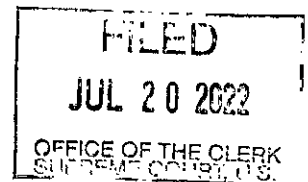


No. **22-5258**

ORIGINAL



IN THE
SUPREME COURT OF THE UNITED STATES

Jeremy LaFitte
(Your Name)

— PETITIONER

vs.

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Court of Appeal For the Ninth Circuit No. 22-15015

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Jeremy LaFitte

(Your Name)

1426 Linden St

(Address)

Oakland, California 94607

(City, State, Zip Code)

(510) 975-5390

(Phone Number)

QUESTION(S) PRESENTED

- ① Does a pleading need to ~~allege~~ state a specific set of facts that constitute a cause of action if it satisfies the simple pleading requirements of Rule 8(a)(2) of the Federal Rules of Civil Procedure by pleading a short plain statement of claim?
- ② Was the right standard applied of giving weight to the issues raised on appeal used by the Court of Appeals to determine if the appeal is frivolous or in good faith? Did the court dismiss the appeal as being frivolous in error?
- ③ Does subject matter jurisdiction over an exclusive admiralty suit based on the general maritime law need to be supplemental to or invoke 28 USC 1331 or 1332 or can subject matter jurisdiction over exclusive admiralty suits based on the general maritime law be invoked even in the absence of 28 USC 1331 and/or 28 USC 1332 according to Federal Rule of Civil Procedure Rule 9(h)?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

RELATED CASES

ex parte In Rem: Secured Property rights and interest in all assets owned or possessed by DoorDash inc. and the proceeds of sale and transfer of all assets as Surety for breach of Obligation in the amount of \$200,000.00 (21-mc-80266). U.S. District Court Northern California / San Francisco
~~Case No. 21-mc-80266~~
~~Case No. 21-mc-80266~~
Filed: 11/12/21
judgement entered: 12/16/21

ex parte In Re: Jeremy Lafitte Court of Appeals for the Ninth Circuit Doc. NO. 22-15015
judgement entered: 7/13/22
Filed: 1/6/22

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APPENDIX B Statement that Appeal should go forward in good faith
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APPENDIX E Order reassigning case and report and Recommendation for
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APPENDIX F Screening Order, US District Court, 21-mc-80266
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Appendix G Original Petition in case # 21-mc-80266, US District Court
11/12/21

Appendix H Supplemental Petition for Writ of Certiorari
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TABLE OF AUTHORITIES CITED

CASES See supplemental Petition in Appendix H PAGE NUMBER
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STATUTES AND RULES

- Federal Rules of Civil Procedure (FRCP) Rule 8(a)(2) (pg. 4, 5, 6)
- Federal Rules of Civil Procedure Rule 9(h), Committee Notes (pg. 4, 5, 6)
- The general maritime law / judge-made federal law cases (pg. 4, 5, 6)
- Federal Rules of Appellate Procedure (FAPRAP) 24
- 28 USC 1915(a)
- Federal Rules of Civil Procedure Rule 12(b)(6)

OTHER

See supplemental Petition in Appendix H (pg. 5, 6, 7, 8)
cases listed are in support of memorandum and points; authorities

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

JURISDICTION

☐ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was July 13 2022.

☒ No petition for rehearing was timely filed in my case.

☐ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

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

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

- Article 3 sec 2 of the Constitution, "The Judicial power shall extend to all cases of Admiralty and maritime jurisdiction"
- The general maritime Law
- 28 USC ~~1202 (a)~~ 1915 (a), Federal Rule of Appellate Procedure Rule 24. regarding In Forma Pauperis Status

STATEMENT OF THE CASE

Petitioner seeks from the Supreme Court a writ of error / review of error of an order by the Court of Appeals ~~for the Ninth Circuit~~ for the Ninth Circuit Doc No. 22-15015, dismissing petitioners IFP application on appeal per recommendation of the U.S District Court for Northern California Doc No. 21-mc-80266. The 2 major issues raised on Appeal stem from the U.S District Court ~~dismissed~~ Case No. 21-mc-80266 for reasons that dismissible of the Petition filed did not allege specific facts pleading elements of a cause of action, nor did the pleading invoke the courts subject matter jurisdiction by way of a Federal Question, 28 USC 1331, nor ~~Diversity~~ Diversity of Citizenship, 28 USC 1332, so the Court ordered the Case be dismissed with prejudice for failure to state a Claim upon which relief can be granted under rule 12(b)(6) of the FRCP.

