

No. 24- 1209

IN THE  
**Supreme Court of the United States**

DARYLL JONES,

*Petitioner,*

*v.*

STATE OF NEW YORK, *et al.*,

*Respondents.*

**ORIGINAL**

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ON PETITION FOR A WRIT OF CERTIORARI TO THE  
UNITED STATES COURT OF APPEALS FOR THE SECOND CIRCUIT

**PETITION FOR A WRIT OF CERTIORARI**

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May 8, 2025

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## QUESTION PRESENTED

1. Whether the Court of Appeals erred by failing to sever retrospective claims for damages from prospective injunctive claims under *Ex parte Young*, contrary to long-established severance doctrine recognized in *Edelman v. Jordan*, 415 U.S. 651 (1974), and its progeny.
2. Whether systemic judicial bias and misconduct in New York's attorney discipline proceedings in the Appellate Division, Second Department—including the selective prosecution of Black civil rights lawyers— violates the Due Process and Equal Protection Clauses of the Fourteenth Amendment.
3. Whether the increasing weaponization of the judicial system against political and civil rights opponents—including the disparate treatment in high-profile prosecutions and selective attorney discipline— raises issues of national importance requiring this Court's intervention to preserve public confidence in the impartial administration of justice.
4. Whether the Second Circuit's refusal to sever viable claims for prospective injunctive relief from claims for retrospective damages conflicts with this Court's precedent in *Edelman v. Jordan*, 415 U.S. 651 (1974), and contributes to a circuit split that threatens the availability of forward-looking constitutional remedies in civil rights litigation.
5. Whether the lower courts violated due process by invoking procedural doctrines to avoid adjudicating petitioner's core constitutional claims for prospective relief, in conflict with *Wilkinson v. Austin*, 545 U.S. 209 (2005), which requires meaningful process before the government may curtail protected liberty interests.

## **PARTIES TO THE PROCEEDING**

**Petitioner:** Daryll Jones

**Respondents:** The State of New York and  
the Judges of the Appellate Division: Second  
Department of the Supreme Court of the State  
of New York

## **RELATED PROCEEDINGS**

*Jones v. State of New York*, No. 23-cv-03492  
(E.D.N.Y.)—Final judgment entered March 29, 2023

*Jones v. State of New York*, No. 23-689 (2d Cir.)—  
Summary Order entered February 11, 2025; mandate  
issued March 11, 2025; motion for rehearing denied April  
4, 2025.

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## OPINIONS BELOW

The opinion of the United States Court of Appeals for the Second Circuit is unpublished and appears at *Daryll Jones v. State of New York*, No. 23-689 (2d Cir. Feb. 11, 2025). The court's denial of the motion for panel rehearing and the motion for leave to file the rehearing late appears at (2d Cir. Apr. 4, 2025). The mandate issued on March 11, 2025. The decision of the United States District Court for the Southern District of New York is also unpublished and appears at *Daryll Boyd Jones v. State of New York*, No. 21-cv-3776 (S.D.N.Y. [2022]).

## JURISDICTION

The judgment of the United States Court of Appeals for the Second Circuit was entered on February 11, 2025. A timely motion for rehearing was filed but denied on April 4, 2025. This Court has jurisdiction pursuant to 28 U.S.C. § 1254(1). Petitioner invokes this Court's jurisdiction under Supreme Court Rule 13.1, seeking review of a judgment of the court of appeals.

## CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The following provisions are involved in this case:

U.S. Const. amend. XIV (Due Process and Equal Protection Clauses), 42 U.S.C. § 1983 (Civil Action for Deprivation of Constitutional Rights), Fed. R. Civ. P. 21 (Severance), and New York Judiciary Law § 90(10).

