

22-5220 ORIGINAL
No: 22-_____

IN THE
SUPREME COURT OF THE UNITED STATES

PALANI KARUPAIYAN; Petitioner

v.

JATINDER SINGH;

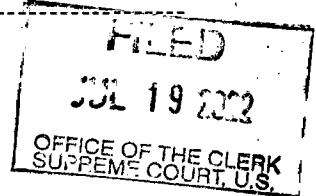
NICK JOE; individually and in his official capacity as employer of
Jatinder Singh;

NICK DOE'S TRANSPORTATION BUSINESS;

KHALID MAHMOOD; JOHN DOE, individually and in his official
capacity as employer of Khalid Mahmood;

JOHN DOE'S LIMO BUSINESS

----Respondents



PETITION FOR A WRIT OF CERTIORARI
to the United States Court of Appeals
for the Third Circuit (21-3163 & 22-1159 Consolidated)

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



I QUESTIONS PRESENTED

- 1) USCA failed to vacate the Sua sponte order of dismissing the complaint is error
- 2) Lower Courts dismissing/denying petitioner's Intellectual property damage claim(s) is error.
- 3) Lower Courts dismissing/denying the color/ ethnical discrimination under 42 U.S.C § 1988 (vindication of Civ. rights), Civil Rights Act of 1866 is error.
- 4) Lower Court should not deny the Petitioner's property damages is error.**
- 5) Lower Court denying claims under 26 U.S.C § 7201 - Attempt to evade or defeat tax, 18 U.S.C § 1956 - Laundering of monetary instruments, Money Laundering Control Act of 1986, Insurance fraud and unemployment fraud is error.**
- 6) Lower Court fail to apply Rule 8(f) "*All pleadings shall be so construed as to do substantial justice*" when applying Federal law(s) or state law(s) or both together.**

II PARTIES TO THE PROCEEDING

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

III RELATED CASE(S)

None

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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 Opinion of the United States Court of Appeals 3rd Cir. appears at Appendix: A (1a) to the petition. Date Mar 01 2022. *Docket- 21-3163* Present: Hon. JORDAN, RESTREPO, and SCIRICA, Circuit Judges.

(b) USCA 3r Cir. Order Denying Rehearing Penal and En Banc appears at Appendix: D (10a). Judge Scirica's vote is limited to panel rehearing only. Dated Jul 6 2022.

(c) US Dist Court Letter order dated Nov 12 2021 (Appendix: C, 6a)
Hon Esther Salas is Dist Judge and Hon Edward S. Kiel, U.S.M.J.

IX JURISDICTION.

The date on which the United States Court of Appeals decided my case was Mar 01 2022 at Appendix: A Pet.App-1a

A timely filed petition for rehearing and en Banc which was denied by the United States Court of Appeals on Jul 6 2022, and a copy of the Order denying rehearing appears at Appendix: D. Pet.App-10a.

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

X CONSTITUTIONAL AND SATATUTORY PROVISIONS INVOLVED

- 1) New Jersey Law Against Discrimination (NJLAD)
- 2) 42 U.S.C. § 1988(Section 1988)
- 3) 42 U.S.C. § 1983
- 4) 42 U.S.C. § 1981
- 5) *Civil Rights Act of 1866*

- 6) 26 U.S.C. § 7201,
- 7) 18 U.S.C. § 1956
- 8) 18 U.S.C. § 286 and § 287
- 9) 31 U.S.C. §§ 3729 – 3733 – false claim act.

- 10) The *Copyright Act of 1976*
- 11) 17 U. S. C. §§ 201(a)
- 12) 17 U.S.C. § 102(a)

- 13) 28 U.S.C. § 1367 – Supplemental jurisdiction.

