No. 22-682

In the Supreme Court of the United States

TIANGE HUANG, et. al.,
Petitioners,

v.

NGOC BACH PHAN; VINH CHE; KHANH CHE,
Respondents,

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

PETITION FOR WRIT OF CERTIORARI

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Petitioners

Twenty-sixth day of December, MMXXII

QUESTIONS PRESENTED

1. Article I of the United States Constitution provides all legislative Powers therein granted shall be vested in a Congress of the United States. Do Article III Courts have the power to judicially rewrite laws to conform with a judge's views?

2. The Third Branch is without legislative power. (insert citations here) In *Lujan* v. *Defenders of Wildlife*, 504 U.S. 565 (1992), this Court failed to consider the provisions stated in Article I of the United States Constitution, and de facto amended a congressional enactment without examination of its constitutionality. Should this Court overrule *Lujan* and *TransUnion LLC* v. *Ramirez*, 141 S. Ct. 1682 (2021) and hold that the Constitution and Acts of Congress shall be construed as written absent ambiguity?

3. Can a non-attorney incompetent adult person represent another incompetent person before United States Courts?

PARTIES TO THE PROCEEDING

Petitioners, and plaintiff-appellants below, are Tiange Huang, Qiuyuan Huang, and Jing Lin.

Respondents, and defendant-appellees below, are Ngoc Bach Phan, Vinh Che, and Dr. Khanh Che, M.D.

RELATED PROCEEDINGS

United States District Court (E.D. Pa.):

Qiuyuan Huang; Jing Lin; and Tiange Huang v. *Ngoc Bach Phan; Vinh Che; and Khanh Che*, No. 21-cv-0057-PD (May 26, 2021) (order granting motion to dismiss)

United States Court of Appeals (3rd Cir.):

Qiuyuan Huang; Jing Lin; and Tiange Huang v. *Ngoc Bach Phan; Vinh Che; and Khanh Che*, No. 21-2040 (July 14, 2022) (opinion)

Qiuyuan Huang; Jing Lin; and Tiange Huang v. *Ngoc Bach Phan; Vinh Che; and Khanh Che*, No. 21-2040 (Oct. 4, 2022) (sur petition for rehearing, en banc rehearing denied)

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The Third Circuit's opinion is reproduced in the Appendix at App.1-7. The Eastern District of Pennsylvania's order is reproduced in the Appendix at App.10-16.

JURISDICTION

The Third Circuit's judgment was entered July 14, 2022. The Third Circuit denied rehearing on October 4, 2022. App.8-9. This Court has jurisdiction under 28 U.S.C. § 1254(1).

RULE 29.4(b) STATEMENT

Pursuant to Supreme Court Rule 29.4(b), 28 U.S.C. § 2406(a) may apply and service has been made on the Solicitor General of the United States, 950 Pennsylvania Ave., N.W., Washington, DC 20530-0001.

STATUTORY PROVISIONS INVOLVED

The pertinent constitutional provisions involved are first, § 8 of Article I of the United States Constitution:

> The Congress shall have Power To lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts an provide for the common

Defence and general Welfare of the United States; but all Duties, Imposts and Excises shall be uniform throughout the United States;

To borrow Money on the credit of the United States;

To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes;

To establish an uniform Rule of Naturalization, and uniform Laws on the subject of Bankruptcies throughout the United States;

To coin Money, regulate the Value thereof, and of foreign Coin, and fix the standard of Weights a nd Measures;

To provide for the Punishment of counterfeiting the Securities and current Coin of the United States;

To establish Post Offices and post Roads;

To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries;

To constitute Tribunals inferior to the supreme Court;

To define and punish Piracies and Felonies committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant Letters of Marque and Reprisal, and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two Years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining, the Militia, and for governing such Part of them as may be employed in the Service of the United States, reserving to the States respectively, the Appointment of the Officers, and the Authority of training the Militia according to the discipline prescribed by Congress;

To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square) as may, by Cession of particular States, and the Acceptance of Congress, become the seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And

To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

U.S.Const. Art. I, § 8.

And finally, § 2 of Article III of the United States Constitution:

> The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the United States, and Treaties made, or which shall be made, under their Authority;—to all Cases affecting Ambassadors, other public Ministers and Consuls;—to all Cases of admiralty and maritime Jurisdiction;—to Controversies to which the United States shall be a Party;—to Controversies between two or more States;—between a State and Citizens of another State,—between Citizens of different States,—between Citizens of the same State claiming Lands under Grants of different States, and between a State, or the Citizens thereof, and foreign States, Citizens or subjects.
>
> In all Cases affecting Ambassadors, other public Ministers and Consuls, and those in which a State shall be Party, the supreme Court shall have original Jurisdiction. In all the other Cases before mentioned, the supreme Court shall have appellate Jurisdiction, both as to Law and Fact, with such Exceptions, and under such Regulations as the Congress shall make.
>
> The Trial of all Crimes, except in Cases of Impeachment, shall be by Jury; and such Trial shall be held in the State where the said Crimes shall have been committed; but when not committed within any state, the Trial shall be at such Place or Places as the Congress may by Law have directed.

U.S.Const. Art. III, § 2.

The first statutory provision pertinent to this case is § 1018 of Title X of the Residential Lead-Based Paint Hazards Reduction Act of 1992:

> (a) Lead Disclosure in Purchase and Sale or Lease of Target Housing, —
>
> (1) Lead-based paint hazards. Not later than 2 years after the date of enactment of this Act, the secretary and the Administrator of the Environmental Protection Agency shall promulgate regulations under this section for the disclosure of lead-based paint hazards in target housing which is offered for sale or lease. The regulations shall require that, before the purchaser or lessee is obligated under any contract to purchase or lease the housing, the seller or lessor shall —
>
> (A) provide the purchaser or lessee with a lead hazard information pamphlet, as proscribed by the Administrator of the Environmental Protection Agency under section 406 of the Toxic Substances Control Act;
>
> (B) disclose to the purchaser or lessee the presence of any known lead-based paint, or any known lead-based paint hazards, in such housing and provide to the purchaser or lessee any lead hazard evaluation report available to the seller or lessor; and
>
> (C) permit the purchaser a 10-day period (unless the parties mutually agree upon a different period of time) to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(2) Contract for purchase and sale. Regulations promulgated under this section shall provide that every contract or the purchase and sale of any interest in target housing shall contain a Lead Warning Statement and a statement signed by the purchaser that the purchaser has —

(A) read the Lead Warning Statement and understands its contents;

(B) Received a lead hazard information pamphlet; and

(C) Had a 10-day opportunity (unless the parties mutually agreed upon a different period of time) before coming obliged under the contract to purchase the housing to conduct a risk assessment or inspection for the presence of lead-based paint hazards.

(3) Contents of lead warning statement. The Lead Warning Statement shall contain the following text printed in large type on a separate sheet of paper attached to the contract:

"Every purchaser of any interest in residential real property on which a residential dwelling was built prior to 1978 is notified that such property may present exposure to lead from lead-based paint that may place young children at risk of developing lead poisoning. Lead poisoning in young children may produce permanent neurological damage, including learning disabilities, reduced intelligence quotient, behavioral problems, and impaired memory. Lead poisoning may also poses a particular risk to pregnant women. The seller of any interest in residential real property is

required to provide the buyer with any information on lead-based paint hazards from risk assessments or inspections in the seller's possession and notify the buyer of any known lead-based paint hazards. A risk assessment or inspection for possible lead-based paint hazards is recommended prior to purchase.".

