

No. 22 - 7120

FILED

MAR 13 2023

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SUPREME COURT, U.S.

IN THE
SUPREME COURT OF THE UNITED STATES

Aaron J. Bressi — PETITIONER
(Your Name)

Commonwealth ^{vs.} Pennsylvania
Parole Board, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron J. Bressi
(Your Name)

PO Box A
(Address)

Bellefonte, PA 16823
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. How does this Complaint get dismissed by Both the Honorable District Court, and the Honorable Appeals Court, for failure to State a Claim.
2. How Can this Very Serious issue not be Considered to be importance to the public of the issue.
3. How is this not Considered both the Honorable District Court, and the Honorable Appeals Court, abused their discretion throughout the entire Case.

LIST OF PARTIES

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

All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

Ms. Stanton, Pre-Parole/SCI-Rockview
Terry Smith, Hearing Examiner
Leo Dunn, Board Member

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APPENDIX B Decision of order of United States District Court.

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APPENDIX E United States Court of Appeals, formal Brief.

APPENDIX F United States Court of Appeals, Petition for rehearing.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>West v. Atkins</u> , 487 U. S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988).	(3)
2. <u>Piecknick v. Pennsylvania</u> , 36 F. 3d 1250, 1255-56 (3d Cir. 1994).	(3)
3. <u>Burkett v. Love</u> , 89 F. 3d 135, (3d Cir. 1996).	(3), 7
4. <u>Block v. Potter</u> , 631 F. 2d 233, 236, 17 V. I. 623 (3d Cir. 1980).	(3), 7
5. <u>Burkett</u> , 89 F. 3d at 140.	(4), 8
6. <u>Block</u> , 631 F. 2d at 237.	(4), 8
STATUTES AND RULES	
7. <u>Erickson v. Pardus</u> , 551 U. S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007).	(5)
8. <u>Chase v. Chase</u> (in re chase), 2018 Bankr. Lexis 1291 *10 (Bankr. E. D. N. Y. 2018).	(5)
9. <u>Poulis v. State Farm Fire and Cas. Co.</u> , 747 F. 2d 863, 868 (3d Cir. 1984).	(8), 9
10. <u>Emerson</u> , 296 F. 3d at 190.	(9)

OTHER Statutes and Rules:

1. 42 U. S. C. § 1983
2. Rule 12(b)(6)
3. Poulis Factors

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IN THE

SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

reported at _____; or,
 has been designated for publication but is not yet reported; or,
 is unpublished.

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JURISDICTION

For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was November 30, 2022.

No petition for rehearing was timely filed in my case.

A timely petition for rehearing was denied by the United States Court of Appeals on the following date: February, 24, 2023, and a copy of the order denying rehearing appears at Appendix D.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

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

For cases from **state courts**:

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A _____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. (42 U.S.C. § 1983), It States a Claim for relief Under § 1983, a Plaintiff must allege, first, the violation of a right Secured by the Constitution or laws of the United States and, Second, that the alleged deprivation was committed or caused by a person acting under Color or State law. (see) West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Piecknick v. Pennsylvania, 36 F.3d 1250, 1255-56 (3d Cir. 1994).

2. (Substantive Due Process), The Third Circuit has recognized a cause of action Under Substantive due process that is distinct from procedural due process. (see) Burkett v. Love, 89 F.3d 135, 139-40 (3d Cir. 1996); Block v. Potter, 631 F.2d 233, 236, 17 V.I. 623 (3d Cir. 1980). Under Substantive due process, as the term has been construed by the Courts, a State may not deny parole on Constitutionally impermissible grounds,

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Such as race or in retaliation for exercising Constitutional rights. Burkett, 89 F.3d at 140. Similarly, the Board may not base a parole decision on factors bearing no rational relationship to the interests of the Commonwealth. Block, 631 F.2d at 237.

STATEMENT OF THE CASE

1. The Honorable District Court and Honorable Appeals Court did in fact erred by dismissing Complaint / Case, for failure to State a Claim. Fed. R. Civ. P. States a document filed pro se is to be liberally Construed, and a pro se Complaint, however inartfully pleaded, must be held to less Stringent Standards than formal pleadings drafted by lawyers. (see) Erickson v. Pardus, 551 U. S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007).

Also, it States when Considering motions to dismiss a pro se Complaint Such as this, Courts must Construe the Complaint broadly, and interpret it to raise the Strongest arguments that it suggests. (see) Chase v. Chase (in re Chase), 2018 Bankr. Lexis 1291 *10 (Bankr. E. D. N. Y. 2018).

2. This Case is a very Serious Consideration to the importance to the public of the issue. It is a very Serious issue to be held by the Commonwealth of Pennsylvania Parole Board, et al., in State of Pennsylvania's Dept. of Corrections, (State Prison), in retaliation for exercising Constitutional rights.

This is due to being the Victim of the Crime I am wrongfully incarcerated for by the mother of my three children. And also multiple Violations, (Civil Rights), / Crimes by Northumberland County of Pennsylvania employees / elected Officials, State of Pennsylvania Paid actors, and the Coal Township Police Dept., of Pennsylvania. Before, During, and

After being wrongfully incarcerated for being the victim of this crime. Proving it with 100% evidence, and still being held in Pennsylvania State Prison past my minimum sentence by the Commonwealth of Pennsylvania Parole Board, et al.. This is a very serious issue.

The Third Circuit has recognized a cause of action under substantive due process that is distinct from procedural due process. (see Burkett v. Love, 89 F. 3d 135, 139-40 (3d Cir. 1996); Block v. Potter, 631 F. 2d 233, 236, 17 J. V. I. 623 (3d Cir. 1980). Under substantive due process, as the term has been construed by the courts, a state may not deny

parole on Constitutionally impermissible grounds, such as race or in retaliation for exercising Constitutional rights. Burkett, 89 F. 3d at 140. Similarly, the Board may not base a parole decision on factors bearing no rational relationship to the interests of the Commonwealth. Block, 631 F. 2d at 237.

3. The Honorable United States District Court and The United States Court of Appeals, abused their discretion 100% without a doubt throughout this entire Case. Pursuant to Fed. R. Civ. P. for the Third Circuit Commonly referred to as Poulis factors. (see) Poulis v.

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State Farm Fire and Cas.
Co., 747 F.2d 863, 868
(3d Cir. 1984). Emerson,
296 F.3d at 190.

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REASONS FOR GRANTING THE PETITION

I Aaron J. Bressi ask this Honorable Supreme Court of the United States to grant this Petition for a Writ of Certiorari pursuant to (Rule 10) of this Honorable Court.

This Petition 100% without a doubt falls under the Judicial Discretion of this Honorable Court's Considerations governing review on Certiorari. (see Rule 10); (see also) Docket Sheet of the United States District Court, located in (Appendix C). Also, See United States Court of Appeals (Formal Brief), located in (Appendix E). And (Petition for Rehearing), located in (Appendix F).

which now gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case. (see) (Appendix) (A-F), filed with this Petition for a writ of Certiorari.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

aaron Bressi

Date: 3-13-23