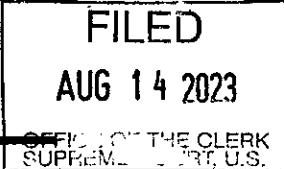


ORIGINAL

No. 23-151



In The
Supreme Court of the United States

Samuel O. Jacobs,
Petitioner,

v.

Kent Jacobs; Family Court of
Dutchess County, NY, Poughkeepsie, NY,
Respondents.

On Petition for a Writ of Certiorari to
the United States Court of Appeals
for the Second Circuit

PETITION FOR A WRIT OF CERTIORARI

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I. Questions Presented

1. Can a State Court use the 11th Amendment, Sovereign Immunity, and the Rooker-Feldman Doctrine to justify or allow it to violate the 14th, 8th, 5th, and 4th Amendments of the Constitution, Federal Rules, and Federal Laws?
2. Can the a State Court deny my right to plead and conduct my own case which is guaranteed under 28USC1654?
3. Is a 9 year sentence for writing a letter to my son justified?
4. Can my right to trial which is guaranteed under Federal Rules of Civil Procedure Rule 38 and the Seventh Amendment be denied?
5. Are my Miranda rights being violated because the State Court is ignoring a Motion to Explain why I was to be arrested?

Ia. Related Proceedings

United States Court of Appeals for the Second Circuit,
Jacobs v Jacobs, 22-2846

United States District Court, Southern District of New
York
Jacobs v Jacobs, 21-CV-10577(CS)

Family Court of the State of New York County of
Dutchess
Jacobs v Jacobs, 0-5137-14/22B

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Cases

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IV. Petition for a Writ Of Certiorari

Samuel O Jacobs, a US Army Veteran respectfully petitions this court for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Second Circuit.

V. Opinions Below

The decisions by the United States Court of Appeals for the Second Circuit and the United States District Court of New York are located in Appendix A and B.

VI. Jurisdiction

Mr Jacobs petition for trial was denied on Oct 18, 2022. Mr. Jacobs invokes this Courts jurisdiction under 28USC1257.

VII. Constitutional Provisions Involved

United States Constitution, 14th Amendment

No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

United States Constitution, Eighth Amendment

outlaws "cruel and unusual" punishment" for crime.

Fourth Amendment

The Fourth Amendment originally enforced the notion that "each man's home is his castle", secure from unreasonable searches and seizures of property by the government. *It protects against arbitrary arrests*, and is the basis of the law regarding search warrants, stop-and-frisk, safety inspections.

United States Constitution, Fifth Amendment

The Fifth Amendment creates a number of rights relevant to both criminal and civil legal proceedings. In criminal cases, the Fifth Amendment guarantees the right to a grand jury, forbids "double jeopardy," and protects against self-incrimination. It also requires that "due process of law" be part of any proceeding that denies a citizen "life, liberty or property" and requires the government to compensate citizens when it takes private property for public use

United States Constitution, Seventh Amendment

In Suits at common law, where the value in controversy shall exceed twenty

dollars, the right of trial by jury shall be preserved, and no fact tried by a jury, shall be otherwise reexamined in any Court of the United States, than according to the rules of the common law.

VIII. Statement of the Case

It is an undeniable, undisputable fact that the Family Court of Poughkeepsie, NY violated my rights under the Fourteenth Amendment. Documents written by the Family Court prove beyond any reasonable doubt that defendant Kent Jacobs was allowed to exercise his right to be a pro se litigant while that same right was denied to me. "The due process guarantee expressed in the Fourteenth Amendment requires assurance of fundamental fairness during legal proceedings".

The Family Court also violated Federal Rule 28 USC 1654 which states "In all courts of the United States the parties may plead and conduct their own cases". As a result, I was forced to be on trial with no legal representation. A reasonable person could easily see a Motion I filed with the Family Court dated August 23, 2018 that is still waiting for a decision or answer as additional proof of the Family Court violation of 28 USC 1654.

The Court of Appeals for the Second Circuit, and Judge Seibel of the lower Court knew or should have known that a 9 year sentence for the crime of writing a letter trying to help my son is a violation of the 8th

Amendment which prohibits "cruel and unusual punishment". Upon information and belief my 5th Amendment rights were violated when the Family Court put me on trial for child abuse. The Family Court knew or should have known that defendant Jacobs had filed a false criminal charge of child abuse against me because he provided proof in his Sworn Affidavit dated Nov 5, 2018.

A teacher who is on trial for Child Abuse cannot work as a teacher, and my business providing educational materials to the Bd of Ed was destroyed (vendor code VS00012128). Depriving someone of their ability to work and earn a living is a violation of the Fifth Amendment.

