

22-7476

No. 22-1329

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
FEB 23 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

MICHAEL A. D'ANTONIO — PETITIONER
(Your Name)

vs.

BOROUGH OF ALLENDALE ET AL'S RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

US COURT OF APPEALS FOR THE THIRD CIRCUIT

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

MICHAEL A. D'ANTONIO

(Your Name)

P.O. BOX 55

(Address)

ALLENDALE NJ 07401

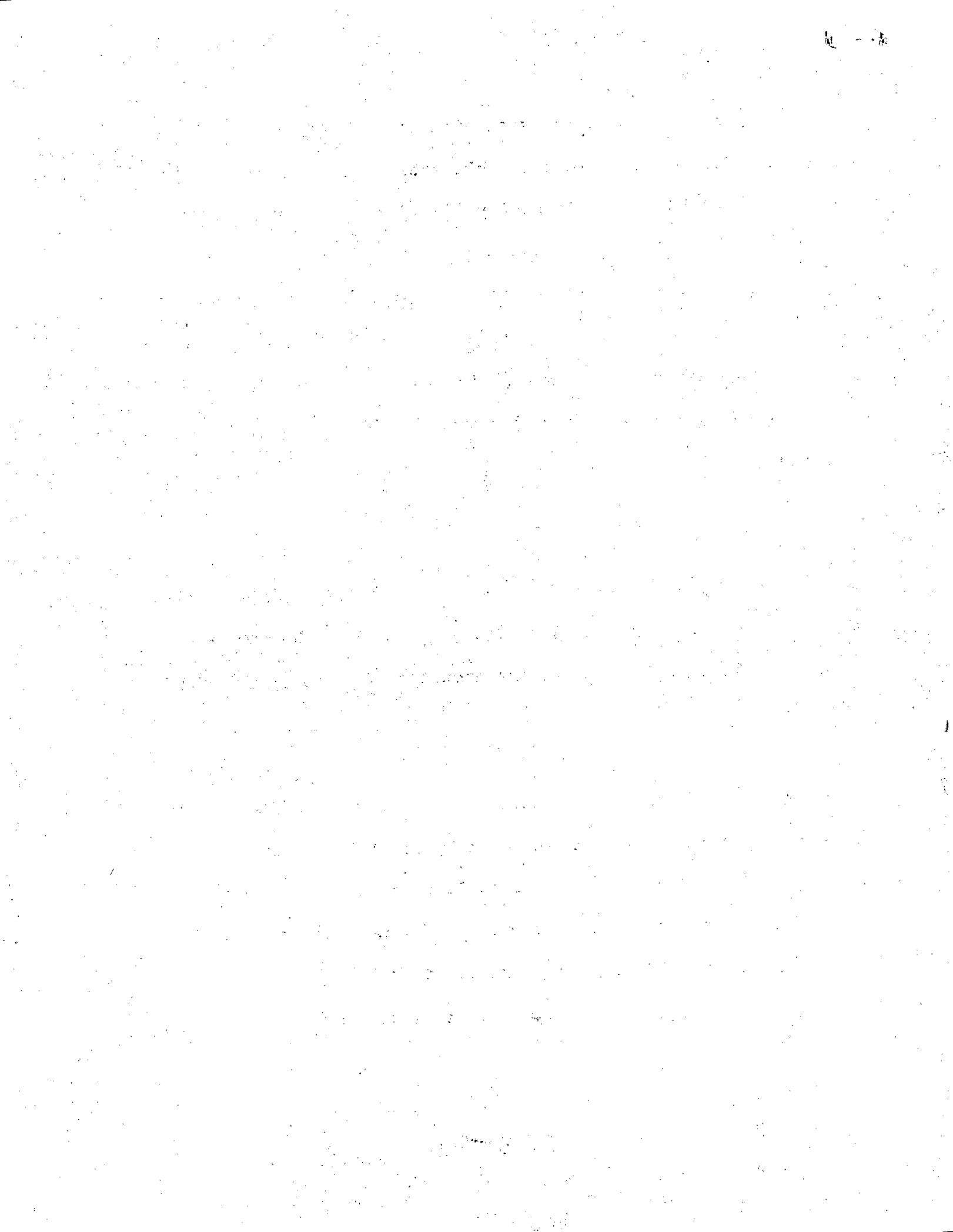
(City, State, Zip Code)

