

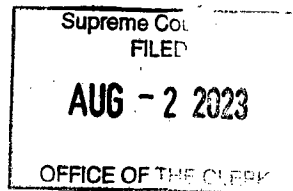
No. _____

23-5318

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES



Aaron J. Bressi — PETITIONER
(Your Name)

vs.

John Gembic, et al. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

United States Court of Appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Aaron J. Bressi
(Your Name)

PO Box A
(Address)

Bellefonte, PA 16823
(City, State, Zip Code)

N/A
(Phone Number)

QUESTION(S) PRESENTED

1. How does this Complaint get dismissed by Both the Honorable District Court, and the Honorable Appeals Court, for failure to State a Claim.

2. How is this Case not Considered that both the Honorable District Court, and the Honorable Appeals Court, did abused their discretion throughout this entire Case.

3. How Can this Very Serious issue not be Considered to be importance to the public of the issue.

LIST OF PARTIES

☐ All parties appear in the caption of the case on the cover page.

☒ All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

John Gembic
Michael Toomey
Peter Kay
Vinny Clausi

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APPENDIX E	United States Court of Appeals Formal Brief.
APPENDIX F	United States Court of Appeals Reply Brief.
APPENDIX G:	United States Court of Appeals Petition for rehearing.
APPENDIX H:	Motion: To Court order a Mental Health Evaluation.
APPENDIX I:	Motion: To except attached exhibit as evidence towards Case. And exhibit (A) attached.

TABLE OF AUTHORITIES CITED

CASES	PAGE NUMBER
1. <u>West v. Atkins</u> , 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988).	3
2. <u>Piecknick v. Pennsylvania</u> , 36 F.3d 1250, 1255-56 (3d Cir. 1994).	3
3. <u>Poulis v. State Farm Fire and Cas. Co.</u> , 747 F.2d 863, (3d Cir. 1984).	3, 6, 7
4. <u>Emerson</u> , 296 F.3d at 190.	4, 7
5. <u>Chase v. Chase</u> (in re Chase), 2018 Bankr. Lexis 1291 *10 (Bankr. E.D.N.Y. 2018).	6
6. <u>Public Interest Research Group of New Jersey, Inc. v. Magnesium Elektron, Inc.</u> , 123 F.3d 111, 116-17 (3d Cir. 97).	7
7. <u>Taylor v. Barkes</u> , 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015).	8
8. <u>Zavec, et al., v. Collins, Gist, and City of Wilkes-Barre.</u> , No. 3:16-CV-00347, 2018 U.S. Dist. LEXIS 29240 (M.D. Pa. Feb. 23, 2018).	9
9. <u>Bensel v. Allied Pilots Ass'n</u> , 387 F.3d 298 309-10 (3d Cir. 2004).	9
10. <u>Blackhawk v. Pa.</u> , 381 F.3d 202, 215 (3d Cir. 2004).	10
11. <u>Bernie Mulero v. Officer Patrick James Walsh and Officer Ronald Sheposh</u> , No. 3:15-CV-1406, 2018 U.S. Dist. LEXIS 32237 (M.D. Pa. Feb. 28, 2018).	11

12. Stump V. Sparkman,
435 U.S. 349, 356-57
(1978). (Page 12)

Statutes and Rules:

1. 42 U.S.C. § 1983
2. Rule 12(b)(6)
3. Abuse of Discretion/
Poulis factors.

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IN THE
SUPREME COURT OF THE UNITED STATES
PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☒ is unpublished.

The opinion of the United States district court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,

☐ has been designated for publication but is not yet reported; or,

☐ is unpublished.

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JURISDICTION

☒ For cases from **federal courts**:

The date on which the United States Court of Appeals decided my case was May 24, 2023.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: July 13, 2023, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from **state courts**:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ____ A ____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. (42 U.S.C. § 1983), It States a Claim for relief under § 1983, a Plaintiff must allege, first, the violation of a right secured by the Constitution or laws of the United States and, Second, that the alleged deprivation was committed or caused by a Person acting under Color or State law. (see) West v. Atkins, 487 U.S. 42, 48, 108 S. Ct. 2250, 101 L. Ed. 2d 40 (1988); Piecknick v. Pennsylvania, 36 F. 3d 1250, 1255-56 (3d Cir. 1994).
2. (Abuse of Discretion), Pursuant to Fed. R. Civ. P. for the Third Circuit Commonly referred to as Poulis factors. (see) Poulis v. State Farm Fire and Cas. Co., 747 F. 2d 863, (3d Cir. 1984). The Honorable United States District Court and The United States

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Court of Appeals, 100%
without a doubt abused
their discretion throughout
this entire Case. (see)
Emerson, 296 F. 3d at
190.

STATEMENT OF THE CASE

1. The Honorable United States District Court and Honorable United States Court of Appeals erred throughout this entire Case by dismissing Amended / Second Amended Complaint / Case, for failure to State a Claim for relief. And by not refiling this Case.

