

IN THE
SUPREME COURT OF THE UNITED STATES

PALANI KARUPAIYAN; P. P.; R. P. --Petitioners

v.

L. NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM; J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR; ARUL THIRUMURUGU; ATLANTIC REALTY DEVELOPMENT CORP; MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE; DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oaktree Village; D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing; Judge MARCIA SILVA, individually and in her official capacity as Judge of the Superior Court, Middlesex County, NJ; Judge CRAIG CORSON, individually and in his official capacity as Judge of the Superior Court, Middlesex County, NJ; Judge JERALD COUNCIL, individually and in his official capacity as Judge of the Superior Court, Middlesex, NJ; Justice STUART RABNER, individually and in his official capacity as Chief Justice of Supreme Court of NJ; Justice JAYNEE LA VECCHIA, individually and in her official capacity as Justice of Supreme Court of NJ; Justice BARRY T. ALBIN, individually and in his official capacity as Justice of the Supreme Court of NJ; Justice ANNE M. PATTERSON, individually and in her official capacity as Justice of the Supreme Court of NJ; Justice

FAUSTINO J. FERNANDEZ-VINA, individually and in his official capacity as Justice of the Supreme Court of NJ; Justice LEE A. SOLOMON, individually and in his official capacity as Justice of the Supreme Court of NJ; Justice WALTER F. TIMPONE, individually and in his official capacity as Justice of the Supreme Court of NJ; Judge GLENN GRANT, individually and in his official capacity as Administrative Director of the Courts of the State of New Jersey; Judge ALLISON E. ACCURSO, individually and in her official capacity as Judge of Appellate Division of NJ; Judge PATRICK DEALMEIDA, individually and in his official capacity as Judge of the Appellate Division of NJ; Judge JOSEPH L. YANNOTTI, individually and in his official capacity as Judge of the Appellate Division of NJ; COUNTY OF MIDDLESEX; STATE OF NEW JERSEY; TOWNSHIP OF EDISON

— Respondents

**Appendix for PETITION FOR WRIT FOR
CERTIORARI**

to the United States Court of Appeals
for the Third Circuit,

Vol- I

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NOT PRECEDENTIAL

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

app-1

No. 22-2066

PALANI KARUPAIYAN; P. P.; R. P.

v.

L. NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM; J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR; ARUL THIRUMURUGU; ATLANTIC REALTY DEVELOPMENT CORP; MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE; DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oaktree Village; D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing; JUDGE MARCIA SILVA, individually and in her official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE CRAIG CORSON, individually and in his official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE JERALD COUNCIL, individually and in his official capacity as Judge of the Superior Court, Middlesex, NJ; JUSTICE STUART RABNER, individually and in his official capacity as Chief Justice of Supreme Court of NJ; JUSTICE JAYNEE LA VECCHIA, individually and in her official capacity as Justice of Supreme Court of NJ; JUSTICE BARRY T. ALBIN, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE ANNE M. PATTERSON, individually and in her official capacity as Justice of the Supreme Court of NJ; JUSTICE FAUSTINO J. FERNANDEZ-VINA, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE LEE A. SOLOMON, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE WALTER F. TIMPONE, individually and in his official capacity as Justice of the Supreme Court of NJ; JUDGE GLENN GRANT, individually and in his official capacity as Administrative Director of the Courts of the State of New Jersey; JUDGE ALLISON E. ACCURSO, individually and in her official capacity as Judge of Appellate Division of NJ; JUDGE PATRICK DEALMEIDA, individually and in his official capacity as Judge of the Appellate Division of NJ; JUDGE JOSEPH L. YANNOTTI, individually and in his official capacity as Judge of the Appellate Division of NJ; COUNTY OF MIDDLESEX; STATE OF NEW JERSEY; TOWNSHIP OF EDISON

Palani Karupaiyan,
Appellant

app-2

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:20-cv-12356)
District Judge: Honorable Susan D. Wigenton

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 3, 2022
Before: RESTREPO, RENDELL, and FUENTES, Circuit Judges
(Opinion filed: October 4, 2022)

OPINION*

PER CURIAM

Palani Karupaiyan, proceeding pro se, appeals an order of the United States District Court for the District of New Jersey that sua sponte dismissed his second amended complaint for failure to comply with the pleading requirements of Federal Rule of Civil Procedure 8. For the following reasons, we will affirm.

Karupaiyan filed a 180-page, single-spaced civil complaint in September 2020. (ECF 1.) The District Court dismissed the majority of that complaint without prejudice because it did not contain “short and plain” statements of his claims, see Fed. R. Civ. P. 8(a)(2), but provided Karupaiyan with 30 days to file an amended complaint. (ECF 3.) Karupaiyan then filed a first amended complaint (ECF 7). The defendants moved to

* This disposition is not an opinion of the full Court and pursuant to I.O.P. 5.7 does not constitute binding precedent.

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dismiss that complaint, arguing that it too failed to comply with Rule 8(a). The District Court granted that motion by order entered August 12, 2021 (ECF 44 & 45), and we affirmed, holding that the first amended complaint contained a “disjointed factual narrative” that “was unconnected to any potential claims or purported grounds for liability.” See Karupaiyan v. Naganda, No. 21-2560, 2022 WL 327724, at *2 (3d Cir. Feb. 3, 2022). Meanwhile, Karupaiyan filed a second amended complaint. (ECF 31.) The District Court sua sponte dismissed that complaint with prejudice, explaining that it still failed to comply with Rule 8.¹ (ECF 56 & 57.) Karupaiyan timely appealed.² (ECF 60.)

