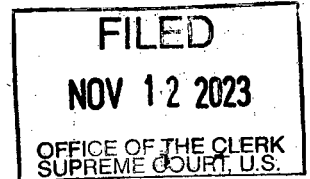


23- **23-700**

ORIGINAL

In The
**SUPREME COURT OF THE UNITED
STATES**



PALANI KARUPAIYAN

--Petitioners

v.

STATE OF NEW YORK, et al

-- Respondents

On Petition for a Writ of Certiorari
to the United States Court of Appeals
for the 2nd Circuit before judgment is
entered in that Court (23-1257)

**PETITION FOR A WRIT OF
CERTIORARI**

Palani Karupaiyan.
Pro se, Petitioner,
1326 W William St,
Room#2.
Philadelphia, PA 19132
212-470-2048(M)

I. QUESTIONS PRESENTED

Petitioners' prayed over 9 reliefs which were as Writ of Mandamus or Prohibition or alternative so the questions were part of three test condition requirement of the Writs.

II. PARTIES TO THE PROCEEDING

PETITIONER:

Palani Karupaiyan.

RESPONDENT(S):

STATE OF NEW YORK,
NEW YORK CITY OF NY,
NEW YORK CITY POLICE DEPT. (NYPD),
JOHN DOES-POLICE OFFICERS OF NYPD,
FREDERICK DSOUZA,
PRAVIN PANDEY,
RAJA RANDEY, and
ADAR MANAGEMENT CORP.,

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V. PETITION FOR WRIT(S) OF CERTIORARI

Petitioner respectfully prays that a Writ of Certiorari issue to review the opinion/judgment/ orders of US Dist Court for Eastern Dist of NY("EDNY") docket (23-cv-05424-AMD-LB) below and USCA2 entered no opinion/orders yet on 23-1257

VI. OPINION(S)/ORDERS/JUDGMENT(S) BELOW (FROM DIST COURT/USCA2)

1. US Dist. Court for EDNY 's Sua Sponte MEMORANDUM AND ORDER dated Sep 08 2023. **App.01**

Hon. Ann M. Donnelly, USDJ; Hon. Lois Bloom, USMJ.

2. At USCA2, Petition for Writ of Mandamus, Prohibition or alternative is pending. Docket is 23-1257

VII. JURISDICTION

In Hohn v. United States, 524.US.236-S.Ct 1998@258("Rosado v. Wyman, 397.US.397,403, n.3(1970)(a Court always has jurisdiction to determine its jurisdiction)).

Hohn@264("We can issue a common-law writ of certiorari under the All Writs Act, 28 USC§1651)

Hobby Lobby Stores, Inc. v. Sebelius, 568.US.1401 – S.Ct 2012@643

The only source of authority for this Court to issue an injunction is the All Writs Act, 28USC.§1651(a) and Following a final judgment, they [Petitioner] may, if necessary, file a petition for a writ of certiorari in this Court.

Petitioner filed timely Notice of Petition for Writ of Mandamus and Notice of Appeal [Sep/11/20/23] App.14,15.

With USCA2, Petition for Writ of Mandamus, prohibition or alternative is docketed [23-1257] and Petition is pending with USCA2.

US Supreme Court has Jurisdiction under S.Ct. RULE 11 and 28 USC§2101(E).

VIII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

4th, 14th amendment

Article II Section 3

*He shall from time to time give to the Congress Information of the State of the Union, and recommend to their Consideration such Measures as he shall judge necessary and expedient; he may, on extraordinary Occasions, convene both Houses, or either of them, and in Case of Disagreement between them, with Respect to the Time of Adjournment, he may adjourn them to such Time as he shall think proper; he shall receive Ambassadors and other public Ministers; **he shall take Care that the Laws be faithfully executed.** and shall Commission all the Officers of the United States.*

Article II, Section 2, Clause 2 – Appointment Clause

*He shall have Power, by and with the Advice and Consent of the Senate, to make Treaties, provided two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls, **Judges of the supreme Court,** and all other Officers of the United States, whose Appointments are not herein otherwise provided for,*

and which shall be established by Law: but the Congress may by Law vest the Appointment of such inferior Officers, as they think proper, in the President alone, in the Courts of Law, or in the Heads of Departments

