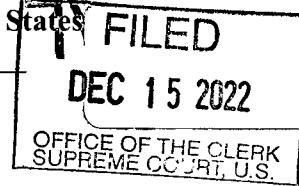


No. **22-6605 ORIGINAL**

In the Supreme Court of the United States

TOWAKI KOMATSU,
Petitioner,



v.

CITY OF NEW YORK, ET AL.

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Although I'm aware that just a few questions are ordinarily presented to this Court and in generalized fashion in petitions for writs of certiorari, the matters that this appeal concerns warrant the presentation of a greater number of such questions and with particularity. This is because the matters that this appeal concerns consist of the following:

a) An illegal stop, assault, seizure, and arrest of me by NYPD personnel on 12/26/17 in areas that all were traditional public forums while I conducted myself in a lawful manner.

b) The malicious prosecution that corresponds to *People v. Komatsu*, No. 2017BX048917 (Bronx Crim. Ct. Jan. 23, 2020) that was commenced against me due to that arrest before I prevailed in that case on 1/23/20 when that case was both dismissed and sealed.

c) Extremely biased and shoddy investigations that personnel of the New York City Civilian Complaint Review Board (“CCRB”) and Internal Affairs Bureau (“IAB”) of the NYPD conducted in response to valid complaints that I reported to them in relation to my having been illegally arrested on 12/26/17 by the NYPD.

d) U.S. District Judge Valerie Caproni, other federal judges, federal court security officers (“CSOs”), and personnel of the U.S. Marshals Service (“USMS”) having continued to pretextually commit illegal and otherwise abusive acts and omissions against me in relation to visits by me to federal courthouses in New York City while I conducted myself in a lawful manner. That scheme and conspiracy involving them was a primary causal factor for the bedlam that existed inside of federal courthouses in New York City throughout the proceedings of the district court action. That violated this Court’s findings in *Sheppard v. Maxwell*, 384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d 600 (1966) that confirm that parties in litigation are entitled to serenity and calm inside of courthouses. *Sheppard* also confirms that judges are required to diligently exercise proper control over the entire areas inside of courthouses to make certain that bedlam doesn’t exist in them that may prejudice the rights of parties in litigation partly as a result of prejudicial pretrial publicity inside of and near courthouses. Despite this, that scheme and conspiracy criminally persists as ongoing harassment, provocation, and stigmatization of me that sabotaged my rights to fair trials in litigation of mine partly by preemptively prejudicing people that include potential jurors, witnesses, journalists, attorneys, judges against me through observations they make. That scheme has partly consisted of the following:

i. Illegal physical assaults and seizures of me by CSOs inside of the Daniel Patrick Moynihan federal courthouse in Manhattan during the Covid-19 pandemic partly on 6/29/21 that criminally increased my health risks in regards to being infected by Covid-19 and other contagious diseases as well as a threat on 5/24/22 inside of the Thurgood Marshall federal courthouse in Manhattan by a federal court security officer (“CSO”) whose last name is Larsen to punch me in my face after he illegally dropped a USB thumb drive of mine on the ground while it contained evidence that I need for litigation

ii. Illegally having possession of and publicly and prominently displaying an image of my face that was from *People v. Komatsu* as well as my name on tablet computer screens partly in security screening areas partly inside of the Thurgood Marshall federal

courthouses both before and after *People v. Komatsu* was dismissed and sealed to humiliate and stigmatize me while contaminating the minds of members of the public against me by compelled my association with people on a watch-list that is tantamount to illegal compelled expression of me through that image of me as absolutely no objectively valid justification has ever existed for the display of that information about me to members of the general public inside of courthouses.

iii. Judge Caproni and other federal judges having allowed that scheme to persist in their capacity as gatekeepers and criminal accomplices of CSOs and USMS personnel about that while that hasn't changed even after I prevailed in the malicious prosecution that corresponds to *USA v. Komatsu*, No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019) at the request of the prosecution. That request was to pretextually block me from testifying to a jury against Judge Caproni, other federal judges, CSOs, USMS personnel, and the U.S. Department of Justice in the wake of Judge Caproni having presided over the closely related case of *USA v. Komatsu*, No. 18-cr-671 (S.D.N.Y.). The transcript from the 9/26/18 hearing in that case confirms that she illegally allowed CSOs to keep stalking, stigmatizing, and provoking me inside of federal courthouses in New York City while I would continue to conduct myself in a lawful manner. Such stalking occurred even while I was in the immediate company of my attorneys in those related cases. By stalking me then, that enabled such CSOs to eavesdrop on us for the benefit of USMS personnel and the prosecution in *USA v. Komatsu*. Moreover, USMS personnel illegally destroyed and withheld exculpatory video recording evidence from me that was recorded inside of federal courthouses in Manhattan dating back to March of 2018. The USMS was legally required to preserve those videos and cause them to be provided to the prosecution in *USA v. Komatsu* to provide to me as discovery material. However, the USMS illegally didn't do so because its personnel instead chose to engage in a criminal cover-up about illegal and abusive acts and omissions against me by CSOs, USMS personnel, and federal judges who were required to intervene on my behalf against CSOs and the USMS in response to valid, timely, and detailed complaints that I reported.

The questions being presented are:

1. Doesn't the following summary that is mostly about findings in relevant court decisions sufficiently establish that the dismissal of the district court action **a)** followed continuous, enormous, illegal, and unduly prejudicial provocation of me by the district court, CSOs, and USMS personnel and **b)** was prohibited First Amendment retaliation, viewpoint discrimination, fraud on the court, an abuse of process, and scapegoating that was barred by governmental estoppel and prohibitions against selective-enforcement and discrimination that warrants reversal by this Court and the reassignment of the district court action to other judges?

a. *United States v. Garcia*, 554 F. Supp. 3d 421 (E.D.N.Y. 2021) contains findings about the fact that adverse inferences are warranted by judges in response to instances in which law-enforcement personnel don't record video recording evidence, withhold that, and/or destroy that in situations in which they're required to record that and provide that to legal adversaries.

b. One or more of the following is entirely true in relation to the video recording that Respondent Saquoi Harris recorded on 12/26/17 with the NYPD body-camera that he then wore in relation to interactions that he and Respondent Steven Perez while they were in close proximity to me between **a)** the time when I first met them in a public corridor that bisects two

sections of Fairmount Place in the Bronx between Prospect Avenue and Clinton Avenue and **b)** 7:17 pm:

i. He used that body-camera on 12/26/17 to continuously record a video recording from **a)** the moment that he subjected me to a stop in that corridor in close proximity to the intersection of Fairmount Place and Clinton Avenue to **b)** some time after I was officially arrested on 12/26/17 by the NYPD near that intersection that occurred after 7:17 pm.

ii. City of New York personnel criminally withheld, edited, and/or deleted the part of that video recording that was recorded prior to 7:17 pm before I received a copy of that recording with footage that begins at 7:17 pm on 12/26/17 as discovery material in *People v. Komatsu*.

iii. Mr. Harris illegally didn't use that body-camera on 12/26/17 to continuously record a video recording prior to 7:17 pm that would have otherwise began from the moment that he subjected me to a stop in that corridor in close proximity to the intersection of Fairmount Place and Clinton Avenue.

iv. He lied to CCRB personnel on 2/2/18 during an interview of him by them about a complaint that I reported partly against him to the CCRB as he lied then partly by claiming that he used that body-camera on 12/26/17 to record a video recording of the whole encounter that he had with me on 12/26/17 before the CCRB issued a report in July of 2018 that confirms that the CCRB determined that Mr. Harris illegally didn't use a NYPD body-camera less than 3 months after meeting me on 12/26/17 as didn't do so on 3/20/18 to record a video recording about interactions that he and other members of the NYPD had with people in a car who were subjected to a stop by the NYPD near where I met Mr. Harris on 12/26/17 in the public corridor where I first met him then.

c. On 12/26/17, the NYPD's policies required its personnel who wore NYPD body-cameras to continuously record video recordings with them from the moment when **a)** they subjected pedestrians to stops and **b)** interactions that such NYPD personnel had with the public became adversarial. This confirms that Mr. Harris was legally required to have used the NYPD body-camera that he then wore to have continuously recorded a video from **a)** the moment that he subjected me to a stop at a location that is close proximity to the intersection of Clinton Avenue and Fairmount Place in the Bronx in that public corridor that is a public forum equivalent to a public sidewalk to **b)** to the location where video footage is first shown in that recording at a location that is located on a public sidewalk on East 176th Street that is roughly at the midpoint between where that street intersects with Prospect Avenue and Clinton Avenue in the Bronx.

d. Additional remarks that Mr. Harris made on 2/2/18 while being interviewed by the CCRB's personnel that the CCRB recorded on audio that I received a copy of as discovery material in *People v. Komatsu* confirm that he was legally required to have continuously recorded all of the video to which I just referred because he told the CCRB on 2/2/18 that **a)** he subjected me to a stop in that public corridor, **b)** that stop occurred near the end of it that is in close proximity to the intersection of Clinton Avenue and Fairmount Place, **c)** I was casually walking through that corridor when he subjected me to that stop, **d)** I immediately became angry

at him in response to the fact that he subjected me to that stop, and **e**) he used that body-camera on 12/26/17 to record the “whole encounter” of his interactions with me. The fact that I immediately became angry at him because he subjected me to a stop in that corridor confirms that he and I then had an adversarial interaction then. That fact and the fact that he admitted that he subjected me to a stop in that corridor confirms that he was legally required to have recorded video with that body-camera in that corridor on 12/26/17 during the interactions that I had with him and Respondent Steven Perez.

e. The 10/17/17 decision in *Cordero v. City of New York*, No. 15-cv-3436 (JBW) (E.D.N.Y. Oct. 17, 2017) by former U.S. District Judge Jack Weinstein focused on instances in which law-enforcement personnel have lied and the consequences from that.

f. The district court illegally, contemptuously, biasedly, and prejudicially committed plain error and fraud on the court in the district court action partly by choosing to ignore the preceding facts. Findings in *James v. US*, 603 F. Supp. 2d 472 (E.D.N.Y. 2009) buttress this by confirming that people that include judges may commit fraud on the court by acting “in a manner that is “intentionally false, willfully blind to the truth, or is in reckless disregard for the truth””. *Cardoza v. Rock*, 731 F.3d 169 (2d Cir. 2013) similarly points out that findings by judges may be “an “unreasonable determination of the facts”” in instances in which judges have **a**) ignored highly probative and material evidence” and/or **b**) “misapprehended or misstated material aspects of the record in making” their findings.

g. The district court also committed fraud on the court in the district court action as it subversively, biasedly, prejudicially, and pretextually did so in violation of the following findings largely by **a**) not intervening on my behalf against CSOs and USMS personnel concerning illegal and otherwise abusive acts and omissions against me in relation to my visits to federal courthouses in New York City while I conducted myself in a lawful manner, **b**) baselessly blocking me from being able to move for immediate partial summary judgment, and **c**) ignoring the highly probative evidence that I presented in the district court action that I received in *People v. Komatsu* that confirmed that I was legally entitled to partial summary judgment in the district court action.

i. Those in *Maness v. Meyers*, 419 U.S. 449, 95 S. Ct. 584, 42 L. Ed. 2d 574 (1975) that confirm that the district court, CSOs, and USMS personnel were among those who are required to promptly and fully comply with controlling court decisions and orders.

ii. Those in *In re Snyder*, 472 U.S. 634, 647 (1985) that confirm that all judges, CSOs, USMS personnel, and court clerks are required to be courteous towards me.

iii. Those in *Ingraham v. Wright*, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977) that confirm that Judge Caproni was among judges who were required to grant me relief for illegal and otherwise abusive acts against me by CSOs that were committed inside of courthouses in New York City that intruded on my personal security.

iv. Those in *Kennedy v. Bremerton School Dist.*, No. 21-148 (U.S. June 27, 2022) that point out that government justifications “for interfering with First Amendment rights “must be genuine” instead of “hypothesized or invented *post hoc* in response to litigation”.

v. Those in *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 129 S. Ct. 1800, 173 L. Ed. 2d 738 (2009) that confirm that agencies that include the judiciary must operate consistently.

vi. Those in *Cohen v. California*, 403 U.S. 15, 91 S. Ct. 1780, 29 L. Ed. 2d 284 (1971) that confirm that people are entitled to express profanity inside of courthouses partly about government policies through expression that may be offensive to some and welcome by others while such expression doesn't disrupt litigation in such courthouses.

2. Did the district court have a legal duty that it refused to perform to intervene on my behalf against CSOs and USMS personnel in response to timely, detailed, and truthful complaints that I reported to the district court about illegal and otherwise abusive acts and omissions against me inside of federal courthouses in New York City that were causing bedlam in them as that **a**) enormously and continuously provoked and stigmatized me and **b**) sabotaged my right to fair trials in the district court action and other litigation of mine?

3. Did the district court abuse its discretion by denying applications that I submitted in the district court action that would have otherwise caused it to be reassigned to other judges?

4. Did the district court abuse its discretion and violate the public's right of access to publicly filed legal filings in the district court action by striking filings of mine in the district court action that included a filing that I submitted in it on 5/24/22 in which I urged the district court to intervene on my behalf against CSOs and the USMS in response to a federal court security officer whose last name is Larsen having criminally threatened to punch me in my face after he illegally dropped a USB thumb drive of mine on the ground inside of the Thurgood Marshall federal courthouse while I conducted myself in a lawful manner.