¹ The District Court also dismissed as moot Karupaiyan’s motion to “appoint [a] guardian ad litem … or [a]n attorney[,]” and his motion seeking to prevent his arrest in connection with a state family court action.

² Karupaiyan filed an amended notice of appeal, challenging orders denying for lack of jurisdiction a motion for a permanent injunction and a motion to appoint counsel, and to appoint himself guardian ad litem. (ECF 67.) We conclude that the District Court properly rejected those motions, which were filed while this appeal was pending. See Venen v. Sweet, 758 F.2d 117, 120 (3d Cir. 1985) (“As a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal.”). The amended notice of appeal, as well as the original notice of appeal, also identified the August 12, 2021 order dismissing Karupaiyan’s first amended complaint, and orders entered before that date. But the original and amended notice of appeal, which were filed on June 6, 2022, and June 9, 2022, respectively, are untimely as to those orders. See Fed. R. App. P. 4(a)(1)(A); Bowles v. Russell, 551 U.S. 205, 209 (2007).

We have jurisdiction pursuant to 28 U.S.C. § 1291, and we review for abuse of discretion the District Court’s dismissal of a complaint for failure to comply with the requirements of Rule 8. See Garrett v. Wexford Health, 938 F.3d 69, 91 (3d Cir. 2019).

Rule 8 requires “a short and plain statement of the claim showing that the pleader is entitled to relief.” Fed. R. Civ. P. 8(a)(2). Whether the “short and plain statement” requirement is satisfied “is a context-dependent exercise.” W. Penn Allegheny Health Sys., Inc. v. UPMC, 627 F.3d 85, 98 (3d Cir. 2010). “Fundamentally, Rule 8 requires that a complaint provide fair notice of what the claim is and the grounds upon which it rests.” Garrett, 938 F.3d at 92 (cleaned up). Rule 8 does not require “detailed factual allegations,” Phillips v. County of Allegheny, 515 F.3d 224, 231 (3d Cir. 2008), but a complaint must contain “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” Ashcroft v. Iqbal, 556 U.S. 662, 678 (2009). In assessing whether a complaint complies with Rule 8, we “are more forgiving of pro se litigants for filing relatively unorganized or somewhat lengthy complaints.” Garrett, 938 F.3d at 92.

We conclude that the District Court did not abuse its discretion in holding that Karupaiyan’s second amended complaint failed to comply with Rule 8.³ See id. at 92 (stating that “the question before us is not whether we might have chosen a more lenient

³ We also conclude that the District Court properly dismissed as moot Karupaiyan’s motion to “appoint [a] guardian ad litem … or [a]n attorney” and his motion seeking to prevent his arrest in connection with a state family court action. See supra note 1.

course than dismissal . . . but rather whether the District Court abused its discretion in ordering the dismissal") (citation omitted). Karupaiyan's second amended complaint was anything but "simple, concise, and direct." See Fed. R. Civ. P. 8(d)(1). Instead, it consisted of 361 pages and 1458 separately-numbered paragraphs, plus a 65-paragraph single-spaced nine-page prayer for relief. Notably, that complaint was filed after the District Court dismissed Karupaiyan's 180-page original complaint because it was "dense and difficult to follow." (ECF 3, at 20); In re Westinghouse Sec. Litig., 90 F.3d 696, 703 (3d Cir. 1996) (affirming the dismissal of an "unnecessarily complicated and verbose" 240-page counseled complaint that plaintiffs had failed to sufficiently narrow through "two rounds of difficult motions"). We agree that Karupaiyan's second amended complaint did not provide fair notice of his claims, describe the grounds upon which they rest, or set forth any plausible claim to relief. Garrett, 938 F.3d at 92-93 (explaining that "a district court acts within its discretion when it dismisses an excessively prolix and overlong complaint, particularly where a plaintiff declines an express invitation to better tailor her pleading"). Accordingly, we will affirm.⁴

⁴ We deny Karupaiyan's motion to stay this appeal until the Supreme Court decides his "Rule 11 based petition for writ of certiorari." (Doc. 14.)

Exhibit-2

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

app-6

No. 22-2066

PALANI KARUPAIYAN; P. P.; R. F.

v.

L. NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM; J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR; ARUL THIRUMURUGU; ATLANTIC REALTY DEVELOPMENT CORP; MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE; DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oaktree Village; D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing; JUDGE MARCIA SILVA, individually and in her official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE CRAIG CORSON, individually and in his official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE JERALD COUNCIL, individually and in his official capacity as Judge of the Superior Court, Middlesex, NJ; JUSTICE STUART RABNER, individually and in his official capacity as Chief Justice of Supreme Court of NJ; JUSTICE JAYNEE LA VECCHIA, individually and in her official capacity as Justice of Supreme Court of NJ; JUSTICE BARRY T. ALBIN, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE ANNE M. PATTERSON, individually and in her official capacity as Justice of the Supreme Court of NJ; JUSTICE FAUSTINO J. FERNANDEZ-VINA, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE LEE A. SOLOMON, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE WALTER F. TIMPONE, individually and in his official capacity as Justice of the Supreme Court of NJ; JUDGE GLENN GRANT, individually and in his official capacity as Administrative Director of the Courts of the State of New Jersey; JUDGE ALLISON E. ACCURSO, individually and in her official capacity as Judge of Appellate Division of NJ; JUDGE PATRICK DEALMEIDA, individually and in his official capacity as Judge of the Appellate Division of NJ; JUDGE JOSEPH L. YANNOTTI, individually and in his official capacity as Judge of the Appellate Division of NJ; COUNTY OF MIDDLESEX; STATE OF NEW JERSEY; TOWNSHIP OF EDISON