(4) Compliance Assurance. Whenever a seller or lessor has entered into a contract with an agent for the purpose of selling or leasing a unit of target housing, the regulations promulgated under this section shall require the agent, on behalf of the seller or lessor, to ensure compliance with the requirements of this section.

(5) Promulgation. A suit may be brought against the secretary of Housing and Urban Development and the Administrator of the Environmental Protection Agency under section 20 of the Toxic Substances Control Act to compel promulgation of the regulations required under this section and the Federal district court shall have jurisdiction to order such promulgation.

(b) Penalties for Violations. —

(1) Monetary penalty. Any person who knowingly violates the provisions of this section shall be subject to civil money penalties in accordance with the provisions of section 102 of the Department of Housing and Urban Development Reform Act of 1989 (42 U.S.C. 3545).

(2) Action by Secretary. The Secretary is authorized to take such lawful action as may be necessary to enjoin any violation of this section.

(3) Civil liability. Any person who knowingly violates the provisions of this section shall be jointly and severally liable to the purchaser or lessee in an amount equal to 3 times the amount of damages incurred by such individual.

(4) Costs. In any civil action brought for damages pursuant to paragraph (3), the appropriate court may aware court costs to the party commencing such action, together with reasonable attorney fees and any expert witness fess, if that party prevails.

(5) Prohibited act. It shall be a prohibited act under section 409 of the Toxic Substances Control Act for any person to fail or refuse to comply with a provision of this section or with any rule or order issued under this section. For purposes of enforcing this section under the Toxic Substances Control Act, the penalty for each violation applicable under section 16 of that Act shall not be more than $10,000.

(c) Validity of Contracts and Liens. Nothing in this section shall affect the validity or enforceability of any sale or contract for the purchase and sale or lease of any interest in residential real property or any loan, loan agreement, mortgage, or lien made or arising in connection with a mortgage loan, nor shall anything in this section create a defect in title.

(d) Effective Date. The regulations under this section shall take effect 3 years after the date of the enactment of this title.

42 U.S.C. § 4852d.

Second, § 409 of the Toxic Substances Control Act:

> It shall be unlawful for any person to fail or refuse to comply with a provision of this subchapter or with any rule or order issued under this subchapter.

15 U.S.C. § 2689.

And finally, § 20 of the Toxic Substances Control Act:

> (a) In general
>
> Except as provided in subsection (b), any person may commence a civil action—
>
> (1) against any person (including (A) the United States, and (B) any other governmental instrumentality or agency to the extent permitted by the eleventh amendment to the Constitution) who is alleged to be in violation of this chapter or any rule promulgated under section 2603, 2604, or 2605 of this title, or subchapter II or IV, or order issued under section 2603 or 2604 of this title or subchapter II or IV to restrain such violation, or
>
> (2) against the Administrator to compel the Administrator to perform any act or duty under this chapter which is not discretionary.
>
> Any civil action under paragraph (1) shall be brought in the United States district court for the district in which the alleged violation occurred or in which the defendant resides or in

which the defendant's principal place of business is located. Any action brought under paragraph (2) shall be brought in the United States District Court for the District of Columbia, or the United States district court for the judicial district in which the plaintiff is domiciled. The district courts of the United States shall have jurisdiction over suits brought under this section, without regard to the amount in controversy or the citizenship of the parties. In any civil action under this subsection process may be served on a defendant in any judicial district in which the defendant resides or may be found and subpoenas for witnesses may be served in any judicial district.

(b) Limitation

No civil action may be commenced—

(1) under subsection (a)(1) to restrain a violation of this chapter or rule or order under this chapter—

(A) before the expiration of 60 days after the plaintiff has given notice of such violation (i) to the Administrator, and (ii) to the person who is alleged to have committed such violation, or

(B) if the Administrator has commenced and is diligently prosecuting a proceeding for the issuance of an order under section 2615(a)(2) of this title to require compliance with this chapter or with such rule or order or if the Attorney General has commenced and is diligently prosecuting a civil action in a court of the United States to require compliance with this chapter or with such rule or order, but if such proceeding or civil action is commenced after the giving of

notice, any person giving such notice may intervene as a matter of right in such proceeding or action;

(2) under subsection (a)(2) before the expiration of 60 days after the plaintiff has given notice to the Administrator of the alleged failure of the Administrator to perform an act or duty which is the basis for such action or, in the case of an action under such subsection for the failure of the Administrator to file an action under section 2606 of this title, before the expiration of ten days after such notification, except that no prior notification shall be required in the case of a civil action brought to compel a decision by the Administrator pursuant to section 2617(f)(3)(B) of this title; or

(3) in the case of a civil action brought to compel a decision by the Administrator pursuant to section 2617(f)(3)(B) of this title, after the date that is 60 days after the deadline specified in section 2617(f)(3)(B) of this title.

Notice under this subsection shall be given in such manner as the Administrator shall prescribe by rule.

(c) General

(1) In any action under this section, the Administrator, if not a party, may intervene as a matter of right.

(2) The court, in issuing any final order in any action brought pursuant to subsection (a), may award costs of suit and reasonable fees for attorneys and expert witnesses if the court determines that such an award is appropriate.

Any court, in issuing its decision in an action brought to review such an order, may award costs of suit and reasonable fees for attorneys if the court determines that such an award is appropriate.

(3) Nothing in this section shall restrict any right which any person (or class of persons) may have under any statute or common law to seek enforcement of this chapter or any rule or order under this chapter or to seek any other relief.

(d) Consolidation

When two or more civil actions brought under subsection (a) involving the same defendant and the same issues or violations are pending in two or more judicial districts, such pending actions, upon application of such defendants to such actions which is made to a court in which any such action is brought, may, if such court in its discretion so decides, be consolidated for trial by order (issued after giving all parties reasonable notice and opportunity to be heard) of such court and tried in-

(1) any district which is selected by such defendant and in which one of such actions is pending,

(2) a district which is agreed upon by stipulation between all the parties to such actions and in which one of such actions is pending, or

(3) a district which is selected by the court and in which one of such actions is pending.

The court issuing such an order shall give prompt notification of the order to the other

courts in which the civil actions consolidated under the order are pending.

15 U.S.C. § 2619.

The regulations pertinent to this case 24 C.F.R. Pt. 35, Sbpt. A, and 40 C.F.R. Pt. 745, Sbpt. F, may be found respectively in Appendix D at App.17-31, and E at App.32-46, to this petition.

INTRODUCTION

"We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America." Preamble, United States Constitution.

The legislative Power is vested in Congress. U.S.Const. Art. I, § 1. Congress has the Power to provide for through legislation, the general Welfare of the United States, and through further necessary and proper legislation to ensure theretofore legislation providing for the general Welfare of the United States be executed. *Ibid,* § 8.

"The judicial Power of the United States, shall be vested in one supreme Court, and in such inferior Courts as the Congress may from time to time ordain and establish." U.S. Const. Art. III, § 1. "The judicial Power shall extend to all Cases, in Law and Equity, arising under this Constitution, the Laws of the

United States[;]—to Controversies ... between Citizens of different states[.]" *Ibid*, § 2.

