

No. \_\_\_\_\_

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In The

# Supreme Court of the United States

**AARON ABADI,**  
*Petitioner,*

v.

**CAESARS ENTERTAINMENT, INC.,**  
*Respondent.*

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On petition for writ of certiorari to review a decision by the **United States Court of Appeals for the Ninth Circuit**, to abstain from hearing an appeal on the decision and dismissal of a case at the **District Court of Nevada**.

## **PETITION FOR WRIT OF CERTIORARI**

**Petitioner:**

Aaron Abadi (Pro se)  
82 Nassau Street Apt 140  
New York, NY 10038  
Tel: 212-785-0370  
aabadi@optonline.net

## QUESTIONS PRESENTED

- 1) The Ninth Circuit developed an automated system, where it dismisses almost ALL indigent pro se claims without an opportunity to review; 414 cases since 2017 (evidence attached). Can the Circuit Courts of Appeals treat indigent pro se litigants differently than they treat litigants who can afford attorneys, by just dismissing their cases with a form-letter-style order, used exclusively for indigent pro se litigants, without allowing them an opportunity to present their case, and without any explanation?
- 2) Can a district judge deny a motion for in-forma pauperis on a hunch, without any evidence, based on information from months earlier, even though the indigent litigant provided a signed affidavit attesting to his indigency and provided the evidence requested, and there were no inaccuracies, or is it a violation of Plaintiff's fourteenth amendment rights to due process?
- 3) Is a person who was denied an in forma pauperis entitled to an appeal?

## **PARTIES TO THE PROCEEDING**

The parties to this proceeding are Aaron Abadi ("Abadi"), with name, address, and contact info listed above, as Plaintiff/Petitioner. He is a citizen of the State of New York, and he has filed several lawsuits as an indigent pro se litigant.

Respondent is Caesars Entertainment, Inc. ("Caesars"), formerly Eldorado Resorts, Inc. It is an American hotel and casino entertainment company founded and based in Reno, Nevada that operates more than 50 properties. Eldorado Resorts acquired Caesars Entertainment Corporation and changed its own name to Caesars Entertainment, Inc. on July 20, 2020. Caesars' headquarters is located at One Caesars Palace Drive, Las Vegas, NV, 89109, Phone: (702) 407-6000.

## **CORPORATE DISCLOSURE STATEMENT**

Plaintiff/Petitioner is a private person, not a corporation.  
Defendant/Respondent Caesars is a publicly traded company.

## **STATEMENT OF RELATED PROCEEDINGS**

This petition was brought by Aaron Abadi v. Caesars Entertainment Inc., due to a District Court of Nevada case No. 2:22-cv-00285-CDS-NJK, that was dismissed due to the fact that the motion for in forma pauperis was denied.

The Ninth Circuit Court of Appeals refused to accept and/or review the lower court's decision in Case No. 22-16353, **Aaron Abadi v. Caesars Entertainment Inc.** It was dismissed as frivolous on Nov. 10, 2022 (Appendix Page 1a), without

allowing for any briefs. The motion for reconsideration was denied on April 6, 2023 (Appendix Pg 2a), well within the time limit of 90 days from when this Petition was originally mailed.

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## **PETITION FOR WRIT OF CERTIORARI**

Aaron Abadi, Plaintiff/Petitioner, comes pro se, and respectfully petitions for a Writ of Certiorari to review the judgment of the United States Court of Appeals for the Ninth Circuit in the case listed herein.

### **I. OPINIONS BELOW**

The opinion of the Ninth Circuit Court of Appeals denying an appeal, is at Abadi v. Caesars Ent., Inc., No. 22-16353, 2022 WL 17550961 (9th Cir. Nov. 10, 2022), and attached in the Appendix at Page 1a. The Order of the district court is attached at Appendix Page 3a. Abadi v. Caesars Ent., Inc., No. 222CV00285CDSNJK, 2022 WL 4117085 (D. Nev. Aug. 30, 2022).

### **II. JURISDICTION**

The District Court of Nevada has subject matter jurisdiction over this matter pursuant to 28 U.S.C. 1331, which provides district courts with jurisdiction over civil actions arising under the United States Constitution or laws of the United States. Amongst other claims, Plaintiff is alleging violations of the federal ADA laws 42 U.S. Code § 12182, and 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights, among others.

The District Court of Nevada has diversity jurisdiction under 28 U.S.C. § 1332, because the amount in controversy exceeds \$75,000, and the parties are citizens of different states.

The District Court of Nevada has personal jurisdiction under 28 U.S.C. § 1391 (b) 1 & 2, although Plaintiff is a citizen and resident of New York City, the defendant, Caesars is headquartered in Las Vegas, Nevada.