Babb v. Wilkie, 140 S. Ct. 1168 – Sup. Ct 2020

Babb v. Secretary, dept. Of veterans affairs, 992 F. 3d 1193 – USCA11- 2021

Article VI, Clause 2 Constitution- Supremacy Clause
This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies

--By Justice Hon. Stephen Breyer of US Supreme Court, Chief Justice Hon. NV Ramana of Indian Supreme Court, and William M Treanor, Dean of Georgetown University Law Centre Dated: April 11, 2022

NY State Human rights Law

NY City Human rights Law.

Fair Housing Act.

42 USC§1983,

IX. STATEMENT OF THE CASE

a) AT DISTRICT COURT PROCEEDING

Plaintiffs filed forma pauperis and civil action against Respondents. Few of the charges were under 4th, 14th amendment, section 1983, NY state human rights Law, NY city human rights law, Disability status discrimination, Fair housing Act.

Before serving the complaint, Dist Court entered **(Sua Sponte), Memorandum and Order** to dismiss the complaint with prejudice in part and dismissed without prejudice in part [Sep 8 2023] **App.1.**

Plaintiff filed Notice of Petition for mandamus and Notice of appeal [Sep 11 2023] **App.14, 15**

b) AT USCA 2ND CIR. PROCEEDING

The docket number with USCA2 is 23-1527. On 10/15/2023, amended Petition for Writ of mandamus is filed with USCA2. Dkt#37.

Final order/Judgment from USCA2 is pending.

X. ALL WRITS ACT, 28 U.S.C. § 1651(A)

In *Pa. Bureau of Correction v. US Marshals Service*, 474 US 34 - Sup Ct 1985 @43

The All Writs Act is a residual source of authority to issue writs that are not otherwise covered by statute.

XI. PETITIONER ENTITLED PRAY DECLARATIVE/INJUNCTIVE RELIEFS IN THE LOWER COURT(S) BY *RULE 54(C), RULE 8(A)(3) AND WITHOUT RULE 12(B)(6).*

In *Bontkowski v. Smith*, 305 F. 3d 757 - USCA, 7th Cir. 2002@762 "can be interpreted as a request for the imposition of such a trust, a form of equitable relief and thus a cousin to an injunction. Rule 54(c), which provides that a prevailing party may obtain any relief to which he's entitled even if he "has not demanded such relief in [his] pleadings." See *Holt Civic Club v. City of Tuscaloosa*, 439 U.S. 60, 65-66, 99 S.Ct. 383, 58 L.Ed.2d 292 (1978);

In *Boyer v. CLEARFIELD COUNTY INDU. DEVEL. AUTHORITY*, Dist. Court, WD Penn 2021

*"Thus a prayer for an accounting, like a request for injunctive relief, is not a cause of action or a claim upon which relief can be granted. Rather, it is a request for another form of equitable relief, i.e., a "demand for judgment for the relief the pleader seeks" under Rule 8(a)(3) of the Federal Rules of Civil Procedure. D****As such, it too is not the proper subject of a Rule 12(b)(6) motion. D***Global Arena, LLC, 2016 WL 7156396, at *2; see also Bontkowskiv. Smith, 305 F.3d 757, 762 (7th Cir. 2002).*

XII. S.Ct. RULE 11 & 28 USC § 2101(E).

a) S.Ct Rule 11: Certiorari to a United States Court of Appeals Before Judgment A petition for a writ of certiorari to review a case pending in a United States Court of appeals, before judgment is entered in that Court, will be granted only upon a showing that the case is of such imperative public importance as to justify deviation from normal appellate practice and to require immediate determination in this Court. See 28 U. S. C. § 2101(e).

b) 28 U. S. C. § 2101(E).

