23-1180

ORIGINAL

In The
SUPREME COURT OF THE UNITED STATES

PALANI KARUPAIYAN et al
--- Petitioner(s)
v.
UNITED STATES OF AMERICA et al
--- Respondent(s)

On Petition for a Writ of Certiorari to
United States Court of Appeals
for the Third Circuit (Dkt 24-1044)

PETITION FOR WRIT OF CERTIORARI

Palani Karupaiyan
Pro se, Petitioner,
1326 W William St,
Philadelphia, PA 19132
212-470-2048(M)

I. QUESTIONS PRESENTED

Petitioners prayed 14 reliefs which were as **Writ of Mandamus or Prohibition or Alternative** so the questions were part of three test conditions requirement of the Writs.

II. PARTIES TO THE PROCEEDING

Petitioner(s): PALANI KARUPAIYAN;
P. P., Plaintiff Palani Karupaiyan's son;
R. P., Plaintiff Palani Karupaiyan's daughter

Respondent(s)
UNITED STATES OF AMERICA;
STATE OF NEW JERSEY;
TOWNSHIP OF WOODBRIDGE;
UNION OF INDIA;
OFFICER GANDHI, (5038) Individually and in his Official Capacity as Parking Enforcement Officer of Woodbridge;

From above respondents UNITED STATES OF AMERICA;
STATE OF NEW JERSEY appeared in the lower Courts.

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IV. TABLE OF AUTHORITIES

Cases

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V. PETITION FOR WRIT(S) OF CERTIORARI.

Petitioners respectfully pray that **Writ of Certiorari** to the opinion/judgment/ orders of US Dist Court for NJ (23-cv-20928-ES-AME) below and USCA3's Docket 24-1044

VI. OPINION(S)/ORDERS/JUDGMENT(S) BELOW (FROM DIST COURT/USCA3)

1. USCA3' dismissed the appeal and entered Judgment on Apr 11 2024. **App.1,3**
   Hon. **KRAUSE, FREEMAN, and SCIRICA**, Circuit-Judges
2. US Dist. Court granted 45 days extension to defendant United States, by default, on Jan 02, 2024 (ECF-14) **App.4.**
   Hon. Esther Salas USDJ; ANDRÉ M. ESPINOSA, USMJ

VII. JURISDICTION

In *Hohn v. United States, 524 US 236 - Supreme Court 1998@* 258 ("*Rosado v. Wyman, 397 U. S. 397, 403, n. 3 (1970) (a Court always has jurisdiction to determine its jurisdiction)).*

Hohn @264 ("*We can issue a common-law writ of Certiorari under the All Writs Act, 28 U. S. C. § 1651.)*

USCA3' dismissed the appeal on Apr 11 2024. The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1), *All Writs Act, 28 U. S. C. § 1651.*

VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

14th amendment, parental rights, due process, trial by Jury.
Article II & III of US Constitution

28 U. S. C. § 1254(1), *All Writs Act, 28 U. S. C. § 1651.*
Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies
--By Justice Hon. Stephen Breyer of US Supreme Court, Chief Justice Hon. NV Ramana of Indian Supreme Court, and William M Treanor, Dean of Georgetown University Law Centre Dated: April 11, 2022

IX. STATEMENT OF THE CASE

a) DIST COURT PROCEEDING

On Oct 3 2023, Plaintiff filed complaint with US Dist Court of New Jersey-Newark and timely served the complaint to all captioned defendants.

On Jan 2 2024, by default, Dist Court granted 45 days extension to response to defendant US when the plaintiff objected.

On Jan 05 2024, plaintiff filed notice of appeal and Notice of petition for writ of mandamus with Dist Court.

On Nov 9 2024, New Jersey filed motion to dismiss. **ECF.9 which had following challenges**

1) Eleventh amendment immunity for non-consenting State
2) Eleventh amendment immunity for State Law , irrespective of the relief sought, and violations of federal law, except when prospective injunctive relief
3) Sovereign immunity for state agencies and departments
4) Sovereign immunity for state employees acting in their official capacities and Arm(s) of the State
5) Eleventh Amendment immunity for a **damages** action against a State and state officials in their official capacities

6) sovereign immunity bars suits against States and state agencies under § 1983
7) Eleventh Amendment/ sovereign immunity for State agencies and officials acting in their official capacity.
8) A state entity or official are Arm of the State.
9) Eleventh Amendment for Executive Branch and its employees including Attorney General office
10) Eleventh Amendment for Judicial Branch and Its employees and its employees (as Arm of the State)
11) Eleventh Amendment sovereign immunity for State of New Jersey from liability (for claims)

On Feb 16 2024, Defendant United States filed motion to dismiss. **ECF. 21.**

Plaintiff filed opposition to motion to dismiss by US(Feb 23 2024, **ECF-23**) and New Jersey (Nov 13 2923, ECF-10) .

On Feb 26 2024, plaintiff filed (ECF-24) MOTION To Accept Amended Updated Supplemental Response by PALANI KARUPAIYAN. (Attachments: # 1 Amended/Updated Supplemental Response to NJ 9 Motion to Dismiss)

Decision for Motion to dismiss of US and New jersey is pending now.

b) USCA3 PROCEEDING

The appeal is docketed 24-1044 with USCA3

On Jan 12 2024, Petitioner filed Petition for Writ of Mandamus, Prohibition or Alternative with USCA3 docket 24-1067.

On Apr 8 2024, USCA denied the Petitioner's Petition for Mandamus for the nature of 1st *first instance. Now Petitioner filed petition for writ of Mandamus with this Court parallel to this Certiorari.*

On Apr 11 2024, USCA3 dismissed the appeal. **App.1**.