*See Pet. App. 61a-64a.*

## STATEMENT OF THE CASE

Petitioner Daryll Jones is a Harvard University<sup>1</sup>-educated civil rights attorney and an admitted member of the Bar of the United States Supreme Court. Despite satisfying all formal eligibility requirements—and having no criminal convictions whatsoever and no new ethical charges—Petitioner has been denied reinstatement to the New York State Bar on five separate occasions over a fifteen-year period. Two of the earlier denials, as reflected in the Appellate Division's own orders, were based solely on an informal and extrajudicial assessment that Petitioner purportedly lacked the requisite “character and fitness” to practice law—a determination made illegally by the Respondents outside the jurisdictional authority of the designated Character and Fitness Committee. The other two decisions were blanket denials with no stated reason, leaving Petitioner with no meaningful grounds for appeal.<sup>2</sup>

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1. Petitioner earned a Master of Public Administration from Harvard University in 2024, completing coursework at Harvard Law School, Harvard Divinity School, and the Kennedy School of Government with honors-level grades—A's and one A- in all graded courses. During his studies, he served as a student and research assistant to a senior Harvard Law Professor, a prominent legal scholar and former law clerk to Supreme Court Justice Thurgood Marshall.

2. A fifth denial was issued more recently, but it raises a distinct set of issues not presented in this Petition. That decision appears to reflect the court's attempt to retroactively justify or obscure prior improper denials by reimposing earlier requirements already satisfied by Petitioner—such as completion of MPRE and CLE credits—which are not mandated more than once under the applicable rules. Because those issues are not central to the jurisdictional and due process violations raised here, Petitioner reserves the right to address them in future proceedings.

During the extended period of his suspension, Petitioner did not retreat from the principles of justice, public service, or professional growth. Instead, he pursued advanced academic training at Harvard University, earning a Masters in Public Administration (MPA) from the Harvard Kennedy School of Government and completing coursework at Harvard Law School and Harvard Divinity School. Simultaneously, Petitioner continued his international public service work by founding and leading a nonprofit organization dedicated for over twenty-five years to promoting righteous governance, ethical leadership development, and human rights advocacy among clergy, governmental leaders, and civil society. Petitioner also taught law and Adaptive Moral Leadership at a highly accredited law school in India, mentoring future legal practitioners in principles of ethical justice. Further reflecting his deep commitment to moral integrity, in 2010 Petitioner was ordained as a Bishop within his denomination and has remained active in advancing justice-oriented ministry initiatives globally.

These achievements, all undertaken while unjustly barred from the New York State Bar without any new charges or findings of unfitness, powerfully refute any contention that Petitioner's exclusion serves a legitimate regulatory purpose. They demonstrate instead a pattern of ongoing fitness, ethical leadership, and commitment to public justice wholly consistent with the highest expectations of the legal profession.

The Respondents' repeated denial is in direct violation of federal and State Due Process principles, as articulated in *Roe v. Johnson*, 344 F. Supp. 2d 415 (S.D.N.Y. 2004), which held that character assessments are reserved for

the designated committee and that applicants must be afforded the opportunity to contest negative character findings at a hearing. Petitioner received no such hearing.

The Second Circuit dismissed Petitioner's appeal on the erroneous grounds that his entire suit sought only retrospective relief, thus barring review under the Eleventh Amendment. However, Petitioner explicitly sought prospective injunctive relief under *Ex parte Young*, 209 U.S. 123 (1908), to prevent future constitutional violations in future reinstatement applications. Indeed, absent such prospective injunctive protections, Respondents would remain free to issue future blanket denials—or denials based solely on character—even after Petitioner complies with their unlawfully reimposed requirements, as they have done in the past.

Compounding these legal errors is the undisputed pattern of systemic racial disparity and abuse of disciplinary power in the Appellate Division, Second Department. Numerous high-profile Black civil rights attorneys—C. Vernon Mason, Alton Maddox, and Colin Moore—have faced disbarment under opaque procedures while similarly situated white attorneys have not. Meanwhile, white prosecutors known to have committed misconduct against Black defendants (as documented in *Civil Rights Corps v. Georgia Pestana et al.*, 21-cv-09128) have escaped all discipline.

This racially disparate application of disciplinary power violates the Equal Protection Clause and calls for intervention from this Court to prevent further entrenchment of systemic bias and indefinite punishment not authorized by statute.

