

No. 23-985

In the
Supreme Court of the United States

DR. YURI J. STOYANOV,
Petitioner

v.

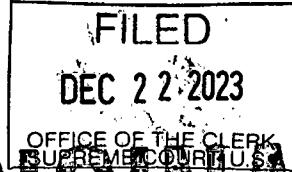
DEPARTMENT OF THE NAVY, *et al.*,
Respondents.

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

PETITION FOR WRIT OF CERTIORARI

Dr. Yuri J. Stoyanov
Pro Se
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Pro Se Petitioner



ORIGINAL

QUESTIONS PRESENTED

1 In this *pro se* case Petitioner respectfully requests the US Supreme Court to intervene in this case, which is the ninth petition to this Court. I am *pro se* Petitioner in the consolidated by fraud civil action, i.e. the case (see CCB-09-3479), to which five additional lawsuits were added by district judge Blake by fraud after intentionally planned and executed federal crimes of Mail Fraud and Wire Fraud were committed with Plaintiff's certified mail containing summons and complaint for 15 defendants, to dismiss the case by fraud, without court hearing, discovery and jury trial.

2. Since 2019 to this day the district court judge Blake committed and escalated fraud upon the court, organized, intentionally planned and executed with the defendants' representative Marzullo and with the agency representative defendant Kessmeier the whole series of Mail Fraud and the cover-up of crimes to dismiss the case by fraud, without discovery and the investigation of crimes. In petitions 19-1179 and 22-303 to this Court are direct evidence of federal crimes of Mail Fraud with court mail addressed to Petitioner and the Mail Fraud and Wire Fraud committed with Petitioner's certified mail containing summons and complaints to 15 defendants. 3. For additional details of Blake's escalated fraud upon the court and direct evidence of Mail Fraud and other crimes committed by judge Blake with Marzullo and defendant Kessmeier see documents in this Court: petition No. 19-1179 and No. 22-303. After petition No. 22-303 was denied, Blake with Marzullo with impunity escalated fraud upon the court and harm to Petitioner in 2022 and 2023. To escalate fraud upon the court Blake denied by

fraud in 2/9/23 order unopposed “Third Urgent Motion to Disqualify and Remove Marzullo from Defendants’ Representative Position for harm, fraud, perjury and federal crimes.” 4.Indeed, Blake via Marzullo filed the 3/1/23 “motion to lift”, i.e. to rescind district court 1/18/22 order denying defendants’ June 2021 motion for summary judgment. The 1/18/22 order was issued after the June 2021 Mail Fraud with court Notice was disclosed by Petitioner in motions and to 4-th Circuit. Petitioner filed the 3/15/23 opposition to “motion to lift” because the June 2021 Mail Fraud was not investigated and since 2019 Petitioner’s motions for discovery and to investigate crimes and the cover-up were unopposed and were denied by Blake by fraud. 5.In the “motion to lift” Marzullo continued fraud on the court and deliberate misrepresentations to escalate harm to Petitioner, see 3/15/23 Petitioner’s motion in Appendix 7A. 6.Petitioner filed 3/10/23 “Motion for Federal Criminal Investigation into Fraud on the Court and the willful and persistent cover-up of crimes and criminals of organized crimes of 2019, 2020, 2021, 2022 and 2023.” Appendix 6A On 3/17 23 7.Blake denied by fraud Petitioner’s unopposed 3/10/23 and 3/15/23 motions and in the same order granted Marzullo’s opposed “motion to lift.” Appendix 3A. 8.On 3/30/23 Petitioner filed appeal with the 4-th Circuit on two issues: Issue #1 Blake’s 3/17/23 order denying the 3/10/23 motion for federal criminal investigation into Fraud on the Court, and Issue # 2: Blake’s 2/9/23 order denying Petitioner’s 2022 Third Urgent motion to disqualify and remove Marzullo from defendants’ representative position for harm, fraud, perjury and federal crimes of Mail Fraud.” 9.On July 25, 2023 the 4-th Circuit court committed fraud, intentionally omitted from the consideration the Issue # 1:Blake’s

3/17/23 order denying by fraud Petitioner's unopposed 3/10/23 motion for federal criminal investigation into Fraud on the Court. 10. In unpublished PER CURIAM opinion the Issue No. 1 was omitted to deny appeal on this and other issue not on the merits but by fraud Appendix 2A. 11. In contrast to the 4-th Circuit's intentionally false ruling, willfully blind to the truth, the Second Circuit Court of Appeals in the "fraud on the court" claim finding put forth the four-prong analysis to satisfy such requirements, (1) the defendant's misrepresentation to the court; (2) the denial or grant of the motion based on misrepresentations; (3) the lack of an opportunity to discover the misrepresentation; and (4) the benefit the defendant derived by inducing the erroneous decision." (citing *Leber-Krebs, Inc. v. Capitol Records.* 779 F. 2d 896, 899-900 (2nd Cir. 1985) 12. Direct evidence in the court record supports finding of Fraud on the court in this case. Blake committed and intentionally not investigated criminal schemes of a series of Mail Fraud and the cover-up of crimes. Blake defrauds the "judicial machinery" or as an officer of the court Blake perpetrated fraud upon the court such that the court cannot perform its function as a neutral arbiter of justice. 13. All four-prong analysis previously set forth by the 2-nd Circuit are satisfied in this case: (1) defendants' representative Marzullo committed misrepresentations in defendants motions, since 3/13/19 thru 3/1/23 "motion to lift", see Appendix 7; (2) denial of Petitioner's unopposed motions and grant of defendants' opposed motions were based on misrepresentations in defendants motions, Petitioner's 1/18/19 "motion to investigate fraud" thru unopposed 3/10/23 "motion for federal criminal investigation into Fraud on the Court", were denied by fraud, see the

3/17/23 order in Appendices 3A, 6A, 7A, 8A; (3) the lack of opportunity to discover, Petitioner's motions for discovery and to investigate fraud, were denied by Blake since 2019 to this day; (4) the benefit the defendants derived by inducing erroneous decision- to dismiss Petitioner's case by fraud, without discovery, court hearing, jury trial and without the investigation of a series of Mail Fraud crimes, the cover-up of crimes, criminals and fraud upon the court. 14.To benefit defendant Kessmeier, for committed Mail and Wire Fraud with 15 certified mail envelopes, to cover-up Kessmeier's long overdue 600 years imprisonment and a fine of \$7500000, pursuant to 18 U. S. C section 1341 (Mail Fraud) and Wire Fraud 18 U. S. C section 1343 (Wire Fraud).

Petitioner's question to this Court, since 2019 I, as a pro se Petitioner, had done all in my position to stop district judge Blake's fraud upon the court and now is it in this Court's authority and responsibility to grant this 9-th petition to remand this case with the Order to grant Petitioner's 3/10/23 "Motion for Federal Criminal Investigation into Fraud on the Court" to investigate and to stop Blake's escalated fraud upon the court and the harm, so that Petitioner can receive discovery, fair hearing, jury trial, to supplement intentionally deficient court record to defeat "motion for summary judgment" and to investigate crimes and remove criminals.

16.In Bulloch v. United States, the court stated "Fraud upon the court is fraud which is directed to the judicial machinery itself. It is where the judge has not performed his judicial function ---thus where the impartial functions of the court have been directly corrupted." "Fraud upon the court" makes

void the orders and judgments. It is also clear and well-settled law that any attempt to commit "fraud upon the court" vitiates the entire proceeding. 17. Any further delay with the federal criminal investigation into Blake's fraud upon the court will result in more harm. Blake's committed fraud upon the court makes void the orders and judgments committed up to now and in the future, if this petition is not granted, "fraud upon the court" vitiates the entire proceeding.

