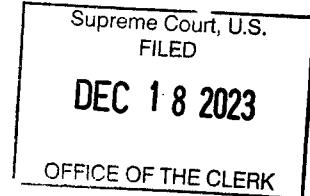


ORIGINAL

23-6337

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In the  
**Supreme Court of the United States**



MAHFOOZ AHMAD.

*Petitioner,*

v.

COLIN DAY, et al.,

*Respondents.*

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**On Petition for Writ of Certiorari to the  
United States Court of Appeals for  
the Second Circuit**

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**PETITION FOR WRIT OF CERTIORARI**

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Mahfooz Ahmad  
224 Porters Hill Rd,  
Monroe, Connecticut, 06468  
(718) 536-1972

*In Propria Persona Petitioner*

December 18, 2023

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## QUESTIONS PRESENTED

After petitioner invented a remarkable novel scientific method, found himself subjected to a purported agreement, rather than investment. While the 'preliminary injunction' route promises early access to Justice, the actual judicial process is an entirely separate and distinct experience. Petitioner faced a series of unreasonable demands from iCIMS Inc, and the prospect of 'litigating' before private arbitration settings, under terms to which the petitioner had not consented, shielded by elements that contravene constitutional principles. Rather than resign himself to the unconstitutional injuries intentionally inflicted by iCIMS Inc, petitioner filed suit in the district court seeking to restrain iCIMS Inc's unconstitutional demands for arbitration. The lawsuit focused on the constitutional rights permitted within the United States Constitution, but the district court nonetheless dismissed it based on implications drawn from two unlawful agreements. The questions presented are:

1. What does 28 U.S. Code § 2284 mandate regarding the composition of a district

court when an action challenges the constitutionality of a federal law?

2. Whether the Federal Arbitration Act of 1925, as outlined in 9 U.S.C. § 2.3.4, violates the constitutional protections established in the Seventh and Ninth Amendments of the United States Bill of Rights, particularly in civil rights cases.
  - a. Whether this Court, in its capacity as the Supreme Court of the land, should redefine the contours of the Federal Arbitration Law to confine its immediate applicability to corporate-to-corporate arbitration.
  - b. Whether, in light of corporate entities deliberately misusing the 'intent' and 'purpose' underpinning the Federal Arbitration Act, this Court must categorically prohibit its invocation in the context of employment and consumer proceedings.

## **LIST OF PARTIES AND RULE 29.6 STATEMENT**

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:

### **PETITIONER:**

Mahfooz Ahmad, acting in propria persona.

### **RESPONDENTS:**

Colin Day (Founder and Chairman of iCIMS Inc), Courtney Dutter (Deputy General Counsel of iCIMS Inc), iCIMS Inc, Navi Health Inc, Beacon Hill Staffing Group, and Vista Equity Partners. Additional Parties (*not active*): Susquehanna Growth Equity, and Comcast Corporation, mentioned in the Proposed Second Amended Complaint.

As the petitioner is not a corporation, a corporate disclosure statement isn't required under Supreme Court Rule 29.6.

## **STATEMENT OF RELATED PROCEEDINGS**

In Ahmad v. Day et al, No. 23-920 (2nd Cir.), the opinion, issued on Nov. 07, 2023, deemed it lacking an arguable basis. Subsequent motions for reconsideration, filed on Dec. 07, 2023 (based on medical grounds), and on Dec. 08, 2023 (due to clear procedural errors), were both denied.

In Ahmad v. Day et al, 1:20-cv-04057 (S.D.N.Y), the initial opinion emerged on Dec. 28, 2022, with partial leave to amend granted and denied. A subsequent memorandum and order, released on June 06, 2023, granted the remaining defendants' motion to dismiss, rendering the plaintiff's motion for a preliminary injunction moot. The petition for reconsideration was denied the following day.

There are no additional proceedings in any court that are directly related to this case within the meaning of this Court's Rule 14(b)(iii).