An application to the Supreme Court for a writ of certiorari to review a case before judgment has been rendered in the COURT OF APPEALS may be made at any time before judgment

XIII. WHY LOWER COURT(S) WERE NOT ABLE TO GRANT THE PETITIONER'S WRITS/INJUNCTION(S) RELIEFS

a) This petition with this court is under S.Ct. RULE 11 & 28 USC § 2101(e). So petitioner(s) preferred to pray the reliefs in USSC.

b) This case was docketed as Appeal in USCA2 with Notice of Petition for mandamus and Notice of appeal. As per the Moses footnote[6], USCA2 could

not able to grant the injunctive reliefs along with appeal. In Moses H. Cone Memorial Hospital v. Mercury Constr. Corp., 460 US 1 - Supreme Court 1983 @footnote[6].

More fundamentally, a court of appeals has no occasion to engage in extraordinary review by mandamus "in aid of [its] jurisdiction[n]," 28 U. S. C. § 1651, when it can exercise the same review by a contemporaneous ordinary appeal. See, e. g., Hines v. D'Artois, 531 F. 2d 726, 732, and n. 10 (CA5 1976).

The above substitute the Test-1 of 3 test conditions requirement of granting writ.

XIV. PRO SE PLEADING STANDARDS

Erickson v. Pardus, 551 US 89 - Supreme Court 2007 @ 2200

A document filed pro se is "to be liberally construed," Estelle, 429 U.S., at 106, 97 S.Ct. 285, and "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers.

XV. USSC'S WRIT AGAINST FEDERAL LOWER COURT

Bankers Life & Casualty Co. v. Holland, 346 US 379 - Supreme Court 1953@383

As was pointed out in Roche v. Evaporated Milk Assn., 319 U. S. 21, 26 (1943), the "traditional use of the writ in aid of appellate jurisdiction both at common law and in the federal courts has been to confine an inferior court to a lawful exercise of its prescribed jurisdiction or to compel it to exercise its authority when it is its duty to do so."

Holland (346 US 379)@383 there is clear abuse of discretion or "usurpation of judicial power" of the sort held to justify the writ in De Beers Consolidated Minesv. United States, 325 U. S. 212, 217 (1945).

XVI. USSC'S RULE 20.1 AND RULE 20.3.

In re US, 139 S. Ct. 452 - Supreme Court 2018 @ 453 S.Ct. Rule 20.1 (Petitioners seeking extraordinary writ must show "that adequate relief cannot be obtained in any other form or **from any other court**" (emphasis added));

S.Ct. Rule 20.3 (mandamus petition must "set out with particularity **why the relief sought is not available in any other court**"); see also Ex parte Peru, 318 U.S. 578, 585, 63 S.Ct. 793, 87 L.Ed. 1014 (1943) (mandamus petition "ordinarily must be made to the intermediate appellate court").

At USCA2, this case is pending and this petition is S.Ct's Rule 11 Petition. Also the above Substitute the Test-1 of 3 tests requirement of granting most of the writs in US Supreme Court.

XVII. THREE TEST CONDITIONS FOR GRANT THE WRIT (OF MANDAMUS, PROHIBITION OR ANY ALTERNATIVE)

Test-1: No other adequate means [exist] to attain the relief [the party] desires (In re US, 139 S. Ct. 452)

Or it (injunction) is necessary or appropriate in aid of our jurisdiction (28 USC§ 1651(a))

Or "the party seeking issuance of the writ must have no other adequate means to attain the relief [it] desires";

Test-2: the party's right to [relief] issuance of the writ is clear and indisputable (In re US, 139 S. Ct. 452)

Or Bankers Life & Casualty Co. v. Holland, 346 US 379 – Sup.Ct 1953.

clear abuse of discretion or "usurpation of judicial power" of the sort held to justify the writ in De Beers Consolidated Mines v. United States, 325 U. S. 212, 217 (1945).

Or Hobby Lobby Stores, Inc. v. Sebelius, 568 US 1401 – Sup.Ct 2012

whatever the ultimate merits of the applicants' claims, their entitlement to relief is not "indisputably clear

Or the Petitioner must demonstrate that the "right to issuance of the writ is clear and indisputable." Cheney, 542 U.S. at 380-81, 124 S.Ct. 2576

Or Cheney v. United States Dist. Court for DC, 542 US 367-Sup.Ct 2004

Defendant owes him a clear nondiscretionary duty

Test-3: a question of first impression is raised.

