

IN THE
SUPREME COURT OF THE UNITED STATES

NOEL L. BROWN - PETITIONER

VS.

SCI. SOMERSET, ADMINISTRATION OFFICE, ET AL.,
RESPONDENT(S)

ON PETITION FOR RECONSIDERATION OF
PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES SUPREME COURT

(NAME OF COURTS THAT LAST RULED ON THE MERITS OF THIS CASE)

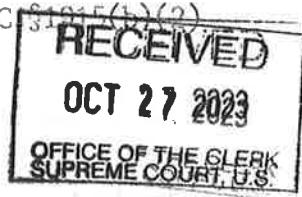
(UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT) &
(THE UNITED STATES SUPREME COURT)

Petition for Reconsideration of Writ of Certiorari under 28 U.S.C. §1254(1).

Petition for leave to proceed in forma pauperis under 28 U.S.C. §1915(b)(2)

NOEL L. BROWN - MW0387

SCI. SOMERSET 1590 WALTER MILL ROAD SOMERSET, PA 15510*



QUESTIONS PRESENTED

1. Whether counsel who is not of record, has the right to file a brief or argue for the respondents?
2. Whether a party is deemed to be in default, whom fails to substitute acknowledgment and notice of appearance?
3. Whether an attorney other than the original designated lead counsel of record wishes to appear in a case for any reason, that attorney must file a Notice of Appearance of Substitute?
4. Whether it is either Malicious or Frivolous, for a petitioner who which to petition for a writ of certiorari, to redress Federal Procedural Law Questions concerning error of law decisions on corporal punishment in the lower courts. Including defective filling by respondents?
5. Whether the change in regime, by respondents came with the crisis of respondents illegal use of corporal punishment undergone by this petitioner. Whereby, this supervisory high court should reconsider the impact of the lower court's watershed rulings in error of Federal Procedural Law?
6. Whether the petitioner now asking the United States Supreme Court, to grant his motion for leave to proceed in forma pauperis is either malicious or frivolous, as the court suggest citing Rule 39.8, a bit extreme, and constitutionally, wrong. Because motion for leave to proceed in forma pauperis was previously granted in the United States District Court, and again in the United States Court of Appeals for the Third Circuit?
7. Whether fiduciary duty under the United States Constitution, require this court to remand to correct Federal Procedural Law Defect in the lower courts ruling. Additionally, said fiduciary obligations should not be abridged by the petitioner's financial status, attributed by incarceration?

LIST OF PARTIES

A list of all parties to the proceedings in the court whose judgement is the subject of this petition for reconsideration for a Writ of Certiorari is as follows:

STATE CORRECTIONAL INSTITUTION at SOMERSET, ADMINISTRATION OFFICE, ERIC TICE,
SUPERINTENDENT, B. COSTEA, UNIT MANAGER SCI. SOMERSET, AND PENNSYLVANIA BUREAU OF
CORRECTIONS, DIVISION OF TREATMENT SERVICES - RESPONDENT(S))

1. DEPUTY ATTORNEY GENERAL AMELIA J. GOODRICH, OFFICE OF ATTORNEY GENERAL 1251 WATERFRONT
PLACE MEZZANINE LEVEL PITTSBURGH, PA. 15222 *

TABLE OF AUTHORITIES CITED

CASES: TAYLOR V. RIOJAS

BUCK V. HAMPTON TWP. SCH. DIST.

STATUTES AND RULES CITED:

U.S.C. §1254(1)

U.S.C. §1915(b)(2)

U.S.C. §1746

FRAP 12(b)

Fed.R.Civ.R. 72(c)

3rd Cir. LAR.

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IN THE SUPREME COURT OF THE UNITED STATES

FOR WRIT OF CERTIORARI

Petitioner Noel L. Brown, respectfully request that the U.S. Supreme Supervisory Court, to allow an petition for reconsideration to review its recent decision that favored respondents, and why it is such a "watershed". Because the impact of its ruling prejudice petitioner.

OPINION/ORDER

The Order of the United States Supreme Court, to deny the motion of petitioner for Leave to Proceed in Forma Pauperis, and dismiss the petition for a writ of certiorari, appears at appendix (A), to this petition, and is reported at the United States Supreme Court, on October 10th 2023.

United States Court of Appeals for the Third Cir. Motion to proceed in forma pauperis granted. Appears at appendix (B).

JURISDICTION

The date on which the U.S. Supreme Court decided my case appears at appendix (A).