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## TABLE OF AUTHORITIES

### Cases:

- Ahmad v. Day et al, No. 23-920 (2nd Cir)
- Ahmad v. Day et al, 1:20-cv-04057 (S.D.N.Y)
- Parsons v. Bedford, Breedlove & Robeson, 28 U.S. Supreme Court 433 (1830)
- Baltimore & Carolina Line, Inc. v. Redman, 295 U.S. 654 (1935)
- Griswold v. Connecticut, 381 U.S. 479 (1965)

### Regulations:

- 28 U.S. Code § 2284
- Federal Arbitration Act of 1925, 9 U.S.C. § 2.3.4
- Seventh Amendment of the United States Constitution
- Ninth Amendment of the United States Constitution
- Federal Rules of Civil Procedure 12.

## **PETITION FOR WRIT OF CERTIORARI**

This momentous litigation unfurls recurrent issues of profound import within the tapestry of our American constitutional framework. The petitioner, Mahfooz Ahmad, launches a formidable challenge against the very essence of the Federal Arbitration Act—a legislative edifice meticulously crafted by Congress to serve as a conduit for private dispute resolution through arbitration. The foundational purpose of the Federal Arbitration Act is imperiled, as it stands perpetually exploited and, in essence, transgresses the boundaries of constitutional validity.

The core impetus behind this petition filed as an en banc review was the imperative to confront matters of extraordinary significance and solicit a thorough re-examination. Alas, the lower Courts summarily dismissed the justifiability of such adjudication, endorsing an unmerited mini en banc panel ruling within the Second Circuit. This endorsement, however, egregiously overlooked the

procedural mandate articulated in 28 U.S. Code § 2284, cavalierly deeming it 'moot.'

Regrettably, the Second Circuit has failed to accord due regard to a pivotal procedural imperative, thereby perpetuating a substantial procedural irregularity that accentuates the exigency for a meticulous and comprehensive review.

The immutable precedent of this Court and the statutory edict of 28 U.S. Code § 2284, mandating a three-judge panel, brooks no dispute. The explicit clarity of the language dictates, "A single judge shall not appoint a master, or order a reference, or hear and determine any application for a preliminary or permanent injunction or motion to vacate such an injunction or enter judgment on the merits."

The pivotal facets of this juridical concern persist in their susceptibility to debate and discussion, yet the resolution of these procedural inquiries holds a direct and pervasive sway over the bedrock of our American constitutional system.

Lamentably, the Second Circuit is not an isolated instance of (mis)interpreting the venerable precedents of this Court, subjecting litigants to constitutional injuries that impede the efficacious delivery of remedies. This underscores the imperative for the intervention of this Court, as it possesses the exclusive authority to elucidate to lower tribunals their binding obligation to convene a three-judge panel district court in cases of non-frivolous actions presenting constitutional challenges to laws openly and unequivocally misapplied in our inferior courts.

Moreover, the imperative for intervention in this matter is compelling, aimed at averting the relegation of procedural and constitutional transgressions to remedies of diminished impact. Litigants ought not to be ensnared in the quagmire of antiquated and labyrinthine laws, which have veered markedly from their intended purpose and the pristine legislative intent.

The very foundation of our American constitutional system is anchored in the

sacred 'intent' meticulously envisioned by the Congress and our venerable founding fathers.

Disregarding this pivotal 'intent,' particularly amidst the swiftly unfolding technological paradigm, engenders the peril of subverting the genuine objectives of our legislations in discrete circumstances. This gradual erosion imperils the enduring integrity of our judicial system over the course of time.

The continuation of protracted legal skirmishes enduring over months and years within our inferior courts lacks logical justification, particularly when the crux of the dispute revolves around an arbitration consent that, *in this specific instance, is entirely non-existent.*

The willful neglect of expeditious resolution concerning the underlying matter compels us to lamentably expend significant temporal resources in deliberating the imperative of arbitration. This conduct, bereft of justification, devoid of constitutional moorings, and devoid of merit, demands the

immediate attention and rectification of this esteemed Court.

The intentional proliferation of fictitious consents to arbitrate has metamorphosed into a tactical instrument for inducing delays within our courts, glaringly apparent in the milieu of the burgeoning gig economy inundated with purported electronic agreements. The recurrent invocation of the term 'arbitration law' by corporations, even in the absence of bona fide consent, has evolved into a calculated stratagem designed to instigate delays and redirect focus away from the essential litigation matters.