Palani Karupaiyan,
Appellant

app-7

On Appeal from the United States District Court
for the District of New Jersey
(D.C. Civil Action No. 2:20-cv-12356)
District Judge: Honorable Susan D. Wigenton

Submitted Pursuant to Third Circuit LAR 34.1(a)
October 3, 2022
Before: RESTREPO, RENDELL, and FUENTES, Circuit Judges

JUDGMENT

This cause came to be considered on the record from the United States District Court for the District of New Jersey and was submitted pursuant to Third Circuit LAR 34.1(a) on October 3, 2022. On consideration whereof, it is now hereby

ORDERED and ADJUDGED by this Court that the judgment of the District Court entered May 20, 2022, be and the same is hereby affirmed. Costs taxed against the appellant. All of the above in accordance with the opinion of this Court.

ATTEST:

s/ Patricia S. Dodszuweit
Clerk

Dated: October 4, 2022

NOT FOR PUBLICATION

Exh-3

app-8

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS OPINION

May 20, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's ("Karupaiyan" or "Plaintiff") Second Amended Complaint, filed on May 24, 2021 (D.E. 31), and this Court having *sua sponte* reviewed the Second Amended Complaint for sufficiency pursuant to Federal Rule of Civil Procedure ("Rule") 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); and

WHEREAS by Order dated October 1, 2020, this Court granted Plaintiff's application to proceed *in forma pauperis*, dismissed all claims in Plaintiff's initial Complaint against a number of New Jersey state court judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial Complaint without prejudice, and gave Plaintiff 30 days to file an Amended Complaint (D.E. 3); and

WHEREAS on October 8, 2020, Plaintiff filed a Notice of Appeal to the United States Court of Appeals for the Third Circuit on this Court's October 1, 2020 Order. (D.E. 5.) That same

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day, Plaintiff filed a 347-page First Amended Complaint on October 8, 2020 (D.E. 7), which had yet to be screened due to Plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit. The body of the First Amended Complaint reiterated many of the same allegations against New Jersey state court judges that was previously dismissed with prejudice. (See *id.* ¶¶ 32-49); and

WHEREAS on May 24, 2021, Plaintiff filed a 468-page Second Amended Complaint, (D.E. 31), although his First Amended Complaint had yet to be screened due to a series of appeals that remained pending in the United States Court of Appeals for the Third Circuit; and

WHEREAS on June 11, 2021, Defendant County of Middlesex ("Defendant") filed a Motion to Dismiss the First Amended Complaint, although one of Plaintiff's appeals remained pending. (D.E. 33.) In that Motion to Dismiss, Defendant argued that Plaintiff's Complaint failed to articulate a coherent short and plain statement that would entitle Plaintiff to relief, as required by Rule 8, and further failed to state a plausible claim to relief pursuant to Rule 12(b)(6). (See generally *id.*) Plaintiff opposed the Motion to Dismiss on June 18, 2021, (D.E. 35), and Defendant replied on June 29, 2021 (D.E. 36); and

WHEREAS on July 13, 2021, Plaintiff filed a Motion for an Extension of Time to File a Third Amended Complaint, (D.E. 39), although his First Amended Complaint had yet to be screened due to his pending appeal. That same day, Plaintiff also filed a Motion for a Permanent Injunction (D.E. 38); and

WHEREAS on August 5, 2021, the United States Court of Appeals for the Third Circuit dismissed Plaintiff's final pending appeal for lack of jurisdiction (D.E. 40); and

WHEREAS on August 11, 2021, Magistrate Judge Leda D. Wettre denied Plaintiff's Motion for an Extension of Time to File a Third Amended Complaint. (See D.E. 43.) That same

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day, Judge Wettre also denied a Motion To Seal the Entire Docket (D.E. 32) and a Motion To Appoint Pro Bono Counsel (D.E. 34), which Plaintiff had also filed during the pendency of his appeal (D.E. 41; D.E. 42); and

WHEREAS on August 12, 2021, this Court granted Defendant's Motion to Dismiss the First Amended Complaint pursuant to Rules 8 and 12(b)(6) because the First Amended Complaint failed to provide a clear narrative of either the factual or legal basis for Plaintiff's claims. (D.E. 44 at 3-4.) This Court also *sua sponte* dismissed Plaintiff's Motion for a Permanent Injunction because Plaintiff failed to articulate any of the elements required for injunctive relief or provide any non-frivolous basis for this Court to grant its request to enjoin both the State of New Jersey and the New Jersey Governor from "appoint[ing]" Justices to the New Jersey Supreme Court (D.E. 44 at 4-5); and

WHEREAS on August 19, 2021, Plaintiff filed a Notice of Appeal in the United States Court of Appeals for the Third Circuit appealing this Court's Order dismissing Plaintiff's First Amended Complaint and Motion for a Permanent Injunction (D.E. 46); and

WHEREAS on January 12, 2022, Plaintiff filed a Motion to Appoint Guardian ad Litem or attorney (D.E. 51), which had yet to be screened due to Plaintiff's appeal to the United States Court of Appeals for the Third Circuit; and