LIST OF PARTIES

Petitioner DR. YURI J. STOYANOV was at all times relevant to this action employed as a Scientist, GM-13, ND-1310-4, in Bethesda, MD at the Naval Surface Warfare Center, Carderock Division, of the US Department of the Navy (the "Agency"). This case is eighth in a series of fourteen cases filed with the US District Court of Maryland since 2005.

Because of the Petitioner's age, national origin and in reprisal for participation in the Whistleblower's and the EEO discrimination complaint activities since 2002, Respondents, current and former employees of the agency with impunity escalated intentional violations of laws, intentional discrimination, egregious retaliation, and fraud, including mail fraud and wire fraud. Since 2005, after Petitioner and his brother Dr. Aleksandr J. Stoyanov filed first lawsuits with the US District court of Maryland, the judges in Baltimore and Greenbelt, Maryland instead of stopping defendants' violations of laws, fraud, intentional discrimination and egregious retaliations against Petitioner and his brother, deliberately covered-up crimes of defendants and defendants' representatives, and encouraged them to escalate their violations by fraudulent decisions, as every decision was based on fraud, without jury trial, without discovery and hearing, simply by adopting defendants' deliberate misrepresentations and fraud. Since 2005, Petitioner and his brother filed motions to bring truthfulness into court proceedings including, 'Motions to Compel Defendants Representatives to Certify Under Penalty of Perjury the Content of Defendants' correspondence to be Accurate and True" and also 'Motions for Sanctions against Defendants'.

Petitioner's motions were supported by direct evidence of defendants' fraud in the record and were timely filed, however, were denied by fraud so that Defendant C. Kessmeier, in conspiracy with the Defendants Representatives the career criminal R. Rosenstein acting as US Attorney, with his assistants, specifically, career criminals J. Sippel, Jr., K. Marzullo, Defendant D. Caron and others, with impunity could continue to escalate violations of laws, fraud, submit deliberate misrepresentations, suborn witnesses, instigate defendants to violate laws, intentional discrimination, egregious retaliation and fraud so that their fraudulent submissions were adopted in fabricated fraudulent decisions in favor of defendants. Direct evidence of willful and persistent fraud on the court is in the court records including following facts:

In 2005, Petitioner and his brother in their first lawsuits against the same defendants, who intentionally escalated violations of laws, fraud, intentional discrimination and egregious retaliations against us, the only two Russian born employees in the department, to remove each from work by fraud for Whistleblower's and EEO discrimination complaint activities. Cases were assigned to the same US District Court Judge R. Bennett who with Rosenstein and Sippel organized and committed fraud with transcripts of court hearing and fabricated fraudulent decisions based fraud submitted by career criminals' defendant Kessmeier and defendants' representatives R. Rosenstein with J. Sippel. After Plaintiffs identified fraud with the transcripts of court hearings and filed motions with direct evidence of fraud and requested to release copy of audiotapes of the court hearings to uncover additional fraud, career criminal Bennett denied motions by fraud. Petitioners disclosed such

violations and fabricated fraudulent decisions to this Court, but neither Bennett nor Rosenstein, nor Sippel, nor Kessmeier and other criminals were stopped, or removed from Petitioner's cases, instead, these criminals were encouraged to escalate violations of laws, fraud, and malicious misrepresentations with impunity, and there were no more court hearings, discovery, or examination of witnesses in the Petitioner's other fourteen (14) cases since 2006 to this day. Instead, federal judge career criminal Bennett maliciously and intentionally stalled the subsequent cases and assigned them to the inactive docket. Petitioner was able to reactivate the instant 2009 case (1:-09-cv-03479) only in September 2018.

Respondents

RAY MABUS, Secretary of the Navy; JAMES H. KING, Individually and in his Official Capacity as the Head of Code 70; KEVIN M. WILSON. Individually and in his Official Capacity as the Head of Code 74 Carderock Division NSWC; DAVID L. MAYO, Individually and in his Official Capacity as the Head of Code 743 Carderock Division NSWC; MARK THOMAS, Individually and in his Official Capacity as BEO Chief and Commander of Code 00 Carderock Division NSWC; DAVID CARON, Individually and in his Official Capacity as Assistant Counsel Code 39 Carderock Division NSWC K. TEMPLETON, Individually and in his Official Capacity as Head of Code 20 Carderock Division NSWC; CATHERINE L. KESSMEIER, Individually and in her Official Capacity as Counsel of Code 004 Carderock Division NSWC; KENETH R. GOLDMAN, Individually and in his Official Capacity as Head of Code 71 Carderock

Division NSWC; KENNETH I. FORMAN, Individually and in his Official Capacity as Head of Code 73 Carderock Division NSWC; SAM HAN, Individually and in his Official Capacity as Head of Code 74 Carderock Division NSWC; CIRO MINOPOLI, Individually and in his Official Capacity as Head of Code 75 Carderock Division NSWC; WILLIAM SNYDER, Individually and in his Official Capacity as Head of Code 20 Carderock Division NSWC; M. WADE, Individually and in his Official Capacity as Head of Code 21 Carderock Division NSWC; M. I. BABERICH, Individually and in her Official Capacity as Head of Code 64 Carderock Division NSWC; BRUCE CROCK, Individually and in his Official Capacity as Head of Code 741 Carderock Division NSWC; WILLIAM MARTIN, Individually and in his Official Capacity as Head of Code 722 Carderock Division NSWC; CHARLES R. REEVES, Individually and in his Official Capacity as Product Area Director of Code 09 Carderock Division NSWC; L. MURPHY, Individually and in his Official Capacity as Read of Code 22 Carderock Division NSWC; DAVID WINTER, DR Former Secretary of the Navy U.S. Department of the Navy GARY ROGHEAD, Individually and in his Official Capacity as Chief of Navy Operations; ARCHER M. MACY, Individually and in his Official Capacity as Commander of NSWC; PAUL B. SULLIVAN, Individually and in his Official Capacity as Commander of SEA 00; JEFFERSON BEAUREGARD SESSIONS III, Attorney General; ROBERT K. HUR, U. S. Attorney, U.S. Attorney; MARGARET LONG, Individually and Official Capacity Administrative /Technical Specialist Code 39; GARY M. JEBSEN, Individually and in his Official Capacity as the Head of Code 70; GARTH JENSEN,

Individually and in his Official Capacity as Deputy Head of Code 70; MIKE MULLEN, Individually and in his Official Capacity as Chief of Naval Operations; ELAINE B. MCKINNEY, Individually and in her Official Capacity as Deputy EEO Chief Code 004; WAYNE WEIKERT, Individually and in her Official Capacity as the Head of Code 70; CHRIS D. MEYER, Individually and in her Official Capacity as EEO Chief and Commander of Code 00; JEROME CARRUBBA, Individually and in his Official Capacity as Security Manager of Code 03; NEACLESA ANDERSON, Individually and in her Official Capacity as General Counsel of Code 04; JOSEPH VIGNALI, Individually and in his Official Capacity as the Head of Code 7204; PAUL SHANG, Individually and in his Official Capacity as the Head of Code 707; SUN HAN, Individually and in his Official Capacity as the Head of Code 74; ROBERT WINGO, Individually and in his Official Capacity as the Head of Code 7502; ROBERT KOLLARS, Individually and in his Official Capacity as the Head of Code 7102; JAMES SHANNON, Individually and in his Official Capacity as Chief of NSWC; KEVIN M. MCCOY, Individually and in his Official Capacity as Chief of NAYSEA; GARY ROUGHHEAD, Individually and in his Official Capacity as Chief of Naval Operations; BARBARA REDINGER, Individually and in her Official Capacity as Security Manager Code 40; B. CAHILL, Ms., Individually and in her Official Capacity as Head of Workforce Relations Branch Code 39

CERTIFICATE OF INTEREST

RULE 29.6 DISCLOSURE STATEMENT

Petitioner Dr. Yuri J. Stoyanov is not a corporation.

