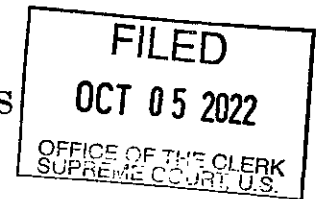


22-5800
Case Number: _____

ORIGINAL

IN THE SUPREME COURT OF THE UNITED STATES



COLLIN KAISER - PETITIONER

VS.

SUE KRECKO AND FAIRFIELD PROPERTIES - RESPONDENTS

ON PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES COURT
OF APPEALS FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

Collin Kaiser MBA

Pro Se

799 Canal Rd. Mount Sinai NY 11766

631-235-7280

10/5/2022

QUESTIONS PRESENTED

The questions of public corruption within the Eastern District of New York Central Islip Federal Courthouse, judicial misconduct performed by both Judge Gary Brown and Judge James Wicks, also the Second Circuit Court of Appeals NYC Courthouse employee personnel. All these questions are possibly motivated by bribery from the medical malpractice insurance company Empro/ P.R.I. Physicians Reciprocal Insurers of 1800 Northern Blvd Roslyn NY and Fairfield Properties. This has the possibility to be affecting or has affected other lawsuits. This case is of exceptional importance beyond the initial particular facts because corruption problems came into play during the litigation process. This case is also of exceptional importance beyond the initial parties involved by possibly affecting the general public at large. This is possible by way of Fairfield Properties' discriminatory apartment rental misconduct toward prospective tenants. Also, Judge Gary Brown and Judge James Wicks of EDNY Central Islip District Court possibly taking bribes from insurance companies in the past in other lawsuits by taking part in unethical ex parte communication, more specifically Pro Se cases. An investigation would be needed to confirm these questions. Public corruption initiated by White Collar Crime motivated by obstruction of justice taking place in the courts defeats the purpose of the UNITED STATES court of law to find righteous solutions.

LIST OF PARTIES

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

- Me, Collin Kaiser (**Plaintiff, Appellant, and Petitioner**)
- Sue Krecko and Fairfield Properties (**Defendants, Appellees, and Respondents**)

[] 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

This case Kaiser v Krecko Et. Al. is of precedential value as it is a case of its own kind involving public corruption and obstruction of justice among the courthouses' employees during progression of this civil lawsuit. Also me the plaintiff, appellant, and petitioner, Collin Kaiser being refused housing in a deceptive discriminatory manner due to housing voucher Section 8 source of income. This discriminatory misconduct was done to me by the apartment complex Fairfield Properties and leasing agent Sue Krecko. I further questioned whether this was a housing redlining strategy by Fairfield Properties to refuse to allow me to live in a certain apartment complex possibly outside of where they house Section 8 housing voucher tenants. This resulted in deceptive refusal of housing in a discriminatory

manner based upon the rent payment source that was going to be provided to Fairfield Properties from me. Fairfield Properties' strategy to refuse to complete my Section 8 paperwork resulted in the Suffolk County NY Department of Social Services to not be able to inspect the apartment and implement a guarantee of rent. I understood that in order to make a national difference I needed to take part in federal court. Potential housing tenants should not be refused housing because of how the apartment complex views Section 8 tenants if the tenant can obtain a guarantee of rent/ housing voucher. It is discriminatory and unfair misconduct practices.

TABLE OF CONTENTS

- OPINIONS BELOW (Page 8)
- JURISDICTION (Page 9)
- CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED (Page 10)
- STATEMENT OF THE CASE (Page 10)
- REASONS FOR GRANTING THIS WRIT OF CERTIORARI (Page 25)
- CONCLUSION (Page 32)

INDEX TO APPENDICES

- **APPENDIX A (SECOND CIRCUIT COURT OF APPEALS COURT ORDER)**
Denial of my In Forma Pauperis motion to proceed on appeal and dismissal of appeal. (Page 36)
- **APPENDIX B (SECOND CIRCUIT COURT OF APPEALS COURT ORDER)**
Initial hearing En Banc denial. (Page 37)
- **APPENDIX C (DISTRICT COURT EDNY CENTRAL ISLIP COURT ORDER)** Judge Gary R. Brown's and Clerk of Court's Judgment for case Kaiser v Krecko Et. Al. 20-cv-5399 signed by Deputy Clerk James J. Toritto. Brenna B. Mahoney Clerk of Court EDNY Central Islip. (Page 38)
- **APPENDIX D (DISTRICT COURT EDNY CENTRAL ISLIP COURT ORDER)** Judge Gary R. Brown's Court order adopting Magistrate Judge's James M. Wicks report and recommendation to grant the defendants denied motion to dismiss, to deny the plaintiff's summary judgment as moot, In Forma Pauperis for any appeal denial, and order to close the case. (Page 39)
- **APPENDIX E (DISTRICT COURT EDNY CENTRAL ISLIP) Magistrate Judge James M. Wicks' report and recommendation findings from 2/11/2022.** (Page 40)
- **APPENDIX F (SECOND CIRCUIT COURT OF APPEALS) Second Circuit Court of Appeals Docket Report for case Kaiser v Krecko Et. Al. 22-665 dated 8-21-2022.** (Page 41)