Venue is proper in the District Court of Nevada pursuant to 28 U.S.C. 1391(b) because the events giving rise to the allegations in this complaint occurred in that district.

The Ninth Circuit Court of Appeals, has the jurisdiction to address this appeal as 28 U.S. Code § 1295 (a) states; "The United States Court of Appeals for the Federal Circuit shall have exclusive jurisdiction...(2) of an appeal from a final decision of a district court of the United States..."

This Court, the Supreme Court of the United States, has jurisdiction under 28 U.S.C. § 1254(1). This Petition was filed in a timely manner, and initially postmarked well within the ninety days required.

### III. PROVISIONS, STATUTES, & REGULATIONS

#### 14<sup>th</sup> Amendment of the U.S. Constitution:

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

28 U.S.C. § 1915 (a) (1)

Subject to subsection (b), any court of the United States may authorize the commencement, prosecution or defense of any suit, action or proceeding, civil or criminal, or appeal therein, without prepayment of fees or security therefor, by a person who submits an affidavit that includes a statement of all assets such prisoner possesses that the person is unable to pay such fees or give security therefor. Such affidavit shall state the nature of the action, defense or appeal and affiant's belief that the person is entitled to redress.

IV. STATEMENT OF THE CASE

1. Respondent/Defendant Caesars owns and operates a group of casinos and resorts throughout the country. They are based in Las Vegas, Nevada.

2. The Covid-19 virus that arrived from Wuhan, China, spread throughout the world, causing significant death and hospitalizations, during the end of 2019, though 2020, and continuing in 2021.

3. The Center for Disease Control ("CDC") announced guidance for requiring all people to wear masks in public places. The guidance varied as the time progressed.

4. Ultimately, the CDC guidelines, while allowing the relaxing of mask rules in most places, they continued to require it in certain venues.

5. The Governor of the State of Nevada issued Directive 024 in June of 2020 (Appendix Page 8a), requiring all people to wear masks in public places.

6. This was followed and reinforced by Directive 047 in July of 2021 (Appendix Page 14a), continuing to require the same.

7. Both directives clearly exempt people with disabilities who cannot wear a mask.

8. Throughout this pandemic, most, if not all mask mandates, mask guidance, and related laws, included wording to remind people that children under 2 years old and people with a disability that causes that the person cannot wear a mask, are exempt.

9. The ADA put out a guide elaborating on the types of disabilities that would not be able to wear masks. It's named, "The ADA and Face Mask Policies" (Appendix Page 17a). It says, "Some people with autism are sensitive to touch and texture. Covering the nose and mouth with fabric can cause sensory overload, feelings of panic, and extreme anxiety." It recommends that they should not wear a mask.

10. Plaintiff, Aaron Abadi, while he does not have autism, he does have sensory processing disorder, which is the actual disorder that an autistic child would have if sensitive to touch to a point of possibly causing sensory overload. It is listed on his medical records. Attached are a doctor's letter (Appendix Page 40a), a copy of the medical chart from plaintiff's doctor (Appendix Page 41a), and a neurologists affidavit presented to a case in Florida (Appendix Page 46a), all confirming this disability.

11. Plaintiff states that he had this condition his entire life. He could not wear glasses, sunglasses, baseball caps on his head and face, as it will cause a serious sensory overload. He also has difficulties wearing neckties and starched shirts. Anything around the face or head is a serious problem. This is not simply a discomfort. Our senses send messages to our brains, and when there's a dysfunction in those messages, the brain gets the wrong message. When I wear a mask or any of those other items I mentioned, it starts off with extreme discomfort and pretty quickly turns into unbearable, where I will rip it off without any regard of the consequences. It is also coupled with headaches and other irritation. I cannot wear a mask at all.

12. The Doctor's letter confirms that the Plaintiff already had Covid and was no longer contagious. The CDC states that Covid reinfection is rare (Appendix Page 49a). Under these circumstances, Plaintiff argues that without obvious symptoms, he cannot be considered a direct threat, which is defined as a significant risk, when it comes to disability laws. It is certainly a good idea to increase precautions, but it doesn't create a direct threat, and therefore it doesn't allow discrimination.

13. The medical community and including the CDC, the NIH, and the WHO, evolved in regards to their expectations of the value of a typical face mask in protecting people from Covid 19. Even to date, there is no clear peer-reviewed study that can confirm the importance and benefits of wearing masks as is being worn currently. The CDC themselves confirm that we do not have conclusive evidence

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with regards to the value and/or efficacy of masks (Appendix Page 51a). Most of us say, it probably cannot hurt, although some studies say that it can. Plaintiff is not looking to adjudicate that issue, if not requested to by the court, or the Defendant. Suffice it to say that the typical mask is questionable as to its protection.