WHEREAS on March 18, 2022, during the pendency of his appeal to the United States Court of Appeals for the Third Circuit, Plaintiff filed an Emergency Order to Show Cause seeking entry of an order prohibiting the Superior Court of New Jersey, Middlesex County Family Division and the State of New Jersey from effectuating his arrest in connection with a family court action in the Superior Court of New Jersey. (D.E. 54.) Plaintiff's Order to Show Cause had yet to be screened due to Plaintiff's appeal to the United States Court of Appeals for the Third Circuit; and

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WHEREAS on May 11, 2022, the United States Court of Appeals for the Third Circuit affirmed this Court’s Order entered on August 16, 2021 dismissing Plaintiff’s First Amended Complaint and Motion for a Permanent Injunction; and

WHEREAS this Court reviews Plaintiff’s Second Amended Complaint pursuant to Rule 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. at 662; and

WHEREAS *pro se* complaints, although “[held] to less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), must still “state a plausible claim for relief.” *Yoder v. Wells Fargo Bank, N.A.*, 566 F. App’x 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); and

WHEREAS Plaintiff’s Second Amended Complaint, like the First Amended Complaint, is largely incoherent. (D.E. 31.) In it, Plaintiff appears to assert claims under both United States and Indian law related to familial disputes, domestic violence incidents, and some form of housing discrimination. (*See generally* D.E. 31.) Plaintiff again names a myriad of Defendants, including, *inter alia*, his ex-wife and her family, law firms, property management companies, landlords, and countless New Jersey state court judges. (*Id.* ¶¶ 1, 11-19, 21-55.) Plaintiff’s allegations span the gamut from stolen bicycles (*id.* ¶¶ 60-67), divorce proceedings in New Jersey and India (*id.* ¶¶ 69-72), corruption in the New Jersey state judicial system (*id.* ¶¶ 74-75), family feuds and inheritances (*id.* ¶ 80), domestic violence allegations (*id.* ¶¶ 90-91), child support disputes (*id.* ¶¶ 345, 349), civil rights abuses by police (*id.* ¶¶ 358-364), and beyond. Plaintiff seeks relief in nearly countless forms, including damages for alleged harms including “[h]ealth,” “robbery,” “kids injury” and “education,” “loss of conjugal rights,” “false arrest,” “false jailing,” “tort,” “medical malpractice,” “intentional failure to excise/do the duty/authority,” “[f]ailure to operate the office,” “[c]hild

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[a]buse," "neglect," "parental liberty/parent[al] right[s] violation[s]," "encouraging" and "enjoying" "child abuse," and a "few more . . ." (*Id.* ¶ 1); and

WHEREAS the Second Amended Complaint fails to provide a clear narrative of either the factual or legal basis for Plaintiff's claims. Much of the Second Amended Complaint appears to have been copied from prior pleadings, which were also dismissed for failure to comply with Rule 8 and upheld on appeal. (*See* D.E. 1, 3, 7, and 44.) Plaintiff also reiterates allegations against New Jersey state court judges that were dismissed with prejudice. (*See* D.E. 7 ¶¶ 32-49.) Therefore, the facts alleged in Plaintiff's Second Amended Complaint are insufficient to support a claim entitling Plaintiff to relief. *See* Fed. R. Civ. P. 8(a)(2) (providing that an adequate complaint must contain "a short and plain statement of the claim showing that the pleader is entitled to relief"); *see also* *Ashcroft v. Iqbal*, 556 U.S. at 678 (stating that although Rule 8 does not require detailed factual allegations, "it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation"); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that to survive a Rule 12(b)(6) motion to dismiss, a plaintiff's "[f]actual allegations must be enough to raise a right to relief above the speculative level"); *Trammell v. All Other Collateral Heirs of Est. of Marie Jones Polk*, 446 F. App'x 437, 439 (3d Cir. 2011) (upholding a District Court's *sua sponte* dismissal where the "factual allegations" were "simply unbelievable"). This Court may dismiss claims that are "legally baseless if [they are] 'based on an indisputably meritless legal theory,'" or are factually baseless because the "facts alleged rise to the level of the irrational or the wholly incredible." *Picozzi v. Guy Peiagelee & Sons*, 313 F. Supp. 3d 600, 602 (E.D. Pa. 2018) (internal citations omitted). As a result, Plaintiff's Second Amended Complaint must be dismissed¹; and

¹ To the extent that there is any confusion regarding the validity of the First Amended Complaint, the First Amended Complaint is dismissed for the reasons previously stated in this Court's Opinion dated August 12, 2021.

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WHEREAS Plaintiff's Motion to Appoint Guardian ad Litem or attorney and Plaintiff's Order to Show Cause filed in connection with a state court family action are dismissed as moot; and therefore

Plaintiff's Second Amended Complaint is *sua sponte* **DISMISSED WITH PREJUDICE.**

An appropriate order follows.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Leda D. Wettre, U.S.M.J.
Parties

Exh-4

app-14

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS ORDER

May 20, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's filing of a Second Amended Complaint (D.E. 31), and this Court having *sua sponte* reviewed the Second Amended Complaint for sufficiency pursuant to Federal Rule of Civil Procedure 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009), for the reasons stated in this Court's Whereas Opinion dated May 20, 2022,

IT IS, on this 20th day of May 2022,

ORDERED that the Second Amended Complaint is **DISMISSED WITH PREJUDICE.**¹

SO ORDERED.

/s/ Susan D. Wigenton

SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk

¹ To the extent that there is any confusion regarding the validity of the First Amended Complaint, the First Amended Complaint is dismissed for the reasons previously stated in this Court's Opinion dated August 12, 2021.

cc: Parties
Leda D. Wettre, U.S.M.J.