TABLE OF CONTENTS

QUESTIONS PRESENTED	I
LIST OF PARTIES	VI
CERTIFICATE OF INTEREST.....	XI
TABLE OF CONTENTS	XII
OPINIONS BELOW	1
JURISDICTION	2
STATUTES INVOLVED IN THIS CASE	2
STATEMENT OF THE CASE	2
BACKGROUND.....	7
DISTRICT COURT JUDGE C. BLAKE'S FRAUD ON THE COURT	11
DISCUSSION.....	14
REASONS FOR GRANTING THE WRIT	15
I. THIS COURT SHOULD GRANT REVIEW BECAUSE THE FOURTH CIRCUIT'S DECISION CONFLICTS WITH DECISIONS OF THIS COURT'S AND OTHER CIRCUIT COURT OF APPEALS ON THE CRUCIAL ISSUE OF THE FRAUD ON THE COURT.	15
II. THIS COURT SHOULD GRANT THE WRIT TO ADDRESS ONE OF THE INCREASINGLY WIDELY USED A PATTERN OF FRAUD ON THE COURT DISCLOSED IN THE PETITION.....	17
III. THIS COURT SHOULD GRANT THE WRIT TO REVIEW AND TO PROVIDE CLEAR MEANS BY WHICH TO STOP FRAUD ON THE COURT	23
IV. THIS CASE IS AN IDEAL VEHICLE TO RESOLVE THE NUMEROUS CONFLICTS PRESENTED	24
CONCLUSION	25

Cases

Cantrell v. GAF Corp., 999 F.2d 1007, 1011
Dennis v. Columbia Colleton Med. Ctr., Inc., 290 F.3d
at 649-50 (4th Cir. 2002)

E.E.O.C. v. HBE Corp., 135 F.3d 543, 551 (8th Cir. 1998)

Glidden Co. v. Zdanok, 370 U.S. 530, 536 (1962)

Huene v. United States, 743 F.2d 703, 704 (9th Cir. 1984)

Lehman Brothers v. Schein, 416 U.S. 386, 393 (1974)

McCarthy v. United States, 394 U.S. 459, 463-464 (1969)

Nguyen v. United States, 539 U.S. 69, 74 (2003)

20

Reeves v. Sanderson Plumbing Products, Inc., 530 U. S. 133, 140 (2000)

Southwest Marine, Inc. v. Triple A Mach. Shop, Inc., 720 F. Supp. 805, 807 (N.D. Cal. 1989);

Wright v. United States, No. 3:92-cv-01290-BAC, 1993 WL 313040

Zhu v. UCBH Holdings, Inc., 682 F.Supp.2d 1049, 1052

People v. Zajic, 88 Ill. App.3d 477 N.E. 2d 626 (1980).

Bulloch v. United States. 763 F.2d 1115, 1121 (10th Cir.1985),

United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996)

Kenner v. C.I.R., 387 F.3d 689(1968); 7 Moore's Federal Practice, 2d ed., p.512, at 60.23.

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Liteky v. U.S., 114 S.Ct.1147, 1162 (1994)

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United States v. Balistrieri, 779 F.2d 1191 (7th Cir.1985)

(Section 455(a) of the Judicial Code, 28 U.S.C.).

Taylor v. O'Grady, 888 F. 2d. 1189 (7th Cir. 1989)

Pfizer Inc. v. Lord, 356 F.2d 532 (8th Cir. 1972),

Levine v. United States, 362 U.S. 510, 80 S. Ct. 1038 (1960), citing Offutt v. United States, 348 U.S. 11, 14, 75 S. Ct. 11, 13 (1954).

Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996)

U.S. Supreme Court, in Scheuer v. Rhodes, 416 U.S. 232, 94 S. Ct. 1683, 1687 (1974)

254 B.R. at 533 (citing Leber-Krebs, Inc. v. Capitol Records. 779 F. 2d 896, 899-900 (2nd Cir.1985)

OPINIONS BELOW

1. U.S. Court of Appeals for the Fourth Circuit, Docket No. 23-1362 (1:09-cv-03479-CCB) Order September 25, 2023. (Appendix 1A)
2. U.S. Court of Appeals for the Fourth Circuit, Docket No. 23-1362 (1:09cv-03479-CCB) July 25, 2023, Unpublished Per Curiam Opinion (Appendix 2A)
3. U.S. District Court Order dated 3/17/23 Document 115 Docket No. 1-09-cv-03479 -CCB (Appendix 3A)
4. U.S. District Court Order dated 2/9/23 Document 111, Docket No. 1-09-cv-03479 -CCB (Appendix 4A)
5. U.S. District Court Order dated 1/18/22 Document 103, Docket No. 1-09-cv-03479 -CCB (Appendix 5A)
6. Petitioner's 3/10/23 Letter to Chief Judge and "Motion for Federal Criminal Investigation" Document 113 (Appendix 6A)
7. Petitioner's 3/16/23 "Motion of opposition to defendants' 3/1/23 motion to lift." (Appendix 7A)
8. Petitioner's 12/21/23 "Motion to reconsider 12/9/22 order denying Plaintiff's third urgent motion to disqualify and remove Marzullo from defendants' representative position for harm, fraud, perjury and federal crimes" (Appendix 8A)
9. Petitioner's Exhibit A: Direct evidence of the June 2021 federal crime of mail fraud committed with court mail addressed to Plaintiff (Appendix 9A)
10. Petitioner's Exhibit B: Direct evidence of Marzullo's July 2020 mail fraud. (Appendix 10A)
11. Petitioner's Exhibit C: Direct evidence of Marzullo's perjury and fraud with the certificate of service in defendants' July 2020 untimely motion (ECF 61) is shown in Exhibit C (Appendix 11A)

JURISDICTION

Per Curiam Opinion of the 4-th Circuit court of appeals was entered on July 25, 2023. Timely petition for rehearing en banc was filed on the 9/7/23, denied on 9/25/23. The petition for a writ of certiorari is filed within 90 days. The jurisdiction of this Court is invoked under 28 U.S.C. §1254.

STATUTES INVOLVED IN THIS CASE

- a) Whistleblower Protection Act, 5 U.S.C. 2302(b)(8) (“WPA”); 5 U.S.C. §§2301-2302; 42 U.S.C. §1983. Jurisdiction of this matter pursuant to 28 U.S.C. 1331 and 28 U.S.C. 1367, 28 U.S.C. 1343, 29 U.S.C. 621 et seq., and 42 U.S.C. 1983, Age Discrimination in Employment act of 1967, 29 U.S.C. 621 et seq. (“ADEA”); Title VII of the 1964 Civil Rights Act, 42 U.S.C. 2000e et. seq. (“Title VII”);
- b) Jurisdiction over Dr. Yuri J. Stoyanov’s Whistleblower claim is conferred under Whistleblower Protection Act (“WPA”) of 1989 (Public Law 101-12). Jurisdiction over individual defendants is conferred by 42 U.S.C. §1983
- c) Mail Fraud (18 U.S.C. section 1341) and Wire Fraud (18 U.S.C. section 1343).

