spindel* @ 812, a federal Court is not deprived of competence merely because the parties involved are husband and wife or the controversy might be termed a "marital dispute." Compare *Daily v. Parker*, 152 F.2d 174, 162 A.L.R. 819 (7th Cir. 1945) (tort suit by children against their father's mistress for alienation of affections and

enticement from home); *Cohen v. Randall*, 137 F.2d 441 (2d Cir.), cert. denied, 320 U.S. 776, 64 S.Ct. 263, 88 L.Ed. 480 (1943) (suit to recover damages for fraud in inducing plaintiff to enter into separation agreement and obtain divorce); 332 U.S. 782, 68 S.Ct. 49, 92 L.Ed. 365 (1947) (illegitimate child sues putative father to invalidate allegedly fraudulent agreement negating right to his support).

In *Spindel* @ 804, The Supreme Court first applied its half century old *Barber* dictum in two divorce cases on appeal from territorial Courts. *Simms v. Simms* (175 U.S. 162, 20 S.Ct. 58, 44 L.Ed. 115 (1899)) was an appeal from a decree of divorce, with an award of alimony, by the territorial Supreme Court of Arizona. *De La Rama v. De La Rama* (201 U.S. 303, 26 S.Ct. 485, 50 L.Ed. 765 (1906)) involved an appeal from the Supreme Court of The Philippines, reversing a lower Court decree granting the wife a divorce, division of property, and allowance for support. In both cases the Court *said* federal Courts lacked jurisdiction and then *acted* as if they possessed judicial power over divorce cases.

In *Simms*, the Court quoted *Barber* and then declared:

In Ankenbrandt v. Richards, 504 US 689 - Supreme Court

1992, @694 “a suit to enforce an alimony decree rested within the federal Courts' equity jurisdiction”. The Court reached these conclusions after summarily dismissing the former husband's contention that the case involved a subject matter outside the federal Courts' jurisdiction. In so stating, however, the Court also announced the following limitation on federal jurisdiction: 694 "Our first remark is—and we wish it to be remembered—that this is not a suit asking the Court for the allowance of alimony. That has been done by a Court of competent jurisdiction. The Court in Wisconsin was asked to interfere to prevent that decree from being defeated by fraud

In Ankenbrandt @704 Federal subject matter jurisdiction case.
pursuant to § 1332 thus is proper in this, suit was not demanding divorce or alimony.

In Ankenbrandt @707 The Court holds that the diversity statute contains an "exception" for cases seeking the issuance of a divorce, alimony, *Ante*, at 701-704. Yet no such exception appears in the statute. The diversity statute is not ambiguous

In Cole v. Cole, 633 F. 2d 1083 - Court of Appeals, 4th Circuit 1980 at 1088, As Judge Weinstein wrote in the Spindel case: "A federal Court is not deprived of competence merely because the parties involved are husband and wife or the controversy might be termed a 'marital dispute.' ... If a woman were suing her former husband for assault and battery in federal district Court, no one would question the Court's power to award the plaintiff damages." 283 F.Supp. at 812.

3) When NJ supreme Court denied petition with fatal judicial defect by its own error, no more jurisdiction to hear the Petitioners family matter

In Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969 @ 231

"We had no jurisdiction in the cases when they were here before, and we have no jurisdiction now"

So NJ has no more jurisdiction to hear Petitioners family case.

For any and all reasons stated above, Dist Court (Lower Courts) ruling that Plaintiff should not seek to appeal or overturn the Judges' state Court rulings is error. Petitioner(s) pray this Court to invalidate the NJ state Courts granted divorce (38a) /FROs (32a) /child custody

order by fraud/unfair justice, unjurisdictional against the appellant/Plts and validated the Indian family Court reconciliation order. (42a, 44a)

d) Should the Lower Courts deny Petitioners Permanent injunction request when Petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were continue to be violated?

Petitioner filed permanent injunction motion with District Court that New Jersey should not appoint the Justices in the NJ Supreme Court because it violated the Title VII, Equal employment opportunity, petitioners constitutional, civil, parental, conjugal, and India family Court order are violated and continuing. Also claimed that appointing the NJ justice promote corruption which denied justice to the petitioner with own error of NJ Supreme Court. Also requested to promote 13 judges from NJ appellate Court to NJ Supreme Court. [Now this process should go thru Collegium process as discussed in the petition of 21-3339]

USCA ruled that petitioners motion for permanent injunction should have 4 factor analysis *Shields v. Zuccarini, 254 F. 3d 476 - Court of Appeals, 3rd Circuit 2001*'s which is patent/copyright case. Petitioner

did not have patent/copyright dispute with New Jersey so Shields is applicable.