"Where a law is plain and unambiguous," as Justice Washington recognized, "whether it be expressed in general or limited terms, the legislature should be intended to mean what they have plainly expressed, and consequently no room is left for construction." *United States* v. *Fisher*, 6 U.S. 358, 399–400 (1805). Justice Black in *Sinclair Refining Co.* v. *Atkinson*, 370 U.S. 195, 203 (1962) pronounced the Court "cannot ignore the plain import of a congressional enactment, particularly one which, as we have repeatedly said, was deliberately drafted in the broadest of terms in order to avoid danger that it would be narrowed by judicial construction." This stance remains standing to this day, with Justice Scalia and Justice Stevens affirming such stance respectively recently in *Zuni Public School District No. 89* v. *Department of Education*, 550 U.S. 81, 108 (2007) (Scalia, J., dissenting, with Robert, Thomas, and Souter, JJ., joined) and *Bell Atl. Corp.* v. *Twombly*, 550 U.S. 544, 596 (2007) (Stevens J., dissent)

Yet *Lujan* v. *Defenders of Wildlife*, 504 U.S. 565 (1992) invalidated a statute (largely identical to one pertinent statute in this instant case), effectively exercising legislative Powers. Without first examining the constitutional authorities of Congress, this Court refused to enforce and take the pertinent congressional enactment in *Lujan* as is, rather constructed upon said enactment despite its lack of ambiguity. Despite this Justice Scalia's stance in *Lujan*, Justice Scalia continued to uphold the correct

standard aforementioned, holding when a statute is without ambiguity, construction by the courts is prohibited. *Zuni*, 550 U.S. 81, 108 (2007). *Lujan* and *TransUnion* theretofore create a double standard for reviews by this Court and courts inferior theretofore.

When Article III an institution wish to dismiss a party in a civil action petitioning said Article III institution to construct a statute in a manner inconsistent with a statute in a case .or controversy reviewed, the institution will rely on the relevant caselaw of this Court to support its decision. However, when an Article III institution does not want to hear a case and wants to act inconsistent with a congressional enactment, they will freely do so by constructing the statute, and departing so far resultant a pertinent congressional enactment judicially rewritten and amended. And they will do so whilst citing *Lujan*, *TransUnion,* and/or *Bell Atl. Corp.* as authoritative support. Such results in the frequent distribution of publick injustice. To ensure the proper distribution of publick justice, there shall be only one standard, and only with a uniform standard can ensure consistent distribution of publick justice to the people.

Previous rulings rendered by inferior courts in the instant case ignored and jettisoned the plain import of a congressional enactment. Despite the plain language and the lack of ambiguity, the inferior courts nevertheless ruled Petitioners were without standing to bring suit. Such effectively rendering the inferior courts distributing injustice. United States Courts are not venues for the distribution of publick

injustice. This Court must stop and end the courts' distribution of publick injustice.

Respondents violated the Residential Lead-Based Paint Hazard Reduction Act of 1992. Why is it important to restrain the Respondents and other violators from further violating the 1992 Act? Because the effect of lead exposure and ingestion is widespread in society. Lead negatively impacts the general Welfare of the United States. Continuing to violate said act will directly cause more citizens to be exposed to lead. As a direct result, victims will cause more violent criminal incidents due to the exposure to said chemical, aforementioned, negatively impact the general Welfare. *Post.* 38–40. Furthermore, lead can kill. Failure of the courts to issue injunctions will create an atmosphere which will encourage violators to continue violate such important law and commit unlawful acts. Such behavior of the inferior courts has set a very dangerous precedence into motion. This Court should grant certiorari.

STATEMENT OF THE CASE

Petitioners filed this action in 2020. Until this litigation, Respondents lease and continue to lease over a dozen residential dwellings ("subject Properties") subject to the Residential Lead-Based Paint Hazard Reduction Act of 1992 (RLBPHRA), 42 U.S.C. § 4851 *et seq*. Violation of the RLBPHRA is a violation of the Toxic Substances Control Act (TSCA), 15 U.S.C. § 2601, *et seq.*, pursuant to 42 U.S.C. § 4852d(b)(5). Respondents in their Motion to Dismiss

conceded to the violations. Nevertheless, the inferior courts failed to acknowledge such infamous violations. Pursuant to 15 U.S.C. § 2619, Petitioner Tiange Huang issued a Notice of Violations to all Respondents and the Administrator of the Environmental Protection Agency (EPA) on October 18, 2020, with a courtesy copy to the Attorney General of the United States. Petitioners filed the original Complaint on January 5, 2021.

A. History of Respondents' Violations

Upon discovery of and in light of the Respondents' violation of the RLBPHRA, Petitioner Tiange Huang initiated an investigation into Respondents' violations. (The investigation remains ongoing. Petitioner Tiange Huang determined existing available violative history and evidence of unlawful acts are sufficient to bring action.) Per his investigation, Tiange Huang discovered that Respondents actively engaged in and participated in active concert leasing of over a dozen dwellings located in Delaware, Montgomery, and Philadelphia Counties in the Commonwealth of Pennsylvania. Tiange Huang discovered Respondents violated the RLBPHRA dating back to at least 2014 through present. Respondents failed to comply with the rules promulgated pursuant to the RLBPHRA.

The RLBPHRA and its implementing regulations, found at 24 C.F.R. Pt. 35, Sbpt. A, and 40 C.F.R. Pt. 745, Sbpt. F, require, inter alia, lessors and agents to disclose and include when a new lease

is entered into for residential dwellings constructed prior to 1978: 1) any known information concerning lead-based paint and lead-based paint hazards; 2) any records or reports available to the lessors pertaining to lead-based paint and lead-based paint hazards; 3) a lead hazard information pamphlet approved by the EPA; 4) a lead warning statement containing specific language prescribed by 42 U.S.C. § 4852d; 5) a statement disclosing the presence of known lead-based paint and lead-based paint hazards or a statement disclosing lack of knowledge of said information; 6) a list of any records or reports pertaining to lead-based paint and lead-based paint hazards that have been provided to the lessee or a statement indicating the lack of such; 7) a statement by the tenant affirming receipt of the information heretofore; and 8) the signatures of the lessors and agents attesting and certifying to the accuracy and completeness of their required disclosures, and signatures of the lessees attesting to their receipt of the required disclosures, along with the dates of all parties' signatures.

In short, in order to satisfy the requirements of the RLBPHRA, all 8 strict elements of disclosure activities must be fulfilled, otherwise would be an unlawful act. Respondents violated the RLBPHRA. *Ante* at 17.

B. Respondents' Response to This Lawsuit; Pertinent Evidence

In January 2021, Petitioners sued respondents Ngoc Bach Phan, Vinh Che, and Khanh Che in the

Eastern District of Pennsylvania for violations of the RLBPHRA and TSCA. Respondents soon moved to dismiss the case. CA3.App'x (JA) 28.