## BACKGROUND AND PROCEDURAL HISTORY

Petitioner Daryll Jones is an attorney who was (illegally) indefinitely suspended from the practice of law by the Appellate Division, Second Judicial Department of New York more than 15 years ago. Although Petitioner has repeatedly sought reinstatement to the New York Bar, those applications have been denied without a formal hearing and without compliance with the State's established procedures for evaluating character and fitness. These denials were based not on new charges of ethical misconduct but on vague and unsubstantiated references to alleged "bad character,"<sup>3</sup> a term undefined in the record and never adjudicated by the statutorily designated Character and Fitness Committee—or, in some instances, were issued as blanket denials with no stated reason at all.<sup>4</sup>

On appeal, Petitioner filed a civil rights complaint in the U.S. District Court for the Eastern District of New York, alleging violations of his constitutional rights under the Due Process and Equal Protection Clauses of

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3. Pet. Appendix at A.51a (12/23/13 decision) and 55a (10/16/17 decision).

4. Such unexplained denials deprive Petitioner of a meaningful opportunity for appellate or federal review, in violation of the Due Process Clause. *See Evitts v. Lucey*, 469 U.S. 387, 393–94 (1985) ("a State may not grant the right to appeal and then make it unavailable in a meaningful way"); *Withrow v. Larkin*, 421 U.S. 35, 47 (1975) ("a fair trial in a fair tribunal is a basic requirement of due process"); *cf. Bush v. Gore*, 531 U.S. 98, 104 (2000) (procedural arbitrariness by a state may trigger federal due process and equal protection review). *See* Pet. Appendix at 53a (6/16/14 decision) and 57a (3/28/18 decision).

the Fourteenth Amendment. The complaint sought both retrospective relief (including expungement and damages) and prospective injunctive relief to prevent the continued denial of procedural fairness in future reinstatement efforts.

The district court dismissed Petitioner's claims, holding that they were barred by sovereign immunity and not actionable under *Ex parte Young*. The U.S. Court of Appeals for the Second Circuit affirmed this ruling on February 11, 2025, holding that the relief sought was retrospective in nature and, therefore, not subject to the *Ex parte Young* exception.

Petitioner filed a motion for panel rehearing and reconsideration based on the Court's misapplication of Supreme Court precedent, *including Ex parte Young*, 209 U.S. 123 (1908), *Edelman v. Jordan*, 415 U.S. 651 (1974) and *Henrietta D. v. Bloomberg*, 331 F.3d 261 (2d Cir. 2003), all of which permit the severance of retrospective claims in order to preserve viable prospective injunctive relief. The Second Circuit denied that motion without opinion. Petitioner subsequently filed a motion to recall the mandate under Federal Rule of Appellate Procedure 41 and *Standard Oil Co. v. United States*, 429 U.S. 17 (1976), citing newly uncovered evidence of systemic judicial misconduct and discriminatory practices in the Appellate Division, including the weaponization of attorney discipline against civil rights lawyers.

Despite these extraordinary circumstances, the Second Circuit declined to recall its mandate.

Petitioner now seeks certiorari from this Honorable Court to review whether the lower courts erred in refusing to sever retrospective claims and in dismissing viable constitutional claims for prospective relief under Federal Rule of Civil Procedure 21 and controlling precedent.

#### **REASONS FOR GRANTING THE WRIT**

The decision of the Court of Appeals below presents issues of exceptional public importance and conflicts with controlling precedent of this Court.

This case presents compelling reasons for Supreme Court review under Rule 10 of the Rules of the Supreme Court of the United States. The decision below conflicts with controlling decisions of this Court regarding the severability of retrospective claims from prospective injunctive relief under *Ex parte Young*, 209 U.S. 123 (1908), *Edelman v. Jordan*, 415 U.S. 651 (1974), and related cases. It raises important constitutional questions under the Due Process and Equal Protection Clauses of the Fourteenth Amendment, as well as broader concerns about systemic judicial misconduct and the weaponization of attorney discipline processes. Petitioner's case is a clean vehicle for resolution, presenting primarily legal questions uncontaminated by complex factual disputes. In light of national public concerns about judicial integrity and selective prosecution, the petition implicates issues of exceptional public importance warranting this Court's intervention.

