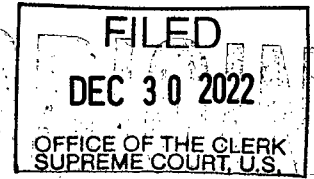


22-6890



No. _____

*In the
Supreme Court of the United States*

SAMANTHA RAJAPAKSE,

Petitioner,

v.

EQUIFAX INFORMATION SERVICE.

Respondent.

On Writ of Certiorari to
the United States Court of Appeals
for the Eleventh Circuit

Petition for Writ of Certiorari

Samantha Rajapakse
Plaintiff / Pro se
3221 Westonia Drive
Chattanooga, TN 37412
Samantha.rajapakse@outlook.com

*Pro se on Record

QUESTION PRESENTED

This is a three-part question a judiciary review regarding how the courts review individuals without counsel on The Fair Credit Reporting Act. authorization to send your credit report to creditors, government authorities, landlords, employers, and others it has reasons to believe intend to use the report for such actions as a credit transaction, insurance coverage, employment purposes, determination of eligibility for government benefits or licenses, or a legitimate business need in connection thereof. Fair Credit Report §1681i allows court orders, subpoenas, for child support and enforcement purposes, potential investors or current insurers of credit portfolios with written instructions from the individual.

The lower and Circuit Court are under the interpretation of the Supreme Court as to the privacy laws, consumer laws and the United States Constitution.

Petitioner seeking the Supreme Court to grant her a writ of certiorari for these questions of public interest.

Question#1: Can the Eleventh Circuit have a Constitutional right to misinterpret or arrive a new interpretation of due process of the United States Constitution?

Question#2:

Question#3: Can a law firm retained by a credit reporting agency make changes to an individual credit reporting history as a punitive measure to force a settlement of a dispute?

Question#4: Does Credit Reporting Agency are immune from the Computer Fraud Abuse Act if a person's credit reporting account is provided to their Attorney for litigation purposes?

LIST OF PARTIES

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

Samantha D. Rajapakse, Plaintiff, Petitioner Pro se.

Equifax Information Services, Respondent- Defendant

RULE 29.6 STATEMENT

Petitioner, Samantha Rajapakse, representing herself does not hold any stock in Equifax Information Service and does not hold any position in the corporation.

PROVISION RELATED CASES

***Marbury v. Madison**, 5 U.S. (1 Crunch) 137 (1803)

Cushman v. Trans Union 115 F.3d 220 (1997)

***Plessy v. Furgson**, 163 U.S. 537 (1896)

***NAACP v. Button**,

371 U.S. 415, 86, S.Ct. 328, 9 L.Ed 2d 405 (1963)

Rajapakse v. Seyfarth, etal, Appeal 2nd Cir. No. 22-679

Trans Union v. Ramierz, 141 S.Ct. 2190

Van Buren v. United States, 161 S.Ct. 1648 (2021)

***Supreme Court Landmark Cases.**

TABLE OF CONTENT

OPINIONS BELOW	ii
JURISDICTION.....	9
CONSTITUTIONAL AND STATUTORY.....	4
PROVISION INVOLVED	ii
INTRODUCTION.....	6-10
STATEMENT OF CASE	10-16
REASON FOR GRANTING WRIT	16
 I. EQUIFAX COMMITTED A CRIMINAL ACT UNDER 18 U.S.C. §1030 COMPUTER FRAUD ABUSE.....	 17-19
 II. THE ELEVENTH CIRCUIT ALLOWED EQUIFAX AND THE DISTRICT COURT TO CREATE AN ECONOMIC CLASSIFICA- TION SABATOGUE OF PETITIONER'S CREDIT WORTHINESS WHICH IS UNCONSTITU- TIONAL	 19-24
 III. THE ELEVENTH CIRCUIT INTENTIONALLY DENIED PETITIONER'S RIGHTS OF THE FAIR CREDIT REPORTING ACT SEEKING THE RIGHT TO RECOVER.....	 25-26
CONCLUSION.....	27

INDEX TO APPENDICES
APPENDIX TO THE PETITION FOR A WRIT
OF CERTIORARI

Appendix A: Opinion of the United States Court of Appeals for the Eleventh Circuit en banc No. 21-1259 (October 12, 2022).

Appendix B: Order from the United States Court of Appeals for the Eleventh Circuit No. 21-12569 (August 22/2022) (Dkt.#78)

Appendix C: Order from the United States District Court Of Northern Georgia (July 26/2021) (Dkt# 70).

Appendix D: Order from the United States District Court fo the Northern District of Georgia (July 26, 2020) (DKt# 69).

Appendix E: Exhibit into the District and Appellant Court Appellant's two Equifax Credit Reporting Account

Appendix F:Exhibit proof of Appellant Samantha Rajapakse claimaint of Equifax Data Breach.

Appendix G: Exhibit email from Equifax resolving. S. Rajapakse's Equifax Credit Reporting Account returned to Equifax information Services by Seyfarth Shaw.