In traversing a labyrinth of diverse precedents and disparate litigation landscapes, the 9th Circuit, on multiple occasions, has rendered verdicts deeming employment arbitration agreements unconscionable, despite the mutual assent of both parties.

The gravest concern emerges when a party, taken by surprise, has not accorded consent to arbitration, and the opposing party

strategically wields 'arbitration law' as a tactical instrument to protract proceedings and subvert the very core of the lawsuit. This stratagem is not only unconstitutional but also fundamentally unjust.

This august Court, as the ultimate arbiter of justice, is vested with the solemn duty to meticulously reevaluate the parameters of the Federal Arbitration Law. The exigency lies in the imperative to expeditiously circumscribe its application solely to inter-corporate arbitration, thereby proscribing its unwarranted extension to matters pertaining to employment and consumer proceedings. This imperative emanates from a conscientious observation of corporate entities deliberately distorting the 'intent' and 'purpose' enshrined within the Federal Arbitration Act.

The prevailing topography of justice manifests a stark dearth of equilibrium, epitomized by a glaring absence of equity within the crucible of arbitration. This imbalance is accentuated in instances where one protagonist is an indigent common

American, while the other assumes the formidable guise of a corporate juggernaut, wielding substantial resources and deploying intricate legal stratagems calculated to subvert the very fabric of the lives, vocations, and liberties of ordinary citizens.

The fundamental essence of the Arbitration Law is not merely imperiled but has, in fact, been grievously compromised. This Court, vested with the legal authority to enforce its judgments, possesses the inherent power to proscribe the abuse and misapplication of laws when their intended purpose is wholly subverted in the relentless pursuit of unbridled corporate avarice.

Courts should not be coerced into dedicating weeks and months to ascertain the commencement or postponement of arbitration proceedings, subsequently necessitating a return to court for the assessment of reasoned and, at times, unreasonable arbitration awards—all prior to delving into the merits of the case. Put plainly, courts find themselves ensnared in protracted deliberations on the viability of arbitration,

frequently preceding the examination of broader constitutional issues. Consequently, the term 'arbitration' no longer embodies a consensual alternative dispute resolution mechanism; instead, it morphs into a tool wielded by larger entities to purposefully extend legal proceedings, affording them the opportunity to formulate strategies for complete disengagement from the lawsuit.

In a recent adjudication, the Ninth Circuit deviated from the precedents set by the Second, Third, and Fourth Circuits, positing that the delegation of the question to an arbitrator—specifically, the enforceability of the underlying arbitration agreement—is to be maintained.

In essence, confronted with the intricacies emanating from extant and non-existent arbitration agreements, our courts are progressively ceding authority to arbitrators for the adjudication of the arbitrability of agreements. This burgeoning trend, discernible in recent arbitration-centric pronouncements from circuit and lower courts, gives rise to apprehensions regarding the

evolving role of private arbitrators, nearly situating them as the new custodians of law in the American legal milieu.

The prerogative to regulate and adjudicate the legality or validity of agreements, irrespective of their linguistic nuances, must steadfastly reside within the jurisdiction of the courts. In the distinctive matter of *Ahmad v. Day*, the petitioner, having never given assent to arbitration terms, found themselves caught unawares by the defendants' unwarranted insistence on transferring the case to arbitration. This glaring inconsistency, systematically exploited by corporations in arbitration proceedings, underscores the unabated persistence of their clamor for its imposition.

The unparalleled bifurcation of the raised matters, coupled with its abrupt cessation from 'proceeding on the merits,' stands as an unprecedented legal anomaly, especially given the far-reaching implications of the presented claims affecting all Americans. The roster of unresolved queries enumerated below demands an expeditious

review by this Court, poised to establish a precedent-setting tone.

### **OPINIONS BELOW**

The Second Circuit's opinion can be found at App. 3-4, while the district court's opinion is reproduced at App. 5-29.

