

No.

22-6946

In the Supreme Court of the United States

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IN RE CLEMENT MOSSERI, PETITIONER

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Supreme Court, U.S.  
FILED

FEB 21 2023

OFFICE OF THE CLERK

ON PETITION FOR AWRIT OF CERTIORARI TO  
The District Court for The Southern District of New York  
The Second Circuit Court of Appeals  
and The United States of America et al.

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PETITION FOR AWRIT OF CERTIORARI

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Clement Mosseri, Pro se  
7 West 21<sup>st</sup> Street #1708  
New York, New York 10010  
954 993-2625

To: Clerk,  
Supreme Court of the United States,  
Washington, D. C. 20543

## QUESTIONS PRESENTED BEFORE THIS COURT

1. Judicial immunity and any other immunities by the government, its employees and officials conflict with the Constitution of the United States and is unconstitutional. The rule of law does not exist with any immunity in force.

2. An attorney is required in a Civil case when it is not possible for an unrepresented litigant to obtain one since standing by a Court or tribunal is denied without an attorney representation.

## LIST OF PARTIES and RELATED CASES

7 West 21 LI LLC Peter Rose of Rose & Rose 291 Broadway 13<sup>th</sup> Floor New York, N.Y. 10007

Attorney for Plaintiff/ Respondent.

The United States of America, Merrick B. Garland, Attorney General of the United States, U.S. Department of Justice, 950 Pennsylvania Avenue, NW, Washington, DC 20530-0001 for the United States

## RELATED CASES

In The Civil Court, 7 West 21 LI LLC., v. Mosseri, et al L&T 053774/2019

In The Supreme Court of the State of New York, Appellate Term, First Department,  
7 West 21 LI LLC., v. Mosseri, et al L&T 053774/2019

In the New York State Appellate Division of the Supreme Court, 2019, Review Denied

In The Civil Court, 7 West 21 LI LLC., v. Mosseri, et al L&T 303464/2022

In The Civil Court, 7 West 21 LI LLC., v. Mosseri, et al L&T 312858/2022

In the Southern District of New York, 7 West 21 LI LLC., v. Mosseri 20 CV 279

In the Southern District of New York, 7 West 21 LI LLC., v. Mosseri 21 CV 5621

In the 2<sup>nd</sup> Circuit 7 West 21 LI LLC, vs Clement Mosseri, 22-609/ 22-634 Consolidated

## JURISDICTION

The jurisdiction of this Court is invoked under appellate jurisdiction 28 U.S.C. 1651 (a),

In the alternative, the jurisdiction of this Court is invoked under 28 U.S.C. 1254(1).

The Mandate dismissing the case issued on January 04, 2023 by the United States Court of Appeals for 2nd Circuit is not valid by a court that refuses a litigant any rights under the law thereby losing jurisdiction. Prior refusals by this Court to hear any Petition violated Petitioners due process and Civil Rights.

Petitioner requested the 2<sup>nd</sup> Circuit send it up under 28 U.S.C. 1254 (2) as a certified question to review the Constitutionality of judicial immunity and any and all other immunities by the government its employees and officials.

# CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Application to Proceed Without Prepaying Fees or Costs 28 U.S. Code § 1915	<b>COVER</b>
Article III of the Constitution of the United States	5
<u>Article VI</u> of the Constitution of the United States	9
The Fifth Amendment to the Constitution of the United States	4
The Fourteenth Amendment to the Constitution of the United States	4
26 CFR CH. I § 11.42-5 (b), (1) (vii)	7, 10, 11
The U.S. Housing Act of 1937	7, 10, 11
International Bill of Human Rights,	17, 18
Universal Declaration of Human Rights (UDHR),	17, 18
The International Covenant on Economic Social and Cultural Rights (ICESCR),	17, 18
The International Covenant on Civil and Political Rights (ICCPR).	17, 18

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## STATEMENT OF THE CASE

### SUMMARY

The New York State Civil Court, The Southern District of New York and the Second Circuit Court of Appeals conspired with plaintiff's attorneys to deprive Mosseri of due process in order to illegally take property and rights under color of law. Violating Mosseri's Fifth and Fourteenth, Amendment to the Constitution of the United States and other Constitutional and Statutory provisions involved as stated above.