The Jurisdiction of the United States Supreme Court, is invoked under 28 U.S.C. §1254(1). Additionally, includes 28 U.S.C. §1915(b)(2).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

1. The "Abuse of Process" denial of the motion for Leave to Proceed in *Forma Pauperis*, and Further, abuse of process dismissal of a non frivolous legal matter stemming from "Procedural Defects" "Federal Procedural Law" at the lower courts, or other legal problems that may indirectly have led to the unfavorable decision on "Corporal Punishment" discipline by prison officials vested with the power and authority of safeguarding high risk prisoners with religious beliefs other than their own, and the infliction of unnecessary physical pain upon prisoners as a punishment for minor violations of prison rules or regulations including high risk prisoners for contacting the novel COVID-19.
2. Leave is necessary to resolved the myriad of issues raised by said determination declaring clear Federal Procedural Law, null/void or invalid. Including whom may constitute compliance with the requirements to file a FRAP 12(b) Representation Statement.
3. No refutation at the time, which I simplify in this petition that incontrovertible evidence that most (perhaps all) petitioner's First and Eighth Amendments rights was violated with diffusion of responsibility, unusable for any form of risk management by respondents.

STATEMENT OF THE CASE

This case was brought to be considered on the records from the United States District Court for the Western District of Pennsylvania, and was submitted to the Third Cir. Pursuant to Third Cir. LAR 34.1(a) on April 21, 2023. Based on the District Court failure to exhaust conclusion, and error of Federal Procedural Law dismissal. Accordingly, the facility first reason for regime change.

On consideration, the Third Cir. affirmed the District Court's error of Federal Procedural Law.

REASON FOR GRANTING THE PETITION FOR RECONSIDERATION FOR GRANTING THE PETITION FOR WRIT OF CERTIORARI, AND FOR GRANTING PETITION FOR LEAVE TO PROCEED IN FORMA PAUPERIS

As certified in the accompanying verified statement and provided by 28 U.S.C. §1746, 28 U.S.C. §1915(b)(2). Petitioner is unable to retain counsel or to pay the cost of this proceeding. Accordingly, petitioner states under the penalties provided by 28 U.S.C. §1915(b)(2), and provided by 28 U.S.C. §1746, pursuant to unsworn falsification to authorities that: I am the petitioner in the above action and because of my financial condition, I am incapable to pay the following fees and cost: Court Fees, Costs of Petition for a Writ of Certiorari filling of Reconsideration, Supersedes Security if irreparable harm would result if not waived.

CONCLUSION:

A controlling question of Federal Procedural Law exist as to which there is a substantial ground for a difference of opinion and an immediate reconsideration from the order may materially advance the outcome of the case. Furthermore, Rule 39.8, does not apply to *prima facie* cases, such as the case presented by petitioner. Nor should such a *prima facie* case, rest at a point it should not rest.

In Sum, the U.S. Supreme Court, fiduciary duty is as a advisory custodian of the United States Constitution. Whereby, as an exercise of said fiduciary duty may GRANT the "Watershed" dismissal of petition for a Writ of Certiorari, on petition for reconsideration, and the reason it is such a watershed, the motion of petitioner for leave to proceed in forma paupers denied. Accordingly, the court may GRANT petitioner's new motion for leave to proceed in forma pauperis. Pursuant to accompanying verified statement provided by 28 U.S.C. §1746, §1915(b)(2). Thank You.

10/16/2023.

Respectfully Submitted,

Noel L. Brown, Pet.

COMBINED CERTIFICATION

I Noel L. Brown, hereby certify that the grounds incorporated within this petition for writ of certiorari, reconsideration are limited to intervening circumstances of substantial and controlling effect.

I Noel L. Brown, further certify that the petition for reconsideration for writ of certiorari is presented in "GOOD FAITH" and not for any other frivolous reasons, or malicious reasons.

DECLARATION OF SERVICE

I Noel L. Brown, pursuant to 28 U.S.C. §1746, declares under penalty of perjury as follows; that on October 16th 2023, I mailed the attached petition to reconsider, via the United States Postal Service to the following addressee: DEPUTY ATTORNEY GENERAL AMELIA J. GOODRICH, OFFICE OF THE ATTORNEY GENERAL 1251 WATERFRONT PLACE MEZZANINE LEVEL PITTSBURGH, PA. 15222

*Yours truly,
Noel L. Brown*

22-2659

Noel Brown
#MW-0387
Somerset SCI
1600 Walters Mill Road
Somerset, PA 15510

APPENDIX (A)

**Additional material
from this filing is
available in the
Clerk's Office.**