Or

"the issuing court, must be satisfied that the writ is appropriate under the circumstances (In re US, 139 S. Ct. 452)

XVIII. COLLEGIUM¹ SYSTEM OF RECOMMENDING THE JUDGES/JUSTICE APPOINTMENT.

- a) Collegium process is used appointing Indian Supreme Court Justices and States' High Court Judges.

This collegium has Chief Justice of India, with four Justices of Supreme Court as members.

- b) NY Judicial nominating commission

¹ Collegium System and Judicial Nomination commission are interchangeable which recommends the set of judges/justice to govt to appoint.

Recommends the NY Court of Appeals (apex) justices. This commission has 10 members.

- c) In Washington DC, Judges of Court of Appeals and Trial Court Judges were recommended by Judicial Nomination commission

The District of Columbia Judicial Nomination Commission (JNC) screens all judicial applicants and recommends three nominees. The President of US appoints one of the nominees, and the Senate confirms the appointment.

The District of Columbia Judicial Nomination Commission (JNC) is composed of **seven members**. Two are appointed by the Mayor of the District of Columbia (one non-lawyer), two by the Board of Governors of the District of Columbia Bar (Unified), one (non-lawyer) by the Council of the District of Columbia, one by the President of the United States, and one judicial member appointed by the Chief Judge of the United States District Court for the District of Columbia. Each member is appointed for a six-year term, except the member appointed by the President, who is appointed for a five-year term. Members may serve until the appointment of a successor

XIX. REASONS FOR GRANTING THE WRITS THE WRIT(S)

a) INJUNCTIVE ORDER THAT APPELLATE /TRAIL JUDGES APPOINTMENT SHOULD BE APPOINTED BY COLLEGIUM PROCESS/ JUDICIAL NOMINATION COMMISSION WITHOUT VIOLATING RACE/AGE/GENDER/US CITIZENSHIP.

Test-2: Now NY Politician/governor/Mayor(s), Chief Administrative Judge/Officer/justice appoint Judges/Justices in New York's Courts or by Election by layman which violates/discriminates the Race /Age /Gender /US Citizenship.

Local politician/Mayor appoint theirs' relative/close friend as NY Appellate court Judges, NY Municipal/City's Trial court judges which violated the Race/Age, gender and US citizenship.

Test-3:

These above appointment/promotions of Judges violated the ruling by age, gender (Title VII), in

Babb v. Wilkie, 140 S.Ct. 1168 – S.Ct 2020 and Babb v. Secretary, dept. Of veterans affairs, 992 F. 3d 1193 – USCA11- 2021

Under said Supremacy Clause this Court has power to enforce the federal law and rules and ruling.

Article VI, Para-2 Constitution (Supremacy Clause). It establishes that the federal constitution, and federal law generally, take precedence over state laws, and even state constitutions.

In Cipollone v. Liggett Group, Inc., 505 US 504 - Supreme Court 1992 @516

Article VI of the Constitution provides that the laws of the United States "shall be the supreme Law of the Land; .. any Thing in the Constitution or Laws of any state to the Contrary notwithstanding." Art. VI, cl. 2. Thus, since our decision in Maryland v. Louisiana, 451 U. S. 725, 746 (1981), it has been settled that state law that conflicts with federal law is "without effect." Maryland v. Louisiana, 451 U. S. 725, 746 (1981).

When these above judges/justices chosen by election, layman who vote, did not know the expertise/experience of judges/justice. The NY judges appointed thru election also violated the Age/race/Gender and US citizenship, Babb,

In Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies, by Justice Stephen Breyer of USSC, CJI NV Ramana,(4/11/2022), CJI said that Judge promoting Judge is not true democracy.

In fact Judge or Govt promote/appoint Judge is not true democracy.

Any Judicial officers position should be appointed by Collegium Process as CJI said

"Collegium process to appoint Judges most democratic"

"On judicial appointments, CJI Ramana said that although the government is a key stakeholder, when the collegium reiterates its decision to appoint a candidate, the government has no choice but to comply with it"

'Cannot get more democratic than this [Collegium process]'

Now the NY Court of Appeals' Justices were appointed by Judicial Nomination commission which is equal or similar to *Collegium process*. *This same process should be used to appoint appellate and trial judges.*

Washington DC, Court of appeals and Trial Judges were nominated by Judicial Nomination commission and appointed by US govt.