In Re: 7 West 21 LI LLC., v. Mosseri. Plaintiff's attorneys improperly commenced an action in N.Y. State Civil court claiming Petitioner Mosseri failed to recertify under rules of the IRS section 42 Federal Low Income Housing Tax Credit ("LIHTC"). And failed to sign a lease that they latter admit was illegally procured.

Mosseri is a HUD Section 8 tenant where the IRS statues create an exception to recertification. A counter claim was made, plaintiff did not answer and was in default.

After more than 20 civil rights violations of due process, equal treatment and abuses of authority in the year it was in State court Mosseri removed the case to the Southern District Court of New York for review the federal question raised under IRS section 42 and stop the civil rights abuses.

SDNY, continued the abuses of due process and civil rights violations in concert with 2nd Circuit for more than 3 years.

As it appears. Petitioner Mosseri has no rights in courts without attorney representation. .

The US Courts embodied a pattern of abuse and intimidation that is stated under the RICO Statutes, 18 U.S.C. §§ 1961-68. An enterprise, A Pattern of racketeering activity, intimidation and harassment.

The 2<sup>nd</sup> Circuit dismissed the case after it lost jurisdiction because they abused the law and refused to allow Petitioner Article III standing as required under the law.

Dismissal was made after Petitioner made a Motion to transfer the case in the 2<sup>nd</sup> Circuit to another District Court that might hear the case fairly and the SDNY and 2<sup>nd</sup> Circuit lost jurisdiction when they refused to abide by Article III, their oath of office, the Constitution of the United States and the rules of law and does not apply.

After a filing to the Supreme Court of the United States, Sct. required the 2<sup>nd</sup> Circuit submit a final decision that was in error and not required here adding additional burdens on Petitioner that Petitioner considers a due process and civil rights violation and a wrongful requirement of a Court that no longer had legal jurisdiction.

The 2<sup>nd</sup> CIRCUIT and SDNY DENIED to allow Petitioner due process and any standing under the law because Petitioner lacked representation and the Courts hold a blanket immunity.

This is the third time Petitioner, Mosseri, submitted his complaint to this Court that the lower courts have denied him any rights under the Constitution, Bill of Rights the rules of law any standing because he lacks an attorney to represent him and immunity allows them to take this course of action to ignore Petitioner's rights under the law.

The courts lose jurisdiction when they violate their oaths of office, the Constitution and the rules of law in order to discriminate and deprive a litigant of his due rights under the law as made here.

A final decision by a court that violates their oaths of office, the Constitution and the rules of law is not relevant was not required and was an abuse under the due process of laws.

This court erred by holding a final decision by the courts in question is required before it can proceed in this court, has no bearings on removal and stands second when an abusive court discriminates refusing to hold a litigant has any rights under the law before it as was made here.

Petitioner accepts abeyance of thee Writ and forcing a lower court to provide final ruling but not a refusal and denial to enter a submitted Writ. .

## SUMMARY OF THE CASE BELOW

On February 13, 2019, landlord's attorney commenced a petition holdover in the Civil Court of New York City L&T 053774/2019, claiming Mosseri a Section 8 tenant failed to recertify pursuant to the Federal Low income Housing Tax Credit, LIHTC, under Section 42 of the IRS code, a Federal Question, and made other false claims as will be realized below.

On June 11, 2019, Petitioner Mosseri, made a Motion to Dismiss, Landlord's Attorneys failed to name a necessary party, The United States, Section 8 Tenants are not required to recertify under LIHTC rules pursuant to 26 CFR CH. I § 11.42-5 (b), (1) (vii) and the lease was illegally procured.

The IRS statute dealing with waiver for Section 8 tenants is wrong as written because a Section 8 tenant is automatically qualified without recertification or any other requirement for LIHTC when the Section 8 tenant is certified under HUD that formulates the qualification for LIHTC and uses the same rules for qualification, the U.S. Housing Act of 1937 and must be rewritten to reflect that.

Mosseri also filed a Counter Claims complaint seeking damages in the amount of \$3,800,000.00 trebled to \$11,400,000.00.

Landlords attorneys failed to answer any of it. Mosseri gave Landlords Attorneys two opportunities to settle the matter before default where they refused because of Mr. Green.

Mosseri filed a Motion for default judgement pursuant to NY CPLR § 3215 and render a judgement as it was written in the Counter Claims complaint according to the law.

Landlords attorney held ex parte conference with the presiding state judge discussing the case and the judges course of action to deny the Motion of Dismiss required under the law and would arbitrarily dismiss the default. A conspiracy that was admitted to by the presiding judge in a hearing in open court.