XI STATEMENT OF THE CASE

Pro se plaintiff Palani Karupaiyan (“Plaintiff”) initiated the instant action against defendants Jatinder Singh, Khalid Mahmood, Nick Doe, Nick Doe’s Transportation Business, Mahmood’s employer John Doe, and John Doe’s Limo Business (collectively, “Defendants”). (D.E. No. 1 (“Complaint” or “Compl.”)1). In connection with his Complaint, Plaintiff also filed an application to proceed *in forma pauperis* (“IFP”). (D.E. No. 4). Plaintiff asserts nine causes of actions against Defendants. In Count I, Plaintiff alleges that Singh, Mahmood, and Nick Doe called Plaintiff a “black amazon man” or a “black Indian,” in violation of “New Jersey Law against Discrimination,” 42 U.S.C. § 1988, and the Civil Rights Act of 1866. (Compl. at 11). In Count II, Plaintiff alleges that Singh pushed and injured Plaintiff, which violated the “New Jersey Tort Act.” (*Id.*). In Count III, Plaintiff alleges that Singh, Mahmood, and Nick Doe damaged Plaintiff’s personal belongings, such as his laptop, a monitor, and a “Sportwagon car,” in violation of New Jersey’s “Property Damage Statute.” (*Id.* at 12). In

Count IV, Plaintiff alleges that Nick Doe drove his car over Plaintiff's laptop and damaged the computer program on the laptop, which constituted a violation of the Copyright Act of 1976. (*Id.* at 12–13). In Count V, Plaintiff alleges that Singh, Mahmood, and Nick Doe “said bad words about” Plaintiff's appeals in another litigation, which constituted “contempt of Court” and a violation of the Judiciary Act of 1789. (*Id.* at 13). In addition, Plaintiff alleges that Mahmood committed further violation of the Judiciary Act of 1789 by disallowing Plaintiff to charge his laptop, which Plaintiff used for his appeals. (*Id.*). In Count VI, Plaintiff alleges that Singh used Nick Doe's car to avoid paying high car insurance that Singh would have paid because of his history of drunk driving. (*Id.* at 7). Plaintiff further alleges that Nick Doe's Transportation Business bought car insurance for a few trucks but used the insurance policy to cover all its trucks. (*Id.* at 7 & 14). The Complaint asserts that the alleged conduct constituted insurance fraud in violation of New Jersey Code of Criminal Justice § 2C:21-4.6. (*Id.* at 14). In Count VII, Plaintiff alleges that Nick Doe, Nick Doe's Transportation Business, Mahmood's employer John Doe, and John Doe's Limo Business all committed tax evasion in violation of 26 U.S.C.

§ 7201. (*Id.*). In Count VIII, Plaintiff alleges that Singh and Mahmood fraudulently obtained unemployment benefits, which they transferred to India and Pakistan, respectively, in violation of the Money Laundering Control Act of 1986. (*Id.* at 15). Finally, Plaintiff apparently alleges that Mahmood's claims of unemployment benefits constituted unemployment fraud.² (*See id.*). As relief, Plaintiff seeks various monetary damages, injunctive relief, and jail time for Singh, Mahmood, and Nick Doe. (*See id.* at 17).

Dist Court ruling

1) Forma pauperis

“The legal standard for dismissing a complaint for failure to state a claim pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) is the same as that for dismissing a complaint pursuant to Federal Rule of Civil Procedure 12(b)(6).” *Schreane v. Seana*, 506 F. App'x 120, 122 (3d Cir. 2012).

2) Federal laws

The federal laws at issue are: (i) 42 U.S.C. § 1988 and the Civil Rights Act of 1866 (Count I), (ii) the Copyright Act of 1976 (Count IV), (iii) the Judiciary Act of 1789 (Count V), (iv) 26 U.S.C. § 7201 (Count VII), and (v) the Money Laundering Control Act of 1986 (Count VIII). Among them, 42 U.S.C. § 1988, 28 U.S.C. § 7201, and the Money

Laundering Control Act of 1986 do not create a private cause of action.

*See McRae v. Norton, No. 12-1537, 2012 WL1268295, at *4 (E.D.N.Y.*

Apr. 13, 2012) (dismissing the plaintiff's claim because "there is no

private right of action to recover taxes on behalf of the government")

(citing 28 U.S.C. § 7401); Deramus v. Shapiro Schwartz, LLP, No. 19-

*4683, 2020 WL 3494558, at *2 (S.D. Tex. June 2, 2020), report and*

recommendation adopted, No. 19-4683, 2020 WL 3491960 (S.D. Tex.