14. Defendant Caesars and the unnamed staff discriminated against Plaintiff, conspired to discriminate, and did not attempt to stop the discrimination.

15. There were many employees, staff, executives, and even attorneys that were part of this conspiracy and/or participated in the discrimination.

16. Defendants refused to allow Plaintiff access to their hotels and casinos, since he had a disability and could not wear a mask.

17. There were several incidents detailed in the complaint that occurred over a span of time.

18. The complaint laid out multiple causes of action that were allegedly violated by the Defendants.

19. These claims included Americans with Disabilities Act of 1990 ("ADA"), 42 U.S. Code § 1985 - Conspiracy to interfere with civil rights, 42 U.S. Code § 1986 - Action for neglect to prevent, Missouri - Title XII PUBLIC HEALTH AND WELFARE Chapter 213, 213.065. Discrimination in public accommodations, The Rehabilitation Act ("RA") of 1973 § 504, 42 U.S. Code § 1983 - Civil action for deprivation of rights under the color of law, and Nevada State Law NRS 233 discrimination in a public accommodation.

20. Plaintiff filed an in forma pauperis application ("IFP motion"), with an affidavit attesting to his indigency at that time.

21. The magistrate judge questioned the validity and truthfulness of the IFP motion, and requested further evidence and responses.

22. Plaintiff was fully cooperative and responded to each and every question and request.

23. In her REPORT AND RECOMMENDATION (Appendix Page 54a), the magistrate judge determined that Plaintiff was not truthful and recommended that the district judge deny the IFP motion.

24. The district judge agreed and denied the IFP motion and dismissed the case.

25. The basis of that decision was not on actual evidence that Plaintiff lied on his affidavit, but on suspicion and conjecture.

26. Plaintiff wanted the opportunity to have that lower court decision reviewed under appeal, AS IS HIS RIGHT.

27. He filed a Notice of Appeal on September 8, 2022 (Doc. 14) with the District Court to appeal it to the Ninth Circuit Court of Appeals, and awaited the opportunity to present an Appellate Brief to the court to present his case.

28. Instead, the court clerk from the Ninth Circuit sent a request for Plaintiff to explain why it was not frivolous (Doc 5-1), which Plaintiff did his best to respond to this (Doc 6), considering that it was not going to be a full-fledged brief.

29. On Nov. 10, 2022, the Ninth Circuit Court of Appeals sent the attached final Order (Appendix Page 1a, Doc 7) dismissing the case as frivolous, without allowing Plaintiff to fully present his case. No brief was allowed.

30. Now, in the laws of this land, a person who files an appeal against a denial of an IFP motion, is entitled to a review under appeal.

31. For example, see Dillard v. Liberty Loan Corp., 626 F.2d 363, 364 (C.A.S.C., 1980), where the Circuit Court overturned a District Court's denial of an IFP motion.

32. In Potnick, the court also overturned an IFP motion denial saying, "Section 1915(a) does not require a litigant to demonstrate absolute destitution; no party must be made to choose between abandoning a potentially meritorious claim or foregoing the necessities of life. Potnick v. Eastern State Hosp., 701 F.2d 243, 244 (C.A.N.Y., 1983). There are multiple cases where the denial of a, IFP motion was appealed.

33. The Magistrate Judge of the District Court in Maine was adjudicating another case with this Plaintiff; Abadi v. Walmart. When she saw this case Abadi v. Caesars in the Nevada District Court, she filed an Order to Show Cause, asking Plaintiff for more information to determine if his IFP motion was true. She determined that Plaintiff DID NOT misrepresent his financial information in his IFP Motion. After a response by Plaintiff and a further review by the judge, the judge wrote the following: "Abadi has since provided additional information that sufficiently mollifies my concerns that he misrepresented his financial situation."

Abadi v. Walmart, Inc., No. 1:22-CV-00228-GZS, 2022 WL 9822322, at \*1 (D. Me. Oct. 17, 2022), report and recommendation approved, No. 1:22-CV-00228-GZS, 2022 WL 16552955 (D. Me. Oct. 31, 2022).

34. This Plaintiff was not given his due process rights at the Ninth Circuit to appeal the district court's decision to the circuit court.

35. Plaintiff was in shock as to this treatment, and began looking into the circumstances surrounding this denial, and found some very disturbing statistics.

36. The wording stating that the case was frivolous without explaining why, how, or any specifics, seemed like a typical form-letter. It seemed like the court just sends these Orders out to anyone that they just don't want to be bothered with.

37. Plaintiff took the words in his Order and searched for similar orders on Westlaw (borrowing a friend's account), and found over 400 orders with practically the same wording, without any explanations as to why the case was frivolous, or what was frivolous about them.