Appendix H: Exhibit of letter of notification to District Court of Northern Georgia 1:20-cv-0080 Of Equifax Counsels violation of Petition's rights (Dkt. #56)

TABLE OF AUTHORITY

<i>CASE</i>	<i>Page</i>
Bryant v. TRW , (1982) 6 th Cir. 689 F.2d 72.	26
C.F. Rowland v. Auheuser-Busch, Inc. , (2003) 832 F.2d 194, 206.....	24
Cooper v. Aaron , (1958) 358 U.S. 1, 78, S.Ct. 1401 3 L.Ed 2d 5.....	23
Cushman v. Trans Union , (1997) E.D.P.A 115 F.3d 220.....	26
Board of Regents v. Roth , (1972) 408 U.S. 564, 577, S.Ct. 2707, 2709, 33 L.Ed 2d 548,	21
Egbert v. Boule , (2022) No. 21-147 U.S. Supreme Court session.....	22
Federal Election Comm’n v. Akins (1998) 524 U.S. 11.....	26
Flores-Figueroa v. United States (2009) 556 U.S. 646.....	18
Grunewald v. United States , (1957) 353 U.S. 391.....	21
Huang v. Spector v. Equifax (2021) 999 F.3d 1247.....	26
Krunewitch v. United States , (1949) 336 U.S. 44.	21
In re Equifax Cosumer Data Breach (2020) 1:2020-md-2800 N. Dist. Of Georgia.....	11
In ex parte Porseky , (1933), 290 U.S. 30,31 54 S.Ct. 3,4 78 L.Ed 2d 152.....	20
INS v. Wang (1981) 450, 139 101 S.Ct. 1027, 67 L.Ed	21

TABLE OF AUTHORITY (cont)

<i>CASE</i>	<i>Page</i>
Larita-Martinez v. INS (2003) 9 th Cir. 270 F.3d 1092.	20
Leary v. Equifax , (2022) * District Ct of N. Georgia No. 1:22-cv-02353	8
Lutwak v. United States (1953) 344 U.S. 604.	21
Marbury v. Madison (1803) 5 U.S. 137.....	22
NAACP v. Button , (1963), 371 U.S. 415.....	23
Plessy v. Ferguson (1896) 163 U.S. 337.....	22
Public Citizen v. Dept. of Justice (1989) 491 U.S. 440.....	15, 26
Rajapakse v. Seyfarth Shaw (2022) 2 nd Cir, No. 22-697 Appeal.....	22
Reeb v. Ohio Dept. of Rehab and Correction (1972) 546, 577, 92 S.Ct. 2707, 2709, 33 LEd. 2d 548.....	33
Sanchez v Cruz v. INS (2001) 255 F.3d 775.....	20
Spokeo v. Robbins , (2016) 578 U.S. 332, 340.....	26
Tanzin v. Tanvir , (2020) S.Ct. No. 19-71.....	18
Trans Union v. Ramierz (2021) 141 U.S. 2190.....	26
Van Buren v. United States (2021) 141 U.S. S.Ct. 1648, 210 L.Ed 2d 26.	19,11,17,18
Zadvydas v Davis , (2001) 533 U.S. 693, 121 S.Ct. 2491, 150 L.Ed 2d 653....	20

TABLE OF AUTHORITY

CASE

United States Constitution

Article III

First Amendment: Right to file a grievance with the courts;
right to enjoy life and liberty.

Fourth Amendment: Seizure of Property.

Fourteenth Amendment: Equal Protection of the Courts.

STATUTES AND RULES

15 U.S.C. §1681: Fair Credit Reporting Act.

§1681b: Authorize to permissble Credit Report.

§1681e: Compliance

§1681i: Investigation of Credit Report.

§1681j: Removing a dispute.

§1681n: Civil liability of Non-compliance.

18 U.S.C. §1030: Computer Fraud and Abuse Act.

42 U.S.C. §1985: Conspire to interfere with Civil Rights.

Section 623: Responsibility with Furnisher.

Federal Rule of Civil P. 56: Summary Judgment

OTHER

Federal Trade Commission: 40 Years Experience with
Fair Credit Reporting Act, 2011; WL 3020575

H.R. 5282: 2016 Comprehensive Credit Reform Act.

Title VIII of the Civil Rights Act of 1964

WhistleBlower Protection Act of 1989

New York Penal Code: **190.1:** Impersation statue

JURISDICTION

The date on which the United States Court of Appeals decided my case was:

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: , and a copy of the order denying rehearing appears on Appendix.

The jurisdiction of this Court is invoked under 28 *U.S.C.* §1254 (1).

CONSTITUTIONAL AND STATUTORY PROVISION INVOLVED.

Article III, Section: First Amendment Right

Article III, Section: Fourth Amendment Right

Article III. Section: Ninth Amendment Right

Article III, Section: Fourteenth Amendment Right

IN THE
Supreme Court of the United States
PETITION FOR WRIT OF CERTIRARI

Cases from Federal Courts:

The District Court dismissed Petitioner's case July 26, 2021

The Date on which the United States Court of Appeals decided on my case was August 22, 2022

A Petition for rehearing was filed timely on the case.