5. Similar to how oppressed women who suffer from battered women syndrome are known to periodically lash out at others because of that, when situations arise in which severely oppressed and provoked parties in litigation express offensive remarks in legal filings that are submitted remotely in such litigation and the following facts apply, mustn't judges and other courthouse personnel be prohibited from penalizing those who express remarks in that fashion in such filings due to **a**) prohibitions against selective-enforcement, **b**) the vagueness doctrine, **c**) the First Amendment right to express criticism about courthouse policies and misconduct of courthouse personnel that may occur both inside of courthouses and otherwise, and **d**) but-for causation?

a. Courthouse personnel commit illegal and otherwise abusive acts and omissions on a recurring basis against such parties that is equivalent to bedlam inside of courthouses and otherwise in relation to visits that such victims make to them.

b. Such expression in legal filings is the byproduct of stress caused by verbal insults, physical assaults and seizures, stalking, humiliation, and/or other stigmatization inside of courthouses partly by being subjected to compelled association and expression in relation to having images of them and their names being publicly and prominently shown to the general public on courthouse watch-lists that may immediately and irreversibly contaminate the minds of

people that include potential jurors, witnesses, journalists, attorneys, judges, and court clerks who may see that inside of courthouses.

c. Courthouse personnel engage in a cover-up about illegal and otherwise abusive acts and omissions by them and their colleagues partly by **a)** lying outright and by omission about parties who they victimize in relation to their visits to courthouses inside of courthouses and **b)** concealing and destroying video recording evidence that is incriminating about such courthouse personnel and their colleagues that is recorded by video security cameras inside of and near such courthouses.

d. Judges and others who are duty-bound to timely and decisively intervene on behalf of such victims instead condone that abuse.

e. Such expression in legal filings doesn't **a)** harm anyone, **b)** occur during any court appearance, nor **c)** otherwise disrupt proceedings in any case?

6. Mustn't this Court explicitly declare that all who visit courthouses are legally-entitled to all of the following while they conduct themselves in them in a lawful manner and after completing the security screening processes to enter them:

a. An objectively reasonable amount of privacy in them by not being stalked by them partly by courthouse personnel.

b. To not be insulted, cursed at, shouted at, lied about, seized, assaulted, stigmatized, and otherwise impeded in their efforts to freely move about in public areas inside of them.

7. Mustn't this Court further declare that the prohibition that has blocked me from keeping personal electronic devices of mine inside of federal courthouses in New York City and freely using them partly to record electronic recordings of my interactions with CSOs and otherwise about their behavior inside of those courthouses is unenforceable and has been and continues to be a material and impermissible hindrance in my ability to substantiate my claims about illegal and otherwise abusive acts and omissions that have been committed against me by CSO inside of such courthouses that ultimately led to the dismissal of the district court action and other litigation of mine.

8. Doesn't hindsight sufficiently establish that this Court must also explicitly declare that all federal judges, CSOs, and other courthouse personnel who receive timely and objectively credible reports about violations of such matters about proper decorum and access rights inside of courthouses must immediately take decisive corrective action to fully remedy such violations and prevent further such violations from occurring in them.

9. Since the following is true about the Second Circuit's refusal to let me pursue an appeal about the district court action, did the Second Circuit abuse its discretion by refusing to let me pursue that appeal and are the filing restrictions that it imposed on me in November of 2021 impermissible by being overly broad in defiance of my First Amendment and the need for narrowly-tailored filing restrictions if any were to be imposed against me?

a. The dismissal of the district court action on 6/17/22 was a final decision about which I had a First Amendment right to appeal.

b. The docket entry dated 7/27/22 (Dkt. 21) for the appeal that I attempted to pursue to the Second Circuit that this petition is about indicates that an attempt that was made by Second Circuit personnel to mail me something wasn't successful by the U.S. Postal Service while omitting the fact that I didn't do anything that caused that to occur.

c. Priscilla Maldonado works for the Second Circuit as a case manager and erroneously caused me to be mailed correspondence between the Second Circuit and someone named Selvin Ademir Penate to whom I have no ties. She printed that in connection with the appeal that corresponds to *Penate v. Garland*, No. 22-6270 (2d. Cir.). That mailing is shown in the annexed appendix and shows that she printed the information about Mr. Penate on 6/7/22 at 12:42 pm.

10. Whether the district court was required to consider mitigating and extenuating factors in reaching its decision to sanction me by dismissing the district court action and whether it neglected to properly consider that.

11. Whether the district court abused its discretion by not letting me move for immediate partial summary judgment and pursue claims in the district court action against the USMS, Alana Brady, Lawrence Byrne, Jr., Neelam Chhikara, Darcel Clark, Tara Collins, Jonathan Darche, Bill de Blasio, Judith Lê, James O'Neill Alexander Opoku-Agyemang, Donovan Richards Jeffrey Zimmerman.

12. Whether hindsight confirms that it was unlawful or an abuse of discretion by Bronx Criminal Court Judge Jeffrey Zimmerman to have issued a retroactive protective order in *People v. Komatsu* that he issued on 12/17/19 and covered discovery material that I received in that case without a protective order in place for that.

13. Whether Mr. Zimmerman and Bronx Criminal Court Judge Tara Collins committed fraud on the court in *People v. Komatsu* by refusing to issue an order that would have caused me to be provided NYPD audit-trail records partly for the NYPD body-camera that Respondent Saquoi Harris ("Mr. Harris") wore on 12/26/17 while he was near me while those audit-trail records would be a way to determine whether video recordings were recorded on 12/26/17 by that body-camera before 7:17 pm during my interactions with Mr. Harris and Respondent Steven Perez ("Mr. Perez") before such video recording footage from before 7:17 pm was illegally withheld from me or deleted.

14. Whether Neelam Chhikara of the Bronx District Attorney's Office committed fraud on the court and perjury without immunity by:

a. Lying during a court hearing in *People v. Komatsu* on 12/13/19 as she lied by claiming that Respondent Saquoi Harris engaged in a "passing" with me instead of a stop of me on 12/26/17 in the public corridor where I first met him and Respondent Steven Perez then before Mr. Harris told CCRB personnel on 2/2/18 during an interview of him that the CCRB recorded on audio that he subjected me to a stop in that corridor on 12/26/17 and that I instantly became angry about that.

b. Lying during that 12/13/19 court hearing by claiming that Mr. Harris wasn't required to turn on his NYPD body-camera to record a video recording with it of my interactions with him and Respondent Steven Perez as soon as they jointly subjected me to a stop in that public corridor.

c. Lying during that 12/13/19 court hearing by claiming that Mr. Harris didn't meant to suggest during his 2/2/18 interview by the CCRB about me that he used the NYPD body-camera that he wore on 12/26/17 while he was near me to record a continuous video recording that began in close proximity to where he stated during that interview that he intercepted me towards the end of the public corridor where we met on 12/26/17 that is located near the intersection of Clinton Avenue and Fairmount Place in the Bronx.

d. Having illegally not provided me or my legal counsel in *People v. Komatsu* a copy of a NYPD report that shows that a charge of trespassing that was filed against me on 12/26/17 was voided after that was the sole grounds upon which Mr. Harris and Mr. Perez claimed to me on 12/26/17 that they subjected me to a stop in the public corridor where we then met.

15. Since all of the following is true, did the district court baselessly and biasedly require me to provide a medical release for access to my medical records to the attorney for the City of New York in the district court action?

a. I never put my mental health at issue nor intended to do so in my complaint and amended complaint that I filed in the district court action.

b. Although the district court was required to construe and interpret the information in all of my filings in the district court action to raise the strongest arguments that they suggested because of my status as a pro se litigant, it instead illegally discriminated against me and scapegoated me instead partly by having committed fraud on the court and plain error in the district court action partly by having biasedly, baselessly, prejudicially and pretextually insisted that my remarks in my complaint and amended complaint in the district court action put my mental health status at issue simply because I asserted that Mr. Harris pretextually claimed that I was an emotionally-disturbed person ("EDP") on 12/26/17 to justify his decision to again assault me as he again subjected me to a stop and seizure on a public sidewalk before coercing me to be taken to a hospital

c. The NYPD issued a report as a PDF file in April of 2017 that **a)** is entitled "NYPD Response to Public and Officer Input on the Department's Proposed Body-Worn Camera Policy", **b)** is available at https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf. That report contains information on page 12 that indicates that the members of the NYPD who wear NYPD body-cameras are required to record video recordings with them of stops of pedestrians by NYPD personnel. It also contains information on page 45 that confirms that the members of the NYPD who wear NYPD body-cameras are required to record video recordings with them in instances that include those during which members of the NYPD have interactions with members of the public that escalate and become adversarial.

d. A NYPD stop report illegally wasn't prepared by members of the NYPD about why I was subjected to stops by Mr. Harris and Mr. Perez on 12/26/17 both **a)** in the public corridor where I first met Mr. Harris and Mr. Perez and **b)** near the intersection of Clinton Avenue and East 176th Street in the Bronx.

e. Mr. Harris criminally stopped, seized, and assaulted me in the public corridor where I met him and Mr. Perez as **a)** Mr. Harris both grabbed my arm and kicked my leg in that corridor to try to trip me and **b)** Mr. Perez illegally grabbed me in that corridor too.

f. Mr. Harris illegally obstructed my ability to see his NYPD badge with my own two eyes in that public corridor to try to impede my ability to report complaints against him and Mr. Perez about the fact that Mr. Harris criminally assaulted, seized, and stalked me in that public corridor as he and Mr. Perez lied by claiming that I was trespassing then as they lied by claiming that **a)** I was then inside of an adjacent park and was otherwise on the property of an adjacent school and **b)** "no trespassing" signs were posted that covered the public corridor through which I was then casually walking while I wasn't carrying anything, i.e. a backpack.

g. The CCRB determined that Mr. Harris failed to perform his legal duty on 3/20/18 that was less than 3 months after I met him on 12/26/17 to **a)** record a video recording with the NYPD body-camera he then wore as he subjected people to a stop in the Bronx near where he subjected me to a stop on 12/26/17, **b)** prepare a stop report about that 3/20/18 stop, and **c)** prepare a memo book entry about that too.

h. The CCRB provided me an audio recording of its 2/2/18 interview of Mr. Harris that it conducted in response to a complaint that I reported partly against him and that recording confirms that he made remarks during that interview as he:

i. Admitted that he subjected me to a stop on 12/26/17 while I was casually walking through a public corridor. That corridor bisects 2 sections of Fairmount Place in the Bronx between Prospect Avenue and Clinton Avenue and is neither part of the property of a school nor a park that are adjacent to that corridor.

ii. Admitted that he subjected me to that stop by intercepting me near the end of that corridor that is located by the intersection of Fairmount Place and Clinton Avenue in the Bronx.

iii. Admitted that the nature of his interactions with me in that corridor instantly became adversarial once he subjected me to a stop in that corridor.

iv. Claimed that he used the NYPD body-camera that he was wearing on 12/26/17 to record a video recording of the entirety of his encounter with me on 12/26/17.

v. Was caught lying during that interview through the playback of a video recording that was recorded on 12/26/17 by a NYPD body-camera after he claimed that I didn't say that members of the NYPD were on my chest as they forced me to the ground to arrest me.

i. The district court action is a countersuit about the fact that I prevailed in People v. Komatsu that was dismissed and sealed on 1/23/20 after I rejected every prosecutorial deal that was offered to me in that case to cause it to end.

j. The earliest video footage that I received as discovery material in People v. Komatsu that was recorded by Mr. Harris' NYPD body-camera on 12/26/17 during his interactions with me is from 7:17 pm and doesn't include any video nor audio recording that would otherwise cover the significant distance that we walked prior to then on 12/26/17 a) from an area near the intersection of Fairmount Place and Clinton Avenue to b) roughly the midpoint of East 176th Street between Prospect Avenue and Clinton Avenue as we walked through the corridor where we met to one of its exits prior to turning to the right to walk along a sidewalk prior to turning to the right again while continuing to walk on a sidewalk.

k. No video footage nor audio recording exists in the video recording that Mr. Harris recorded of me on 12/26/17 by using his NYPD body-camera that establishes that I behaved in any unlawful, threatening, or disorderly way before he intentionally initiated physical contact with me to seize me near the intersection of Clinton Avenue and East 176th Street as he did so while I was lawfully walking away from him and Mr. Perez then on a sidewalk.

l. Mr. Harris firmly established that he wasn't paying proper attention to details at roughly 7:17 pm on 12/26/17 as he made a radio call in which he is heard requesting an ambulance to be sent to the intersection of East 156th Street and Clinton Avenue in the Bronx in order to pick us up in spite of the fact that a) that intersection didn't exist then and b) a map shows that that East 156th Street is located roughly 20 blocks and a large park away from where he and I then were.

m. An unknown member of the NYPD is heard in a radio communication on 12/26/17 at 7:26 pm as he made a remark in which he expressed his view that someone he was talking about then wasn't an EDP as he appeared to have been referring to me then.

n. Both while a) Mr. Harris was illegally assaulting and seizing me on 12/26/17 at roughly 7:20 pm on a public sidewalk on Clinton Avenue near the intersection of East 176th Street as he baselessly and pretextually tried to arrest me as I lawfully engaged in legal self-defense in response to that criminal assault and b) I was inside of the NYPD's 48th Precinct on 12/26/17, I was recorded on video by NYPD body-cameras as I clearly made remarks partly to Mr. Harris as I exercised my right to refuse medical treatment and to be taken to a hospital.

o. I was recorded on video on 12/26/17 at roughly 7:18 pm by the NYPD body-camera that Mr. Harris wore as I made remarks to Mr. Perez about how former U.S. District Judge Jack Weinstein was conducting matters in the case of Cordero v. City of New York, 282 F. Supp. 3d 549 (E.D.N.Y. 2017) while I demonstrated then that I wasn't in any need of mental health treatment as I did so by demonstrating how analytical and rational I then was. I did so then as I specifically commented about the fact that Judge Weinstein was focused on conducting an inquiry in that case about how often police officers lie while my remarks about that then confirm that I was being very analytical and associating the illegal acts by Mr. Harris and Mr. Perez against me then with a practice by law-enforcement personnel that is known as "Testilying" in which they make false official statements.

p. I was recorded as being very calm and under control on 12/26/17 inside of the NYPD's 48th Precinct by NYPD body-cameras as this further established that no grounds existed for me to be taken to a hospital to undergo a mental health evaluation.

q. I suffered minor physical injuries from being assaulted and seized by members of the NYPD on 12/26/17 that didn't require medical attention.

r. After I was then taken to the NYPD's 48th precinct on 12/26/17, I promptly exercised my right to be promptly granted an opportunity to make a telephone call as I intended to try to talk with an attorney then.

s. The NYPD illegally didn't grant me a chance to make that telephone call while I was in its custody between 12/26/17 and 12/27/17 and instead coerced me to be taken to a hospital.

t. The NYPD's failure to uphold my right to refuse medical treatment and make a telephone call while I was in its custody on 12/26/17 was a clear and unduly prejudicial procedural infirmity in flagrant violation of my constitutional rights that confirms that government estoppel applied and prohibited the issuance of an order that would require me to grant access to my medical records.

u. Respondent Joseph Tompkins told me while I was at St. Barnabas Hospital in the Bronx that Mr. Harris and Mr. Perez may possibly have arrested me on 12/26/17 in retaliation for how I complained to them about the fact that they subjected me to an illegal stop in the public corridor where I first met them as Mr. Tompkins stated that I had been busting their chops about that and that I had been splitting hairs by insisting that I actually never was **a**) in the park that is adjacent to that corridor and **b**) on the property of the school that is adjacent to that corridor on 12/26/17.