Respondents moved to dismiss on the grounds of res judicata, Rooker-Feldman (the former and latter collectively based on a void judgment from a jurisdiction deficient state tribunal. *See* JA.28–34;100–109), and failure to state a claim. Respondents conceded to violations of the RLBPHRA and TSCA in the process, stating "[the subject property] was built before 1978. In fact, Mr. Ngoc disclosed this fact to Mr. Huang in the Residential Lease." JA.28. (Errors in original). Respondents also submitted evidence to prove and support their unlawful acts and violations. *See* JA.52. While prima facie appears to be in compliance, the implementing regulations of the RLBPHRA requires the disclosure of information and reports material to lead-based paint or lead-based paint hazards. Disclosure of exclusively the year built is immaterial to the RLBPHRA. Such exclusivity resulted in an unlawful act and violation of the RLBPHRA. A violation of the RLBPHRA is a violation of the TSCA. Wherefore, inter alia, 15. U.S.C. § 2619 is invoked as a cause of action among the causes.

C. Lower Court Rulings

In May 2020, the district court entered judgment for Respondents. Inter alia, 15. U.S.C. § 2619 was one of out of the many basis for cause of action. 15 U.S.C. § 2619(a)(1). The district court held

Petitioners were without standing for pertinent parts arising under section 2619.

The district court held "[Petitioners] are thus foreclosed from obtaining the relief sough under the TSCA, as they no longer live at [Respondents'] property" App.14, despite § 20 of the TSCA, 15 U.S.C. § 2619 plainly states "*any person* may commence a civil action" except in cases 60-day advance notice was not given to the violators and the Administrator of EPA. *Ibid.* (emphasis added)

Regarding the RLBPHRA, the district court first held Petitioners Tiange Huang and Jing Lin were without standing under the RLBPHRA. The district court held the only damages covered by the RLBPHRA are physical injuries, resultant in the district court judicially amended the RLBPHRA, narrowing the scope of "damages" otherwise broad scope by the statute's nature. No part of the RLBPHRA legislative text restricts violators' liabilities to physical injuries. The district court finally held that Petitioners failed to plead any factual allegations.[1] It is worth noting the Complaint filed is similar to those filed by the Department of Justice filed in similar cases involving the same issues with different defendants.

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[1] It is impossible for courts to determine whether an allegation is factual or not at the pleadings stage. Such determination is only possible at trial. An allegation may be true, but a court may render it "not factual," or an allegation may be false, but it appears factual. (True=factual. False≠factual.) Either produces injustice to litigants. Resultant too much power overly prone to abuse by bad judges. Such practice permits judges to act at heart's content, rather than judge the merits.

The Third Circuit affirmed. Although the Third Circuit held the district court incorrectly held Petitioners Tiange Huang and Jing Lin had standing under the RLBPHRA (*see* n.1 at App.5), otherwise nevertheless a mere recitation of the district court's intellectually bankrupt findings. The Third Circuit denied en banc rehearing.

REASONS FOR GRANTING THE PETITION

The Court should hear this case for three independent reasons.

Firſt, *Lujan* and *TransUnion* should be overruled. *Lujan*'s core holding—a citizen-suit provision would authorize Congress to transfer from the President to the courts the Chief Executive's executive powers—is plainly wrong. *Lujan* at 577. *See also TransUnion* v. *Ramirez*, 594 U.S. ____ (2021), (slip op., at 13). It satisfies all criteria that this Court considers when overruling precedents. Only this Court can overrule its own precedent, and whether to overrule *Lujan* and *TransUnion* is "an important question of federal law that has not been, but should be, settled by this Court." S.Ct.R. 10(c). That question was not raised prior to this litigation. This case is the ideal vehicle for this Court to reconsider *Lujan*, given the identical citizen-suit provision present in this case and in *Lujan*, and *TransUnion* due to their outrageous narrowing of the scope of Article III.

Second, the Third Branch must give statutes full force absent ambiguity. In recent years, the

institutions of the Third Branch have been overly keen to construct upon unambiguous laws. Such sets a very dangerous precedent that must be enjoined. Both cases are classic examples of the Third Branch's favorability towards construction relying on caselaw rather than respecting the plain imports of the statutory text. They are a classic amongst the latest trends. Only this Court has full authority and may bind the courts inferior heretofore from further constructing unambiguous laws. Too often, inferior courts plunge deep into caselaw, and fail to examine the plain import of and respect the statutory text, *first*. Many times, resultant in the misconstruction of the statutory text. Laws must be applied equally. (Justice.) *Lujan* and *TransUnion* patently violated such principles whilst reading the Constitution. *Lujan* was the start of a dangerous trend, and *TransUnion* dug deeper into a dangerous rabbit hole. Any departure from the meaning of statutory text results in unequal applications and creates wholly avoidable injustice.

Finally, the final question presented in this case, can a non-attorney incompetent adult person represent another incompetent person before United States Courts? The Third Circuit failed to answer this question. Wherefore, such important question must, unfortunately, be readdressed by this Court.

I. This Court should grant certiorari to consider overruling Lujan and TransUnion.

Overruling precedent is always serious, "[b]ut *stare decisis* is not an inexorable command."

Franchise Tax Bd. of Calif. v. *Hyatt*, 139 S.Ct. 1485, 1499 (2019) (cleaned up). This Court considers overruling a precedent virtually every Term, many of this Court's "most notable and consequential decisions" overruled precedent, and almost "every current Member of this Court" voted to overrule "multiple constitutional precedents" in "just the last few Terms." *Ramos* v. *Louisiana*, 140 S.Ct. 1390, 1411 (2020) (Kavanaugh, J., concurring in part) (collecting cases). That's because stare decisis "'is at its weakest when [this Court] interpret[s] the Constitution,'" as it did in *Lujan* and *TransUnion*. *Knick* v. *Twp. of Scott*, 139 S.Ct. 2162, 2177 (2019).

When deciding whether to overrule a precedent, this Court considers "a number of factors." *Hyatt III*, 139 S.Ct. at 1499. Those factors can be organized into "three broad considerations":

1. Is the prior decision "not just wrong, but grievously or egregiously wrong"?

2. Has the prior decision "caused significant negative jurisprudential or real-world consequences"?

3. Would overruling the prior decision "unduly upset reliance interests"?

Ramos, 140 S.Ct. at 1414-15 (Kavanaugh, J., concurring in part). These considerations all point in the same direction here: *Lujan* and *TransUnion* should be overruled.

A. *Lujan* and *TransUnion* were grievously wrong.

Lujan was wrong the day it was decided, and *TransUnion* was further so. Despite reaffirming the Powers of the judicial branch of the United States Government, *Lujan* held that in order for the plaintiff to have standing, "[t]he plaintiff must have suffered an "injury in fact"—an invasion of a legally protected interest which is (a) concrete and particularized," 504 U.S. 555, 560. "By particularized, [the Court means] that the injury must affect the plaintiff in a personal and individual way." *Ibid,* 560 n.1. *TransUnion* amended deeper into a rabbit hole Article III's "Cases" and "Controversies" to "Cases" and "Controversies" which the plaintiff have a "personal stake." *Also see TransUnion,* 594 U.S. ____ (2021) (slip op. at 7). That holding departs too far from the Constitution's original meaning, and is inconsistent with other precedents, and has no true defenders. The courts may not act in such manner.