Unable to get a ruling on the Federal Question in State Court and with more than 20 Civil Rights violations in State Court Mosseri removed the case to the Southern District of New York.

The abuse continued in SDNY, starting with a non random assignment to a judge, manipulating and distorting the case records denying entry of a properly submitted summary judgment and a general denial of standing of any rights under the Constitution the Bill of Rights and the rules of law.

Landlords attorneys repeatedly and illegally commenced new actions in the Civil Court that had no jurisdiction after it was removed to Federal Court with libelous malicious allegations in order to harass defame and slandering Petitioner Mosseri in concert with the federal courts in attempts to force Mosseri to give up his rights under the law conspiring to violate Mosseri's civil rights.

The Second Circuit followed suit in a conspiracy with SDNY denying Mosseri any rights under the law issuing mambo jumbo rulings that were contrary to the law further distorting and denying Petitioner Mosseri due process equal treatment and all rights under the Constitution the Bill of Rights and the rules of law.

After the last straw of improper decisions by the 2<sup>nd</sup> Circuit where they showed they lost jurisdiction Petitioner Mosseri made a motion to Transfer the case to the 1st District for a fair hearing that is not available in the SDNY or 2<sup>nd</sup> Circuit, where he sought to review the unconstitutional immunity in government that is contrary and a violation of the Constitution of the United States that is the cause of this abuse and a review of the courts lack of due process equal treatment and the rule of law, lack of access to the courts for a litigant that can not afford an attorney.

*Stating, "It is well-known that judge Henry J. Friendly was one of the greatest judges in our nation's history. Along with Holmes, Brandeis and Learned Hand, and certainly one of the most brilliant. Judge Henry's first element of Due Process with the highest priority is # 1. An unbiased tribunal. After more than four years before the courts on this matter, more than three years in the Federal courts SDNY, and 2nd Circuit, my questions are When is Mosseri going to be before an unbiased court? When does the required Due Process, Fairness and Rule of Law start? When?"*

Petitioner Mosseri sought a transfer to the District Court in the First Circuit and Appeals Court. and started a Petition for a Writ in the Supreme Court of the United States that was improperly denied by this court holding a final decision is required when the lower courts denied Petitioner Mosseri all his rights under the law rendering the lower courts losing their jurisdiction for failing to abide by their oath of office, the Constitution, the Bill of rights and the laws of this Nation.

This case and the related Federal Tort Claim filed to Attorney General Merrick Garland, on November 14, 2022, prove that a litigant without an attorney because he can not afford one is routinely denied access to the courts by the courts.

1. Petitioner Mosseri seeks an appointment of an attorney of his choosing due to the courts consistently showing that a fair hearing is not available without one.
2. Petitioner Mosseri seeks the court to appoint an independent body, DOJ lacks clean hands, to institute a finding of fact and conclusions of law in this case as well as the relevant Federal Tort Claim sent to Attorney General Merrick Garland, on November 14, 2022
3. Petitioner Mosseri, seeks a review and ruling of the questions submitted, that Judicial Immunity, any government immunity bars rights and is a violation under the Constitution of the United States

4. Petitioner Mosseri, seeks a ruling that an appointment of attorney is required in a civil case in order to get a fair hearing.

28 U.S. Code § 1915 - Proceedings in forma pauperis. In forma pauperis, A Latin term meaning "in the manner of a pauper." Allowing a poor person to bring suit without liability for the costs of the suit.

A. The Moving party must be IFP. Mosseri is IFP and cannot afford cost. This was met.

B. The court must have a reasonable assurance it will recover those costs at the end of the proceedings. A case with merit. That was also met as the record shows and reviewed below,

An appointment of an attorney of Petitioner Mosseri must be granted as it is required by the courts for and standing under the law.

Plaintiff improperly started the action where they knew or should have known a Section 8 tenant is not required to file an annual recertification. Under the IRS statute, 26 CFR Ch. I § 1.42-5 (b), 1 (vii) and under U.S. Housing Act of 1937. Requiring costs to be paid by plaintiff for bringing a case for an illegal purpose.

A second assurance is plaintiff's default of Mosseri's Counter Claim in the amount of \$11,400,000, that was arbitrarily and illegally set aside by a judge that lacked authority and did not have the monetary jurisdiction, after plaintiff's attorney had ex parte communications and the discussed the course of action the presiding judge will take. A conspiracy, fraud, denial of due process under color of law and lack of judicial authority....