16. Don't the following material facts about the remarks that I made to Mr. Perez shortly after 7:17 pm on 12/26/17 while we stood on a public sidewalk located near the intersection of Clinton Avenue and East 176th Street while we were being recorded by the NYPD body-camera that Mr. Harris wore and shortly before Mr. Harris again tried to seize and assault me as I was lawfully walking away from him and Mr. Perez sufficiently underscore the fact that I didn't put my mental health at issue in the district court action by claiming that the actions that were taken immediately thereafter partly by Mr. Harris and Mr. Perez in seizing, assaulting, stalking, and falsely arresting me were pretextual on account of the fact that those remarks **a**) were about the fact that Mr. Perez and Mr. Harris had fraudulently claimed that I was trespassing earlier in the area where I first met them in a public corridor and **b**) had nothing to do with my mental health:

a. I made remarks to Mr. Perez about Judge Weinstein's interest in in Cordero v. City of New York in probing the subject about how often members of the NYPD lie.

b. I made remarks to Mr. Perez about the fact that no "no trespassing" signs were posted in the public corridor where I met him and Mr. Harris.

17. Doesn't the material fact that I was recorded on video by the NYPD body-camera that Mr. Harris wore on 12/26/17 shortly after 7:17 pm as I made remarks to Mr. Perez about how

often members of the NYPD lie as my remarks about that were in the context of remarks that I made about Judge Weinstein's interest in probing that subject in *Cordero v. City of New York*, speak loudly about the material fact that my reasons for having asserted in the district court action that Mr. Harris and Mr. Perez pretextually caused me to be stopped, seized, and assaulted, and arrested were really about the interactions that I had with them in the public corridor where we first met on 12/26/17 in the district court action that concerned the actual motives that while I demonstrated then that I wasn't in any need of mental health treatment as I did so by demonstrating how analytical and rational I then was. I did so then as I specifically commented about the fact that Judge Weinstein was focused on conducting an inquiry in that case about how often police officers lie while my remarks about that then confirm that I was being very analytical and associating the illegal acts by Mr. Harris and Mr. Perez against me then with a practice by law-enforcement personnel that is known as "Testilying" in which they make false official statements.

18. Doesn't hindsight sufficiently establish that the district court **a)** was legally required to conduct a diligent and objective analysis of the relevant facts, available evidence, and circumstances prior to making an objective determination about whether I was required to provide a release for access to my medical records and **b)** chose to biasedly and prejudicially shirk that duty by not doing so as it issued an order that required me to provide that release anyway.

19. In situations in which law-enforcement personnel seize and arrest people on the grounds that they claim that those who they seize and arrest are EDP, mustn't such personnel be in possession of entirely objective, incontrovertible, and unedited evidence to substantiate their claims about that, especially in instances in which they are wearing a NYPD body-camera in order to record the entirety of the facts, circumstances, and events that led up to an EDP designation being made against those being seized and arrested to determine whether such designations really are pretextual and in furtherance of a scheme to cover-up illegal and otherwise abusive acts and omissions by those conducting such seizures and arrests then.

20. Didn't Mr. Harris need to have used the NYPD body-camera that he wore on 12/26/17 during my interactions with him and Mr. Perez to continuously record a video of all of those interactions from **a)** the moment that they subjected me to a stop in the public corridor where I first met them to **b)** the area where we stood on a public sidewalk located near the intersection of Clinton Avenue and East 176th Street in the Bronx in order to independently corroborate the claim that Mr. Harris made about me being an EDP on 12/26/17 to not allow that EDP designation to be made without entirely objective corroboration in which illegal acts and omissions that Mr. Harris and Mr. Perez committed against me prior to that EDP designation being made against me would be concealed instead of properly used to determine whether Mr. Harris was lying about me by claiming that I was an EDP.

21. Did the CCRB's personnel conduct an inexcusably shoddy investigation without immunity in response to complaints that I reported to the CCRB about my 12/26/17 arrest by the NYPD partly by:

a. Not interviewing any member of the NYPD besides Mr. Harris that partly includes those who stood near Mr. Harris and I at St. Barnabas Hospital on 12/26/17 in relation

to my having been arrested on 12/26/17 partly by Mr. Harris and the conversations that I had with those members of the NYPD in that hospital.

b. Not interviewing the paramedics who were involved in transporting me to St. Barnabas Hospital on 12/26/17 with Mr. Harris as Mr. Harris illegally tapped my chest in the back of that ambulance while a paramedic sat near us and I was then handcuffed.

c. Not determining that **a)** the public corridor in which I was initially stopped on 12/26/17 by Mr. Harris and Mr. Perez isn't part of the property of an adjacent park and school, **b)** Mr. Harris was required to have used the NYPD body-camera that he wore on 12/26/17 to immediately and continuously record a video recording of the interactions that I had with him and other members of the NYPD between 12/26/17 and 12/27/17, **c)** the charge of trespassing that was filed against me on 12/26/17 by the NYPD was voided, **d)** members of the NYPD illegally didn't prepare a NYPD stop report about the stops to which I was subjected on 12/26/17 by members of the NYPD, and **e)** there weren't any "no trespassing" signs posted on 12/26/17 that were applicable to the public corridor in which I first met Mr. Harris and Mr. Perez.

d. Not asking Mr. Harris to explain why the video recording that was recorded by the NYPD body-camera that he wore on 12/26/17 during his interactions with me doesn't contain any video footage from before 7:17 pm in response to the fact that he told the CCRB during his 2/2/18 that he **a)** used that body-camera to record the entirety of his encounter with me and **b)** intercepted me in the public corridor where I first met him at a location that was located near the end of it that is by the intersection of Clinton Avenue and Fairmount Place in the Bronx.

e. Not asking Mr. Harris to explain why he thought that I was trespassing on 12/26/17 on account of the material fact that while I walked through that corridor on 12/26/17, **a)** vertical partitions that included fencing separated that corridor from the school and park that are adjacent to it and **b)** a gate that is located by the end of that corridor near the intersection of Clinton Avenue and Fairmount Place was firmly being kept open by a rusted metal wire that was connected to a fence.

f. Not determining the identity of **a)** the NYPD officer who made a remark on 12/26/17 at roughly 7:26 pm in a radio communication in which he expressed that the person he was referring to wasn't an EDP and **b)** the person he was then referring to.

g. Not asking Mr. Harris why he and others illegally didn't uphold my right to **a)** refuse medical treatment that I expressed before I was taken to St. Barnabas Hospital on 12/26/17 and **b)** make a telephone call while I was in the NYPD's custody on 12/26/17.

h. Not asking Mr. Harris why he didn't intervene on my behalf on 12/26/17 inside of the NYPD's 48th precinct by causing people who expressed threats against me to be kept away from me as they did so in a jail cell that he recounted to the CCRB on 2/2/18 by stating that they threatened me then by telling me that there would be problems between them and I if I continued to resist being taken to St. Barnabas Hospital because of how that was delaying matters for them.

i. Not asking Mr. Harris why someone other than him wasn't assigned the task of accompanying me to St. Barnabas Hospital in the Bronx on 12/26/17 to de-escalate matters and

as a precaution to block him from being able to continue to commit illegal and otherwise abusive acts.

22. Does the fact that IAB personnel supported the decision that was made for members of the NYPD to charge me with trespassing while I was arrested on 12/26/17 sufficiently demonstrate that the IAB's personnel can't be entrusted to conduct diligent and objective investigations about the conduct of NYPD personnel in response to complaints against them.

23. Did all of the members of the NYPD who were present between 12/26/17 and 12/27/17 either **a)** while I was being arrested on 12/26/17 and **b)** being coerced by NYPD personnel to be at St. Barnabas Hospital have a legal duty to intervene on my behalf against other members of the NYPD who were then violating my constitutional and other legal rights in their immediate presence.

24. When members of the NYPD arrest people, is the NYPD legally required to properly collect and safeguard the entirety of the property of those who they arrest that is on their person that partly includes backpacks that they may be wearing prior to making absolutely that those being arrested are provided the entirety of that property upon being released, except in instances in which the NYPD or prosecutors may need to continue to possess that property or that property may consist of illegal items that include illegal drugs and weapons.

25. Did the district court baselessly, prejudicially, and obscenely facilitate a violation of my privacy rights about my medical records by directing me to grant a release for access to those records.

26. Shouldn't this Court readily accept this petition because **a)** its subject matter is partly about NYPD personnel having pretextually assaulted and kidnapped me from a public sidewalk in New York City in violation of my constitutional rights and this Court's decisions and **b)** New York City Mayor Eric Adams is encouraging City of New York personnel to kidnap people in New York City in public forums and elsewhere?

27. Mustn't this Court diligently, objectively, and clearly establish rules of engagement to govern the circumstances under which law-enforcement personnel may interact with members of the general public while such members of the public are conducting themselves in a lawful manner and do not wish to have any interaction with law-enforcement personnel.

LIST OF PARTIES

[X} 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 courts whose judgments are the subject of this petition is as follows:

A. Group 1:

1. The City of New York	15. Judith Lê
2. Frank Amill	16. Brian Leo
3. John Avellino	17. Liang Lin
4. Andrew Benjamin	18. James O'Neil
5. Bill de Blasio	19. Alexander Opoku-Agyemang
6. Alana Brady	20. Steve Ortiz
7. Lawrence Byrne, Jr.	21. Jeffrey Peattie
8. Andrew Cummings	22. Matthew Pereira
9. Michael Dano	23. Steven Perez
10. Jonathan Darche	24. Donovan Richards
11. Ruben Farrell	25. Claudia Rodriguez
12. Saquoi Harris	26. Joseph Tompkins
13. Robert Holmes	27. Jeffrey Zimmerman
14. Avdo Javorovac	

B. Group 2: Neelam Chhikara, Darcel Clark, and Tara Collins

C. Group 3: United States Marshals Service

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RELATED CASES

1. *Komatsu v. City of New York*, No. 20-10942 (VEC)(RWL)(S.D.N.Y. Jun. 17, 2022)
2. *People v. Komatsu*, No. 2017BX048917 (Bronx Crim. Ct. Jan. 23, 2020)

3. *Komatsu v. City of New York*, No. 22-603 (L) (2d Cir. Aug. 30, 2022)
4. *Komatsu v. City of New York*, No. 22-1337 (2d Cir. Aug. 29, 2022)
5. *Komatsu v. City of New York*, No. 21-511 (2d Cir. Nov. 3, 2021)
6. *USA v. Komatsu*, No. 18-cr-651(ST)(E.D.N.Y. Oct. 21, 2019)
7. *USA v. Komatsu*, No. 18-cr-671(VEC)(S.D.N.Y.)
8. *Komatsu v. USA*, No. 21-cv-1838 (RJD)(RLM)(S.D.N.Y.)

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² This report is no longer available on the USMS' web site.

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New York City Mayor’s Office, [The video recording that was recorded of the public town hall meeting that members of the public conducted on 11/30/17 partly with Bill de Blasio in the Jamaica area in Queens in New York City at 85-05 144th Street], https://www.youtube.com/watch?v=CRV0IKbg5tQ	5
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New York City Police Department, [The video recording that I received as discovery material in <i>People v. Komatsu</i> that was recorded on 12/26/17 by the NYPD body-camera that NYPD Officer Saquoi Harris wore on 12/26/17 that begins at 7:17 pm at a location on East 176 th Street in the Bronx in New York City that is located roughly halfway between Prospect Avenue and Clinton Avenue while that video recorded him in part, NYPD Officer Steven Perez, and I prior to recording additional members of the NYPD], https://drive.google.com/file/d/1C1v6U8LTjrVmK3dbo7D-S0tp7p3ATcvy/view?usp=sharing	<i>passim</i>
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New York City Police Department, [The video recording that I received as discovery material in <i>People v. Komatsu</i> that shows me at 7:34 pm on 12/26/17 while I was inside of the NYPD's 48 th Precinct and recorded remarks by me then as I requested to talk with a lawyer then], https://drive.google.com/file/d/14FJvFnOibC8VLocBJv6wP7A2DPd2oOH4/view?usp=s_haring	25
New York State Senate, [The video recording that the New York State Senate arranged to be recorded on 9/9/19 of a public hearing that its Standing Committee on Codes conducted then], https://www.youtube.com/watch?v=OHjKnLFqXOI	5

PETITION FOR A WRIT OF CERTIORARI

I, Towaki Komatsu, petition for a writ of certiorari to review the Second Circuit's judgment in this case.