It is the consistent and universal holding under the American jurisprudence, courts cannot amend, alter, nor change a constitution, nor of the several departments of the several governments of the United States nor the several States do so, unless in the manner prescribed by the respective material constitution. *Arizona* v. *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 34 (2013) (Thomas, J., dissenting); *Steele* v. *Thurston*, 2020 Ark. 320, 365 (Ark. 2020); *Hart* v. *Jordan*, 14 Cal.2d 288, 291 (Cal. 1939); *McGovern* v. *Mitchell,* 78 Conn. 536, 569 (Conn. 1906); *Cohn* v. *Kingsley*, 5 Idaho 416, 439, 49 P. 985, 993 (Id. 1897); *In re Matthews*, 333 So. 3d 422, 427

(La. 2022); *Ferguson* v. *Wilcox*, 28 S.W.2d 526, 533 (Tex. 1930); *City of Fort Worth* v. *Rylie*, 602 S.W.3d 459, 468 (Tex. 2020).

Section 2 of Article III of the United States Constitution, *does not* restrain the United States Courts' Power to extend *only* cases or controversies in which a plaintiff have a personal stake in any judicial Case, nor does the provisions contained in section 2 even suggest so. Not even slightly. Constructing upon the provision without shrinking or expanding the scope of the text is permitted. However, to the extent a court narrows or expands the plain import and scope of the unambiguous provisions, the courts' usurpation of power ripen. It is exactly such usurpation the *Lujan* and *TransUnion* Courts committed. And as aforementioned, such acts are not within the Powers vested by the United States Constitution in the Courts.

Justice Lamar wrote, "[t]o get at the thought or meaning expressed in a statute, a contract or a constitution, the first resort, in all cases, is to the natural signification of the words, in the order of grammatical arrangement in which the framers of the instrument have placed them." *Lake County* v. *Rollins*, 130 U.S. 662, 670 (1889). "If the words convey a definite meaning which involves no absurdity, nor any contradiction of other parts of the instrument, then that meaning, apparent on the face of the instrument, *must* be accepted, and *neither* the courts *nor* the legislature have the right to add to it or take from it." *Ibid.* (emphasis added.)

The holdings of *Lujan* and pertinent precedents omitted in *Lujan*, created "irreducible constitutional minimum[s] of standing", that in applicable times, undermines certain provisions of the United States Constitution. *Lujan*, 504 U.S. at 560. Amending the Constitution is not amongst the Powers of the several Courts under Article III, "this Court does not have the power to alter the terms of the Constitution." *Arizona* v. *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 34 (2013) (Thomas, J., dissenting). The *Lujan* and *TransUnion* Courts, and many pertinent precedents relied upon (by *Lujan* and *TransUnion*), did exactly such (altered the Constitution). For that reason alone is sufficiently compelling to overrule *Lujan* and *TransUnion* (as those cases *created* numerous additional "minimums" to standing which is overly narrow compared to the plain import of the constitutional provisions in Article III).

There are only two irreducible constitutional minimums of standing under Article III, which may be derived from the plain provision text: 1) whether publick justice is distributable (ability to exercise the judicial Power), and 2) a Case in Law and Equity arising under the supreme Law of the Land, the Constitution, and the Laws of the United States, inter alia, or Controversies outlined in the second section of Article III. Creating additional minimums is beyond the judicial Power, and plainly alters the terms of the Constitution, which no department of the government is vested with such power to do. *Denn* v. *Reid*, 10 Pet. 524 (1836); *Doggett* v. *Florida Railroad*, 99 U.S. 72 (1878); *Carlton et al.* v. *Matthews*, 103 Fla. 301, 381-82 (Fla. 1931); *Moore et*

Ux. v. *Love*, 171 Tenn. 682, 693 (Tenn. 1937). The one supreme Court, and such inferior Courts which Congress has ordained and established over time, *must* extend their judicial Power "to *all Cases, in Law and Equity*." U.S.Const. Art. III, § 2. (emphasis added). Wherefore, any ruling by any Court of the United States narrowing the scope of "Cases" and "Controversies" is unconstitutional and invalid. (Unconstitutional rulings must be overruled.)

Despite the unambiguous language and the prior and continuing holding of this Court in absence of ambiguity, the courts must give it full force, *Lujan* further held that the citizen-suit provision would "transfer from the President to the Courts" the executive Powers, an element missing from the law. 504 U.S. 555 at 577. Such holding departs from the Constitution's and citizen-suit provision's unambiguous plain import. Perhaps the *Lujan* Court forgot Congress has the Power "[t]o make all Laws which shall be necessary and property for carrying into Execution" of legislation the Congress was empowered to provide. U.S.Const. Art. I, § 8. The Powers of the Congress include, but not limited to, inter alia, the "Power to ... provide for the ... general Welfare of the United States." Such holding has once more departed too far from the Constitution's plain import. "The Constitution is ... the supreme law of the land" *Vanhorne* v. *Dorrance*, 2 U.S. 304, 308 (1795) (Paterson, J.); *see also Anderson* v. *Wilson*, 289, U.S. 20, 27 (1933). As Chief Justice Roberts wrote, "[i]f the statutory language is plain, we must enforce it according to its terms." *King* v. *Burwell*, 576 U.S. 473, 486 (2015) Chief Justice Roberts seems to have

abandoned this very principle he personally held when he joined the majority in *TransUnion*. (This case would present a great opportunity for the Chief Justice to recoup his correct principles.)

Although everyone may concede not every Act of Congress may be enacted within the Powers of Congress, perhaps the Third Branch should not be too rushed to jump into the conclusion that a citizen-suit provision would transfer the executive Power from the Second Branch to the Third. Congress is empowered to prescribe how laws may be executed, and how to execute Powers vested in Congress.[2] U.S. Const. Art. I, § 8.

A citizen-suit provision does *not* deprive of the Second Branch's "duty, to take Care that the Laws be faithfully executed." *Lujan* at 577. Wherefore, it does not "transfer" executive Powers to the courts, because the executive Powers were not deprived of from the Executive, but rather an avenue for any person to participate in the enforcement of the law, as a backup to the Second Branch, as Congress deemed it necessary.[3] *Post* at 39. At times, the Executive couldn't take care of the law due to

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[2] Inter alia, one of the Powers vested in Congress, is to make all Laws which shall be necessary and proper for carrying into Execution those Powers vested by the Constitution in Congress, and all other Powers vested by the Constitution in the Government of the United States. U.S. Const. Art.I, § 8.

[3] The executive have a limited workforce, wherefore Congress determined a citizens' suit provision would be adequate as it provides a remedy if the executives are lax in carrying out its duties. *Committee on Commerce on S. 3149*, S. Rept. 94-698, 28 (Mar. 16, 1978); *confra Post* at 39.

physical constraints, and certain Powers exercised by Congress need to be Executed in other forms without vesting new Powers to other branches of the Government. Hence Congress created citizen-suit provisions. Most importantly, a citizen-suit provision does not open the door for the Third Branch to prosecute a case.

This Court is not free to rewrite the statutory text. *McNeil* v. *United States*, 508 U.S. 106, 111 (1993); *also Yates* v. *United States*, 574 U.S. 528, 570 (2015) (Kagen, J., dissenting) "[W]hen the statute's language is plain, the sole function of the courts — at least where the disposition required by the text is not absurd — is to enforce it according to its terms." (internal quotation marks omitted) *Dodd* v. *United States*, 545 U.S. 353, 359 (2005) (citing *Hartford Underwriters Ins. Co.* v. *Union Planters Bank, N.A.*, 530 U.S. 1, 6 (2000)) Furthermore, nothing in the text of Article III of the Constitution narrows the scope of "the province of the courts to solely deciding on the rights of individuals." *Marbury* v. *Madison*, 1 Cranch 137, 170 (1803). Such holding would alter the text of the Constitution, which this Court is without the Power to do, otherwise would usurp the Powers vested. *Arizona* v. *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 34 (2013) (Thomas, J., dissenting). Wherefore, previous holdings of the same nature must be overruled.