STATEMENT OF THE CASE

1. Petitioner Dr. Yuri J. Stoyanov filed instant case No. 09-3479 with the U.S. District court of Maryland, with 14 counts against defendants at the agency, the Naval Surface Warfare Center (NSWC), Carderock Division in Bethesda, Maryland and 34 claims of employment discrimination and egregious retaliations against him

on the basis of his participation in the Whistleblower's activity, violations of Age Discrimination Act, ADEA, 29 U.S.C. § 621 et seq., and Title VII on bases of national origin and in reprisal for participation in prior EEO discrimination complaint activities since 2002. 2. In September 2018 the case was re-activated and assigned to judge C. Blake. On October 31, 2018 Petitioner filed motion to amend with six other Petitioner's complaints. On December 21, 2018 Petitioner's motion was granted and on January 5, 2019, Petitioner timely sent summons and complaint to each defendant via US Postal Service certified mail with restricted delivery. However, the agency counsel defendant Kessmeier committed Mail Fraud and Wire Fraud with Petitioner's 15 certified mail envelopes to dismiss lawsuit against defendant Kessmeier and other defendants by fraudulent mail records and fraudulent accusation "for Plaintiff's failure to serve on defendants with summons and complaint." 3. Petitioner timely discovered the January 2019 Mail and Wire Fraud and timely filed 1/18/19 "Motion to Investigate Fraud and to Compel Defendants' Representative to Accept and Serve with Summons and Complaint on 15 defendants at their last known work address in Bethesda, Md." In 3/13/19 motion defendants' representative Marzullo deliberately misrepresented facts and committed fraud to cover-up Kessmeier's crimes of Mail and Wire Fraud, 3/25/19 "Motion for Sanctions against defendants" was filed because of Marzullo's fraud. 4. Judge Blake to cover-up crimes committed by Kessmeier and Marzullo intentionally planned and executed with Marzullo criminal schemes involving "motion to consolidate" and the execution of another mail fraud, to dismiss by fraud "consolidated" case, without discovery and without investigation of

crimes committed by Kessmeier and Marzullo.5. Blake via Marzullo filed fraudulent 3/26/19 motion to consolidate the already amended/consolidated case with additional five separate lawsuits filed years apart. 6.Petitioner disclosed fraud, opposed the consolidation and filed motion for sanctions. In the 4/16/19 Order Blake granted Marzullo's fraudulent motion to consolidate and in the same 4/16/19 order denied by fraud Petitioner's 1/18/19 motion to investigate fraud. 7.Petitioner opposed consolidation, filed motions, appeal to the 4-th Circuit and then petition No. 19-1179 with this Court. 8. At that time Petitioner did not know that Blake with the fraudulent consolidation planned to dismiss Petitioner's consolidated case by fraud, by committing another Mail Fraud. 9. After this Court denied petition in 2020, Blake with Marzullo executed criminal scheme to dismiss the "consolidated" case by fraud, they committed Mail Fraud with court mail addressed to Petitioner in July and August 2020. 10.They removed from the court mail envelope 16 summonses with the court seal for defendants in the five added lawsuits, so that Petitioner would not receive summonses for the sixteen most crucial witnesses/defendants and would not serve them. 11.Judge Blake planned this crime with the March 2019 fraudulent "motion to consolidate," to deny the 1/18/19 "motion to investigate fraud" and to force Plaintiff to serve with summons and complaint on defendants in five added lawsuits to dismiss the "consolidated" case by another Mail Fraud. 12.Petitioner timely discovered and filed 11/05/20 motion to investigate this and prior series of Mail Fraud of 2020 and 2019 crimes. 13. The 11/05/21 motion was not opposed and was denied by Blake by fraud in 1/13/21 order. Blake denied by fraud the July,

August and November 2020 motions with direct evidence of fraud, including Mail Fraud, and intentionally did not send 1/13/21 order. 14. Motion to investigate the Mail Fraud with 1/13/21 order was unopposed, Blake denied by fraud.15. Then, to cover-up crimes committed since 2019, the series of 2020 Mail Fraud and the cover-up of crimes, Blake intentionally planned and executed with Marzullo the June 2021 Mail Fraud, with court Notice (ECF 88) addressed to Petitioner, to dismiss “consolidated” case without discovery and without the investigation of crimes of Mail Fraud and the cover-up of crimes.16. Direct evidence of the June 2021 Mail Fraud is in Appendix 9A (Plaintiff’s Exhibit A). Petitioner discovered the June 2021 Mail Fraud and timely filed motions to investigate. In petition 22-303 Appendix 8A is 8/12/21 “Plaintiff’s Fifth Urgent Motion for Discovery, Deposition of Witnesses Defendants and Criminal Investigation of Federal Crimes of Mail Fraud of 2019, 2020 and 2021” Motion was not opposed by defendants and was denied by Blake by fraud. 17. For additional details of Blake’s escalated fraud upon the court and direct evidence of Mail Fraud and other crimes committed by Blake with Marzullo and defendant Kessmeier see documents in this Court, specifically, the petition No. 19-1179 and No. 22-303.

18. After petition No. 22-303 was denied, Blake with Marzullo with impunity escalated fraud upon the court and harm to Petitioner in 2022 and 2023. To escalate fraud upon the court Blake in the 2/9/23 decision denied by fraud Plaintiff’s unopposed “Third Urgent Motion to Disqualify and Remove Marzullo from Defendants’ Representative Position for harm, fraud, perjury and federal crimes.” filed in 11/18/22 and

12/21/22. 19.Indeed, Blake via Marzullo filed the 3/1/23 “motion to lift”, i.e. to rescind district court 1/18/22 order denying defendants’ June 2021 motion for summary judgment. The 1/18/22 order was issued after the June 2021 Mail Fraud with court Notice was disclosed by Petitioner in motions and to 4-th Circuit. Petitioner filed the 3/15/23 opposition to “motion to lift” because the June 2021 Mail Fraud was not investigated and since 2019 Petitioner’s motions for discovery and to investigate crimes of Mail Fraud and the cover-up of crimes were unopposed and were denied by Blake by fraud. Blake issued the 1/18/22 order to cover-up fraud upon the court after Petitioner timely disclosed the June 2021 Mail Fraud in motions, to Chief Judge and in 2021 appeal to 4-th Circuit. The 3/1/23 “motion to lift” Blake’s 1/18/22 Order was filed by Marzullo via Blake’s direction after this Court denied Petitioner’s petition No. 22-303. In the “motion to lift” Marzullo continued fraud on the court and deliberate misrepresentations to escalate harm to Petitioner, see 3/15/23 Petitioner’s motion in Appendix 7A. 20.Petitioner filed 3/10/ 23 “Motion for Federal Criminal Investigation into Fraud on the Court and the willful and persistent cover-up of crimes and criminals of organized crimes of 2019, 2020, 2021, 2022 and 2023.” See Appendix 6A. On 3/17 23 Blake denied by fraud Petitioner’s unopposed 3/10/23 and 3/15/23 motions and in the same order granted Marzullo’s opposed “motion to lift.” See Appendix 3. 21.On 3/30/23 Petitioner filed appeal with the 4-th Circuit on two issues: Issue #1 Blake’s 3/17/23 order denying the 3/10/23 motion for federal criminal investigation and Issue # 2: Blake’s 2/9/23 order denying Petitioner’s 2022 Third Urgent motion to disqualify and remove career criminal Marzullo from

defendants' representative position for harm, fraud, perjury and federal crimes of Mail Fraud." 22. On July 25, 2023 the 4-th Circuit court committed fraud, intentionally omitted from the consideration the Issue # 1: Blake's 3/17/23 order denying by fraud Petitioner's unopposed 3/10/23 motion for federal criminal investigation.23. In unpublished PER CURIAM opinion the Issue No. 1 was omitted to deny appeal by fraud Appendix 2A. It is also clear and well -settled law that any attempt to commit "fraud upon the court" vitiates the entire- proceeding.

