22-6342

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

PETITION FOR WRIT FOR CERTIORARI
to the United States Court of Appeals
for the Third Circuit,

PETITION FOR REHEARING

Palani Karupaiyan.
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III. PETITION FOR REHEARING

Pursuant to Rule 44.2, Petitioner(s) Palani Karupaiyan, PP, RP respectfully Petition for Rehearing of the Court's order denying Certiorari. The PETITION FOR A WRIT OF CERTIORARI is denied on Feb 21, 2023. **(Exhibit-A)**

IV. REASONS FOR GRANTING REHEARING

Petitioner drafted the petition for rehearing with two branch of arguments to proceed with i) pay $300 filing fee ii) amended forma pauperis.

1. PRO SE STANDARDS

Because of Petitioner is pro se, Petitioner prays this Court for his pleadings are to be "*liberally construed*". ***Federal Exp. Corp. v. Holowecki***, *552 US 389 - Supreme Court 2008* at 1158, pro se litigants are held to a lesser pleading standard than other parties. See *Estelle v. Gamble, 429 U.S. 97, 106, 97 S.Ct. 285, 50 L.Ed.2d 251 (1976)* (Pro se pleadings are to be "liberally construed")

Erickson v. Pardus, 551 US 89 - Supreme Court 2007 @ 2200

> *A **document** filed pro se is "to be liberally construed," **Estelle, 429 U.S., at 106, 97 S.Ct**. 285, and "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.*

2. WHY THE PARALLEL DOCKETS WERE NOT FILED TOGETHER?

This docket (USSC-22-6342) has parallel docket with USSC [*22-2949 – Palani Karupaiyan et al v. Woodbridge Twp of NJ et all*]

While *Woodbridge* docket with USCA3 is pending, On Nov 28 2022, USCA3 denied the petition for rehearing, petitioner had no-knowledge when USCA3 decide on against *Woodbridge* matter. Petitioner child PP is birth day was coming on Jan 19 2023, Petitioner thought, child custody matter should

be resolve by this court before Jan 19 2023 so petitioner filed this petition on Dec 14 2022 to the children.

When this docket is subjudiced with USSC, USCA3 ordered the plaintiff to file 5 page brief in support. To get these two dockets parallel, petitioner filed petition with USSC before USCA3 enter judgment. [22-2949, *Woodbridge*].

Now Under USSC Rule 39.8 USSC denied the forma pauperis, so dismissed the Petition for writ of certiorari.

By granting this petition for rehearing, this docket and *Woodbridge* docket should get parallel.

3. PROCEED WITH PAYING $300 FILING FEE.

Due to Petitioner living on Public assistance, petitioner filed forma pauperis for his petition for writ of certiorari which was denied so Writ of Certiorari dismissed. **Exhibit-A**

My sister's husband died last week, I did not go India due to the money is not available, this is the worst financial condition plaintiff has now.

When the Certiorari was denied, Petitioner called one of my old neighbor in Delhi, India for help and got $341 (30k India rupees) on Feb 27 2023.

Now the petitioner attached $200+$100 = $300 USPS money order (**Exhibit-b**) for filing fee along with this Petition for rehearing.

In *In re Anderson, 511 US 364 - Supreme Court 1994 @364*

"Petitioner is allowed until May 23, 1994, within which to pay the docketing fee required by Rule 38"

Same in

1) *In re McDonald, 489 US 180 - Supreme Court 1989*@180

2) In re Sindram, 498 US 177 - Supreme Court 1991 @180
(**Accordingly, if petitioner wishes to have his petition considered on its merits**, he must pay the docketing fee required by this Court's Rule 38(a))

Now, case on the hand, Petitioner Karupaiyan attached $300 money order for Writ of Certiorari filing fee.

3) *Zatko v. California, 502 US 16 - Supreme Court 1991*@18

4) In re Demos, 500 US 16 - Supreme Court 1991@17

5) *Martin v. District of Columbia Court of Appeals, 506 US 1 - Supreme Court 1992*

6) In re Sassower, 510 US 4 - Supreme Court 1993 @5

7) Jerry v. Pennsylvania, Supreme Court 2009

Now the petitioner attached $300 for filing fee for Petition for Writ of Certiorari so this Court should grant the Petition for Writ of Certiorari.

From prose understanding, I do not need to pay $200 for petition for rehearing. If the rehearing fee is must, $200 should go to rehearing filing fee and Im have attached amended forma pauperis which should be granted and Writ of Certiorari should be granted as well.