201 962-5881

(Phone Number)

QUESTIONS PRESENTED FOR REVIEW

1. Petitioner questions the absence of the decision by the respondent Borough of Allendale for Petitioner to build Affordable housing Units in compliance with the Federal Fair Housing Act of 1968.
2. Petitioner questions the lack of finding by Judge Cecchi third Circuit District Court and the Rehearing of the EnBanc Panel against the Respondent Borough of Allendale for violations of the RICO Statutes for Money Laundering, mail fraud, wire fraud, under section 2 Titles 18 US code, to invest directly or indirectly such tax surplus income and receive acquisition of the proceeds of such income and any interest in or establishment or operation of any enterprise which is engaged in or the activity which affects interstate or foreign commerce through collection through a pattern of racketeering activity or through collection of an unlawful Debt (surplus Taxes) to acquire or maintain, directly any interest in or control of any enterprise which is in the activities of which affect foreign enterprise (global interest funds).
3. Petitioner questions the violation of Petitioners 14th Amendment Rights of Due Process and Equal Protection for # 2 Above.



4. Petitioner questions the violation of Doubling petitioners Real Estate Taxes which were the ultimate foundation for the loss of Petitioners Home and his equity \$840,000.00 pursuant to U.S. Code Title 18 Part 1 Chapter 96 1962.

5. Petitioner questions the absence of a decision by the Appellate Division 3rd Circuit Philadelphia for a Builders Remedy award of Punitive and Compensatory Damages for the loss of equity from the Affordable Units now being Constructed in Allendale, by the respondent Borough of Allendale with partnership of a developer.

6. Petitioner questions the violation of Plaintiffs Rights by the Respondent Borough of Allendale and Respondent Passaic River Coalition to collect on Judgment and Writ of Execution and filed lien on the 34 Building lots formally owned by Petitioner's Judgment debtor Jack Levin in the amount of \$5,928,680.00 under the filed lien. Notice of Lis Pendens, Deed Description of Judge Robert C. Wilson and Writ of Execution filed under J-061371-13.

7. Petitioner questions the violation of respondent John Albohm to deny recovery of the 2.5 acres owned by Judgment debtor Jack Levin for the Writ of Execution and filed lien as stated in #6 above.

8. Petitioner questions the absence of any decision by Judge Cecchi under Third Circuit application in support of the Petitioners Constitutional rights under Due Process and Equal Protection,

9. Petitioner questions the lack of decision of the Third Circuit Court and the Appellate Courts to rule on Justice Harlan's Decision in Sniadach v Family Finance Corp. 395 U.S. 337 (1969)

10. Petitioner Questions why Judge Cecchi and the En Banc Panel failed to enforce N.J.S.A. 54:4-1 Franklin Bank vs Parker 136 NJ Super 476, 346 A 2d 1973.

11. Petitioner Questions the lack of finding of the Bribe by the Emigrants Savings Attorney Richard Epstein who paid two separate payments to the Respondents Bergen County Sheriff's Dept. for non-notice of the Sheriff's sale and the issuance of the Sheriff's Deed, within the act of illegal foreclosure upon petitioners home.

12. Petitioner questions the 3rd District Court findings that failed to determine the falsity of the Budget reports which were displayed over wire to the "no Owner Occupied" residence and or explanation of the \$43 million in surplus deposits by the CFO Paula Favata.

13. Petitioner questions that both the 3rd District Court and the Appeal Panel En Banc failed acknowledge or rule these violations or the stolen interest earned illegally on the surplus money and failed to pay income tax to the Federal Government which violates the Equal Protection clause of the 14th Amendment.

