

FILED
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OFFICE OF THE CLERK
SUPREME COURT, U.S.

No. 24-466

In the Supreme Court of the United States

Vikramkumar Shah

Pro Se-plaintiff

v.

Novelis

Respondent

ORIGINAL

*ON PETITION FOR A WRIT OF CERTIORARI
TO THE US COURT OF APPEALS -FIFTH CIRCUIT*

PETITION FOR A WRIT OF CERTIORARI

Vikramkumar J Shah (Pro Se)

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QUESTIONS PRESENTED

- 1) How will this court address the issue of huge discriminations against Pro Se by the district court & respondents in this and related two civil lawsuits where the same defendants were involved in US and in India?

PARTIES TO THE PROCEEDING

Petitioner is Vikramkumar J Shah – a Pro Se litigant

Respondents are Dr. Santrupt Misra, Roger Desouza, Jagrat Mankad, H R Shashikant, and Novelis (Aditya Birla Group), Aditya Birla Management Corporation, Novelis, Atlanta, US a part of Aditya Birla Group and Aditya Management Corporation is the overall corporate body of the Aditya Birla Group located in Mumbai, India. There is no appellee from respondents for appellate court.

RELATED PROCEEDINGS

UNITED STATES DISTRICT COURT -EASTERN DIVISION OF TEXAS

Shah v Novelis; Number :22-cv-00089(FEB 8, 2022)

UNITED STATES COURT OF APPEALS -FIFTH CIRCUIT

Shah v Novelis: Number: 23-40231(Jan 30,2024)

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APPENDIX

APPENDIX-A · Judgement of the US court of Appeals ·Fifth Circuit on January 30, 2024

APPENDIX-B – Opinion of the District Court, Eastern Division of Texas on April 23,2024 in 23-40231

APPENDIX-C – Denial of Panel Rehearing on June 5,2024

TABLE OF AUTHORITIES

1. Mumbai (Bombay) High Court, Mumbai, India; Shah v/s Aditya Birla Management Corporation(Aditya Birla Group's Corporate body)
2. Paul Brown United States Court, Sherman district court, Texas; Shah v. Plano ISD (Conspiracy by respondents)
3. Paul Brown United States Court
Sherman district court, Texas;
Shah v. Novelis (Aditya Birla Group company)

JURISDICTION

The US Court of Appeals·Fifth Circuit entered judgement on January 30, 2024. The petition seeks review of the order dated April 23,2024 by the Fifth Circuit Court of Appeals in No. 23-40231 for which a timely petition for rehearing was denied on June 5, 2024.

OPINIONS BELOW

The opinion of the district court is attached as Appendix B and the court denying panel rearing is attached as Annexure -C.

INTRODUCTION

The Pro Se raised complaints against his biased manager - a Senior Vice President—regarding numerous Value violations that occurred during his employment at a corporate entity in Mumbai (Bombay).

After 15 years of dedicated service, the Pro Se was compelled to resign. This decision was precipitated by the humiliating remarks made about his disabilities by his corrupt manager and their superior. They believed that the Pro Se's complaint about Value violations and the ensuing discussions in a professional meeting had damaged their reputations within the company. These discussions had taken place in the presence of the corporate HR head, who was convinced of the validity of the Pro Se's claims regarding improper software purchases and harassment, among other Value violations. However, the corrupt manager and the CEO ignored her concerns and ordered the Pro Se's termination instead.

When the Pro Se finally approached the Group HR head, who also served as the Group CEO, seeking a review of his unlawful termination filled with insults and derogatory comments about his disability, he was met with dismissiveness. The Group CEO defended his top management team, claiming there was no evidence to support the Pro Se's complaints. When the Pro Se informed him that he had recorded evidence of the Value violations discussions that adversely affected his performance and contributed to his wrongful termination, as well as relevant documents to support his claims, the Group CEO suggested that he take the matter to court.