X. PETITIONER SHOULD PRAY THE DECLARATIVE/ INJUNCTIVE RELIEFS IN THE LOWER COURT(S)

In *Bolin v. Story, 225 F. 3d 1234 – USCA-11 2000* @ 1243

"In order to receive declaratory or injunctive relief, plaintiffs must establish that there was a violation, that there is a serious risk of ***continuing irreparable injury if the relief is not granted****, and the absence of an adequate remedy at law". See Newman v. Alabama, 683 F.2d 1312(USCA11.1982).*

In *Azubuko v. Royal, 443 F. 3d 302 – USCA3, 2006* @ 304

Injunctive relief shall be granted when a declaratory decree was violated or declaratory relief was unavailable." 42 U.S.C. § 1983; *Bolin v. Story, 225 F. 3d 1234 – USCA-11 2000(explaining that the amendment applies to both state and federal Judges); see also Mullis v. United States Bankr. Court for the Dist. of Nev., 828 F.2d 1385 (9th Cir.1987); Antoine v. Byers &Anderson, Inc., 508 U.S. 429, 433 n. 5, 113 S.Ct. 2167, 124 L.Ed.2d 391 (1993) (noting that the rules regarding judicial immunity do not distinguish between lawsuits brought against state officials and those brought against federal officials).*

In *Bontkowski v. Smith, 305 F. 3d 757 – USCA7, 2002@762 "can be interpreted as a request for the imposition of such a trust, a form of equitable relief and thus a cousin to an injunction. Rule 54(c), which provides that a prevailing party may obtain any relief to which he's entitled even if he "has not demanded such relief in [his] pleadings."* See *Holt*

Civic Club v. City of Tuscaloosa, 439 U.S. 60, 65-66, 99 S.Ct. 383, 58 L.Ed.2d 292 (1978);

In *Boyer v. CLEARFIELD COUNTY INDU. DEVEL. AUTHORITY*, *Dist. Court, WD Penn 2021*

> *"Thus a prayer for an accounting, like a request for injunctive relief, is not a cause of action or a claim upon which relief can be granted. Rather, it is a request for another form of* ***equitable relief,*** *i.e., a "demand for judgment for the relief the pleader seeks" under Rule 8(a)(3) of the Federal Rules of Civil Procedure. Ð****As such, it too is not the proper subject of a Rule 12(b)(6) motion. Ð***Global Arena, LLC, 2016 WL 7156396, at *2; see also Bontkowski v. Smith, 305 F.3d 757, 762 (7th Cir. 2002)*

Petitioners prays this Court any and all benefit of above ruling.

XI. WHY LOWER WAS NOT ABLE TO GRANT THE APPELLANT'S WRITS/INJUNCTION(S) RELIEFS

a) In USCA3' docket 24-1067((parallel docket filed) , on Apr 8 2024, when order denying petition for mandamus (DE-13) USCA3 ruled as below.

> *That [USCA] authority does not extend to entertaining claims brought in the first instance, and issuing writs against states and their officials, or the United States government, let alone other countries like the Republic of India*

b) With USCA, this appeal and a parallel petition for mandamus is docketed. As per the *Moses* footnote[6], USCA3 could not able to grant the injunctive reliefs along with appeal. In *Moses H.*

Cone Memorial Hospital v. Mercury Constr. Corp., 460 US 1 - Supreme Court 1983 @footnote[6].

More fundamentally, a Court of appeals has no occasion to engage in extraordinary review by mandamus "in aid of [its] jurisdiction[n]," 28 U. S. C. § 1651, when it can exercise the same review by a contemporaneous ordinary appeal. See, e. g., Hines v. D'Artois, 531 F. 2d 726, 732, and n. 10 (CA5 1976).

XII. PETITIONER'S PARENTING RIGHTS

Petitioners' Parenting Rights were in 14th Amendment of Constitution, *Troxel v. Granville, 530 U.S. 57 (2000) and Washington v. Glucksberg, 521 U. S. 702, 720*

XIII. USSC'S WRIT AGAINST USCA/DIST COURT OR ANY COURT

Bankers Life & Casualty Co. v. Holland, 346 US 379 - Supreme Court 1953@383

*As was pointed out in Roche v. Evaporated Milk Assn., 319 U. S. 21, 26 (1943), the "**traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal Courts has been to confine an inferior Court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so**."*

.....

a) AGAINST ANY JUDICIAL AUTHORITY (INCLUDING NJ AUTHORITY)

Holland @383 there is clear **abuse of discretion or "usurpation of judicial power" of the sort held to justify the writ in *De Beers Consolidated Mines v. United States*, 325 US 212, 217(1945)**

XIV. PRO SE PLEADING STANDARDS

Erickson v. Pardus, 551 US 89 – S.Ct 2007 @ 2200

A ***document*** *filed pro se is "to be liberally construed," **Estelle, 429 U.S., at 106, 97 S.Ct**. 285, and "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.*

XV. ALL WRITS ACT, 28 USC § 1651(A)

In *Pa. Bureau of Correction v. US Marshals Service, 474 US 34 - Sup Ct 1985* @43
"The All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute".

XVI. USSC'S RULE 20.1 AND RULE 20.3.

In *re US, 139 S. Ct. 452 - Supreme Court 2018* @ 453
S.Ct. Rule 20.1 (Petitioners seeking extraordinary writ must show "that adequate relief cannot be obtained in any other form or **from any other Court**" (emphasis added));
S.Ct. Rule 20.3 (mandamus petition must "set out with particularity **why the relief sought is not available** in any other Court"); see also *Ex parte Peru, 318 U.S. 578, 585, 63 S.Ct. 793, 87 L.Ed. 1014 (1943)* (mandamus petition "*ordinarily must be made to the intermediate appellate Court*").

The requirement is substituted by *Moses 460 US 1 - Supreme Court 1983* @ footnote[6].

More fundamentally, a Court of appeals has no occasion to engage in extraordinary review by mandamus "in aid of [its] jurisdiction[n]," 28 U. S. C. § 1651, when it can exercise the same review by a contemporaneous ordinary appeal. See, e. g., Hines v. D'Artois, 531 F. 2d 726, 732, and n. 10 (CA5 1976)

Also the above Substitute the Test-1 of 3 tests requirement of grating most of the writs in US Supreme Court.