14. Petitioner questions why both the Courts failed to decide and mention the involvement of the SEC and the corrective action by the SEC which terminated all parties involved in the crimes.

15. Petitioner questions why my Rights under the 14th Amendment were violated by the failure of the Respondents to return my share of the surplus taxations accumulated over Petitioners 18 years of ownership and tax payments.

16. Petitioner questions why the 14th Amendment requires the Respondents to protect me from in town actions which are illegal when Frank Swarth the supervisor of the Water Department Stole \$ 1 million dollars from the water Department. The Borough did nothing to get my stolen water payments returned to me.

17. Petitioners 14th Amendment rights were violated upon the former Mayor Albert Klomburg extorting \$50,000.00 in cash for the issuance of 1 building permit to construct 1 house on my property.

18. Petitioner questions the Court as to the None finding of the Obstruction of Justice wherein respondent Stiles Thomas falsely stated the presence of the endangered species which was proven false by photo evidence to not exist.

19. Petitioner Questions the Court as to the Actions of Mr. Thomas to create or elude that all available land in Allendale was classified as wet lands. Petitioner questions the Courts findings that Mr. Thomas violated Petitioners due process and equal protection by assessing Petitioners 2.5 Acres as wetlands when in the presence of petitioners submission by the Army Corp of engineers there were no wetlands.

20. Petitioner questions the participation of the Passaic River Coalition to purchase the non-wetlands so as to deny Petitioner collection under Petitioners Writ of Execution.

21. Petitioner questions the Court if Judge Cecchi and this En Banc Panel granted Justice enhanced affordable housing and maintained the Rule of Law by allowing the wrongful foreclosure bribery of the Sheriff's Office and the former mayor of the Borough.

22 Petitioner questions the En Banc's Panel's Decision on October 19, 2022 where it states " this disposition is not an opinion of the full court and Pursuant to I.O.P. 5.7 does not constitute a binding precedent."

23. The Petitioner Questions why the lower courts did not grant an equity judgment award against the respondents for the collection of the Writ of Execution and responsible damages.

SERVICE LIST:

Michael D'Antonio
Plaintiff-Appellant Pro Se
P.O. Box 55
Allendale, NJ 07401
(201) 962-5881

David T. Pfund
Mary C. McDonnell
Pfund McDonnell, P.C.
Attorneys for Defendants/Appellees Borough of Allendale, Stiles Thomas, David Bole, Esq., David T. Pfund, Esq. and Mary C. McDonnell, Esq.
139 Prospect Street
Ridgewood, NJ 07450
(201) 857-5040

Joseph L. Turchi
Salmon Ricchezza Singer & Turchi
Attorneys for Defendant-Appellee Passaic River Coalition
1601 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 606-6600

Michele L. Weckerly
Salmon Ricchezza Singer & Turchi
Attorneys for Defendant-Appellee Passaic River Coalition
123 Egg Harbor Road Suite 406, Tower Commons
Sewell, NJ 08080
(856) 354-8074

Leonard E. Seaman III
Attorneys for Defendant-Appellee Bergen County Sheriff's Department
250 Moonachie Road Suite 300a
Moonachie, NJ 07074
(201) 440-0675

Richard A. Epstein I
Defendant-Appellee
1719 Basildon Road
Mount Pleasant, SC 29466
(732) 598-3744

SITE REFERENCES

1. 14 th Amendment to the Due Process and Equal Protection Clauses	Page 2
2. Rico Statutes U.S. Code Title 18, Part 1, Chapter 96, 1962	Page 2
3. Federal Fair Housing Act 1968	Page 2
4. U.S. Code Title 18, Part 1 Chapter 96 1962, Sec 2	Page 2
5. Sniadach v Family Finance Corp. 395, U.S. 337 (1969)	Page 3
6. N. J.S.A. 54:4-1	Page 3
7. Franklin Bank vs Parker 136 NJ Super 476, 346A 2d 1973	Page 3
8. SEC Investigation and termination or personnel	Page 4
9. Docket No. Ber-L-8660-10	Page 7
10. ECF Documents ECF 78-1 et als	Page 8
11. I.O.P. 5.7	Page 9
12. Conley v Gibson, 335 U.S. 41 (1957) in the Petitioners filed appeal	Page 29
13. Gould v Artisoft Inc. 1F,3d 544, 548 (7th Cir. 1993)	Page 29