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 my case parental rights, constitutional, civil, conjugal, and
Indian family Court orders are continuously violated, irreparable

damage under Troxel, Glucksberg, 521 U.S. 702 (1997)-Fourteenth Amendment, and Indian family Court order (42a, 44a) also continuously violated till today.

Azubuko and Bolin were not analyzed by 4 factors as Shields .

When govt or govt employees were parties to the case, 4 factor analysis is not needed since this case is not copyright/patent case as Shields.

*In United States v. Richard Haraka alias RICK BRYAN, d/b/a TAXGATE , Dist Court, NJ div, 02-5340(JAP), (“Haraka”)*docket does not have any motion for permanent injunction with 4 factor analysis, there is a permanent injunction order entered Mar 31 2003 for the best interest of the Nation. In this case, the defendant NJ did not appear and argue how they would injure at all and appellant prayer is best interest of the nation as well.

Also in May 1st week of 2022, New Jersey family Court issued arrest warrant for child support without due process when Im in the foodstamp of NY City. Also I requested the NY city to provide money help for childsupport which was denied.

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).*

For above stated reasons, petitioner pray this Court for his Permanent injunction order against New Jersey should be granted.

This Court should issue declarative or injunctive order against NJ govt/ or Governor, NJ Judges that

- 1) All NJ Supreme Court justices to be removed for the wrong doings against the petitioners and jail them 18 years.
- 2) NJ govt should not appoint NJ Supreme Court justice and
- 3) NJ Supreme Court justice should be promoted the NJ appellate Court Judges to NJ Supreme Court by collegium process for 5 years and retire at age 70 whichever comes 1st as discussed in petition for writ of certiorari of 21-3339 (*Karupaiyan et al v. Twp of Woodbridge et al*)
- 4) Total No of justices to NJ Supreme Court Should be 22 justices.
- 5) When this matter was subjudice, NJ appointed the appointed justice Fabiana Pierre-Louis in the Supreme Court by violating vii, equal employment opportunity, age discrimination. This age discrimination is violation in

Babb v. Wilkie, 140 S. Ct. 1168 - Supreme Court 2020 (@ 1170 can still seek injunctive or other forward-looking relief. Pp. 1177-1178.)

This Court should invalidated the appointment of Justice Fabiana Pierre-Louis to NJ Supreme Court.

e) When petitioners' Constitutional rights, Civil Rights, Parental rights, Conjugal rights were violated by the New Jersey' Judicial fraud/Obstruction of justice/Contempt of Court, do the New Jersey judicial authorities have immunity?

Based on Capogrosso v. Supreme Court of N.J., 588 F.3d 180, 184 (3d Cir. 2009) , USCA opinioned that judicial immunity extends to judicial officers, even if their actions were “in error, w[ere] done maliciously, or w[ere] in excess of [their] authority,” unless the officers acted in clear absence of all jurisdiction. This is error ruling. Also this order is Sua Sponte which should be vacated as previously discussed.

1) No immunity when Judges' Error Outside scope of judicial officers' duty.

The divorce was filed to do black money transaction against the Govt of India. So Multiple time I requested the NJ judicial dismiss the divorce case and vacate the Judgement of divorce which was denied.

Also year 2021, the defendants including the NJ judges attempted to murder me which is outside scope of their duty which does not have immunity. Relief(). Petitioners pray this Court for permanent restrain order against the NJ Judges.

In *Figueroa v. Blackburn*, 208 F. 3d 435 - Court of Appeals, 3rd Circuit 2000. @441-442 see *Van Sickle v. Holloway*, 791 F.2d 1431, 1435(10th Cir.1986) (Suggesting that judges of Courts of limited jurisdiction are not immune when acting in excess of jurisdiction);

In *JLD v. ESTATE OF GANNON*, Dist. Court, D. New Jersey 2016
“There are, however, two exceptions to absolute immunity: (1) “*a judge is not immune from liability for non-judicial actions*”; and (2) “*a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction.*”

Mireles, 502 U.S. at 11-12, 112 S. Ct. at 288

In *Stump v. Sparkman*, 435 US 349 – S.Ct 1978 @367
“*In short, a judge's approval of a mother's petition to lock her daughter in the attic would hardly be a judicial act simply because the mother had submitted her petition to the judge in his official capacity*” ... “*A judge is not free, like a loose cannon, to inflict indiscriminate damage whenever he announces that he is acting in his judicial capacity*”.