### **JURISDICTION**

The Second Circuit rendered its decision on November 7, 2023, as outlined in App.3, and subsequently dismissed the Plaintiff's rehearing petition on December 08, 2023, as detailed in App.4. This Court maintains jurisdiction under 28 U.S.C. §1254(1).

### **CONSTITUTIONAL AND STATUTORY PROVISIONS**

28 U.S. Code § 2284: Governs the composition of a district court when an action challenges the constitutionality of a federal law.

Federal Arbitration Act (FAA) of 1925 (9 U.S.C. §§ 1-16): Specifically, section 2, 3, and 4 of the FAA are relevant. Section 2 provides for the validity and enforceability of arbitration agreements.

United States Bill of Rights: The Seventh Amendment guarantees the right to a jury trial, and the Ninth Amendment protects rights not explicitly stated in the United States Constitution.

Federal Rules of Civil Procedure (FRCP): Pertinent to procedural rules, especially Rule 12 regarding motions to dismiss.

Fiduciary Duty Laws: Relevant Corporate Fiduciary Duties as per State Laws

Securities Exchange Act of 1934, Various sections, e.g., Section 10(b) and Rule 10b-5. Duties: Imposes duties on those involved in securities transactions; includes obligations of disclosure and fairness.

Investment Advisers Act of 1940: Establishes obligations for investment advisers. Duties: Requires advisers to act as fiduciaries, prioritizing clients' interests over their own.

Employee Retirement Income Security Act (ERISA): Relevant Laws: Section 404. Duties: Imposes fiduciary duties on those managing employee benefit plans, including prudence and loyalty.

Intellectual Property Laws (e.g., Patent Act, Copyright Act): Relevant Laws: Patent Act (35 U.S.C.), Copyright Act (17 U.S.C.). Duties: Fiduciary-like duties may arise in the protection and management of intellectual property rights.

Antitrust Laws (e.g., Sherman Antitrust Act): Relevant Laws: Sherman Antitrust Act.

Duties: May involve fiduciary considerations in avoiding anticompetitive practices.

Federal Trade Commission Act (Section 5): Relevant Laws: Section 5. Duties: Prohibits unfair or deceptive acts or practices; can be relevant in ensuring fair dealings.

Title VII of the Civil Rights Act of 1964 (42 U.S.C. §§ 2000e et seq.): Prohibits employment discrimination, and the relevance may depend on specific circumstances related to third-party HR software.

Age Discrimination in Employment Act (ADEA) and Americans with Disabilities Act (ADA): as applicable.

Equal Pay Act (EPA) and Genetic Information Nondiscrimination Act (GINA): as applicable.

False Claims Act (FCA): imposes liability on persons and companies who defraud governmental programs.

Immigration and Nationality Act (INA):  
Prohibits: Fraudulent job offers, including false statements to (foreign) workers.

Applicable and relevant New York State Human Rights Laws and New York State Labor Laws.

Civil Rights Act of 1964 (Religious and Dietary Accommodations): Sections related to religious and dietary accommodations, e.g., Title II (Public Accommodations), Title VI (Non-Discrimination in Federally Assisted Programs)

Federal Rules of Civil Procedure (FRCP) - Preliminary Injunctions: Rules pertaining to preliminary injunctions, such as Rule 65.

Criminal Justice Act (CJA) (18 U.S.C. § 3006A): Governs the appointment of counsel in criminal cases; may be applicable to civil rights cases alleging criminal aspects.

Patent (35 U.S.C.), Copyright (17 U.S.C.), and Trademark Laws (15 U.S.C.): Governing the intellectual property rights, including patent applications (35 U.S.C.), copyright applications, and trademark applications.

Rules of the Circuit - En Banc Hearings:

Circuit-specific rules regarding en banc hearings, typically found in the rules of each federal circuit court.

## **STATEMENT OF THE CASE**

### **LEGAL BACKGROUND:**

In the unyielding quest for justice and the safeguarding of civil rights, the undersigned Plaintiff-Appellant has ardently pursued redress through the channels of justice, invoking the jurisdiction of the NYS Division of Human Rights, the Equal Employment Opportunity Commission (EEOC), and the Federal Courts of the United States over the past half-decade.