- **APPENDIX G (DISTRICT COURT EDNY CENTRAL ISLIP)** Eastern District of New York Central Islip Docket Report for case Kaiser v Krecko Et. Al. 20-cv-5399 dated 4-18-2022. (Page 42)
- **APPENDIX H (SECOND CIRCUIT COURT OF APPEALS COURT ORDER)** The Mandate dated 8-31-2022. (Page 43)

TABLE OF AUTHORITIES CITED

CASES

Ashcroft v. Iqbal 556 U.S. 662 (2009) (Page 29)

Bell Atl. Corp v. Twombly, 550 U.S. 544 (2nd Cir 2007) (Page 29)

Flagg v. Yonkers Sav. & Loan Ass'n 396 F.3d 178 186 (2nd Cir. 2005) (Page 26)

Harris v. Mills, 572 F.3d 66 (2nd Cir. 2009) (Page 29)

McCrary v. City Of Nassau 493 F. Supp 2d 581(E.D.N.Y. 2007) (Page 29)

Neitzke v Williams, 490 U.S. 319, 325 (1989) (Page 26)

Starr v Sony BMG Music Entm't 592 F.3d 138 (2nd Cir 2010) (Page 29)

Triestman v Fed. Bureau of Prisons, 470 F.3d 471(2nd Cir. 2006) (Page 29)

Yi Sun v. Saslovsky, 19 Civ 10858, 2020 WL 6828666 (S.D.N.Y. Aug. 6, 2020) (Page 29)

STATUTES AND RULES

42 U.S.C. § 1983 (Pages 10, 14, 27)

28 U.S.C. § 1915(c) (Page 26)

Federal Rules Of Appellate Procedure 24(a)(1)(c) (Page 28)

Federal Rules Of Appellate Procedure 24 (Pages 28, 29)

Supreme Court Rule 10(a) (Page 24)

Supreme Court Rule 26(8) (Page 34)

Supreme Court Rule 14(3) (Page 24)

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 **A**
and **B** 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 **C, D**
and **E** 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 **7/20/2022**

☒ 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

42 U.S.C. § 1983 - "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."

STATEMENT OF THE CASE

The Second Circuit Court of Appeals court order denying my In Forma Pauperis motion to proceed on appeal and dismissing my appeal has three Circuit Judges' names on it which was signed by the clerk of court Catherine O'Hagan Wolfe. The three Circuit Judges listed are William J Nardini, Eunice C. Lee, and Myrna Perez. The Circuit Judges on this court order dismissing my appeal state that my appeal fails to argue any legal or factual arguments. It makes me question if my In Forma Pauperis motion on the merits of this case and if my appeal Brief

were even read as all of these memorandums of law have substantial legal and factual arguments.

I am being stalked by the medical malpractice insurance company Empro/ P.R.I. of 1800 Northern Blvd Roslyn NY and I believe it could be possible that they have contacted employee personnel at the Second Circuit Court of Appeals to take part in their crime which is part of a white collar crime to obstruct justice and a public corruption crime. The reason I believe this is possible is because of the statements made on the court order dismissing this appeal which states my appeal lacks an arguable basis in either law or fact which is false as my appeal Brief and In Forma Pauperis motion contain many legal and factual arguments. Also because of the docket entries that appeared under my name on this cases' docket report for the Second Circuit which I did not file. I truly believe the UNITED STATES Supreme Court Justices should review this case and draw their own opinions as these are serious crimes being committed by this insurance company Empro/ P.R.I. in which they are bribing entities of power into this crime to alter the outcome of lawsuits to avoid losing money and the entities of power are actively participating in the crime. Since this is happening to me it makes me assume that I am not the only person this company has done this to.

Once I realized the misconduct that the defendants Sue Krecko and Fairfield Properties were conducting against me to refuse housing to me in a deceptive way, I took all the proper avenues in trying to find a solution to the problem in a respectful manner prior to any legal remedy. I first asked the leasing agent Sue Krecko to

resubmit my housing application or I would need to file complaints. When Sue Krecko refused to resubmit my application to the corporate office at Fairfield Properties, I then submitted a complaint to HUD. I did not receive a response from HUD after some time so I then submitted an additional complaint to an NYC legal housing establishment. After this, I began contacting lawyers to see if any lawyer could help me within Suffolk County NY with this problem. I failed to find any lawyer interested in taking on this case. There was one lawyer that seemed interested but he wanted a \$150 consultation fee and I believe that was all the money I had at that time so I declined the offer. I then decided to file the lawsuit at the EDNY Central Islip Federal courthouse. The NYC legal housing establishment contacted me back a few weeks later but I had already begun legal remedy through the EDNY Central Islip federal courthouse. This situation happened fast as I was placed into a homeless shelter where drugs were being used so I was trying to get out of the shelter as soon as possible. I was placed into this shelter by the Suffolk County NY Department of Social Services Coram location. I was doing my part to get out of the shelter due to the drug use of other tenants and the suspicion that my roommate Mike was using chemical warfare agents and sleeping gas on me while I was sleeping to wipe drugs on my belongings. I believed this was and still is being instructed by Empro/ P.R.I. Due to this serious issue, I made it a priority to search for permanent housing which was required by the shelter as well.

