

Supreme Court, U.S.
FILED
SEP 23 2022
OFFICE OF THE CLERK

No. 22A267

In the
Supreme Court of the United States

BAHIG F. BISHAY, in his individual capacity and of Private Attorney General,
Applicant.

vs.

SCOTT S. HARRIS, in his individual capacity, JEFFERY R. HOWARD, in his individual capacity, JUAN R. TORRUELA, in his individual capacity, WILLIAM J. KAYATTA, Jr., in his individual capacity, SANDRA L. LYNCH, in her individual capacity, O. ROGERIEE THOMPSON, in her individual capacity, DAVID J. BARRON, in his individual capacity, MAURA HEALY, in her individual capacity, ELIZABETH A. KAPLAN, in her individual capacity, RALPH D. GANTS, in his individual capacity, BARBARA A. LENK, in her individual capacity, FRANK M. GAZIANO, in his individual capacity, DAVID A. LOWY, in his individual capacity, KIMBERLY S. BUDD, in her individual capacity, ELSPETH B. CYPHER, in her individual capacity, SCOTT KAFKER, in his individual capacity, MERRILL LYNCH CREDIT CORP N/K/A BANK OF AMERICA, N.A., REAL ESTATE GROWTH FUND, LLC, JON FREEMAN, MICHAEL P. GUINTA, PETER D. KYBURG, KURT DEUSCHLE, ALVIN NATHANSON, CITICORP LEASING, INC, LEE HARRINGTON, GIBRALTAR HOLDINGS GROUP, INC, KURT LYN, MECHANICS COOPERATIVE BANK, LAWRENCE GREEN, MICHAEL TWOHIG, BRIGHTON AVENUE ASSOCIATES LLC, JAMES SINGER, DAVID REIER, CONN KAVANAUGH ROSENTHAL PEISCH & FORD LLP, THOMAS GALLITANO, GMAC AKA ALLY FINANCIAL INC, KENNETH LEONETTI, THE ESTATE OF HAROLD BROWN, HERBERT WEINBERG, BARBARA LOMBARD D/B/A REVERE STORAGE, INC, JAMES GRUMBACH, THERESA KELLY BANASH, JONATHAN D. WHITE, BELL ATLANTIC YELLOW PAGES COMPANY, INC, N/K/A VERIZON COMMUNICATIONS, ROBERT A. CORNETTA, in his individual capacity, MASSACHUSETTS SUPERIOR COURT, MASSACHUSETTS LAND COURT, ALLEXANDER H. SANDS, III, in his individual capacity WILLIAM G. YOUNG, in his individual capacity, ALLISON D. BURROUGHS, in her individual capacity, LEO T. SOROKIN, in his individual capacity, CHRISTOPHER A. WRAY, in his individual capacity, JAMES A. CROWELL IV, in his individual capacity, U.S. DEPARTMENT OF JUSTICE and FEDERAL BUREAU OF INVESTIGATION,

Respondents.

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**APPLICATION FOR INJUNCTIVE RELIEF PURSUANT
TO ARTICLE III, SECTIONS 1 AND 2 OF THE U.S.
CONSTITUTION; 28 U.S.C. § 1651; AND RULES 22 AND 23
OF THE RULES OF THE U.S. SUPREME COURT**

IN RE U.S. DISTRICT COURT FOR THE DISTRICT OF
COLUMBIA No. 1:21-cv-01831-TNM; U.S. COURT OF
APPEALS FOR THE DISTRICT OF COLUMBIA CIRCUIT
No. 22-5060

**Honorable John G. Roberts, Jr., Chief Justice; the Justice allotted to the U.S. Court
of Appeals for the District of Columbia Circuit:**

Pursuant to the Court’s supervisory authority; Article III, Sections 1 and 2 of the U.S. Constitution; 28 U.S.C., § 1651; and Rules 22 and 23 of the Rules of the U.S. Supreme Court, Applicant Bahig F. Bishay, at his behest and those similarly situated citizens of the United States in the capacity of Private Attorney General under 18 U.S.C. §§1961-1968 (“PAG Bishay”), respectfully moves this Honorable Court to grant injunctive relief as follows: (a) confirm that the U.S. Supreme Court ***does not*** possess “original” & “exclusive” jurisdiction under 18 U.S.C., § 1251 or any other governing authority to: (1) *adjudicate constitutional violations claimed by citizens of the United States* (2) *naming the U.S. Supreme Court’s Clerk [solely] in individual capacity* (3) *seeking declaratory determination* (4) *monetary damages to be assessed [only] against third-party defendants described as “beneficiaries”*, or (b) confirm that the U.S. Supreme Court ***does*** possess “original” & “exclusive” jurisdiction under 18 U.S.C., § 1251 or under other governing authority, to adjudicate the claims described in (1), (2), (3) and (4) above, as the U.S. District Court for the District of Columbia and the U.S. Appeals Court for the District of Columbia Circuit so opined, whereupon PAG Bishay will resume the prosecution of said claims in this Court upon such confirmation.