- 2) **No immunity when clear absence of all jurisdiction**
NJ Judge/Justices did not have jurisdiction grant the divorce.

Especially they Entered the FRO (22a) by unfair justice because Im

black man, filed Fraud consolidation order (**30a, 31a**) to prevent the appeal to remove FRO. This fraud adds Obstruction of justice. Because of FRO exist grant the divorce (**38a**) for billing the child/family support money/India family property money.

Also Declarative degree violated that Indian family Court order (**42a, 44a**) and unable to live with my wife and kids until today (as well contempt of Court). The above also parental rights violate by 14th amendment, *Glucksberg*, 521 U.S. 702 (1997), *Troxel*

3) Suits against individual state officers for prospective relief to end an ongoing violation of federal law

In *Capogrosso* @ 185

“See *MCI Telecomm.Corp. v. Bell Atl. Pennsylvania*, 271 F.3d

491, 503 (3d Cir.2001). This immunity does not extend to individual state officers sued in their individual capacities for prospective injunctive or declaratory relief to remedy ongoing violations of federal law. See id.

By Unfair justice FRO and Fraud Consolidation order, Im not live with my children continuously till today. They violated my federal disability law. This violates Federal law/US Supreme Court ruling in

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

*Also violated the Indian family Court order (**42a, 44a**) ongoing basis till today.*

- 4) **Falsely arrested and Falsely jailed twice the appellant without due process which violates the federal law/US constitution.**

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).

*FRO was entered by unfair justice, plaintiff was jailed twice without due process. Continuously until today New Jersey issuing arrest warrant/jail warrant because Plaintiff filed dist. Court case for NJ violating my parental rights, constitutional rights. (**22a, 32a**)*

f) Should the USCA (3rd Cir.) deny the petitioner request to Children Custody?

Petitioner has best interest evolution of children.(58a) In Beck v. Beck, 432 A.

2d 63 - NJ: Supreme Court 1981, @ 499, the best interest of children is the polestar for grating the children custody. Same in Youth and Family Services v. MF, 815 A. 2d 1029 - NJ: Appellate Div. 2003 @ 1037.

In Spindel at 811*For what the judgment was rendered is not essential. It is that it was obtained by fraud, and hence unjust to hold and use, and, because it is, the Court has jurisdiction.*" 78 F. at 835.... 320 U.S. 796, 64 S.Ct. 263, 88 L.Ed. 480 (1943).

In New Jersey, child custody is hold by Ramya by the unconstitutionally/ unfair justice entered FRO(22a), Judicial fraud consolidation order(30a, 31a), Ex-parte AFRO(32a)

For the above federal ruling, best interest evaluation, USCA should granted the children custody to this petitioner.

Petitioner plaintiff pray this Court order for granting children custody and order the Ramya to appear in Indian family Court. Ramya has xanax prescription, continuously injuring the kids when custody with her.

g) Lower Courts denying the petitions motion for appoint guardian ad litem or appoint attorney is error.

On Jan 12 2022, Petitioners filed motion to appoint guardian ad litem to Children PP, RP or appoint lawyer to the plaintiff(s) CA-Dkt-24.

On Jan 25 2022, Motion to request for Appoint guardian ad litem to Ramya Palani or Appoint attorney to Ramya Palani. CA-Dkt-25.

These two motions were filed at Dist Court as well.

Both motions were denied by lower Courts by error.

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.

The same/similar argument on the petition for writ of Certiorari of 22-3339 of 3rd circuit on these matter, lower Courts errored by denying these two motions.

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 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

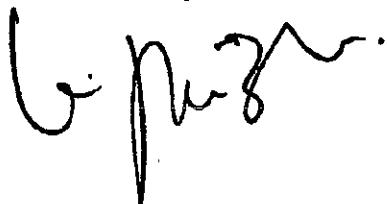
*should be unopposed and the Petition for Certification should be granted
in favor of the petitioner”*

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

Respectfully submitted



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