The following day, the Pro Se's manager, along with the Group HR head and the CEO of the research division, reacted violently to the challenge to their integrity posed by the Pro Se's recorded evidence. They instigated extensive cyberattacks and ransomware assaults targeting the Pro Se and his family members from 2014 until this case was completely dismissed, leveraging their connections with the telecom giant Vodafone Idea.

CONSTITUTIONAL, STATUTORY AND REGULATORY PROVISIONS
INVOLVED

US LAWS

- 1)The CFAA 18 U.S.C .1030;
- 2)18 U.S.C. § 2702;
- 3)18 U.S.C. § 1028, CFAA;
- 4)18 U.S.C. § 1030(a)(5)(A)CFAA;
- 5)18 U.S.C. § 1030(a)(5)(A);
- 6)18 U.S.C. § 1343;
- 7)Title VII of the Civil Rights Act of 1991 (Title VII)
- 8) Americans with disabilities act of 1990

INDIAN LAWS

The Personal Data Protection Bill, India, 2019: Persons with Disabilities (PwD) [Equal Opportunities, Protection of Rights and Full Participation] Act, 1995, Safeguards rights of persons with disabilities in India, at the workplace and otherwise.

- Section 24A guarantees no discrimination in employment, India.
- Section 24C provides for prohibition of discrimination in promotion owing to disabilities, India.
- Section 24D focuses on equal opportunity policies, India.

- Section 43A of the Information Technology (Amendment) Act, India

STATEMENT

The US Court of Appeals-Fifth Circuit entered judgement on January 30, 2024. The petition seeks review of the order dated April 23, 2024 by the Fifth Circuit Court of Appeals in No. 23-40231 for which a timely petition for rehearing was denied on June 5, 2024.

Vikramkumar Shah's original brief to the US court of Appeals presented one main issue:

- The award of full miscellaneous relief with additional penalties due to the reasons outlined in the brief to the US Court of Appeals-Fifth Circuit and complete reversal of the district court's judgment in light of transparent discrimination against Pro Se by the federal magistrate judge committing frauds, which resulted in dismissal of the case.
- There is no appellee in the US court of Appeals-Fifth Circuit and in this court.
- The case against Plano Independent School District (Plano ISD, Plano, TX) has been previously adjudicated in the same court, where the chief investigator of Child Protection Services, Dallas had closed the case filed by

Plano ISD with remarks of no child sexual abuse and had dismissed the case, & where the same defendants were found to have engaged in a conspiracy and suspected of giving hefty bribery to the judiciary to do fraud to lose the case. In that case, Shah accused the same defendants of conspiring to falsely accuse him of child sexual abuse following his filing a lawsuit in Mumbai (Bombay) High Court, India. The attorneys got the video evidence altered, denied arranging subpoena for the CPS investigator & psychiatrist, Pro Se's attorney demanded 160% extra unreasonable sum of money over and above the contract terms that appeared like extortion, besides took disadvantage of worsening mental health of Pro Se by making him sign for bankruptcy under the influence of Novelis . It was reported to the State Bar of Texas and to the Ombudsman of Texas requesting to bring the matter before the Supreme Court of Texas to bring about changes in disciplinary system.

- The lawsuit filed in Mumbai (Bombay) High Court, India is directly related to this case,& was reported in this lawsuit when it was filed, as it alleges that significant bribery occurred to dismiss that case without Pro Se's notarized consent, just a day after losing the case against Plano ISD where same defendants, the CEO of Novelis did conspiracy against Pro Se to trap him through Plano ISD's VP -HR and a teacher through hackers and antisocial elements.
- In reality, it was exceedingly difficult to defend a whistleblower lawsuit with complaints of corruption, conspiracy in Plano ISD, discrimination against Pro

Se, & huge cybercrime, filed in Bombay High Court. Hence the principal high profile defendant got the lawsuit dismissed by frauds & hefty bribery through judiciary people at all levels including the Bar Council, High Court judge, and influencing High Court adjudicator in Mumbai, India.