Erin Horan the shelter manager at 857 Old Town Rd Port Jefferson Station NY called the police on me to have me removed from the shelter on the same day I

filed this lawsuit which was on 11/6/2020. I was arrested with an appearance ticket and was told to leave the residence as Erin had made her own permanent housing placement for me for the second time. This shelter was my current residence at the time in which I followed all requested actions from the shelter to be in compliance with the shelter and be in compliance with the Suffolk County Department of Social Services. The first time Erin found permanent housing for me in September of 2020, Erin decided to place me into a recovery home facility of drug users and alcoholics which I did not belong in because I don't have a drug use history and then Erin tried to tell me that I agreed to this. The manager Erin Honan failed to tell me the extent of the housing that she decided to send me to. She said the home was for sober people without any drug use history. When I got to the residence I was asked to sign a contract that spoke about outpatient recovery programs. I did not feel comfortable signing this contract and I felt like it was some sort of setup. The management at that recovery home decided to say I need to leave as soon as possible because of my refusal to sign the contract. As I was getting into contact with the shelter I came from, 857 Old Town Rd Port Jefferson Station NY, the manager of the recovery home started throwing all of my belongings outside. I called 911 and the Suffolk County NY police showed up. They brought me to the Islip LIRR train station where a cab brought me back to the shelter at 857 Old Town Rd Port Jefferson Station NY. At this point in time I believe that this idea to send me to the recovery home was instructed by the medical malpractice insurance

company Empro/ P.R.I. of 1800 Northern Blvd Roslyn NY in an attempt to set me up to look like a drug addict.

Fairfield Properties and Sue Krecko refused housing to me in a discriminatory manner and that this refusal of housing was done I believe because of my housing voucher source of income even though Fairfield Properties states that they accept housing voucher as a source of income. This was also stated by Fairfield Properties' attorney Jennifer E. Sherven Esq, in her court memorandum of law from EDNY Central Islip. I further questioned whether this was a housing redlining strategy conducted by Fairfield Properties to refuse housing to me as I may have been pursuing an apartment outside of the areas that Fairfield Properties would want their Section 8 housing voucher tenants to be housed.

Federal jurisdiction is found here for the EDNY Central Islip district court by way of statutory provision 42 U.S.C. § 1983. This statute can be relevant to Fairfield Properties' strategy to refuse to complete my Section 8 housing paperwork that revoked the Suffolk County NY Department of Social Services Coram locations' ability to inspect the apartment and implement a guarantee of rent. This case Kaiser v Krecko Et. Al. is of precedential value as it is a case of its own kind involving moving parts outside the initial case facts and initial parties involved which could also affect the UNITED STATES general public at large. I understood that in order to make a national difference I needed to take part in federal court. Potential housing tenants should not be refused housing because of how the apartment complex views government funded rent programs if the tenant can

obtain a guarantee of rent/ rent voucher. Especially if the apartment complex states that they accept housing vouchers, source of income stated as a legal protection, and claim they are an equal housing opportunity which Fairfield Properties does claim all of this on their website and partnered apartment websites. It is discriminatory and unfair misconduct practices. It is also false advertising.

“It is believed that intentional judicial misconduct has been performed by Magistrate Judge James M. Wicks and District Judge Gary R. Brown due to the obvious errors that were made which created a favorable outcome for the defendants. These errors were objected to by the plaintiff Collin Kaiser but continued on by the judges. These errors of law by both judges produced a favorable bias toward the defendants (Ruling presented for review. Appellate standard of review- question of law, question of procedure, question of discretion, question of fact). These errors of law consist of Judge Brown referring the defendant’s denied motion to dismiss to the Magistrate Judge for a report and recommendation, Judge Wicks recommending granting the defendant’s denied motion to dismiss, Judge Brown granting the defendant’s denied motion to dismiss. Magistrate Judge James M. Wicks also made up claims about me, the plaintiff, that I never made in regards to jurisdictional statute provisions in his report and recommendation and on the docket report (2/11/2022 on docket report showing Wicks made up claims the plaintiff, Collin Kaiser, never made in regards to FHA and NYHRL Laws) (Appendix Page 14). Judge James M. Wicks also left out vital information and Exhibit D of the plaintiff from his report and recommendation. These errors caused

a favorable outcome for the defendants and were objected to and pointed out by the plaintiff. I, Collin Kaiser continued to show respect to the judges and remained composed all throughout these unfair practices.”

“The Clerk of Court and Pro Se department at the EDNY Central Islip District Court continued to refuse evidentiary Exhibits that I was submitting to them for filing. (Ruling presented for review. Appellate standard of review- question of discretion and question of procedure). I believe this should be reviewed because this proved to be problematic for me as I have low income and it took me multiple attempts to file these exhibits with the court. If I did not successfully and strategically manage my money then I would not have been able to file these vital exhibits for this case in a timely manner. My In Forma Pauperis appeal denial by Gary R. Brown does not seem forthright (Ruling for review. Appellate standard of review- question of discretion). I believe this should be reviewed because if I did not do my research to figure out that the appeals court will still decide and make a decision based upon the merits of the appeal, I would not have appealed and would have lost my ability for the Second Circuit Judges to make a decision on this case. (District Court Docket Sheet. I have pointed to the significant entries on the Docket Sheet) (Appendix Page 7-16)” (Pages 15-17 of THE APPELLANT’S, COLLIN KAISER’S, APPEAL BRIEF).