XVII. THREE TEST CONDITIONS FOR GRANT THE WRITS (OF MANDAMUS, PROHIBITION OR ANY ALTERNATIVE)

Test-1: No other adequate means [exist] to attain the relief [the party] desires **(In re US, 139 S. Ct. 452)**
Or it (injunction) is necessary or appropriate in aid of our jurisdiction (28 USC § 1651(a))
Or "the party seeking issuance of the writ must have no other adequate means to attain the relief [it] desires";
Test-2: the party's `right to [relief] issuance of the writ is clear and indisputable **(In re US, 139 S. Ct. 452)**
Or Bankers *Life & Casualty Co. v. Holland, 346 US 379 – Sup.Ct 1953*
clear abuse of discretion or "usurpation of judicial power" of the sort held to justify the writ in ***De Beers Consolidated Mines* v. *United States*, 325 US 212, 217(1945)**
Or Hobby Lobby Stores, Inc. v. Sebelius, 568 US 1401 – Sup.Ct 2012
whatever the ultimate merits of the applicants' claims, their entitlement to relief is not "indisputably clear
Or the Petitioner must demonstrate that the "right to issuance of the writ is clear and indisputable." *Cheney*, 542 U.S. at 380-81, 124 S.Ct. 2576
0r *Cheney v. United States Dist. Court for DC, 542 US 367-Sup.Ct 2004Defendant owes him a clear nondiscretionary duty*

Test-3: a question of first impression is raised.
Or

"the issuing Court, must be satisfied that the writ is appropriate under the circumstances **(In re US, 139 S. Ct. 452)**

Or

*that the permanent injunction being sought would not hurt public interest (**eBay Inc v. Mercexchange llc**, 547.US.388,S.Ct 2006)*

i.e when there is need of public interest or nation interest, permanent injunction prayer should be granted.

In the USSC, test-1 is not required to grant the Writs.

XVIII. REASONS FOR GRATING THE WRITS

a) ORDER THAT THE STATE OF NEW JERSEY IS A "PERSON" AMENABLE TO SUIT UNDER 42 U.S.C. 1983

Test-2 and 3:

Under Section 1983, Civil Rights Act of 1866 /Civil Rights Act of 1871 and Dictionary Act, the State of New Jersey is Person.

In *Quern v. Jordan, 440 US 332 –S.Ct 1979* @351

> *however, when Monell v. New York City Dept. of Social Services, 436 U. S. 658 (1978), upon re-examination of the legislative history of § 1983, held that a municipality was indeed a "person" for purposes of that statute.*

Will v. Michigan Dept. of State Police, 491 US 58 - Supreme Court 1989 @ 72-94 and further

Section 1 of the Civil Rights Act of 1871, 42 U.S.C. § 1983 , renders certain "persons" liable for deprivations of constitutional rights.

Will@77, In my view, a careful and detailed analysis of § 1983 leads to the conclusion that States

are "persons" within the meaning of that statute (§ 1983).

Although § 1983 itself does not define the term "person," we are not without a statutory definition of this word. "Any analysis of the meaning of the word `person' in § 1983 . . . must begin . . . with the Dictionary Act." Monell v. New York City Dept. of Social Services,436 U. S. 658, 719 (1978)

Passed just two months before 78*78 § 1983, and designed to "suppl[y] rules of construction for all legislation," *ibid.,* the Dictionary Act provided:

"That in all acts hereafter passed . . . the word `person' may extend and be applied to bodies politic and corporate. . . unless the context shows that such words were intended to be used in a more limited sense . . . ." Act of Feb. 25, 1871, § 2, 16 Stat. 431.

In *Monell,* we held this definition to be not merely allowable but mandatory, requiring that the word "person" be construed to include "bodies politic and corporate" unless the statute under consideration "by its terms called for a deviation from this practice." 436 U. S., at 689-690, n. 53. Thus, we concluded, where nothing in the "context" of a particular statute "call[s] for a restricted interpretation of the word `person,' the language of that [statute] should prima facie be construed to include `bodies politic' among the entities that could be sued

Both before and after the time when the Dictionary Act and § 1983 were passed, the phrase "bodies politic and corporate" was understood to include the States

The reason why States are "bodies politic and corporate" is simple: just as a corporation is an entity that can act only through its agents,

"[t]he State is a political corporate body, can act only through agents, and can command only by

laws". *Poindexter* v. *Greenhow, supra,* at 288.) See also Black's Law Dictionary 159 (5th ed.. 1979) ("[B]ody politic or corporate": "A social compact by which the whole people covenants with each citizen, and each citizen with the whole people, that all shall be governed by certain laws for the common good"). As a "body politic and corporate," a State falls squarely within the Dictionary Act's definition of a "person."

Will@80 Nor does the Court's distinction between "the state" and "a State" have any force.

this Court's decision in *United States* v. *Fox,* 94 U. S. 315 (1877), in which the question was whether the State of New York, by including "persons" and "corporations" within the class of those to whom land could be devised, had intended to authorize devises to the United States.

we also have an express statement, in the Dictionary Act, that the word "person" in § 1 includes "bodies politic and corporate." See also *Pfizer Inc.* v. *India,* 434 U. S., at 315, n. 15.

Congress did indeed intend "persons" to include bodies politic and corporate

Even in cases, moreover, where no statutory definition of the word "persons" is available, we have not hesitated to include bodies politic and corporate within that category. See *Stanley* v. *Schwalby,* 147 U. S. 508, 517 (1893) ("[T]he word `person' in the statute would include [the States] as a body politic and corporate"); *Ohio* v. *Helvering,* 292 U. S. 360, 370 (1934); *United States* v. *Shirey,* 359 U. S. 255, 257, n. 2 (1959).

Thus, the question before us is whether the presumption that the word "person" in § 1 of the Civil Rights Act of 1871 included bodies politic and corporate — and hence the States — is overcome by anything in the statute's language and history.

Certainly nothing in the statutory language overrides this presumption. The statute is explicitly directed at action taken "under color of" state law, and thus supports rather than refutes the idea that the "persons" mentioned in the statute include the States. Indeed, for almost a century — until *Monroe* v. *Pape*, 365 U. S. 167 (1961) — it was unclear whether the statute applied at all to action not authorized by the State, and the enduring significance of the first cases construing the Fourteenth Amendment, pursuant to which § 1 was passed, lies in their conclusion that the prohibitions of this Amendment do not reach private action. See *Civil Rights Cases*, 109 U. S. 3 (1883). In such a setting, one cannot reasonably deny the significance of § 1983's explicit focus on state action

I take it that its objection is that the under-color-of-law *83 requirement would be redundant if States were included in the statute because States necessarily act under color of state law.