- This illegal dismissal of the case besides the attorney destroying all original legal evidence of cybercrime, police reports, extorting and causing huge financial damage caused severe mental defilement and major depression. Despite filing complaints at all the higher levels in India except the Supreme Court of India, no justice was obtained due to the widespread bribery culture within the Indian judiciary. Pro Se had filed a lawsuit against the defendants in Mumbai (Bombay) High Court, India after coming to US as they continued damages by ransomware attacks, huge cybercrimes, nonstop cyberbullying, huge number of phishing emails, huge sexual abuses for a long time from their cellular giant Vodafone Idea cellular, abusing female members of the home over telephone from their call centers, dangerous conspiracy in Plano ISD job by identity theft, misusing the powers of HR causing adverse background, causing loss of all jobs by adverse background creation and conspiracies through hackers till this case was filed.. This caused huge mental defilement, bipolar psychosis, and post-traumatic stress disorders (PTSD), frequent visits to Psychiatrists, Endocrinologists, two hospitalizations, even was forced to commit suicide at one point of time and is on police record. Psychiatrists and psychologists opined legal action and

supported Pro Se file police complaint and complaint to cyber cell, helped with resources, did continuous counseling, prescribing antipsychotic drugs for bipolar psychosis, & antidepressant drugs.

- Huge ransomware attacks on Pro Se and his family caused loss of admission for children for higher education to their doctorate and master's degree programs after Pro Se and his family immigrated to US legally in April 2015, and it caused rift in the family, for Pro Se insisting to live by Values. Pro Se requested defendants to pay for the damages, but they asked Pro Se to go to court and tortured him.
- Pro Se was denied basic right to live peacefully due to intense cyberbullying on a daily basis for over a decade, from India's call centers of the Group.
- The hatred was for Pro Se's whistleblowing against corporate body's top officials engaged in corruption, violating patent laws, Pro Se's opposing illicit transfer of data from another software and reporting manager's mentioning untrue savings to higher management, other Value violations, and his reporting significant bias of his manager to the Value committee member, discrimination against disabilities, denying Pro Se to file his patent and harassments in the corporate job although he brought highest profits on the table, where he was a departmental head. Pro Se was forced to resign by his manager.

- Pro Se began his own consulting firm and there also the defendants caused damage by cybercrime and caused significant loss as their customers had started taking Pro Se's services,
- Novelis did a fraud with Texas Workforce Commission (TWC) to get rid of mediation ordered by TWC for huge retaliations by cybercrime causing damages and discriminating against Pro Se in two related lawsuits, by backdating in the Gmail by doing a cyberfraud, and provided untrue position statement to prove that they invited Pro Se for a job & he did not attend it. The TWC could not investigate further into cyberfraud and allowed Pro Se to sue.
- Pro Se timely filed the case on February 8, 2022, in courthouse, Plano, TX. Jurisdiction was confirmed, with a *different* federal magistrate judge being initially assigned.
- The courthouse, Plano, TX provided Shah with a letter instructing him to wait until the court asks him to serve the summons and the court provides Pro Se guidelines for service of summons at the time of filing.
- Shah had observed the federal magistrate judge's bias in a related lawsuit against Plano ISD where she was a mediation judge. The federal magistrate judge deliberately accepted the case from originally assigned federal magistrate judge although there was a conflict of interest, allegedly due to personal stake. Pro Se and his family were concerned ever since she took over the case.

- Shah's appeal for in forma pauperis status was exceedingly delayed and then treated moot, as Pro Se was forced to pay court fees.
- The magistrate judge denied the request for one year extension to hire digital forensic experts to investigate ongoing cyberfraud and swindles by the defendants, even after filing this lawsuit.
- Instead of sending a notice to serve summons and Pro Se guidelines, the magistrate judge sent an impending dismissal notice after first sixty days of filing the massive lawsuit. When Shah inquired with the courthouse, Plano, TX, as he was supposed to wait till court asks him to serve the summons, he was again told to wait for the court's instruction for a notice to serve summons with Pro Se guidelines.
- He requested the defendant's attorney to provide her address, email and contact information via a certified mail twice, but there was no response.
- In absence of getting the packet containing Pro Se guidelines and notice to serve the summons, not knowing anything about summons process and its requirements, and not getting any communications regarding formalities for the service of summons from the court, Shah requested the courthouse, Plano, TX to serve the summons via a certified mail providing the corporate address of Novelis, and the address of overseas defendants on September 27, 2022. The court denied this request to serve summons on October 26, 2022.