June 26, 2020) (holding that 42 U.S.C. § 1988 does not create a private

cause of action or confer federal jurisdiction); Dubai Islamic Bank v.

Citibank, N.A., 126 F. Supp. 2d 659, 668 (S.D.N.Y. 2000) (holding that

no private cause of action exists under the Money Laundering Control

Act of 1986).

Thus, Plaintiff cannot assert a claim under 42 U.S.C. § 1988, 28

U.S.C. § 7201, or the Money Laundering Control Act of 1986; nor can he

raise "a claim of contempt" under the Judiciary Act of 1789.

Accordingly, Counts V, VII, and VIII are dismissed *with prejudice*.

Count I is also dismissed *with prejudice* insofar as it alleges a claim

under 42 U.S.C. § 1988. That is, Plaintiff is barred from raising these

claims again

To state a claim under § 1983, a plaintiff must show that: (1) the defendant was “a person acting under color of state law” and (2) the defendant’s conduct “deprived the plaintiff of a right, privilege, or immunity guaranteed by the Constitution or laws of the United States.”

Parratt v. Taylor, 451 U.S. 527, 535 (1981). Here, Plaintiff alleges that Singh, Mahmood, and Nick Doe called Plaintiff a “black amazon man” or a “black Indian.” (Compl. at 11). There is no allegation on whether the defendants acted under color of state law or whether Plaintiff was deprived of any rights protected by the Constitution or under federal law.

Plaintiff’s claim under the Civil Rights Act of 1866 thus falls short of meeting the pleading standard under 28 U.S.C. § 1915(e)(2)(B)(ii) and the Federal Rule of Civil Procedure 12(b)(6).

3) Dismissal of the intellectual (copyright) property damage

Plaintiff fails to allege sufficient facts to support a claim under the Copyright Act of 1976, which provides for a cause of action for copyright infringement. 17 U.S.C. § 501(b).

4) Without prejudice Federal claims

Count I, insofar as it alleges a claim under the Civil Rights Act of 1866, and Count IV are dismissed *without prejudice* for failure to state a claim

State Law Claims

Count I, insofar as it alleges a claim under the New Jersey Law against Discrimination, and Counts II, III, and IV are dismissed without prejudice the Court will dismiss *without prejudice* Count IX, under which Plaintiff alleges that Mahmood committed unemployment fraud but fails to specify whether the claim is asserted under federal law or state law.

USCA-3's Ruling

USCA granted the forma pauperis (IFP) that was filed in C.A. No. 22-1159.

We [USCA3] exercise jurisdiction over Appellant's challenge to the order dismissing his complaint for failure to state a claim and declining to exercise jurisdiction over supplemental state law claims.

The District Court's decision is summarily affirmed because no substantial question is presented on appeal. 3d Cir. L.A.R. 27.4;3d Cir. I.O.P. 10.6. In particular, 42 U.S.C. § 1988, 26 U.S.C. § 7201, and 18

U.S.C. § 1956, do not by themselves provide for private causes of action. See *Moor v. County of Alameda*, 411 U.S. 693, 702 (1973) (stating that § 1988 “does not enjoy the independent stature of an ‘Act of Congress providing for the protection of civil rights,’ [but] [r]ather, as is plain on the face of the statute, the section is intended to complement the various acts which do create federal causes of action for the violation of federal civil rights”); *Lee v. U.S. Agency for Int’l Dev.*, 859 F.3d 74, 77 (D.C. Cir. 2017) (noting that “[t]he Supreme Court has ‘rarely implied a private right of action under a criminal statute’” (quoting *Chrysler Corp. v. Brown*, 441 U.S. 281, 316 (1979))). Moreover, Appellant did not allege that any of the defendants acted under color of state law. See 42 U.S.C. § 1983; *Great W. Mining & Mineral Co.*, 615 F.3d 159, 175-76 (3d Cir. 2010) (recognizing that to obtain relief under § 1983, a plaintiff must show, *inter alia*, that the defendant acted under color of state law).

Appellant’s allegation that a computer program was damaged when one of the defendants drove a car over his laptop failed to state a claim for copyright infringement. *Dun & Bradstreet Software Servs. v. Grace Consulting, Inc.*, 307 F.3d 197, 206 (3d Cir. 2002) (explaining that to state a copyright infringement claim, “a plaintiff must establish:

(1) ownership of a valid copyright; and (2) unauthorized copying of original elements of the plaintiff's work").