**I. The Second Circuit’s Failure to Apply *Ex Parte Young* And Sever Viable Claims Violated Due Process and Controlling Law.**

The Second Circuit’s decision impermissibly conflated viable prospective injunctive claims with barred retrospective relief, ignoring clear severability principles long established by this Court.

**A. The Second Circuit Failed to Apply Severability Principles, Violating Due Process And Established Supreme Court Precedent**

The Second Circuit’s blanket dismissal of Petitioner’s claims—both retrospective and prospective—violated clearly established precedent governing sovereign immunity, severability, and the preservation of justiciable claims. This Court’s intervention is warranted to reaffirm fundamental due process and civil rights protections.

1. *Ex parte Young*, 209 U.S. 123 (1908), remains the cornerstone of federal injunctive relief jurisprudence, holding that state officials may be sued for prospective injunctive relief to prevent ongoing violations of federal law.

2. In *Edelman v. Jordan*, 415 U.S. 651 (1974), this Court clarified that while retrospective monetary relief is barred, injunctive relief aimed at preventing future violations is permitted, and must be severed where appropriate.

3. The Second Circuit failed to apply Federal Rule of Civil Procedure 21, which allows for partial dismissals,

and improperly dismissed all claims—despite the viability of the request for prospective relief. This was legal error.

a. In *United States v. Gaubert*, 499 U.S. 315 (1991), this Court emphasized that dismissals must be precisely tailored to the nature of the claims and cannot sweep viable claims into procedural invalidation.

b. Similarly, in *Kokkonen v. Guardian Life Ins. Co. of America*, 511 U.S. 375 (1994), the Court held that courts may not dismiss entire actions when part of the case remains within federal jurisdiction—as was true here.

c. In *Exxon Mobil Corp. v. Allapattah Services, Inc.*, 545 U.S. 546 (2005), this Court made clear that jurisdiction over part of a case requires adjudication of that part, not wholesale dismissal.

4. Other precedents affirm the obligation of federal courts to preserve constitutional claims:

*Bivens v. Six Unknown Named Agents*, 403 U.S. 388 (1971), affirmed that even where some claims fail, courts must allow constitutional claims—especially those grounded in civil rights—to proceed.

*In Patchak v. Zinke*, 138 S. Ct. 897 (2018), the Court emphasized the necessity of separating justiciable from non-justiciable claims, particularly when sovereign immunity issues are implicated.

The Second Circuit's own precedents, including *Vega v. Hempstead Union Free School District*, 801 F.3d 72 (2d Cir. 2015), affirm that each claim must be analyzed independently, and that courts may not dismiss entire actions without first addressing the severability of the claims.

In *Henrietta D. v. Bloomberg*, 331 F.3d 261 (2d Cir. 2003), the court reaffirmed that *Ex parte Young* remains binding law and permits prospective relief against state officials where constitutional violations are ongoing.

5. The Second Circuit's blanket dismissal of all claims contravenes each of these authorities and constitutes a procedural and substantive due process violation. This error is of national importance, as it undermines confidence in judicial accountability and the ability of federal courts to protect individuals from state overreach.

Here, the Second Circuit wrongly conflated Petitioner's distinct claims and failed to apply severance under Fed. R. Civ. P. 21. This constitutes reversible error and implicates a nationwide standard for how courts must evaluate mixed claims involving sovereign immunity.

## **II. The Respondents' Repeated Denials Without Proper Procedure Constitute a Pattern of Indefinite Suspension Not Authorized by Law**

Petitioner's case reflects ongoing constitutional violations that continue to cause real and irreparable harm, further justifying prospective injunctive relief under longstanding federal law.