38. Attached are 414 cases (Appendix Page 58a), starting from January 2017 until today, where the Plaintiff received a form-letter style dismissal order denying the person the ability to appeal.

39. In each case the Plaintiff was a non-prisoner pro se Plaintiff who could not afford an attorney, and who filed in-forma pauperis.

40. No person that was represented by an attorney was given such an Order. Only indigent pro se litigants.

41. I could barely find any indigent pro se litigants in that 6-year period that did not receive such a letter, dumping him/her and their rights into the trash.

42. There were two or three cases where there was an indigent pro se litigant that was dumped with an explanation, but it was a very quick explanation. Otherwise, everyone else, was dumped without any explanation at all.

43. IT IS VERY CLEAR THAT IN JANUARY OF 2017, THE NINTH CIRCUIT STARTED A NEW POLICY AUTHORIZING INDIGENT PRO SE LITIGANTS' CASES TO BE DUMPED *SUA SPONTE*, WITHOUT ALLOWING THEM THEIR DUE PROCESS.

44. I do get it. Most of us pro se people can be pretty annoying. However, if this is the career that these judges chose, and if they swore an oath, then they should not be treating us in this way. They would be required to review each case and litigate them, as annoying as they might be. Yes, if they're frivolous, throw them out, but WITH AN EXPLANATION. My case is absolutely not frivolous.

45. In 28 U.S. Code § 453 it states the oath that is required for all judges. "Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, \_\_\_\_\_, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as \_\_\_\_\_ under the Constitution and laws of the United States. So help me God."

46. This Plaintiff/Petitioner was denied his constitutional rights of due process, and there is something really not kosher that is happening on a regular basis at the Ninth Circuit Court of Appeals.

47. There is only one court in this land that can fix this issue, and that is the Supreme Court of the United States, which is the only Court above the Ninth Circuit.

48. Yes, the 9<sup>th</sup> Circuit does have a Judicial Council, but the head of the Council is the Chief Judge, who has been doing the same things. It is hard to believe that a person can get a proper resolution when asking a person to pass judgment on him or her self. I did file a complaint with that Council, but I never heard back from anyone.

49. Until today, this Court can justify their inaction by saying that they did not know. I provided the evidence herein and attached, and now you know. If this Court ignores this issue today, then this Court is equally responsible for the loss of our rights.

50. There was a judge from the Seventh Circuit Court of Appeals, JUDGE RICHARD A. POSNER, who resigned, because of similar abuses of indigent pro se rights in his circuit, but it seems that his cries fell on deaf ears (Appendix Page 196a).

51. Posner was quoted in an interview as saying, "The basic thing is that most judges regard these people as kind of trash not worth the time of a federal judge."

52. This case is relatively simple. Plaintiff complains of discrimination, which lawyers and judges hate. Plaintiff is indigent pro se, which lawyers and judges hate. Plaintiff's case gets dumped before he gets a chance to start it. Plaintiff's appeal gets dumped before he gets a chance to start it. Plaintiff never gets an opportunity to present and/or prove his case. Plaintiff's case and his financial status are too beneath the courts to allow him his constitutional rights to due process.

53. IS THIS WHAT OUR JUSTICE SYSTEM HAS COME TO?!

**MULTIPLE OTHER EXAMPLES OF SYSTEMIC INDIGENT PRO SE DISCRIMINATION IN THE JUDICIAL BRANCH**

54. Unfortunately, due to Covid, governments and companies jumped at the opportunity to take away people's rights. It affected me significantly because of my medical disability. I also saw no reason to get a vaccine that was not properly tested (and turned out to be a dud), especially since I already had Covid before vaccines were available. Natural immunity has always been stronger than vaccine immunity, even on vaccines that work.

55. I found myself being thrown out of everywhere. Hotels, Hospitals, retail stores, airlines, and everyone else were just banning me, and yelling at me. Many called the police. I was also severely restricted by the City of New York from

entering most public buildings, and from working, even for myself in my own kitchen.

56. I lost an astronomical amount of money, and literally became penniless.

57. I could have crawled under a rock and died, as these horrible people would prefer. I chose to fight back. I believed in our legal system, and I figured, "now it is time to use it."

58. I'm 58 years old. I never did this before. I'm not a serial litigant who files frivolous lawsuits in order to extort money. I am a person who suffered at the hands of multiple people, companies, and governments.

59. I filed dozens of complaints at state human rights commissions, and lawsuits in courts. I should be entitled to stand up for my rights.

60. Well, guess what I found out. INDIGENT PRO SE LITIGANTS ARE SEVERELY DISLIKED AND ARE DISCRIMINATED AGAINST AT EVERY TURN.