And the District Court acted within its discretion in declining to exercise jurisdiction over Appellant's supplemental state law claims.

See Doe v. Mercy Cath. Med. Ctr., 850 F.3d 545, 567 (3d Cir. 2017) ("A Court may [decline to exercise supplemental jurisdiction under 28 U.S.C. § 1337(c)(3)] when it dismisses all claims over which it has original jurisdiction.").

In USCA3, petitioner filed motion to amend the rehearing with following additional paragraph

Avoid garnishment the defendant(s) did money laundering to India and purchased the properties in India. So this case, plaintiffs' claims against the defendants and 26 U.S.C. § 720(Attempt to evade or defeat tax), 18 U.S. Code § 1956 (Laundering of monetary instruments) should have co-relation and provide private cause of action against the defendants.

Both plaintiff and defendants from India, plaintiff is entitle to recover the damages from the defendants and their assets/properties in India which was acquired/purchased by money laundering under Hindu Succession Act, 1956 and amended.

USCA3 denied appellants motion to amend the rehearing. (App.12a)

XII REASONS FOR GRANTING THE WRIT

1) USCA failed to vacate the Sua sponte order of dismissing the complaint is error.

Dist Court dismissed the complaint by Sua Sponte, ECF-7.

In Salahuddin v. Cuomo, 861 F. 2d 40 – USCA-2 1988 @43

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

For any and all reasons stated above, appellant plaintiff pray

this Court to vacate the Sua sponte dismissal of complaint ECF-7,

App.6a, App.1a and remand the case to Dist Court for further trial.

2) Lower Courts dismissing/denying petitioner’s Intellectual property damage claim(s) is error.

Dist Court and USCA decided against petitioner intellectual property damage based on copyright infringement claim under Dun & Bradstreet Software Servs. v. Grace Consulting, Inc., 307 F.3d 197, 206 (3d Cir. 2002) and its 4 factor analysis.

Petitioner’s claim is not copyright infringement. Count IV clearly said Intellectual Property damage. Petitioner’s computer programs are his intellectual property under

- i) The *Copyright Act of 1976 (Act 1976)*
- ii) 17 U. S. C. §§ 201(a), Initial Ownership (Ownership of copyright)
"Reid @ 737, The Copyright Act of 1976 provides that copyright ownership vests initially in the author or authors of the work."
17 U. S. C. §201(a). As a general rule, the author is the party who actually creates the work, that is, the person who translates an idea into a fixed, tangible expression entitled to copyright protection. § 102".
- iii) 17 U.S.C. § 102(a).
Computer programs are entitled to copyright protection as "literary works. Whelan Assoc. v. Maslow Dental Lab., 797 F.2d 1222, 1234 (3d Cir.1986)

Petitioner's claims should be analyzed under Community for Creative Non-Violence v. Reid, 490 US 730 - Supreme Court 1989 (*Reid*) where No copyright infringement was disputed, the copyright ownership was disputed.

Petitioner is the only contributor to the computer program which is re-usable for day to day need in his Software consulting services. Because of damage to the USB disk, intellectual property is lost/damaged, irreparable lost and for that loss plaintiff claimed money. Under *Reid* standard, petitioner's claim for Intellectual property damages which should not be denied as copyright infringement.

If not under Reid, Practically when USB drive/disc is \$25 value and USB drive contents computer programs/codes value many million dollar, plaintiff should not be told to go small claim Court for \$25 and computer programs/codes lost has no value.

See complaint@ 31

31. Without my permission Jatinder took my picture, recorded video and showed to Nick and his employee drivers me Im **black amazon man** because I have long hair, and laughed and said go back to amazon, kill you. They used this photos, videos to entertain the drivers and promoted their business.

32. Jatinder or nick did not pay me any penny for my video or photo appearance.

33. Jatinder and nick called me south Indian super star.

From the above fact, defendants recorded video/ took photo(s) without permission or contract, promoted their business and benefited by the petitioner's images/photos and did not pay any penny to petitioner is copyright violation.