BACKGROUND

24. Petitioner and his brother Dr. Aleksandr J. Stoyanov were born in the former Soviet Union in 1955 and became American citizens in 1984. After receiving the Ph.D. in Physics from the Catholic University of America in 1986 they applied for and were awarded with the Office of Naval Technology (ONT) Postdoctoral scholarships with the Department of the Navy ("agency") in 1986 and 1988, respectively. Petitioners were employed as Scientists, GM-13, ND-1310-4 at the Department of the Navy, Naval Surface Warfare Center (NSWC), Carderock Division in Bethesda, Maryland since 1987 and 1989, respectively, until the new second level supervisor was transferred from another technology department, who at all times relevant herein was hiding behind first level supervisors, started and escalated violations of laws, fraud, intentional discrimination on the basis of Petitioner's age, national origin, and retaliations for the Whistleblower's and EEO discrimination complaints activities, against Petitioner and his brother, the only two Russian-born employees in Code

70¹. 25.Beginning in 2002, Petitioner filed disclosures with the Office of Special Counsel and EEO discrimination complaints with the agency, disclosing violations of laws, fraud, discrimination and the cover-up of crimes committed by the second level supervisor and his subordinates, whom he fraudulently and secretly promoted, individuals with inferior qualifications using “accretion of duty” fraud and installed in positions of authority to escalate violations of laws, fraud, and intentional discrimination, to retaliate for Whistleblower’s and discrimination complaint activities.26..Within a month, after Petitioner filed first EEO discrimination complaint of March 2002, the sick in the head supervisor retaliated and in April 2002 transferred Petitioner to another technology department involuntary, from the one where Petitioner worked for over 15 years. 27.Petitioner and his brother were forced to file additional disclosures with the chain of naval command, with OSC and discrimination complaints with the agency.28.Because of fraud on the court at EEOC, MSPB and criminal conduct of the agency counsel Defendant Kessmeier and her assistant Defendant Caron, the agency investigations of the disclosures and complaints of discrimination were stalled or entirely precluded by fraud, to cover-up the respondents’ violations of laws, discrimination and to escalate retaliations and harm to the Petitioner and his brother.

29.For example, in instant case (1:09-cv-03479-CCCB) there are claims of defendants’ fabricated accusations/charges against Petitioner to harm Petitioner in 2007, to suspend security clearance and

¹ See Dr. Stoyanov’s cases with this Court Nos.08-1238, 08-888, 08-95, 09-1015, 09-1415, 17-174, 19-1179, 22-303

to remove from work and federal service by fraud. Petitioner filed timely EEO discrimination complaints and also the 2007 appeal with Defense Office of Hearing and Appeals (DOHA) Court regarding suspension of security clearance on fabricated charges. Defendants' accusations were investigated at DOHA court in 2008, but not in the district court because of fraud on the court to this day. In contrast to district courts, where Petitioner's requests for discovery, court hearing and jury trial had been denied by fraud since 2006 to this day, at DOHA court the judge granted discovery and court hearing to examine under oath witnesses/(they are now defendants in instant case).30. At DOHA hearing the judge observed that not one accuser came to the hearing to testify under oath because their accusations were baseless and they were afraid to testify under oath and to lose their security clearance for perjury and fraud. 31. As the result of the discovery and court hearing DOHA judge ruled in favor of the Petitioner, Top Secret security clearance was reinstated and Petitioner returned to work in April 2008. 32. Because fabricated by defendants' accusations of 2007 failed to remove from work, then defendants with impunity escalated violations of laws, discrimination, egregious retaliations: issued disciplinary actions on fabricated accusations.33. Because of the fraud on the court at EEOC, MSPB and federal courts defendant Kessmeier and other defendants were not punished nor stopped from escalating violations of laws, discrimination and egregious retaliations against Petitioner and his brother Dr. Aleksandr Stoyanov, instead, they were encouraged to escalate violations of laws, fraud and retaliations, by the fraud on the court: by fabricated fraudulent decisions in favor of the criminals.

34.Defendants were protected by systematic fraud on the court at district courts from being examined under oath. Petitioner's motions for discovery, court hearing and jury trial were willfully and persistently denied by fraud on the court in district courts since 2006 to this day. See instant and prior eight petitions.

35.In 2008, after Plaintiff returned to work, defendants Kessmeier and Caron instigated management/defendants to escalate retaliations and egregious retaliations to remove from work and federal service in 2010 by fraud, after Petitioner since 2002 filed numerous disclosures with the chain of naval command, over six disclosures with US Special Counsel, over fifty (50) EEO discrimination complaints, eight lawsuits with district court and five petition with this Court. Since 2010 Plaintiff filed six additional civil actions with district court...

36.Because of fraud upon the court in the district courts committed on Petitioner's 14 lawsuits defendants were not examined under oath since 2006 to this day. Petitioner's lawsuits of 2005, 2006, 2007 and 2008 were dismissed because of fraud upon the court committed by career criminals R. D. Bennett, A. M. Davis, D. K. Chasanow, W. D. Quarley, W. M. Nickerson, G. L. Russell and others who committed fraud upon the court in all our lawsuits filed since 2005 using fraud and defendants fabricated accusations, without discovery, court hearing, jury trial, so that defendants with impunity escalated violations of laws and retaliations. Because of the fraud upon court, defendants knew they would not be investigated and examined under oath in courts, continued to escalate violations of laws, fraud, discrimination and egregious retaliations with impunity.

37. In this ninth petition Petitioner respectfully requests this court to exercise its supervisory power to intervene, to grant this petition, so that federal criminal investigation be conducted and Blake's fraud upon the court stopped, this case could be transferred to another judge with the order to conduct discovery, court hearing and jury trial to supplement deficient court records and to investigate a series of Mail Fraud crimes committed since 2019, to stop the harm and, fabrication of fraudulent decisions. Without this court decisive remedial actions the fraud upon the court, the intentional violations of laws and harm will continue to escalate.

DISTRICT COURT JUDGE C. BLAKE'S FRAUD ON THE COURT

38. The evidence of the willful and persistent Blake's fraud on the court is in this Court record, petitions No. 19-1179 and 22-303 Briefly, in January 2019 defendant Kessmeier intercepted Plaintiff's certified mail containing summons and complaint for defendant Kessmeier and other fourteen defendants in Bethesda, MD, and committed Mail Fraud (18 U.S.C. section 1341) and Wire Fraud (18 U.S.C. section 1343) and was caught again², see Petitioner's 1/18/19 "Motion to Investigate Fraud and to Compel Defendants Representatives to Accept and Serve with Summons and Complaint 15 Defendants." Appendix 5A in petition No. 19-1179.