61. Here is just a sample of what I experienced, so far.

62. These cases are not typically ripe to be brought to the Supreme Court yet, but if this Court will give me leave to add any and/or all these following cases, I would really appreciate it. The Court has discretion to include these cases, even though they are prior to Circuit Court judgment, as described in Rule 11 of the Court's rules.

63. **ABADI V. GREYHOUND** is a case in the Northern District of Texas. The complaint was filed on or about Dec. 6, 2022. Case 3:22-cv-02722-G-BH. See Document 8, Filed 12/23/22, where the Judge orders, "Service of process shall be withheld pending completion of judicial screening as provided by 28 U.S.C. § 1915(e)(2).

64. A judicial screening is normal and appropriate. However, as of June 21, 2023, that 1915 review never happened. A non-indigent litigant would be finished discovery at this point, but I am just waiting for my turn. It has already been a half a year.

65. I filled a motion to expedite on May 28, 2023, but was completely ignored. That is blatant discrimination against indigent pro-se litigants.

66. **ABADI v. APPLE, INC.** is a case that was before the New York Supreme Court. The Court never notified me of the judgment. Never mailed, and never emailed. I emailed the clerk to find out what happened, and they just ignored me. I finally got a hold of a copy of the judgment, and the judge did not explain why he ruled against me. The case was Index No. 100572/2022.

67. **ABADI v. NEW YORK CITY DEPT OF FINANCE.** The same judge in the New York Supreme Court, Index No. 100701/2022. I proved my case well. It was against the thousands of speed cameras put up by the City of New York, that were unlawful, as to State of New York laws.

68. The judge did certain things wrong. I filed a motion for reconsideration, and also asked for leave to appeal. He responded partially, and then just ignored me.

69. I sent a letter requesting a response to my motion, but I was just ignored. I understand what happened. I was certainly in the right, but what judge will rule against the City of New York and for some idiot pro se litigant. In plain English, that adds up to discrimination. If I was given an ability to appeal, I'm confident that I would win. The laws are very clear. Without due process, I'm wasting my time.

70. **THE US SUPREME COURT CLERKS**, have discriminated against me on multiple occasions. I brought several emergent motions to them and they refused to accept the. They would not tell me why. They told me to read the rules. I showed them tens of motions that they did accept from attorneys, but they didn't care.

71. I'm not an idiot. I read the rules. My motions were appropriate and within the rules. I'm an indigent pro-se litigant, so I can jump off a cliff; nobody cares.

72. **ABADI v. DOT in the Second Circuit (Case # 21-02807) & ABADI v. DOT in the DC Circuit (22-1012).**

73. These were two separate circuit courts, two separate cases, and two separate court clerk offices.

74. I was bringing to each at different times a petition to review the INACTION of the agency. The law is very clear that you can bring such a petition for review. The DOT was not enforcing the disability laws on the airlines and I was therefore unable to travel. All my income in the past came from business that requires traveling.

75. The clerks said that you cannot bring a petition for review for "inaction." It was like I was talking to the walls. The judges didn't correct them.

76. They refused to file it as a petition for review. They filed it as a writ of mandamus. You know the end of that story. It is very difficult to get a writ of mandamus, yet what I was entitled to by law, was denied to me.

77. Any lawyer that would have filed a petition for review of an inaction would not be questioned. They never are. Just the idiot indigent pro se litigants.

78. **ABADI v. NYU LANGONE** in the Southern District of New York (Case 1:21-cv-11073-RA-GWG) This is a hospital and medical facilities where I have all my doctors. They banned me from entering and had the police remove me. I couldn't get in to the emergency room.

79. I filed a complaint, but also filed an emergency motion. It's a pretty big emergency if I cannot get essential medical care and/or emergency medical care.

80. The judge ignored me. He didn't rule on it for half a year. I eventually withdrew it when NYU finally canceled their policy, so the emergency was over.

81. Again, if I was an attorney, I would not have been treated that way. He could have thrown it out, and then at least I could try to appeal. Nope. Nothing.

Totally ignored me. Even after I sent a follow-up letter. Who cares about indigent pro se?!

82. **ABADI v. TSA** was transferred from the 2<sup>nd</sup> Circuit to the DC Circuit (case # 21-1258), supposedly for the parties. It never is really for the convenience of the parties. In any case, the TSA was regulating masks on airplanes and authorizing airlines to discriminate against the disabled which caused me very serious financial losses.

83. I filed a petition to review this, and I also filed an emergency motion. Of course, they denied the emergency motion without much explanation, and waited, and waited, and waited, until they threw it out as moot because the mask mandates were finally stopped by a brave judge in Florida.