The Fourth Amendment states "no warrents shall issue but upon Probable Cause, supported by Oath or affirmation" and protects against arbitrary arrests. On April 6, 2018 the Family Court issued a warrant for my arrest with no Probable Cause, no Cause of Action, and no justifiable reason to arrest me.

The police in Poughkeepsie, NY and Queens, NY refused to arrest me because I had not committed a crime. They suggested that I contact the court to straighten out any confusion. I contacted the court, and I am still waiting for an answer.

The US Court of Appeals and the District Court have used the 11th Amendment to dismiss any and all violations of the Constitution and Federal Laws and Rules. In *Fitzpatrick v Bitzer* it was ruled that the

11th Amendment principle of State Sovereignty is limited by the enforcement provisions of section 5 of the 14th Amendment which grants congress authority to enforce substantive provisions of the 14th Amendment and provide for suits against states that are constitutionally impermissible in other contexts.

In *Gomez v Toledo* the Supreme Court ruled that only two elements must be pled to properly assert a cause of action under 42 USC 1983.

1. the plaintiff must specifically identify the Constitutional right of which he or she was deprived.

2. the plaintiff must assert that the person who deprived him of that right acted under the color of State Law.

Judge Egito's actions on behalf of the Family Court of Poughkeepsie, NY under the color of State law resulted in the violation of my rights under the 4th, 5th, 8th, and 14th Amendments of the Constitution.

18 USC 241 makes it a crime to "willfully deprive a person of a right or privilege protected by the Constitution of the United States".

In *Wood v Strickland* a litigant is not immune from liability if it knew or reasonably should have known that the action it took within its sphere of official responsibility would violate the constitutional rights of the party and their actions cannot reasonably

be characterized as being in good faith.

In dismissing my Amended Complaint the Court of Appeals, and Judge Seibel of the District Court ignored Federal Rules of Civil Procedure Rule 38 which states "the right of trial by jury as declared by the Seventh Amendment to the Constitution, or as provided by a federal statute is preserved to the parties inviolate".

Upon information and belief Court of Appeals, and Judge Seibel of the District Court erred in using the Statute of Limitations as a justification for dismissing my case. The Court of Appeals, and the District Court know or should know that under 27 CFR 70.29 and 26 USC 7609(b) the "Statutes of Limitations are suspended if a notified person with respect to whose liability a Summons is issued, any period of limitations shall be suspended for the period during which a proceeding and appeals therein". The STATUTE OF LIMITATIONS DOES NOT APPLY IN MY CASE.

I received a Summons to appear for trial on Dec. 5, 2022 in the Family Court to face a petition by defendant Kent Jacobs for a 2 year extension of my 7 year sentence. so that he could have "peace of mind". I received a 2 year extension to my 7 year sentence for a total of a 9 year sentence for writing a letter to my son.

Defendant Kent Jacobs acted as a co-conspirator with the Family Court to violate my Constitutional

rights and the Family Court acted as an Accessory-After-the-Facts in knowingly ignoring the crime committed by defendant Kent Jacobs listed under Penal Code 240.60, NY which has a penalty of up to 7 years in prison for "knowingly filing a false criminal charge of child abuse".

On the evening of Dec4, 2022 an attorney called and told me that he would be handling my case, which violated my rights under 28 USC 1654 especially since I had notified the court that I was a pro se litigant in a letter dated August 13, 2018.

I submitted undisputed, undeniable documents written by the Family Court itself that proved beyond any reasonable doubt that the Family Court violated the Constitution of the United States of America.

18 USC Section 241/2 makes it a crime to willfully deprive someone of his Constitutional rights

I submit that this case is of National importance because it is about the willful, deliberate and proven violations of the Constitution of the United States of America, Federal Laws, and Rules.

IX. Reasons for Granting the Writ

To ask this court to clarify that the 11th Amendment cannot be used to override, justify or allow proven violations of the Constitution of the United States of America.

To identify the misuse and abuse of the Eleventh Amendment of the Constitution of the United States in violating an individual's Civil Rights.

To clarify that proven violations of Constitution, Federal Rules and Laws cannot be violated or dismissed using Sovereign Immunity, and the Rooker-Feldman Doctrine.

To reaffirm the right to trial listed under Federal Rules of Civil Procedure Rule 38 which states "the right of trial by jury as declared by the Seventh Amendment to the Constitution—or as provided by a federal statute—is preserved to the parties inviolate".

To determine if my Miranda Rights were violated because the Family Court refused to tell me why there was a warrent for my arrest?

X. Conclusion

This case is of National importance because it is about the willful, deliberate violation of the Constitution, Federal Laws, and Rules.

There is proof beyond any reasonable that the Family Court of Dutchess County, NY violated the 14th, 4th, 5th, and 8th Amendments of the Cinstitution as well as Federal Laws and Rules.

Respectfully submitted,
/s/
Samuel O. Jacobs, *pro se*