- Pro Se kept waiting for notice to serve summons with Pro Se guidelines from the court, which he did not get anytime in thirteen months from the time of filing till the case was closed.
- Pro Se has major depression disorder and has developed early dementia due to huge cyberbullying for a long time. It is the court's responsibility to provide Pro Se guidelines alongside notice to serve summons just like this Supreme Court provided complete written Pro Se guidelines to Pro Se for a petition for writ of certiorari.
- Pro Se had then finally decided to serve the summons waiver in absence of getting Pro Se guidelines and notice to serve summons, on November 11, 2022, to all defendants and notified the court about the request for service of summons waiver at their corporate address in Atlanta, GA, via a certified mail and serving summons waiver request to overseas defendants by FEDEX, where the Texas Workforce Commission served them with a chargesheet.
- The court and the defendants did not raise the issue of improper service of summons waiver.
- The federal magistrate judge did not correct the address to serve the summons when Pro Se sent the corporate address of the company -Novelis to her in order to serve the summons and address of overseas defendants to the federal magistrate judge. She needed to provide Pro Se guidelines or inform him to serve to the agent of the company. Pro Se pleads first time as a Pro Se.

- Then the magistrate judge committed a huge transparent fraud, in sending the notice to serve the summons on November 16, 2022, to an *insufficient address* WITHOUT Pro Se guidelines even after eleven months of filing the case.
- Besides, the court never retried sending the notice to serve summons with Pro Se guidelines to his correct address on file deliberately although the federal magistrate judge knew the mail returned undelivered on January 23, 2023, due to insufficient address.
- Upon investigating, the postmaster, Tukwila, WA confirmed that the court had omitted Shah's apartment number, made their remarks on the envelope by a removable sticker on the address, causing the ordinary first class mail to be returned as undeliverable on November 28, 2022. The undelivered envelope was returned on January 23, 2023, after fifty five days from Tukwila ,WA post office! The court destroyed the envelope. It requires investigation as it appears fraudulent.
- Pro Se proactively got the notice to serve summons from the court clerk on February 3, 2023, on his own as three months after summons waiver to overseas defendants was getting over on February 16, 2023. The court misled saying that the court clerk sent a second notice to serve the summons via email on in its opinion. In reality, Pro Se had obtained summons to serve on his own from the court clerk via email. The magistrate judge did not do so, as she had already committed fraud.

- Pro Se did all communications with the court clerk via email giving address of Novelis corporate and overseas defendants between January 28, 2023, to February 3, 2023, correcting mistakes in the issue of summons before it was issued via email with the input of court clerk. The information of Pro Se's mobile number and email were already provided to the court when the case was filed. The magistrate judge did not use it.
- Pro Se served summons with a copy of the complaint via emails to all overseas defendants on February 5, 2023, in absence of Pro Se guidelines.
- Pro Se got summons served with a copy of the complaint to company's corporate address for attorney and Novelis HR head via highly responsible process server on February 6, 2023, that remained unexecuted, but Pro Se circulated an audio-video recording of the process server's visit with his remarks to defendants' email address on February 6, 2023; Pro Se also served summons via FEDEX to overseas defendants on February 6, 2023, and requested Novelis again to provide attorney contact details on February 6, 2023, to serve summons, via a certified mail. He resent the notice of summons with a copy of complaints to all defendants and the attorney on February 22, 2023, and February 23, 2023, via email requesting the defendant attorney where she would like to be served by the process server and also by another certified mail to defendant attorney on February 23, 2023, sending the copy of the summons with a copy of the complaint to the Novelis corporate address, on February 23, 2023. The attorney blocked Pro

Se for email communications on February 24, 2023. The attorney did not return the acknowledgement of the service of summons till the case was closed permanently!