The presiding judge admits the ex parte conversation where the illegal course of action on the record in an open court hearing. Transcripts and all evidence from the record the 2<sup>nd</sup> Circuit improperly Denied. Violating petitioner's IFP status and abusing his civil rights.

## SECTION 8 TENANTS ARE NOT REQUIRED TO FILE RECERTIFICATION WITH THE LANDLORD UNDER THE LAW.

Mosseri Petitioner Defendant is a section 8 tenant and files an annual recertification with NY HPD an agent for HUD and is in compliance. The financial rules for qualification under LIHTC and Section 8 are exactly the same the U.S. Housing Act of 1937. HUD sets the guidelines for both. Section 8 tenants are automatically qualified under LIHTC according to the Act.

Petitioner, Mosseri is not required to file recertification twice annually for the same benefit and the IRS makes an exception for Section 8 tenants. Under 26 CFR Ch. I § 1.42-5 (b), 1 (vii), that gives a clear course to follow providing the procedure to fulfill landlord's obligation to the IRS and an exception for Section 8 tenants' recertification. The flaw in this statute is it does not allow for automatic recertification as required under the U.S. Housing Act of 1937.

The relevant portion on how to comply for a Section 8 tenant is as follows,

*In the case of a tenant receiving housing assistance payments under Section 8, the documentation requirement of this paragraph (b)(1)(vii) is satisfied if the public housing authority provides a statement to the building owner declaring that the tenant's income does not exceed the applicable income limit under section 42 (g); Section 42 (g) refers to the unit income guidelines*

Neither landlord, nor their agent(s) asked Petitioner Mosseri for a release of this information.

Nevertheless it is not required due to causing double jeopardy.

The IRS Section 8 exception must read to avoid duplicity and double jeopardy:

*In the case of a tenant receiving housing assistance payments under Section 8, the documentation requirement of this paragraph (b)(1)(vii) is satisfied if landlord provides a copy of HUD's annual rent breakdown for tenant and current receipt of rent by HUD showing Section 8 tenant is still qualified.*

There is no legal requirement for a Section 8 tenant to file twice for the same benefit.

Landlords can comply with IRS LIHTC rental policy for Section 8 tenants by providing a copy of the The Rent Breakdown Statement provided to the landlord annually by HUD's agent, and a current receipt of rent paid by HUD for tenant to show tenant is still a qualified under Section 8 and eligible under LIHTC without the double jeopardy. The United States must correct and amend the law in order to avoid tenant double jeopardy.

This demand complies with the practice for all State and Federal government programs, if an individual is qualified for one program no further proof is required for a similar requirement .

### **Overview - Rule of Law** from,

<https://www.uscourts.gov/educational-resources/educational-activities/overview-rule-law>

More than 200 years ago, Alexander Hamilton, James Madison, and John Jay published a series of essays promoting the ratification of the United States Constitution now known as *Federalist Papers*. In explaining the need for an independent judiciary, Alexander Hamilton noted in *The Federalist # 78* that the federal courts "were designed to be an intermediate body between the people and their legislature" in order to ensure that the people's representatives acted only within the authority given to Congress under the Constitution.

The U.S. Constitution is the nation's fundamental law. It codifies the core values of the people. Courts have the responsibility to interpret the Constitution's meaning, as well as the meaning of any laws passed by Congress. *The Federalist # 78* states further that, if any law passed by Congress conflicts with the Constitution, "the Constitution ought to be preferred to the statute, the intention of the people to the intention of their agents."

"Nor does this conclusion by any means suppose a superiority of the judicial to the legislative power. It only supposed that the power of the people is superior to both; and that where the will of the legislature, declared in its statutes, stands in opposition to that of the people, declared in the Constitution, the judges ought to be governed by the latter rather than the former. They ought to regulate their decisions by the fundamental laws, rather than by those which are not fundamental."

The American democratic system is not always based upon simple majority rule. There are certain principles that are so important to the nation that the majority has agreed not to interfere in these areas. For instance, the Bill of Rights was passed because concepts such as freedom of religion, speech, equal treatment, and due process of law were deemed so important that, barring a Constitutional Amendment, not even a majority should be allowed to change them.