**B. Ongoing Constitutional Violations Warrant Certiorari**

Petitioner has been denied readmission five times over fifteen years by the same appellate body without a hearing, written justification, or referral to the statutorily-mandated Character and Fitness Committee. This constitutes a *de facto* indefinite suspension and perpetual punishment without due process—a practice explicitly condemned by *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), and *Goldberg v. Kelly*, 397 U.S. 254 (1970).

Nowhere in New York Judiciary Law § 90 is indefinite suspension authorized as a form of discipline, nor does the law permit a judicial panel to override the committee's exclusive jurisdiction in making character determinations. *Roe v. Johnson*, 344 F. Supp. 2d 415 (S.D.N.Y. 2004) affirms this statutory boundary. The Respondents' repeated overreach violates procedural due process.

**III. The Case Presents an Urgent Need for Review Due to the Weaponization of Judicial Power Against Civil Rights Attorneys and Selective Impunity for Prosecutorial Misconduct**

The record reveals systemic judicial misconduct and racial bias within New York's attorney discipline system, raising grave due process and equal protection concerns that demands this Court's review.

**C. Evidence of Systemic Judicial Misconduct Supports Review**

This case arises against the backdrop of systemic misconduct documented in *Civil Rights Corps v. Georgia*

*Pestana*, Case No. 21-cv-09128 (S.D.N.Y.), *see* Appendix at 65a, where grievance committees under the authority of the Appellate Division, Second Department, were shown to routinely ignore serious prosecutorial misconduct—primarily involving white attorneys—while remaining hyper vigilant in disciplining Black civil rights lawyers. New York’s highest court has long emphasized that a prosecutor’s duty is not simply to secure convictions, but to ensure fairness to the accused and preserve public confidence in the justice system. *People v. Bailey*, 58 N.Y.2d 272, 276–77 (1983) (“The paramount obligation of a District Attorney is to the public and to fairness, not merely to the prosecution of cases.”). *See also, People v. Crimmins*, 36, N.Y.2d, 237-38 (1975). The systemic failure of Respondents herein to discipline prosecutorial misconduct, particularly within the Second Department, amplifies their gross abuse of power and selective prosecution and warrants intervention by this honorable court.

Celebrated local civil rights attorneys such as C. Vernon Mason, Alton Maddox, and Colin Moore were all removed from practice under the same Appellate Division’s opaque and inconsistent practices. These practices violate the Equal Protection Clause and mirror a two-tiered system of justice. The same judges who have shielded prosecutors from discipline for violations of *Brady v. Maryland*, 373 U.S. 83 (1963), are the ones repeatedly blocking the reinstatement of a Black attorney who committed no new ethical violations and has been denied the right to face his accusers, if any or contest the allegations of “unfitness”.

As this Court recognized in *Connick v. Thompson*, 563 U.S. 51 (2011), civil lawsuits under 42 U.S.C. § 1983 offer little practical remedy for systemic misconduct by prosecutors or state officials, because plaintiffs must show an entrenched pattern of constitutional violations to prevail. In this context, internal accountability mechanisms—such as grievance committees and judicial oversight—become essential to upholding due process and equal protection. Where, as here, grievance systems selectively shield unethical prosecutors from discipline while disproportionately targeting Black civil rights attorneys for career-ending sanctions, the absence of meaningful accountability undermines constitutional guarantees and fosters precisely the type of injustice that federal law is meant to prevent.

Moreover, glaring disparities in disciplinary outcomes between attorneys of different racial backgrounds further underscore the urgent need for this Court’s intervention. Numerous white attorneys found guilty of serious criminal conduct, including federal tax evasion and fraud, have been suspended for relatively short periods and promptly reinstated, often without prolonged character inquiries or extraordinary scrutiny. In stark contrast, Petitioner—who has NO criminal record and has committed no new ethical infractions, obtained advanced academic credentials from Harvard University, taught law internationally, and led justice initiatives—has been repeatedly denied reinstatement for over fifteen years without meaningful process or review. The Respondents’ application of its authority reflects an unconstitutional double standard that offends principles of due process and equal protection.