OPINIONS BELOW

1. The Second Circuit's orders dated 8/30/22 (Pet. App. 1a), 8/29/22 (Pet. App 2a), 7/19/22 (Pet. App. 3a), and 6/23/22 (Pet. App. 4a-5a).
2. The district court's orders dated 6/17/22 (Pet. App. 6a-10a), 4/23/21, 4/14/21, and 2/16/21. I'm unaware whether the preceding Second Circuit and district court orders were published.

JURISDICTION

The Second Circuit entered its opinion on 7/19/22 and denied rehearing on 8/30/22. Pursuant to this Court's 10/13/22 order, the time to file this petition was extended to 12/16/22. This Court has jurisdiction pursuant to 28 U.S.C. §1254(1).

PRELIMINARY REMARKS

1. The section "Constitutional Provisions and Other Matters of Law Involved" (Pet. App. 11a) appears in the attached Appendix instead of this petition's body due to how lengthy that section is. The acronyms shown in the next table's first column refer to ongoing and past litigation involving me to which I refer in this petition that is listed to the right in that table.

#	Acronym	Litigation
1	K1	<i>Komatsu v. City of New York</i> , No. 20-cv-10942 (VEC)(RWL) (S.D.N.Y. Jun. 17, 2022)
2	K2	<i>Komatsu v. City of New York</i> , No. 22-603(L)(2d Cir. Aug. 30, 2022)
3	K3	<i>Komatsu v. City of New York</i> , No. 22-1337 (2d Cir. Aug. 29, 2022)
4	K4	<i>People v. Komatsu</i> , No. 2017BX048917 (Bronx Crim. Ct. Jan. 23, 2020)
5	K5	<i>USA v. Komatsu</i> , No. 18-cr-671 (VEC)(S.D.N.Y.)
6	K6	<i>USA v. Komatsu</i> , No. 18-cr-651 (ST)(E.D.N.Y. Oct. 21, 2019)
7	K7	<i>Komatsu v. USA</i> , No. 21-cv-1838 (RJD)(RLM)(S.D.N.Y.)
8	K8	<i>Komatsu v. City of New York</i> , No. 22-5681 (U.S.)

9	K9	<i>Komatsu v. City of New York</i> , No. 18-cv-3698 (LGS) (GWG) (S.D.N.Y. Sept. 27, 2021)
10	K10	<i>Komatsu v. New York City Human Resources Administration</i> , No. 100054/2017 (Sup. Ct., NY Cty., Feb. 26. 2020)

2. The acronyms shown in the next table's first column refer to entities, places, and other things to which I refer in this petition that are described in that table's second column.

Acronym	Corresponds to
Bronx DA	Bronx District Attorney's Office
CCRB	New York City Civilian Complaint Review Board
City Council	New York City Council
City Hall	New York City Hall
CPL	New York State Criminal Procedure Law
CSO	Federal court security officer
CSOs	Federal court security officers
DPM	The Daniel Patrick Moynihan federal courthouse in Manhattan
EDP	Emotionally-disturbed person
FRAP	Federal Rules of Appellate Procedure
FRCP	Federal Rules of Civil Procedure
IAB	The NYPD's Internal Affairs Bureau
Mayor's Office	New York City Mayor's Office
SBH	St. Barnabas Hospital in the Bronx in New York City
Second Circuit	U.S. Court of Appeals for the Second Circuit
TM	The Thurgood Marshall federal courthouse in Manhattan
USMS	U.S. Marshals Service

3. All links to audio and video recordings, news articles, and LinkedIn profiles to which I refer in the body of this petition are instead shown in the Table of Authorities. Respondents Saquoi Harris and Steven Perez are hereinafter referred to as "Mr. Harris" and "Mr. Perez". All references that I make in this petition to "Mr. Morales" refer to CSO Ralph Morales. All references that I make to "the DC" in this petition refer both to U.S. District Judge Valerie Caproni and U.S. Magistrate Judge Robert Lehrburger in relation to their actions in K1 and K1 itself. All references that I make to "the USMS' crimes" that appear in this petition refer to how I previously described that in numbered paragraph 6 on page 3 in the second amended complaint that I filed in K7 on 6/2/22. In short, the USMS' crimes refers to illegal and otherwise abusive

acts and omissions that members of the USMS and CSOs have committed against me in relation to visits that I have made to federal courthouses in New York City and my claims in K7 are about that. I have previously, repeatedly, and clearly apprised the DC and many other federal judges about the USMS' crimes to no avail. That fact and circumstance and the harm that I have experienced as a result of the USMS' crimes together with a lack of proper redress about that is a major reason why I am seeking redress from this Court partly through this petition.

4. The next table lists additional acronyms that I will use in this petition to refer to audio and video recordings.

Acronym	Corresponds to
The CCRB's 2/2/18 audio recording	The audio recording that I received in K4 as discovery material that was recorded by the CCRB on 2/2/18 as its personnel conducted an interview of Mr. Harris in response to a complaint that I reported against him in relation to my having been arrested on 12/26/17 by him and other NYPD personnel
The City Council's 12/12/22 video	The video recording that the City Council arranged to be recorded of the public hearing that its Committees on Transportation and Public Safety jointly conducted in City Hall
Mr. Harris' 12/26/17 video	The video recording that I received in K4 as discovery material that was recorded on 12/26/17 by the NYPD body-camera that Mr. Harris wore after meeting me then

5. Discovery material that I received in K4 included the CCRB's 2/2/18 audio recording. I haven't had sufficient funds to prepare a written transcript from that recording. Also, 3 PDF files that the NYPD has made available on the Internet jointly comprise its Patrol Guide that contains detailed information about the NYPD's policies and regulations. The PDF file that is discussed in this petition that is among those files is hereinafter referred to as "NYPD Patrol Guide2" and is available at https://www.nyc.gov/assets/nypd/downloads/pdf/public_information/public-pguide2.pdf. That file contains the following NYPD procedure numbers:

a. 212-123 (page 606). That procedure governs how NYPD body-cameras are to be used by its personnel.

b. 212-11 (between pages 374 and 389). That procedure governs the NYPD's stop and frisk policies as well as reporting requirements relating to instances in which NYPD personnel subject members of the public to stops.

c. 208-03 (between pages 8 and 20). This procedure governs general processing requirements for arrests by NYPD personnel.

d. 208-09 (between pages 31 and 33). This procedure governs the rights that people who NYPD personnel have taken into custody have.

6. I incorporate the following by reference as though fully set forth herein:

a. Standing order number M10-468 that was issued on 2/2/21 by U.S. District Judge Colleen McMahon while she then was the U.S. Chief District Judge for the Southern District of New York. That order contains information about restrictions that were implemented inside of federal courthouses in New York City as precautions against Covid-19.

b. Standing order number M10-468 that was issued on 2/27/14 by U.S. District Judge Loretta Preska while she then was the U.S. Chief District Judge for the Southern District of New York. That order is about prohibitions against the use of personal electronics devices inside of federal courthouses in New York City.

c. Relevant excerpts that are shown in my 11/30/21 filing in K7 (Dkt. 90) between pages 14 and 22 that are from a PDF file that had the filename of "Section C"² that was available on 11/28/21 on the USMS' web site at https://www.usmarshals.gov/foia/Contracts/2nd_Circuit/Section_C.pdf. That PDF file contained detailed information about prohibited behavior by CSOs inside of federal courthouses in New York City.

d. The filing that I filed on 4/11/22 in K2 that is 157 pages in length for its PDF file.

² This report is no longer available on the USMS' web site.

e. The filings that I filed on 6/29/21 (Dkt. 55), 10/29/21 (Dkt. 52), 5/15/22 (Dkt. 310), and 6/28/22 (Dkt. 327) in K1 as well as the written transcript (Dkt. 252) of the 12/14/21 conference in K1.

f. The filings that I filed on 11/30/21 (Dkt. 90), 4/2/22 (Dkt. 131), and 5/24/22 (Dkt. 140), and 6/2/22 (Dkt. 145) in K7.

- g. The written transcript of the 9/26/18 conference in K5 (Dkt. 22).
- h. My 7/20/18 (Dkt. 20) and 12/20/19 filings in K9.
- i. The petition for rehearing that I submitted in K8.

STATEMENT OF THE CASE

1. I'm a Navy veteran; a whistleblower; and a longstanding victim of scapegoating, First Amendment retaliation, viewpoint discrimination, selective-enforcement, and general discrimination. While he was New York City's Mayor, Bill de Blasio was recorded on video as he stated the following to the audience at the town hall meeting that he conducted on 11/30/17:

“If you have a problem with policing, I am ultimately responsible.”

2. Mr. de Blasio is heard and seen as he made that remark at the elapsed time of 1 hour, 39 minutes, and 9 seconds in the video recording that the Mayor's Office arranged to be recorded of that meeting. Darcel Clark is the Bronx District Attorney. On 9/9/19, she stated the following at the elapsed time of 1 hour, 4 minutes, and 54 seconds in the video recording that the New York State Senate's Standing Committee on Codes arranged to be recorded of the public hearing that it was conducting as Ms. Clark testified in it as she referred to the NYPD in her remarks:

“What should I do? Prosecute the Police Department? I can't do that.”

3. Bronx Criminal Court Judge Jeffrey Zimmerman was appointed as a judge by Bill de Blasio and was among judges who presided over K4 after he previously worked for the Mayor's Office while Mr. de Blasio was New York City's Mayor. Mr. Zimmerman worked for the

Mayor's Office between January of 2017 and January of 2018 as the Deputy Director for the Crime Strategy and Public Safety division of the Mayor's Office of Criminal Justice. This is according to his LinkedIn profile that reflects his career. Judge Zimmerman also stated the following in the decision that he issued on 5/16/22 in People v. Beshiri, No. 2019BX019319 (Bronx Crim. Ct., May. 16, 2022):

“deviancy can be defined downward only so far before there are consequences”

4. Judge Zimmerman's remarks then were adapted from words that were previously expressed by Daniel Patrick Moynihan. The preceding remarks by Judge Zimmerman are relevant in the context of this petition partly because major consequences arise when judges engage in deviant behavior by neglecting to perform their legal duties, engage in scapegoating when criticized for that, and otherwise commit fraud on the court that James v. US, 603 F. Supp. 2d 472 (E.D.N.Y. 2009) implicitly confirmed may be perpetrated partly by judges by stating the following:

“The petitioner must show that an officer of the court "whose judgment is under attack" acted in a manner that is "intentionally false, willfully blind to the truth, or is in reckless disregard for the truth." Alley v. Bell, 392 F.3d 822, 831 (6th Cir.2004)”

5. Craig v. Harney, 331 U.S. 367, 67 S. Ct. 1249, 91 L. Ed. 1546 (1947) is controlling law that points out that **a)** what “transpires in the court room is public property”, **b)** those “who see and hear what” transpires in legal proceedings “can report it with impunity”, and **c)** the judiciary isn’t permitted to “suppress, edit, or censor events which transpire in proceedings before it.” Despite this fact, Judge Zimmerman behaved in a deviant manner in K4 partly when he illegally issued a retroactive protective order on 12/17/19 that covered discovery material that I received in K4 while no protective order was in place for that. That protective order impermissibly violated my First Amendment right to freely use that discovery material partly in conjunction with and support of testimony by me in public hearings that the City Council and others

conducted to discuss the lack of competency of NYPD and CCRB personnel. This point is affirmed by findings in **a)** *Kaluczky v. City of White Plains*, 57 F.3d 202 (2d Cir. 1995) and **b)** *Piesco v. City of New York, Dept. of Personnel*, 933 F.2d 1149 (2d Cir. 1991). I'm referring to the findings in *Kaluczky* that confirm that **c)** voluntarily "appearing as a witness in a public proceeding or a lawsuit is a kind of speech that is protected by the First Amendment" and **d)** there "are evident policy reasons for encouraging truthful testimony and for insulating witnesses from retribution or the threat of retribution." This point equally applies to the fact that Mr. Harris and Mr. Perez illegally and pretextually retaliated against me on 12/26/17 by fraudulently causing me to be classified as an EDP and arrested in response to the fact that I told them beforehand that I intended to report valid complaints against them to the CCRB and sue them for having illegally stopped, assaulted, seized, and stalked me in the public corridor where we met.

The findings in *Piesco* that I'm referring to state the following:

"Since the police officer represents the most basic unit of government, one which arguably most affects the day-to-day lives of the citizenry, Dr. Piesco's testimony concerning the competency required to become a police officer clearly is a matter of public concern."

6. On a related note, *Doe v. City of New York*, No. 18-cv-670 (ARR)(JO) (E.D.N.Y. Jan. 9, 2020) contains the following findings about First Amendment retaliation that may be driven by a desire for reprisal in response to the filing of a lawsuit or the reporting of a complaint to government personnel:

- a. "the Second Circuit has held that a plaintiff established a First Amendment retaliation claim when he proffered facts showing that police officers retaliated against him for making derogatory comments to the officers and for threatening to sue them."
- b. "[t]he right to criticize public officials is at the heart of the First Amendment's right of free speech."

7. What I discussed above confirms that the protective order that Judge Zimmerman issued in K4 never was enforceable and certainly wasn't due to Fourteenth Amendment prohibitions against discrimination and selective-enforcement after the City of New York, the USMS, and CSOs violated the sealing order that Bronx Criminal Court Judge Tara Collins issued on 1/23/20 in K4. That order³ is shown on page 71 in the PDF file for my 4/11/22 filing in K2. They did so following 1/23/20 by continuing to have access to and publicly displaying my name together with an image of my face on at least one tablet computer screen inside of federal courthouses in New York City partly in security screening areas. That image of my face was from the evidence in K4 and how I appeared then was very similar to the image that is shown on page 33 in the PDF file for my 6/2/22 filing in K7.

8. New York State Supreme Court Judge Lyle Frank was the last judge who was assigned to K10 and issued a decision on 9/27/21 in *RC v. City of New York*, 2021 N.Y. Slip Op 32049 (Sup. Ct. 2021) in which he stated the following about the fact that the City of New York and NYPD have illegally violated sealing orders in litigation by enabling material in such litigation after it has been sealed to be available to others while the City of New York and NYPD have been custodians for that material:

“Plaintiffs argue that failing to issue this preliminary injunction requiring compliance with the sealing statutes requested herein will lead to irreparable harm to all those whose records are sealed but readily accessible. The Court agrees with this argument as once a sealed document is seen it cannot be unseen.”

