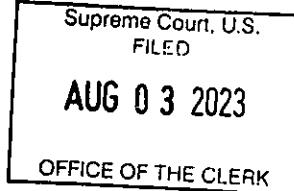


No. 23-187

ORIGINAL

In The Supreme Court of
the United States of America

MICHAEL RAMON OCHOA,
Petitioner, pro se,
v.
DR. ARTHUR LEVINE, *et al.*
Respondents.



On Petition for a Writ of *Certiorari*
To The Pa. Supreme Court at 270 WAL 2022;
The Pa. Superior Court at 240 WDA 2022;
and The Allegheny County Court of Common Pleas
at GD-13-011757

PETITION FOR WRIT OF CERTIORARI

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September 24, 2023

QUESTIONS PRESENTED

1. Are the cloud-based *#NewOrganon* and the dashboard tools attached as exhibits admissible as models *per* Rule 32 of this Court? = YES
2. Do the respondents remain in violation of both 28 Pa. Code §115 Medical Records Services and 45 CFR Parts 160 and 164 the HIPAA Privacy Rule? = YES
3. Did the respondents subvert the HIPAA Privacy Rule by stalling required disclosures for more than 10 years? = YES
4. Did the Pa. Judicial System subvert U.S. Constitution Article IV. Section I. Full Faith and Credit? Or this Court's appellate jurisdiction over the laws and facts *per* Article III, Section 2, Clause 2? = YES
5. Are the Courts open *per* Pa. Constitution Article 1, Section 11? = NO
6. Would this be a good opportunity to review *Skilling v. United States*, No. 0808-1394? = YES
7. Is the preservation of truth a legitimate reason to petition this Court even if there is little possibility of *certiorari* being granted? = YES

LISTS OF PARTIES AND RELATED PROCEEDINGS

Contact information for the petitioner is on the cover. The complete list of respondents, counsel, and contact information is tracked by the dashboard tool Defendants included in Exhibits at App.22-25.¹

All proceedings in state and federal court which directly arise from the same 250 Root Facts are tracked by the dashboard tool Items of Judicial Notice, included in Exhibits at App.26.² ³

¹ Every previous version can be found in Exhibits Dashboard > Meta Data > Dashboards > Defendants at https://drive.google.com/drive/folders/16yoJLSZJSdPGcEXPfHRVfmNvJ29mWKS3?usp=share_link

² See Exhibits Dashboard > Root Facts at https://drive.google.com/file/d/18JtdDxzyRiDGFAAnQLPkznE1didegSYkN/view?usp=share_link

³ Every previous version can be found in Exhibits Dashboard > Meta Data > Dashboards > Items of Judicial Notice at https://drive.google.com/drive/folders/18F1Lwrq3jqKzU9mVyKejF5o97lrUpMCF?usp=share_link

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TABLE OF AUTHORITIES

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Δ καὶ ἐμάθετε καὶ παρελάβετε καὶ ἡκούσατε καὶ εἶδετε ἐν ἐμοί, ταῦτα πράσσετε: καὶ ὁ θεὸς τῆς εἰρήνης ἔσται μεθ' ὑμῶν. - Phil 4:9

PETITION FOR WRIT OF *CERTIORARI*

Petitioner prays that a writ of *certiorari* issue to review the judgements below.

OPINIONS BELOW

The orders of the highest state court to review the merits of this case appear at Appendix A. App. 1-6. The orders and opinions of the trial court appear at Appendix B. App. 7-18.

JURISDICTION

The date on which the highest state court decided this case was 2023-05-02. Rehearing was denied on 2023-06-26. Copies of those decisions appear at Appendix C. App. 19-20.

The jurisdiction of this Court is invoked under 28 U.S.C. §1257(a). Further, both the trial court and Pa. Superior Court agreed with the respondents that there are no more matters to be settled and the case has been dismissed. Therefore, this Court now has appellate jurisdiction over the laws and facts *per* U.S. Constitution Article III, Section 2, Clause 2.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

45 CFR §164.502(a)(2)(i):

- (2) A covered entity is required to disclose protected health information:
 - (i) To an individual, when requested under and required by § 164.524 or § 164.528.