LIST OF PROCEEDINGS IN STATE COURT

NONE

D'Antonio v Borough of Allendale U.S. Court of Appeals Case # 22-1329 Third Circuit

denied February 9, 2023

TABLE OF CONTENTS

CAPTION PAGE	Page 1
CAPTION PAGE IN FORMA PAUPERIS HELD LOOSE AT BACK	
AFFIDAVIT IN SUPPORT OF MOTION FOR LEAVE TO FILE IN FORMA PAUPERIS	A-1 - A-7
\\	
QUESTIONS PRESENTED FOR REVIEW	Pages 2, 3,4, 5,6
SERVICE LIST OF NAMED PARTIES	Page 7
TABLE OF CONTENTS	Page 8
CITE REFERENCES	Page 9
CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS AND ORDERS ENTERED IN DOCKET 3 22-1329	Pages 10,11
STATEMENT OF THE BASIS FOR JURISDICTION	Page 12
CONCISE STATEMENT OF THE CASE	Pages 13,14
REASONS RELIED OF FOR THE WRIT	Page 15
SUMMARY ORDER	Page 16
APPENDIX	Pages 17-59
INDEX TO APPENDIX	Page 60-61

**CITATIONS OF THE OFFICIAL AND UNOFFICIAL REPORTS OF OPINIONS
AND ORDERS ENTERED IN THE CASE USAP 3 22-1329**

1. Document 88 Appendix "A" SUR PETITION FOR REHEARING
2. Document 276 APPENDIX "B" DC ORDER REOPENING THE DOCKET
3. Document 304 APPENDIX "C" DC ORDER DIRECTING RESPONDANT BERGEN
SHERIFF TO PAY BACK PLAINTIFF EMIGRANT SAVINGS
4. Document 304 APPENDIX "D" SUPPLEMENTAL ORDER DIRECTING SHERIFF
TO PAY BACK PLAINTIFF EMIGRANT SAVINGS
5. APPENDIX "E" RECEIPT FROM SCIBAL ASSOCIATES PROVING EXCESS
LIABILITY JOINT INSURANCE FUND PUBLIC OFFICIAL LIABILITY
RETENTION & COINSURANCE REIMBURSEMENT INVOICE \$ 11,411.13
6. APPENDIX "G" NOTICE OF MOTION SEEKING COMPLIANCE WITH THE
UNIFORM COMPLIANCE ACT OF 1990 REQUESTING TAX REFUND AND
AWARD OF LAND SUBJECT TO LIS PENDENS AND WRIT OF EXECUTION
AND RECORDED LIEN ILLEGALLY TAKEN BY THE RESPONDENT BOROUGH
OF ALLENDALE AND THE PASSAIC RIVER COALITION.
7. APPENDIX "H" WRIT OF EXCUTION DENIED BY RESPONDENTS BOROUGH
OF ALLENDALE AND THE PASSAIC RIVER COALITION.
8. APPENDIX "I" SUPPLEMENTAL BRIEF IN SUPPORT OF APPELLANTS
DOCKET FOR VIOLATION OF DAMAGES TO APPELLANTS DENIAL TO
COMPLY WITH THE AFFORDABLE HOUSING ACT OF 1968
9. APPENDIX "J" JUDGMENT AFFIRMING DC COURT DECISION