“These acts of misconduct consisted of the defendants demanding requests in regards to credit which does not make sense as the plaintiff’s credit was and still is frozen. The defendants stated that the credit was the reason behind the refusal to

fill out the Section 8 paperwork, which is required to move into the apartment. The defendants claimed problematic credit and refused to fill out the required Section 8 paperwork to move into the apartment but the defendants cannot prove this as the credit was and still is frozen since September 15th, 2020. The application process with Fairfield started on October 14th 2020. The \$200.00 deposit for apartment 7-4A Presidents Dr. Port Jefferson NY 11777 was put down on October 14th, 2020 but the defendants did not provide a receipt of this deposit to the plaintiff until October 22nd, 2020. All of this can and will be proven through docketed evidence showing the down payment receipt along with the apartment details and all relevant emails and communications with the credit bureaus for requests to freeze credit long before any contact between the plaintiff, Collin Kaiser, and defendants, Fairfield Properties about the apartment (Exhibit A Pages 18-24) (Appendix Pages 122-128) (Exhibit C pages 1-16) (Appendix Pages 129-146). The defendants made this up and insinuated poor credit in an attempt to deter the plaintiff, Collin Kaiser, from pursuing the apartment. Additionally, the plaintiff, Collin Kaiser, had a security alert placed on his credit reports on December 2nd , 2020." (This was done because a copy of the plaintiff's credit report showed up in his PO Box without his request and the envelope was opened).

"Once the defendants realized the plaintiff was correct about the frozen credit, they proceeded to cancel the plaintiff's application for the apartment. This can and will be proven through emails between the plaintiff, Collin Kaiser, and the

defendant's leasing agent Sue Krecko" (Exhibit A pages 64-68) (Appendix Pages 147-151).

"Once the defendants realized the plaintiff had been informed about the canceled application from the corporate office by a phone call, the defendants attempted to persuade the plaintiff to take back his deposit in an effort to have the plaintiff forfeit the apartment. This can and will be proven by emails between the plaintiff and defendant's leasing agent Sue Krecko" (Exhibit A pages 56-58) (Appendix Pages 152-154).

"This resulted in the plaintiff visiting The Department of Social Services Coram, NY location to explain to the workers what he had been experiencing from Fairfield Properties. The worker at The Department of Social Services, S. Damber, informed the plaintiff that Fairfield Properties is not following protocol by refusing to fill out the Section 8 paperwork. This can and will be proven through audio between the plaintiff, Collin Kaiser, and The Department of Social Services worker S. Damber". (Exhibit E Page 1) (Appendix Pages 155-157)" (Pages 45-47 of THE APPELLANT'S, COLLIN KAISER'S, APPEAL BRIEF) (ALSO Pages 4-6 of MEMORANDUM OF LAW IN SUPPORT OF PLAINTIFF'S SUMMARY JUDGEMENT).

Throughout this entire lawsuit it feels like I am a plaintiff going against the defendants for the misconduct that they have done to me while also going up against the EDNY Central Islip district court Judge Gary R. Brown and Magistrate Judge James M. Wicks as they looked for any reason to disagree with me in this

case or to find clearly erroneous favor for the defendants. If you read all of my memorandums of law in which I claim and prove the misconduct that was committed against me from the defendants Sue Krecko and Fairfield Properties with admissible evidence to the court, we have to make a decision whether these actions are OK or not OK for an apartment complex to do to people who are in need of housing. Fairfield Properties would not even allow a guarantee of rent voucher to be implemented for me by the Suffolk County NY Department of Social Services Coram location as Fairfield Properties and Sue Krecko refused to fill out the Section 8 housing paperwork. Fairfield Properties and Sue Krecko made the decision to keep me out of their apartments before any progress could have been made by the Suffolk County NY Department of Social Services. It's like they knew exactly how to keep me out like they have done this in the past before. I caught on to their misconduct while many others probably have not due to the deceiving manner by Sue Krecko and Fairfield Properties. The apartment complex Fairfield Properties holds POWER to decide to house people or refuse to house people for any which reason they decide if they believe they can cover it up well enough which was attempted in this case. There could also be additional motives for why Sue Krecko and Fairfield Properties deceptively refused housing to me which I may not be aware of. If I have been put through all of these horrible events due to housing descrimination I can assume that similar situations like this have happened to others nationwide. We have to decide if these discriminatory actions should continue or not. A person who can obtain a guarantee of rent/ rent voucher should

not be refused housing due to the apartment's view on government funded rent programs. The only way to put an end to these discriminatory practices is through the UNITED STATES court of law. Fairfield Properties owns the majority of the apartment complexes in Suffolk County NY. If they decide to deceptively refuse housing to you as a Section 8 housing voucher recipient, you have very little options to choose from and they know this which allows them to think they can do whatever they like. It's essentially a monopoly which causes a problem for someone in need of housing.