U.S. Constitution Article IV§1 Full Faith and Credit:

Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof.

U.S. Constitution Article III, Section 2, Clause 2:

In all the other cases before mentioned, the Supreme Court shall have appellate jurisdiction, both as to law and fact, with such exceptions, and under such regulations as the Congress shall make.

Rule 32 of the U.S. Supreme Court:

1. Models, diagrams, and exhibits of material forming part of the evidence taken in a case and brought to this Court for its inspection shall be placed in the custody of the Clerk at least two weeks before the case is to be heard or submitted.

STATEMENT OF THE CASE

I was held under duress in locked wards of UPMC facilities from 2006-11-07 to 2007-02-12. Soon after release, I requested complete copies of my inpatient medical records using their standard authorization process. A handful of case management notes was all they returned.¹ The matter escalated to the Board of Directors of UPMC and Board of Trustees of the University of Pittsburgh, to no avail.² Alleging that the missing records contain evidence of systemic corruption and abuse within the institution, I filed formal complaints with every relevant state and federal agency, and have kept them fully informed every step of the way.³ The matter was litigated throughout Allegheny County Common Pleas FD-07-000190, which eventuated in U.S. Supreme Court 11-5664 on 2011-08-04. I have been unwavering in the the 250 Root Facts presented there, and subsequent filings in this Court preserve a complete record of my preservation of federal issues throughout the intervening years.⁴

This brings us to the current segment of actions at GD-13-011757 Docs 133-142.

¹ Authorization forms and incomplete sets of records received from UPMC since 2008-04-14 at: https://drive.google.com/drive/folders/1S-vYtob8yEVcbT_8xQN5rszhbejGaF74?usp=share_link

² See attached 2008-11-07 UPMC Medical Records to the Board of Trustees at App.28 and Conversations with the Late, Hon. Ralph J. Cappy at App.27 or https://drive.google.com/drive/folders/1UN9O127K352v2Y813rJtwMY72R3RnKtq?usp=share_link and https://drive.google.com/drive/folders/16yssQb4aR_EY3EY-lqZ1EYlpq6yiBNz?usp=share_link

³ See U.S. Law Enforcement Conversations at https://www.academia.edu/44185392/U_S_Law_Enforcement_Conversations?source=swp_share

⁴ See attached Items of Judicial Notice at App.26, also U.S. Supreme Court Conversations and Questions or *Απογραφα* in Exhibits Dashboard > Meta Data > Dashboards at https://drive.google.com/drive/folders/13iB54PS0nVFfTLiT00teg8_H8ZRuuHEa?usp=share_link

On 2021-08-27, UPMC finally released some of my missing medical records in the form of several sets of electronic records and boxes of scrambled paper copies. Using the data tools which I had developed through years of litigation, I processed the analogue data into a set of .pdf logs, searchable portfolios and dashboard tools preserved on a secure cloud-based platform made accessible to every party and to every relevant state and federal agency.⁵

Returning to the trial court with both the paper records and data tools, I demonstrated, *de facto*, in open court that the defendants continue to conceal 66 days of inpatient records. Most conspicuously still missing are 28 days from 2006-11-08 to 2006-12-06, which correspond to the period in which a 2008-06-05 Pa. Dept. of Health investigation report found that “you were observed working on “papers” for your wife’s program by the nursing staff.”⁶

In response, the defendants produced an affidavit from UPMC’s Director of Health Information Management claiming that I had received all of my records. The details of that affidavit did not correspond to the circumstances, violated the standards of discovery at *Kozak v. Struth*, 225 Pa. Code §703 and §705, and made it obvious that she had no first hand knowledge of those records. Nevertheless, the trial court refused to allow me to question the “expert,” refused to consider any of the data, refused to

⁵ See attached UPMC Medical Records Dashboard at App.29-30 or https://drive.google.com/drive/folders/1eYE1E0g7SfsZKJi6y902khyxoCNzkLWT?usp=share_link

⁶ See https://drive.google.com/file/d/1fGp0Crr-47zGZRiutEBYvNuYGUDGAgNh/view?usp=share_link

examine or even count the records that I had brought into open court, and dismissed the case, claiming that there was nothing left to settle. The Pa. Superior Court dismissed my appeal as “unintelligible” and the Pa. Supreme Court denied review.