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Exh-4a

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*,
Plaintiffs,
v.
L NAGANDA, *et al.*,
Defendants.

Civil Action No.

app-16

20-12356 (SDW) (LDW)

ORDER

THIS MATTER having come before the Court by way of *pro se* plaintiff Palani Karupaiyan's second motion for appointment of *pro bono* counsel (ECF No. 61) and second motion to appoint himself guardian ad litem for his minor children P.P. and R.P and for defendant Ramya Palani (ECF No. 64); and

WHEREAS by Opinion and Order dated May 20, 2022, Judge Wigenton dismissed plaintiff's second amended complaint with prejudice for failure to comply with Rule 8 (ECF Nos. 56, 57); and

WHEREAS on May 31, 2022, plaintiff filed a Notice of Appeal of the May 20, 2022 dismissal (ECF No. 58); and

WHEREAS "[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal." *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); therefore,

IT IS on this day, June 6, 2022, **ORDERED** that:

1. Plaintiff's motion for the appointment of *pro bono* counsel and the motion to appoint himself guardian ad litem are **DENIED** for lack of jurisdiction.

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2. The Clerk of Court is directed to terminate the motions at ECF No. 61 and 64.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge

NOT FOR PUBLICATION

Exh-4b

app-18

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Plaintiff,

v.

L NAGANDA *et al.*,

Defendants.

Civil Action No. 20-12356 (SDW)(LDW)

WHEREAS ORDER

June 7, 2022

WIGENTON, District Judge.

THIS MATTER having come before this Court upon *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") filing of a second Motion for a Permanent Injunction¹ on June 2, 2022 (D.E. 59); and

WHEREAS by Opinion and Order dated May 20, 2022, this Court dismissed Plaintiff's second amended complaint with prejudice for failure to comply with Rule 8 (D.E. 56, 57); and

WHEREAS on May 31, 2022, Plaintiff filed a Notice of Appeal of the May 20, 2022 dismissal (D.E. 58); and

WHEREAS "[a]s a general rule, the timely filing of a notice of appeal is an event of jurisdictional significance, immediately conferring jurisdiction on a Court of Appeals and divesting a district court of its control over those aspects of the case involved in the appeal." *Venen v. Sweet*, 758 F.2d 117, 120 (3d Cir. 1985); and

¹ Plaintiff filed an Amended Motion for Permanent Injunction on June 4, 2022 (D.E. 63).

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WHEREAS this Court lacks jurisdiction over Plaintiff's Motion for a Permanent Injunction. (D.E. 59.) Significantly, even if this Court had jurisdiction over Plaintiff's motion, Plaintiff's motion would be denied because this action was dismissed by Opinion and Order dated May 20, 2022. (D.E. 56, 57.) Absent direction from the United States Court of Appeals for the Third Circuit, no further consideration by this Court on this matter is warranted; therefore

IT IS, on this 7th day of June 2022, **ORDERED** that:

1. Plaintiff's Motion for a Permanent Injunction is **DENIED** for lack of jurisdiction.
2. The Clerk of Court is directed to terminate the Motion for a Permanent Injunction (D.E. 59, 63.)

SO ORDERED.

/s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
Parties
Leda D. Wettre, U.S.M.J.

Exhibit-5

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

No. 22-2066

app-20

PALANI KARUPAIYAN; P. P.; R. P.

v.

L. NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM; J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR; ARUL THIRUMURUGU; ATLANTIC REALTY DEVELOPMENT CORP; MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE; DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oaktree Village; D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing; JUDGE MARCIA SILVA, individually and in her official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE CRAIG CORSON, individually and in his official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE JERALD COUNCIL, individually and in his official capacity as Judge of the Superior Court, Middlesex, NJ; JUSTICE STUART RABNER, individually and in his official capacity as Chief Justice of Supreme Court of NJ; JUSTICE JAYNEE LA VECCHIA, individually and in her official capacity as Justice of Supreme Court of NJ; JUSTICE BARRY T. ALBIN, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE ANNE M. PATTERSON, individually and in her official capacity as Justice of the Supreme Court of NJ; JUSTICE FAUSTINO J. FERNANDEZ-VINA, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE LEE A. SOLOMON, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE WALTER F. TIMPONE, individually and in his official capacity as Justice of the Supreme Court of NJ; JUDGE GLENN GRANT, individually and in his official capacity as Administrative Director of the Courts of the State of New Jersey; JUDGE ALLISON E. ACCURSO, individually and in her official capacity as Judge of Appellate Division of NJ; JUDGE PATRICK DEALMEIDA, individually and in his official capacity as Judge of the Appellate Division of NJ; JUDGE JOSEPH L. YANNOTTI, individually and in his official capacity as Judge of the Appellate Division of NJ; COUNTY OF MIDDLESEX; STATE OF NEW JERSEY; TOWNSHIP OF EDISON

Palani Karupaiyan,
Appellant

(D.N.J. No. 2-20-cv-12356)

app-20a

Present: RESTREPO, RENDELL and FUENTES, Circuit Judges

1. Motion filed by Appellant for Permanent Injunction and Declarative Order Reliefs - Reconsiderations (ECF-59)
2. Motion filed by Appellant Request for a Stay New Jersey to Appoint NJ Supreme Court Justices
3. Motion filed by Appellant Requesting to Stay the Appeal until U.S. Supreme Court decide the Appellants' Petition for Rehearing

Respectfully,
Clerk/CJG

ORDER

The foregoing motions are denied.