I took on this case as a Pro Se plaintiff because I could not locate a lawyer that was interested in taking on the case. I knew that I have been deceptively refused housing and have been wronged by the apartment complex Fairfield Properties and their leasing agent Sue Krecko. I further knew and acknowledged that I must obtain mass knowledge on law and of the courts and to abide by all rules and regulations set forth by the court and their judges in order to properly represent myself in this case. I fully accepted this and took on this task to the best of my ability. I have the highest respect for the courts for the power they have and the solutions that they can provide. The way I looked at this situation was like this, if I can't find a lawyer to take on this case, Fairfield Properties has the ability to continue to deprive people of housing whichever way they want. I felt I needed to pursue this in order to bring a solution to a possible large-scale problem that could affect the general public at large. This case goes further than just Suffolk County NY as there could be other apartment complexes using the same strategies around

the country to refuse housing to people based on discriminatory practices due to source of income even if that person could obtain a guarantee of rent voucher through a government funded rent program. Because of Fairfield Properties and Sue Krecko refusing to fill out the required Section 8 paperwork, I have had to live in the worst of situations for years and have lost my pursuit of happiness for years. I have had no place to call home for years and this deprivation of proper housing negatively affects all aspects of life. It makes it very difficult to recover daily and get simple things done when you have to live in the confined places like I have in which I was placed into from the Suffolk County NY Department of Social Services Coram location. I have been deprived of personal space of living, essential privacy and have had to live with criminals and drug addicts because of this housing refusal from Fairfield Properties.

There have been two docket report entries that appeared under my name for this case that I did not file from the Second Circuit Court of Appeals. I was given reasoning for these docket entries by both Marcus Marshall for the first one and Khadijah Young for the second one. Khadijah Young was reassigned to this case at the dismissal of the appeal on 7/20/2022. Both explanations by both court case managers do not make sense and do not adequately justify the errors made on the docket entries that were made under my name that I did not file. This makes me question the motive of these docket report entries. This also leads me to believe there is a corruption problem in this litigation case with those who made these docket report entries for the Second Circuit Court of Appeals. In my brief I will

prove all of what I can about the suspected public corruption through the Second Circuit Court of Appeals docket report concerning entries under my name that I did not file and details about the phone call communications between me, Marcus Marshall, Khadijah Young, and Ralph. All additional proof of this corruption will need to be proven through the findings of an investigation. I believe that this corruption problem is being instructed by the medical malpractice insurance company Empro/ PRI of 1800 Northern Blvd Roslyn NY as they have been stalking me and causing all sorts of problems in my life since the doctors refused to treat me for my bacterial infection. I have lost everything I owned and have been injured because of this crime by Empro/ PRI. This is categorized as a White Collar Crime being conducted by Empro/ PRI in an attempt to obstruct justice and create evidence against me to avoid losing money from a possible medical malpractice lawsuit. I informed the Eastern District of New York Central Islip Federal Courthouse by phone call to the Pro Se Department about this problem. I left a voice message for Jessica Grady about this crime taking place in April-May of 2021. I also informed the Second Circuit Court of Appeals NYC Federal Courthouse by phone call and by writing to the court about this problem. I reported this crime in my petition for initial hearing En Banc filed on 5/22/2022. I also spoke to Marcus Marshall and Richard Alcantara from the Second Circuit Court of Appeals about the crime taking place from Empro/ PRI. The phone call with Marcus Marshall took place on 4/8/2022 at 1:02pm. The phone call with Richard Alcantara took place on

4/8/2022 at 12:57pm. Did any of these Federal courthouse employee personnel report this crime to proper law enforcement?

The first docket report entry that was filed under my name that I did not file was a notice of appeal that was filed a month after I filed my notice of appeal. My notice of appeal was filed on 3/22/2022. The entry at question appears on the Second Circuit Court of Appeals docket report as docket entry #30 from 4/22/2022 for case Kaiser v Krecko Et. Al. 22-665. The second docket report entry that was filed under my name that I did not file was a petition for reconsideration En Banc. When I saw this docket report entry appear on the docket report for my case Kaiser v Krecko Et. Al. 22-665 I called the Second Circuit Court of Appeals to find out what this docket entry was about. I spoke to Khadijah Young and she informed me that she thought that was what the document was supposed to be for when I dropped off all of my courtesy copies to the court of all the documents I have written for the court. I eventually asked to schedule a phone call with the Chief Judge Debra Ann Livingston because of the issues but was denied by Khadijah Young to set up a phone conference. Another issue that came up with the docketing of this case was the documents that I had sent to the Second Circuit Court of Appeals via USPS Priority mail. I sent to the Second Circuit Court of Appeals all of my memorandums of law from the Eastern District of New York Central Islip courthouse from this case Kaiser v Krecko Et. Al. 20-cv-5399. When I sent all of these memos to the court I put them in chronological date order. When the Pro Se department from the Second Circuit docketed the documents, they switched the order and placed the documents

in a jumbled order which affects the way the documents are read. Hyperlinks have also been removed from the docket report for case Kaiser v Krecko Et. Al. 22-665. These hyperlinks are some of the docket report entries that have been docketed under my name that I did not file which makes the hyperlink removal concerning because it doesn't show what the filed document was. Also my appendix that supposedly had a defect, which I don't believe did, hyperlink is removed. Pursuant to Supreme Court Rule 14(3), I will give more in depth details on these problems in my UNITED STATES Supreme Court brief.