9. Page 17 in the PDF file for the legal filing that was filed in *RC v. City of New York* on 8/23/22 shows a table that shows how attorneys for the plaintiffs calculated an amount for sanctions that those attorneys are seeking to have Judge Frank issue in connection with violations

³ I redacted confidential information in that order for privacy reasons.

of sealing orders. That filing corresponds to docket number 235 in that case and is available at <https://iapps.courts.state.ny.us/nyscef/ViewDocument?docIndex=zIzufd5nrfdLs1ohHvU/pw==>.

10. The screenshot shown at the top of page 13 in my 5/15/22 filing in K1 is from page 11 in the written transcript from the 1/14/20 court hearing with Judge Collins in K4 and reflects the fact that Respondent Neelam Chhikara of the Bronx DA told her then that she estimated that 98% of the discovery material that would be provided to my attorney in K4 had already been provided.

11. The next screenshot is from page 35 in the written transcript⁴ from the 12/13/19 court hearing with Judge Zimmerman in K4 and reflects the fact that Ms. Chhikara told him then that she claimed that lied to Judge Zimmerman without immunity as she committed fraud on the court then claiming that Mr. Harris didn't subject me to a stop on 12/26/17 in a public corridor. Mr. Harris' last name is misspelled here.

6	MS. CHHIKARA: Your Honor, the People did speak
7	to Officer Harrison concerning these issues and the first
8	thing is that he was not obligated to turn on his camera at
9	the stop because it was not -- it's not considered a stop.
10	It was more of a passing by between the officers and the
11	defendant when it initially started and after that the
12	defendant proceeded to follow them for more than a block.

12. Discovery material that Ms. Chhikara absolutely was required to provide to me in K4 was a copy of the voided arrest report⁵ that confirms that the NYPD voided a charge that was issued

⁴ That entire transcript is shown between pages 73 and 146 in the PDF file for my 4/11/22 filing in K2.

⁵ This is shown on page 70 in the PDF file for my 4/11/22 filing in K2. I have redacted confidential information in it for privacy and irrelevancy.

against me on 12/26/17 that claimed that I had engaged in trespassing on that date. The information in the lower-left corner in that report indicates that it was run on 6/22/18 at 12:06 pm. I instead received that report as discovery material in K6. The fact that **a)** K4 wouldn't have been commenced if Mr. Harris and Mr. Perez hadn't lied by claiming that I had engaged in trespassing on 12/26/17 as they criminally and promptly subjected me to an illegal stop, seizure, assault, and stalking in a pedestrian passageway that is a public forum and **b)** the 12/26/17 trespassing charge was voided confirms that K4 always was baseless. The passageway where Mr. Harris and Mr. Perez claimed I was trespassing is equivalent to a public sidewalk and bisects 2 parts of Fairmount Place in the Bronx between Prospect Avenue and Clinton Avenue.

13. In April of 2017, the NYPD issued a report that is named "NYPD Response to Public and Officer Input on the Department's Proposed Body-Worn Camera Policy". That report is a PDF file that is available at

https://www1.nyc.gov/assets/nypd/downloads/pdf/public_information/body-worn-camera-policy-response.pdf and contains information about the NYPD's policies about the use of NYPD body-cameras and reporting requirements for instances in which NYPD personnel subject members of the public to stops. That policy information was effective immediately. Page 12 in that file contains information that confirms that all NYPD personnel who were equipped with NYPD body-cameras were required to record video recordings with them from the instant that they subjected pedestrians to stops. Page 44 thru 51 in that file shows the NYPD draft operations order that was issued on 3/22/17 and whose subject is "PILOT PROGRAM - USE OF BODY-WORN CAMERAS". Page 2 in that order confirms that NYPD personnel who were and would be equipped with NYPD body-cameras were required to record video recordings with them in situations that include **a)** the use of force during a police action and **b)** interactions with the

general public that escalated and became adversarial. The fact that Mr. Harris admitted on 2/2/18 to the CCRB that matters between him and I instantly became adversarial as soon as he subjected to a stop in the public corridor where we first met confirms that he was required to immediately use the NYPD body-camera that he then wore to continuously record the interactions that he and Mr. Perez had with me. Mr. Perez wasn't then wearing a body-camera. Page 2 in that order also confirms that such members of the NYPD were required to "notify members of the public that" an interaction between them and members of the NYPD was "being recorded, unless notification could compromise the safety of any person or impede an investigation." Mr. Harris never informed me that he was recording video with his NYPD body-camera and had no valid grounds to withhold that information. There is nothing illegal nor disorderly about walking behind a police officer in a public place where the public has a legal right to be while not interfering with the ability of police officers to properly do their jobs. There is nothing illegal nor disorderly about cursing at and otherwise criticizing police officers on a deserted public sidewalk, especially after such officers provoked hostilities by committing illegal acts and omissions against those who may then be cursing at and criticizing them. That sums up what my remarks to Mr. Harris and Mr. Perez were about on 12/26/17 after they illegally subjected me to a stop, seizure, assault, and stalking in the corridor where we met. Since Mr. Harris was intentionally blocking me from seeing his NYPD badge in that corridor, I exercised my right to walk behind him and Mr. Perez as they left that corridor while walking in the direction of Prospect Avenue before they turned to the right **a)** along Prospect Avenue, **b)** then on East 176th Street, and **c)** then on Clinton Avenue. We stood on a public sidewalk throughout the entire time that passed between when **d)** we left the public corridor where I met Mr. Harris and Mr. Perez and **e)** I was illegally arrested by the NYPD on a sidewalk along Clinton Avenue just past its intersection with

Fairmount Place. When I first met Mr. Harris and Mr. Perez on 12/26/17, that was at some point after 6:30 pm and was wearing a jacket without carrying anything in my hands nor on my back. Mr. Harris told the CCRB on 2/2/18 that I was casually walking through the public corridor at the time when he and Mr. Perez first encountered me on 12/26/17.

14. Judith Lê was among those who interviewed Mr. Harris on 2/2/18 about the complaint that I reported to the CCRB partly against him concerning my arrest by the NYPD on 12/26/17. Prior to that interview, she also was assigned to other valid complaints that I reported to the CCRB against other NYPD personnel. While assigned to them, she inexcusably and prejudicially didn't have the CCRB cause video recording evidence to be preserved and provided to the CCRB about a complaint that I reported about an incident that took place on 4/27/17 in connection with public town hall meeting that was held inside of a public school in Queens that was operated by the New York City Department of Education. I reported that complaint by telephone to the CCRB on 4/27/17 and that triggered the City of New York's legal duty to preserve the video recordings that were installed on the exterior of that school and within it that were recorded on 4/27/17 between 5:40 pm and 11 pm. She was also assigned to a complaint that I reported to the CCRB about an incident on 7/25/17. She inexcusably didn't interview NYPD Detective Christopher Fowler for that complaint in spite of the fact that he was a key witness because he stood directly in front of me as illegal acts were committed against me NYPD Inspector Howard Redmond. My 4/27/17 complaint to the CCRB was also partly against Mr. Redmond who then was the head of the NYPD security detail for Bill de Blasio while Mr. de Blasio then was New York City's Mayor. Ms. Lê's LinkedIn profile that reflects her career shows that she has worked as an attorney for the Mayor's Office between May of 2020 and the present after she left the CCRB in May of 2020. This suggests a clear motive that she may have

had to not do diligent and objective investigations for the complaints that I reported to the CCRB against NYPD personnel in order to avoid possible difficulties and awkwardness that would inhibit her ability to work for the Mayor's Office after leaving the CCRB. The sum ad substance of the plaintiffs' claims in *Buchanan v. City of New York*, No. 21-cv-0660 (SHS)(S.D.N.Y. May 31, 2022) strongly suggests that this isn't a far-fetched notion. In short, that lawsuit was about how CCRB personnel claimed that they were retaliated against by CCRB management for expressing complaints about CCRB investigations that they contended were biased in favor of the NYPD and the Mayor's Office. That case ended with a settlement.

15. Despite the fact that Mr. Perez was next to Mr. Harris from the moment that I met them on 12/26/17, the CCRB inexplicably didn't interview Mr. Perez nor any other member of the NYPD in response to the complaint that I reported to the CCRB partly against Mr. Harris about 12/26/17. The CCRB also didn't question Mr. Harris about why the video that the CCRB obtained that was from the NYPD body-camera that he wore on 12/26/17 during his interactions with me contradicted the claim that he made during the CCRB's 2/2/18 interview of him in regards to his claim that he used that body-camera to record the whole encounter that he had with me. A clear way to determine whether video recordings were recorded by that body-camera on 12/26/17 between when I met Mr. Harris and Mr. Perez in the public corridor and the midpoint of East 176th Street in the Bronx between Clinton Avenue and Prospect Avenue is by obtaining the audit-trail records for that body-camera. Such records are designed to contain information partly about whether such videos have been edited and parts of them have been deleted. I clearly requested in K4 to be provided those audit-trail records. However, Judges Zimmerman and Collins committed fraud on the court in K4 through obstruction of justice by refusing to orders to cause that to occur. In contrast to that, the plaintiffs' attorneys in *In Re: New York City Policing*

During Summer 2020 Demonstrations, No. 20-cv-8924 (CM)(GWG)(S.D.N.Y.) will be provided audit trail records from NYPD devices that recorded video. That case is similar to K1 because its also about widespread terrorism by the NYPD against the general public outdoors in public places. Moreover, People v. Larkin, 72 Misc. 3d 663, 146 N.Y.S.3d 914 (Sup. Ct. 2021) points out that **a)** “several appellate courts have rendered decisions ordering disclosure of an audit trail in civil proceedings” in contrast to criminal ones and **b)** a defendant would have a “right to seek to compel disclosure of audit trails when circumstances evince that body camera footage may have been tampered with.” “Litigation is not a game. It is the time-honored method of seeking the truth, finding the truth, and doing justice.” This quote is entirely true and from Winfield v. City of New York, No. 15-cv-05236 (LTS)(KHP) (S.D.N.Y. Nov. 27, 2017).

16. The next screenshot is from page 36 in the written transcript of the court hearing that was held on 1/14/20 in K4 and shows the conversation that I then had with Judge Collins about my efforts to be provided the audit-trail records for Mr. Harris’ NYPD body-camera and other NYPD body-cameras that related to my 12/26/17 arrest by the NYPD.

11 THE COURT: Right, I just need Mr. Komatsu to
12 understand that it may never have existed and may never be
13 able to be provided to you.

14 MR. KOMATSU: Or it may just be destroyed like
15 that Brown versus the City of New York.

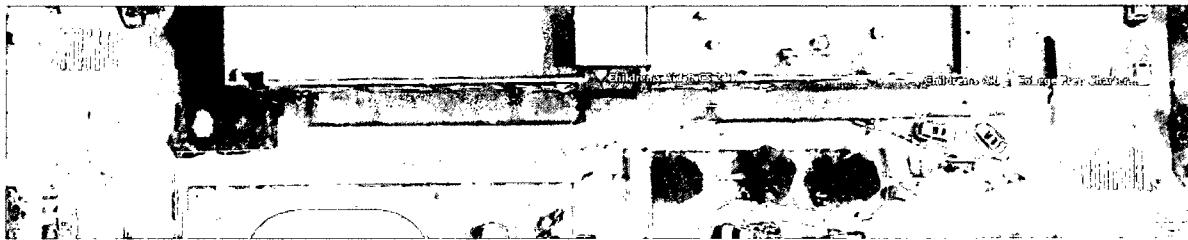
16 THE COURT: Yes. Or it could be destroyed.
17 And you know what the remedy is? We have the
18 hearing and then you ask the court to issue sanctions and
19 then that is what the court decides. Because believe it
20 or not this happens with regularity and there are protocols
21 that are in place that the courts can follow and then
22 determine whether a sanction is appropriate. But the only
23 way to do that is to have a hearing.

17. The discussion that I had with Judge Collins then was also about a debate that we were then having about whether the NYPD audit-trail records would show a forensics trail about whether video footage actually had been recorded on 12/26/17 between when Mr. Harris subjected me to a stop in the public corridor where we first met and prior to 7:17 pm by the NYPD body-camera that Mr. Harris wore. Judge Collins baselessly, biasedly, and prejudicially assumed that the audit-trail records wouldn't show that forensics information while she then behaved as a cat's paw for the NYPD and Bronx DA instead of as the entirely objective and diligent fact-finder that she was required to then be in K4.

