ORIGINAL

24-290

IN THE

Supreme Court of the United States

RAHUL MANCHANDA,

Petitioner,

v.

ABIGAIL REARDON, *et al.*,

Respondents.

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

PETITION FOR A WRIT OF CERTIORARI

RAHUL MANCHANDA, ESQ.
Counsel of Record
125 Park Avenue, 25th Floor
New York, New York 10017
(212) 986-8600
rdm@manchanda-law.com

Counsel for Petitioner

332683

COUNSEL PRESS
(800) 274-3321 • (800) 359-6859

I. QUESTION PRESENTED

Whether it is "racist," "antisemitic," or "offensive" for a relatively new racial, ethnic, religious minority (Indian-American U.S. Citizen) to file civil rights lawsuits and law enforcement complaints alleging discrimination or bias by more powerful, more established, more politically connected ethnic, religious, or racial groups (African-American and Jewish) in New York City when fighting to see or speak to your own children after 8 years of being illegally denied by these dominant groups for retaliatory reasons?

LIST OF PARTIES

All parties do not appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows: Abigail Reardon, Attorney Grievance Committee Chief; Remi Shea, Staff Attorney; Jorge Dopico, Chief Counsel; Ronald Acosta, Judge; Federal Bureau of Investigation, New York City Field Office; New York City Police Department.

RELATED CASES

Manchanda v. Shi Shi Wang, No. 23-CV-9403, U.S. District Court for the Southern District of New York. Judgment entered on Dec. 11, 2023.

In the Matter of Rahul Manchanda, No. 2023-05258,

Appellate Division for the Supreme Court of New York. Judgment entered on April 18, 2024.

Manchanda v Lane et al., No. 24-395, U.S. Court of Appeals, Second Circuit. Judgment entered on February 6, 2024.

Rahul Manchanda v Sharie Maes Kruzic Manon O'Buck, No 49367, New York County Family Court.

Rahul Manchanda v Sharie Maes Kruzic Manon O'Buck, No 176272, Westchester NY Family Court.

TABLE OF CONTENTS

Table of Contents

TABLE OF APPENDICES

TABLE OF CITED AUTHORITIES

Page

CASES

STATUTES AND RULES

CONSTITUTIONAL PROVISIONS

V. OPINIONS BELOW

The Opinion of the United States Court of Appeals appears at Appendix A to the petition beginning on page 1a and is not yet reported.

The Opinion of the United States District Court dated February 1, 2024, appears at Appendix B to the petition beginning on page 5a and is not yet reported.

The Opinion of the United States District Court dated December 23, 2023, appears at Appendix C to the petition beginning on page 43a and is not yet reported.

VI. JURISDICTION

The date on which the United States Court of Appeals decided my case was August 14, 2024, and no petition for rehearing was timely filed in my case. The jurisdiction of this Court is invoked under 28 U.S.C. § 1257, having timely filed this petition for a writ of certiorari within ninety days of the Judgment.

VII. CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The First Amendment to the United States Constitution provides, in relevant part: "Congress shall make no law. . . abridging the freedom of speech . . . or the right of the people to peaceably assemble." U.S. Const. amend I.

The Fourteenth Amendment to the United States Constitution provides, in relevant part: "[N]or shall any State deprive any person of life, liberty, or property, without due process of law. . .." U.S. Const. amend XIV.

VIII. STATEMENT OF THE CASE

1. Procedural Background

Petitioner brought a complaint that alleged nine causes of action related to the continued harassment, abuse of process, litigation, judicial corruption, and various other civil rights violations committed jointly by the Respondents. On December 22, 2023, the Court sua sponte dismissed the claims by the Petitioner that sought to initiate criminal prosecution and all claims against the United States. On January 2, 2024, the Court issued another order requesting the Petitioner to file a response outlining how the claims against the United States were legally viable, which was done. Petitioner included with his second response a judicial misconduct complaint against Judge John P. Cronan and requested recusal. Ultimately, the Court dismissed all the Petitoner's claims, both State and Federal, and denied the Petitioner leave to amend his Amended Complaint.