I respectfully request the UNITED STATES Supreme Court to consider hearing this case. I am also requesting the UNITED STATES Supreme Court to read all of my submissions in regards to this case from the district court EDNY Central Islip and all of my submissions to the Second Circuit Court of Appeals NYC because they are valid, have merit, have credibility and contain very serious problems that need to be addressed. I am making this request pursuant to Supreme Court Rule 10(a) more specifically "or has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power." Somehow both the EDNY Central Islip court and the Second Circuit Court of Appeals have missed or purposely ignored vital problems that need to be addressed. These problems and facts have the potential to affect the general public and these statements made by me in my court memorandums of law have just been ignored by both the District Court EDNY Central Islip and the Second Circuit Court of Appeals. This case

should be checked for procedure compliance among the Second Circuit Court of Appeals NYC employee personnel especially those who input the docket entries via email for me Collin Kaiser, the plaintiff and appellant in this case Kaiser v Krecko Et. Al. 22-665. Essential trust seems to have been compromised.

REASONS FOR GRANTING THIS WRIT OF CERTIORARI

As you can see there are a lot of discrepancies and disputes in this case beyond the initial case facts and parties involved from both the district court EDNY Central Islip courthouse and the Second Circuit Court of Appeals courthouse which I believe should be reviewed and decided by the UNITED STATES Supreme Court Justices. My petition for Writ of Certiorari should be granted by the UNITED STATES Supreme Court Justices because national significance comes into play in this case as other apartment complexes nationwide could be using deceptive misconduct similar to Fairfield Properties' and Sue Krecko's which could be an eye opener to these other companies to do right. Fairfield Properties and Sue Krecko should be held accountable for the deceptive misconduct that they decided to take.

This case could provide precedential value as a case first of its own kind involving public corruption crime within the courthouses during litigation and refusal of housing due to discrimination against a Section 8 housing voucher source of income recipient. The courthouse employee personnel from EDNY Central Islip as well as the Second Circuit Court of Appeals should be held accountable for their

actions if it is proven they took part in the public corruption crime. This will send shockwaves to other courthouse personnel around the country to do their jobs correctly and to reject the public corruption crime if presented to them and to report the crime to law enforcement if approached by an insurance company or other entity. Public corruption within the courthouse defeats the purpose of the UNITED STATES court of law. If this crime has happened here on Long Island- Suffolk County NY, it can be assumed that this crime could be taking place around the country as well.

I respectfully believe the Second Circuit Court of Appeals is wrong in their decision to deny my In Forma Pauperis motion and to dismiss my appeal because of the reasons the Second Circuit Court stated for this denial. The reasons stated by the Second Circuit are "it is hereby ORDERED that the IFP motion is DENIED and the appeal is DISMISSED because it lacks an arguable basis either in law or in fact. *Neitzke v Williams*, 490 U.S. 319, 325 (1989); see also 28 U.S.C. 1915(c). More specifically, Appellant's Section 1983 claim fails because appellant has not alleged that he has been deprived of a constitutional right by a state actor or otherwise because of state action. See *Flagg v. Yonkers Sav. & Loan Ass'n* 396 F.3d 178 186 (2nd Cir. 2005) (Because the UNITED STATES Constitution regulates only the government, not private parties, a litigant claiming that his constitutional rights have been violated must first establish that the challenged conduct constitutes state action.)." I believe this is incorrect because after you read all of my court memorandums of law you can clearly see that I have given mass factual and legal

arguments that justify my case using prior table of authority cases, statutes and rules. All of my factual arguments are proven with admissible evidence to the court. In regards to Fairfield Properties not being a state actor, they are a private organization that have the POWER to provide or reject housing to prospective tenants. In my case they refused housing to me in a deceptive discriminatory manner which caused me substantial problems and goes against their advertisements that state they are an equal housing opportunity and accept rent vouchers with source of income being a legal protection. Furthermore, if we allow this type of deceptive discriminatory practice to continue, more and more people will be exposed to the horrible events that develop during and after these discriminatory practices occur similar to the terrible problems I had to deal with for the past few years due to the outcome of this discriminatory refusal of housing. People will also not have a place to call home like I have not had for years even if they qualify for the apartment through a government funded housing voucher program. Statute 42 U.S.C. § 1983 states that **"Every person who**, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any **citizen of the UNITED STATES** or other person within the jurisdiction thereof to the deprivation of any **rights, privileges**, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity or other proper proceeding for redress..." This confirms that it is not just state actors or state action that is regulated by this statute but anyone who has the POWER to deprive

someone of their UNITED STATES citizen privileges or rights. It seems that both EDNY Central Islip and Second Circuit courthouse officials that evaluated this case looked for any reason to dismiss this case and are OK with what Fairfield Properties and Sue Krecko did to me through their deceptive discriminatory misconduct. After all courthouse officials have read all of the proven misconduct done to me and all the suffering I endured from Fairfield Properties' and Sue Krecko's misconduct, courthouse judges still believed this is not a credible case qualified for relief and solutions at the federal level which I believe it is, in which I also believe is necessary for this case since it holds precedential value and has the potential to affect the general public nationwide. In the UNITED STATES we have the ability to better our country and to fix problems as they come up. That is the whole point of amendments. The problems that happen today won't be the same as the ones we may face years from now. When new problems come up we need to take the correct initiative to fix them for the better of the people of our country.