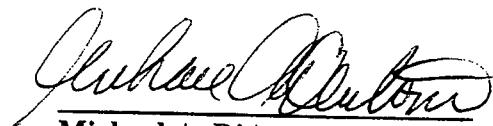
10. APPENDIX "L" ORDER RESPONDENT JOHN W. ALBOHM FAILED TO FILE MOTION TO CURE
11. ORDER APPENDIX "L" 2ND PAGE AMENDED PETITION FOR REHEARING
12. ORDER APPENDIX "M" DISMISSING APPELLANTS THIRD AMENDED COMPLAINT WITH PREJUDICE
13. CONCLUSION APPENDIX "N" APPELLANTS MOTION FOR RECONSIDERATION ECF #336 DENIED
14. ORDER APPENDIX "O" MOTION FOR RECONSIDERATION AND LEAVE TO AMEND IS DENIED
15. ORDER APPENDIX "P" DEFENDANTS MOTION TO DISMISS GRANTED AND APPELLANTS THIRD AMENDED COMPLAINT IS DISMISSED WITH PREJUDICE.
16. JUDGMENT US COURT OF APPEALS THAT JUDGMENTS OF DISTRICT COURT MARCH 31,2021 AND JANUARY 31, 2022 ARE AFFIRMED
17. US COURT OF APPEALS ORDER APPENDIX "R" DENIED MOTION BY 1 DAY LATE.
18. ENTRY OF JUDGMENT APPENDIX "S"
19. ORDER APPENDIX "T" DENIED FOR AMENDED PETITION FOR REHEARING
20. ORDER APPENDIX "U" FAILURE TO FILE MOTION
21. OPINION APPENDIX "V" NOT PREC EDENTIAL

STATEMENT OF THE BASIS for the JURISDICTION

The Judgment of the US Court of Appeals for the Third Circuit was entered February 9, 2023 denying Appellant's Motion to file an amended Petition for rehearing en Banc and failed to state that the denial was incompliance with the submitted reasons pursuant to FRCP 59(a) (B) (2) FRCP 60 (a) (b) (1) (3) (d) (3). Plaintiff filed Requested Leave of the Court to file a supplemental Brief in support of damages sustained by the Defendants Borough of Allendale for failure to allow Petitioner to comply with the Fair Housing Act of 1968. As the Borough is presently constructing affordable Units under threat of this Court finding of Facts and conclusion at Law.

Therefore Petitioners case was denied with out an en Banc decision based upon submission of 01-27-2023 In violation of Federal Rules and Laws.

2-23- 2023



Michael A. D'Antonio



CONCISE STATEMENT OF THE CASE

Appellant purchased 316 E. Allendale Ave for the purpose to renovate sub-divide and construct affordable housing as per the Fair Housing Act of 1968. The Judgment of the US Court Third Circuit Judge Cecchi denied Appellant basic Constitutional Rights under Due Process and Equal Protection and violation of Rico Predicates which Judge Cecchi did not make any supporting or beneficial finding in favor of the Petitioner. The Petitioners property taxes were doubled due to non compliance of a bribe of \$50,000.00 cash for a single house to be added to the above referenced property. Upon refusal Petitioner filed for affordable housing builders remedy, and was denied by Judge Cecchi and the US District Court 3rd Circuit and the Appellate Division. Plaintiff found 70 sub-bank accounts in the borough's financial records and \$43 million in surplus from over taxing residents for the Cost to operate the Borough. Petitioner submitted 3 outside Financial Expert reports proving malfeasance and none of the lower courts found guilt or violations of Rico Predicates under Section 2 Title 18 US Code. The Courts were Notified of the SEC involvement wherein the Borough Attorney David Bole was terminated for signing false Budget reports to give "COVER" to the surplus funds. The SEC

terminated the CFO Paula Favata and the Chief of Police Robert Herndon for theft of Municipal Funds. Plaintiff was denied the return of the surplus taxation and the violation of not returning Petitioners property Sniadach v Family Finance Corp 395 U.S. 337 (1960) and Judge Cecchi failed to enforce N.J.S.A. 54:4-1 Franklin Bank v Parker 136 NJ Super 476, 346 A 2d 1973 and denial of complying with affordable Housing Act of 1968