2. Direct Appeal

In an Appeal dated April 16, 2024, the Petitioner appealed the Judgment of the District Court and requested either a finding in favor of the Petitioner or for the Court to remand the case for a fair and impartial trial. The appeal outlined five separate issues presented for review. On August 14, 2024, the United States Court of Appeals for the Second Circuit dismissed the Petitioner's appeal, claiming that is "lacks an arguable basis either in law or in fact."

IX. REASONS FOR GRANTING THE WRIT

1. There is an arguable basis in law or in fact.

The US Court of Appeals for the Second Circuit indicated that the Petitioner's appeal "lacks an arguable basis either in law or in fact." (See Appendix A, page 2a).

"An appeal on a matter of law is frivolous where [none] of the legal points [are] arguable on their merits." *Anders v. California*, 386 U.S. 738, 87 S.Ct. 1396, 18 L.Ed.2d 493 (1967). Further, a complaint, containing as it does both factual allegations and legal conclusions, is frivolous where it lacks an arguable basis either in law or fact." *Neitzke v. Williams*, 490 U.S. 319, 325 (1989). 28 U.S.C. § 1915(d) authorizes federal courts to dismiss a claim filed in forma pauperis "if the allegation of poverty is untrue, or if satisfied that the action is frivolous or malicious." The Supreme Court has held that "Section 1915(d) ... authorizes courts to dismiss a 'frivolous or malicious' action, but there is little doubt they would have power to do so even in the absence of this statutory provision." *Mallard v. United States Dist. Court*, 490 U.S. 296, 307–08, 109 S.Ct. 1814, 1821, 104 L.Ed.2d 318 (1989).

Merely pointing out the facts observed firsthand through direct observation does not lack an arguable basis in either law or fact. Petitioner has over 25 years of experience as a litigant and a lawyer and has personally observed civil rights and human liberties violations by 99% predominantly certain dominant ethnic/religious/racial groups in New York City against less powerful, less politically connected, and less established racial, ethnic, or religious minorities in New York City. The complaint

outlined the specific targeting the Petitioner faced throughout his time practicing law by a variety of people in the legal community to include Judges, Magistrates, CPS workers, and other court personnel, all of whom had Jewish supervisors or bosses. It also outlined the frequent retaliation faced after the Petitioner made TV appearances, put on presentations, or at any point became vocal about his beliefs and opinions on foreign policy. This in itself presents an arguable basis in law and in fact. Additionally, the US Court of Appeals for the Second Circuit provided no actual reason or basis for its claim that the appeal lacked an arguable basis in law or in fact, thus abusing its discretion.

2. It is inappropriate for the Court to sanction a Lawyer for these reasons.

The US Court of Appeals for the Second Circuit indicated that the imposition of sanctions might be appropriate based on the Petitioner's litigation history (See Appendix A, page 2a).

The Court outlined their procedure for imposing leave-to-file sanctions in three stages. The first stage is when the Court notifies the litigant that the filing of future frivolous appeals, motions, or other papers could result in sanctions (See Appendix A, page 2a). Here, the Court has completed that notification; however, it is important to point out that the prior appeals, motions, and other papers that were filed were not in fact filed by the Petitioner himself, but many of them were filed by Petitioner's prior counsel, former employees, and retained counsel. The second stage is if the litigant continues to file frivolous appeals, motions or other papers, the Court orders the litigant to

show cause why a leave-to-file sanction order should not issue (See Appendix A, Page 2a). Here, there was not an additional frivolous appeal, motion, or other paper. There was a motion filed which outlined a serious of civil rights violation and a pattern of targeting that this Petitioner has experienced over the last few decades. Additionally, the Petitioner did provide a letter to the Court outlining the reasons that sanctions would not be appropriate. The third stage outlined by the Court is if the litigant fails to show why sanctions are not appropriate, the Court issues a sanctions order (See Appendix A, Page 2a). This is not applicable here as the Petitioner did effectively explain to the Court why sanctions were not appropriate.

