

No. 23-6093

Supreme Court, U.S.  
FILED

NOV 14 2023

OFFICE OF THE CLERK

IN THE  
SUPREME COURT OF THE UNITED STATES

GEORGE H. FINN — PETITIONER  
(Your Name)

vs.

STATE OF NEW YORK et al — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT  
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

GEORGE H. FINN  
(Your Name)

227 SPRINGSTEEN RD  
(Address)

WINDSOR, NY, 13865  
(City, State, Zip Code)

607 206 7245  
(Phone Number)

ORIGINAL

## QUESTIONS PRESENTED

1. Can a Motion for Dismissal, argued upon an Amended Complaint, be granted if the Court dismisses the Amended Complaint in its entirety and then grant the Motion for Dismissal?
2. Does the listing of defendants and their addresses in a complaint satisfy the plaintiffs *prima facie* requirement for Title 28 USC §1332 diversity of citizenship to constitute federal jurisdiction?
3. Do the two separate land surveys submitted in the complaint that shows the commissioners' deed does not represent the same parcel of property as the original warrantee deed, that was sworn by the appointed commissioner's to the NY Supreme Court to represent the same parcel of land, reveal  
  
Title 18 USC §1621 perjury,  
Title 18 USC §1018 official certificate or writings,  
Title 18 USC §1509 obstruction of court orders,  
Title 18 USC §1623 false declarations before grand jury or court,  
  
and does this constitute federal jurisdiction?
4. Does the letter to the commissioner that included the prepared commissioner's deed, commissioner's report and an oath for the commissioner's to take and sign in court reveal Title 18 USC §1622 subornation of perjury and Title 18 USC §495 contracts, deeds and powers of attorney, constitute federal jurisdiction?
5. Is the New York Supreme Court 6th JD a causal agent state actor?
6. Are the three lawyers appointed as commissioners by the Supreme Court of NY, state actors?

7. Are land surveyors, licensed by the state and affix state seals to their document's state actors?
8. Does interacting with a judicial proceeding constitute a state action?
9. Do any of the previously cited federal statutes constitute federal jurisdiction under Title 18 USC §1331?
10. Does the infringement of the United States Constitution Amendment V, Due Process constitute federal jurisdiction?
11. If denial of a trial for lack of jurisdiction was unjustified, is this also a Constitutional infringement of the petitioners' right to a trial by jury?

## RELATED CASES

George H. Finn

v.

State of New York, Hinman Howard & Kattell, LLC, Katherine A. Fitzgerald, Esq.,  
Harvey Shapiro, Esq., Nelson F. Migdal, Esq., Ronald Schiess, LLS,  
Bruce W. Snyder., Director of LS, Delta Engineers, Architects, & Land Surveyors, PC,  
Jenee Rasmussen-Green, LLS, Ronald Green, LLS, Rasmussen Land Survey PLLC  
No. 23-126, US Court Of Appeals for the Second Circuit  
Judgment entered October 25, 2023

George H. Finn

v.

State of New York, Hinman Howard & Kattell, LLC, Katherine A. Fitzgerald, Esq.,  
Harvey Shapiro, Esq., Nelson F. Migdal, Esq., Ronald Schiess, LLS,  
Bruce W. Snyder., Director of LS, Delta Engineers, Architects, & Land Surveyors, PC,  
Jenee Rasmussen-Green, LLS, Ronald Green, LLS, Rasmussen Land Survey PLLC  
No. 3:22-CV-721, US District Court Northern District of New York  
Judgment entered October 21, 2022

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### **APPENDIX A**

OPINION US COURT OF APPEALS FOR THE SECOND CIRCUIT	23-126
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### **APPENDIX B**

OPINION US DISTRICT COURT NORTHERN DISTRICT OF NY	3:22-CV-721
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## **TABLE OF AUTHORITIES CITED**

### **CASES**

### **PAGE NUMBER**

**NONE.** The petitioner does not feel it adequate to cite case(s) ruled in a court of law with a jury of peer's. To date the petitioner has been denied that right to protect members of the law profession and the State from public scrutiny.

### **STATUTES AND RULES**

18 USC §495	CONTRACTS, DEEDS, POWERS OF ATTORNEY
18 USC §1017	GOVERNMENT SEALS WRONGFULLY USED
18 USC §1018	OFFICIAL CERTIFICATE OR WRITINGS
18 USC §1509	OBSTRUCTION OF COURT ORDERS
18 USC §1621	PERJURY
18 USC §1622	SUBORDINATION OF PERJURY
18 USC §1623	FALSE DECLARATION BEFORE GRAND JURY OR COURT
28 USC §1331	FEDERAL QUESTION
28 USC §1332	DIVERSITY OF CITIZENSHIP
42 USC §1983	CIVIL ACTION FOR DEPRIVATION OF RIGHTS
42 USC §1985	CONSPIRACY TO INTEFERE WITH CIVIL RIGHTS

### **OTHER**

**US CONSTITUTION AMENDMENT V    DUE PROCESS**

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 US COURT OF APPEALS FOR 2<sup>ND</sup> CIRCUIT; 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 B to the petition and is

☒ reported at US DISTRICT COURT NORTHERN DIST NY; 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.

## JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was OCTOBER 25, 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: \_\_\_\_\_, 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**

### **US CONSTITUTION AMENDMENT V    DUE PROCESS**

<b>18 USC §495</b>	<b>CONTRACTS, DEEDS, POWERS OF ATTORNEY</b>
<b>18 USC §1017</b>	<b>GOVERNMENT SEALS WRONGFULLY USED</b>
<b>18 USC §1018</b>	<b>OFFICIAL CERTIFICATE OR WRITINGS</b>
<b>18 USC §1509</b>	<b>OBSTRUCTION OF COURT ORDERS</b>
<b>18 USC §1621</b>	<b>PERJURY</b>
<b>18 USC §1622</b>	<b>SUBORDINATION OF PERJURY</b>
<b>18 USC §1623</b>	<b>FALSE DECLARATION BEFORE GRAND JURY OR COURT</b>
<b>28 USC §1331</b>	<b>FEDERAL QUESTION</b>
<b>28 USC §1332</b>	<b>DIVERSITY OF CITIZENSHIP</b>
<b>42 USC §1983</b>	<b>CIVIL ACTION FOR DEPRIVATION OF RIGHTS</b>
<b>42 USC §1985</b>	<b>CONSPIRACY TO INTEFERE WITH CIVIL RIGHTS</b>

## **STATEMENT OF THE CASE**

The petitioner's segment of this case began in the early 1980's when his attorney was performing a tenant deed separation for the petitioner. In 1984 the petitioners' defendant in the tenant deed separation defaulted and the court awarded the petitioner the entire parcel of land.

The petitioners' attorney and law firm drafted a commissioner's deed [18 USC §495], a commissioner's report and an oath [18 USC §1622] for the appointed court commissioners to take in front of the New York Supreme Court. The three commissioners appointed by the court swore that the presented reworded commissioners' deed [18 USC §1018, 18 USC §1509, 18 USC §1623] represented the same parcel of land as the original warrantee deed [18 USC §1621]. To date there has been no explanation given for the rewording of the deed.

After six or seven years the petitioner started experiencing timber theft and the surrounding property survey irons being moved towards his land for no reason. The petitioner continually sought help from the defendant's law firm of Hinman, Howard & Kattell LLC. The firm continually told the petitioner to get a land survey and three surveys were attempted over the past thirty years. The first in 1998 was performed which led to a partial correction performed after the petitioner obtained surrounding surveys and presented them to the defendant Ronald Schiess, LLS of Southern Tier Survey.

This proved futile as the survey crew returned some of the irons back to where they had originally placed them after the petitioner left their presence. This revealed a difference between the commissioner's deed parcel of land and the original warrantee deed parcel; but was not understood at the time. There was no help from any agency or from the law firm as they continually pushed for the petitioner to obtain a property survey. After thirty years the petitioner figured out that the reworded deed did not represent the same parcel of land as the original

warranty deed and that it was my attorney who had drafted the altered deed after claiming to not know who in her firm had done it when I discovered it 38 years later.

All of the land survey companies ignored the rules of the trade and all requirements set forth in the *Specifications for Descriptions of Land* from the *Office of Management and Budget, United States Geographic Data Committee*.

The land survey companies ignored surrounding land surveys and property deeds to uphold the falsified commissioner's deed from 1984. But why would they? It turns out that in 1940 a family tried to claim the same land but the New York Supreme Court stuck down their claim. The reasons can be obtained from the government document that outlines the rules. It turns out that the family that initially attempted to claim land that did not belong to them have descendants who are local land surveyors. [42 USC §1985]

The New York Court of Appeals ignored the evidence when I offered it at my five minute allotted time in October 2023. In all submittals to the court's I had stated that all surrounding deed's and survey's were ignored so I offered the court the physical evidence that reveals that Lot number 59 in the Town of Colesville, NY is not parallel as it has been falsified to be. After refusing the physical evidence I stated it verbally in my oral brief that the falseness is shown by the ignored documents that were supplied to the land survey companies.

- West line of Lot #59 N 11° 03' 59.6" E , Robert D. Scott April 1974
- East line of Lot #59 N 04° 56' 38" E Purdy Surveying April 9, 2001 and repeated in May 2008 after someone removed all of the landowners' survey stakes and also all but one of the stakes belonging to the east half of lot #59. Whoever pulled the stakes pulled the wrong one on the south end of the center dividing line for lot #59.

The petitioner has accumulated all the evidence to expose this crime and what may reveal why the citizens of the state started complaining of property loss after a neighboring property was surveyed. All approached agencies stated "it is a matter for the courts". Law enforcement stated that they did not have the resources.

Upon filing a complaint with the Federal Court in upstate New York the court dismissed the amended complaint but granted a motion to dismiss that was based upon the amended complaint. The court also stated that there were no crimes committed by state actors, ignoring that the Supreme Court of New York was a causal agent in the fraud. The three court appointed commissioners were agents of the state, the petitioners' attorney was interacting with the court, state seals were placed upon land surveys and the court ignored all the federal statutes that were violated to deny jurisdiction. This includes the taking of the petitioners' land without DUE PROCESS of law and the diversity of citizenship between the petitioner and the defendant, Nelson F. Migdal, Esq.,

## **REASONS FOR GRANTING THE PETITION**

The subject matter to be considered by the court rests upon the analysis if federal laws were violated and the northern district court ignored the stated acts by defendant's that was supported by evidence and then to claim it did not have jurisdiction.

Another claim by the District Court was that no laws were violated by State actors ignoring that the New York Supreme Court was a causal agent in the entire process of altering my property deed. The three court appointed commissioners became state actors working for the court. The attorney that was interacting with the court became a state actor through interaction, if not by state license. The land survey companies that falsified their work, place State of New York seals upon the survey work.

The fact that my property was taken without Due Process should alarm all Americans that rely on and respect our Constitution. It is the same as a security blanket that shields the American people from so many of the schemes and tricks that are used rather than conscionable moral acts.

Another alarming thing for the American people is that it is our judicial system that is being used for this criminal behavior. Courts and lawyers operate beyond scrutiny due to the public's trust; if allowed to act above the law, all trust in our system of justice will be lost. Let us hope that the NY Supreme Court was not a knowing participant in 1984 to what was being transcribed.

## CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

George A. F.

Date: November 11, 2023