By the Court,

s/ Marjorie O. Rendell
Circuit Judge

Dated: November 1, 2022

CJG/cc: Palani Karupaiyan
Michael. S. Williams, Esq.

UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT

app-21

No. 22-2066

PALANI KARUPAIYAN; P. P.; R. P.

v.

L. NAGANDA, individually and in his official capacity as Owner of Naga Law Firm; NAGA LAW FIRM; J. RAMYA; P. JAYABALAN; J. RANJEETHKUMAR; ARUL THIRUMURUGU; ATLANTIC REALTY DEVELOPMENT CORP; MIDDLESEX MANAGEMENT INC; OAK TREE VILLAGE; DAVID HALPERN, individually and in his official capacity as CEO, Owner of Atlantic Realty Development Corp, Middlesex Management, Oaktree Village; D&G TOWING; GLENN STRAUBE, individually and in his official capacity as owner of D&G Towing; JUDGE MARCIA SILVA, individually and in her official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE CRAIG CORSON, individually and in his official capacity as Judge of the Superior Court, Middlesex County, NJ; JUDGE JERALD COUNCIL, individually and in his official capacity as Judge of the Superior Court, Middlesex, NJ; JUSTICE STUART RABNER, individually and in his official capacity as Chief Justice of Supreme Court of NJ; JUSTICE JAYNEE LA VECCHIA, individually and in her official capacity as Justice of Supreme Court of NJ; JUSTICE BARRY T. ALBIN, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE ANNE M. PATTERSON, individually and in her official capacity as Justice of the Supreme Court of NJ; JUSTICE FAUSTINO J. FERNANDEZ-VINA, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE LEE A. SOLOMON, individually and in his official capacity as Justice of the Supreme Court of NJ; JUSTICE WALTER F. TIMPONE, individually and in his official capacity as Justice of the Supreme Court of NJ; JUDGE GLENN GRANT, individually and in his official capacity as Administrative Director of the Courts of the State of New Jersey; JUDGE ALLISON E. ACCURSO, individually and in her official capacity as Judge of Appellate Division of NJ; JUDGE PATRICK DEALMEIDA, individually and in his official capacity as Judge of the Appellate Division of NJ; JUDGE JOSEPH L. YANNOTTI, individually and in his official capacity as Judge of the Appellate Division of NJ; COUNTY OF MIDDLESEX; STATE OF NEW JERSEY; TOWNSHIP OF EDISON

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Palani Karupaiyan,
Appellant

(D.C. Civil Action No. 2:20-cv-12356)

SUR PETITION FOR REHEARING

Present: CHAGARES, Chief Judge, MCKEE**, AMBRO, JORDAN, HARDIMAN, GREENAWAY, Jr., SHWARTZ, KRAUSE, RESTREPO, BIBAS, PORTER, MATEY, PHIPPS, RENDELL, and FUENTES, Circuit Judges

The Petition for Rehearing filed by Appellant in the above-entitled case having been submitted to the judges who participated in the decision of this Court and to all the other available circuit judges of the circuit in regular active service, and no judge who concurred in the decision having asked for rehearing, and a majority of the judges of the circuit in regular service not having voted for rehearing, the petition for rehearing by the panel and the Court en banc, is denied.

By the Court,

s/ MARJORIE O. RENDELL
Circuit Judge

Dated: November 28, 2022
CJG/JK/cc: Palani Karupaiyan
All Counsel of Record

** Honorable Theodore A. McKee assumed senior judge status on October 21, 2022.

* Pursuant to Third Circuit I.O.P. 9.5.3., the votes of Judge Rendell and Judge Fuentes are limited to panel rehearing only.

Exh-7

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*,

Plaintiffs,

v.

L NAGANDA, *et al.*,

Defendants.

Civil Action No.

app-23

20-12356 (SDW) (LDW)

ORDER

THIS MATTER having come before the Court by way of *pro se* plaintiff Palani Karupaiyan's motion for an extension of time to October 30, 2021 to file a proposed third amended complaint, which the Court construes as a motion for leave to file an amended complaint (ECF No. 39); and

WHEREAS by Order dated October 1, 2020, the Hon. Susan D. Wigenton, U.S.D.J. granted plaintiff's application to proceed *in forma pauperis*, dismissed all claims in the initial complaint against a number of New Jersey State Court Judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial complaint without prejudice, and gave plaintiff 30 days to file an amended complaint (ECF No. 3); and

WHEREAS plaintiff filed a 347-page amended complaint on October 8, 2020 (ECF No. 7), which has yet to be screened due to plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit; and

WHEREAS plaintiff nevertheless filed a 468-page second amended complaint on May 24, 2021 (ECF No. 31); and

WHEREAS defendant County of Middlesex filed a motion to dismiss plaintiff's first amended complaint on June 11, 2021, which is currently pending (ECF No. 33); and

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WHEREAS it does not appear that plaintiff may further amend the complaint as a matter of course pursuant to Rule 15(a)(1) of the Federal Rules of Civil Procedure, as plaintiff has already filed two amended complaints, the District Court has not yet authorized service of process, and this application was made more than 21 days after Middlesex County filed its motion to dismiss; and

WHEREAS although the Court should freely grant leave to amend pursuant to Rule 15(a)(2) of the Federal Rules of Civil Procedure, plaintiff has not identified any new facts, claims, or parties that are not contained in either of the two lengthy amended complaints he has already filed or that would rectify the deficiencies identified in Middlesex County's motion to dismiss such that further amendment would be justified at this time; therefore,

IT IS on this day, August 11, 2021, **ORDERED** that:

1. Plaintiff's motion for an extension of time to file a third amended complaint is **DENIED**. The Court will address deadlines for the filing of any additional amended pleadings, if appropriate, after the District Court has screened the first amended complaint and/or resolved Middlesex County's pending motion to dismiss.
2. The Clerk of Court is directed to terminate the motion at ECF No. 39.

s/ Leda Dunn Wettre
Hon. Leda Dunn Wettre
United States Magistrate Judge

NOT FOR PUBLICATION

Exh-7b

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY

PALANI KARUPAIYAN, *et al.*,

Civil Action No. 20-12356(SDW)(LDW)

Plaintiff,

OPINION

v.

