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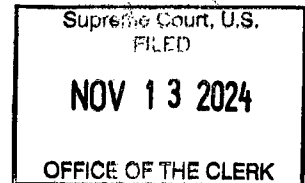
ORIGINAL

in the **Supreme Court of the United States**

AARON ABADI,

Petitioner,

v.



JOSEPH R. BIDEN, in his official capacity as President of the United States of America; **THE UNITED STATES OF AMERICA; MERRICK BRIAN GARLAND**, in his official Capacity as Attorney General of the United States of America; **UNITED STATES DEPARTMENT OF JUSTICE; ALEJANDRO MAYORKAS**, Secretary of the United States Department of Homeland Security, in his official capacity; **UNITED STATES DEPARTMENT OF HOMELAND SECURITY; TROY MILLER**, Acting Commissioner of U.S. Customs and Border Protection, in his official capacity; **U.S. CUSTOMS AND BORDER PROTECTION; PATRICK J. LECHLEITNER**, Deputy Director of U.S. Immigration and Customs Enforcement, in his official capacity; **U.S. IMMIGRATION AND CUSTOMS ENFORCEMENT; UR M. JADDOU**, Director of U.S. Citizenship and Immigration Services, in her official capacity; **U.S. CITIZENSHIP AND IMMIGRATION SERVICES, THE CITY OF NEW YORK, AND ERIC ADAMS**, Mayor of New York City, in his official capacity,

Respondents.

On petition for writ of certiorari to review a decision by the U.S. SECOND CIRCUIT COURT OF APPEALS, affirming the UNITED STATES DISTRICT COURT for the Southern District of New York decision to dismiss the Complaint.

PETITION FOR WRIT OF CERTIORARI

Petitioner:

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QUESTIONS PRESENTED

1. Does a plaintiff have standing when they allege personal, concrete injuries stemming from government policies, even when such policies cause widely shared harms to the public?

2. Does the political question doctrine preclude judicial review when a plaintiff challenges an executive policy as inconsistent with statutory mandates rather than as a discretionary matter of policy?

3. Can nominal damages, as outlined in *Uzuegbunam v. Preczewski*, suffice to establish standing when a plaintiff alleges a constitutional or statutory injury with primarily psychological and emotional consequences?

4. Are indigent, pro se litigants entitled to a reasoned explanation in appeal dismissals to ensure equal access to justice, even when the court determines a case lacks arguable merit?

I. PARTIES TO THE PROCEEDING

The parties to this proceeding are all listed above:

II. CORPORATE DISCLOSURE STATEMENT

Plaintiff/Petitioner is a pro se litigant, and not a corporation.

III. STATEMENT OF RELATED PROCEEDINGS

This petition was brought due to the decision by the Second Circuit Court of Appeals in the case Abadi v. Biden et al, Case: 24-1951, DktEntry: 18.1 - Date Filed: 11/08/2024. (Appendix Page 1a).

That Appeal was of a case in the lower court, the UNITED STATES DISTRICT COURT FOR THE SOUTHERN DISTRICT OF NEW YORK, that was dismissed by the judge; Abadi v. Biden et al. District Court Case No. 1: 23-cv-8440-LTS, (Document 7, Filed 11/06/23) (Appendix Page 2a). This was followed by a Motion for Reconsideration, which was also dismissed by the Judge (Document 10 Filed 07/12/24) (Appendix Page 9a).

There are no other cases directly related to this case, that Applicant is aware of.

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PETITION FOR WRIT OF CERTIORARI

Aaron Abadi respectfully petitions for a writ of certiorari for this Court to review the judgments of the U.S. Second Circuit Court of Appeals and the U.S. District Court for the Southern District of New York in this case.

VI. OPINIONS BELOW

The Second Circuit's opinion is not reported but can be found at Abadi v. Biden et al; Case: 24-1951, 11/08/2024, DktEntry: 18.1. This is reproduced here at Appendix page 1a. The District Court's opinion is available as Abadi v. Biden et al. Case 1:23-cv-08440-LTS Document 7 Filed 11/06/23, and is reproduced here at Appendix page 2a. The denial of the Motion for Reconsideration in the district court is available at Document 10 Filed 07/12/24, and is reproduced here at Appendix page 9a.