REASONS FOR GRANTING THE PETITION

The stepwise construction of the *#NewOrganon* data model is preserved in the records of this Court.⁷ As of today, the Root Data contains 79,516 files and folders which preserve every piece of evidence, court filing, legal correspondence and law enforcement complaint generated from the series of events which began 2006-11-07, as described in the 250 Root Facts. The Analogue Root Data now contains 11,368 .pdf files and folders from the Root Data which have been processed through my meta data system. This is the complete set of data entered into Pennsylvania and federal court records, *de jure*.⁸ Removing the folders and duplicate items from the Analogue Root results in the 2,612 ordered .pdf files in the Linearized Root Data. That complete linearized data set was then filtered to generate the search indexes, spreadsheets, dashboard tools, .pdf portfolios and data logs found in the Meta Data folder.

Much like explaining a joke, describing a data model can sound “esoteric,”

⁷ See https://www.academia.edu/44185128/2016_11_07_A_Philosophical_and_Mathematical_Model_of_Truth_or_NewOrganon?source=swp_share

⁸ The completeness of the data has been checked against the Root Data and each online docket, docket sheet, certified record and reproduced record in every Pa. and U.S. Supreme Court case listed in Items of Judicial Notice. Oklahoma and California data is available in Root Data, but not yet in Analogue Root Data.

“unintelligible,” or even xenophonic. However, anyone can get the punchline without understanding the analysis, just as anyone can see what is still missing from my medical records at a glance from the UPMC Medical Records dashboard tool. Further, the networked .pdf version gives access to the incomplete records and tracks how each was obtained and where each was entered into evidence, while the other tools document my relentless pursuit of those records by every means possible since 2006-11-07.

The *#NewOrganon* is complete, consistent, coherent, and clearly shows which medical records are still missing. The court’s theory is *ad hoc, ad hominem* and elevates ungrounded authority over verifiable data on record. This is literally authoritarianism. Nothing could be more corrosive to the rule of law.

Think of it this way, Founding Father Thomas Jefferson was an autodidactic polymath with mastery of Xenophon and the Gospels in ancient Greek. Originalism is correct in constantly looking back to his genius to guide us through our contemporary struggles with tyranny. However, there is one area of knowing in which our humble wisdom exceeds his. Fregean logic, and the Information Age built on it, gives anyone with access to the internet a mastery over facts and data that Thomas Jefferson could not have imagined.

I don’t know whether *#NewOrganon* was the first cloud-based forensic model introduced to this U.S. Supreme Court, but it certainly won’t be the last. And each

iteration has brought this Court closer to truth. On the other hand, the Pa. Judicial System remains mired in a 19th century, paper-driven logic which is prone to machiavellian abuse. Thus, allowing this ruling to stand would widen the increasingly dangerous gap between what we can all see to be true, *de facto*, and what the Pa. Judicial System claims to be true, *de jure*.

We all face similar choices between truth and ungrounded authority. I believe that Thomas Jefferson would have sided with truth.

CONCLUSION

Therefore, this U.S. Supreme Court should grant *certiorari*. Then, as I promised the late, Hons. Antonin Scalia and Ruth Bader Ginsburg:

“Finally, by merely allowing yourselves to be seen looking in my direction, you will effect immediate, transformative good for all, while long being remembered as just and wise and merciful.” - 10-24-13 U.S. Supreme Court 12-10508

Terras Irradiant!



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