To protect the US citizenship in appointing NY Court's judges (appellate, trial), Collegium should invite application from NY and its sister states.

b) INJUNCTIVE ORDER THAT (i) NY

MUNICIPAL/CITY JUDGES SHOULD NOT BE APPOINTED BY MAYOR (ii) MOVE ALL NY MUNICIPAL/CITY JUDGES TO NY JUDICIARY PAYROLL (iii) DEPOSIT ALL NY MUNICIPAL FINE INTO NY TREASURY. (iv) INVALIDATE ALL THE JUDGES APPOINTED BY NYC MAYOR ERIC ADAM.




Test-2: The NY Municipal/City judges were appointed by Politician who are politician's family friends/relatives and these judges generate revenue from which the judges are paid/benefitted and the politician also benefited. Municipal/city judges were compelled / encouraged to sign the fine order because they were paid from the revenue generated and their relative/friend Politian/Mayors benefited from the revenue generated by Municipal judges.

Municipality/city give incentives to the Municipal judges to generate revenue.

Test-3. To prevent the violation of Age/Race/Gender, *Babbs*, Supremacy clause, NY

Municipal Judges should be appointed thru collegium process.

Many town budgets are dependent on traffic tickets, creating misaligned incentives. Police have killed more than 400 unarmed civilians during traffic stops in the past five years, and a report from the NYT shows how these potentially lethal situations are in part motivated by the outsized impact of ticket revenue on city budgets

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|--|---|
|  | <p><i>Figure 1 Addicted to Fines -Small towns in much of the country are dangerously dependent on punitive fines and fees</i></p> |
|  | <p><i>DOJ letter=-Sixth amendment,Eighth Amendment, Fourteenth Amendment violated Municipal court</i></p> |
|  | <p><i>www.morningbrew.com/daily/stories/2021/10/31/new-york-times-report-many-town-budgets-rely-on-traffic-tickets-creating-misaligned-incentives</i></p> |

This Court order that Move all the Municipal/City judges to NY judiciary Payroll because they were paid from the revenue generated by themselves.

This Court order that NY municipal/City court fines/penalty (including Traffic ticket fine) should be deposited into NY's treasury.

Now the NY Court of Appeals' Justices were appointed by Judicial Nomination commission which is equal or similar to Collegium process. This

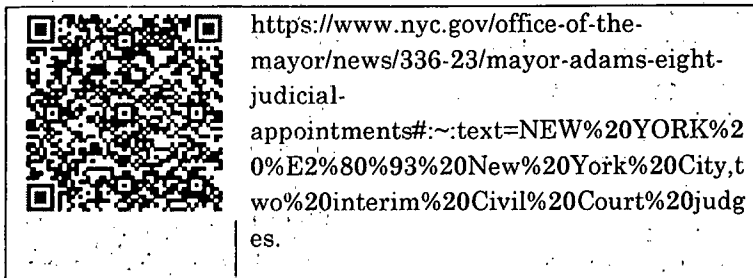
same process should be used to appoint NY Municipal judges.

In New Jersey govt appoint. 17 joint municipal court judges who serves more than one town. E.g FRANKLIN JOINT MUNICIPAL COURT.

Washington DC, Court of appeals and Trial Judges were nominated by Judicial Nomination commission and appointed by US govt.

To protect the US citizenship in appointing NY Court's judges and Municipal Judges, Collegium process should invite application from NY and its sister states

This court should invalidated all the Judges appointed by Mayor Eric Adam



because these Judges not appointed thru collegium process and Mayor Adam phone, iPad and his Fundraiser were under FBI search and linked with Turkey govt. Adam's phone had significant named person folder.

c) INJUNCTIVE ORDER THAT NY'S COURT OF APPEAL CHIEF JUSTICE/ APPELLATE COURT CHIEF JUDGES /TRIAL COURT'S CHIEF JUDGES SHOULD BE PROMOTED AS BELOW

Test:2 When Chief Justice of NY Court of Appeal retired or become vacant one of the

associate justice of NY Court of Appeals should be promoted without violating age/race/gender.