Now federal claim endure/survive by any and all from Copyright Act of 1976, 17 U. S. C. §§ 201(a), and 17 U. S. C. §102(a). As well Supplemental Jurisdiction State claims should not be dismissed.

3) Lower Courts dismissing/denying the color/ethnical discrimination under 42 U.S.C § 1988 (vindication of Civ. rights), Civil Rights Act of 1866 is error.

Supporting fact(s) from complaint.

Without my permission Jatinder took my picture, recorded video and showed

to Nick and his employee drivers me Im **black amazon man** because I have long hair, and laughed and said go back to amazon, kill you. They used this photos, videos to entertain the drivers and promoted their business. Complaint (compl) @31 Khalid also said you black Indian go back to India, kill you and he did not allow me to charge my laptop said bad words about appeal. compl@60-62, 102-103.

These are violation of federal law and state law (NJLAD).

Dist Court ruled that 42 U.S.C. § 1988 does not create a private cause of action or confer federal jurisdiction (*Deramus v. Shapiro Schwartz, LLP*, No. 19-4683, 2020 WL 3494558, at *2 (S.D. Tex. June 2, 2020)).

To state a claim under § 1983, a plaintiff must show that: (1) the defendant was “a person acting under color of state law” and (2) the defendant’s conduct “deprived the plaintiff of a right, privilege, or immunity guaranteed by the Constitution or laws of the United States.”

Parratt v. Taylor, 451 U.S. 527, 535 (1981) which is error.

USCA3 ruled and affirmed that

See Moor v. County of Alameda, 411 U.S. 693, 702 (1973) (stating that § 1988 “does not enjoy the independent stature of an ‘Act of Congress providing for the protection of civil rights,’ [but] [r]ather, as is plain on the face of the statute, the section is intended to complement the various acts which do create federal causes of action for the violation of federal civil rights”);

USCA ruling is error that failed to apply Civil rights Act 1866 (Section 1981).

i) Petitioner's color/ethnicity violation should survive Under 42 U.S.C § 1981 and 42 U.S.C § 1982

Section 1981(c.) provide protection against non-governmental defendant which Part of Civil rights act 1866 which in Under law section of the complaint ¶6.

In CBOCS West, Inc. v. Humphries, 553 US 442 - Supreme Ct 2008 @ 1956

*"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)."*

Now the color/ethnicity violation claim **Count-I** should be review as

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

Plaintiffs(s) brought action under section 1981 and 1982, Civil Rights Act of 1866 for damages. In fact, Petitioners color/ethnicity violation claim should survive under Civil rights act of 1866 alone. In the same *Sullivan* standard Count-III property damage should not be dismissed.

ii) New Jersey Law against discrimination (NJLAD) should survive with Section 1988

In *Sullivan* @ 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."

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 . "

Compensatory damages for deprivation of a federal right are governed by federal standards, as provided by Congress in 42 U. S. C. § 1988, which states:

*"The jurisdiction in civil . . . matters conferred on the district Courts by the provisions of this chapter and Title 18, for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary *240 to furnish suitable remedies and punish offenses against law, the common law, as*

modified and changed by the constitution and statutes of the State wherein the Court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said Courts in the trial and disposition of the cause . . .

This means, as we read § 1988, that both federal and state rules on damages may be utilized, whichever better serves the policies expressed in the federal statutes. Cf. Brazier v. Cherry, 293 F. 2d 401. The rule of damages, whether drawn from federal or state sources, is a federal rule responsive to the need whenever a federal right is impaired.

In *Moor v. County of Alameda*, 411 US 693 - Supreme Court 1973 @725

Section 1983 by reason of its equity provision merely gives "jurisdiction" to the District Court, while § 1988 allows the District Court to apply state law.

....

*Application by the federal Court of a state cause of action for damages is therefore in harmony with both § 1983 and § 1988. As we stated in *Sullivan v. Little Hunting Park*, 396 U. S. 229, 240, "This means, as we read § 1988, that both federal and state rules on damages may be utilized, whichever better serves the policies expressed in the federal statutes. . . . The rule of damages, whether drawn from federal or state sources, is a federal rule responsive to the need whenever a federal right is impaired." The federal rights there is the alleged "deprivation of any rights, privileges, or immunities secured by the Constitution and laws" as these words are used in § 1983.*

In this case the defendant(s) color/ethical wrongdoings are under Section 1981 (Civil right Act 1866), and NJLAD so the lower Courts should not deny the petitioner's color/ethnicity claim.