The only way to remove the redundancy that the Court sees would have been to eliminate the catchall phrase "person" altogether, and separately describe each category of possible defendants and the circumstances under which they might be liable

see *Wilson* v. *Omaha Tribe*, 442 U. S., at 666,quoting 1 U. S. C. § 1, despite the evident awkwardness in doing so. Indeed, virtually every time we construe the word "person" to include corporate or other artificial entities that are not individual, flesh-and-blood persons, some awkwardness results.

it is plain that "person" in the 1871 Act must include the States. I discussed in detail the legislative history of this statute in my opinion concurring in the judgment *84 in *Quern* v. *Jordan*, 440 U. S., at 357-365

"[V]iewed against the events and passions of the time," *United States* v. *Price*, 383 U. S. 787, 803 (1966) , I have little doubt that § 1 of the Civil Rights Act of 1871 included States as "persons."

If States are not "persons" within the meaning of § 1983, then they may not be sued under that statute regardless of whether they have consented to suit. Even if, in other words, a State formally and explicitly consented to suits against it in federal or state court, no § 1983 plaintiff could proceed against it because States are not within the statute's category of possible defendants.

This is indeed an exceptional holding. Not only does it depart from our suggestion in *Alabama* v. *Pugh*,438 U. S. 781, 782 (1978), that a State could be a defendant under § 1983 if it consented to suit, see also *Quern* v. *Jordan*, *supra*, at 340, but it also renders ineffective the choices some States have made to permit such suits against them. See, *e. g.*, *Della Grotta* v. *Rhode Island*, 781 F. 2d 343 (CA1 1986). I do not understand what purpose is served, what principle of federalism or comity is promoted, by refusing to give force to a State's explicit consent to suit

In our prior decisions involving common-law immunities, we have not held that the existence of an immunity defense excluded the relevant state actor from the category of "persons" liable under § 1983, see, *e. g.*, *Forrester* v. *White*, 484 U. S. 219 (1988), and it is a mistake to do so today. Such an approach entrenches the effect of common-law immunity even where the immunity itself has been waived.

Court would hold that the State also lacks immunity against § 1983 suits for violations of the Federal Constitution. *87 Moreover, even if that court decided that the State's waiver of immunity did not apply to § 1983 suits, there is a substantial question

whether Michigan could so discriminate between virtually identical causes of action only on the ground that one was a state suit and the other a federal one. Cf. *Testa v. Katt*, 330 U. S. 386 (1947);*Martinez v. California*, 444 U. S. 277, 283, n. 7 (1980).

Will@89

we have held the States liable under § 1983 for their constitutional violations through the artifice of naming a public officer as a nominal party. Once one strips away the Eleventh Amendment overlay applied to actions in federal court, it is apparent that the Courtin these cases has treated the State as the real party in interest both for the purposes of granting prospective and ancillary relief

An official-capacity suit is the typical way in which we have held States responsible for their duties under federal law. Such a suit, we have explained, " `generally represent[s] only another way of pleading an action against an entity of which an officer is an agent.' " *Kentucky v. Graham*, 473 U. S. 159, 165 (1985) (quoting *Monell v. New York City Dept. of Social Services*, 436 U. S. 658, 690, n. 55 (1978)); see also *Pennhurst State School and Hospital v. Halderman*, 465 U. S. 89, 101 (1984).

we have recognized that an official-capacity action is in reality always against the State

The Court has held that when a suit seeks equitable relief or money damages from a state officer for injuries suffered in the past, the interests in compensation and deterrence are insufficiently weighty to override the State's sovereign immunity. See *Papasan v. Allain*, 478 U. S. 265, 278 (1986); *Green v. Mansour*, 474 U. S. 64, 68 (1985); *Edelman v. Jordan*, 415 U. S. 651, 668 (1974).

In *Milliken v. Bradley*, *supra*, for example, a unanimous Court upheld a federal-court order

requiring the State of Michigan to pay $5,800,000 to fund educational components in a desegregation decree "notwithstanding [its] *direct* and substantial impact on the state treasury." *Id.*, at 289 (

"the State [had] been adjudged a participant in the constitutional violations, and the State therefore may be ordered to participate prospectively in a remedy otherwise appropriate." *Id.*, at 295

Subsequent decisions have adhered to the position that equitable relief — even "a remedy that might require the expenditure of state funds," *Papasan, supra,* at 282 — may be awarded to ensure future compliance by a State with a substantive federal question determination. See also *Quern* v. *Jordan,* 440 U. S., at 337 . Our treatment of States as "persons" under § 1983 is also exemplified by our decisions holding that ancillary relief, such as attorney's fees, may be awarded directly against the State. We have explained that "liability on the merits and responsibility for fees go hand in hand; where a defendant has not been prevailed against, either because of legal immunity *91 or on the merits, § 1988 does not authorize a fee award against that defendant." *Kentucky* v. *Graham, supra,* at 165. Nonetheless, we held in *Hutto* v. *Finney,* 437 U. S. 678 (1978), a case challenging the administration of the Arkansas prison system, that a Federal District Court could award attorney's fees directly against the State under § 1988 [5] *id.*, at 700; see *Brandon* v. *Holt,* 469 U. S. 464, 472 (1985), and could assess attorney's fees for bad-faith litigation under §1983 " `to be paid out of Department of Corrections funds.' " 437 U. S., at 692. In *Supreme Court of Virginia* v. *Consumers Union of United States, Inc.*, 446 U. S. 719, 739 (1980), JUSTICE WHITE reaffirmed for a unanimous Court that an award of fees could be entered against a State or state agency, in that case a

State Supreme Court, in an injunctive action under § 1983.[6] In suits commenced in state court, in which there is no independent reason to require parties to sue nominally a state officer, we have held that attorney's *92 fees can be awarded against the State in its own name. See *Maine* v. *Thiboutot,* 448 U. S. 1,10-11 (1980)

The Civil Rights Act of 1871 was "intended to provide a remedy, to be broadly construed, against all forms of official violation of federally protected rights." *Monell* v. *New York City Dept. of Social Services,* 436 U. S., at 700-701. Our holdings that a § 1983 action can be brought against state officials in their official capacity for constitutional violations properly recognize and are faithful to that profound mandate. If prospective relief can be awarded against state officials under § 1983 and the State is the real party in interest in such suits, the State must be a "person" which can be held liable under § 1983.
official-capacity suit and the State may and should be named directly as a defendant in a §1983 action

The Court having constructed an edifice for the purposes of the Eleventh Amendment on the theory that the State is always the real party in interest in a § 1983 official-capacity action against a state officer, I would think the majority would be impelled to conclude that the State is a "person" under § 1983. As JUSTICE BRENNAN has demonstrated, there is also a compelling textual argument that States are persons under §1983.