*See, e.g., Matter of Wade*, 102 A.D.3d 1 (2d Dep’t 2012) (reinstating attorney suspended for federal bank fraud conviction after demonstrating rehabilitation); *Matter of Anonymous*, 164 A.D.3d 1 (2d Dep’t 2018) (reinstating attorney convicted of serious felony offenses after reevaluation of current fitness); *cf. Matter of Kaye* (unreported), involving suspension and later reinstatement of an attorney convicted of misdemeanor tax offenses. These examples highlight the disparate treatment between white attorneys who engaged in criminal conduct and Petitioner, who has committed no criminal offense and whose rehabilitation is undisputed.

This pattern also reflects broader concerns nationally about the weaponization of judicial power—concerns voiced across ideological lines in light of recent prosecutions of political figures such as President Donald J. Trump. *See, e.g., The Wall Street Journal*, “The Legal Peril of Lawfare,” March 2024; *The Atlantic*, “The Judicialization of Politics and the Politicization of Justice,” April 2024.

The concerns raised in these articles underscore a growing national consensus that judicial systems must be vigilant against becoming instruments of political retaliation rather than neutral arbiters of law. As *The Wall Street Journal* warns, unchecked prosecutorial discretion and judicial favoritism threaten to erode public confidence in the rule of law itself, inviting a dangerous cycle where justice is seen as a political weapon rather than a constitutional safeguard. Similarly, *The Atlantic* cautions that courts must resist entanglement with partisan agendas to preserve their legitimacy. Recent controversies involving the prosecutions of President Donald J. Trump—perceived by some as political targeting

and by others as long-overdue accountability—highlight that weaponization concerns transcend political ideology and threaten the legitimacy of the judicial process itself.

Petitioner’s experience—facing prolonged exclusion from the bar without new ethical charges while white prosecutors implicated in constitutional violations escape discipline—epitomizes the danger when justice becomes racialized and politicized. Recognizing these broader stakes, this Court’s intervention is necessary not merely to redress individual injustice, but to preserve public confidence in judicial neutrality and to reaffirm the constitutional guarantees of due process and equal protection now placed at risk.

#### **IV. This Court Should Resolve the Circuit Split on Severability and Preserve the Viability of Civil Rights Injunctive Relief**

The Second Circuit’s refusal to apply severability principles under *Ex parte Young* and Federal Rule of Civil Procedure 21 creates confusion among the lower courts regarding how to treat mixed claims involving sovereign immunity. Without Supreme Court intervention, the misapplication of severance doctrine will continue to chill meritorious constitutional claims, particularly in the civil rights context where prospective injunctive relief is critical to protecting future rights.

##### **D. Circuit Split On Severability Threatens Future Application of Supreme Court Precedent**

The lower court’s failure to preserve prospective claims amid an Eleventh Amendment challenge creates

uncertainty in how civil rights plaintiffs may frame their pleadings. The refusal to sever claims under Rule 21 in the face of established Supreme Court guidance (*see Edelman, Will, and Ex parte Young*) invites further confusion and inconsistency among circuit courts, threatening to chill meritorious constitutional claims.

This Court’s intervention is necessary to reaffirm the severability of viable injunctive claims and to ensure State officials are not immunized from future-facing accountability by procedural mischaracterization.

#### **V. The Lower Courts Avoided Adjudicating Petitioner’s Core Constitutional Claims, Using Procedural Grounds to Dismiss a Procedural and Substantive Due Process Violation**

The lower courts’ refusal to reach the merits of Petitioner’s due process claims—despite their constitutional gravity—illustrates a troubling reliance on procedural avoidance doctrines to evade judicial scrutiny. This Court’s review is warranted to ensure federal courts do not sidestep legitimate constitutional claims through improper procedural dismissals.

Petitioner’s principal claim is that the state court respondents acted *ultra vires*—beyond their lawful authority—by indefinitely suspending him without a hearing, without justification, and without statutory authority under New York Judiciary Law § 90. These acts violated both procedural due process (by denying a meaningful opportunity to be heard) and substantive due process (by imposing a punitive sanction not authorized by law).

