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No. 23-1005 * Court of Appeals

6:22-cv-04249-HMH * District Court

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
AUG 08 2023
OFFICE OF THE CLERK
SUPREME COURT, U.S.

Saria Walker - PETITIONER
(Your Name)

vs.

United States FDA RESPONDENT(S)
ect ALL
ON PETITION FOR A WRIT OF CERTIORARI TO

US Court of Appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Saria Walker

(Your Name)

1900 Boiling Rd ext Apt 26F
(Address)

Taylors SC 29687

(City, State, Zip Code)

864-722-4541
(Phone Number)

QUESTIONS(S) PRESENTED

- 1.) Is there other safer Alternatives now Available other than Dental Amalgam?
- 2.) Is Mercury a product you would want in your mouth as a citizen?
3. Did it Occur that if something is toxic to the environment and to the touch and air that it would most indefinitely be toxic in the mouth of citizens?
4. Is this product being advertised properly to third party consumers who cannot adhere to the label that states its a poison?
5. Does Mercury cause people to develop the symptoms being advertised in this product for the 5 groups of high- risk individuals such as neurological impairment ect?
6. Is this product toxic like LEAD due to similarities of the way it affects citizens' health and the environment?
7. Do the Goverment Representatives value money they save using this product over the health of citizens?
8. Can Government Representatives choose to falsely advertise a product as safe based on their personal feeling which is NOT the law or Constitutional when it's scientifically proven to be toxic to humans and the environment?
9. Would citizens choose to put this in the mouth of their children or themselves if they could see the label for themselves that has a skull and bones and labeled it as a poison?
- 10.) Would you produce a poisonous toxic product to be put in the mouth of a third party consumer when you know they will not be able to see the label firsthand all for the sake of revenue?
- 11.) Would you agree that mercury is harmful not limited to only certain group of population but everyone who comes in contact with mercury?
- 12.) Do High - Risk population stated in the FDA warnings mean people that are AT HIGH RISK TO show signs of mercury poison?

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:

Scientific Alloys Corp,
Specialty Metals Smelters and Refiners LLC,
Specialty Metals Corp, Fite Bac Technology,
Darby Dental Supply LLC, SOFIDent Dental
Lab Supply, Dental E2, Surepure Chemetals,
GPS dental products, Mercury Refining LLC,
IVOClar VIVADent, Dentron, Englehard Corp
Specialty Metals, **RELATED CASES** Div Dental Dept,
Precision Instruments Pvt LTD, United
States Food and Drug Administration

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CASES**TABLE OF AUTHORITIES CITED****PAGE NUMBER**

City of Austin v. Reagan Nat. Advertising of Austin, LLC, 596 U. S. ____ (2022) #24C

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Hunt v. Washington State Apple Advertising Comm'n, 432 U. S. 333 (1977)

Department of Homeland Security v. Thuraissigiam, ____ U. S. ____ (2020) #23C

Knick v. Township of Scott, ____ U. S. ____ (20____)

Retirement Plans Comm. of IBM v. Jander, ____ U. S. ____ (2020) (per curiam)

**Manufacturing Co. v. United States*, 17 Wall. 592 (1873) #27D

**Railroad Co. v. Manufacturing Co.*, 16 Wall. 318 (1873) #30D

**Attorney General v. Federal Street Meeting-house*, 1 Black 262 (1862)

STATUTES AND RULES

15 U.S. Code § 54 - False advertisements

15 U.S. Code § 52- Dissemination of false advertisements

* **Federal Hazardous Substances Act**

OTHER

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 8B to the petition and is

reported at 7B; 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 5A to the petition and is

reported at 1A; 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 July 27th 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

- 21 U.S. Code Chapter 9
- 15 U.S. Code § 54
- 15 USC Ch. 30
- Federal Hazardous Substances Act
- Federal Trade Commission Act (15 U.S.C. § 41-58)
- Lanham Act (15 U.S.C. §§ 1051-1129)
- Fair Packaging and Labeling Act (15 U.S.C. §§ 1451-1461)
- Federal Food, Drug, and Cosmetic Act (21 U.S.C. § 301-399a)
- 28 U.S. Code § 453 - Oaths of justices and judges