4) Lower Court should not deny the Petitioner's property damages is error.

i) Petitioner's property damage(s) claims should survive under Section 1982.

In Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969, Plaintiffs(s) brought action under section 1981 and 1982 for damages.

In this case, petitioner's one of the property damages claim was defendant(s) damaged the petitioner's car. This damages should be under section 1982(Civil Rights Act of 1866)

ii) Properties damages and Skin Injury claims should survive under State Law (Supplemental jurisdiction) when one or more federal claims survived

As earlier stated Petitioners federal claims survived under section 1981/Civil Rights Act of 1866, and The Copyright Act of 1976/17 U.S.C. § 102/ 17 U. S. C. §§ 201, petitioner property damages claims should survive under supplemental jurisdiction state law claims.

For any and all reasons stated above, petitioner prays this Court to vacate the lower Court orders/judgments against the petitioner and remand to district Court.

**5) Lower Court denying claims under 26 U.S.C § 7201 -
Attempt to evade or defeat tax, 18 U.S.C § 1956 -
Laundering of monetary instruments, Money
Laundering Control Act of 1986, Insurance fraud
and unemployment fraud is error.**

Dist Court ruled that Plaintiff cannot assert a claim under 42 U.S.C. § 1988, 28 U.S.C. § 7201, or the Money Laundering Control Act of 1986. USCA3 ruled that 26 U.S.C. § 7201, and 18 U.S.C. § 1956, do not by themselves provide for private causes of action.

Supporting facts

i) Insurance fraud (Count-vi)

40. While Nick and Jatinder were drunk, I asked Nick why he allowed Jatinder to use his old Camry car for Jatinder personal need.

41. Nick said that Jatinder is drunk driver history so car Insurance for Jatinder is very high so he allowed his personal car to be used by Jatinder.

45. Aug 2nd week onward, Jatinder is not on the road for driving because of Nick business involved in insurance fraud in his trucking business as Jatinder said. For few trucks they got insurance and use those few insurance to all trucks.

50. Because of Jatinder have multiple reckless driving, drink and driving records, because of Jatinder car insurance is very high, Nick gave his 1995 Camry to Jatinder for Jatinder's personal use for the purpose of Insurance fraud.

ii) Payroll tax evasion(Count-vii), Money laundering (Count VIII)

43. *Jatinder said Nick pay all his employees for his 35 trucks in cash for payroll evasion for over 20 years*
47. *The Jatinder and Nick applied govt benefit, silently, untraceably, transferred the money to India and invested there and got loan burden in USA.*
48. *Nick historically involved tax evasion including payroll tax and silently, untraceably, transferred the money to India and invested there.*
49. *Nick and his truck transportation business runs over 120 trucks in USA, the business pay the drivers in cash instead of payroll check to evade the taxes including payroll tax*
100. *The Defendant Nick and his business involved tax evasion including payroll tax, transferred into India untraceably, invested in India*
103. *The Defendant Jatinder got govt benefit money illegally, transferred into India untraceably, invested in India, got loan burden in India*
66. *Khalid employer Limo service paid him cash instead of paycheck to the limo drivers for the purpose of tax evasion including payroll tax.*
67. *Khalid Limo employer from Pakistan and employs over 30 limo.*

iii) Unemployment fraud Count IX) and Money laundering

16. Khalid day time works in electrician well paid job.
17. Kahalid night time drive limo to John does's limo business
18. Between day and night Kahalid file unemployment.
64. *Khalid used his fraud unemployment money to buy properties, and paid of his properties loan in Pakistan.*
65. *Khalid silently, untraceably send money to Pakistan for his property ownership in Pakistan.*
104. *Khalid filed fraud unemployment and silently untraceably transferred the money to Pakistan*

In Lee v. US AGENCY FOR INTERN. DEVELOPMENT, 859 F. 3d 74 -

Court of Appeals, Dist. of Columbia Circuit 2017 @ 78

"the False Claims Act, 31 U.S.C. §§ 3729 et seq., which does provide for an express cause of action, id. § 3730(b)"

- i) 26 U.S. Code § 7201 - Attempt to evade or defeat tax/payroll tax evasion should survive with False Claims Act and/or NJ False Claim Act, Section 1988.