39. US Postal Service receipts of certified mail with restricted delivery, mail-tracking records, returned receipts and other documents were attached to the

² See Dr. Stoyanov's instant Case No. CCB-09-3479 Appendices 5A, 6A and 7A in petition No. 19-1179

motion. Because of Judge Blake's fraud on the court the 1/18/19 motion to investigate fraud was denied and was not investigated. In the 4/16/19 order, because of Blake's fraud on the court, Marzullo's opposed motion to consolidate was granted, while Plaintiff's motion 1/18/19 and unopposed 3/26/19 motion for sanctions were denied by fraud. 40. In 2020, after this court decision on petition 19-1179 was announced, Judge Blake escalated with impunity fraud on the court, and with Marzullo committed criminal schemes with a series of mail fraud in 2020 and 2021. See documents in this Court petition No. 22-303 Appendix 8: Petitioner's 8/12/21 "Fifth Urgent motion for discovery, deposition of witnesses /defendants, and criminal investigation of Mail Fraud of June 2021, January 2021, August 2020, July 2020, April 2019, March 2019 and January 2019." The 8/12/21 motion was unopposed, Blake on 8/25/21 denied it by fraud. See also Direct evidence of 2020 and 2021 mail fraud is P's Exhibits A, B, C in Appendices 9A, 10A and 11A. 41. After petition No. 22-303 was denied, Blake with Marzullo escalated fraud on the court and inflicted additional harm to Petitioner in 2022 and 2023. Petitioner's motions for discovery and the "Third Urgent motion to disqualify and remove Marzullo" were unopposed and were denied by Blake by fraud to continue to use Marzullo to escalate fraud on the court with impunity. 42. Petitioner filed the 3/15/23 opposition to Marzullo's 3/1/23 "motion to lift" because the June 2021 Mail Fraud was not investigated and since 2019 Petitioner's motions for discovery and to investigate crimes of Mail Fraud and the cover-up were unopposed and were denied by Blake by fraud, (ECF 91-ECF 109), including 3/10/23 motion for federal criminal investigation. The 3/1/23 "motion to

lift" i.e. to rescind Blake's 1/18/22 Order was filed by Marzullo via Blake's direction after this Court denied Petitioner's petition No. 22-303. In the "motion to lift" Marzullo continued fraud on the court and deliberate misrepresentations to escalate harm to Petitioner, see 3/15/23 Petitioner's motion in Appendix 7.

43. Petitioner filed 3/10/23 "Motion for Federal Criminal Investigation into Fraud on the Court and the willful and persistent cover-up of crimes and criminals of organized crimes of 2019, 2020, 2021, 2022 and 2023." See Appendix 6. On 3/17/23 Blake denied by fraud Petitioner's unopposed motions 3/10/23 and 3/15/23, and in the same order granted Marzullo's opposed "motion to lift." See Appendix 3.

44. The pattern of Blake's fraud on the court is already in this court record No. 19-1179 and 22-303. The series of Mail Fraud were committed and covered-up because Blake denied Petitioner's unopposed motions by fraud now for four years, while Respondents opposed motions were granted, and with impunity they escalated violations of laws, fraud and harm.

45. The 4th Circuit Court intentionally omitted to consider Issue #1: Blake's 3/17/23 order denying by fraud 3/10/23 "motion for federal criminal investigation," the factual, and legal matter. Lower courts final orders are clearly conflict with this Court's decisions and decisions of circuit courts, in *Arnold v. Eastern Air Lines, Inc.*, 681 F.2d 186, 193 (4th Cir. 1982), *Cantrell v. GAF Corp.*, 999 F.2d 1007, 1011; *Huene v. United States*, 743 F.2d 703, 704 (9th Cir. 1984)

46. Therefore, fact-bound ruling does warrant this Court's review and to exercise it's supervisory powers to stop fraud on the court by lower courts involving "the proper administration of judicial business."

DISCUSSION

47.The district judge Blake acted willfully and persistently with reckless disregard of the truth, committed fraud on the court, organized criminal schemes of mail fraud with Marzullo and with defendant Kessmeier to harm Petitioner, for the purpose to dismiss lawsuits by fraud, without discovery, court hearing, jury trial: by fraud, by committing mail fraud time and again and the cover-up of crimes. Since 2019 and to this day in violation of Petitioner's rights judge Blake planned, committed and escalated fraud on the court, denied unopposed motions for discovery and to investigate crimes of mail fraud, willfully and persistently covered-up crimes and criminals. It is also clear and well -settled law that any attempt to commit "fraud upon the court" vitiates the entire- proceeding.

48.Judge Blake's final orders 3/17/23 and 2/9/23denying by fraud unopposed 3/10/23 "motion for federal criminal investigation" and the 11/18/22 "Third urgent motion to disqualify and remove Marzullo for harm, fraud, perjury and federal crimes of Mail Fraud" are clear manifest of fraud on the court. "If a judge's attitude or state of mind leads a detached observer to conclude that a fair and impartial hearing is unlikely, the judge must be disqualified." Liteky v. U.S., 114 S.Ct.1147, 1162 (1994).

49.The 4th Circuit fraudulently overlooked Issue #1 and Judge Blake's fraud on the court, the organized federal crimes and the cover-up of crimes and criminals. Should a judge not disqualify himself, then the judge is violation of the Due Process Clause of the U.S. Constitution. United States v. Sciuto, 521 F.2d 842, 845 (7th Cir. 1996) (The right to a tribunal free

from bias or prejudice is based, not on section 144, but on the Due Process Clause.”

50. Accordingly, Petitioner respectfully requests that this Court grants the petition, to remand the case with the order to vacate Judge Blake’s final orders 3/17/23, 2/9/23, to conduct federal criminal investigation, to conduct discovery, investigation into crimes of Mail Fraud, and jury trial. Accordingly, the lower courts decisions in this case should be vacated and reversed because their judgment contradicts direct evidence in the court records and encourages harm to the business of courts and to Petitioner.

REASONS FOR GRANTING THE WRIT

I. THIS COURT SHOULD GRANT REVIEW BECAUSE THE FOURTH CIRCUIT’S DECISION CONFLICTS WITH DECISIONS OF THIS COURT’S AND OTHER CIRCUIT COURT OF APPEALS ON THE CRUCIAL ISSUE OF THE FRAUD ON THE COURT.

This Court should grant review because the Fourth Circuit’s decision conflicts with decisions of this Court’s and other Circuit Court of Appeals on the crucial issue of the Fraud on the Court. All courts have the inherent equitable power to vacate a judgment that has been obtained through the commission of fraud upon the court.” *Universal Oil Products Co. v. Root Ref. Co.*, 328 U.S. 580, (1946).. The Fourth Circuit failed to rule on the merits of the issues in the appeal and instead fabricated fraudulent decision by intentionally omitting crucial issue of the appeal, namely, the district court final order of 3/17/23 denying by fraud Petitioner’s unopposed 3/10/23 Motion for Federal Criminal Investigation into Fraud on the Court and the willful and persistent cover-up of crimes and criminals of Organized Crimes of 2019, 2020, 2021, 2022 and 2023” (ECF 113), The 4th Circuit intentionally committed a positive averment or concealment when one is under a duty to disclose and

take actions to rule on the merits, to stop fraud on the court and to punish perpetrators.