The basis of what led to my personal discovery that this product is harmful to me according to my own research and the intentions of the people mentioned and can be founded as frivolous in the eyes of the law and that particular part of my case can be dismissed as frivolous and the basis of my research was quite irrelevant on my part to include in my lawsuit and wasnt intended to be the foundation of the problem i was inquiring about or the issue for which i brought forth relief to the court i asked for relief based on the FACTS of this case and my symptoms/ injuries sustained and the harm to others that are unaware of the symptoms because its being falsely advertised to us third party consumers as safe when its posion my injuries is NOT frivolous and founded on real facts and science and CANNOT be labeled as frivolous according to the law the defendants is liable and so is the FDA both parties are responsible for Distributing this product to Dental offices even though there is more safer options now this product is being distributed and FDA approved it to be safe to citizens which are third party consumers and are NOT aware that the original packaging has skull and bones and labeled a POISON and the FDA state in their website that " Some people are "HIGH-RISK" mercury is a toxican / Poison and is NOT a high risk to a certain group but is a danger to ALL people who consume/ contact it ; Why would any "Competent" well educated person acting under the color code think its "safe" to put mercury in a child or Adult mouth and deem it safe if the package has **Posion** and **Corrissive** on the label? Anyone who dont see a problem with this case is incompetent to oversee common sense matters that relate to the safety of citizens lives and upholding our rights and are violating the oath and bonds to protect its citizens. It shouldn't have to be explained why this product should be BANNED ! Any logical responsible functioning person with common sense would agree to ban DENTAL AMALGAM and protect its citizens from unnecessary exposure to mercury which is toxic to human safety

A picture can be found on 47F
Of the label of dental amalgam

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There is a Factual basis that cannot be legally denied that mercury is poisonous just like LEAD and it lead to LEAD POISONING this is the same kind of product The federal government banned lead paint in public housing in 1971 due to signs and symptoms such as fatigue, irritability, and pain begin to appear Most people with lead poisoning and it don't present any symptoms at all, resulting in the vast majority of cases going undiagnosed this product is similar and their a such thing as MERCURY POISONING - it is toxic and harmful to the human body it occurs when your body is exposed to too much mercury; mercury is a type of elemental metal found in earth's crust that's toxic to humans its found in thermometers (which are BANNED due to toxicity) street lights , and fluorescent lights there is THREE forms of mercury Poison

1. Elemental Mercury - which is found in DENTAL FILLINGS , thermometers (WHICH ARE BANNED BY FDA IN September 30 , 2008 BECAUSE IF THEY BREAK THEY ARE TOXIC to the AIR), electrical switches ,and fluorescent light bulbs
2. Inorganic Mercury - batteries , certain types of disinfectants and in chemistry lab
3. Organic Mercury - in coal fumes , fish that ate methylmercury(a form of organic mercury) and older antiseptics (germ killers like red mercurochrome)

How does mercury affect the body ? Your body will negatively react if you eat, touch or inhale mercury once inside your body mercury travels to your heart, central nervous system and kidneys your body knows that mercury is NOT suppose to be there so you'll experience symptoms caused by your immune system trying to get the compound out in the same way it would attack bacteria or germs

Elemental Mercury Poisoning Symptoms -Elemental Mercury is extremely dangerous if you breath it in and it gets into your lungs often elemental mercury becomes airborne if someone is trying to clean up a mercury spill the mercury will evaporate and can contaminate the surrounding air and become toxic to humans and wildlife (DENTAL FILING create VAPOR which is what makes us sick)

Symptoms of elemental mercury poisoning occur immediately after inhaling the chemical include

- Coughing
- Trouble breathing
- Metallic taste in your mouth
- Nausea or Vomiting
- Bleeding or Swollen Gums
- Headache
- Vision problems
- Eye Irritation
- Chest Pains

What causes mercury Poison ?

- Inhaling mercury vapor (small droplets of mercury that become airborne and enter your lungs)
- Eating seafood or fish that naturally contains large amounts of organic mercury
- Swallow mercury
- Touching liquid mercury

This is false advertising to us third party consumers most people believe that "silver filling " are being put in there mouth when its actually Mercury which is toxic Product liability comes into place is through the FDA knowing that mercury is toxic and there is safer alternatives available and these manufactures are still supplying America low income citizens with these product that is harmful according to FACTS which is why the mercury Thermometers are BANNED due to toxic vapors this is NOT a safe product if its not safe and toxic to the air it should be common sense that it is NOT safe in your mouth if you disagree you are Incompetent to even make a ruling in this cases even Dentist Agree that this product is toxic (see attached)