When the Associate Justice of NY Court of Appeal retired or become vacant, one of Appellate judge should be promoted to NY Court of Appeals by *Collegium* without violating Age and Race/Gender.

Collegium should invite application from NY Appellate court judges or NY Sister State's appellate court judges to nominate the NY Court of appeal's associate Justice vacant to protect the US citizenship.

When Appellate Court's Chief Judge retire or become vacant, one of the NY Appellate Courts' Judge should be promoted without violating age/race/gender.

When Appellate judge retired or become vacant, one trial court judge should be promoted by Collegium process without violating age and race/gender.

When Trial Court's Chief Judge retire or become vacant, one Trial court Judge from any NY Trial Court should be promoted without violating age/race/gender.

Test-3: As previously stated, Both Babb ruling, supremacy clause should not be violated.

See In Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies.

**d) INJUNCTIVE ORDER THAT NY STATE
JUSTICE/JUDGE, MUNICIPAL JUDGES
SHOULD RETIRE AS BELOW**

Test-2:

Municipal Court, Trial Court and appellate court judges should retire at age 70.

NY Court of Appeals Justices should be retired at age 70 or 5 years of service with NY Court of Appeals whichever comes 1st.

Test-3:

Every subject matter expert should equal employment opportunity.

Indian Supreme Court Chief Justice Hon Lalit served only 70 days. Preceding Chief justice of India, Hon. DY Chandrachud will be retired Nov 2024 after 2years tenure.

e) INJUNCTIVE ORDER THAT INCREASE NY COURT OF APPEALS JUSTICES TO 34.

Test-2 and Test-3:

Indian Supreme court has 34 count of Justices.

In Comparative Approaches of Supreme Courts of the World's Largest and Oldest Democracies, by Justice Stephen Breyer of USSC, CJI NV Ramana, (4/11/2022).

Every subject matter expert should get [equal] opportunities and reward for their experience and expertise.

f) INJUNCTIVE ORDER THAT (A) STATE OF NEW YORK AND CITY OF NEW YORK SHOULD NOT FAVOR THE FOREIGN AGAINST US CITIZEN OR DISCRIMINATE THE US CITIZENSHIP (B) NY STATE AND NY CITY SHOULD FULFIL THE US CITIZEN'S NEED BEFORE THEY SUPPORTING ILLEGAL IMMIGRANT/ASYLUM SEEKS' NEED

Test-2:

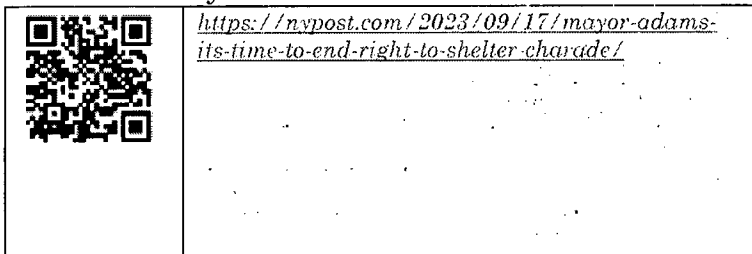
Because Petitioner requested protection against Frederick Dsouza who is illegal immigrant,

illegally occupied the apartment, multiple times, attached the plaintiff, and Fred filed false charge against the petitioner, otherwise he should be deported for attacking/endangering US citizen, Local govt arrested/Jailed this petitioner is discrimination. Because Fred will be deported for assaulting/endangering US citizen, he filed fake complaint as advised by Council of Pakistan American Affairs, a Muslim supporting organization for illegal immigrant / asylum seekers..

Test-3

Failed to protect the US citizen from illegal immigrant and Favoring the foreigner against US citizen is discrimination.