Rule of law is a principle under which all persons, institutions, and entities are accountable to laws that are:

- Publicly promulgated
- Equally enforced
- Independently adjudicated
- And consistent with international human rights principles.

The courts play an integral role in maintaining the rule of law, particularly when they hear the grievances voiced by minority groups or by those who may hold minority opinions. Equality before the law is such an essential part of the American system of government that, when a majority, whether acting intentionally or unintentionally, infringes upon the rights of a minority, the Court may see fit to hear both sides of the controversy in court.

## **JUDICIAL IMMUNITY, ANY IMMUNITY BY THE GOVERNMENT ITS OFFICIALS AND EMPLOYEES IS A VIOLATION UNDER THE CONSTITUTION OF THE UNITED STATES**

Petitioner Mosseri's reviews judicial immunity that reflects all immunities in government.

"a law repugnant to the constitution is void, and that courts, as well as other departments, are bound by that instrument." Chief Justice John Marshall in *Marbury v. Madison*, (1803)!

*Corruption in the judicial system breaks the basic principle of equality before the law and deprives people of their right to a fair trial. In a corrupt judicial system, money and influence may decide which cases are prioritized or dismissed.* Transparency International

Judicial immunity is a form of sovereign immunity, which protects judges and others employed by the judiciary from liability resulting from their judicial actions, there is no immunity for insurrection or sedition as was conducted here.

Under FTCA the sovereign has no immunity and cannot grant immunity to its employees and elected officials that it doesn't have itself. Only authoritarian regimes ignore the laws and human rights of its citizens. .

This action was before this Court in 20-7925, where you knew or should have known but took no corrective action, a violation failing to protect the Constitution of the United States and your oath of office, allowing the lower courts to continue their abuse, more than 4 years since it was first brought, a violation of Petitioner Mosseri's civil and Constitutional rights.

28 U.S. CODE § 1915, (e) (1) *The court may request an attorney to represent any person unable to afford counsel.* In this case it is a requirement.

Petitioner demands the court to appoint an attorney of his choosing as it is required for a fair hearing.

The judges and the courts used their judicial immunity as a cover to continue the conspiracy to discriminate and deny basic human rights that are guaranteed by the Constitution of the United States, the Bill of Rights and international treaties.

Judicial Immunity, any government immunity bars rights and is a violation under the Constitution of the United States.

The framers never allowed immunity nor gave any hint to it of any kind in government for a government that refuses to abide by the rule of law and wrote specific conduct for the government and its employees. Article III of the Constitution The Judges, both of the supreme and inferior Courts, shall hold their Offices during good Behaviour.

Article VI of the Constitution: "The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious test shall ever be required as a Qualification to any Office or public Trust under the United States."

#### The Constitution and judicial oaths of office

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

The Judiciary Act of 1789, reads, "the justices of the Supreme Court, and the district judges, before they proceed to execute the duties of their respective offices" revised Judicial Oath, found at 28 U. S. C. § 453,

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States. So help me God."

The combined version of the two oaths, reads:

"I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States; and that I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion; and that I will well and faithfully discharge the duties of the office on which I am about to enter. So help me God."

Every oath for every government elected or appointed employee requires to support and defend the Constitution of the United States, "shall be bound by Oath or Affirmation, to support this Constitution" under laws of the United States.

Judicial immunity specifically disregards the Constitution and claims that judges are not required to abide by the Constitution or the rules of law of the of the United States.



Nowhere does it mention immunities of any kind in the Constitution of the United States or The Federalist Papers they do not mention any immunities for the government its employees or the Judiciary and require good behavior as a condition to their office. Sovereign immunity is only available if the government acts within the law. Considering FTCA there is a waiver.

In fact a government that has any immunities is an authoritarian regime that has a concentration of power in a leader or an elite and not constitutionally responsible to the people. Ignoring any law or the Constitution as stated in definitions of judicial immunity.

A poor person has less rights and does not have equal treatment by excluding them from a fair hearing and access to the courts as currently practiced in US courts rendering this government an authoritarian fascist regime.

As practiced, the United States is an authoritarian fascist regime and not a form of government that abides by the Constitution, the Bill of Rights, the will of the people, the laws of this nation or International laws and agreements made.

Only a country that fully respects the rules can have appropriate authority. The Statement that no one is above the law in the United States is blatantly false when there are millions of government employees, City, State and Federal judges, prosecutors, law enforcement officials, who are granted a level of immunity, millions of little Hitler's, in contradiction to the Constitution of the United States and International human rights and treaties. Some are criminals that take advantage of this flaw in government. Some are lazy ignoring the efforts required of a just society.