L NAGANDA *et al.*,

August 12, 2021

Defendants.

THIS MATTER having come before this Court upon the filing of *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") Motion for a Permanent Injunction (D.E. 38) and First Amended Complaint (D.E. 7), and Defendant County of Middlesex's ("Defendant") Motion to Dismiss the First Amended Complaint pursuant to Federal Rules of Civil Procedure ("Rule") 8 and 12(b)(6) (D.E. 33); and

WHEREAS by Order dated October 1, 2020, this Court granted Plaintiff's application to proceed *in forma pauperis*, dismissed all claims in the initial Complaint against a number of New Jersey state court judges with prejudice on the basis of absolute immunity, dismissed the remaining claims in the initial Complaint without prejudice, and gave Plaintiff 30 days to file an Amended Complaint (D.E. 3); and

WHEREAS Plaintiff filed a 347-page First Amended Complaint on October 8, 2020 (D.E. 7), which has yet to be screened due to Plaintiff's serial appeals to the United States Court of Appeals for the Third Circuit. The body of the First Amended Complaint reiterates many of the same allegations against New Jersey state court judges that were previously dismissed with prejudice. (*See id.* ¶¶ 32-49); and

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WHEREAS on May 24, 2021, Plaintiff filed a 468-page Second Amended Complaint, (D.E. 31), although his First Amended Complaint had yet to be screened due to a series of appeals that remained pending in the United States Court of Appeals for the Third Circuit; and

WHEREAS on June 11, 2021, Defendant County of Middlesex (“Defendant”) filed a Motion to Dismiss the First Amended Complaint, although one of Plaintiff’s appeals remained pending. (D.E. 33.) In that Motion to Dismiss, Defendant argues that Plaintiff’s Complaint fails to articulate a coherent short and plain statement that would entitle Plaintiff to relief, as required by Rule 8, and further fails to state a plausible claim to relief pursuant to Rule 12(b)(6). (*See generally id.*) Plaintiff opposed the Motion to Dismiss on June 18, 2021, (D.E. 35), and Defendant replied on June 29, 2021 (D.E. 36); and

WHEREAS on July 13, 2021, Plaintiff filed a Motion for an Extension of Time to File a Third Amended Complaint, (D.E. 39), although his First Amended Complaint had yet to be screened due to his pending appeal. That same day, Plaintiff also filed a Motion for a Permanent Injunction (D.E. 38); and

WHEREAS on August 5, 2021, the United States Court of Appeals for the Third Circuit dismissed Plaintiff’s final pending appeal for lack of jurisdiction (D.E. 43); and

WHEREAS on August 11, 2021, Magistrate Judge Leda D. Wettre denied Plaintiff’s Motion for an Extension of Time to File a Third Amended Complaint. (*See* D.E. 43.) That same day, Judge Wettre also denied a Motion To Seal the Entire Docket (D.E. 32) and a Motion To Appoint Pro Bono Counsel (D.E. 34), which Plaintiff had also filed during the pendency of his appeal (D.E. 41; D.E. 42); and

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WHEREAS this Court now reviews the substance of Plaintiff's First Amended Complaint pursuant to Rule 8(a)(2) and (3) and *Ashcroft v. Iqbal*, 556 U.S. 662, 129 S. Ct. 1937, 173 L.Ed.2d 868 (2009), and considers the arguments raised in Defendant's Motion to Dismiss; and

WHEREAS Plaintiff's First Amended Complaint is largely incoherent and partially illegible due to areas that have been crossed out. (D.E. 7.) In it, Plaintiff appears to assert claims under both United States and Indian law related to familial disputes, domestic violence incidents, and some form of housing discrimination. (*See generally* D.E. 7.) Plaintiff names a myriad of Defendants, including, *inter alia*: his ex-wife and her family, law firms, property management companies, landlords, and countless New Jersey state court judges. (*Id.* ¶¶ 11-17, 21-55.) Plaintiff's allegations span the gamut from stolen bicycles (*id.* ¶¶ 60-67), divorce proceedings in New Jersey and India (*id.* ¶¶ 69-72), corruption in the New Jersey state judicial system (*id.* ¶¶ 74-75), family feuds and inheritances (*id.* ¶ 80), domestic violence allegations (*id.* ¶¶ 90-91), child support disputes (*id.* ¶¶ 345, 349), civil rights abuses by police (*id.* ¶¶ 358-360), and beyond. The majority of Plaintiff's claims seem connected to a domestic violence incident where Plaintiff's ex-wife alleged that he "squeezed [her] neck and attempted to murder her ... to get custody of the[ir] children to abduct them to India." (*Id.* ¶ 145.) Plaintiff seeks relief in nearly countless forms, including damages for alleged harms including "[h]ealth," "robbery," "kids injury" and "education," "loss of conjugal rights," "false arrest," "false jailing," "tort," "medical malpractice," "intentional failure to excise/do the duty/authority," "[f]ailure to operate the office," "[c]hild [a]buse," "neglect," "parental liberty/parent[al] right[s] violation[s]," "encouraging" and "enjoying" "child abuse," and a "few more . . ." (*Id.* ¶ 1); and

