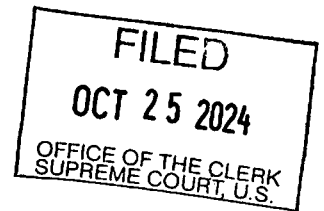


No. 24-5912



IN THE
SUPREME COURT OF THE UNITED STATES

David C. LeHieri — PETITIONER
(Your Name)

Paul E. Bonanno vs.
Lawrence Joseph Vitaro — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Second Circuit Ct appeals
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David C. LeHieri
(Your Name)

PO Box 879
(Address)

ayer MA 10422
(City, State, Zip Code)

(Phone Number)

Questions
Case#23-cv-6515

Issue Absoulte Immunity

1. Is absolute immunity a right?
2. Can abuse of process be dismissed by an immunity defense?
3. Can procutors and judges create fabricated evidence?
4. Can immunity be granted for a case that isnt in the judical jurisdiction?
5. Can more then one prosctor be granted absolute immunity?
6. Is assignment of cases a judical role or administrive function
7. What can be consurded as prejudice?
8. Does the right to beheard under due process mean when a judge feels like it?
9. Is Title 28 United States Code 1915 unconstuntional?
10. Is Title 28 United States Code 1915A unconstuntional?
11. What is constsuruted as friviolous?
12. Is Neitze v Williams, 490 U.S. 319 correct?
- 13 Does the respondants Lawrence Joseph Vilaro and Paul E. Bonanno have jurisdiction in other states like Utah, Montana, or Idaho?

LIST OF PARTIES

- ☒ All parties appear in the caption of the case on the cover page.
- ☐ 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:

RELATED CASES

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APPENDIX F	Cook v Sheldon, 41 F.3d 73
appendix G	Bradley v Fisher, 80 U.S. 335
appendix H	Stump v Sparkman, 98 S.Ct. 1099
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STATUTES AND RULES

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OTHER

absolute immunity

IN THE
SUPREME COURT OF THE UNITED STATES

PETITION FOR WRIT OF CERTIORARI

Petitioner respectfully prays that a writ of certiorari issue to review the judgment below.

OPINIONS BELOW

☒ For cases from **federal courts**:

The opinion of the United States court of appeals appears at Appendix A to the petition and is

☐ reported at _____; or,
☒ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the United States district court appears at Appendix B to the petition and is

☒ reported at 2023 U.S. Dist. Ct. 232895; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

☐ For cases from **state courts**:

The opinion of the highest state court to review the merits appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

The opinion of the _____ court appears at Appendix _____ to the petition and is

☐ reported at _____; or,
☐ has been designated for publication but is not yet reported; or,
☐ is unpublished.

JURISDICTION

☒ For cases from federal courts:

The date on which the United States Court of Appeals decided my case was _____.

☐ No petition for rehearing was timely filed in my case.

☒ A timely petition for rehearing was denied by the United States Court of Appeals on the following date: August 15, 2024, and a copy of the order denying rehearing appears at Appendix C.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

☐ For cases from state courts:

The date on which the highest state court decided my case was _____.
A copy of that decision appears at Appendix _____.

☐ A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

☐ An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. A.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

Statement of the Case

This stems from a person named "Leaf Liedt" in which falls under fabrication of evidence since Paul E. Bonanno had admitted to being a make believe person. There has been many times in which the petitioner had invoked constitutional rights in which had been denied like the right to confront a witness. It seems the person had gone from Utah, to Idaho, then lastly to Montana in which had been more than needed. There is no criminal charges filed against the "imagary" person named "Leaf Liedt." In which Paul E. Bonanno and Lawrence Joseph Vilardo only have jurisdiction in the Western District of New York. In which for Lawrence Joseph Vilardo would make it an "Absense of all jurisdiction in another district let alone another state."

Then the issue with Lawrence Joseph Vilardo is an administrative matter in which the Supreme Court has stated in *Antoine v. Byers & Anderson Inc.*, 508 U.S. 429 states judges are not entitled to absolute immunity on administrative functions. The assignment of a case is purely administrative and since these two, Paul E. Bonanno and Lawrence Joseph Vilardo are in a Racketeering Influence Crime Organization in which all cases that don't have Lawrence Joseph Vilardo as the defendant then it gets assigned to him in which gets dismissed on a prejudice and sometimes meritless ruling to where it is more of a problem when if five cases are filed at the same time Lawrence Joseph Vilardo will be assigned for some reason to all five which isn't random. Also will slow down the fact of the main lawsuit that is filed which no civil judgments means there isn't a case to where he gets it throw out.

Now the Chief Judge Elisabeth A. Wolford has claimed they are entitled to "Absolute immunity" because of the positions they have. The Chief Judge cites quite a few Supreme Court cases to claim that because they were a prosecutor and the judge they have such immunity.

One Problem is Paul E. Bonanno wasn't the first attorney to prosecute the case that is claimed. Meagan A. Toskiah was the one and was never removed. Which mind you the case dealt with someone named Alisha Buette not "Leaf Liedt."

So the question really becomes how does a person that isn't the prosecutor have immunity when not advocate for the government?

The cases cited are not really for this type of matter. *Imbler v. Pachtman*, 424 U.S. 409, the cases revolve around the lead attorney. In which there was no other attorney for the government.

Imbler does state that absolute immunity is only for the actions within the immunity, which claiming a charge imaginary person and not charging which claiming false facts can be outside the scope. It comes to being fabricated evidence.