84. Where was everyone else in the judicial system?! Why was I unable to get justice?!

85. Again, the main reason was because I was pro se. I was consolidated with a group of pro se litigants. We don't deserve equal justice. We are less than.

86. I am filing a writ specifically for that case, which I will file simultaneously. I doubt that anyone will touch it. I know how this works.

87. If you do decide to take on this case, I would appreciate if we can combine the TSA case too. They're all the same issue.

88. **ABADI v. WALMART** in the District Court of Maine (Case # 1:22-cv-00228-GZS). The judge used the 1915 review requirement to write out an entire motion to dismiss, more elaborate than a \$700/hour attorney. So, rich Walmart gets

this amazing legal workup for free, and I get stepped on, all in the name of a 1915 Review.

89. **ABADI v. MARINA DISTRICT DEVELOPMENT COMPANY, LLC, *d/b/a BORGATA***, filed in the District Court of New Jersey had a similar situation, where the Judge spent a lot of time filing a Motion to Dismiss, rather than a relatively simple 1915 review. This gives the rich Defendants, with the fancy lawyers, an unfair advantage. Once the judge sees in his review that it is not frivolous, he should back off. Otherwise, he is not providing equal justice.

90. It is currently before the First Circuit Court of Appeals (Case # 22-1901). I had a similar story with **ABADI V. TARGET** at the Eastern Pennsylvania District Court (2:22-cv-02854-CFK).

91. Thank God, this case against Target was reversed at the Third Circuit (23-1050). I guess they just couldn't justify throwing it out. Kudos to them.

92. What kind of bizarre concept is that?! How can the courts assist these rich companies against poor pro se litigants?! The 1915 review is just to doublecheck that it isn't frivolous. It shouldn't be a license for the court to take sides.

93. There are many more instances where I suffered from discrimination in the courts. This needs to be addressed. The Judicial Branch works top down. What the Supreme Court says goes throughout the court system.

94. Many of the courts require pro se litigants to file on paper, rather than electronically, especially on the initial filings. Some filings can have 350 pages

when you include exhibits. If they request three copies, that's over a thousand pages. The cost at Staples is about 20 cents per page, that equals \$200, and the shipping, if we don't live nearby can easily exceed \$35. That is \$235 more than an indigent pro se must pay, but an attorney can just file electronically. How is that fair? Besides, there's a luxury to the simplicity and swiftness of electronic filing that is often denied to us.

95. When there is systemic discrimination in the Judicial Branch, the only ones who can address it, is this Court.

96. When a lawyer asks a court clerk a procedural or local rule question, they get a quick and straight answer. When we ask, they respond, "I cannot offer you any advice." I didn't ask you for advice. I asked a simple procedural question. This is very often this way in most courts.

97. That is why I am coming to you now, and I am telling you what is happening. This writ only allows 40 pages. I can write 400 pages if I am going to present to you what we are truly going through.

98. If you are interested in knowing what is happening to us little people, I'm here to tell you. If you're not interested, I will get the message. Slowly but surely all our rights are flying out the window.

## V. REASONS FOR GRANTING THE WRIT

1. Petitioner hereby petitions this Court, the highest Court in the land, for a writ of certiorari, to review the questions presented. The Supreme Court plays

a very important role in our constitutional system of government. As the highest court in the land, it is the court of last resort for those looking for justice, and it is the only court that can review a decision and a discriminatory practice of the Ninth Circuit Court of Appeals.

2. In the Rules of this Supreme Court, Rule 10a, it states the following:

“The following, ... indicate the character of the reasons the Court considers:

A United States court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court’s supervisory power.”

3. IF THIS COURT REFUSES TO ACCEPT THIS CASE, ALL INDIGENT PRO SE LITIGENTS WILL CONTINUE TO BE DENIED THEIR CONSTITUTIONAL RIGHT TO DUE PROCESS. As described on the Supreme Court’s own website, “**EQUAL JUSTICE UNDER LAW**” - These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest



tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution."

4. This is not just another case that should be dumped together with the 99% of cases that are denied. This is a unique case and questions that this Court should review and set the record straight. This is a simple and relatively clear-cut case where this Plaintiff/Petitioner's rights were denied, in the same manner that hundreds of indigent pro se plaintiffs are denied basic due process rights. Are we at the point where indigent pro se people can no longer get justice?!