This product is making me have a metallic taste in my mouth , trouble breathing , nausea and i have anemia due i have proof attach that i had anemia which affected my pregnancy there is a direct correlation to this product and anemia which i still struggle with in present day and i have been experiencing many symptoms related to Elemental mercury some examples are vision , anemia , shortness of breath pulled from my medical record (see attached) due to this product i have had this product in my mouth 17 years they are old and worn down and create VAPOR in my mouth that's causing me to be sick i DO NOT have the finances to get this product removed and when i asked dentist to remove them via medicated i was DENIED and told i would have to go to a cosmetic dentist also my teeth are chipping off and Some of them was removed due my teeth breaking but the majority are still in place and affecting my health and since the product manufacturer is RESPONSIBLE and liable for the product affecting customers

I am entitled to damages and so is everyone else who used this product under Product Liability they are to pay damages for continuing the use of this product when there is healthier options available to citizens This product should be BANNED and off the market instead this product is being dispersed by the defendants listed and the FDA is approving this product promoting this product has people that are "High Risk " when that is false EVERYONE who use or consume this product is AT RISK for the harmful side effects not just " High-Risk Population" but EVERYONE !! This product is being distributed to low income families who can't even afford to have the product removed from their bodies and they are not given a choice to choose to remove this product from there bodies like me who trusted that this product is safe and it was put in my mouth as a child and due to my mom being a third party consumer was NOT able to read the label due to it being handled by a third party and told to consumers that it is safe ; If it was safe they would not have banned thermometers in 2008 and that was due to how toxic this product is when in the air and most definitely harmful in ANYONE's MOUTH

By federal law, it is now illegal to export elemental mercury from the United States. The Mercury Export Ban Act of 2008 ; Mercury is a potent neurotoxin that negatively impacts human health and the environment around the world.

REASONS FOR GRANTING THE PETITION

This petition should be granted is due to the federal court acknowledge Mercury as a toxicant and banned export of this product under **Mercury Export Ban Act of 2008** and also mercury thermometers was banned in 2008 because When dropped, elemental mercury breaks into smaller droplets and become harmful to the air and environment due to the vapor Any amount of mercury spilled indoors can be hazardous. The more mercury is spilled, the more its vapor will build up in air and the more hazardous it will be. Even a small spill, such as from a broken laboratory thermometer, can produce hazardous amounts of vapor if the room is small enough, warm enough, due to the warm environments and even room temperature can be toxic such as your mouth causes exposed elemental mercury to become evaporated and become a invisible, odorless toxic vapor Breathing mercury vapors is the most common way to be exposed to elemental mercury, and is the most harmful to your health. • Mercury can vaporize (evaporate) into the air. The vapor cannot be seen or smelled. • Mercury can be toxic to people's nervous system, lungs and kidneys **Health effects caused by long-term exposure to mercury vapors** • Anxiety • Excessive shyness • Anorexia • Sleeping problems • Loss of appetite • Irritability • Fatigue • Forgetfulness • Tremors • Changes in vision • Changes in hearing **Health effects caused by short-term exposure to high levels of mercury vapors** • Cough, sore throat • Shortness of breath • Chest pain • Nausea, vomiting, diarrhea • Increase in blood pressure or heart rate • A metallic taste in the mouth • Eye irritation • Headache • Vision Problems ; The FHSA allows the Commission to ban a hazardous substance if the Commission determines that the product is so hazardous that the cautionary labeling required by the act is not adequate to protect the public ; It seems that either the court is in opposition of its own rules and regulations and laws and intentionally choosing to ignore this safety hazard for its citizens whom it sworn under oath and bond to protect and serve or the court is incompetent to be in a power position to make a logical and responsible competent decisions on why Mercury should be BANNED in dental products and mercury should not under no circumstances be placed in the mouth of citizens at all ! especially not children there is no certain "High-Risk" population its poison its equivalent to saying only a certain group of people is "High Risk " to **Lead Posioning** and its advese effects when it's clearly everyone is AT RISK when they come in contact with Poison because its **poison** NO ONE is "High Risk" to a poison if its bad for the air then you can only imagine how the vapor is affecting the health of citizens by being in a warm environment such as the mouth many are not even aware that a poison is being put in their mouth and unaware of the side effect or long term health risk this product due to being a third party consumer and false advertisement by the ADA and FDA and unaware of the symptoms of mercury to come forward as a victim of this product due to it being advertised as "**silver fillings**" rather than **MERCURY!** And is being falsey marked to third party cosumers who cannot see the label that states it's a **Posion and Corrosive** by not telling people the effects of this product and deeming it safe when its side effects are the same as Lead and have similar effect to the human body on adults and children

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Saree Walker

Date: ~~11/30/24~~ SW

11/30/24