A timely petition for rehearing was denied by the United States of Appeals for the following date, and a copy of the order denying rehearing appears at Appendix. B 10/12/2022.

The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

INTRODUCTION

This is the first of second petitions Petitioner, Samantha Rajapakse, legal name also born Samantha Reed is seeking for a grant of Writ of Certiorari before the Supreme Court of deprivement and denial of fair judiciary review in protection of the Fair Credit Reporting Act enacted by Congress. The Fair Credit Reporting Act empowers individuals in protecting one's credit rights and relief when a credit reporting agency has committed negligence of noncompliance of accuracy, stored personal information of their database. The Credit reporting industries have an obligation to protect an individual's personal and credit information provided in a consumer's credit reporting account to ensure a person's personal information in agencies database is accurate and well safeguarded. Consumers place great trust with furnish information provided to the three largest credit reporting agencies, (Trans Union, Experian, and Equifax) in protecting one's personal and credit information. Congress enacting major laws to prevent deceptive actions against not only the credit reporting agencies, but those who obtain a person's personal information by unauthorized or illegal means. A consumer's credit report has become the blueprint of one's identity as to credit worthiness and highly guarded similar to one's own fingerprint. Just one inaccurate information reported on a person's credit report (i.e., personal or credit information) can have a devastated affect on an individual obtaining employment and credit worthiness. Credit reporting have become so critical in a person's life that candidates who apply for federal government positions their credit report is considered as part of a background employment to obtain a government security clearance.

Flaws on a person's credit could be looked upon as irresponsible in maintaining credit worthiness.

The United States House Committee on oversight reported the 2017 Equifax data breach affecting 147 (one hundred forty-seven) million consumers was entirely preventable. Equifax negligence for failure to take precautionary measures to ensure consumers credit and personal information from being breached. Majority of the class members did not sustain any "concrete" damage to their credit, but only "exposure while some did sustain actual damages resulting from the data breach. The pandemic of COVID-19 left some class members continuing to struggle with the data breach in correcting of their credit reports resulting in denial employment, quality housing, increase in deposit, and higher interest on insurance quotes, auto loans, mortgage rates/ payments. Inaccurate credit reporting and consumers trying to correct such inaccuracies places into despair situations leading to depression, embarrassment, humiliation, and emotional duress waiting on one's credit report to be resolved. Even minor inaccurate information (i.e., spelling of the name, address, or payments) can cause a change to affect one's credit report and credit score to decrease. Laws enacted by Congress, the 2016 Comprehensive Credit Reform Act (*H.R 5282*) provides consumers with even more credit empowerment rights obligating credit reporting agencies to improve on consumer disputes, enhance accuracy, and completeness duties to consumers reporting agencies and furnishes requiring notification in accurate or incomplete information from furnishers. §1681i requires a credit reporting agency thirty (30) days after a consumer files a dispute to investigate such claim and report its findings or deleting or removing inaccuracies off a consumer's credit.

When a consumer files a dispute with evidence in seeking a reinvestigation of a dispute §1681j (3) a credit reporting agency has to remove the inaccurate information off a person's credit reporting account. Consumers who notify the credit reporting agencies of potential identity theft, §1681lc2, the credit reporting agency should block such information on the question account of identity theft from being reported as well as establish fraud alerts on the consumer credit reporting account. Congress also enacted the Consumer Fraud and Abuse Act (CFAA) to prevent unauthorized users from obtaining a person's personal information.

Minorities experience more difficulty when it comes to disputing inaccurate information on a consumer credit report. A report from the Consumer Financial Protection Bureau (CFPB) reports minorities have the highest inaccuracy being reported on their credit reports. Many times, minorities have to repeatedly dispute the same claim several times, even with proper documentation before the credit reporting agencies will even consider removing or modifying the dispute in question. A former compliance professional and licensed attorney Stephen Leary in August 2022 filed a federal lawsuit against Equifax (*Leary v. Equifax No 1:22-cv-02353*¹) wrongfully terminated after claims reporting Equifax's compliance violations to upper management and corrected the regulatory record with the Consumer Financial Protection Bureau during 2018 and 2020 which would be in accordance with the timeline of Petitioner's claim and suit

¹ The Whistleblower Protection Act of 1989 separate from the Office of Special Counsel from the Merits System Protection Board empowers the Special Counsel to represent and protect on behalf of employees who allege prohibited personnel practices against employees who expose the company of wrongdoing.

with the courts. The termination is not the question, but the claim he made as a whistleblower. As of today, Equifax continues to show a "pattern of practice" against consumers seeking relief for violating of the Fair Credit Reporting Act.

The foundation of the federal judiciary is to ensure the laws of Congress on the ground works of the Constitution protects those seeking to be made whole of noncompliance when a credit reporting agencies intentionally violate a consumer's rights under the First Amendment and the Fourteenth Amendment. The fate of Public trust in our judiciary branch ensuring all parties who invoke the courts are guaranteed a fair and unbiased tribunal. With the growing number of pro se litigants representing themselves in the courts, protecting an individual's credit rights are the cornerstone of protecting our economy and credit worthiness. Enforcing the credit laws and the Constitution in our judiciary foundation ensures all procedures are upheld in accordance with *Article III* of the Constitution and should not be interpreted of its own personal opinion.