18. The following facts apply to what is heard in the CCRB's 2/2/18 audio recording:

- a. At the elapsed time of 2 minutes and 38 seconds in that recording, Mr. Harris is clearly heard as he stated, "The whole encounter was recorded." He made that remark in response to a question he was asked about whether he recorded any video recording on 12/26/17 of his interactions with me between the time when he, Mr. Perez, and I first met on 12/26/17 and

when I was officially arrested by the NYPD then. When he stated that he recorded that “whole encounter”, he was referring to the fact that he used his NYPD body-camera to do so and recorded the entirety of the interactions that he, Mr. Perez and I had between **a)** when we first met in the public corridor between a park and a school and **b)** some time thereafter that he didn’t elaborate about. The next screenshot is an aerial view of that public corridor and from the Google Earth software application.



b. At the elapsed time of 8 minutes and 44 seconds in that recording, Mr. Harris stated the following as he confirmed that he intercepted me towards the end of that corridor near where it connects to the sidewalk that runs parallel to Clinton Avenue (shown on the left side of the preceding screenshot) as I was about to exit that corridor:

“So, he’s about to reach the end where he can walk out and continue his business, but I intercepted him there.”

c. At the elapsed time of 8 minutes and 19 seconds in that recording, Mr. Harris confirmed that he illegally subjected me to a stop in that public corridor by stating the following while he lied by claiming that I was in a schoolyard and courtyard:

“Sir, if you will allow me to explain to you why I am stopping you...you’re walking through the schoolyard...the courtyard...”

d. At the elapsed time of 8 minutes and 23 seconds in that recording, Mr. Harris stated the following about a remark a remark that I then made to him in response to the fact that he had just subjected me to an illegal stop:

“He continued to say, ‘You guys are corrupt. Leave me alone.’”

e. At the elapsed time of 8 minutes and 23 seconds in that recording, Mr. Harris stated the following about a remark a remark that I then made to him in response to the fact that he had just subjected me to an illegal stop:

f. At the elapsed time of 18 minutes and 47 seconds in that recording and right after Ms. Lê asked him whether I made a remark as I was being arrested on 12/26/17 about difficulties that I was having with being able to breathe as I was being taken to the ground while I was being arrested by NYPD personnel, Mr. Harris lied by fraudulently claiming that I didn't make any such remark then. Contrary to his lie about that, she promptly then played a segment of a NYPD body-camera video recording during that interview and I'm clearly heard at the elapsed time of 31 minutes and 50 seconds in the audio recording from that interview that was from 12/26/17 as I was clearly heard in that NYPD body-camera recording as I made a remark about the fact that I was having a hard time breathing because members of the NYPD were on my chest while I was being illegally arrested then. At the elapsed time of 33 minutes and 15 seconds in audio recording, Ms. Lê very discreetly made it clear that she caught him lying during that interview partly by having claimed that I didn't make a remark on 12/26/17 as I was being arrested that was about the fact that I was having a hard time breathing. After Mr. Harris' attorney during that interview asked him whether he still stood by earlier statements that he gave during that interview partly about his claim that I didn't make a remark as I was arrested on 12/26/17 by the NYPD that I was having a hard time breathing and members of the NYPD were then on my chest that was causing that following the playback of the NYPD body-camera video during that 2/2/18 interview that clearly confirmed that I made such remarks on 12/26/17 while I was being arrested, Mr. Harris told her that he stood by his earlier remarks. This confirms that he lied instead of him having merely made a mistake.

g. At the elapsed time of 18 minutes and 52 seconds in the CCRB's 2/2/18 audio recording and right after Ms. Lê asked him whether he and/or other members of the NYPD used force on my chest on 12/26/17, he lied by claiming that they didn't do so. She then proved that he lied about that too as she played a segment of a NYPD body-camera video recording during that interview while I was clearly heard in it as I ordered members of the NYPD to get off of my chest while they arrested me near the intersection of Clinton Avenue and Fairmount Place.

19. The preceding facts confirm that NYPD policies required Mr. Harris to have **a)** filled out a NYPD Stop Report about the fact that he subjected me to stop in that corridor and **b)** used the NYPD body-camera that he wore on 12/26/17 to immediately begin recording a continuous video from the instant and specific location in that corridor where he subjected me to that stop. However, he illegally didn't complete that NYPD Stop Report and that warrants an adverse inference about that. On a related note about Mr. Harris' propensity and proclivity to engage in illegal cover-ups partly by illegally not using a NYPD body-camera to record video while he is required to, less than 3 months after I met Mr. Harris on 12/26/17, he was involved in stopping an Uber car in the Bronx on 3/20/18. This is according to a CCRB report that I received as discovery material in K1. That report is shown in my 5/15/22 filing in K1 starting on page 171 in the PDF file for that filing. That report was prepared in response to a complaint that was reported to the CCRB partly against Mr. Harris by a passenger in that Uber car. According to the information in the third page in that report, Mr. Harris illegally **a)** questioned someone who was in that car, **b)** didn't prepare a memo book entry that violation of his duty to have done so, and **c)** didn't prepare a stop and frisk report that he was required to prepare. The fourth page in that report indicates that Mr. Harris illegally didn't properly use his NYPD body-camera during that incident. The fifth page in that report clarifies this last point by explicitly stating that no video

recording existed of that incident that confirms that Mr. Harris illegally didn't record any video recording of it with his NYPD body-camera.

20. The fact that I prevailed on 1/23/20 in K4 as a result of its dismissal coupled with the following facts confirm that I was legally entitled to immediate partial summary judgment in K1:

a. The manner in which NYPD personnel illegally used force against me without any objectively valid legal justification on 12/26/17 after I met Mr. Harris between the time when I first met him and when I was officially arrested near the intersection of Clinton Avenue and Fairmount Place in the Bronx caused the jacket that I wore on 12/26/17 to be damaged by being partly torn.

b. The NYPD caused a pair of headphones that I had in one of my pockets for the sweatpants that I wore on 12/26/17 to be lost while I was being arrested on 12/26/17 as a result of the physical struggle between the NYPD personnel and I while they took me to the ground as they illegally arrested me.

c. Mr. Harris cut the strings for my sweatpants on 12/26/17 inside of the NYPD's 48th precinct after I was arrested.

d. The NYPD caused me to lose the wallet that I had on 12/26/17 and everything that was in it while I was in the NYPD's custody after I was arrested on 12/26/17.

e. The City of New York and NYPD illegally violated the sealing order that Judge Collins issued on 1/23/20 in K4. That is responsible for why I continued to see an image of my face that was from the evidence in K4 to be publicly and prominently shown together with my name after 1/23/20 on a tablet computer screen inside of TM in its security screening area on its first floor. It's very likely that image was shown on other tablet computer screens inside of federal courthouses in New York City in public areas in them both before and after 1/23/20 too.

That practice illegally stigmatized me and sabotaged litigation of mine largely because potential jurors, witnesses, attorneys, journalists, law students, law professors, and others walk through that same area and their views about me could be instantly and permanently prejudiced by seeing my face and name on those tablet screens.

f. I had to make numerous court appearances in K4 that I wouldn't have needed to make if K4 hadn't been commenced. *Kerman v. City of New York*, 374 F. 3d 93 (2d Cir. 2004) contains the following findings that confirm that loss of time, out-of-pocket expenses, inconvenience, emotional distress partly in the form of anger and stress, and humiliation that results partly from having to make needless court appearances in frivolous and otherwise needless litigation warrants compensatory damages:

“an individual subject to false imprisonment may be compensated not only for tangible injuries, such as out-of-pocket expenses and lost wages, but also for intangible injuries, such as loss of time, physical discomfort or inconvenience, mental suffering, and humiliation.”

21. The following findings from *Marom v. NYPD Sergeant Fior Blanco*, No. 15-cv-2017 (PKC) (S.D.N.Y. July 25, 2019) are about violations of the First and Fourteenth Amendment rights to a fair trial and liberty rights that **a)** arise partly from fabricated evidence that may include illegally forged apartment lease agreements and **b)** may result from deceit by attorneys that warrants compensatory damages and equitable relief partly for lost time and liberty that can be due to having to make pointless court appearances for a frivolous lawsuit:

- a. “Courts in this district have held that “[s]pending a number of hours in jail . . . constitute[s] a sufficient deprivation of liberty, as has the obligation to attend numerous follow-up court appearances.””
- b. “It is firmly established that a constitutional right exists not to be deprived of liberty on the basis of false evidence fabricated by a government officer.”
- c. “A person is deprived of his or her right to a fair trial based on fabricated information if “(1) [an] investigating official (2) fabricates information (3) that is

likely to influence a jury's verdict, (4) forwards that information to prosecutors, and (5) the plaintiff suffers a deprivation of life, liberty, or property as a result."

22. The location where Mr. Harris and Mr. Perez jointly subjected me to that stop in the public corridor where I first met him and Mr. Perez on 12/26/17 near where it ends by Clinton Avenue is shown in the upper-left area of the following screenshot:



23. Despite that legal duty, the earliest video footage that I received in K4 that was recorded on 12/26/17 by Mr. Harris' NYPD body-camera begins at 7:17 pm and shows an area facing Clinton Avenue at a location that was roughly the midpoint on East 176th Street between Clinton Avenue and Prospect Avenue. This corresponds to the fact that I illegally wasn't provided any video footage that concerned the interactions that I had with Mr. Harris and Mr. Perez in the public corridor where we first met on 12/26/17, anywhere on Prospect Avenue, and halfway up East 176th Street towards Clinton Avenue. United States v. Garcia, 554 F. Supp. 3d 421 (E.D.N.Y. 2021) contains findings about the fact that adverse inferences are warranted by judges in response to instances in which law-enforcement personnel don't record video recording

evidence, withhold that, and/or destroy that in situations in which they're required to record that and provide that to legal adversaries. *Scott v. Harris*, 550 U.S. 372, 127 S. Ct. 1769, 167 L. Ed. 2d 686 (2007) addressed a similar instance in which video recording evidence clearly contradicted a description about how events occurred that was given in litigation. This Court pointed out in *Scott v. Harris* that when “opposing parties tell two different stories, one of which is blatantly contradicted by the record, so that no reasonable jury could believe it, a court should not adopt that version of the facts.

24. Mr. Perez walked alongside Mr. Harris in those areas after Mr. Harris stopped me in that corridor. Both Mr. Harris and Mr. Perez illegally grabbed me in that corridor, they initiated physical contact with me then, Mr. Harris kicked me there too, and he concealed his NYPD badge from me to try to stymie my efforts to see it firsthand to thereafter report valid complaints against him and Mr. Perez. Although they claimed then that I was on the property of the adjacent school and park, I never entered those areas on 12/26/17. The first page in the PDF file for my 10/29/21 filing in K1 contains a link to a New York City government web site that is known as “Zola” that contains detailed information about zoning and land use matters. Pages 4 and 5 in that PDF file contain information about property boundaries from that web site for the public corridor that I discussed above that confirm it's not a part of the adjacent park and school. In fact, fencing and other vertical partitions existed on 12/26/17 that confirmed this point. Also, there wasn't any “No Trespassing” sign posted on 12/26/17 that applied to that public corridor. Pedestrians and bicyclists freely use that corridor all of the time.

25. On 12/12/22, I testified truthfully inside of City Hall during a public hearing that the City's Council's Committees on Transportation and Public Safety jointly conducted. The City Council arranged for that hearing to be recorded on video. My testimony in that hearing is shown

beginning at the elapsed time of 4 hours, 3 minutes, and 2 seconds in the City Council's 12/12/22 video and couldn't be heard in it after the elapsed time of **b)** 4 hours, 8 minutes, and 27 seconds because 1 of the City Council's security personnel chose to then arbitrarily, capriciously, and discriminatorily turn off the microphone in front of me. He did so as I was making a closing remark for my testimony and after other members of the general public who testified before me during that hearing exceeded the allotted time for their testimony while being permitted to do so without interruption. What is shown in that video at the elapsed time of 4 hours, 4 minutes, and 4 seconds is the beginning of my playback from my laptop of the beginning of Mr. Harris' 12/26/17 video. There is a 30-second delay between when members of the NYPD activate NYPD body-cameras that they wear to record video and when audio is recorded in those recordings. Absolutely nothing about what is shown and heard in that video suggests that I was an EDP. The audio from Mr. Harris' 12/26/17 video is first audible in the City Council's 12/12/22 at the elapsed time of 4 hours, 4 minutes, and 30 seconds. Mr. Harris is heard then making remarks in a radio communication he then engaged in as he did so to arrange for an ambulance to meet us where we then were. However, Mr. Harris specific request then was for that ambulance to go to the intersection of East 156th Street and Clinton Avenue in the Bronx. That intersection doesn't exist and would be located more than 20 blocks and a large park away from where we then were. This confirms that he wasn't paying proper attention to key details as he fraudulently claimed then that I was an EDP as a pretext to cover-up the illegal acts and omissions by him and Mr. Perez against me that were committed in the public corridor where we met.

26. At the elapsed time of 4 hours, 4 minutes, and 34 seconds in the 12/12/22 City Council video that I discussed above, I'm heard making remarks to Mr. Perez that are heard in Mr.

Harris' NYPD body-camera video as I was referring to the fact that former U.S. District Judge Jack Weinstein sought to conduct a inquiry in *Cordero v. City of New York*, No. 15-cv-3436 (JBW) (E.D.N.Y. Oct. 17, 2017) about how often NYPD personnel lie. Both Judge Weinstein's 10/17/17 decision in that case and a news article that the New York Times published on 10/17/17 that is entitled "Brooklyn Judge Seeks to Examine Prevalence of Police Lying" that was written by Joseph Goldstein confirms this. At the elapsed time of 4 hours, 4 minutes, and 52 seconds in the 12/12/22 City Council video, Mr. Perez is heard lying to me as he fraudulently claimed that people aren't supposed to be going through the public corridor at night where I first met him and Mr. Harris on 12/26/17. At the elapsed time of 4 hours, 4 minutes, and 55 seconds in that video, I'm heard rhetorically asking Mr. Perez about whether there was a sign posted the to substantiate the claim that he just made about trespassing. Mr. Perez then repeated his lie while again claiming that people weren't supposed to be walking through that public corridor at night. At the elapsed time of 4 hours, 5 minutes, and 4 seconds in that video, I'm shown lawfully exercising my First and Fourteenth Amendment right to walk away from Mr. Perez and Mr. Harris on that sidewalk. At the elapsed time of 4 hours, 5 minutes, and 7 seconds in that video, Mr. Harris is heard telling me that I was going to a hospital a split second after he criminally assaulted me again as he tried to grab one of my arms. That assault triggered my legal self-defense rights that I lawfully then exercised. Since the NYPD defines an EDP as someone who is "conducting himself in a manner" that a person "reasonably believes is likely to result in serious injury to himself or others" and "appears to be mentally ill or temporarily deranged", that definition applied to the behavior by Mr. Harris and Mr. Perez against me on 12/26/17 instead of vice versa. Right after Mr. Harris began to criminally assault me by the intersection of Clinton Avenue and East 176th Street on a public sidewalk, I'm clearly heard and shown in that video as I

ordered him to get his hand off of me while I also stated that there wasn't any valid reason for me to go to a hospital. *Green v. City of New York*, 465 F.3d 65 (2d Cir. 2006) confirms that people have "a constitutionally protected liberty interest in refusing unwanted medical treatment."