It is inappropriate and improper to sanction a lawyer/ litigant who merely points out the obvious facts seen directly over 25 years of the state and federal courts discriminating and destroying Plaintiff-Appellant, his children, and his family by those 2 same dominant ethnic/racial groups in NYC, and for wanting Discovery thereon to prove his case. The Petitioner continuously gets summarily dismissed or threatened, mocked, humiliated, and intimidated for seeking out justice for himself, his children, and his family destroyed by these listed people and defendants. There is no legal basis for imposing sanctions on a lawyer and litigant who is attempting to shine a light on these issues, especially when those decisions are being made by the very same members of those oppressive groups. Additionally, when seeking justice in a civil rights case, the Petitioner must name the oppressive racial, ethnic, or religious makeup of the group and in this case, the mere act of doing so does not consist of making racist nor antisemitic comments as the Court indicates.

3. The Petitoner's Civil Right's Claims are not vexatious or clearly meritless and do not contain unnecessary antisemitic or racist statements.

The US Court of Appeals for the Second Circuit outlined a history of decisions that have instructed the Petitioner to not file vexatious or clearly meritless appeals (See Appendix A, Page 3a).

The Court has previously pointed out that "the term "meritless" is to be understood as meaning groundless or without foundation, rather than simply that the plaintiff has ultimately lost his case, and that the term "vexatious" in no way implies that the plaintiff's subjective bad faith is a necessary prerequisite to a fee award against him." *Christiansburg Garment Co. v. EEOC*, 434 U.S. 412, 422, 98 S.Ct. 694, 54 L.Ed.2d 648 (1978). To warrant sanctions for unreasonably protracting litigation, an attorney's actions must be both unreasonable and "vexatious," meaning without reasonable or probable cause or excuse, harassing, or annoying. *DR Distribs., LLC v. 21 Century Smoking, Inc.*, 513 F. Supp. 3d 839, 926 (N.D. Ill. 2021).

The Petitioner fundamentally disagree with this court and prior courts that Plaintiff-Appellant's civil rights claims defending himself, his children, and his family are somehow "vexatious or clearly meritless" simply because this court and previous ones have never allowed Plaintiff-Appellant to either receive an Answer to his claims, or Discovery thereon. Seeking justice in a civil rights case wherein one MUST name the oppressive racial, ethnic, or religious makeup is NOT "vexatious or meritless." Additionally, as outlined above, the claims in the original complaint brought by this Respondent were not without foundation or groundless.

The Court further indicated that they believed the current appeal to be frivolous and containing numerous anti-Semitic and racist statements, against their warnings (See Appendix A, Page 3a). It is not "racist" or "antisemitic" to point out the FACTS that 99% of Plaintiff-Appellant's oppressors in the family, state, and federal courts against his children, himself, and his family against him have either been Black or Jewish, usually with Jewish supervisors. The only legal and factual point of contention on the appeal heard by the US Court of Appeals for the Second Circuit was whether or not the court has jurisdiction, which is a material dispute of fact and law and should be litigated, not met with threats, harassment, intimidation, sanctions, mockery, humiliation, abuse, or insults. Again, seeking justice or litigating civil rights claims against more powerful, established, politically connected ethnic, racial or religious minorities in New York City is NOT "racist," "antisemitic," or "frivolous," simply because the judges who hail from those oppressive groups feel that way - otherwise there would be NO PROGRESS in this country when it comes to fighting or vindicating ones' own civil rights, human rights, for himself and his children.

X. CONCLUSION

For the foregoing reasons, I respectfully request that this Court issue a writ of certiorari to review the Judgement of the United States Court of Appeals for the Second Circuit.

Respectfully submitted,

RAHUL MANCHANDA, ESQ.
Counsel of Record
125 Park Avenue, 25th Floor
New York, New York 10017
(212) 986-8600
rdm@manchanda-law.com

Counsel for Petitioner

September 10, 2024