When the petitioner filed unemployment benefit, shelter/housing, childsupport need which were denied. On the other side, New York state and/or New York City pay \$800 /day a room in hotel for the illegal immigrant to stay and spend \$40,000 per year per illegal immigrant or asylum seekers when the Federal poverty line is \$1400 per individual for year 2023. See below

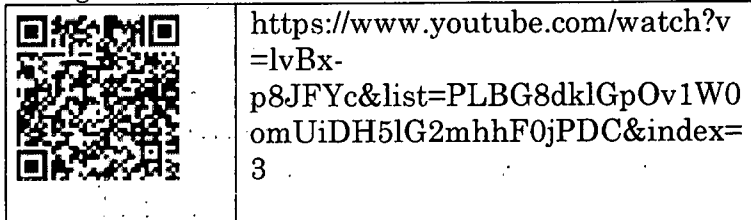


Without question, the “right” is the central reason New York is spending far more per migrant than any other large city — nearly \$40,000 a head here, vs. under \$3,000 in Los Angeles and less than \$7,000 in Chicago.

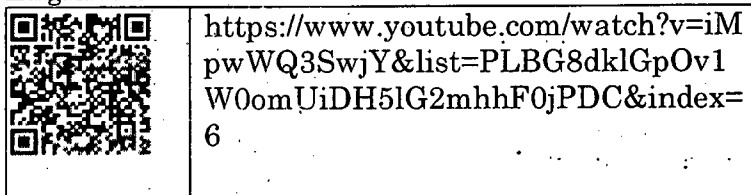
Plaintiff was living with \$500 month housing which money petitioner received from India. \$225 for monthly foodstamp.

New York residents were protesting that these spending for kick back.

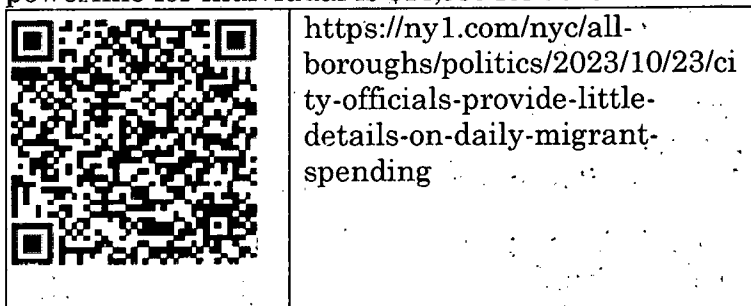
Closely 200k New York city's School children facing homeless



Money spend on asylum seeker goes to England and Canada



NY City spend \$394 per day per asylum seeks. Also stating that Asylum seekers ineligible to get workpermit so NY City should continue spend \$394/day per asylum seekers to get kickback. The federal powerline for individual is \$14,580 for 2023.



The NY/NY city politician will not get kickback when the spend on US citizen needs. When these politician spend on asylum seeks, kickback become unquestionable.

Order that NY State and NY City should fulfil the US citizen's need before they supporting illegal immigrant/asylum seekers' need.

In South Richmond/Jamaica, NY City the Asylum seekers and illegal immigrant buy the car driving license from NY DMV authorities.

So petitioner pray this court for Order that NY DMV should not sell the driving license to anyone because public danger involved.

**g) ORDER TO VACATE THE SUA SPONTE
ORDER OF DISMISSAL THE COMPLAINT
AND REMAND THE CASE TO LOWER
COURT FOR FURTHER PROCEEDING.**

Test-2. Dist Court dismissed the complaint by Sua Sponte nature before the defendants /respondents appear/ answer. **App.1.**

Test-3: *In Salahuddin v. Cuomo, 861 F. 2d 40 - Court of Appeals, 2nd Circuit 1988 @43*, when the Dist Court dismissed the complaint by sua sponte, USCA2 vacated the dismissal

"this Court [USCA 2nd Cir] has repeatedly cautioned against Sua Sponte dismissals of pro se civil rights complaints prior to requiring the defendants to answer. See, e.g., Bayron v. Trudeau, 702 F.2d 43, 45 (2d Cir.1983); Fries v. Barnes, 618 F.2d 988, 989 (2d Cir.1980) (citing cases)."

