

22-7173

ORIGINAL

In The United States Supreme Court

IN RE RAJ K. PATEL,
from all capacities,

Plaintiff-Appellant-Petitioner

Supreme Court, U.S.
FILED

MAY 03 2023

OFFICE OF THE CLERK

On Petition for a Writ of Certiorari to the
United States Court of Appeals for the Federal Circuit in No. 23-113.

PETITION FOR AN EXTRAORDINARY WRIT OF MANDAMUS

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794 words | 2 pages

May 1, 2023

QUESTIONS PRESENTED

- I. Whether the United States Court of Federal Claims abused its discretion in interpreting its own filing bar and denying the complaint.
- II. Whether the United States Court of Appeals for the Federal Circuit should have granted mandamus or otherwise effectuated the filing of complaint.

LIST OF PARTIES

1. Raj K. Patel, Appellant-Petitioner.
2. United States.
3. United States Court of Appeals for the Federal Circuit.
4. United States Court of Federal Claims.
5. The Honorable Elaine D. Kaplan, Chief Judge of the C.F.C.
6. Elizabeth B. Prelogar, Solicitor General of the United States.

RULE 29.6 CORPORATE DISCLOSURE

Not applicable. Raj Patel has no parent corporation and no publicly held company owns 10% or more of their stock.

OPINIONS BELOW

The opinion of the United States Court of Appeals for the Federal Circuit appears at Addendum A to the petition and is unpublished. See also Add. B.

The opinion of the United States Court of Federal Claims has not been issued.

JURISDICTIONAL STATEMENT

The jurisdiction of the United States Court of Federal Claims was founded upon 28 U.S.C. Section 1491(a).

The jurisdiction of the United States Court of Appeals for the Federal Circuit is founded upon 28 U.S.C. Section 1295(a)(3), and is based upon the judgment entered on March 7, 2023.

The jurisdiction of the Supreme Court of the United States is founded upon 28 U.S.C. Section 1254 and Section 1651, and is based upon the judgment entered on March 7, 2023 and April 25.

STATEMENT OF THE CASE

The CARES Act and the American Recuses Plan Act ("ARPA") are money-demanding statutes on which a Tucker Act claim may lie. Big Tucker Act, 28 U.S.C. § 1491(a).

Ordered Liberty requires that de facto benefit corporations and social corporations be given the same protections.

On December 1, 2022, Patel filed a complaint on violation of his Constitutional right because Patel is entitled to anywhere from \$62,400 to \$208,000 in entitled to relief.

The United States Court of Federal Claims denied filing the complaint, and in fact, it does not appear on its filing bar docket. In Re Raj K. Patel, No. 1:23-af-07028-UNJ (C.F.C. 202_).

The United States Court of Appeals for the Federal Circuit denied § 1651 mandamus to file the complaint. In Re Patel, No. 23-113 (Fed. Cir. Apr. 25, 2023).

The writ of certiorari follows. Rules 20 & 39.

FACTUAL BACKGROUND

- I. Patel has a benefit and/or social corporation under state law.
- II. Patel was not approved for his CARES Act and American Recuse Plan Act benefits but would have been if he was a different corporation.

RULES

Big Tucker Act, 28 U.S.C. § 1491(a) allows for claims to be predicated on a money-mandating statute, including CARES Act and ARPA.

The Constitution and Ordered Liberty requires that the corporate persons be treated equally and duly. U.S. const. amend. V & XIV. Ordered Liberty will always aid in tipping the scales of justice so "[p]leadings [are] construed so as to do justice." RCFC 8(e). C. Conduct U.S. JJ. Canons 1-3.

"Federal courts have a 'virtually unflagging obligation...to exercise the jurisdiction given them.'" Colo. River Water Conservation Dist. v. United States, 424 U.S. 800, 817 (1976). "Demonstrating [the C.F.C.'s] jurisdiction is generally a low bar." Columbus Reg'l Hosp. v. United States, 990 F.3d 1330, 1341 (Fed. Cir. 2021). The FTCA support jurisdiction in the United States Court of Federal Claims. Taylor, 959 F.3d at 1081. See 28 U.S.C. § 2680(h). 28 U.S.C. § 1500.