In the relentless pursuit of justice, the Plaintiff-Appellant instigated legal proceedings in the district court, seeking access to comprehensive employment records that lay bare instances of salary underpayment, imposition of onerous job duties, and documentation pertaining to the unlawful discriminatory termination of employment. This unjust termination not only

catalyzed the dissolution of the Plaintiff-Appellant's marriage but also precipitated eviction from their residence in Bronx, New York, accompanied by an exorbitant rent judgment, totaling nearly \$53,000 in arrears payments.

Following an arduous three-year legal battle in the district court, the Plaintiff-Appellant encountered persistent denial of access to the sought-after employment records. The veil of secrecy shrouding these requests represents an unprecedented affront to the transparency and fairness integral to the history of litigation within our esteemed federal courts.

The Defendants-Appellees, in a marked display of recalcitrance, furnished a paltry assortment of employment records, confined to a meager five (blurred) computer-based screenshots. These screenshots, extracted from the Defendants-Appellees' computer, ostensibly showcase timestamps linked to an alleged agreement, a document vigorously contested by the Plaintiff-Appellant throughout the proceedings.

In an egregious augmentation of the already opaque veil shrouding employment records, the Defendants-Appellees, with audacious intent, escalated their clandestine efforts by redacting vital information from the alleged agreement. Furthermore, in a subsequent contractual engagement, the defendants and their affiliates engaged in a deliberate scheme to obfuscate pages and sections of the '*invention assignment agreement*' with the nefarious aim of clandestinely incorporating them at a later stage. This deceptive stratagem seeks to fabricate a new agreement, meticulously tailored to their own self-serving terms.

In direct rejoinder to the First Amended Complaint (FAC) presented before the district court, the Defendants-Appellees conspicuously admitted to scrutinizing the Plaintiff-Appellant's groundbreaking intellectual property, 'Jobtrail,' along with its scientifically articulated use case. Paradoxically, when confronted with the challenge of the 'preliminary injunction motion,' they disparagingly dismissed it as a

"nonsensical and utterly incomprehensible filing," boldly asserting this stance.

Despite ostensibly aligning with the Plaintiff-Appellant, instructing the iCIMS Defendants to address the Proposed Second Amended Complaint (PSAC) and collaborate on a comprehensive case discovery management plan, the Defendants-Appellees opportunistically veered their course. Exploiting this juncture, they instigated another volley of 'motions to dismiss,' creating additional opportunities to contest the filed Second Amended Complaint (SAC) and, effectively, securing 'multiple bites at the apple.' The district court's subsequent adjudication of the Second Amended Complaint (SAC) once again veiled proceedings in clandestine deliberations.

The existing quandary is ensconced within the intricate folds of an ostensibly redacted and purported 'employment agreement' and a clandestine 'invention assignment agreement.'

Moreover, the Defendants-Appellees, in a pattern of consistency, have incessantly petitioned the district court for authorization to perpetuate confidentiality through numerous granted motions to stay discovery. This persistence unfolds without requisite scrutiny to discern whether the information in contention qualifies as a legitimate or (alleged) legal record that warrants disclosure between the involved parties.

The extraordinary shroud of secrecy enveloping this proceeding reaches an absurd pinnacle. Notwithstanding the extensive concealment behind the veil of black ink in the alleged 'employment agreement' and the covert 'invention assignment agreement,' it remains incontrovertible that the Defendants-Appellees openly confessed to scrutinizing the Plaintiff-Appellant's pioneering and inventive intellectual property, 'Jobtrail,' expressly for the purpose of investment consideration.

The chief counterargument posited by the Defendants-Appellees against the factual preliminary injunction motion contends it to be both futile and implausible. This assertion

persists, notwithstanding the irrefutable foundation of the preliminary injunction request firmly grounded in an unassailable factual record.

### **FACTUAL AND PROCEDURAL BACKGROUND:**

In February 2019, the complainant-initiated proceedings by filing an initial complaint against Colin Day, Courtney Dutter, and iCIMS Inc with the New York State Department of Human Rights, concurrently cross-filing with the EEOC. The Plaintiff's agency-filed rebuttal explicitly detailed iCIMS Inc's discriminatory practices and retaliatory actions.