If a citizen-suit provision would enable Congress "transfer" the executive Powers to the courts, then all criminal and civil Cases in which an Executive body shall be a commencing party would be effectively Powers transferred to the courts. If such were to be

true as advocated by *Lujan* and *TransUnion*, then what is the purpose for the existence of the Courts? Facts tell us such is not true. The Executives initiate and prosecute numerous new criminal and civil Cases in the Third Branch every day. Perhaps this Court would argue if it chuse to uphold *Lujan* and *TransUnion*, the Executive is transferring the executive Powers to the courts daily.

In the pertinent Act of Congress in this instant case, its citizen-suit provision is "intended to provide a remedy if the [Executive] is lax in carrying out his duties under [the TSCA]." *Committee on Commerce on S. 3148*, S. Rept. 94-698, 28. (Mar. 16, 1976) It *does not* permit Article III institutions to prosecute cases, wherefore the "transfer" was never realized. In order to show "transfer" of Power, Congress would need to enact a law to permit the courts to prosecute cases, an element patently missing from the provisions. "*Citizens* are authorized to bring suits to enjoin certain violations" *Ibid* at 3. (emphasis added)

Furthermore, if this Court continues to hold a citizen-suit provision, being necessary and proper to ensure a legislation which Congress is empowered to enact, would constitute a "transfer" of Power, perhaps the sections of the Rules Enabling Act, 28 U. S. C. §§ 2071–2077, governing rule-making powers, would constitute a "transfer" of the legislative Powers from Congress to the supreme Court. *Lujan* and *TransUnion* failed to respect the plain import of the provisions in section 8 of the First Article of the United States Constitution. *Lujan* and *TransUnion*'s interpretation of section 2 of the Third Article of the United States Constitution also departed too far from the plain import.

Lujan's and *TransUnion*'s holdings are quintessentially the same as holding the Second Amendment *does not* protect an individual's right to bear arms, or the First Amendment *does not* bar Congress from making laws respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances. *Lujan* and the precedents relied upon are unconstitutional and dangerous.

In the Commonwealth of Pennsylvania, the Commonwealth's Supreme Court held "[a] void judgment . . . cannot be made valid through the passage of time." *M. P. Management, L.P.* v. *Williams*, 594 Pa. 439, 490–491 (Pa. 2007). The same applies to unconstitutional rulings. An unconstitutional act may not become constitutional through the lapse of time. No court has jurisdiction to usurp its prescribed powers. Such a ruling must be challenged by wise men and overruled by a wise court. "[A] law repugnant to the conſtitution is void; and that *courts*, as well as other departments, are bound by that inſtrument." *Marbury* v. *Madison*, 1 Cranch 137, 180 (1803) (emphasis added). The same rule applies to rulings by the courts.

Finally, in *Lujan*, this Court wrote "[w]hile the Constitution of the United States divides all power conferred upon the Federal Government into legislative Powers, the executive Power, and the judicial Power, it does not attempt to define those terms." *Lujan*, 504 U.S. at 559 (citations ommitted). To be sure, the Constitution need not define those

terms, words contain meaning, and the Constitution does not define them otherwise. If a judge cannot understand words, perhaps he or she is incompetent to hear cases, nevertheless serve as a judge. Plainly, legislative Powers shall mean the authority of giving laws, law giving. The executive Power shall mean the authority of having the power to put in act the laws. And the judicial Power shall mean the authority to practiſe the diſtribution of publick juſtice. *See Johnson's Dictionary* (1755). The supreme Court and all courts inferior theretofore established and ordained by Congress, are not venues to practiſe and diſtribute publick injuſtice. Granting certiorari opens an opportunity for the Supreme Court to end injudicial pracitſes.

B. *Lujan* and *TransUnion* have spawned significant negative consequences.

America is a republick, not a democracy.[4] U.S.Const. Art. IV, § 4. The difference between the two is distinguished as follows: in the latter form, the government may act freely without boundaries of power at its will, whereas the former is bound by a constitution binding the government strictly to

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[4] There are generally two categories in the forms of government: democratic or bureaucratic. All republicks are democracies (in practice). (These do not include republicks in name only that are in practice bureaucracies.) However, not all democracies are republican forms of government. (U.S.Const. Art. IV, § 4.) Under the bureaucracy catergory, it includes monarchies, bureacuractic governments, or generally any form of government in practice which the people are without any election/voting rights.

several limited powers. *Dan Smoot Report*, Vol. 12, No. 16. Disregard of the Constitution can cause it to lose its authority. Our constitutional republick slowly erodes away when the several departments of the government too often usurp their powers vested by and commit infractions against the constitution too commonly. The danger of such results in disregard and opens the door for the entrance of a dictatorship (an occurrence which the Constitution attempts to enjoin, given if it maintains the authoritative health). Concurrently, the several departments of the government must respect the powers vested in the several departments by the Constitution, according to the plain import of the authoritative Constitutional provisions. The plain import of the Constitution must not be altered (unless in the manner prescribed by the very authority itself) nor questioned, a healthy authority by the Constitution shall thrive.

As aforementioned, *Lujan* and *TransUnion* are such plain examples. The Supreme Court cannot expand, narrow, violate and/or alter the terms of the very Constitution which vested its Powers, the judicial Power. Nor any departments of the several governments within the republick do so. *Arizona* v. *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 34 (2013); *Steele* v. *Thurston*, 2020 Ark. 320, 365 (Ark. 2020); *Cohn* v. *Kingsley*, 5 Idaho 416, 439, 49 P. 985, 993 (Ida. 1897); *In re Matthews*, 333 So. 3d 422, 427 (La. 2022). In *Lujan* and *TransUnion*, this Court essentially adjudicated away certain legislative powers of Congress, and the rights of the people.

In *Lujan*, this Court de facto deprived Congress' authority to place all laws necessary and proper for carrying out its powers found in Section 8 of the First Article of the United States Constitution into real effect. As aforementioned, although every Act of Congress may not be constitutional, the constituents and courts of this republick must meticulously inspect each provision of an Act of Congress in question, examining them for any bit that may result in the legislature acting beyond those Powers granted by the Constitution which ordained the department. The courts concurrently must be punctilious when examining the Constitution, and laws enacted by the legislature. *The Mayor* v. *Cooper*, 73 U.S. 247, 251 (1867); *Nicol* v. *Ames*, 173 U.S. 509, 515 (1899); *Sveen* v. *Melin*, 138 S. Ct. 1815, 1831 (2018) (Gorsuch, J., dissenting). The opinion of the court in *Lujan* has nearly the same effect of declaring all citizen-suit provisions unconstitutional except under certain circumstances which this Court gave birth to in *Lujan,* further narrowed in *TransUnion.*

Giving the constitution's unambiguous meaning at the time of adoption, full force, is sine qua non to the constitution's authority. This Court in *Lujan* and *TransUnion* failed exactly so. The latter would, and the former had, set a very dangerous path in American jurisprudence with regard to the construction and interpretation of the Constitution. Such disregard of the plain import bears legitimate substantial negative consequences upon the Welfare and wellbeing of the republick.