27. The bottom of page 41 in the PDF file for my 5/15/22 filing in K1 contains information about the fact that a member of the NYPD is heard at the elapsed time of 8 minutes and 51 seconds in an audio recording that I received as discovery material in K1 as he stated that the time then was 7:26 pm on 12/26/17. He made that remark shortly after someone he talked with earlier in that audio recording made a remark at the elapsed time of 8 minutes and 37 seconds as he stated the following while referring to me:

"He's not EDP"

28. I included a link to that audio recording on the Internet on that page in that PDF file. Also, I illegally wasn't read my Miranda rights on 12/26/17 by any member of the NYPD after I was arrested then and before I was thereafter questioned by NYPD personnel. Page 90 in the PDF file for my 5/15/22 filing in K1 shows a screenshot from a video that was recorded by a NYPD body-camera on 12/26/17 at 7:34 pm while I was inside of the NYPD's 48th precinct. The fact that NYPD procedure number 221-13 that was effective as of 6/1/16 that I discussed earlier in this petition confirmed that I was prohibited from being inside of that precinct then by pointing out that an EDP wouldn't be transported to a police facility under any circumstances further establishes that I wasn't an EDP on 12/26/17.

29. Both the bottom of page 91 and page 92 in the PDF file for my 5/15/22 filing in K1 show screenshots from the video that I just discussed while the time in that video then also was 7:34 pm. At those points in that video, I twice clearly asked members of the NYPD to be given a

chance to talk with an attorney then as they illegally ignored me about that. That video also confirms that I was relatively calm then instead of doing anything that would suggest that I am mentally ill. Page 40 in that PDF file shows a screenshot from a NYPD memo book entry that Mr. Perez recorded about me that shows that he reported at 7:38 pm on 12/26/17 that I had refused medical treatment for a small laceration to one of my hands that was the result of NYPD personnel having assaulted me on 12/26/17 after I first met him and Mr. Harris. That screenshot also contains information that indicated that I was transported at 8:30 pm on 12/26/17 to SBH in the Bronx. The only reason why I eventually agreed to be taken to that hospital was because people who were in a jail cell in the NYPD's 48th precinct made remarks to me as they threatened me by telling me that there would be problems for me if I didn't agree to go to the hospital because that was delaying their ability to be processed. This further confirms that I was illegally coerced to be taken to a hospital. Mr. Harris acknowledged that point during his 2/2/18 interview by the CCRB. While I was in the NYPD's custody on 12/26/17, I was never given a chance to make a phone call in flagrant violation of my rights. As a result, governmental and equitable estoppel prohibited me from being required to provide any release in K1 for access to my medical records. This is true largely because an attorney could have otherwise advised me that I was legally entitled to continue to refuse to be taken to any medical facility and medical treatment and that I could affirmatively engage in civil disobedience by humorously resisting attempts to subject me to medical treatment by ignoring medical staff while sarcastically singing something like "99 bottles of beer on the wall" and urging others to join me in doing so until I would be released from the NYPD's custody.

30. The information that I have presented thus far confirms that it was sufficiently clear by 7:30 pm on 12/26/17 that Mr. Harris **a)** fraudulently claimed that I was an EDP and **b)** didn't

intervene on my behalf in response to my having been threatened with violence by people in a jail cell in the NYPD's 48th precinct if I continued to refuse to be taken to a hospital by making certain that those who made those threats wouldn't be able to assault me keeping them away from me in that precinct. This means that the NYPD abused its discretion by allowing Mr. Harris to accompany me to SBH instead of assigning someone else for that in order to have appropriate precautions against further illegal and abusive behavior by Mr. Harris against me. During the ride to SBH in a FDNY ambulance on 12/26/17 from the NYPD's 48th precinct, Mr. Harris illegally assaulted me again by striking my chest while my hands were handcuffed behind my back as we sat next to a FDNY paramedic. The CCRB thereafter inexcusably didn't interview that paramedic in relation to complaints that I reported to the CCRB against Mr. Harris. While we were at SBH, he yanked my handcuffs as we left that may have caused a wallet of mine that I had with me at that hospital to have fallen out of the sweatpants that I then wore. That wallet then had various items in it that included my social security card that can be used to commit identity theft against me. Prior to arriving at that hospital, Mr. Harris cut the strings for my sweatpants in the NYPD's 48th precinct that caused it to be impossible for me to tighten my sweatpants. The NYPD was legally responsible for safeguarding the entirety of the property that I had on me when I was arrested on 12/26/17 and illegally didn't do so. I illegally never was given back the wallet that I lost while I was in the NYPD's custody nor what it contained then.

31. While I was at SBH between 12/26/17 and 12/27/17, I talked with Respondent Joseph Tompkins face-to-face while he then was the head of the NYPD's 48th precinct. He made remarks to me then in which he lied by claiming that I was splitting hairs about the fact that I didn't engage in trespassing on 12/26/17 by insisting that I was never on school property nor in a park with respect to the school and park that are next to the public corridor where Mr. Harris and

Mr. Perez subjected me to a stop. He also told me then that I may have been arrested then because I had been “busting” his officers’ “chops” about the fact that they illegally subjected me to that stop in that corridor. He also lied to me by claiming that he had watched a video recording that showed me kicking Mr. Harris as I got into an ambulance. Such a video didn’t exist because I never did that.

32. Conrad v. City of New York, Index No. 154550/2017, (N.Y. Sup. Ct. 2020) states that all “angry people are not EDP’s and there must be some rational basis for an Officer to believe he is in the presence of an EDP” in the context of a discussion about the fact that that judge rejected the assertion by the plaintiff’s counsel in which that attorney contended that the fact that someone “was angry, threatened violence and used racial slurs towards the Officer himself in and of itself was sufficient to view” the person who behaved in that manner “as an EDP.”

33. When Judge Lehrburger stated the following in his 1/6/22 order in K1, he committed fraud on the court by stating the following as he lied after I never put my mental health status at issue in K1 and never intended to do so in any way:

“The Complaint also alleges that the police took Plaintiff in custody under the allegedly fraudulent pretext that he was an emotionally disturbed person. (Compl. 28.) Plaintiff has thereby put his mental health status directly at issue.”

34. When Judge Caproni stated the following in her 6/17/22 dismissal order in K1, she implicitly confirmed that the critical issue about the validity of her decision to dismiss K1 on the basis of the fact that I refused to issue a release that would grant access to my medical records crested and fell with the issue about whether she and Judge Lehrburger had erred and prejudicially rushed to judgment by requiring me to issue that release while the totality of the facts, evidence, and matters of law established that there never was any objectively valid legal justification for having directed me to issue that release in the first place:

“WHEREAS Defendants asked Plaintiff to provide them with a signed HIPAA medical release so that they could obtain medical records from St. Barnabas Hospital covering the period following the December 2017 incident that is at the heart of this lawsuit”

35. Long before K1 was dismissed, CSOs cursed at me, called me “faggot”, “bitch-boy”, “dummy”, “idiot”, and other insults since 2/28/18 inside of DPM and TM while I conducted myself in a lawful manner. Judge Caproni **a)** presided over both K1 and K5 and **b)** stated the following in her 8/30/21 order (Dkt. 115) in K1 about remarks that I made strictly in legal filings that I filed in K1 while a proper and objective analysis about what I discussed about remarks by CSOS towards me confirms that my use of offensive remarks in K1 actually was permissible due to my First Amendment and equal rights, estoppel, as well as prohibitions against selective-enforcement, discrimination:

“Had the inappropriate language been the only problem with Mr. Komatsu's filings, the Court would not have imposed the filing restrictions.”

36. United States v. Torres, No. 21-2511-cr (2d Cir. Nov. 21, 2022) confirm that **a)** judges are required to explain their rationale for the decisions and orders that they issue whenever that isn't readily apparent and **b)** noncompliance with that would ordinarily require remand of such orders and decisions that don't comply with this to allow for meaningful appellate review. Hindsight confirms that the Second Circuit biasedly and prejudicially committed fraud on the court by lying in its 8/30/22 order in K2. It did so by fraudulently claiming that appeals that I sought to pursue that included an appeal about the dismissal of K1 didn't depart from a “prior pattern of vexatious filings”. The Second Circuit violated my First Amendment rights and its own remarks in United States v. Torres by not elaborating about that lie possibly because it was indefensible. It's indisputable that I was legally entitled to pursue an appeal about K1's dismissal.

37. The Second Circuit's 8/30/22 order in K2 acknowledged a filing restriction that it imposed against me in November of 2021 as it fraudulently neglected to acknowledge the material fact that that restriction was both overly an impermissibly harsh and broad as well as impermissibly without an expiration date. In *Kennedy v. Bremerton School Dist.*, 142 S. Ct. 2407, 597 U.S., 213 L. Ed. 2d 755 (2022), this Court stated that "justifications for interfering with First Amendment rights "must be genuine" instead of "hypothesized or invented *post hoc* in response to litigation". The filing restrictions that were imposed on me in K1 and by the Second Circuit clearly, flagrantly, and prejudicially violated that controlling legal standard. *Safir v. United States Lines, Inc.*, 792 F.2d 19 (2d Cir. 1986) modified a pre-filing restriction that a judge imposed and confirms that such restrictions must be narrowly-defined. *Board of Managers of 2900 Ocean Avenue Condominium v. Bronkovic*, 83 F.3d 44 (2d Cir. 1996) buttressed this point about the need for narrow tailoring of pre-filing restrictions. While commenting in *Immerso v. U.S. Department of Labor*, No. 20-4064 (L) (2d Cir. Nov. 30, 2022) about the legal standards that apply to imposing pre-filing restrictions on litigants, the Second Circuit pointed out the following:

- a. A sanctions order that is issued by a district court mustn't be an abuse of discretion nor "based on an erroneous view of the law or on a clearly erroneous assessment of the evidence".
- b. "In order to impose sanctions", "a district court must find that: (1) the challenged claim was without a colorable basis and (2) the claim was brought in bad faith, *i.e.*, motivated by improper purposes such as harassment or delay."

38. Hindsight confirms that the Second Circuit is continuing to pretextually discriminate against me in flagrant violation of my First Amendment rights to petition in a timely and

effective manner and be granted relief while doing so. On 11/15/22, the Second Circuit pointed out in its order in *In re JBR, Inc.*, No. 22-2079 (2d. Circ. Nov. 15, 2022) that it might reconsider whether to issue a writ of mandamus about that matter if a district court judge didn't issue a decision within 60 days about that matter following the issuance of that order by the Second Circuit. That determination is a clear yardstick against which it's also appropriate to measure the Second Circuit's own performance in issuing timely determinations in response to motions that are submitted to it. Priscilla Maldonado works for the Second Circuit as a case manager and is assigned to the ongoing appeals that I commenced to the Second Circuit that correspond to a) *Komatsu v. Ramos*, No. 22-1787 (2d Cir.), b) *Komatsu v. City of New York*, No. 22-1796 (2d Cir.), c) *Komatsu v. City of New York*, No. 22-2025 (2d Cir.), and d) *Komatsu v. City of New York*, No. 22-1996 (2d Cir.). I commenced all of those appeals by 9/26/22 and as early as 9/5/22 for 2 of them. As of 12/14/22, the Second Circuit has abused its discretion partly by having not issued a determination for any of those appeals in response to the requests that I made in them to be granted authorization for leave to pursue those appeals. This confirms that the Second Circuit is behaving as a hypocrite by setting a 60-day timetable in *In re JBR, Inc.* for a determination to be made by a judge as the Second Circuit opts to ignore my motions about appeals of mine to it for more than 2 months.

39. *United States v. Rodgers*, 466 U.S. 475, 104 S. Ct. 1942, 80 L. Ed. 2d 492 (1984) states that "the Judiciary is an agency of the United States Government". *FCC v. Fox Television Stations, Inc.*, 556 U.S. 502, 129 S. Ct. 1800, 173 L. Ed. 2d 738 (2009) points out all of the following about how government agencies that include the judiciary are required to operate:

- a. An "agency must act consistently" and "follow its own rules."
- b. "An agency's policy decisions must reflect the reasoned exercise of expert judgment."

40. Grayned v. City of Rockford, 408 U.S. 104, 92 S. Ct. 2294, 33 L. Ed. 2d 222 (1972) states the following about illegal selective-enforcement, standardless discretion, and the vagueness doctrine:

- a. "A vague law impermissibly delegates basic policy matters to policemen, judges, and juries for resolution on an *ad hoc* and subjective basis, with the attendant dangers of arbitrary and discriminatory application."
- b. "if arbitrary and discriminatory enforcement is to be prevented, laws must provide explicit standards for those who apply them."

41. While Priscilla Maldonado was the Second Circuit case manager who was assigned to my Second Circuit appeal that this petition is partly about, she erroneously caused me to be mailed correspondence between the Second Circuit and someone named Selvin Ademir Penate that was in connection with the appeal that corresponds to Penate v. Garland, No. 22-6270 (2d. Cir.).

That correspondence shows that she printed it on 6/7/22 at 12:42 pm. It's conceivable that she erred by causing a copy of the Second Circuit's 6/23/22 order (Dkt. 4) in K3 to be mailed to someone else instead because she caused correspondence for Mr. Penate to be mailed to me. In that 6/23/22 order, the Second Circuit indicated that it would dismiss that appeal on 7/14/22 if I didn't file a motion for leave to it by then for that appeal to request retroactive authorization for leave to appeal. In fact, the docket sheet for K3 shows that docket number 21 is associated with 7/27/22 and confirms that correspondence that the Second Circuit attempted to mail to me by using the U.S. Postal Service was instead returned to the Second Circuit as being undeliverable mail. That occurred while I resided where the Second Circuit tried to mail that and I didn't do anything to cause that mail to not be delivered there.