As previously stated as Sullivan @ 239-240 and Moor @725

"As we stated in Sullivan v. Little Hunting Park, 396 U. S. 229, 240, "This means, as we read § 1988, that both federal and state rules on damages may be utilized, whichever better serves the policies expressed in the federal statutes. . . . The rule of damages, whether drawn from federal or state sources, is a federal rule responsive to the need whenever a federal right is impaired."

The above principle defendant claim for tax evasion should not be denied by lower courts.

- 2) 18 U.S. Code § 1956 - Laundering of monetary instruments, Money Laundering Control Act of 1986 should survive with False Claims Act, Section 1988

In Sullivan @ 239-240

Compensatory damages for deprivation of a federal right are governed by federal standards, as provided by Congress in 42 U. S. C. § 1988, which states:

"The jurisdiction in civil . . . matters conferred on the district Courts by the provisions of this chapter and Title 18, for the protection of all persons in the United

*States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in the provisions necessary *240 to furnish suitable remedies and punish offenses against law, the common law, as modified and changed by the constitution and statutes of the State wherein the Court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said Courts in the trial and disposition of the cause.*

For above said principles lower courts should not deny the petitioners claim under 18 U.S. Code § 1956 - Laundering of monetary instruments, Money Laundering Control Act of 1986 when they survive along with FCA and Section 1988.

ii) Insurance Fraud claim and unemployment fraud should survive under Section 1988, False Claim act, NJ-False Claim act, New Jersey Insurance Fraud Prevention Act.
As In Sullivan @ 239-240, Section 1988 provide for private causes of action for Insurance Fraud claims and unemployment fraud, apply False Claim Act (FCA), NJ State's NJ-False Claim act, New Jersey Insurance Fraud Prevention Act

For above said principles, False Claims Act, 31 U.S.C. §§ 3729-3733 *et seq* ("FCA") alone or Section 1988 , FCA along with 26 U.S.C. § 7201, and 18 U.S.C. § 1956, Money Laundering Control Act of 1986, Insurance fraud (New Jersey Insurance Fraud Prevention Act, New Jersey Code of Criminal Justice 2C:21-4.6 (insurance fraud) and Unemployment fraud claim (New Jersey False Claim Act (NJFCA), Coronavirus Aid, Relief, and Economic Security Act (CARES Act)'s Fraud), 18 U.S.C. § 286, 18 U.S.C. § 287 should provide for private causes of action.

For any and all reasons stated, petitioner pray this Court to vacate the lower Court order(s) /judgement(s) App.6a, App.1a against the petitioner, remand the case to Dist Court for further proceeding.

6) Lower Court fail to apply Rule 8(f) "All pleadings shall be so construed as to do substantial justice" when applying Federal law(s) or state law(s) or both together.

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 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,"

Based on the above principles, Lower Court failed to construe as to do substantial justice to the petitioner.

For any and all reasons stated above, this Court grant the petition for writ of Certiorari and vacate the lower Courts orders/judgment(s) against the petitioner, remand to district Court for further trial.

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,

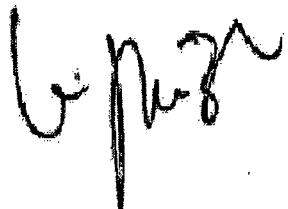
"this Court ruled that Failure to file a timely appeal is a fatal jurisdictional defect. Clairol v. Kingsley, 109 N.J. Super. 22 (App.Div.), aff'd, 57 N.J. 199 (1970), appeal dismissed, 402 U.S. 902, 91 S.Ct. 1377,28 L.Ed.2d 643 (1971). By rule 2:6-4(b), this petition for certification should be unopposed 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 Vacate the Dist Court sua sponte App.6a and USCA3's Judgment App.1a and Remand the case to Dist Court for further trial.

Respectfully submitted



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