5. "The federal in forma pauperis statute, enacted in 1892 and presently codified as 28 U.S.C. § 1915, is designed to ensure that indigent litigants have meaningful access to the federal courts." *Neitzke v. Williams*, 109 S.Ct. 1827, 1831, 490 U.S. 319, 324 (U.S.Ind., 1989)

6. "In enacting the federal in forma pauperis statute, Congress "intended to guarantee that no citizen shall be denied an opportunity to commence, prosecute, or defend an action, civil or criminal, in any court of the United States, solely because ... poverty makes it impossible ... to pay or secure the costs" of litigation." *Denton v. Hernandez*, 112 S.Ct. 1728, 1732–33, 504 U.S. 25, 31 (U.S.Cal., 1992)

7. Our inviolable obligation to treat rich and poor alike is echoed in the oath taken by each Justice prior to assuming office. See, e.g., 389 U.S. ix: "I ... do solemnly swear that I will administer justice without respect to persons, and do

equal right to the poor and to the rich, and that I will faithfully and impartially discharge and perform all duties incumbent upon me as Associate Justice of the Supreme Court of the United States according to the best of my abilities and understanding, agreeably to the Constitution and laws of the United States (emphasis added.)" In re Amendment to Rule 39, 111 S.Ct. 1572, 1574, 500 U.S. 13, 15 (U.S., 1991)

8. The Ninth Circuit wrote the following:

Upon a review of the record and the response to the court's October 21, 2022 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3), *see* 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious).

**DISMISSED**

9. These exact words are repeated almost verbatim on all 414 cases on their orders of dismissal. It is just like a form letter. It is automatically generated to lessen the caseload. We, the indigent pro se litigants, are thrown out without a chance to present our case. Yes, I agree, many pro se complaints and appeals are ridiculous and annoying. It is still a constitutional right that we should have to have our day in court. Throwing out our cases because they have too many cases, is discrimination against us because we cannot afford attorneys to represent us.

10. In this Petition, and if permitted, and in the briefs that follow, Plaintiff/Petitioner will show this court why his case deserved a thorough review of the District Court's dismissal, and that the Ninth Circuit erroneously denied him his right to an appeal. Additionally, this Petition and its attached Appendix will provide clear evidence of an illegal practice, where the Ninth Circuit throws out hundreds of indigent pro se cases, without reviewing them, and without affording myself and those other people that are similarly situated, our Constitutional rights.

### EQUAL JUSTICE

#### PRO SE &/OR INDIGENT LITIGANTS SHOULD HAVE EQUAL ACCESS TO JUSTICE

11. Equal justice under law is a phrase engraved on the West Pediment, above the front entrance of the United States Supreme Court building in Washington D.C. It is also a societal ideal that has influenced the American legal system.

12. The Supreme Court echoed that sentiment and presented its source from the Constitution of the United States: "The Constitution created a government dedicated to equal justice under law. The Fourteenth Amendment embodied and emphasized that ideal." Cooper v. Aaron, 78 S.Ct. 1401, 1410, 358 U.S. 1, 19 (U.S. Ark. 1958).

13. It is extremely important for the sake of justice that this Court, the highest court in the land, and the only court with jurisdiction over the circuit courts, must review these practices, and have them stopped immediately.

14. As written on the Supreme Court's own website, "**EQUAL JUSTICE UNDER LAW**" - These words, written above the main entrance to the Supreme Court Building, express the ultimate responsibility of the Supreme Court of the United States. The Court is the highest tribunal in the Nation for all cases and controversies arising under the Constitution or the laws of the United States. As the final arbiter of the law, the Court is charged with ensuring the American people the promise of equal justice under law and, thereby, also functions as guardian and interpreter of the Constitution."

### **NINTH CIRCUIT MASS DISCRIMINATION**

#### **THE NINTH CIRCUIT DENIES INDIGENT PRO SE LITIGENTS THE OPPORTUNITY TO APPEAL, EVEN CASES WHERE THE APPEAL IS HIS/HER RIGHT**

15. As described earlier, in the Ninth Circuit Court of Appeals there is a practice that began in January, 2017, where non-prisoner, indigent, pro se plaintiffs are no longer allowed to present their cases, but rather are dismissed *sua sponte* for no reason at all, other than they are of no value. The Court seems to believe that they do not deserve justice.

16. I know that this sounds a bit difficult to accept, but I provide evidence here and the facts are very clear. The Ninth Circuit Court of Appeals took 414 cases over a five-year period, of exclusively indigent pro se cases, and dismissed them as frivolous without even looking at them (Appendix Page 58a). I'm confident if there were to be an investigation, you will find that the judges never saw any of these cases. They were probably just thrown out by law clerks or others.

17. The caseload of that circuit is just too voluminous, and indigent pro se litigants are usually annoying. As annoying as we are, we deserve and should be entitled to equal justice and access to due process like everyone else.