I also respectfully believe the Second Circuit Court of Appeals is incorrect in their decision to deny my In Forma Pauperis motion and dismiss my case because of their stated reasoning. I believe this because according to Federal Rules Of Appellate Procedure 24(a)(1)(c) "states the issues that the party intends to present on appeal". There is nothing in Federal Rules of Appellate Procedure 24 (Proceeding In Forma Pauperis) that states a requirement of legal or factual arguments to be made in the In Forma Pauperis motion but to state the issues that the party intends to present on appeal. What this means is that the party moving for leave from the

court to proceed In Forma Pauperis on appeal should state the issues going to be presented on appeal which I most certainly did in my Petition of Law for the Plaintiff's, Collin Kaiser's, Initiation of the Appeals Process In Forma Pauperis for the Second Circuit Court of Appeals. All of my in depth legal and factual arguments took place in my appeal Brief which I don't believe was even evaluated by the Second Circuit Court of Appeals. Furthermore, I did implement factual and legal arguments in my In Forma Pauperis motion on the merits which is not required according to Federal Rules of Appellate Procedure 24. I respectfully state that the Second Circuit Court of Appeals reasoning for the denial of my In Forma Pauperis motion is an invalid reason for denial pursuant to the Federal Rules of Appellate Procedure 24.

"A claim has facial plausibility when the plaintiff pleads factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged." *Iqbal*, 556 U.S. at 678, citing *Twombly*, 550 U.S. at 556; accord *Starr*, 592 F.3d at 321. In pro-se complaints, "the court is obligated to construe pro se pleadings liberally...and to interpret them to raise the strongest claims that they suggest". *Yi Sun v Saslovsky*, 19 Civ 10858, 2020 WL 6828666 at 1 (S.D.N.Y.) Aug 6, 2020. Citing *Harris v. Mills*, 572 F.3d 66, 72 (2nd Cir. 2009) and *Triestman V. Fed. Bureau of Prisons*, 470 F. 3d 471, 474 (2nd Cir 2006). "Nonetheless, a pro se Plaintiff is not exempt from compliance with the relevant rules of procedural and substantive law." *McCrary v. City of Nassau*, 493 F. Supp. 2d 581, 584 (E.D.N.Y. 2007). These previous cases show that the court must take what a pro se plaintiff

states on his/her claim liberally and be taken as true and allow it to raise the strongest of claims. In a sense, a bit of leniency is given. A pro se plaintiff must comply with all necessary compliance and know all relevant rules to each individual court and that court's individual judge's rules. The pro se plaintiff, Collin Kaiser, has done all of this and he made sure to know all rules set forth by the Federal Rules of Civil Procedure, Federal Rules of Appellate Procedure, Internal Operating Procedures, Local Rules, and each judge's individual rules. The plaintiff's memorandums of law and any submission to the court was made complaint of regulations and above all truthful. All submissions to the court were taken very seriously and were executed to the best of the plaintiff's ability having full respect for the court." (Pages 1, 4-8 of the Petition of Law for the Plaintiff's, Collin Kaiser's, Initiation of the Appeals Process In Forma Pauperis for the Second Circuit Court of Appeals) (Appendix Pages 34, 48-52) (ALSO Pages 26-27 of THE APPELLANT'S, COLLIN KAISER'S, APPEAL BRIEF).

I do not believe my appeal Brief was considered or evaluated by the UNITED STATES Second Circuit Court of Appeals because there are many legal and factual arguments in it. This case came to conclusion in the Second Circuit Court of Appeals when three judges ruled on my In Forma Pauperis motion which they denied and dismissed my appeal. I would very much appreciate it if the UNITED STATES Supreme Court Justices could evaluate my appeal Brief, appeal Appendix as well as all my other memorandums of law from the Second Circuit as well as the EDNY Central Islip district court as these documents sufficiently address all issues

in this lawsuit. This will also help prove the public corruption that took place among the Second Circuit Court of Appeal's employee personnel specifically the docketing problems as well as the EDNY Central Islip judges by their obvious and intentional judicial misconduct. I also reported the white collar crime from Empro/PRI in my petition for initial hearing En Banc to the Second Circuit Court of Appeals. Was this crime reported to law enforcement by any of the courthouse's employee personnel?