Cyber crimes committed against consumers has placed the courts to a higher obligation to enforce parties who commit this crime to be prosecuted obtaining unauthorized information or identity theft without authorization. The Supreme Court recently argued of *Van Buren v. United States*, 141 S.Ct. 1648, 210 L.Ed 2d 26 a case of a Georgia Officer who used his computer to access personal information to provide to a third-party. The previous session of the Supreme Court argued clarification between misuse of a

computer of personal information or unauthorized access to another party's personal information. The session of the Supreme Court held:

[A]n individual "exceeds authorization access" when he accesses a computer with authorization but then obtains information located in particular areas of the computer -such as files, folders, or databases- that are off limits to him.

15 U.S.C §1681b of the Fair Credit Reporting Act allows a person's credit reporting to be obtained for the purpose permissible for child support, employment, insurance, rental, and for credit repair or services. A credit reporting agency can not use a person's credit reporting nor its account as a legal defense to be used as grounds for settlement, or litigation to act as a "Credit Specialist." The Second and Eleventh Circuit has affirmed the district court that Equifax and its counsel have authorization have an entitled right under the "Attorney-Client privilege" to access a consumer's personal and credit information on an unsecured internet system to be used in a court proceeding and possible filed into the records of the court system as a public record. The Second and Eleventh Circuit has set a new interpretation of the Fair Credit Reporting act and the Supreme Court case of *Van Buren v. United States*.

STATEMENT OF THE CASE

Samantha D. Rajapakse legal name through marriage is also Samantha D. Reed born my name discovered her identity was breached in the 2017 Equifax Data Breach that affected 147 (one hundred and forty-seven) million consum-

ers exposing personal and credit information. Although many class members named in the complaint filed no claim for actual damages, *In re Equifax Consumer Data Breach*, No. 1:20-md-2800 ². Rajapakse sustained actual concrete harm related to the data breach and non-compliance to timely correct such error.³ While residing in Fort Leavenworth, KS, to obtain military residence on her son-in-law orders, Rajapakse applied permanent as a military dependency in order to reside on the military base. During the four (4) months on the base, Rajapakse had to repeatedly applied for a thirty (30) temporary residence pass pending pending the permanent approval of her status application. Rajapakse was later denied military permanent residence accused of possible identity theft with her marriage and maiden names. Equifax had established two credit report reports in both names causing confusion of her true identity. Rajapakse was forced to relocated back to Tennessee in an attempt to resolve the identity disput of her true legal name; later discovering she was linked to the Equifax 2017 data breach.

² *In re Equifax Consumer Data Breach Litigation 1:20-md-2800* the Eleventh Circuit addressed claims of future damages of class members and individuals affected by the breach. Original class members never presented evidential claims of damages or exposed their credit or personal information into the record of the court. The class settlement claims are for out-of-pocket expenses in repairing class member's credit. The final appeal dismissed, and the settlement was approved January 2022; pending settlement funds are still pending for class members for out-of-pocket expenses which was schedule in the fall of 2022.

³ In a dissent opinion Supreme Court Justice Barret wrote: "Technological advances at the dawn of the 1980's brought computers to school, offices, and homes across the Nation. But as the public and private sectors harnessed the power of computing for improvement and innovation, so called hackers hatched ways to retain computers for illegal ends. – *Van Buren v. United States* (citation omitted)

Despite Rajapakse filing several disputes both names to Equifax fraud and dispute department for five (5) years, Equifax continued to affirm both accounts including the inaccurate information on the Reed account claiming its findings were valid after their reinvestigation. Rajapakse applied for an auto loan with a Chevrolet dealership which her loan application was denied due to Equifax low credit score and identity⁴. The dealership questioned Rajapakse's identity. Rajapakse contacted Equifax fraud department and spoke with an Equifax Credit Adviser, Lee who stated both names would be merged, and Rajapakse's maiden name only would be placed on the Rajapakse credit reporting account and the fraudulent maiden name account would be removed. Days later, Rajapakse attempted to gain access of her Equifax credit reporting account to review and was denied access. Equifax stated Rajapakse's identity could not be verified either by phone or Equifax website. After merging both accounts, Equifax would mail both names of the credit report investigation to Rajapakse stating after a careful reinvestigation both names were valid. As a result of Equifax verifying both names Rajapakse was denied government employment, quality housing, and a poor credit score as a result of Equifax credit reporting both names and inaccurate information causing a red flag of possible Rajapakse suspected of committing identity theft.⁵

⁴ Samantha Rajapakse credit report with Trans Union and Experian were in good standing which Counsels for Seyfarth Shaw used Rajapakse's Experian credit report for Equifax to mimic.

⁵ Equifax is the only credit reporting agency that established two credit reporting account names for Rajapakse for the same person.