**E. The Lower Courts Avoided Adjudicating Petitioner’s Core Constitutional Claims by Improperly Relying on Procedural Mechanisms to Dismiss Substantive and Procedural Due Process Violations**

Despite the gravity of these constitutional claims, neither the district court nor the Second Circuit Court of Appeals addressed them. Both courts dismissed the case exclusively on procedural grounds—relying on abstention doctrines, sovereign and judicial immunity claims and jurisdictional avoidance—without ever reaching the merits. This avoidance not only evaded review of unlawful executive overreach but also contravened settled law that disfavors jurisdictional evasions in civil rights litigation. In doing so, the federal courts compounded the injustice: they used procedure to silence a claim of procedural and substantive injustice. In *Wilkinson v. Austin*, the Court held that “[t]he requirements of due process are ‘flexible and call for such procedural protections as the particular situation demands.’” 545 U.S. at 224 (quoting *Morrissey v. Brewer*, 408 U.S. 471, 481 (1972)).

This result is not just doctrinally unsound—it is constitutionally dangerous. The Supreme Court has long held that federal courts must be open to claims of ongoing constitutional violations, especially where state remedies are unavailable or inadequate. Procedural mechanisms may not be wielded to deflect judicial scrutiny from allegations that go to the heart of constitutional protection.

The lower courts’ refusal to engage with the substance of Petitioner’s claims denied him the very process he sought to vindicate, leaving serious questions of constitutional law unresolved and perpetuating a suspension that has now

lasted more than fifteen years without statutory authority, explanation, or hearing. This Court's review is necessary to prevent constitutional rights from being evaded through procedural avoidance, and to reaffirm that due process is not merely a formality—it is a fundamental guarantee.

Despite fifteen years of professional exile, Petitioner pursued excellence rather than bitterness—earning top academic honors at Harvard University, leading a global justice ministry, mentoring future leaders as a visiting professor of law and leadership abroad, and serving as an ordained Bishop. These sustained acts of public service and moral leadership during suspension underscore the profound injustice of continued exclusion from the practice of law and cry out for this Court's intervention.

## CONCLUSION

Because New York is home to the nation's largest and most complex metropolitan legal system, its adherence to due process and statutory boundaries is essential not only for its own citizens but for preserving the integrity of the American judiciary at large. Decisions from its courts are frequently cited nationwide and set influential precedents in commercial, constitutional, and administrative law—shaping national legal trends and, when flawed, risking erosion of public trust across jurisdictions.

Petitioner's central constitutional claim—that his indefinite suspension was imposed without statutory authority, without hearing, and in violation of both procedural and substantive due process—has never been adjudicated on the merits. Both the district court and the Second Circuit Court of Appeals dismissed his case on procedural grounds, never addressing the constitutional core of his injury. Most troublingly, the Second Circuit failed to exercise its discretion under Federal Rule of Civil Procedure 21, which authorizes the severance of misjoined claims “at any time, on just terms,” allowing viable claims to proceed independently from those barred procedurally.<sup>5</sup>

That failure compounds the constitutional injury. It reflects a systemic unwillingness to confront the merits of judicial overreach, and raises serious concerns about the integrity of the process afforded to litigants alleging

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5. Fed. R. Civ. P. 21 (“Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party.”).

ongoing constitutional harm. The denial of access to a federal forum—particularly where the violation stems from the actions of state court judges themselves—cannot be reconciled with this Court’s mandate to preserve federal rights when no other forum will hear them.<sup>6</sup>

Accordingly, Petitioner respectfully prays that this Court grant the petition for a writ of certiorari and such other and further relief as may be just and proper.

Respectfully submitted,



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6. See *Zwickler v. Koota*, 389 U.S. 241, 248 (1967) (“It is part of our settled jurisprudence that federal courts do not abdicate their responsibility to decide cases within their jurisdiction.”); see also *Patsy v. Board of Regents*, 457 U.S. 496, 503 (1982) (“Access to a federal forum to adjudicate constitutional claims is itself a central guarantee of due process.”).