VII. JURISDICTION

This petition was timely as the Order denying the appeal was issued November 8, 2024, and this was submitted well within the 90-days.

This Court has jurisdiction under 28 U.S.C. §1254, which states the following: "Cases in the courts of appeals may be reviewed by the Supreme Court by the following methods: (1) By writ of certiorari granted upon the petition of any party to any civil or criminal case, before or after rendition of judgment or decree..."

party to any civil or criminal case, before or after rendition of judgment or decree...”

VIII. PROVISIONS, STATUTES, & REGULATIONS

8 U.S.C. § 1182(d)(5)

The Attorney General may, except as provided in subparagraph (B) or in section 1184(f) of this title, in his discretion parole into the United States temporarily under such conditions as he may prescribe only on a case-by-case basis for urgent humanitarian reasons or significant public benefit any alien applying for admission to the United States, but such parole of such alien shall not be regarded as an admission of the alien and when the purposes of such parole shall, in the opinion of the Attorney General, have been served the alien shall forthwith return or be returned to the custody from which he was paroled and thereafter his case shall continue to be dealt with in the same manner as that of any other applicant for admission to the United States.

(B) The Attorney General may not parole into the United States an alien who is a refugee unless the Attorney General determines that compelling reasons in the public interest with respect to that particular alien require that the alien be paroled into the United States rather than be admitted as a refugee under section 1157 of this title.

IX. STATEMENT OF THE CASE

1) This case arises from Plaintiff-Appellant Aaron Abadi's challenges to federal and local government immigration policies, particularly those implemented by the Biden administration. Abadi contends these policies are responsible for a substantial increase in unauthorized immigration, leading to heightened crime, strained public resources, and economic impacts on his community in New York City. He filed suit in the Southern District of New York, asserting that the Biden administration's approach to immigration enforcement disregards statutory mandates and Congressional directives, specifically those governing the detention and deportation of unauthorized entrants. Abadi seeks judicial relief compelling compliance with these mandates and to address the detrimental effects of these policies on his personal safety, economic stability, and overall quality of life.

2) Abadi's complaint alleges that the federal government has misused its temporary parole authority under 8 U.S.C. § 1182(d)(5) and failed to enforce the provisions of the Immigration and Nationality Act. He argues that this noncompliance has caused concrete, specific harms to himself, including increased stress and fear for his safety due to rising crime, increased costs of living, and financial strain from rising hotel and food costs in his area. Abadi's claims sought injunctive and declaratory relief against these policies, as well as compensatory

damages from the City of New York for alleged negligence in handling the increased influx of immigrants.

3) In November 2023, the District Court dismissed Abadi's claims, concluding that he lacked standing because his injuries were "generalized grievances" shared by the public rather than particularized, concrete harms sufficient to confer standing. Additionally, the court found that his claims implicated the political question doctrine, precluding judicial intervention in matters constitutionally assigned to the legislative and executive branches. Abadi's motion for reconsideration was subsequently denied, and his case was dismissed without leave to amend.

4) On appeal to the Second Circuit, Abadi argued that the District Court misapplied the political question doctrine and improperly concluded he lacked standing. He emphasized that his alleged injuries were distinct and particularized, asserting that his personal safety, health, and economic stability had been compromised in ways that differ from the general public's concerns. He also contended that the District Court overlooked his entitlement to nominal damages under *Uzuegbunam v. Preczewski*, 592 U.S. ___, 141 S. Ct. 792 (2021), which permits standing based on past injuries even when the plaintiff's damages are nominal.

5) The Second Circuit denied Abadi's motion to proceed in forma pauperis and dismissed his appeal on November 8, 2024, finding it lacked an arguable basis in law or fact, without any further explanation. With no further opportunity for appeal, Abadi now petitions for a writ of certiorari to the Supreme Court, seeking review of his standing, the applicability of the political question doctrine, and his right to pursue nominal damages for emotional and psychological harms resulting from the Defendants' actions.