Subsequently, in June 2020, the Plaintiff-Appellant commenced legal action by filing a complaint in the district court, centered on allegations of civil rights violations and unlawful, discriminatory employment termination. The district court, asserting federal question subject-matter jurisdiction, confronted claims under Title VII of the Civil Rights Act of 1964 for employment

discrimination (42 U.S.C. § 2000e-2), Section 1981 for intentional employment discrimination, the New York State Human Rights Law (N.Y. Exec. Law §§ 290 to 297) for employment discrimination, and the New York City Human Rights Law (N.Y. City Admin. Code §§ 8-101 to 131) for employment discrimination.

The district court, acceding to the Plaintiff-Appellant's request for the release of metadata from the alleged 'employment agreement,' ruled that when an issue arises regarding the formation of the arbitration agreement, it necessitates trial proceedings.

As the matter progressed, new factual bases for claims surfaced, prompting the filing of Amended Complaints to consolidate all controversies in a single action.

The proceedings in the district court and the subsequent appellate court review starkly unveil evident procedural errors demanding urgent intervention and comprehensive review by this esteemed Court.

## **REASONS FOR GRANTING THE PETITION**

### **CONSTITUTIONAL SIGNIFICANCE:**

The isolated use of the term 'constitution' demands profound scrutiny, prompting a vital inquiry into the interpretation and scope of constitutional rights, notably within the Bill of Rights. This Court's intervention is imperative to elucidate the constitutional implications when the term 'constitution' stands alone versus its complete form 'United States Constitution' within the Bill of Rights and its amendments.

### **MULTIPLE MOTIONS TO DISMISS:**

The practice of entertaining multiple motions to dismiss from a collective set of defendants against a single complaint raises procedural questions necessitating this Court's intervention. Clear standards for judicial efficiency and fairness must be established, particularly in instances where collective defendants strategically file distinct

motions to dismiss under varied document titles.

### **FIDUCIARY DUTY IN SOFTWARE INTELLECTUAL PROPERTY:**

Granting certiorari is imperative to address the application of fiduciary duty concerning the acquisition and investment in software intellectual property. As technology assumes a central role in our society, this Court's guidance is essential to delineate fiduciary obligations in software intellectual property investment, providing clarity for future cases.

### **Title VII and Human Resources Software:**

This Court's intervention is essential to determine if Title VII mandates the use of third-party Human Resources software by employers with over 15 employees for transparent record-keeping. The lack of consistency in labor record retention periods across states underscores the necessity for a

uniform standard, fostering transparency in employment practices nationwide.

**Civil Rights Act and Religious/Dietary Requirements:**

Certiorari should be granted to ascertain the extent to which the Civil Rights Act of 1964 mandates employers to accommodate religious and dietary needs when providing meals. This question addresses potential conflicts and ensures uniformity in upholding equality in workplace practices.

**Disclosure of Travel Reimbursement Policies:**

The significant question of whether employers are legally obligated to prominently disclose travel reimbursement policies in job advertisements warrants this Court's consideration, seeking to establish consistent standards across employment practices.

**Preliminary Injunction in Constitutional Challenges:**

This Court's guidance is indispensable in determining the authority of a single district court judge to decide a preliminary injunction motion in cases involving constitutional challenges to Federal Law. Consistency in judicial procedures demands a clear Supreme Court order to establish uniformity and reinforce the role of three-judge panel district courts.

**Statute of Limitations and National Disasters:**

Supreme Court review is imperative to address the application of tolling to the statute of limitations during nationally declared disasters, ensuring a consistent approach in extraordinary circumstances such as Covid-19 or war.

**CJA Panel Counsel Appointment in Civil Rights Cases:**

This Court must address the mandatory appointment of CJA panel counsel in civil rights cases alleging criminal aspects,

substantial property value, and national significance to ensure fair representation.

**Validity of Agreements with Hidden Pages and Terms:**

The constitutional validity of agreements concealing pages and sections for later incorporation demands Supreme Court review to establish principles of transparency and fairness.