Imagine this, coming down with an illness with terrible, painful symptoms then having the doctors refuse to treat you while they pretend they don't know what is going on. After this the doctor's insurance company Empro/ P.R.I. then decides to stalk me for 5 years causing all sorts of problems, ruining my life, causing everyone I knew to go against me, trying to get me put in jail by setting me up with drugs, mentally tormenting me all in an attempt to develop a defense against me to a possible lawsuit. The doctors in charge of my care used my health against me and kept me sick to make money. Then they continued to refuse to treat me for years due to fear of litigation to avoid a diagnosis on file which would prove medical malpractice. The healthcare field in which you believe you should trust with your health decides to do this. I can assume that if this has been done to me that this company has done this to many others in the past and got away with it. Empro/ PRI have been using chemical warfare agents on me with the people around me the entire time I have completed memorandums of law for this lawsuit. These chemicals make it very difficult to complete even the simplest of tasks so this lawsuit proved

to be extremely difficult. This insurance company uses the healthcare industry's trusted position in society to commit crimes that seem unlikely to try and benefit themselves against the people to increase their profits and develop defenses. I will not allow this and I promise to take part to find the most effective solutions to this problem.

It would be an honor and a privilege to have this case heard by the UNITED STATES Supreme Court and to help others who have been wronged by discriminatory misconduct and corruption in a similar manner that I have. I believe this case meets what is required in order to be selected for review by the UNITED STATES Supreme Court.

CONCLUSION

Ultimately the relief being sought for this case from me Collin Kaiser the petitioner if my Writ of Certiorari is granted is a monetary award for damages as relief for an amount to be decided by the UNITED STATES Supreme Court Justices. If possible, I am requesting relief prior to any investigation as I would like the Supreme Court Justices to develop their opinions and decisions based upon the same evidence and documents that the EDNY Central Islip court judges made their decisions upon as well as what the Second Circuit Court of Appeals judges made their decisions upon. I am also requesting relief prior to an investigation in order to be made whole from all the misconduct and crime that has been conducted against me for years before the start of a lengthy investigation. Of course how this is

handled is completely up to the UNITED STATES Supreme Court Justices and I am 100% on board with the route you decide to take in this matter. I do not believe an investigation was missing in order for both the EDNY Central Islip district court and the Second Circuit Court of Appeals court to find true the deceptive discriminatory misconduct carried out by the respondents Fairfield Properties and Sue Krecko which was proven by the Petitioner Collin Kaiser.

Additional relief sought is for any disciplinary actions the Supreme Court Justices see appropriate to be placed upon Judge Gary R. Brown of EDNY Central Islip, Magistrate Judge James M. Wicks of EDNY Central Islip for the intentional judicial misconduct performed by each, the respondents Fairfield Properties and Sue Krecko for the misconduct performed by each, the Second Circuit Court of Appeals employee personnel who took part in the Public Corruption crime and White Collar Crime from the insurance company Empro/ P.R.I. Physicians Reciprocal Insurers of 1800 Northern Blvd Roslyn NY and Fairfield Properties.

Additional relief sought is a request for the UNITED STATES Supreme Court Justices to consider implementing and allowing permission for federal law enforcement to conduct random UNITED STATES courthouse compliance audits nationwide without the report of a crime. The purpose of these audits is to prevent the occurrence of public corruption crimes within the courthouses. The audits should consist of looking for unethical, unauthorized ex parte communication between courthouse personnel/ officials and case parties/ insurance companies. The

audits should also consist of looking for bribery money to courthouse personnel/ officials from case parties/ insurance companies.


Pursuant to Supreme Court Rule 26(8), I would like to request to have my case heard on the original record from the Second Circuit Court of Appeals regarding the appeals appendix and to dispense of the joint appendix **only** if the UNITED STATES Supreme Court Justices agree with this request. I believe this Appeals appendix meets what is required from the court if I amend it to include the Second Circuit Court of Appeals court orders regarding the denial of my In Forma Pauperis motion along with the dismissal of the case. As well as the denial of my petition for initial hearing En Banc along with the Second Circuit Court of Appeals docket report for this case Kaiser v Krecko Et. Al. 22-665.

Furthermore I believe restitution should be considered for all people found that have been refused housing in a deceptive discriminatory manner due to source of income by Fairfield Properties. Restitution should also be considered for people found who had a credible case that had their In Forma Pauperis status revoked on appeal by either Judge Gary Brown or Judge James Wicks of EDNY Central Islip. Restitution should also be considered for any found Second Circuit Court of Appeals civil lawsuits that may have fallen victim to a public corruption crime, white collar crime. This restitution can be dispersed from my monetary award. These dollar figure amounts of restitution should be discussed and ultimately decided by the UNITED STATES Supreme Court Justices. This restitution not only helps make those whole who have been wronged from the unfortunate events they have been

put through beyond their control but also helps to stimulate the economy by getting money back into circulation which is vital to the financial health of the UNITED STATES. Thank you for your time and consideration of my Writ of Certiorari.

Respectfully submitted by,

Collin Kaiser *MBA*

A handwritten signature in cursive script that reads "Collin Kaiser". The signature is written in black ink and includes a long, sweeping horizontal stroke at the end.

Pro Se

October 5, 2022

799 Canal Rd. Mount Sinai, NY 11766

CollinKaiser90@gmail.com

G>^v