The Judgment of the US Court of Appeals for the Third Circuit was entered February 9, 2023 denying Appellants Motion to file an amended petition. Petitioner is denied Punitive damages of \$30 million and actual damages of Builder Remedy for the Affordable Housing units and for failure of the Respondents Borough of Allendale and the Passaic River Coalition denying Petitioner from the 34 fully approved building lots at Heather Court and Yoemans Lane Under Superior Court Judgment Ber-L- 8660-10 of \$ 5,928,680.00 and 4.3acres owed by Respondent John Albohm

THE REASONS RELIED ON FOR THE ALLOWANCE OF THE WRIT

RULE 10. The following, although neither controlling nor fully measuring the Court's discretion, indicate the character of the reasons the Court considers:

(c) a state Court or a United States Court of appeals has decided an important question of federal law that has not been, but should be settled by this Court.

United States District Court Newark failed to protect Petitioners Constitutional Right of Due Process and Equal Protection by allowing the Borough of Allendale to double Petitioners Real Property Tax and no other property had their property tax doubled in the Borough of Allendale NJ 07401.

The United States District Court Judge failed to grant equal Protection when the Borough accumulated surplus taxes and invested \$43 million dollars took the interest and distributed the interest among the member of the Governing Party and other Boards in the Borough. The District Court Judge denied Petitioner Equal Protection by not finding a violation of the Rico Predicates of Money Laundering and failure to pay income taxes to the Federal Government for the interest earned on the global investments of the surplus taxes of petitioners real property taxes, and Mail Fraud when they placed a stamp on the tax bills and Wire Fraud by moving money from one bank account to another.

The US District Court Judge Cecchi failed to grant equal protection when the Respondent Borough of Allendale failed to protect petitioner to regain the Petitioners stolen funds by Frank Swarth who stole \$1 million dollars from the respondent Borough of Allendale Water Dept.

The US District Court Judge Cecchi failed to grant Petitioner to Amend the Complaint against the Emigrant Savings Bank which stole Petitioners escrow funds placed them in an interest bearing account and refused to give petitioner the earned interest or any part thereof.

The Banks Attorney and Respondent Richard Epstein bribed the Bergen County Sheriffs Dept. to not give Notice to Petitioner of the Final Sheriff's Sale, Epstein gave \$13,000.00 and then gave an additional \$47,000.00 to give the bank a Sheriff's Deed. when the Bank had no signed contract and the bank had no license to lend money in the state of New Jersey and there was no eviction clause in the contract. Mr. Epstein closed his Law Office and moved to South Carolina.