Finally, there is no necessity to *94 import into this question of statutory construction doctrine created to protect the fiction that one sovereign cannot be sued in the courts of another sovereign.

b) ORDER THAT NJ' ARGUMENT THAT ELEVENTH AMENDMENT / SOVEREIGN IMMUNITY IS INVALID/UNAPPLICABLE TO CASE AGAINST THESE PETITIONERS

Test-2 and Test3

1) NJ State Court (NJ Supreme Court) denied the plaintiff Petition/ CERTIFICATION WITH Judicial defect of its own.

When the NJ Sup.Ct denied petition/ certification with Judicial defect of its own, NJ State Courts have no more jurisdiction to plaintiff's family matter.

Sullivan v. Little Hunting Park, Inc., 396 US 229 - Supreme Court 1969@ 231

> *"We had no jurisdiction in the cases when they were here before, and we have no jurisdiction now.*

Further For family dispute, [only] Family Court of India has the jurisdiction.

2) Plaintiff Karupaiyan Parental rights under 14th amendment violated by New Jersey.

See below that US Supreme Court ruled that Parents rights are in 14th amendment.

In *Washington v. Glucksberg*, 521 U.S. 702 (1997) , @ 720

> *"that the Constitution, and specifically the Due Process Clause of the Fourteenth Amendment, protects the fundamental right of parents to direct the care, upbringing, and education of their children".*

In *Troxel v. Granville, 530 U.S. 57 (2000)*

> *"The United States Supreme Court has recognized the right of parents to be and active*

and integral part of their children's lives as "perhaps the oldest of the fundamental liberty interests recognized by [the Supreme] Court."

In *Troxel* @ 65

The Fourteenth Amendment provides that no State shall "deprive any person of life, liberty, or property, without due process of law." We have long recognized that the Amendment's Due Process Clause, like its Fifth Amendment counterpart, "guarantees more than fair process." Washington v. Glucksberg, 521 U. S. 702, 719 (1997). The Clause also includes a substantive component that "provides heightened protection against government interference with certain fundamental rights and liberty interests." Id., at 720; see also Reno v. Flores, 507 U. S. 292, 301-302 (1993).

In the NJ state court/ family court, NO proceedings are pending or ongoing in [the] child support matter.

3) NJ defendants violating Indian family court is violation of 14th amendment.

NJ defendants (including Judicial branch) violating Indian family reconciliation order is 14th amendment violation. They violated plaintiffs' conjugal /cohabitation rights with Spouse and children.

4) 11th amendment immunity/ sovereign immunity does not stand in front of section 1983.

Will@94

The Court having constructed an edifice for the purposes of the Eleventh Amendment on the theory that the State is always the real party in

interest in a § 1983 official-capacity action against a state officer, I would think the majority would be impelled to conclude that the State is a "person" under § 1983. As JUSTICE BRENNAN has demonstrated, there is also a compelling textual argument that States are persons under §1983.

5) NJ defendants' multiple times illegally arresting and Jailing violates the US constitutional rights

A claim for unlawful arrest is cognizable under § 1983 as a violation of the Fourth Amendment, provided the arrest was without probable cause or other justification." Lacey v. Maricopa County, *693 F. 3d 896, 918 (9th Cir. 2012) (citation omitted)*

Arresting, jailing and punishing were violation in Fourth Amendment violation, Eighth Amendment Cruel and Unusual Punishment

6) 14th amendment and/or Section 1983 defeat 11th amendment

In Lugar v. Edmondson Oil Co., *457 US 922@929*

United States v.Price,383 U. S. 787, 794, n. 7 (1966) , we explicitly stated that the requirements were identical: "In cases under § 1983, `under color' of law has consistently been treated as the same thing as the `state action' required under the Fourteenth Amendment.

it is clear that in a § 1983 action brought against a state official, the statutory requirement of action "under color of state law" and the "state action" requirement of the Fourteenth Amendment are identical. The Court's conclusion in United States v. Classic, 313 U. S. 299, 326 (1941), that "[m]isuse of

power, possessed by virtue of state law and made possible only because the wrongdoer is clothed with the authority of state law, is action taken `under color of' state law," was founded on the rule announced in Exparte Virginia, 100 U. S. 339, 346-347 (1880), that the actions of a state officer who exceeds the limits of his authority constitute state action for purposes of the Fourteenth Amendment.[13]

7) Ongoing violation of federal law/ Federal rights defeat 11th amendment protection

In MCI TELECOMMUNICATIONS CORPORATION v. Public Service Com'n, 216 F. 3d 929 - Court of Appeals, 10th Circuit 2000@935

a private party may sue a state officer for prospective injunctive or declaratory relief from an ongoing violation of the Constitution or federal laws. See Ex parte Young, 209 U.S. 123, 159-60, 28 S.Ct. 441, 52 L.Ed. 714 (1908; see also Alden v. Maine, 527 U.S. 706, 119 S.Ct. 2240, 2267, 144 L.Ed.2d 636 (1999)

MCI Telecommunication Corp. v. Bell Atlantic-PA, 271 F. 3d 491 –USCA3 2001

[individual] state officers for prospective relief to end an ongoing violation of federal law.

In this case, Petitioners parental rights and Indian family court Reconciliation order are in continuously violated.

8) Ex Parte Young exception and ongoing federal law or constitutional rights violation remove the Eleventh amendment and sovereign immunity .

Ex parte Young : 209 U.S. 123 (1908)

The Ex Parte Young doctrine allows suits for declaratory and injunctive relief against government officials in their official capacities—notwithstanding the sovereign immunity possessed by the government itself

Or

MCI Telecommunication Corp. v. Bell Atlantic-PA, 271 F. 3d 491 - Court of Appeals, 3rd Circuit 2001 @503

state officers for prospective relief to end an ongoing violation of federal law/ US constitutional rights.

9) Official of State employee, employee of State of Arm, Executive Branch, State agency, and State entity acted on official capacity has no immunity.