- The opinion of the court about address remarks is untrue as Pro Se did send finally corrected address on June 21, 2022, as per the docket sheet and thereafter the court did send two mails on October 19, 2022, and October 26, 2022, to the correct address of Pro Se before the federal magistrate judge committed the fraud in sending the mail to serve the summons on November 16, 2022 without attaching Pro Se guidelines.
- The magistrate judge deliberately asked Pro Se to submit proof of service of summons on February 21, 2023, within eighteen days of Pro Se arranging the notice to serve the summons, & her planning to dismiss the case when serving of summons was going on during the band of twenty-one days as she committed a fraud & on other side, the defendant attorney sent the acknowledgement of the service of summons served on March 18, 2023 after the case was closed on March 13, 2023!!!
- Pro Se immediately informed the US court of Appeals Fifth Circuit for his serious concerns about fraud and possibility of hefty bribery when he got the summons served, he did not delay, never got Pro Se guidelines, and notice to serve summons and still the magistrate judge planning to dismiss the case on February 21, 2023.

- The opinion of the court seems incomplete, misleading, and untrue as it is not clear that the magistrate judge in that case of Thrasher v. city of Amarillo had not sent the notice to serve summons and Pro Se guidelines and had not committed fraud like in this case.
- Pro Se immediately filed a petition to continue or reinstate the case within the time frame and informed the US court of Appeals-Fifth Circuit too. The US court of Appeals- Fifth Circuit informed Pro Se by mail that the case will be continued as it was timely filed, but the federal magistrate judge denied continuing the case due to her personal stake and her committing a fraud, disobeyed the norms of US court of appeals – Fifth Circuit. Shortly thereafter, the court even dismissed the case involving very high-profile defendants without prejudice on March 13, 2023, and closed the case, without informing Pro Se, with argument of improper service of summons, when the federal magistrate judge had already committed a fraud. The US court of Appeals-Fifth Circuit dismissed the federal magistrate judge from federal court on October 3, 2023. This, in turn resulted in removal of the principal overseas defendant - the highest authority of the Group involved in bribing all the judiciaries on November 2023. The circuit judge Aileen Goldman ordered miscellaneous relief on January 30, 2024.
- The docket sheet does not indicate that the defendants complained about improper service of summons to the court or informed Pro Se. There is no

record in the docket of any communication from the defendant's attorney with the court and/or Pro Se in thirteen months of the life of the lawsuit.

- Pro Se sent seventeen certified mails to the court, eleven certified mails to defendant Novelis, three mails to the staff commission, TX, four mails to the US court of appeals and two FEDEX mails to overseas defendants. Pro Se never delayed.
- The dismissal of the case deliberately with prejudice when the magistrate judge committed fraud is profoundly serious, and it is a transparent discrimination against Pro Se. Pro Se suspects hefty bribery as it was a match fixing, similar to two related lawsuits.
- Pro Se has lost precious eleven years in legal battles with no success and lost the very life, lost heavily besides whole family got tortures at no fault.
- Pro Se believes this case dismissal without prejudice and still closing it permanently is inconsistent with the facts when actually Pro Se never delayed, the district court judge did not exercise due diligence, and the magistrate judge has committed fraud.
- The court's arguments in its opinion why the court dismissed and did not allow reinstating or continuing the case are invalid, as the magistrate judge had already committed fraud by not sending Pro Se guidelines and notice to serve the summons and later sending it to an insufficient address and never retried sending it. Also, she did not reinstate the case as high profile defendants were involved.