X. WHY THE COURT SHOULD GRANT THIS WRIT

A. Clarification of the Scope of Standing for Widely Shared Harms with Specific Impacts

1) This case presents an opportunity for the Court to clarify whether plaintiffs who suffer distinct, personal injuries due to government policies—such as Abadi's increased financial and psychological harms in New York City—can establish standing, even if their injuries are rooted in a widely shared public policy issue. Recent precedents like *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016), acknowledge that individualized injuries, even if commonly experienced, may provide standing. The Court's review is needed to resolve inconsistent applications of standing doctrine across jurisdictions, particularly where personal impacts are specific, concrete, and individual, yet stem from broader public issues.

B. Limits on the Political Question Doctrine in Statutory Compliance Cases

2) This case raises important questions regarding the political question doctrine, specifically its applicability when executive actions allegedly disregard clear statutory mandates. Abadi's claims do not challenge discretionary policies but instead assert that the executive branch has neglected statutory obligations regarding the handling and processing of unauthorized entrants. The Court's review is essential to delineate when courts may interpret statutory compliance issues without intruding into constitutionally designated executive functions. This case invites the Court to provide guidance on the extent to which courts should avoid statutory enforcement questions when they implicate politically sensitive policies.

C. Reaffirmation of *Uzuegbunam v. Preczewski* on Nominal Damages as Sufficient for Standing

3) The denial of Abadi's claims despite his request for nominal damages under *Uzuegbunam v. Preczewski* contradicts the Court's recent precedent, which affirmed that a past violation of a constitutional right provides grounds for standing. The Court's intervention is necessary to clarify that plaintiffs like Abadi, who seek nominal damages for specific rights violations, should be granted standing, even if their harm is not readily quantifiable. This case offers a significant opportunity for the Court to reinforce the holding in *Uzuegbunam*, particularly

regarding claims rooted in emotional or psychological harms that follow from alleged governmental policy violations.

D. Public Interest in Judicial Review of Immigration Enforcement and Public Safety Impacts

4) The case touches on significant public interest matters, such as the balance of public safety and federal immigration enforcement duties, which affect individuals and communities nationwide. By addressing whether individuals impacted by local consequences of federal policies can seek redress in court, the Court can clarify the judicial path for redress in cases where government actions directly impact the health, safety, and financial well-being of individuals. Given the complexity of immigration enforcement and its impacts on local communities, the Court's guidance is needed on how such harms may fit within existing standing frameworks.

E. Ensuring Equal Access to Justice for Indigent, Pro Se Litigants

5) The dismissal of Abadi's case without a substantive opinion or explanation from the appellate court raises important concerns about equal access to justice for indigent, pro se litigants. The appearance of procedural bias suggests that indigent plaintiffs without legal representation may face unjust hurdles when seeking redress for legitimate grievances. This case presents the Court with an

opportunity to address whether courts are required to provide reasoned explanations in dismissing appeals filed by pro se litigants, ensuring that financial status and lack of representation do not unjustly influence judicial outcomes. Given the heightened vulnerability of indigent plaintiffs to unequal treatment, the Court's intervention is essential to uphold judicial fairness and to reinforce the judiciary's duty to provide an impartial and thorough review regardless of a litigant's financial standing.

XI. CONCLUSION

For the reasons set forth above, Petitioner respectfully requests that this Court grant the writ of certiorari. This case presents significant issues that warrant the Court's review, including the application of the standing doctrine to plaintiffs with specific, personal injuries stemming from broader government policies, the limitations of the political question doctrine in cases alleging statutory noncompliance, and the right to seek nominal damages for constitutional violations. Furthermore, this petition highlights concerns over access to justice for indigent, pro se litigants, whose claims may face dismissal without due consideration based on financial status or lack of legal representation. This case thus presents the Court with an opportunity to clarify fundamental principles of standing, statutory enforcement, and judicial impartiality.

WHEREFORE, Petitioner urges the Court to take up these questions to ensure consistent and fair access to the judicial system for all, regardless of socioeconomic status, and to reinforce the judiciary's role in upholding Congressional mandates and protecting individual rights.

Respectfully submitted on November 13, 2024,

A handwritten signature in black ink, appearing to read 'Aaron Abadi'.

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