Section 1983, ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, parenting rights, declarative orders (family court orders) defeated the Eleventh amendment protection.

10) When Private person or 3rd person conspire with State Actor, State or it's arm, agency, branches does not have immunity from eleventh amendment /sovereign immunity.

West v. Atkins, 487 US 42 - Supreme Court 1988@47

("[W]illful participant in joint activity with the State or its agents" may be liable under § 1983); Lugar v. Edmondson Oil Co., 457 U. S. 922, 931-932 (1982) ; and Tower v. Glover, 467 U. S. 914 (1984)

Tower v. Glover, 467 US 914 - Supreme Court 1984

While an [private] attorney who conspires with a state official to violate constitutional rights does act under color of state law, evidence of the conspiracy is required.

11) Effect of losing eleventh amendment immunity.

***Will v. Michigan Dept. of State Police, 491 US 58 - Supreme Court 1989*@89**

we have held the States liable under § 1983 for their constitutional violations through the artifice of naming a public officer as a nominal party. Once one strips away the Eleventh Amendment overlay applied to actions in federal court, it is apparent that the Court in these cases has treated the State as the real party in interest both for the purposes of granting prospective and ancillary relief

c) ORDER THAT NO ELEVENTH AMENDMENT IMMUNITY FOR NON-CONSENTING STATE (NJ) IN THIS CASE.

Test-2 and Test 3

Already, plaintiff responded how NJ defendants' 11th amendment/Sovereign immunity is defeated by Section 1983, ongoing violation of Federal law/rights, constitutional rights, 14th amendment, parenting rights, declarative court order from India and Ex-parte Young.

For matter of argument further as below.

In MCI TELECOMMUNICATIONS CORPORATION v. Public Service Com'n, 216 F. 3d 929 - Court of Appeals, 10th Circuit 2000@935

> *a private party may sue a state officer for prospective injunctive or declaratory relief from an ongoing violation of the Constitution or federal laws. See* Ex parte Young, 209 U.S. 123, 159-60, 28 S.Ct. 441, 52 L.Ed. 714 (1908; see also Alden v. Maine, 527 U.S. 706, 119 S.Ct. 2240, 2267, 144 L.Ed.2d 636 (1999)

In MCI Telecommunication Corp. v. Bell Atlantic-PA, 271 F. 3d 491 - Court of Appeals, 3rd Circuit 2001 @ 503 and 509

> *No eleventh amendment immunity when individual state officers for prospective relief to end an ongoing violation of federal law. Young generally should apply when an action against a state officer alleges an ongoing violation of federal law and seeks prospective relief. See id. at296,*
> *Idaho v. Coeur d'Alene Tribe of Idaho, 521 US 261 - Supreme Court 1997,*

In this case, ongoing violation for parental rights/fourteenth amendment and Indian family court order against the NJ and its judicial officials at their official capacity.

d) ORDER THAT **NO** ELEVENTH AMENDMENT IMMUNITY FOR STATE LAW, IRRESPECTIVE OF THE RELIEF SOUGHT, AND VIOLATIONS OF FEDERAL LAW, EXCEPT WHEN PROSPECTIVE INJUNCTIVE RELIEF.

Test-2 and Test-3:

Eleventh amendment immunity cannot be claimed in the State Court's suit for State Law. Certainly, in federal court, along with Federal

law/claims/questions, 11th amendment does not give immunity to state law in federal court. Under diversity jurisdiction, all claims (including State law claims) against all parties need to resolved together.

In Federal Court Suit, plaintiff is entitled to pray claim, relief, and injunctive orders on State law against State and it officials with capacity.

See *Will v. Michigan Dept. of State Police, 491 US 58 – S.Ct 1989* @72

> Because this case was brought in state court, the Court concedes, the Eleventh Amendment is inapplicable here. See *ante,* at 63-64. Like the guest who would not leave, *72 however, the Eleventh Amendment lurks everywhere in today's decision and, in truth, determines its outcome

Will@77

> Since this principle is inapplicable to suits brought in state court, and inapplicable to the question whether States are among those subject to a statute, see *Employees v. Missouri Dept. of Public Health and Welfare,* 411 U. S. 279, 287 (1973); *Atascadero, supra,* at 240, n. 2,

Will@89,

> When suit is brought in state court, where the Eleventh Amendment is inapplicable, it follows that the State can be named directly as a party under §1983.
>
> See Pennhurst, 465 U.S. at 93, 101 & n.11, 107, 104 S.Ct. 900; confer money damages for a State's disability benefit processing deficiencies, see Edelman, 415 U.S. at 655-56, 668-69, 94 S.Ct.1347 ; enjoin activity that would breach a State's contract, see In re Ayers, 123 U.S. at 502-03, 507, 8 S.Ct.164 ; require substantial, unbudgeted expansion of a federal water project, see Dugan v. Rank, 372

> U.S.609, 610-11, 616, 620-21, 83 S.Ct. 999, 10 L.Ed.2d 15 (1963) ; or quiet title to, and preclude state control of, territory within the State's regulatory jurisdiction, see *Idaho v. Coeur d'Alene Tribe of Idaho*, 521 U.S. 261, 281-82, 287-88, 117 S.Ct. 2028, 138 L.Ed.2d 438 (1997) (permitting suit would be "as intrusive as almost any conceivable retroactive levy upon funds in its Treasury").

See *Pennhurst State School and Hospital v. Halderman, 465 US 89 - Supreme Court 1984*)@118

> *the Court appears to have assumed that once jurisdiction was established over the federal-law claim, the doctrine of pendent jurisdiction would establish power to hear the state-law claims as well.*
>
> to the determination of all questions involved in the case, including questions of state law, irrespective of the disposition that may be made of the federal question, or whether it be found necessary to decide it at all."*Id.*, at 508. The case then was decided solely on state-law grounds. Accord, *Louisville & Nashville R. Co.* v.*Greene*, 244 U. S. 522 (1917).

Pennhurst@132 Four additional Justices accepted the proposition that if the state officers' conduct had been in violation of a state statute, the Eleventh Amendment would not bar the action.