Rajapakse filed suit against Equifax citing Equifax failed to assist class members who sustained actual damage relief under the Fair Credit Reporting Act. Equifax failure to comply with the Fair Credit Reporting Act by validating both names originated in the data breach caused actual concrete damages. Equifax obtained counsel of record, Seyfarth Shaw, LLP law firm to represent the credit reporting agency against Rajapakse.⁶ Counsels Robert T. Szyba, Partner of the firm and Carla M. Lanigan, Counsel, waived summons and immediately began settlement talks with Rajapakse offering her \$1,000 (one-thousand dollars) for the five (5) years of actual “injuries” for her to dismiss the complaint filed in district court against Equifax.⁷ Rajapakse rejected Equifax 'proposed settlement and continue the litigation process. After unsuccessful attempts to settle Rajapakse complaint, Equifax abruptly cease all communicating with Rajapakse including pending disputes filed on her credit report and directed all communications to a “Credit Specialist.” Counsel Lanigan later emailed Rajapakse making her aware of communication between her and Equifax. Counsel Lanigan advised Rajapakse the firm was aware of her attempt to communication with Equifax and Equifax had been advised to direct all communication to Counsels and Seyfarth Shaw law firm for issues to be easily handled by Counsel Szyba and Lanigan. Equifax had provided Counsel Lanigan and Szyba full access of Rajapakse credit reporting account in which the username, password was changed without Rajapakse knowledge of

⁶ Seyfarth Shaw, LLP firms are located in New York, Georgia, and Boston which worked together on Rajapakse case filed against Equifax filed in District Court of Northern Georgia.

⁷.

consent. Counsel continued with Rajapakse's credit reporting account by modifying, deleting, and suppressing credit and personal information. As part of the proposed settlement offered by Counsel Szyba and Lanigan, Rajapakse's revised credit report was sent to her on an unsecured internet stating Counsel had authorization representing Equifax as entitlement under "Attorney-Client" privilege. During counsels seven months custody of Rajapakse credit reporting account, Counsel Szyba and Lanigan repeatedly impersonating as a credit agency of as an entitlement by placing outdated information on as part of the settlement stating the inaccurate and outdated information could only be removed if Rajapakse agrees to the settlement offered. Rajapakse filed a motion in the district court seeking an injunctive order to prohibit Counsel Lanigan, Szyba and the firm from illegally obtaining, modifying, and adding harmful information on her credit account. The lower court did not address Rajapakse's motion and with full knowledge of counsel illegal acts allowed the acts to continue. The actions of Equifax's counsel having custody of her credit reporting account placed fear of Rajapakse from applying for credit in her legal name (Rajapakse) fearing of being prosecuted for identity theft of her maiden name

Rajapakse filed motion in the district court with evidence seeking an injunctive order to prohibit Counsels Szyba and Lanigan's from handling Rajapakse's credit reporting account; the district court ignored Rajapakse's plea for intervention allowing counsels to continue altering Rajapakse's credit reporting account. In an attempt for Rajapakse to regain access of her credit reporting account, a

secondary complaint was filed in the District Court of Southern New York, *Rajapakse v. Seyfarth* No. 22-679⁸ citing violation of New York Penal code 190.1 of impersonating a credit reporting agency and violation of 18 U.S.C. §1030 Computer Fraud and Abuse Act counsels having unauthorized access to Rajapakse's credit account. Rajapakse submitted into the record of the court evidence from both credit reporting accounts along with numerous emails communication between her and both counsel supporting the firm having control of Rajapakse's credit reporting account being used as a part of the settlement proposal. The district court ignored Rajapakse plea for the court's intervention. Rajapakse filed for summary judgment *Rule 56* as a matter of law stating there were no genuine issue for trial seeking relief of actual damages in violation of the Fair Credit Reporting Act; The district court dismissed Rajapakse's complaint as moot. A motion seeking a hearing to address the conduct of counsels' behavior giving reason why the court would not address the issue. Seyfarth file a response stating Rajapakse's motion should be dismissed due to the facts on the motion. Rajapakse replied stating this was the reason why a hearing is needed. The district court became upset and began denying Rajapakse motion seeking intervention with the court for a settlement conference that Counsel had no objection to the conference and dismissed Rajapakse case as moot. ⁹ Counsel began attempting to conceal the actions of

⁸ Petitioner filed her secondary complaint against the firm Seyfarth Shaw, LLP due to Counsel Robert T. Szyba, Partner for Seyfarth Shaw was the master mind in orchestrated all issues related to the settlement proposal in the case before the

⁹ District Court Judge Valerie Caproni for the District of Southern New York issued an order Dkt.# 68 for the District of Northern Georgia against Samantha Rajapakse prohibiting District Court Judge of Northern

the firm by advising Rajapakse to reach out to Equifax to address her credit reporting disputes. After Counsel Szyba returned Rajapakse credit reporting account, Equifax Executive Officer, Darren Howard and attempted to verify Rajapakse but could not do so because Seyfarth Counsels placing outdated personal information on her credit report. The district court dismissed Rajapakse complaint as moot and baseless. Rajapakse filed a timely appealed.