Federal Rules of Civil Procedure State, a document filed pro se is to be liberally Construed, and a pro se Complaint, however inartfully pleaded, must be held to less Stringent Standards than formal pleadings drafted by lawyers. (see) Erickson v. Pardus, 551 U.S. 89, 94, 127 S. Ct. 2197, 167 L. Ed. 2d 1081 (2007). (see also) Boykin v. Keycorp, 521 F. 3d 202, 214 (2d Cir. 2008).

Also, it States when Considering to dismiss a

pro se Complaint Such as this, Courts must Construe the Complaint broadly, and interpret it to raise the Strongest arguments that it Suggests. (See) Chase V. Chase (in re Chase), 2018 Bankr. Lexis 1291 *10 (Bankr. E. D. N. Y. 2018).

2. The Honorable United States District Court and Honorable United States Court of Appeals, 100% without a doubt abused their discretion throughout this entire Case. And also by not refiling this Case. Pursuant to Fed. R. Civ. P. for the Third Circuit Commonly referred to as Poulis factors. (see) Poulis V. State Farm Fire and

Cas. Co., 747 F. 2d 863,
868 (3d Cir. 1984).
(See also) Emerson, 296
F. 3d at 190.

The Third Circuit has
recognized that the law
of the Case doctrine
does not preclude
reconsideration of
previously decided issues
in extraordinary
Circumstances Such as
where: (1) new evidence
is available; (2) a
Supervening new law has
been announced; or (3) the
earlier decision was
Clearly erroneous and
would Create manifest
injustice. (see) Public
Interest Research
Group of New Jersey,
Inc. v. Magnesium
Elektron, Inc., 123
F. 3d 111, 116-17 (3d Cir. 1997).

Also due to it states, in Fed. R. Civ. P. that Civil damages are liable to the Plaintiff/ Appellant, when the Government Officials/ Police officers involved Violated a Statutory or Constitutional Right that was clearly established at the time of Challenged Conduct. (See) Taylor V. Barkes, 135 S. Ct. 2042, 2044, 192 L. Ed. 2d 78 (2015).

3 This Case is a Very Serious Consideration to the importance to the public of the issue. It is a very serious issue that the Honorable United States District Court and the Honorable United

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Court of Appeals, did not refile this Case due to the Serious nature of the Civil Rights Violations / Crimes Committed against this Petitioner by these Respondents, which pursuant to Fed. R. Civ. P. 15(a)(2), this Case 100% without a doubt should have been refiled due to, Justice So Requires, as a matter of law. (See) Zavec, et al. v. Collins, Gist, and City of Wilkes-Barre., No. 3:16-CV-00347, 2018 U.S. Dist. LEXIS 29240 (M. D. Pa. Feb. 23, 2018). (See also) Fed. R. Civ. P. 15(c) "Id.; Bensel v. Allied Pilots Ass'n, 387 F.3d 298, 309-10 (3d Cir. 2004).

Lets be mindful

that the Third Circuit has remarked that qualified immunity provides ample protection to all but the plainly incompetent or those who knowingly violate the law. (See) Blackhawk v. Pa., 381 F. 3d 202, 215 (3d Cir. 2004).

Also due to being 100% innocent and wrongfully incarcerated, for being yet the victim of another very serious crime by the mother of my three children Ms. Kimberly Rickert, Calling 911 multiple times, (10), in a one and a half to two hour time period, to report I was the victim of this crime.

Being the victim of another crime committed

against me the Petitioner by Ms. Kimberly Rickert, but also multiple Civil Rights Violations and Crimes Committed against me before, during, and after, by the Coal Township Police Dept. of the State of Pennsylvania. (see) Bernie Mulero V.

Officer Patrick James Walsh and Officer

Ronald Sheposh, No. 3:15-CV-1406, 2018 U.S. Dist. LEXIS 32237 (M.D. Pa. Feb. 28, 2018).

And as well as being the victim of multiple Crimes Committed against this Petitioner, and multiple Civil Rights Violations Committed against this Petitioner before, during,

and after by multiple Northumberland County of Pennsylvania employees and elected officials, State of Pennsylvania Paid actors/employees and elected officials.

It States, Federal Rule of Civil Procedure in both the Honorable District Court and Honorable Appeals Court that a Judge will be deprived of his or her immunity, (this includes District Attorneys and Assistant District Attorneys), will be subject to liability when he or her has acted in the clear absence of all Jurisdiction. (see) Stump V. Sparkman, 435 U.S. 349, 356-57 (1978).

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It is a Very Serious and Dangerous issue to have full blown Criminals opperate and run the entire Criminal Justice System in the State of Pennsylvania, which Shocks the Conscience of mankind.

REASONS FOR GRANTING THE PETITION

I Aaron J. Bressi ask this Honorable Supreme Court of the United States to grant this Petition for a writ of Certiorari pursuant to (Rule 10) of this Honorable Court.

This Petition 100% without a doubt falls under the Judicial Discretion of this Honorable Court's Considerations governing review on Certiorari.

(see Rule 10); (see also) Docket Sheet of the United States District Court in (Appendix C).

Also see, (Appendix D) through (Appendix I).

which now gives this Honorable Supreme Court of the United States it's right to exercise it's Court's Supervisory power of this Case.

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CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Aaron Bressi

Date: 8-1-23