By 1908, it was firmly established that conduct of state officials under color of office that is tortious as a matter of state law is not protected by the Eleventh Amendment. See *Reagan* v. *Farmers' Loan & Trust Co.*,154 U. S. 362, 390-391 (1894); *Poindexter* v. *Greenhow*, 114 U. S. 270, 287 (1885) ; *Cunningham* v. *Macon& Brunswick R. Co.*, 109 U. S. 446, 452 (1883)

Pennhurst @147 Since a state officer's conduct in violation of state law is certainly no less illegal than his violation of federal law, in either case the official, by committing an illegal act, is "stripped of his official or representative character."

Pennhurst @152 The issuance of injunctive relief which enforces state laws and policies, if anything, enhances federal courts' respect for the sovereign prerogatives of the States

Pennhurst @160-162 the Court has upheld injunctive relief on state-law grounds. See, *e. g., Lee* v. *Bickell,* 292 U. S. 415, 425 (1934); *Glenn* v. *Field Packing Co.,*290 U. S. 177, 178 (1933); *Davis* v. *Wallace,* 257 U. S. 478, 482-485 (1922); *Louisville & Nashville R. Co.* v. *Greene,* 244 U. S., at 527; *Greene* v. *Louisville & Interurban R. Co.,* 244 U. S., at 508, 512-514

In *Hagans* v. *Lavine,* 415 U. S. 528 (1974), the Court quoted from the *Siler* opinion and noted that the "*Court has characteristically dealt first with possibly dispositive state law claims pendent to federal constitutional claims.*" 415 U. S., at 546.It added:

> "*Numerous decisions of this Court have stated the general proposition endorsed in Siler — that a federal court properly vested with jurisdiction may pass on the state or local law question without deciding the federal constitutional issues — and have then proceeded to dispose *162of the case solely on the nonfederal ground. See, e. g., Hillsborough v. Cromwell, 326 U. S.620, 629-630 (1946); Waggoner Estate v. Wichita County, 273 U. S. 113, 116-119 (1927);Chicago G. W. R. Co. v. Kendall, 266 U. S. 94 (1924); United Gas Co. v. Railroad Comm'n,278 U. S. 300, 308 (1929); Risty v. Chicago, R. I. & P. R. Co., 270*

U. S. 378, 387 (1926).These and other cases illustrate in practice the wisdom of the federal policy of avoiding constitutional adjudication where not absolutely essential to disposition of a case." Id., at 547,n. 12.

e) ORDER THAT NO SOVEREIGN IMMUNITY FOR STATE AGENCIES AND DEPARTMENTS

Test-2 and Tes-3:

Section 1983, Ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, Parental rights, Declarative Orders (family court orders) defeat the Eleventh amendment, Sovereign protection.

State's agencies, Departments, and Divisions are Arm of the States, so they do not have immunity for the above said wrongdoings.

f) ORDER THAT NO SOVEREIGN IMMUNITY FOR STATE EMPLOYEES ACTING IN THEIR OFFICIAL CAPACITIES AND ARM(S) OF THE STATE

Test-2 and Test-3:

Eleventh amendment protection is defeated, by violation of section 1983, ex-parte Young, ongoing violation of federal law/rights, Constitutional rights,14th amendment/Parental rights,

When the State actor's wrong doing with official capacity, State is real party.

Under section 1983, the State become Person and party in the suit.

In *Kentucky v. Graham, 473 US 159 - Supreme Court 1985*@166

Official-capacity suits, in contrast, "generally represent only another way of pleading an action against an entity of which an officer is an agent." Monell v. New York City Dept. of Social

*Services, 436 U. S. 658, 690, n. 55 *166 (1978)* ***As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is,in all respects other than name, to be treated as a suit against the entity. Brandon, 469 U. S., at 471-472. Itis not a suit against the official personally, for the real party in interest is the entity.***

See *Edelman v. Jordan, 415 US 651 - Supreme Court 1974*@694

*Of course, § 1983 suits are nominally brought against state officers, rather than the State itself, and do not ordinarily raise Eleventh Amendment problems in view of this Court's decision in Ex parte Young, 209 *694 U. S. 123 (1908)*

In *Hutto v. Finney, 437 US 678 - Supreme Court 1978*), @700

700 Like the Attorney General, Congress recognized that suits brought against individual officers for injunctive relief are for all practical purposes suits against the State itself.

g) ORDER THAT NO ELEVENTH AMENDMENT IMMUNITY FOR DAMAGES ACTION AGAINST A STATE AND STATE OFFICIALS IN THEIR OFFICIAL CAPACITIES

Test-2 and Test-3:

Violations from section 1983, Ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, parenting rights defeated Eleventh amendment protection.

When the state become person under section 1983, the State is responsible for damages.

In *Kentucky v. Graham, 473 US 159 - Supreme Court 1985*@166

> *Official-capacity suits, in contrast, "generally represent only another way of pleading an action against an entity of which an officer is an agent." Monell v. New York City Dept. of Social Services, 436 U. S. 658, 690, n. 55 *166 (1978).* ***As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is, in all respects other than name, to be treated as a suit against the entity. Brandon, 469 U. S., at 471-472. Itis not a suit against the official personally, for the real party in interest is the entity.***

Pennhurst State School and Hospital v. Halderman, 465 US 89)@139

> *. Until today the rule has been simple: conduct that exceeds the scope of an official's lawful discretion is not conduct the sovereign has authorized and hence is subject to injunction.[16] Whether that conduct also gives rise to damages liability*

h) ORDER THAT NO SOVEREIGN IMMUNITY BARS SUITS AGAINST STATES AND STATE AGENCIES UNDER § 1983

Test-2 and Test-3:

Under violation of section 1983, Ex-parte Young, ongoing violation of federal law/rights, Constitutional rights/14th amendment/Parental rights defeated Eleventh amendment or sovereign immunity protection.

See Under section 1983, the State become person.

i) ORDER THAT NO ELEVENTH AMENDMENT/ SOVEREIGN IMMUNITY FOR STATE AGENCIES AND OFFICIALS ACTING IN THEIR OFFICIAL CAPACITY

Test-2 and Test-3:

Violations from Section 1983, Ex-parte Young, ongoing violation of federal law/rights, constitutional rights, 14th amendment, parental rights defeat Eleventh amendment protection and sovereign immunity.