The Eleventh Circuit denied Rajapakse appeal without the Respondents filing any response brief. Rajapakse filed for an en banc; Rajapakse's motion for en banc was denied. These Constitutional issues are not being appealed before this Supreme Court in seeking grant for a writ of Certiorari to correct the interpretation of the Eleventh Circuit to uphold the District Court of Northern Georgia in protecting Rajapakse's Constitutional rights of fair judicial review, and rights protected by the Fair Credit Reporting Act, including the Computer Fraud and Abuse Act protecting consumer privacy, and the interest of public trust.

SUMMARY OF ARGUMENT

REASON FOR WRIT

ARGUMENT

Georgia Thomas Thrash, Jr. from hearing Counsels Szyba and Lanigan violation of 18 U.S.C. §1030 computer violation.

I. EQUIFAX COMMITTED A CRIMINAL ACT UNDER 18 U.S.C. §1030 COMPUTER FRAUD ABUSE ACT.

The previous Supreme Court session recent review case of *Van Buren v. United*, 161 S.Ct 1648 on interpretation of authorize access of an individual "exceeds authorized access." A person's or firm who intentionally provide a third party accessing a computer data access that the third party is prohibited to access or authorization is a violation of §1681b. The Fair Credit Reporting Act Equifax did not have a legal or authorize right to provide their attorneys Rajapakse's credit reporting to obtain a person's personal and credit information for litigation puposes. The district court having sufficient evidence of the magitude of Seyfarth Counsels Szyba and Lanigan actions should have forward to the U.S. Attorney General. The same charges comitted against Rajapakse has been filed and convict against im-migrants who enter into the United States to work using someone's personal information without their in federal court in accordance with the Comprehensive Crime Control Act of 1984 and the Computer Fraud, and Abuse Act (CFAA)/18 U.S.C. §1030, The Eleventh Circuit should hold all individuals who committed a criminal liable for of a computer data without authorization of a person's confidential information located in a particular area of the company to files, folders, or database that is off-limits to him/her, §1681i. "Attorney-client" privilege does not authorize attorneys representing a credit reporting agency privilege to a person's credit report or credit reporting account. Petitioner seeks Constitutional interpretation by the Circuit and the lower court applied the wrong laws or simply intentionally disregard Rajapakse's Constitutional rights. The Eleventh affirmed the district court's judgment as moot has presented

this case for review to the Supreme Court interpreting *Van Buren v. United States* (citation omitted) seeking clarifying the definintion of “Entitled or entitlement” as it relates to the Attorney-client relationship. The Supreme Court has inter-
prete define “entitled” meaning to obtain relevant infor-
mation already stated in the definitational provision via a
computer that one is authorize to access. The Eleventh and
Second Circuit own interpretation of CFAA challenges the
previous interpretation by the previous Supreme Court on
the use of an Officer who had access and authorization to
provide personal information to a third party secured. Peti-
tioner brings to the Supreme Court of a credit reporting
agency providing a third-party access to a secured data that is
prohibiting from obtaining as leverage in a civil suit. Su-
preme Court Justice Roberts dissenting opinion held that the
database used under circumstances that were expressly
forbidden is a violation of the CFAA because it exceeds the
authorization of access and the court must follow that
defination, even if it varies from a term’s ordinary meaning,
(*Tanzin v. Tanvir. No. 19-71*)

The Eleventh Circuit affirming the lower’s court
judgment allowed Equifax to provide access to Rajapakse
credit reporting account set a foundation of criminal acts
against her. The public is now faced with the possiblity of
a credit reporting agency to present a person’s credit report-
ing account as a defense to be used in civil litigation when a
person invokes the court in seeking relief for violation of the
Fair Credit Reporting Act. This type of defense used by
Equifax will be used to combat Congress laws as a personal
vindictive motive placed on a person’s credit inaccurate
information as leverage with neglience intention to intimi-
date a person to settle, dismiss, or oppress those without

counsel in fighting their claim in seeking relief. Rajapakse's Writ questions does the Circuit Courts has opened door for expansion to *1681i* to allow Attorneys to use as their defense of violation of the FCRA access to a person's confidential credit reporting account. When Equifax provided Rajapakse's personal and credit to their Attorneys on an unsecured system of their Attorneys, additional harm caused by Equifax had caused leaving substantial present and future identity theft which already originated from the 2017 Equifax data breach. On June 6, 2021, the federal courts heighten security after a cyber threat exposing the courts documents including seal documents protected by the court's data including classified and personal information. Additional security was placed to protect confidential information from being breached. It is a conflict the United States government would take seriousness of protecting a cyber threat of the government and personal documents, but rule Rajapakse credit and personal information should be an open-door book and shared with Attorneys on an unsecured site. In summary, the Eleventh Circuit affirmation of the lower court denied Rajapakse privacy of her personal and credit information as if she was not entitled to protection under the Fair Credit Reporting Act and the federal courts.