"The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law." 28 U.S.C. § 1651(a). "An alternative writ or rule nisi may be issued by a justice or judge of a court which has jurisdiction." 28 U.S.C. § 1651(b).

And, when this court or a federal court questions the necessary facts or claims, the Supreme Court requires that a "reasonable opportunity" be given to "adequately" acquire "evidence adduced at trial." Crist, 995 F. Supp. at 12; Gladstone, 441 U.S. at 115 n. 31 cited in Tinton Falls Lodging Realty, 800 F.3d at 1364. RCFC 8(e).

Matters regarding Ordered Liberty, including filing a RCFC 3 civil action, are reviewed for "abuse" of discretion. U.S. const. amend. I, II, V, & XIV. Teague v. Lane,

489 U.S. 288, 296, 315 (1989) & Precision Specialty Metals, Inc. v. United States, 315 F.3d 1346, 1350 & 1354 (Fed. Cir. 2003).

REASONS TO GRANT THE PETITION

Because this Court must supervise the lower courts and no other remedy exists for Patel to have his breach of constitutional rights remedied, this court should grant § 1651 mandamus either to the United States Court of Federal Claims to file the complaint, see Add. C., or to the United States Court of Appeals for the Federal Circuit to order the United States Court of Federal Claims to file the same complaint because no Federal court should shy away from jurisdiction. Colo. River Water Conservation Dist., 424 U.S. at 817. This a reason why this court's appellate jurisdiction will be aided. U.S. const. amend. V & XIV.

This court's appellate jurisdiction will be further aided because this court has its own duty to interpret the Constitution and interpret the CARES Act and ARPA so that no group of United States individual and corporate persons will be disparately affected or otherwise discriminated against. 28 U.S.C. § 1651. C. Conduct U.S. JJ. Canons 1-3.

This court's appellate jurisdiction will be further aided because it has taken the historical role of administering and re-administering Order Liberty and granting certiorari and mandamus will continue the Constitutional change and order it has helps create. Teague, 489 U.S. at 296 & 315 and Precision Specialty Metals, Inc., 315 F.3d at 1350 & 1354.

This writ is exception for many reasons including because it happened under the national security hazard of COVAID, no other legal or political reasonably exists, and not only Petitioner but also other plaintiffs will benefit from granting the writ. 28 U.S.C. § 1651.

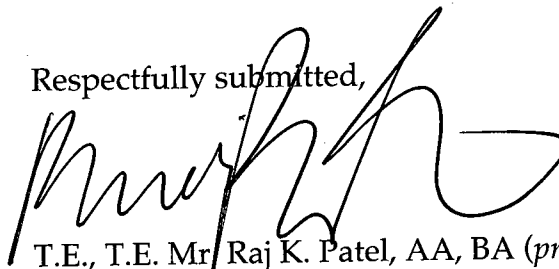
This Supreme Court should grant mandamus because both lower courts abused their discretions.

CONCLUSION

Grant mandamus either the C.F.C. or the Federal Circuit.

Cf. Patel v. United States, No. 23-1325 (Fed. Cir. 202_).

Respectfully submitted,



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IN THE SUPREME COURT OF THE UNITED STATES

IN RE RAJ K. PATEL, from all capacities,

Plaintiff-Appellant-Petitioner.

No. _____

Dated: May 1, 2023

CERTIFICATE OF COMPLAINT

I, Raj K. Patel (pro se), hereby certify that, according to the word-count tool in Microsoft, the Petition for an Extraordinary Writ of Mandamus of 794 words, including footnotes and excluding the sections enumerated in Rule 33.1(d). The writ therefore complies with Rule 33.1(g) and 33.2(b).

Respectfully submitted,

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