42. Although some of the people that I sought to sue in K1 that include Judges Zimmerman and Collins, people who worked for the CCRB, and people who worked for the Bronx DA may have immunity to a degree or completely, that doesn't change the fact that it appears that I was

entitled to pursue claims against them in K1 for declaratory and prospective injunctive relief largely to have the DC declare that they violated applicable laws and other legal standards in regards to my claims that could possibly cause them to be fired from their jobs partly by being declared by the DC as incompetent. This point is affirmed by 28 U.S.C. §2201, 28 U.S.C. §2202, FRCP Rule 65, NYC Charter §1116, NYC Charter §2604(b), New York State Public Officers Law §30(1)(f) and (1)(g), NYPL §195.00, New York State Judiciary Law §487, NYPL §215.10, 28 U.S.C. §1367, 28 U.S.C. §1651, FRCP Rule 42, *ex Parte Young*, matters pertaining to judicial economy that confirm that claims that revolve around a common nucleus of operative fact belong in a single lawsuit, and *Dayton Bd. of Ed. v. Brinkman*, 433 U.S. 406, 97 S. Ct. 2766, 53 L. Ed. 2d 851 (1977) that points out that **a)** the “power of the federal courts to restructure the operation of local and state governmental entities “is not plenary”; **b)** it may be exercised only on the basis of a constitutional violation; and **c)** a federal court is required to tailor the scope of the remedy to fit the nature and extent of the constitutional violation once a constitutional violation is found. Moreover, it indisputably and enormously disserves the public’s interest in government accountability to have corrupt government personnel allowed to keep their jobs largely due to the risk of recidivism by such personnel.

43. On a related note, the New York Times published a news article on 12/13/22 that was written by Jonah Bromwich and is entitled “Trump Organization Was Held in Contempt After Secret Trial Last Year”. That article includes a link to a copy of an order that was issued on 12/8/21 by New York State Supreme Court Judge Juan Merchan in what had been a sealed case and redactions appear in that order. The order confirms that the respondent in that case was issued monetary sanctions for having violated discovery requirements in a criminal case. The simple fact that the Bronx DA, the City of New York, and the NYPD jointly or separately and

illegally caused me to not to be provided a copy of the report by the NYPD that shows that the NYPD voided the charge of trespassing that was filed against me for my 12/26/17 arrest by the NYPD cements the fact that I was equally entitled to monetary discovery sanctions in K1 as part of a partial summary judgment motion. Earlier in this petition, I talked about Judge Zimmerman's decision in *People v. Beshiri* that he issued on 5/16/22. Kathryn Rubino summarized what that decision was about in a news article that she wrote that is entitled "Benchslapped! Lawyer F*cks Around with Deadlines, Finds Out the Court's Schedule Is Not Merely Advisory". A news organization named Above the Law published that article on 5/25/22 included a link to a copy of that decision in it. As reflected in that new article's title, that decision was about the fact that personnel of the Bronx DA routinely violated applicable deadlines in litigation and that Judge Zimmerman had been aware of that fact after he behaved as a deviant and cat's paw for the NYPD and Bronx DA in K4 partly by refusing to issue an order that would cause me to be provided the audit-trail records for the NYPD body-camera that Mr. Harris wore on 12/26/17.

44. *National Rifle Association of America v. Maria T. Vullo*, No. 21-636 (2d Cir. Sep. 22, 2022) confirms that **a)** government officials are required to address issues of public concern, **b)** the "First Amendment forbids government officials from "abridging the freedom of speech", **c)** "First Amendment rights may be violated by the chilling effect of governmental action that falls short of a direct prohibition against speech", and **d)** "Government officials may not engage in unjustified threats or coercion to stifle speech." *Morrow v. Bauersfeld*, No. 21-2928-cv (2d Cir. Nov. 22, 2022) uses "unjustified" as the operative word to describe adverse actions and confirms that "the temporal proximity between speech and an adverse action and" later "findings that the adverse action was unjustified" was among circumstantial evidence for a court to consider about

First Amendment retaliation. Morrow also addressed an instance in which “temporal proximity” for inferring First Amendment retaliation was established “where six months had elapsed and it was “plausible that the officers waited to exact their retaliation at an opportune time””. It’s my position that K1’s dismissal was pretextual First Amendment retaliation that was driven by impermissible intolerance by the DC about entirely valid complaints that I reported partly to it and partly about the USMS’ crimes about which the DC was legally required to intervene on my behalf, but illegally and prejudicially chose not to while being an accomplice of the USMS and CSOs about the USMS’ crimes by allowing that to pretextually persist in flagrant violation of **a)** my First Amendment rights, **b)** Ingraham v. Wright, 430 U.S. 651, 97 S. Ct. 1401, 51 L. Ed. 2d 711 (1977) (confirming that I was entitled to “obtain judicial relief for” unjustified intrusions on my “personal security”, **c)** In re Snyder, 472 U.S. 634, 647 (1985) (confirming that judges, CSOs, and USMS personnel are legally required to be courteous towards me), and **d)** Sheppard v. Maxwell, 384 U.S. 333, 86 S. Ct. 1507, 16 L. Ed. 2d 600 (1966) (confirming that judges are required to diligently, continuously, and objectively exercise proper control over all areas inside of courthouses that includes the behavior of those who are in them to avoid bedlam in them that may be prejudicial to the rights of parties in litigation). The findings in US v. Smith, 426 F.3d 567 (2d Cir. 2005) reinforce the findings in Sheppard concerning the legal duty that judges have to properly, objectively, and continuously exercise control of court instead of being deferential to the USMS and CSOs about that.

45. The information that I have incorporated by reference in this petition that is from my 5/15/22 filing in K1, my 6/2/22 and 11/30/21 filings in K7 overwhelmingly and clearly confirms that I have illegally, continuously, and prejudicially persecuted, provoked, stigmatized, and scapegoated, and discriminated against by USMS personnel, CSOs, and the DC that excuses the

entirety of all of remarks in legal filings that I filed in K1 largely because double-standards partly about behavior in courthouses is impermissible. United States v. Robinson, 635 F.2d 981 (2d Cir. 1980) confirms that judges don't have an unlimited ability to resist provocation. This is equally true about me. Monsky v. Moraghan, 127 F.3d 243 (2d Cir. 1997) confirms that **a**) "hostile action toward a litigant" may occur inside of courthouses that may be "so offensive as to effectively drive the litigant out of a courthouse and thereby become the" "equivalent of a denial of access" and **b**) "the plaintiff may well have experienced the emotional distress and humiliation that she has alleged."

46. The written transcript of the 9/26/18 court hearing in K6 (Dkt. 22) shows remarks that Judge Caproni made between line 24 on page 8 and line 2 on page 9 as she biasedly and prejudicially refused to uphold my right to not be stalked by CSOs inside of federal courthouses in New York City. That transcript also confirms that before she commented about that during that hearing, my attorney in K6 made remarks to her that are shown between line 22 on page 7 and line 13 on page 8 as he pointed out that CSOs were stalking me inside of federal courthouses in New York City at time that included while I would be in the immediate presence of my counsel in K5 as I would be conducting myself in a lawful manner. Hindsight confirms that Judge Caproni's subversive, biased, and insolent refusal during that 9/26/18 court hearing to intervene on my behalf against CSOs and the USMS partly by ordering the immediate termination of stalking of me by CSOs inside of federal courthouses while I conducted myself in a lawful manner was a precursor about the impermissible bias and prejudice against me that she would carry with her like how an untreated virus and cancer spreads and metastasizes throughout the entire time that she was assigned to K1.

47. When Judge Caproni stated the following in her 4/23/21 order in K1 in response to a recusal request that I submitted, she fraudulently and biasedly omitted the material fact that that K7 and K6 were also significantly about the fact that I was fraudulently accused by CSOs that included Mr. Morales of having attempted to assault him on 8/8/18 inside of DPM when he actually criminally assaulted me then instead and lied about that with CSO Manwai Lui as USMS personnel illegally covered-up closely related matters about that by illegally withholding and destroying video recording evidence from incidents inside of DPM dating back to March of 2018 that were recorded by video security cameras that the USMS controls that the USMS was legally required to preserve and cause me to be provided in K6 and K7:

"The criminal matter concerned Mr. Komatsu's alleged conduct with respect to SDNY Court Security Officers ("CSOs"). At the arraignment, in a discussion about the CSOs, the undersigned stated, "I will make sure that the CSOs understand that they should not attempt to engage in conversations with Mr. Komatsu about this case." Tr., 18-CR-671, Dkt. 22 at 8. The undersigned continued: "But, look, they have a job to do which is to protect the integrity of the courthouse. I'm not going to intervene in their doing their job which is to make sure that visitors to the courthouse behave themselves appropriately." *Id.* at 8-9. No reasonable person, knowing all the facts, would question the undersigned's impartiality based on this statement."

48. In a similar vein, the written transcript of the 12/14/21 court hearing in K1 confirms that Judge Lehrburger clearly revealed that he was impermissibly biased and prejudiced against me. That fact required his immediate recusal and disqualification from K1 before he issued a report in K1 in which he recommended the dismissal of K1. The following are specific remarks to which I just referred that Judge Lehrburger made during that 12/14/21 hearing that evince impermissible bias and prejudice against me in favor of CSOs and the USMS that hindsight confirms was baseless and unduly prejudicial:

"No, because there's not a history with each and every visitor that you have with interaction with law enforcement."

49. The preceding remarks by Judge Lehrburger appear between lines 14 and 16 on page 12 in that written transcript (Dkt. 252) as he made them in the context of a discussion that we had about the unduly prejudicial adverse effect on me inside of courthouses that ongoing stalking of me and other harassment of me by them was causing while I conducted myself in lawful manner at the same time that Judge Lehrburger, Judge Caproni, and other federal judges illegally countenanced such stalking and other harassment of me by CSOs and the USMS.

REASONS FOR GRANTING THE PETITION

1. The information that I have presented in this petition and otherwise incorporated by reference within it as though fully set forth herein sufficiently confirms the following:

a. No valid legal grounds existed for the NYPD to have arrested me on 12/26/17.

The text in the last paragraph on page 7 of the decision (Dkt. 191) that was issued on 3/31/21 in *Panchitkaew v. Nassau County*, No. 18-cv-00956 (LDH)(AKT) (E.D.N.Y. Mar. 31, 2021) reinforces this point. Despite the clear and logical findings in that paragraph, U.S. District Judge Paul Crotty issued an order (Dkt. 119) on 12/14/22 in *Baerga v. City of New York*, No. 21-cv-5762)(PAC)(S.D.N.Y.) in which he obstinately and irrationally refused to uphold core Fourth Amendment rights in New York City by allowing NYPD personnel to continue to pretextually kidnap people in New York City by fraudulently claiming that such kidnapping targets are EDP. This development warrants having this Court grant this petition and also grant an immediate restraining order against the City of New York that will restrain its personnel from engaging in such pretextual kidnapping and misdiagnosis of people as EDP. For this Court to agree with me about this, it need only review what it wrote in *O'connor v. Donaldson*, 422 U.S. 563, 95 S. Ct. 2486, 45 L. Ed. 2d 396 (1975) when it stated the following:

i. “May the State fence in the harmless mentally ill solely to save its citizens from exposure to those whose ways are different? One might as well ask if

the State, to avoid public unease, could incarcerate all who are physically unattractive or socially eccentric. Mere public intolerance or animosity cannot constitutionally justify the deprivation of a person's physical liberty."

ii. "a State cannot constitutionally confine without more a nondangerous individual who is capable of surviving safely in freedom by himself or with the help of willing and responsible family members or friends."

b. Although no valid legal grounds ever existed for the DC to direct me to issue a release that would grant access to my medical records, the DC did precisely that and that was plain error by it that warrants immediate reversal of K1's dismissal and reassignment of K1 to other judges to allow the appearance of justice to exist in K1. The DC illegally and prejudicially ignored the significance of what could be determined from the CCRB's 2/2/18 audio recording and the video from Mr. Harris' 12/26/17 video. The same is true about the fact that the DC ignored what was required of Mr. Harris and Mr. Perez by the NYPD's Patrol Guide concerning their interactions with me on 12/26/17.

c. The DC was estopped from penalizing me for how I responded in K1 to the USMS' crimes and the DC's refusal to intervene on my behalf about that.

d. It was appropriate for me to use K1 to pursue claims against the USMS for violating Judge Collins' sealing order in K4 and causing me to be pretextually provoked that prejudiced me in K1 that heavily contributed to K1's dismissal.

e. The sum and substance of the news article that Craig McCarthy wrote that the New York Post published on 12/8/20 that is entitled "NYPD Moves Ahead With Eric Adams' New Mental Illness Policy, Despite Lack of Training" sufficiently confirms that Mr. Harris wasn't qualified on 12/26/17 to claim that I was an EDP due to inadequate training.

f. The filings restrictions that were imposed on me in K1 were the result of impermissible scapegoating of me and First Amendment retaliation by the DC in violation of findings in *Brown v. Glines*, 444 U.S. 348, 100 S. Ct. 594, 62 L. Ed. 2d 540 (1980) and *Elrod v.*

Burns, 427 U.S. 347, 373 (1976) about the First Amendment right to petition and expressive association.

CONCLUSION

For the foregoing reasons, the following is entirely true and accurate:

1. The orders that the Second Circuit issued on 8/29/22 and 8/30/22 in K2 and K3 must be reversed. Also, the filing restrictions that the Second Circuit imposed on me in November of 2021 need to be immediately vacated.
2. The orders that the DC issued in K1 on 6/17/22 (Pet. App. 6a-10a), 4/23/21, 4/14/21, and 2/16/21 must be reversed. Also, the DC needs to be reassigned to new judges to allow for an appearance of justice to exist in K1.

Respectfully submitted,



Date: January 3, 2023

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