**II. THE ELEVENTH CIRCUIT ALLOWED
EQUIFAX AND DISTRICT COURT TO CREATE
AN ECONOMIC CLASSIFICATION SABOTAGE
OF PETITIONER CREDIT WORTHINESS WHICH
IS UNCONSTITUTIONAL:**

Parties who invoke the court without counsels have a difficult burden to present their cases against experience

educated attorneys. Parties representing themselves do not need assistance in errors that may occurs while seeking relief and many times do not need the assistance from the court. When a party who is presenting themselves have knowledge and present their cases well before the court, the court should not become part of the Attorneys defense to bring bias treatment against the pro se litigant or hold the Plaintiff to a standard so high, it become obvious of bias, (*In ex parte Porseky*, 290 U.S. 30, 31, 54 S.Ct. 3,4 78 L.Ed 152). The componments of a conspiracy relation between the court and the Respondents was so high the outcome of the ruling was affected. (*Reeb v. Ohio Dept. of Rehab and Corr.*, 435 F.3d 639, 644). The Rights of Pro se litigants to exercise their First and Fourteenth Amendent of the Constitution is to be protected at all costs in the adjudicated process to ensure due process is treated unbias. The Due Process Clause applies to all people within the United States, including aliens, whether their presence here is lawful, unlawful, temporary, or permanent, including Rajapakse who is an American Citizen, *Zadvydas v. Davis*, 533, U.S. 693, 121 S.Ct. 249, 150 L.Ed 2d 653. The Eleventh Circuit and the District Court to intentionally deny Rajapakse due process prevents a fundamental right protected by the First, Fourth, Ninth, and Fourteenth Amendment, *Sanchez v. Cruz v. INS*, 255 F.3d 755 Rajapakse was entitled to a fair and unbias tribune under the Due Process Clause requiring a full and fair hearing before the courts, *Larita-Martinez v. INS*, 220 F.3d 1092. The evidence of counsel misconduct, and Equifax gross negligence in the care and custody of Rajapakse credit report was just as equal of being convicted of a criminal crime without due process when a bias judge turn it back on the Constitution and establish its own laws based on personal

opinion of the Defendant on a prima facie case, *INS v. Wang*, 450, 139, 101 S.Ct. 1027, 67 L. Ed ¹⁰ Petitioner and those who invokes the court without Attorneys relies on the Fourteenth Amendment of the Constitution in place of its procedures to contrainst the actions of government working to deprivation the interest of anyone to prevent their enjoyment and the statue of property within the meaning of the Due Process Clause. A legitimate claim of entitlement Equifax provided to their Attorneys of Rajapakse's personal and credit information brings a high issue before the Supreme Court for review, *Board of Regents v. Roth*, 408 U.S. 564, 577, 92 S.Ct. 2707, 2709, 33 L.ed 2d 548. Color of Law under 42 U.S.C. §1983 held:

“[A] court action held “rechless” or callous disregard for Plaintiff's rights as well as intentional violation of federal laws should be sufficient to trigger a jury's consideration of the appropriateness of Plaintiff's damages.”

The core foundation of the judiciary system is established to enforce the Constitution. Rajapakse invoking the courts being denied protection from the court related to the Fair Credit Reporting Act is a denial of a judiciary review, *Madison v. Marbury*, 5 U.S. 137, Equifax intentional failure to correct Rajapakse's credit report for over five years

¹⁰ After the central criminal purpose of a conspiracy have been attained, a subsidiary conspiracy to conceal the crime, may not be implied from circumstantial evidence. The showing a -merely the conspiracy was a kept secret, and the conspirators took great care to cover up their crime in order to escape detection and punishment, *Grunewald v. United States*, 353 U.S. 391 (1957); *Krunevitch v. United States*, 336 U.S. 440; *Lutwak v. United States*, 344 U.S. 604.

§1985(3). Rajapakse First and Fourteenth Amendment rights were stripped for intentionally depriving her a right to privacy of personal information as well as depriving her of her life, liberty and the enjoyment of life placing her as a servitude citizen which is a violation of the Thirteenth Amendment. *Article III* standing of the constitutional requires the government prohibits acts in such a way that denies a citizen of a life, liberty, or property interest when a notice is given, the opportunity to be heard before a decision maker or neutral party. Rajapakse Fifth Amendment was denied the same due process in the Constitution that has not created the court an “option” of when it is appropriate on a case-by-case bases to uphold a person’s rights. A person’s rights continue to be denied when the court is notified of person’s rights being violated and chooses not to take action allowing the party to endure additional harm. Petitioners has a right to have a fair judiciary review especially in the judiciary process, *NAACP v. Button*, 371 U.S. 415 interpreted by the Supreme Court, *Cooper v. Aaron*, 358 U.S. 1, 78 S.Ct. 1401, 3 L.Ed 2d 5, held:

[E]very state is bound by not only the United States Constitution, but also all cases decided by the United States Supreme Court.