In the 4-th Circuit PER CURIAM the above mentioned crucial issue of the appeal was intentionally omitted to deny appeal on this and other issue by fraud, "for lack of the 4-th Circuit jurisdiction," "this court may exercise jurisdiction only over final order," "the orders Stoyanov seeks to appeal are neither final orders nor appealable interlocutory or collateral orders." Contrary to the 4-th Circuit's intentionally false ruling, willfully blind to the truth, or is in reckless disregard for the truth, in the United States, when an officer of the court is found to have fraudulently presented facts to court so that the court is impaired in the impartial performance of its legal task, the act, known as ***"fraud upon the court"***, ***is ***a crime deemed so severe**** and fundamentally opposed to the operation of justice**** that it is ***not subject to any statute of limitation."***. The 4-th Circuit's decision with the intentional failure to rule on the merit of the crucial issue in the appeal, constitutes fraud on the court, contradicts decisions of this Court and other United States Court of Appeals decisions where a lawyer's special duty is to prevent and disclose frauds upon the court. The 4-th Circuit's fraudulent decision and refusal to execute a special duty, namely, for a court as well as for a lawyer it is a special duty to prevent and to disclose fraud upon court, to stop and root out fraud on the court immediately because a judgment or an order obtained by the fraud on the court is void and null, regardless of whether it is collateral or non-collateral, interlocutory or non-interlocutory, final or not final-it is void and null and is never final. For example, the Sixth Circuit has set forth five elements of fraud upon the court which are all satisfied in this case and

consist of conduct: "1. On the part of an officer of the court; 2. That is directed to the 'judicial machinery' itself; 3. That is intentionally false, willfully blind to the truth, or is in reckless disregard for the truth; 4. That is a positive averment or is concealment when one is under a duty to disclose; 5. That deceives the court." Hazel-Atlas Glass Co. v Hartford-Empire Co., 322 U.S. 238, 245 (1944).

II. THIS COURT SHOULD GRANT THE WRIT TO ADDRESS ONE OF THE INCREASINGLY WIDELY USED A PATTERN OF FRAUD ON THE COURT DISCLOSED IN THE PETITION

This case with committed escalated fraud on the court where not only an attorney is implicated but also a federal judge of district court is not unique but represents the pattern of fraud at the lower courts that requires this Court intervention. See prior petitions to this Court Nos.08-1238, 08-888, 08-95,09-1015, 09-1415, 17-174, 19-1179 and 22-303. Fraud on the court is the way of life in the federal courts of the District of Maryland. While fraud on the court is commonly defied as a fraud that occurs when the judicial machinery itself has been tainted, such as when an attorney, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations to the court. Similarly, fraud on the court occurs where not only an attorney but also a judge of the court, who is an officer of the court, is involved in the perpetration of a fraud or makes material misrepresentations, fraudulent rulings, intentional planning of criminal schemes involving fraud, mail fraud, and careful execution with defendants' representative and others of the Mail Fraud, the Wire Fraud and the cover-up of crimes and criminals for the purpose to dismiss the case by fraud, without discovery, without court hearing and without jury trial, by using material misrepresentations,

fraudulent mail records and fabricating fraudulent rulings. Fraud upon the court makes void the orders and judgments of that court. In *Bullock v. United States*, 763 F.2d 1115, 1121 (10th Cir. 1985), the court stated, "Fraud upon the court is fraud which is directed to the judicial machinery itself and is not fraud between the parties or fraudulent documents, false statements or perjury. ... It is where the court or a member is corrupted or influenced or influence is attempted or where the judge has not performed his judicial function --- thus where the impartial functions of the court have been directly corrupted... it cannot perform its tasks without bias or prejudice. Under Federal law, when any officer of the court has committed "fraud upon the court", the orders and judgment of that court are void, of no legal force or effect. Fraud on the court can take many forms. Fortunately, the fraud-on-the-court rule that the United States Supreme Court articulated in *Hazel-Atlas* should be characterized by flexibility and an ability to meet new situations demanding equitable intervention. *Hazel-Atlas Glass Co. v. Hartford Empire Co.* 322 U.S. 238 (1944). The equitable and flexible nature of the rule supports the contention that the current standard for evaluating fraud on the court should include fraud perpetrated by a judge of the court and not only on basis of corruption, such as bribe. Is it fair to suggest that pro se litigants have a duty to root out all evil during the discovery process and that any issues that could have been addressed cannot be appropriately attacked on the basis of fraud on the court? The Constitution is the supreme law of the land, all laws repugnant to the Constitution are null and void, a lawyer's special duty is to prevent and disclose frauds upon the court, perjury is as much a

crime as tampering with witnesses or jurors and undermines the administration of justice, due process includes the court reviewing the judgment to take into account and not disregard relevant legal authority not presented to or considered by court of first instance, Judge's deep seated antagonism towards Petitioner, practicing law from the bench and litigating FOR the prosecutor makes fair judgment impossible, Should courts deny these victims relief because they should have, for example, rebutted opposing counsel's mischaracterization of the law and the record before the court? Or, discover material misrepresentations and timely file motion to investigate fraud, where Petitioner disclosed a series of federal crimes of the Mail Fraud and Wire Fraud committed with impunity time and again by an officer of the court? Or should courts, equipped with equitable power to correct transgressions that occur before them, to uncover misconduct or crimes of mail fraud and the cover-up of crimes during discovery or at trial? These victims need this Court intervention to stop judicial fraud, the judge of the court who not only failed to be impartial but is also implicated in criminal schemes with a series of mail fraud committed with impunity who intentionally failed to thwart abusive discovery before it is too late. Interestingly, although Rule 60(d)(3) is the only rule that even mentions the fraud-on-the-court doctrine, other Federal Rules of Civil Procedure, including Rules 11, 16, 26, 37, and 41, have been cited in applying the doctrine. These rules, however, do not provide a good fit for most fraud on the court scenarios and have no import if the offending party has already obtained a judgment. This is, in part, a result of the fact that the rules do not expressly proscribe perjury, fabrication of evidence, destruction of evidence, and the like. Where

the fit is not good, however, the courts are inherently empowered to respond. This petition should be granted so that the Supreme Court could respond properly because the 4-th Circuit and the lower court failed to do so time and again. As stated above, since 2019 to this day there was no discovery, instead, everything had been done to dismiss the case by material misrepresentations, fraud, fraudulent mail records, without discovery, without court hearing and without jury trial, to preclude the discovery and the investigation of the series of federal crimes of the Mail Fraud, the Wire Fraud and the cover-up of crimes and criminals committed by the district court and by the 4-th Circuit. The U.S. Supreme Court, in *Scheuer v. Rhodes*, 416 U.S. 232, 94 S.Ct. 1683, 1687 (1974) stated that whenever any officer of the court commits fraud during a proceeding in the court, he/she is engaged in "fraud upon the court." The fabrication of evidence by a party in which an attorney is implicated, will constitute a fraud on the court." *Marine Ins. Co. of Alexandria v. Hodgson*, 11 U.S. (7 Cranch) 332, 336 (1813). The Sixth Circuit Court of Appeals also articulated express elements of fraud upon the court, the doctrine has been characterized "as a scheme to interfere with the judicial machinery performing the task of impartial adjudication, as by preventing the opposing party from fairly presenting his case or defense." The power to vacate a judgment that has been obtained by a fraud on the court is inherent in all courts including the 4-th Circuit, however, 4-th Circuit failed to do so by fraud. Because Fraud-on-the-court committed by the officers of the court is within jurisdiction of the 4-th Circuit the crucial issue of the district court final order 3/17/23 on the unopposed 3/10/23 "Motion for Federal Criminal Investigation"