State agencies and its official acting in their official Capacity were Arm of the State.

j) ORDER THAT **NO** ELEVENTH AMENDMENT/ SOVEREIGN IMMUNITY TO A STATE ENTITY OR ITS OFFICIAL ARE ARM OF THE STATE

Test-2 and Test-3:

Violation of section 1983, Ex-parte Young, ongoing violation of federal law/rights, constitutional rights/14th amendment, Parental rights, declarative orders defeats the Eleventh amendment protection and sovereign immunity.

NJ claimed that Judicial Branch and its employees were as Arm of the State who have not 11th amendment or sovereign immunity as below.

In *Kentucky v. Graham, 473 US 159 - Supreme Court 1985*@165

Pulliam v. Allen, 466 U. S. 522, 543-544 (1984)(state judge liable for injunctive and declaratory relief under § 1983 also liable for fees under § 1988).

So none of the Arm of the State has 11th amendment/sovereign immunity.

k) ORDER THAT NO ELEVENTH AMENDMENT FOR EXECUTIVE BRANCH AND ITS EMPLOYEES INCLUDING ATTORNEY GENERAL OFFICE

Test-2 and Test-3:

Section 1983, ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, parental rights, declarative orders can defeat the Eleventh amendment protection.

West v. Atkins, 487 US 42 - Supreme Court 1988@47

("[W]illful participant in joint activity with the State or its agents" may be liable under § 1983); Lugar v. Edmondson Oil Co., 457 U. S. 922, 931-932 (1982) ; and Tower v. Glover, 467 U. S. 914 (1984)

Tower v. Glover, 467 US 914 - Supreme Court 1984

While an [private] attorney who conspires with a state official to violate constitutional rights does act under color of state law, evidence of the conspiracy is required.

l) ORDER THAT NO ELEVENTH AMENDMENT FOR JUDICIAL BRANCH AND ITS EMPLOYEES (AS ARM OF THE STATE)

Test-2 and Test-3:

Violation from Section 1983, ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, parental rights, declarative orders defeat the Eleventh amendment protection.

In *Kentucky v. Graham, 473 US 159 - Supreme Court 1985*@165

Pulliam v. Allen, 466 U. S. 522, 543-544 (1984)(state judge liable for injunctive and declaratory relief under § 1983 also liable for fees under § 1988).

Under color of Law, section 1983, ongoing federal law/rights violation, ex-parte young. Constitutional rights, 14th amendment, parental rights. Indian family Court reconciliation order, Judicial Branch (including State Court and its employees) and its employees' immunity is defeated.

m) ORDER THAT NO ELEVENTH AMENDMENT SOVEREIGN IMMUNITY FOR STATE OF NEW JERSEY FROM LIABILITY (FOR CLAIMS)

Test-2 and Test-3;

Violation from Section 1983, ex-parte Young, ongoing violation of federal law/rights, Constitutional rights, 14th amendment, parental rights, declarative orders defeated the Eleventh amendment protection and Sovereign immunity.

In *Kentucky v. Graham, 473 US 159 - Supreme Court 1985*@166

Personal-capacity suits seek to impose personal liability upon a government official for actions he takes under color of state law. See, *e. g., Scheuer* v. *Rhodes,* 416 U. S. 232, 237-238 (1974).

Official-capacity suits, in contrast, "generally represent only another way of pleading an action against an entity of which an officer is an agent." *Monell* v. *New York City Dept. of Social Services,* 436 U. S. 658, 690, n. 55 *166 (1978.

As long as the government entity receives notice and an opportunity to respond, an official-capacity suit is,in all respects other than name, to be treated as a suit against the entity. Brandon, 469 U. S., at 471-472. Itis not a suit against the

official personally, for the real party in interest is the entity.

Thus, while an award of damages against an official in his personal capacity can be executed only against the official's personal assets, a plaintiff seeking to recover on a damages judgment in an official-capacity suit must look to the government entity itself.[11]

official-capacity action, however, for a governmental entity is liable under §1983 only when the entity itself is a " `moving force' " behind the deprivation, *Polk County* v. *Dodson*, 454 U.S. 312, 326 (1981) (quoting *Monell, supra,* at 694); thus, in an official-capacity suit the entity's "policy or custom" must have played a part in the violation of federal law. *Monell, supra; Oklahoma City* v. *Tuttle*, 471US 808, 817-818 (1985); *id.*,

Kentucky@169 "a judgment against a public servant `in his official capacity' imposes liability on the entity that he represents. . . ." ***Brandon***, *supra,* at471. **Kentucky** @171 in an official-capacity action is a plaintiff who prevails entitled to look for **relief, both on the merits and for fees**, to the governmental entity.

n) ORDER THAT UNITED STATES, STATE OF NEW JERSEY, UNITION OF INDIA, AND WOODBRIDGE FOR EMOTIONAL DISTRESS/ SUFFERING

Test-2 and Test-3:

Because of United States, New Jersey, and Union of India's wrong doings, Petitioner and his children were separated and emotionally suffering. Noone in the Civilized society accept these extreme suffering to the

Petitioner and his children. Emotional suffering are equitable reliefs and does not need Jury to decide.

Petitioner filed Standard form SF95 with Dept of States, office of legal adviser for emotional distress claim. In this form, each petitioner claimed $30 million dollars. Best interest of this court justice, petitioner should take any amount they ordered for the emotional distress of petitioners.

In the above same standard, petitioners pray this court for the same dollar amount against State of New Jersey and Union of India emotional distress claim.

Petitioner Palani Karupaiyan's car was towed by Twp of Woodbridge for many years. Without car, when home is evicted, homeless, day to day livelihood suffering to any human being. Last Friday, Karupaiyan's boold sugar reached 780, walked to emergency. At emergency, while taking blood, health care provider told that the fingers were cold. Situation is unimaginable suffering.

After ER, while cold, raining rush to walk to the temp staying place for printing and posting the petition to this court. Further walked to UPS for mail to post the petitions.

Petitioner suffer, none in the civilized society accept. So petitioner prays this court for above said same dollar amount to be ordered against Woodbridge Twp for Petitioner Karupaiyan suffering without car.

Additionally, Petitioner(s) pray this court for remand the case back to US Dist Court for further proceeding.

XIX. CONCLUSION

Plaintiffs/Petitioner(s) Palani Karupaiyan, PP, RP pray(s) the US Supreme Court for the Petition for Writ(s) of Certiorari should be granted.
Respectfully submitted.

Date: Apr 14 2024

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