When the Circuit Courts go rogue from the Supreme Court their actions should not go unnoticed. Instead, send a strong

modify, delete, and suppress information on Rajapakse’s credit report. This is a violation of §1681 I *Van Buren v. United States*,

strike that this type of injustice will not be tollerated and our courts, laws, and justice will not be compromised. The decisions and laws of Congress and the Supreme Court must be followed even if it varies from a term's ordinary meaning, (*See Tanzin v. Tanvir*, 394 F.3d 449). Acts of intentional discrimination of deliberate or reckless disregard of Rajapakse's civil rights are sufficient to warrant damages, (*C.F. Rowlett v Auheuser-Busch, Inc.*, 832 F.2d 194, 206,) The district court are the gate keepers who come before the federal court with a Constitutional question seeking to be made whole by the courts when harm has been caused by another party or in controversy. When the lower courts and Circuit courts began to conduct deny justice to those who do not have Attorneys representing them it chips away the abolishment of the the Supreme Courts opinion as non enforcement. Petitioner understand the lower court has discretion over many aspects of the initial lever, but not to the level where it creates its own laws away from Congress and the Supreme Court. One of the great parts of the Constitution is the Bill of Rights designed to give anyone on American soil the entitlement to be heard, to receive justice, and the right to a fair hearing. The words of the United States government will go on deaf ears if the Supreme Court can not trust the following courts will uphold their voice that speaks wisdom and justice to those who come before the courts. Protecting the rights of all United States citizens is not just a discretion of the court, but an obligation including Petitioner Rajapakse who exercised her First Amendment right to file a grievance before the court.

III. THE ELEVENTH CIRCUIT INTENTIONALLY DENIED PETITIONER'S RIGHT UNDER THE FAIR CREDIT REPORTING ACT SEEKING RIGHT TO RECOVER

Finally, The Third Circuit held in *Cushman v. Trans Union*, 920 F. Supp. 80, 84 E.D. Pa.:

[T]o protect consumers from inaccurate information in reports used to evaluate creditworthiness §1681b and allow consumers to recover compensatory damages and costs including reasonable attorney's fees, §1681o. If a consumer reporting agency's non-compliance with the FCRA is willful, the consumer may recover punitive damages 1681n.

Rajakse provided sufficient documented proof of her current identification and social to Equifax to fraud on a person's credit reporting act under section 623¹² notifying Equifax she was not using her birth name in establishing credit. Equifax for noncompliance of FCRA that gave rise to liability for actual damages, 15 U.S.C. §1681i(a) "Pursuant to Section 611(a) of the Fair Credit Report (FCRA), Equifax obligation to conduct a reasonable investigation of Rajakse's dispute when sufficient documentation to resolve her disputes. The Eleventh Circuit opinion in Rajakse's case has never been upheld by past or present Supreme Court nor its sister Circuits denying a consumer protection of the FCRA, or the Fourteenth Amendment. Citizens are entitled

¹² Section 623(a)(1)(B) of the Fair Credit Reporting Act states after a consumer notifies a furnisher that the consumer disputes, the completeness or accuracy of any information reported by the furnisher, the furnisher may not subsequently report that information to a CRA without providing notice of the dispute. All fraud alerts must be provided to all three credit reporting agencies.

protection of credit enacted by Congress considerable interest in the credit industry with the enforce of the courts, *Bryant v. TRW*, 689 F. 2d 72. One of the most significant cases related to concrete harm from a credit reporting agency of class members in *Trans Union v. Ramirez*, 141 S.Ct. 2190 the Supreme Court held:

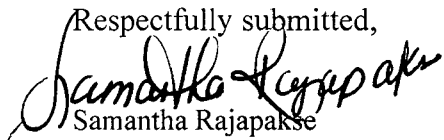
“Only Plaintiffs concretely harmed by a defendant’s statutory violation have Article III standing to seek damages against that private Defendant in federal court.”

The District Court held protected the class member’s credit rights who did not provide the courts any actual harm, *Huang v. Spector v. Equifax*, 999 F.3d 1247. Rajapakse provided documented proof she was damaged. Rajapakse became further damaged when Equifax provided her credit reporting account to their counsel as part of the litigation process. Rajapakse and Equifax have a close relationship that her personal information is stored with the credit reporting agency and the trust that such information is privated, *See Spokeo, Inc. v. Robbins*. 578 U.S. 330, 340 and there is a close historical or common-law alogue for her injury. The Eleventh Court and the district court held that Rajapakse claim of Equifax reporting two credit reports for her was moot and without claim for five years, but Rajapakse suffered “informational injury for five years resulting in filing a separate suit against Equifax, *See Federal Election Comm’n v. Akins*, 524 U.S. 11: *Public Citizen v. Department of Justice*, 491 U.S. 440.

CONCLUSION

It is for the foregoing reasons; Petitioners is seeking The Supreme Court for a writ of Certiorari.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Samantha Rajapakse", written over the printed name.

Samantha Rajapakse

Petitioner/ Plaintiff

3221 Westonia Drive.

Chattanooga, TN 37412

(423)551-1854

Email: samantharajapakse@ymail.com

*Counsel of Record