When NY Attorney general Office withdrew their representation, DKT entry #18,

Such a remand should be without prejudice to future dispositive motions, or to any other defense or argument that the defendant—who is not yet before the courts—may advance. See, e.g., Encarnacion v. Goord, 669 F. App'x 61, 62 n.2 (2d

Cir. 2016) (vacating sua sponte dismissal and remanding "without prejudice to any dispositive motion that defendants may file after they have been served with the amended complaint"); Dotson v. Fischer, 613 F. App'x 35, 39 & n.3 (2d Cir. 2015) (same).

**h) INJUNCTIVE ORDER UNITED STATES
THAT US SHOULD CUT 70% OF FEDERAL
FUND/GRANT TO NEW YORK CITY**

Test-2: The New York city claimed as sanctuary city for illegal immigrant/asylum seeker and spend \$394/day per illegal immigrant/asylum seeker.

In 2022, over 500,000 NY residents move out due to Home/Property tax is unaffordable.

Nearly third of New Yorkers want to move out, fed up with crime, housing costs, poor schools and more: poll



<https://nypost.com/2023/04/12/nearly-third-of-new-yorkers-want-to-move-out-fed-up-with-crime-housing-costs-poor-schools-and-more-poll/>

Test-3:

NYC mayor himself claiming that migrant asylum seekers could destroy New York City.

NY city plan to spend \$12 billion dollar for coming years to asylum seekers.

NY city mayor requesting citywide 5% budget cut to spend for the asylum seekers need.

NYC migrant crisis: State lawmakers pitch tax hike



<https://www.fox5ny.com/news/nyc-migrant-crisis-state-lawmakers-pitch-tax-hike>

FDNY shuts down shelter for asylum seekers in Midtown Manhattan, citing inadequate fire alarm system



<https://www.cbsnews.com/newyork/news/fdny-shuts-down-midtown-manhattan-shelter-for-asylum-seekers-citing-inadequate-fire-alarm-system/>

Financial analyst predict that Sanctuary cities will go bankrupt.

These above states that fittest should survive. So this court should order the United States to cut 70% of the Federal fund/grant to New York City.

i) ORDER TO PAY THE PETITIONER TIME, EFFORT, PAIN AND SUFFERING, EXPENSE TO THIS CASE.

Test-2:

Petitioner requested the Dist court to appoint attorney which was denied and order to reach City Bar Justice Center's Federal Pro Se Legal Assistance Project at (212) 382-4729. **App.1.**

Petitioner filed application with City Bar Justice center thru internet which they did not returned to help the petitioner

Pray USSC to order them \$15 million dollar each respondent State of New York and New York City should pay for the time and effort, pain and suffering and expense.

Test-3:

Petitioners with spine injury, diabétic disability-eye blurring, proceeded in Dist Court, USCA2 and this petition for certiorari.

Boyadjian v. Cigna Companies, 973 F. Supp. 500 - Dist. Court, D. New Jersey 1997@504

*Although plaintiff may not recover attorneys' fees, he may recover litigation costs reasonably incurred. See Cunningham, 664 F.2d at 387 n. 4; Carter, 780 F.2d at 1482; DeBold, 735 at 1043 (citing Crooker v. United States Dep't of Justice, 632 F.2d 916, 921 (1st Cir.1980)) ("[A] pro se litigant who substantially prevailed certainly is entitled to **litigation costs reasonably incurred**' A pro se litigant is made whole thereby, serving as a small incentive to pursue litigation if no attorney may be found to represent the litigant.")*

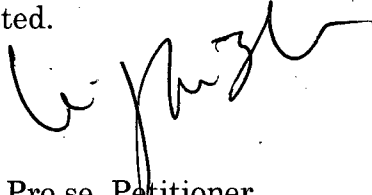
The First Circuit has reached the opposite conclusion in Crooker v. Department of Justice, supra, holding that "in actions where the complainant represents himself, sometimes as a hindrance instead of an aid to the judicial process, an award of fees does nothing more than subsidize the litigant for his own time and personal effort.

For reasons above, petitioners pray this court for above prayers to be granted.

XX. CONCLUSION

Petitioner(s) Palani Karupaiyan pray(s) the US Supreme Court for the Petition for a Writ of Certiorari should be granted.

Respectfully submitted.



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