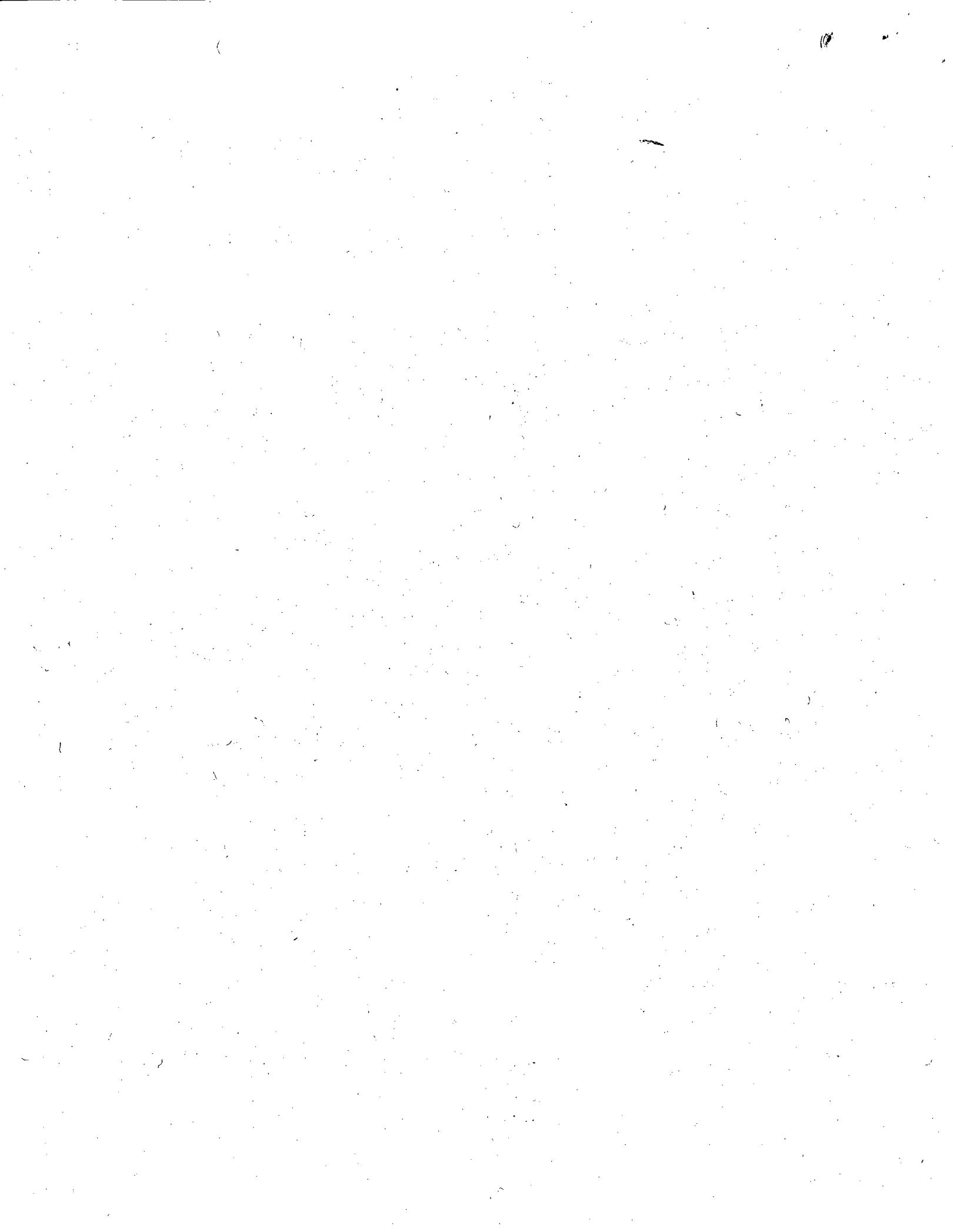
The US District Court Judge failed to abide by the FINDING OF the SEC wherein the SEC closed the Borough's financial Office and terminated the Borough Attorney for signing off on the Annual Budget Report to give "COVER" to the over appropriated real estate taxes and Terminated the CFO and the Chief of Police and 15 other Employees.

**UNITED STATES COURT OF APPEALS
FOR THE THIRD CIRCUIT**

SUMMARY ORDER

FOR THE COURT:

Patricia S. Dodszuweit
Clerk



CERTIFICATE OF COMPLIANCE
NO. 22-139

MICHAEL A. D'ANTONIO
PETITIONER

v.

DAVID T. PFUND ESQ. MARY C. Mc DONNELL ESQ.
PASSAIC RIVER COALITION, BERGEN COUNTY SHERIFF'S OFFICE,
RICHARD A. EPSTEIN, BOROUGH OF ALLENDALE, STILES THOMAS,
DAVID BOLE ESQ.

RESPONDENTS

As required by Supreme Court Rule 33.1(h), I certify that the petition for a Writ of Certiorari contains 2,808 words excluding the parts of the petition that are exempted by Supreme Court Rule 33.1(d)

I declare under penalty of perjury that the foregoing is true and correct and that footnotes are included.

executed on 4-21, 2023