Lujan and *TransUnion* construed and constructed the unambiguous provision language

contained in the Third Article of the Constitution in a manner that departed in immeasurable distance to the plain meaning at the time of its adoption substantially diminishes and incapacitates the authority of the supreme Law. Permitting *Lujan* and *TransUnion* and failure to overrule those illogical and injudicious rulings sets American justice on an erroneous path. It has been long recognized by the jurisprudence of American justice, the constitution must be construed, absent ambiguity, consistent with its plain import. No department of government, neither the legislative, executive, nor judicial branch may add to nor take away what the government instrument reads. *United States* v. *Fisher*, 6 U.S. 358, 399-400 (1805); *Lake County* v. *Rollins*, 130 U.S. 662, 670 (1889); *Arizona* v. *Inter Tribal Council of Ariz., Inc.*, 570 U.S. 1, 34 (2013); *Hills* v. *Chicago*, 60 Ill. 86 (Ill. 1871); *Beardstown* v. *Virginia*, 76 Ill. 34 (Ill. 1875); *Leonard* v. *Wiseman*, 31 Md. 201, 204 (Md. 1869); *Newell* v. *People*, 7 N.Y. 9, 97 (N.Y. 1852); *People* v. *Potter*, 47 N.Y. 375 (N.Y. 1872); Cooley, Const. Lim. 57; Story on Const. § 400. Failure by the several departments of the several governments of this republick to abide by such simple but critical principles, and failure to respect the plain import of authoritative provisions of the Constitution spawns compelling negative consequences, which certainly and undeniably threatens the wellbeing of our republick.

In *The People* v. *Purdy*, 2 Hill, 31, 36 (N.Y. 1841), Bronson, J., commenting upon the danger of departing from the import and meaning of the language used to express the intent, and hunting after probable meanings not clearly embraced in that

language, says: "In this way . . . the constitution is made to mean one thing by one man and something else by another, until in the end it is in danger of being rendered a mere dead letter, and that, too, where the language is so plain and explicit that it is impossible to make it mean more than one thing, unless we lose sight of the instrument itself and roam at large in the boundless fields of speculation." Such "danger" of the constitution "being rendered a mere dead letter", is well demonstrated by *Lujan* and *TransUnion* wrong holdings. If the courts continue down the path of this rabbit hole recently further depend by *TransUnion*, the constitution *will* become "a mere dead letter." *Ibid.*

Wherefore, again, it is critical such erroneous decisions akin to *Lujan* and *TransUnion* be overruled by a wise court upon challenge by wise men. Otherwise, the authority and integrity of the United States Constitution will continue to be weakened by rulings altering its plain import. The negative consequence of *Lujan* has already presented itself in the recent *TransUnion* decision.

In a congressional enactment like the RLBPHRA of 1992, failure by the executive, and the people (as Congress prescribed citizens suit enforcement), to ensure, and to permit by the courts, the fullest enforcement in the manners prescribed by Congress, would in practise deprive Congress of their Power vested by the Constitution to provide for the general Welfare of the United States. U.S.Const. Art. I, § 8. Failure to ensure and permit enforcement of the force would greatly harm the general Welfare of the United States. The courts cannot argue the

legislature should have acted to provide for the general Welfare, because the legislature has already acted. Congress would have executed if Article I vested executive Powers. The courts would not distribute publick justice if it doesn't permit all actions initiated under 15 U.S.C. § 2619 to proceed (except on certain reasons other than standing, such as the lack of violation of the Act).

Enacted in 1992 by Congress, the RLBPHRA serves, inter alia, (A) "*to encourage effective action to prevent childhood lead poisoning* by establishing a workable framework for lead-based paint hazard evaluation and reduction"; (B) "*to ensure* [ ] *the existence of lead-based paint hazards are taken into account in the . . . sale, rental, and renovation of homes and apartments*"; and (C) "*to educate the public concerning the hazards and sources of lead-based paint poisoning and steps to reduce and eliminate such hazards.*" 42 U.S.C. § 4851a (emphasis added). Regulating such dangerous chemical is within the scope of the congressional Power vested by the eighth section of Article I of the United States Constitution, "to ... provide for the... general Welfare of the United States". The Act also amended the TSCA which includes provisions that "shall be necessary and proper for carrying into Execution" Congress' Powers. *Ibid.* The amendments to the TSCA enacted by Congress through the RLBPHRA, inter alia, prescribed how the Departments and Officers of the Second Branch and citizens may take action to ensure the "carrying into Execution" of the RLBPHRA.

The negative consequences of the chemical lead are numerous. Lead exposure causes reduced IQ, learning disabilities, developmental delays, reduced height, poorer hearing, and a host of other health problems in young children. These effects are irreversible. In later years, lead-poisoned children are much more likely to drop out of school, become juvenile delinquents and engage in criminal and other anti-social behavior. At higher levels, lead can damage a child's kidneys and central nervous system and cause anemia, coma, convulsions, and *even death*. Gulson, Mahaffey, et al., *Contribution of tissue lead to blood lead in adult female subjects based on stable lead isotope methods*, J. Lab. Clin. Med., 125(6), 703–712. http://bit.ly/3I7idbP (June 1, 1998); Weyermann, & Brenner, *Factors affecting bone demineralization and blood lead levels of postmenopausal women--a population-based study from Germany*, Environ. Res., 76(1), 19–25. https://doi.org/10.1006/enrs.1997.3780 (1998), Potula, & Kaye, *The impact of menopause and lifestyle factors on blood and bone lead levels among female former smelter workers: the Bunker Hill Study*. Am. J. Ind. Med., 49(3), 143–152. https://doi.org/10.1002/ajim.20262 (Feb. 8, 2006); National Institute for Occupational Safety and Health (NIOSH), *Report to Congress on Workers' Home Contamination Study Conducted Under The Workers' Family Protection Act (29 U.S.C. 671a)*, DHHS (NIOSH) Publication No. 95-123, http://bit.ly/3GjFaan (Sept. 1995); U.S. Department of Health and Human Services, *Toxicological Profile for Lead (update)*, Public Health Service Agency for

Toxic Substances and Disease Registry http://bit.ly/3Ik3tXd (Aug. 2020).

In short, expert studies conducted over the passage of time have undeniably indicated, lead creates crime, especially violent crimes like murder. Many trends of violent crimes and lead exposure are very parallel. Nevin, *Understanding international crime trends: the legacy of preschool lead exposure*, Environ. Res. 104(3), 315-336, http://bit.ly/3WK5cJ7, https://doi.org/10.1016/j.envres.2007.02.008 (Apr. 23, 2007); Liu, *Early Health Risk Factors for Violence: Conceptualization, Review of the Evidence, and Implications,* Aggress. Violent Behav., 16(1), 63–73 http://bit.ly/3hP0gUs, https://doi.org/10.1016/j.avb.2010.12.003 (2010); Taylor, Opeskin, et al., *The relationship between atmospheric lead emissions and aggressive crime: an ecological study*, Environ. Health 15, 23 http://bit.ly/3Vqyw6v, https://doi.org/10.1186/s12940-016-0122-3 (Feb. 16, 2016) Wherefore, it is imperative every legislation is given full force by proactive enforcement actions and the courts must permit, and not prohibit such attempts. With the existing caselaw, courts are preventing many enforcement attempts.