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WHEREAS *pro se* complaints, although “[held] to less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520-21 (1972), must still ““state a plausible claim for relief.”” *Yoder v. Wells Fargo Bank, N.A.*, 566 F. App’x. 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); *Martin v. U.S. Dep’t of Homeland Sec.*, No. 17-3129, 2017 WL 3783702, at *3 (D.N.J. Aug. 30, 2017); and

WHEREAS the First Amended Complaint fails to provide a clear narrative of either the factual or legal basis for Plaintiff’s claims. Much of the First Amended Complaint appears to have been copied from a prior pleading, which was also dismissed “for failure to comply” with Rule 8 and upheld on appeal. (See D.E. 33 at 5.) Plaintiff also reiterates allegations against New Jersey state court judges that were dismissed with prejudice. (See D.E. 7 ¶¶ 32-49.) Therefore, the facts alleged in Plaintiff’s First Amended Complaint are insufficient to support a claim entitling Plaintiff to relief. *See* Fed. R. Civ. P. 8(a)(2) (providing that an adequate complaint must contain “a short and plain statement of the claim showing that the pleader is entitled to relief”); *see also Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009) (stating that although Rule 8 does not require detailed factual allegations, “it demands more than an unadorned, the-defendant-unlawfully-harmed-me accusation”); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (explaining that to survive a Rule 12(b)(6) motion to dismiss, a plaintiff’s “[f]actual allegations must be enough to raise a right to relief above the speculative level”); (D.E. 33.) As a result, this Court will grant Defendant’s Motion to Dismiss; and

WHEREAS Plaintiff’s Motion for a Permanent Injunction is also largely incoherent, but appears to request a “[p]ermanent injunction [sic] against New Jersey that New Jersey should not appoint Justice[s] in [the] New Jersey Supreme Court.” (D.E. 38 at 1.) The Motion seemingly

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alleges wide-ranging corruption in the New Jersey state judicial appointment system and attempts to raise additional allegations related to “court packing,” (*id.* at 3), “civil right[s], age discrimination, [and] equal employment opportunities,” (*id.* at 4); and

WHEREAS in seeking a permanent injunction, a plaintiff must demonstrate: ““(1) that it has suffered an irreparable injury; (2) that the remedies available at law, such as monetary damages, prove inadequate to compensate for that injury; (3) that the balance of hardships between the plaintiff and defendant favor equitable relief; and (4) ‘that the public interest would not be disserved by a permanent injunction.’” *Chanel, Inc. v. Matos*, 133 F. Supp. 3d 678, 689 (D.N.J. 2015) (internal citations omitted); and

WHEREAS this Court will *sua sponte* dismiss Plaintiff’s Motion for a Permanent Injunction, which fails to state a claim that is not factually frivolous. *Trammell v. All Other Collateral Heirs of Est. of Marie Jones Polk*, 446 F. App’x 437, 439 (3d Cir. 2011) (upholding a District Court’s *sua sponte* dismissal where the “factual allegations” were “simply unbelievable”). This Court may dismiss claims that are “legally baseless if [they are] ‘based on an indisputably meritless legal theory,’” or are factually baseless because the “facts alleged rise to the level of the irrational or the wholly incredible.” *Picoczi v. Guy Peiagelée & Sons*, 313 F. Supp. 3d 600, 602 (E.D. Pa. 2018) (internal citations omitted). Plaintiff’s Motion for a Permanent Injunction does not articulate any of the elements required for injunctive relief or provide any non-frivolous basis for this Court to grant its request to enjoin both the State of New Jersey and the New Jersey Governor from “appoint[ing]” Justices to the New Jersey Supreme Court. (D.E. 38 at 4.) As a result, it must be dismissed. An appropriate Order follows.

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/s/ Susan D. Wigenton
United States District Judge

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

NOT FOR PUBLICATION

Exh-9

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**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

PALANI KARUPAIYAN, *et al.*,

Civil Action No. 20-12356(SDW)(LDW)

Plaintiff,

ORDER

v.

L NAGANDA *et al.*,

August 12, 2021

Defendants.

THIS MATTER having come before this Court upon the filing of *pro se* Plaintiff Palani Karupaiyan's ("Plaintiff") Motion for a Permanent Injunction (D.E. 38) and First Amended Complaint (D.E. 7), and Defendant County of Middlesex's ("Defendant") Motion to Dismiss the First Amended Complaint pursuant to Federal Rules of Civil Procedure ("Rule") 8 and 12(b)(6) (D.E. 33), and this Court having reviewed the parties' submissions and for the reasons set forth in this Court's Opinion dated August 12, 2021,

IT IS, on this 12th day of August, 2021,

ORDERED that Defendant's Motion to Dismiss the First Amended Complaint (D.E. 33) is **GRANTED** pursuant to Rules 8 and 12(b)(6), and it appearing that any amendment to the Complaint would be futile, the dismissal shall be **with prejudice**; and it is further

ORDERED that Plaintiff's Motion for a Permanent Injunction (D.E. 38) is *sua sponte* **DISMISSED**.

SO ORDERED.

/s/ Susan D. Wigenton
United States District Judge

app-31a

Orig: Clerk
cc: Parties
Leda D. Wettre, U.S.M.J.

**Additional material
from this filing is
available in the
Clerk's Office.**