### **GASLIGHTING BY THE COURTS**

#### **THE CIRCUIT COURTS (& DISTRICT COURTS) SHOULD PROVIDE A PRO SE LITIGANT A CLEAR AND CONCISE EXPLANATION WHY HIS APPEAL WAS DENIED**

18. The Circuit Courts in each case, dismissed the case without explaining why.

19. In *Abadi v. Caesars*, the Court just said, "Upon a review of the record and the response to the court's October 21, 2022 order, we conclude this appeal is frivolous. We therefore deny appellant's motion to proceed in forma pauperis (Docket Entry No. 3), see 28 U.S.C. § 1915(a), and dismiss this appeal as frivolous, pursuant to 28 U.S.C. § 1915(e)(2) (court shall dismiss case at any time, if court determines it is frivolous or malicious)."

20. There was no explanation, and nothing more. Just saying the case is frivolous. Why? Why is it frivolous? I do not think it is frivolous. It certainly is not frivolous.

21. Dismissing a case as frivolous without explanation is the worst form of gaslighting.

22. The Second Circuit believed that this would be completely inappropriate. They use the term, "simple fairness."

23. "We do not generally require that district courts set forth in exhaustive detail their rationale for dismissing actions brought by pro se litigants. But “notions of simple fairness suggest that a pro se litigant should receive an explanation before his or her suit is thrown out of court.” Lucas v. Miles, 84 F.3d 532, 535 (2d Cir. 1996)." Watkins v. City of New York, 768 Fed.Appx. 101, 102 (C.A.2 (N.Y.), 2019). See Spencer v. Doe, 139 F.3d 107, 113 (C.A.2 (Conn.), 1998), also see Lucas v. Miles, 84 F.3d 532, 535 (C.A.2 (N.Y.), 1996), Schvimmer v. Office of Court Administration, 857 Fed.Appx. 668, 672 (C.A.2 (N.Y.), 2021), and LeSane v. Hall's Sec. Analyst, Inc., 239 F.3d 206, 209 (C.A.2 (N.Y.), 2001) (where they all use the same language verbatim).

24. The Ninth Circuit were gaslighting and clearly discriminating against me. Any honest and objective person can see that this is because I am an indigent pro se litigant.

25. This is a denial of my constitutional rights, and a clear indication of systemic discrimination within the Judicial Branch.

26. Plaintiff filed a complaint with the Judicial Council of the Ninth Circuit, but I'm not holding my breath.

27. This Court is the top of the food chain with respect to the Judicial Branch of our government. You are the only ones that can fix this. If you take this case and say something, it will get fixed instantly. If you do not, it will only get worse.

THE DISTRICT COURT ABUSED ITS DISCRETION BY DISMISSING THE CASE AND DENYING THE INFORMA PAUPERIS APPLICATION, ABSENT ANY SIGNIFICANT EVIDENCE

28. In Abadi v. Caesars, the district court dismissed the case due to a hypothetical and speculative hunch that the magistrate judge had. The court system normally runs completely on evidence, and never on guessing. Suddenly, in my case, the judges threw my case out, because of a speculation that maybe I was lying.

29. I do not lie. I was not lying. I gave them all the information that they requested.

30. They based their decision to deny my IFP motion, on my spending patterns that were months before I filed the IFP motion. For arguments sake, if I had some more money five months before, as I was receiving unemployment checks, how does that affect my IFP motion five months later.

**SCOTUS IS THE ONLY ONE WHO CAN FIX THIS**

31. I get it. I'm a nobody in their eyes. That's why I filed the appeal, which was not even given a chance to try. Frivolous! Your worthless anyway.

32. You know exactly what I'm talking about. In order to get to your positions, you were exposed to the court system. You know how everyone looks at indigent pro se litigants. It is your opportunity now to right the wrongs.

33. In the Rules of this Supreme Court, Rule 10a, it states the following: "The following, ... indicate the character of the reasons the Court considers:

A United States court of appeals has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's supervisory power."

34. IF THIS COURT REFUSES TO ACCEPT THIS CASE, ALL INDIGENT PRO SE LITIGENTS WILL CONTINUE TO BE DENIED THEIR CONSTITUTIONAL RIGHT TO DUE PROCESS

35. If this Court refuses to act, it will only get worse. Gradually we become the SERFS and you and the others become the LORDS. It is only a matter of time.

**VI. CONCLUSION**

WHEREFORE, Petitioner requests that this court grant this writ of certiorari, and finally allow this Plaintiff/Petitioner to have his day in court to

present his case, and for this Court to respond and resolve the questions and issues herein.

Respectfully submitted on July 21, 2023,



AARON ABADI, Petitioner  
82 Nassau Street Apt 140  
New York, NY 10038  
Tel 516-639-4100  
Email: [aabadi@optonline.net](mailto:aabadi@optonline.net)