The Issue though becomes does the procutor have immunity from an abuse of process since that tort requires bad faith? In New York State Abuse of process is to compel a proceeding criminal or civil, with intent to do harm without excuse or justification and in order to obtain a collateral objective that is outside the legitimate ends of the process.

So how can someone get immunity when abuse of process is designed to defeat immunity. It like claiming a person can file charges against someone whether it was true or not and just the person in jail till there isn't any choice but to drop the charge then claim immunity even though it is clear there was an improper motive and objective, like a conspricy.

In the present case by creating an imagery person without any type of "jursidition," or even a charge is showing an improper motive to damage a person reputation and to violate a constitutional right.

As for the next supreme court case Bradley v Fisher, 80 U.S. 335. It is about an order being as a judicial function. It also states that it has to be in the judicial acts performed. The assignments of a case is a law and Title 28 United States Code 144 states that when a judge is bias or prejudice they have to be removed. There are many times where the petitioner had invoked Federal Rule of Evidence 605 which bars Lawrence Joseph Vilardo from a case since he is considered a witness but he claims its irrelellant since the action be dismissed and doesn't need to be reassigned. This problem is actions in the judicial acts which because its the assignment issue it acts in the administrive acts which has no immunity under the judicial doctrine.

The petitioner has had hasn't gotten decisions that are still pending, which be offer a year and mail that neller is sent on stuff that would be appealable, which the second circuit is starting to do such also. Another funfact is Lawrence Joseph Vilardo had created an order that makes this case in his fallor which is against the law.

The next case is Stump v Sparkman, 435 U.S. 349 which is similar to what the premise of Bradley v Fisher, 80 U.S. 335. But that was in ruling and a case of the person which has a decision. There is no criminal case of "Leaf Liede" in which are no rulings that Lawrence Joseph Vilardo had made so in essence this case isnt much to claim why immunity should be granted. It also question about if there was jursidition, which both of them have no jurisdiction in the matter.

The Second Circuit had a similar case which is Maestri v Jutkofshy, 860 F.2d 50. It talks about how the judge that is a town judge has only jurisdiction in the town that he was elected in and no other town which the second circuit states, "For a Judge

to assume authority outside the geographic bounds of his office was the kind of clear judicial usurpation which could not condoned by any grant of immunity." It like now does Lawrence Joseph Vilardo have jurisdiction in Utah, Montana, or Idaho?

The other case is Mireles v Waco, 502 U.S. 9 which is about the same matter of an order and since creating fabrication of evidence isn't an order nor administrative function that can be granted for immunity. In Mireles v Waco it states that nonjudicial action, that is actions not taken in the judge's judicial capacity can't be granted immunity. So it was asked about the criminal charge that be from "Leaf Lied" in which there wasn't an answer back.

The petitioner is also raising an issue of the ruling to Neitz v Williams, 490 U.S. 319, since it claim is "Lack an arguable basis either in law or in fact." This is in the petitioner eye's just a way to dismiss a case if a judge doesn't want to be bothered by it. The issue Chief Judge Elisabeth A Wolford had claimed when the petitioner stated about abuse of process is that it not overcome by the "absolute Immunity," doctrine which is the issue at hand and claims Neitz v Williams along with the second circuit since it believe to not have an arguable basis either in law or fact. So the standards of what can be frivolous can be lead more in a prejudice matter. The question becomes how it can become baseless when immunity is giving like a right.

Neitz v Williams does state that a finding of a complaint fails to state a claim upon which relief can be granted does not mean that the claim is without arguable merit; not all unsuccessful claims are frivolous which in all fairness abuse of process can't be "frivolous" and such claim does go against the petitioners due process.

Which in Mullane v Central Hanover B. T. Co. 339 U.S. 306 states the petitioner has a right to be heard and Mathews v Eldridge, 424 U.S. 319 states there should be at least a hearing on the record to as why there are findings for such. This in a way question the structure of Title 28 United States Code 1915 and Title 28 United States Code 1915A. It is claimed to be an effect means to screen for and dismiss legally insufficient claims.

The problem comes does it have a mean to just have a means to dismiss a complaint for a judges needs. It can be used for a way to have a favor done for a friend? Since the issue is immunity and if it overturn there be another attempt to dismiss but since abuse of process is a state tort and that federal agents can only be sued in federal jurisdiction it may come to this court for such.

Thank you,

David C. Lettieri
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Constitutional and Statutory Provisions Involved
Case 23-cv-6515

1. Title 28 United States Code 1915
2. Title 28 United States Code 1915A
3. Title 28 United States Code 144
4. Title 28 United States Code 137
5. Due Process
6. Federal Rule of Evidence 605

Reasons for granting the petition 23-cv-6515

1. Because of the judicial doctrine of absolute immunity there needs to be a more clearer way of when to apply such since abuse of process is more of a design to combat bad faith matters.
2. Then there is the issue of thinking a Title grants the defense is a question to have since there where three prosecutors.
3. Also what is construed as Frivolous? Since it has been more of an opinion of a person then applying law.
4. Does a federal judge and prosecutor have jurisdiction in other state that needs to be clarified.
5. The standards of Mathew v Eldridge, 339 U.S. 306 needs to have more clarity on standards for hearing under the due process clause since Title 28 United States Code 1915 and Title 28 United States Code 1915A makes it an unconstitutional law.
5. Does a prosecutor and judge have immunity to fabric evidence, would need to be answer, along with if assignment of cases are judicial or administrative. What are the standards for a prejudice judge needs to be define.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



Date: October 1st, 2024