4. PROCEED WITH FORMA PAUPERIS

In re McDonald, 489 US 180 - Supreme Court 1989 @ 184

> *Each year, we permit the vast majority of persons who wish to proceed in forma pauperis to do so; last Term, we afforded the privilege of proceeding in forma pauperis to about 2,300 persons. Paupers have been*

an important — and valued — part of the Court's docket, see, e. g., Gideon v. Wainwright, 372 U. S. 335 (1963), and remain so.

McDonald @ 188

*I doubt -- although I am not certain -- that any of the petitions Jessie McDonald is now prevented from filing would ultimately have been found meritorious. I am most concerned, however, that if, as I fear, we continue on the course we chart today, we will end by closing our doors to a litigant with a meritorious claim. It is rare, but it does happen on occasion that we grant review and even decide in favor of a litigant who previously had presented multiple unsuccessful *188 petitions on the same issue. See, e. g., Chessman v. Teets, 354 U. S. 156 (1957); see id., at 173-177 (Douglas, J., dissenting).*

In re Sindram, 498 US 177 - Supreme Court 1991@180

As we explained, the Court waives filing fees and costs for indigent individuals in order to promote the interests of justice

Sindram @181

.JUSTICE MARSHALL, with whom JUSTICE BLACKMUN and JUSTICE STEVENS join, dissenting.

*To rid itself of the minor inconvenience caused by Michael Sindram, an in forma pauperis litigant, the Court closes its doors to future in forma pauperis filings by Sindram for extraordinary writs and hints that restrictions on other filings *181 might be forthcoming. Because I continue to believe that departures of this sort from our generous tradition of welcoming claims from indigent litigants is neither wise nor warranted by statute or our rules, see In re McDonald, 489 U. S. 180, 185 (1989) (Brennan, J., dissenting, joined by MARSHALL, BLACKMUN, and STEVENS, JJ.), I dissent*

.....

We receive a fair share of frivolous filings from paying litigants. Indeed, I suspect that because clever attorneys manage to package these filings so their lack of merit is not immediately apparent, we expend more time wading through frivolous paid filings than through frivolous in forma pauperis filings. To single out Sindram in response to a

problem that cuts across all classes of litigants strikes me as unfair, discriminatory, and petty

Sindram @182

Moreover, we should not presume in advance that prolific indigent litigants will never bring a meritorious claim. Nor should we lose sight of the important role in forma pauperis claims have played in shaping constitutional doctrine. See, e. g., Gideon v. Wainwright, 372 U. S. 335 (1963) . As Justice Brennan warned, "if . . . we continue on the course we chart today, we will end by closing our doors to a litigant with a meritorious claim." In re McDonald, supra, at 187. By closing our door today to a litigant like Michael Sindram, we run the unacceptable risk of impeding ***a future Clarence Earl Gideon****.*

In this case here, parental rights to amend the constitution of United States is prayed so this petition has meritorious claim.

Sindram @182

Some of our in forma pauperis filings are made by destitute or emotionally troubled individuals.

As we struggle to resolve vexing legal issues of our day, it is tempting to feel put upon by prolific litigants who temporarily divert our attention from these issues. In my view, however, the minimal annoyance these litigants might cause is well worth the cost. Our longstanding tradition of leaving our door open to all classes of litigants is a proud and decent one worth maintaining. See Talamini v. Allstate Ins.Co.,470 U. S.1067, 1070 (1985) (STEVENS, J., concurring)

In re Demos, 500 US 16 - Supreme Court 1991@19

As I have argued, the Court's assessment of the disruption that an overly energetic litigant like Demos poses to "the orderly consideration of cases," ante, at 17, is greatly exaggerated. See In re Sindram, supra,at 181(dissenting opinion). The Court is sorely mistaken if it believes that the solution to the problem of a crowded docket is to crack down on a litigant like Demos.

Two years ago, Justice Brennan sagely warned that in "needlessly depart[ing] from its generous tradition "of leaving its doors open to all

*classes of litigants, the Court "sets sail on a journey whose landing point is uncertain." In re McDonald, supra, at 188 (dissenting opinion). The journey's ominous destination is becoming apparent. The Court appears resolved to close its doors to increasing numbers of indigent litigants — and for increasingly less justifiable reasons.[*] I fear that the Court's action today portends even*19 more Draconian restrictions on the access of indigent litigants to this Court.*

the Court can only reinforce in the hearts and minds of our society's less fortunate members the unsettling message that their pleas are not welcome here

Zatko v. California, *502 US 16 - Supreme Court 1991*@18

not merely among those who seek to file in forma pauperis, but also among those who have paid the required filing fees— because they have repeatedly made totally frivolous demands on the Court's limited resources.