Clearly, the United States is a gross violator of human rights that embraces immunity by its Judges. The true nature of this government in the United States is that it is an authoritarian fascist regime, with judges and officials acting like an elitist group above the law and not Constitutionally responsible to the people or the rule of law.

All 27 nations in the EU, without reservation reject any immunity in government and its employees and suffers no ill effects.

Immunity by the government or any of its employees violate the International Bill of Human Rights, Universal Declaration of Human Rights (UDHR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

A group that claims immunity is claiming to be above the Constitution and the laws of this nation such as the judiciary and government officials current behavior that violates their oath of office, promotes bad behavior that render themselves illegal, null and void requiring removal under the Constitution of the United States for breaching the Constitution. And with it an illegal U.S. Government that includes Congress and the president for allowing and supporting this immunity that breeds contempt for the law and corruption of the judiciary and the government.

Judicial immunity must be abandoned, set aside to restore a true democratic society that is answerable to the people as is required under the Constitution of the United States and your oath of office. Only corrupt judges will suffer because they can no longer claim immunity for bad behavior.

Clothed with the power of the state and authorized to pass judgment on the most basic aspects of everyday life, a judge can deprive citizens of liberty and property in complete disregard of the Constitution and laws. Corruption is cultivated, breeds into this system. A Court and government is not legitimate that exemplifies unconstitutional immunity.

This is not a petition or request to decide if the Judicial immunity is unconstitutional it is a demand to discontinue all immunity by all of the government as it is unconstitutional..

Immunity violates your oath of office and the oath of every member of government failing to protect the Constitution as is required. This is a request that you take the initiative by setting aside and discontinue judicial and all immunity before others require you to step down for taking liberties that are required under the Constitution and required by a just god.

This kind of government cannot and will not stand.

## REASONS FOR GRANTING THE WRIT

**I. A final decision was not required to be heard** by this court when the lower court demonstrates that it does not abide by the rules of law that requires a loss of jurisdiction.

**II. Judicial immunity and any immunities by the government, its employees and officials is a violation under the Constitution of the United States.**

The rule of law does not exist with any immunity in force and a violation of a free and just democratic society.

Immunity of the government or any of its employees violate the International Bill of Human Rights, Universal Declaration of Human Rights (UDHR), the International Covenant on Economic Social and Cultural Rights (ICESCR), and the International Covenant on Civil and Political Rights (ICCPR).

All 27 nations in the EU, without reservation reject any immunity in government and its employees and suffers no ill effects.

Judicial Immunities do not Promote Fair and Impartial Judgments and only shields Judges and government employees and officials from removal for bad behavior.

Judicial Immunity, any Immunity by the Government it's officials and employees is a violation Under the Constitution of the United States and a violation of their Oath of office that renders their positions null and void.

There is no Sovereign immunity of the Federal or State governments that breach the Constitution and rules of law and government employees and official can not raise Government immunity as a as their own in defense.

There is no consent, no permit, no allowance to Judicial Immunity in the Constitution of the United States. Any government immunity bars the people's rights under the Constitution and is a violation under the Constitutional required oath of office and must be discontinued.

The government and the Courts are acting illegally under the Constitution, the Supreme Court must require discontinuance of all immunity as it is contrary to the Constitution of the United States.

Validity of decisions by Courts that intentionally ignore the Constitution violating their required oath of office required as a condition to take up their office, "shall be bound by Oath or Affirmation" is null and void.

The right of changing this government from an authorial fascist state remains with the people, if the courts and the government will not.

### **III, An attorney is required in a Civil case when it is not possible for an unrepresented litigant to obtain one.**

Standing by a Court or tribunal is denied without attorney representation. Due process equal protection, the rule of law is denied even if the litigant correctly articulates and communicates the rational of law as was done here they are denied standing requiring either an appointment of an attorney on a case that has merit or a different form of court to hear the controversy in order to get a fair unbiased and just court that presides according to the rules of law so an unrepresented litigant can be properly heard and the controversy is fairly decided.

## **CONCLUSIONS**

This case and the related Federal Tort Claim filed to Attorney General Merrick Garland, on November 14, 2022, prove with no doubt that a litigant without an attorney because he can not afford one is denied access to the courts by the courts.