The pleading was filed as an In Rem exclusive admiralty suit by way of FRCP Supp. Rule C. for enforcement of a maritime lien / Foreign Judgment. The law invoked by petitioner to be applied to the claims alleged was the general maritime law. The case did not arise under any law, treaty, or statute of the United States, nor under any cause of action under any State law.

The pleading also complied with Federal Rule 8(a)(2) pleading requirement of alleging a short and plain statement of the Claim and the grounds upon which it rested, Specific Facts weren't pleaded but rather a short plain statement of the Claim.

The District Court after dismissing case No 21-80266, Petitioner filed a notice of Appeal with an application for IFP status, The District Court denied the Application. Petitioner then applied for IFP status in the Appellate Court. After receiving recommendation that the Appeal is frivolous and giving Petitioner a chance to show why the Appeal was taken in good faith, The Appellate Court adopted the recommendation and dismissed for frivolous / see Appendix

REASONS FOR GRANTING THE PETITION

The US District Court dismissed Case # 21-mc-80266

Because it did not allege facts to establish a cause of action that would place maritime law at issue. The Court did not say that the pleading did not comply with Rule 8(a)(2), nor that the statement was too vague. The Supreme Court has stated on numerous occasions that FRCP Rule 8(a)(2) does not demand facts constituting a cause of action elements need to be pleaded or allege for a pleading to state a claim upon which relief can be granted. The major reason for the drafting of the FRCP in 1938 was to ensure litigants get their day in court without the strict demands of past common law and Code pleading regims. It also was made to take the burden of proof and the need to prove a case by pleading specific facts, off of initial pleadings, and stated that discovery is the proper procedure for developing facts and gathering proof of facts. All that was required of Pleading was a short and plain statement of claim. The Pleading can't be frivolous because it complied with FRCP Rule 8(a)(2), which does not demand fact be pleaded to state a cause.

A claim pleading under the general maritime law, exclusive admiralty jurisdiction does not need to invoke 28 USC 1331 or 28 USC 1332 to establish subject matter jurisdiction in the Federal Courts. A true In Rem action, with no non-maritime ground for Jurisdiction does not arise under laws of the United States nor one of the Several States. The Supreme Court has stated this too. In Rem actions have a different course of procedure than civil actions. Federal Rule 9(c) and the Notes of the Committee states an exclusive admiralty suit stands alone even in the absence of Diversity of Citizenship nor a Federal Question and Article 3 and The First Judiciary act 28 USC 1337 give the Federal Courts exclusive subject matter jurisdiction over In Rem actions under FRCP Supp. Rule C.

The weight that held The Case and Appeal from going forward ~~or~~ and the reason for being frivolous was that the court did not have subject matter jurisdiction because 28 USC 1331 or 1332 was not invoked when in fact Rule 9(h) stated an exclusive admiralty claim can be ~~but~~ do pleaded with a 28 USC 1331 or 1332 claim but doesn't need to and when pleaded as an admiralty suit exclusively, invokes subject matter, even in absence of 28 USC 1331 or 1332.

Rule 8(c)(2) and the intent of the drafters was not to demand facts be alleged to state a claim. They also said a Rule 12(b)(6) motion to dismiss is not proper to use if "no set of facts" are not pleaded. The only proper motion is a more definite statement motion for a pleading that complies with rule 8(c)(2). The Court by judicial interpretation are in error of the correct governing standards applied to reach its conclusion of being frivolous, and failure to state a claim.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Jeremy Lafitte; 

Date: July, 26th 2022