Since the amended Rule became effective on July 1, 1991, indigent litigants have filed almost1,000 petitions, which this Court has denied without pausing to determine whether they were frivolous within the meaning of Rule 39. In my judgment, well over half of these petitions could have been characterized as frivolous. Nevertheless, under procedures that have been in place for many years, the petitions were denied in the usual manner. The "integrity of our process" was not compromised in the slightest by the Court's refusal to spend valuable time deciding whether to enforce Rule 39 against so many indigent petitioners. (Justice Stevens, with whom Justice Blackmun joins, dissenting.)

Martin v. District of Columbia Court of Appeals, 506 US 1 - Supreme Court 1992 @4

The theoretical administrative benefit the Court may derive from an order of this kind is far outweighed by the shadow it casts on the great tradition of open access that characterized the Court's history prior to its unprecedented decisions in In re McDonald, 489 U. S. 180 (1989) (per curiam), and In re Sindram, 498 U. S. 177 (1991)(per curiam). I continue to adhere to the views expressed in the dissenting opinions filed in those cases, and in the dissenting opinion I filed in Zatko v. California, 502 U.

S. 16, 18 (1991) *(per curiam).* See also*Talamini* v. *Allstate Ins. Co.*, 470 U. S. 1067 (1985), appeal dism'd (Stevens, J., concurring).

In Hyde v. Van Wormer et al., 474 U.S. 992 US Supreme Court-1993 @993

"no standards for determining when a petition for certiorari is "frivolous"

In re Anderson, 511 US 364 - Supreme Court 1994@367

> *Justice Stevens, with whom Justice Blackmun joins, dissenting.*
> *During my years of service on the Court, I have not detected any threat to the integrity of its processes, or its ability to administer justice fairly, caused by frivolous petitions, whether filed by paupers or by affluent litigants. Three years ago I expressed the opinion that the cost of administering sanctions such as that imposed on this petitioner would exceed any perceptible administrative benefit. In re Amendment to Rule39, 500 U. S. 13, 15 (1991). Any minimal savings in time or photocopying costs, it seemed to me, did not justify the damage that occasional orders denying in forma pauperis status would cause to "the symbolic interest in preserving equal access to the Court for both the rich and the poor." Ibid. Three years' experience under this Court's Rule 39.8 leaves me convinced that the dissenters in the cases the Court cites had it right. See In re Demos, 500 U. S. 16, 17-19 (1991); In re Sindram, 498 U. S. 177, 180-183 *367(1991); In re McDonald, 489 U. S. 180, 185-188 (1989). See also Day v. Day, 510 U. S. 1, 3 (1993)(Stevens, J., dissenting). Again I respectfully dissent*

Any and all above said principles, petitioner pray this court for his forma pauperis/amended forma pauperis to be granted and/or his petition for writ of certiorari to be granted. I will use $300 money order on any other docket with US Supreme Court when USSC grant the forma pauperis here in the case.

V. ADDITIONAL ARGUMENT

This petition have jurisdiction under *28 U. S. C. § 1254*(1) and Petition has meritorious claims such as parental rights constitutional amendment.

VI. REHEARING GRANTING STANDARD

In *Conner v. Simler, 367 US 486. Sup. Ct (1961)*, Certiorari was originally denied, 365 US 844 (1961), in which on rehearing, that order was vacated and Certiorari granted; the case was then decided on the merits. Same in ***Boumediene v. Bush**, 551 US 1160 - Supreme Court 2007.*

VII. CONCLUSION

For the reasons set forth in this Petition, Palani Karupaiyan respectfully requests this Honorable Court grant i) rehearing and ii) his Petition for a Writ of Certiorari. Vacate the order Feb 21 2023 forma pauperis denied and dismissal of Certiorari.

Also, the Court should hold the parallel petition for Certiorari (**22-2949**- *Palani Karupaiyan, et al., v. Woodbridge twp of NJ et al*) and its rehearing, then consider both petitions together.

Respectfully submitted.

Palani Karupaiyan C/o Pravin

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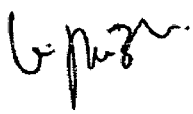
VIII. CERTIFICATE OF GOOD FAITH AND OTHER NEED

The Petitioner hereby certify that the grounds are limited to intervening circumstances of substantial or controlling effect or to other substantial grounds not previously presented.

The Petitioners, we believe this petition for rehearing to be meritorious and hereby certify that this petition is presented in good faith and not for purpose of delay.

The Petition for rehearing was prepared with Word 2013, Century schoolbook font 14 and contains words count 2600 approx..

Respectfully Submitted



Palani Karupaiyan.