A final decision is not required to be heard by this court when the lower court demonstrates that it does not abide by the rules of law and requires that it no longer has jurisdiction an error this court made that prevented due process.

Judicial immunity and any immunities by the government, its employees and officials is a violation under the Constitution of the United States and must be discontinued and set aside.

The rule of law does not exist with any immunity in force and a violation of a free and just democratic society.

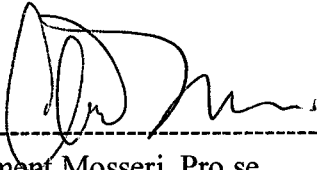
Petitioner Mosseri seeks an appointment of an attorney of his choosing by the court due to the consistently showing that a fair hearing is not available without one.

Petitioner Mosseri seeks the court to appoint an independent body, DOJ lacks clean hands, to institute a finding of fact and conclusions of law in this case as well as the relevant Federal Tort Claim sent to Attorney General Merrick Garland, on November 14, 2022

Petitioner Mosseri, seeks a review and ruling of the questions submitted, that Judicial Immunity, any government immunity bars rights and is a violation under the Constitution of the United States

Petitioner Mosseri, seeks a ruling that an appointment of attorney is required in a civil case in order to get a fair hearing.

Respectfully submitted,  
Dated February 20 2023



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New York, New York 10010  
954 993-2625

**UNITED STATES COURT OF APPEALS  
for the  
SECOND CIRCUIT**

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At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 27<sup>th</sup> day of December, two thousand twenty-two,

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7 West 21 LI LLC,

Plaintiff - Appellee,

**ORDER**

Docket Number: 22-2948

v.

Clement Mosseri,

Defendant - Appellant.

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A notice of appeal was filed on November 16, 2022. The filing fee of \$505.00 was due to be paid to the district court by December 02, 2022. The case is deemed in default.

Instructions for moving for *in forma pauperis* status are provided in the Court's instructions entitled "*How to Appeal a Civil Case in the United States Court of Appeals for the Second Circuit*". The manual and the forms required to file the motion are enclosed with this order. They are also available on the Court's website [www.ca2.uscourts.gov](http://www.ca2.uscourts.gov).

IT IS HEREBY ORDERED that the appeal is dismissed effective January 17, 2023 unless by that date appellant either pays the fee in full, moves for *in forma pauperis* status in district court or, if district court has denied *in forma pauperis* status, moves in this Court for *in forma pauperis* status. If appellant has filed the motion in district court and the motion is pending, appellant must so advise this Court in writing by the same date.

For The Court:

Catherine O'Hagan Wolfe,  
Clerk of Court

The signature of Catherine O'Hagan Wolfe is written in cursive over a circular seal. The seal contains the text "UNITED STATES", "SECOND CIRCUIT", and "COURT OF APPEALS" around a central emblem.

# MANDATE

UNITED STATES COURT OF APPEALS  
FOR THE  
SECOND CIRCUIT

At a Stated Term of the United States Court of Appeals for the Second Circuit, held at the Thurgood Marshall United States Courthouse, 40 Foley Square, in the City of New York, on the 25<sup>th</sup> day of October, two thousand twenty-two.

7 West 21 LI LLC,

Plaintiff - Appellee,

v.

Clement Mosseri,

Defendant - Appellant.

## ORDER

Docket Nos. 22-609(L), 22-634(CON)

Appellant filed notices of appeal in the above-referenced matter. On September 20, 2022 the Court denied Appellant's motion to compel the district court to provide him with free electronic copies of district court records. Appellant's scheduling notification was due 14 days thereafter. Appellant failed to submit a scheduling notification letter. Upon consideration thereof,

IT IS HEREBY ORDERED that, pursuant to Local Rule 31.2(a)(1)(A), Appellant's brief must be filed on or before December 5, 2022. The appeal will be dismissed effective December 5, 2022 if the brief is not filed by that date. A motion to extend the time to file the brief or to seek other relief will not toll the previously ordered filing date. *See* Local Rule 27.1(f)(1); *cf. RLI Insurance Co. v. JDJ Marine, Inc.*, 716 F.3d 41, 43-45 (2d Cir. 2013).

For the Court:


Catherine O'Hagan Wolfe,  
Clerk of Court


A True Copy

Catherine O'Hagan Wolfe, Clerk

United States Court of Appeals, Second Circuit

  
MANDATE ISSUED ON 01/04/2023