In the interest of judicial economy, PAG Bishay relies upon and incorporates herewith by reference, in support of the within Application, the below listed pleadings appended herewith, which were recently presented in the U.S. Court of Appeals for the District of Columbia Circuit.

Tab-A:

PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S PETITION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR (a) PANEL REHEARING, or (b) EN BANC DETERMINATION, or (c) WRIT OF MANDAMUS STAYING A PANEL DECISION (Per Curiam) DEVOID OF LEGISLATIVE OR SUPREME COURT AUTHORITY TO SUPPORT A PANEL PROFFER THAT THE U.S. SUPREME COURT POSSESSES "ORIGINAL" & "EXCLUSIVE" JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE SUPREME COURT'S CLERK [SOLELY] IN INDIVIDUAL CAPACITY; (3) SEEKING DECLARATORY DETERMINATION; (4) MONETARY DAMAGES ASSESSED AGAINST THIRD-PARTY DEFENDANTS DESCRIBED AS "BENEFICIARIES"

Tab-B:

PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S MOTION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE UNITED STATES UNDER U.S.C. §§ 1961-1968 FOR ORDER DIRECTING THE TRIAL COURT TO COMPLY WITH U.S. SUP. CT'S INSTRUCTIONS SET FORTH IN SAUCIER v. KATZ, 533 U.S. 194 (2001), REQUIRING THE DEFENDANTS TO ANSWER THE COMPLAINT OR RESPOND TO RULE 36 REQUESTED ADMISSIONS TO BE SERVED BY PLAINTIFFS SO THE COURT MAY DETERMINE IF "QUALIFIED IMMUNITY" IS AVAILABLE IN 2-PART TEST: (1) WHETHER THE FACTS INDICATE A CONSTITUTIONAL RIGHT WAS VIOLATED; (2) IF SO, WHETHER THAT RIGHT WAS CLEARLY ESTABLISHED AT THE TIME OF THE ALLEGED CONDUCT.

Tab-C:

PLAINTIFFS-APPELLANTS & PRIVATE ATTORNEY GENERAL'S MOTION SUBMITTED UNDER CIRCUIT RULES 21, 27, 35 & 40 AT HIS BEHEST AND THOSE SIMILARLY SITUATED CITIZENS OF THE UNITED STATES UNDER U.S.C. §§ 1961-1968 RESPECTFULLY MOVES THIS EN BANC COURT TO "CERTIFY" UNDER U.S. SUP. CT'S RULE 19 THE FOLLOWING: WHETHER UNDER 28 U.S.C. § 1251 THE U.S. SUP. CT. POSSESSES "ORIGINAL" & "EXCLUSIVE" JURISDICTION TO (1) ADJUDICATE CONSTITUTIONAL VIOLATIONS CLAIMED BY CITIZENS OF THE UNITED STATES (2) NAMING THE SUPREME COURT'S CLERK [SOLELY] IN INDIVIDUAL CAPACITY; (3) SEEKING DECLARATORY DETERMINATION; AND (4) MONETARY DAMAGES TO BE ASSESSED ONLY AGAINST THIRD-PARTY DEFENDANTS DESCRIBED AS "BENEFICIARIES"?

Tab-D:

ORDER dated September 22, 2022, denying *en banc* rehearing.

Tab-E:

ORDER dated September 22, 2022, denying petition for rehearing, the motion to stay the mandate and the supplements to the petition.

TAB-F:

ORDER dated August 11, 2022, granting the motion for summary affirmance and denying the motions for summary reversal, for vacatur and for remand.

TAB-G:

General Docket – U.S. Court of Appeals for the District of Columbia Circuit.

Tab-H:

U.S. District Court – District of Columbia (Washington, DC) Civil Docket For Case # 1:21-cv-01831-TNM.

The Relief Sought

Based on the foregoing and the circuit's proffer that the U.S. Supreme Court possesses "original" & "exclusive" jurisdiction under 18 U.S.C., § 1251 or other governing authority to: (1) adjudicate constitutional violations claimed by citizens of the United States (2) naming the U.S. Supreme Court's Clerk [solely] in individual capacity (3) seeking declaratory determination (4) monetary damages to be assessed [only] against third-party defendants described as "beneficiaries", PAG Bishay respectfully moves this Honorable Court to either (a) affirm the circuit's proffer, whereupon PAG Bishay will prosecute said claims in this Court, or (b) direct the District Court to permit PAG Bishay to freely prosecute said claims in the District Court.

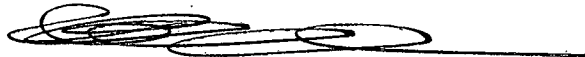
Rule 23.3 Compliance

Compliance with Rule 23.3 of the Rules of the U.S. Supreme Court is exhibited through PAG Bishay's submissions in the U.S. Court of Appeals for the District of Columbia Circuit of the pleadings identified above as Tab-A, Tab-B and Tab-C, all incorporated herewith by reference in the interest of judicial economy.

September 23, 2022

Respectfully submitted by:

Bahig F. Bishay, individually and as Private Attorney General



Bahig F. Bishay

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