Furthermore, Congress implemented the citizen-suit provision to aid enforcement of the RLBPHRA, due to the tremendously large number of subject Properties that contain lead, the Environmental Protection Agency and the Department of Housing and Urban Development could not simply handle and ensure compliance of a potentially violative 34.6 million residential dwellings (29.4% of all housing

units) containing lead-based paint.[5] The combined total workforce of both departments of government is very small with only 22,767 personnel, respectively 8,186 (FY2022) for HUD[6], and 14,581[7] (FY2022) for the EPA. The courts cannot say its Congress' problem for not providing sufficient resources or avenues to ensure enforcement of such important law when Congress created the citizen-suit provisions "to provide a remedy if the [Executive] is lax in carrying out his duties [enforce the provisions] under this Act." *Committee on Commerce on S. 3149*, S Rept. 94-698, 28. (Mar. 16, 1976). Congress anticipated potential lax due to the size of the problem, "[c]itizens are authorized to bring suits to enjoin certain violations" to take care of the problem, and ensure alongside the Executives execution of Congress' Power to provide for the general Welfare. *Ibid* at 3. In other words, both the legislative history and legislation provisions do not suggest the Courts may bring an action to enjoin violations, which would then have resulted in a transfer of Power suggested by *Lujan* and *TransUnion*. If the courts begin permitting all forms of enforcement action as appropriately prescribed by Congress, perhaps the RLBPHRA and TSCA would finally function as anticipated.

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[5] U.S. Department of Housing and Urban Development, *American Healthy Homes Survey II, Lead Findings*, Office of Lead Hazard Control and Healthy Homes, http://bit.ly/3Wnmmwd (Oct. 29, 2021).

[6] HUD Fiscal Year 2022 Budget in Brief at 30 — http://bit.ly/3G2hcz8

[7] EPA's Budget and Spending — http://bit.ly/3vinRjC

Wherefore, *Lujan* and *TransUnion* create compelling and substantial judicial and real-world negative consequences which could be eliminated by this Court simply granting certiorari and overrule of those two rulings.

C. *Lujan* and *TransUnion* have generated no legitimate reliance interests.

Lujan and *TransUnion* cannot be sustained in the name of reliance interests. This Court places little stock in reliance interests when it overrules precedents, like *Lujan* and *TransUnion*, where a ruling conflicts with the constitution. *E.g.*, *Gideon* v. *Wainwright*, 372 U.S. 335 (1963) (overruling *Betts* v. *Brady*); *Miranda* v. *Arizona*, 384 U.S. 436 (1966) (overruling *Crooker* v. *California* and *Cicenia* v. *La Gay*); *Dobbs* v. *Jackson Women's Health Organization*, 597 U.S. ___ (2022) (overruling *Roe* v. *Wade*). Reliance interests do not and shall not deter this Court from overruling blatantly unconstitutional and wrong rulings. Since ancient times, this Court held any law repugnant to the United States Constitution, is null, and no one, is bound by it. *Marbury* v. *Madison*, 1 Cranch 137, 180 (1803); *Ex parte Siebold*, 100 U.S. 371, 376 (1879); *Montgomery* v. *Louisiana*, 577 U.S. 190, 203 (2016). This principle equally applies to rulings by courts of law.

Nothing trumps, and shall trump, the plain import of the constitution. Departing from the plain import of the constitution making it "to mean one thing by one man and something else by another,

until in the end it is in danger of being rendered a mere dead letter" *The People* v. *Purdy*, 2 Hill, 31, 36 (N.Y. 1841). The departure is too plain in *Lujan* and *TransUnion*, so far it undermines the fundamentals of judicial interpretation. A constitutional provision, as Justice Washington held, "should be intended to mean what they have plainly expressed, and consequently no room is left for construction." *United States* v. *Fisher*, 6 U.S. 358, 399-400 (1805).

Without the constitution, courts would not exist. Wherefore, all courts must act within the Powers vested by that instrument, and any act of the courts which usurp its authorities, like this Court did in *Lujan* and *TransUnion*, are null, and therefore must be overruled.

Overruling *Lujan* and *TransUnion* would permit citizen-suit, such as the instant case, initiated under Acts like the TSCA to proceed. Citizen-suit to enforce other Acts of Congress may not stand on the constitutionality of that given Act, but in the instant Case, the TSCA is proven within the Congress' legislative authority as vested and prescribed in Art. I, § 8. The TSCA and the RLBPHRA provide for the general Welfare of the United States, and Congress made all laws proper and necessary to Execute the Acts, prescribing to detail what actions the Executive may take to carry into Execution of the Acts, and what the people may take to carry into Execution if the Executive is lax. S. Rept. 94-698, at 3. (Mar. 16, 1976). Enabling citizen-suit would not harm the respondents in any way. They can avoid the RLBPHRA's disclosure requirements by simply not

engage in the leasing residential dwellings that are subject Properties built before 1978. 42 U.S.C. § 4852d.

II. This Court should grant certiorari to consider can incompetent persons represent another incompetent person in U.S. Courts.

Since ancient times, this Court has ruled infants, and persons non compos mentis generally, must be represented. *Penhallow* v. *Doane's*, 3 Dall. 54, 106 (1795) ("The infant cannot act for himself"). This rule governs to this day, most recently codified into the Federal Rules of Civil Procedure under Rule 17(c)(2) in 1938.

Although one may conduct their own cases personally, only counsel may conduct on one's behalf. 28 U.S.C. § 1654; *Meeker* v. *Kercher*, 782 F.2d 153, 154 (CA10 1986); *Gardner* v. *Parson*, 874 F.2d 131, 141 (CA3 1989) (Holding the district court was without authority to reach the merits of incompetent plaintiff's claim and reversing dismissal); *Chueng* v. *Youth Orchestra Found. Of Buffalo, Inc.*, 906 F.2d 59, 61 (CA2 1990); *see also Osei-Afriyie* v. *Med. College of Pennsylvania*, 937 F.2d 876, 882-883 (CA3 1991) (Holding a person who is not a licensed attorney may not represent another person in court).

This instant case was commenced when lead petitioner Tiange Huang was 16 years old. As the record[8] indicates, the original January 5, 2021 Complaint shows the lead petitioner's name in redacted form. The record further indicates the infant petitioner conducted all required service of papers filed in the district court, to the opposing parties. Upon the petitioner's motion, the district court permitted the then infant petitioner to disclose his full name. All appellants' Briefs filed during appeal to the court of appeals were written by the then 17 years old infant petitioner. All other petitioners are English deficient and do not understand the case on their own.

This Court should also grant certiorari to determine whether, in federal practise, English language deficiency shall play part in determining whether one whom is deficient in the English language shall be competent to bring his own case. Language deficiency bars a litigant from fully understanding legal provisions, complex caselaw, and his own rights, all of which are very challenging even for native English speakers.

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[8] Available on the district court's docket and accessible through the internet via Case Management/Electronic Case Files.

CONCLUSION

This Court should grant certiorari.

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