was intentionally omitted from the 4-th Circuit ruling and in the consideration see PER CURIAM, Appendix 2, p11. The fact is that in instant case the fraud-on-the court had been perpetrated by the federal judge of the district court and by the defendants' representative, both officers of the court and the district court final order on the crucial issue [of the lower court order denying by fraud unopposed motion for federal criminal investigation into fraud-on-the court] is not only within jurisdiction of the 4-th Circuit but is a must actionable ruling on the merits of this issue in the appeal. The 4-th Circuit committed fraud with its judgment, which is fraudulent because it is not on the merits of this and other issue in the appeal but by intentional positive averment or concealment when one is under a duty to disclose and to stop fraud on the court, to punish perpetrators, and to rule on the merits of the issue This is supported by the following facts: Since January 2019 Mail Fraud and Wire Fraud was committed by the agency representative defendant Kessmeier with Petitioner's 15 certified mail envelopes containing summons for 15 defendants and in the follow-on escalation of the fraud on the court both the judge of the court and the defendants' representative perpetrated fraud on the court, intentionally planned and carefully executed sets of criminal schemes with a series of Mail Fraud and the cover-up of crimes and criminals to dismiss the case by fraud, without discovery, without court hearing and without jury trial, and without the investigation of mail fraud, wire fraud, and the fraud on the court, by committing with impunity for five years up to this day another mail fraud and another criminal scheme with a series of mail fraud and the cover-up of crimes and the escalation of the fraud on the court. There was no

discovery and no investigation of federal crimes of the Mail Fraud, the Wire Fraud and the cover-up of crimes and criminals. Even before the discovery stage could begin in instant case, district court judge Blake intentionally planned and organized the criminal scheme to interfere with the judicial machinery performing the task of impartial adjudication, as by preventing Petitioner from fairly presenting his case for the purpose to dismiss the case by fraud, without discovery, without court hearing and without jury trial, by material misrepresentations, fraudulent mail records and by fraudulent 'order to consolidate' and other criminal schemes, instead of granting Petitioner's motions for discovery and to investigate fraud, including Mail Fraud, Wire Fraud, to stop and punish perpetrators of the fraud on the court. By intentionally planning and carefully executing with defendants' representative Marzullo and with the agency representative defendant Kessmeier criminal schemes with a series of the Mail Fraud and the cover-up of crimes and criminals, district judge Blake, thereby, had perpetrated fraud upon the court and intentionally denied by fraud Petitioner's unopposed 3/10/23 'Motion for Federal Criminal Investigation into Fraud on the Court and the willful and persistent cover-up of crimes and criminals of Organized Crimes of 2019, 2020, 2021, 2022 and 2023" (ECF 113. The 4-th Circuit failed to stop fraud on the court committed by the lower court, denied the appeal not on the merits but by intentional positive averment or concealment of the crucial issue in the appeal, namely, the lower court fraud on the court, when one is under a duty to disclose and to stop fraud on the court, to punish perpetrators, and to rule on the merits of the issue. The fraudulent 4-th Circuit decision on this issue

contradicts decisions of this Court and other United States Court of Appeals. Every element of the fraud here disclosed demands the exercise of the historic power of equity to set aside fraudulently begotten judgments. The 7th Circuit stated "a decision produced by fraud upon the court is not in essence a decision at all, and never becomes final." *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23

III. THIS COURT SHOULD GRANT THE WRIT TO REVIEW AND TO PROVIDE CLEAR MEANS BY WHICH TO STOP FRAUD ON THE COURT

"It is a vain thing to imagine a right without remedy; for...want of right and want of a remedy are reciprocal..... Where a man has but one remedy to come to his right, if he loses that he loses his right" "[t]he principle that rights must have remedies is ancient and venerable.' *National Courts and the International Rule of Law*"; By André Nollkaemper; pg. 40, at fn. 92; Copyright 2011 Oxford University Press."The power to vacate a judgment that has been obtained by a fraud on the court is inherent in all courts." *Hazel-Atlas Glass Co. v. Hartford-Empire Co.*, 322 U.S. 238, 64 S.Ct. 997 (1944)); *United States v. Beggerly*, 524 U.S. 38 (1998). "The Supreme Court should grant the petition and to exercise its supervisory power to stop the fraud on the court committed by the lower courts and to remand the case with the order to grant motion for federal criminal investigation into fraud on the court. The federal criminal investigation into fraud on the court is indispensable to stop the perpetrators of the fraud on the court and could lead to a judgement free from consequences of the committed fraud on the court and also could carry criminal consequences, such as a fine or jail sentences, or both, and in addition to these, an

attorney being disbarred and a judge being removed from their judicial services.

IV. THIS CASE IS AN IDEAL VEHICLE TO RESOLVE THE NUMEROUS CONFLICTS PRESENTED

This petition provides an ideal vehicle for this Court to resolve the glaring conflicts that have repeated time and again by the 4-th Circuit rulings on the fraud on the court committed by the lower court with decisions of this Court and other Circuit Court of Appeals.

Leaving the Fourth Circuit's ruling in place here would work a tremendous injustice on Petitioner and those like him, all of whom have been victims of fraud on the court perpetrated by the officers of the court.

Far worse, doing so would rubber stamp the 4-th Circuit's fraudulent decision and refusal to follow this Court's command and a special duty, namely, for a court as well as for a lawyer it is a special duty to prevent and to disclose fraud upon court, to stop and root out fraud on the court immediately because a judgment or an order obtained by the fraud on the court is void and null, regardless of whether it is collateral or non-collateral, interlocutory or non-interlocutory-it is void and null and never becomes final. *Kenner v. C.I.R.*, 387 F.3d 689 (1968); 7 Moore's Federal Practice, 2d ed., p. 512, ¶ 60.23. The 4-th Circuit produced fraudulent decision by 1) fraudulent omission of the crucial issue in the appeal e.g. the fraud on the court committed by the lower court, and 2) by failing its duty to prevent and to stop the lower court fraud on the court, and instead imposing its own, "Fourth Circuit brand" of justice and fairness. The Court should emphatically rebuke such behavior and restore proper, historical meaning and intolerance to fraud on the court and to reaffirm the fundamental special duty to the operation of justice whether it is a court or a lawyer each has a special duty to prevent and to

disclose fraud upon the court at its roots because fraud upon the court vitiates the entire proceeding.

CONCLUSION

51. As an initial matter, Petitioner respectfully requests that this Court grants the petition in order to exercise its supervisory power to restore justice, to stop escalated fraud on the court and vacate the appeals court decision. The petition for a writ of certiorari has merit and is supported by direct evidence in the record. Any further delay with the federal criminal investigation into Blake's fraud upon the court will result in more harm to the business of the courts and to Petitioner by district judge Blake's fraud upon the court. Blake's committed fraud upon the court makes void the orders and judgments committed up to now and in the future, if this petition is not granted. It is also clear and well-settled law that any attempt to commit "fraud upon the court" vitiates the entire proceeding.

52. Since 2019 Judge Blake with Respondents had been engaged in more than one related criminal episode or scheme, criminal activity is continuous now for more than four years. It was not the consequence of episodic errors of judgment. Instead, it was systematic, pervasive, and purposeful, with each act aimed at affecting the administration of justice through the use of Mail Fraud and the cover-up of crimes, thoroughly corrupt proceeding designed to harm pro se Petitioner, to violate his right for discovery, for fair adjudication of claims and court hearing with jury trial, to investigate a series of Mail Fraud and the cover-up committed since 2019 and the harm inflicted. The total effect of all this fraud calls for nothing less than the execution of federal criminal investigation and complete vacation of Blake's orders. In U.S. Supreme

Court prior decisions in cases involving a fraud on the court, this court confirmed time and again the intolerance the judiciary must have for misconduct that defiles the court." *Nguyen v. United States*, 539 U.S.69, 74 (2003).

Dr. Yuri J. Stoyanov

Affidavit of Dr. Yuri John Stoyanov

Yuri John Stoyanov, have personal

I, Dr. Tariq John Stoyanov, have personal knowledge of the facts set forth herein, and competent to testify to these facts. The statements above are based on my personal knowledge. I do solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of the Writ of Certiorari are true.

Yuri Stoyanov
Dr. Yuri J. Stoyanov