**Protection of Scientific Work by Economically Disadvantaged Individuals:**

Certiorari should be granted to determine the extent to which provisional patent, copyright, and initial trademark applications protect groundbreaking scientific work by economically disadvantaged individuals, addressing constitutional and intellectual property concerns.

**En Banc Hearing Procedures:**

This Court's intervention is required to clarify whether the denial of an "en banc

hearing" necessitates the articulation of opinions by all reviewing appellate court judges, ensuring consistency in en banc procedures.

## **ARGUMENT**

This petition fervently implores the Court to wield its constitutional authority, grounded in a judicious interpretation of legal principles, to rectify the current departure from the original legislative intent of the Federal Arbitration Act. Preserving the sanctity of corporate-to-corporate arbitration is paramount, while simultaneously restraining its application in contexts where such invocation distorts the legislative design.

It beseeches the august consideration of this Court to address the systemic imbalance within the current arbitration landscape. Harnessing the Court's inherent commitment to justice, it urges a discerning examination of the egregious discrepancies stemming from power differentials between the indigent common American and the formidable corporate entity.

This petition implores the august intervention of this Court to scrutinize the constitutional integrity of the Federal Arbitration Act. The notion that citizens must endure constitutional harm before seeking redress for their rights contradicts our constitutional traditions. Swiftly resolving this foundational claim is imperative, as delaying judicial relief exacerbates the impediment to the creation of a meaningful remedy, thereby undermining the very fabric of justice.

In the Ninth Amendment, the term 'Constitution' stands alone, distinct from the full term 'United States Constitution'. However, the term 'United States' is explicitly used in the Seventh and Tenth Amendments, indicating a deliberate framing choice.

This signifies that in the Ninth Amendment, the term 'Constitution' implicitly refers to 'laws.' The U.S. Supreme Court, in decisions like *Parsons v. Bedford* (1830) and *Baltimore & Carolina Line, Inc. v. Redman* (1935), affirmed that the Amendment preserves the "substance" of the right, not "mere matters of form or procedure."

In 1791, 'Constitution' meant "law, regulation, edict; body of rules, customs, or laws." As per Baltimore & Carolina Line, Inc. v. Redman (1935), the term 'Constitution' in the Bill of Rights means 'laws' as defined in 1791.

Moreover, *Griswold v. State of Connecticut* (1965) emphasizes that a law violating the U.S. Constitution should be repealed. The Ninth Amendment declares that unlisted rights belong to the people, not the government, extending beyond enumerated rights.

The Federal Arbitration Act of 1925, particularly 9 U.S.C. Code § 2.3.4., is argued to nullify the U.S. Constitution, especially the Ninth Amendment, and contravenes Federal Rule 38(a) on the right to a jury trial.

Without Court intervention, employees facing in-house Human Resources software manipulation by large corporations will continue to be vulnerable, compromising the very purpose of the 'arbitration law.' This urgent review is pivotal, addressing issues in

employment law, misrepresented agreements, and intellectual property disputes.

This case presents a unique opportunity for the Supreme Court to establish clear precedent on recurring lower court issues, including the misuse of arbitration law in employment scenarios.

Certiorari is urged to secure the plaintiff's constitutionally grounded victory, preventing further delay and ensuring justice prevails.

## **CONCLUSION**

The issues presented in this petition carry national significance, reaching into the core of American life. Employment matters touch every worker, contractual law resonates across the nation, and intellectual property considerations shape the trajectory of science and innovation in the United States.

The Questions Presented in this legal matter are both recurrent and exceptionally significant, making this case the prime legal avenue to address these pressing issues. While Pro Se cases typically face a mere 0.1%

chance of obtaining a writ of certiorari from this Court, the petitioner underscores the profound implications for the American population. The exploitation of Arbitration Law by the wealthiest 1%, including corporations and their owners, demands swift acknowledgment and resolution by this Court.

For these compelling reasons, this Court should grant the petition for certiorari, as all presented questions bear immense significance for our nation.

Respectfully Submitted,

Mahfooz Ahmad

*/s/ Mahfooz Ahmad*

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*In Propria Persona Petitioner*

December 18, 2023