- The Pro Se learnt about the actual frauds after the case was closed when he requested the docket sheet from the court clerk. He then ran a motion to e-file on March 7, 2023, which the court took exceedingly long time of over three months to approve!
- The court arguing that Pro Se did not mention his claims for cybercrime in this case as per US and Indian laws is untrue as it was very much mentioned in detail in this and related lawsuits with monetary demand for causing mental illness and tortures by cyberbullying and crimes. It is a civil lawsuit where defendants are same, and they are liable for settling all the claims in all the three cases with hefty penalties in such a case involving decade long cybercrime, frauds, and dangerous conspiracies to get rid of jail terms by bribing the judiciaries.
- The detailed report of the circuit magistrate judge Aileen Goldman dated January 30, 2024, will throw better light from legal parlance.
- The circuit judges did not change their decision.
- The court denied panel rehearing on June 5, 2024.
- The magistrate judge sent the dismissal letters without prejudice and finally dismissing it forever via certified mail requiring Pro Se to sign personally at the post office, while sending the notice to serve summons without Pro Se guidelines via regular first-class mail to an insufficient address! The court destroyed the envelope that was returned although the complaint was filed against the magistrate judge to the US court of Appeals – Fifth Circuit

deliberately to delete the proof of the date it returned to the court. It is rare that mail takes fifty five days within the US.

- Due to Pro Se's complaint to the US Court of Appeals- Fifth Circuit, Novelis got Pro Se's email compromised later from dark web by unauthorized access & deleted email for the proof of service of summons to the attorney on 04/2023 and 05/2023 after case was closed and committed a serious crime, as per findings of three digital forensic experts, Pro Se had hired.
- The defendants having their large cellular company Vodafone Idea cellular, then allegedly executed a massive ransomware attack finally, it seems, in a desperate move, through Russian hackers on April 21,2024 and April 22, 2024, on servers and computers on a small company, Chemithon Corporation, in Seattle, WA, a day before the court gave its opinion on April 23, 2024 where Pro Se took up an assignment, causing huge losses, deleted all the emails of Pro Se for last over two and half years including the email for the notice of court opinion and all previous communications with the US court of appeals and business emails, stole legal & other sensitive technical information, demanded huge ransom, besides got hacked the Dropbox server where Pro Se saved copy of legal documents, just before the court filed their opinion on April 23, 2024. The company's IT manager complained to FBI, Seattle. Pro Se and his wife too personally visited FBI, Seattle and lodged a complaint about the huge loss of legal and other documents from Pro Se's email and laptop stored since last three years, provided lead, expressed

suspicion on the defendants getting it done due to the lawsuit against Novelis. Pro Se informed FBI, Seattle of an investigation of suspected hefty bribery in this and related lawsuits. The FBI, Seattle learnt about the dismissal of the magistrate judge from the documents provided, but still needs court order to do investigate into bribery in this and related lawsuits.

- Fortunately, Pro Se had provided his two email addresses for communications with the US Court of Appeals anticipating such cybercrime, enabling him to get the communications from the US court of Appeals -Fifth Circuit to his both emails (personal and official) and do filing when the court filed their opinion to the US court of appeals. Otherwise, he could never proceed further, and case would have been concluded in favor of the district court! It is a very serious crime.
 - The magistrate judge remained biased as she even denied paying the process server fees, claiming Pro Se did not provide proof of service of summons waiver on time, which was impossible as he did not receive it from defendants till the case was dismissed. It was then sent to court on March 3,2024.
 - All the district court's arguments have no value given the magistrate judge's frauds and discriminating against Pro Se due to personal stake and going ahead dismissing the case with prejudice against US court of Appeals decision to continue the case.
-

REASON FOR GRANTING THE PETITION

- A. This court should resolve the conflicting issues in service of summons for a Pro Se plaintiff and fraud committed by the magistrate judge.
- B. This court should review high possibilities of hefty bribes to judiciary people in all the three lawsuits filed against high profile corporate officials for huge discriminations, conspiracies and retaliations (two lawsuits in United States and one lawsuit in Mumbai(Bombay) High Court, India)
- C. The district court's opinion contradicts the decision of the U.S. Court of Appeals and appears to be an attempt to obscure the misconduct of the magistrate judge.
- D. The district court's opinion contains misleading and false information that appears to cover up the misconduct of the magistrate judge

CONCLUSION

Pro Se prays for the petition for a writ of certiorari to be granted.

Respectfully submitted,

Pro Se plaintiff

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