

24-6174

No. _____

ORIGINAL

IN THE

SUPREME COURT OF THE UNITED STATES

FILED

NOV 22 2024

OFFICE OF THE CLERK
SUPREME COURT, U.S.

David C. Lettieri

— PETITIONER

(Your Name)

vs.

Federal Musicals

— RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

sixth circuit of appeals

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

David C. Lettieri

(Your Name)

P.O. Box 879

(Address)

ayer, MA 01432

(City, State, Zip Code)

(Phone Number)

questions to 23-cv-2022

1. Can a pro se be denied to amend?
2. Does a pro se have to know an officers name to file a sue under Bivens?
3. Does abuse of process work on a Federal Agency?
4. Neitzke v Williams, 490 U.S. 319 what is "Lack an arguable basis either in law or fact?"
5. The western District of New York has accepted an agency as being sued under Bivens which makes why care this sue be such?

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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STATUTES AND RULES

Federal Rule civil procedure 15(a)

OTHER

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☒ is unpublished.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. App. LEXIS 2023; 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☐ is unpublished.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☐ is unpublished.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☐ is unpublished.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 August 30, 2009.

☒ 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: _____, 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. § 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).

Constitutional and Statutory Provisions Involved
23-cv-2202

1. Due Process
2. Title 28 United States Code 1915A
3. Title 28 United States Code 1915
4. Liberty Interest

Statement of case
23-cv-2022

This stems from the facts of not being able to amend a complaint under federal rules of Civil procedure 15(a) since the plaintiff is pro se and was very limited to the resources to access the courts.

The Sixth Circuit had ruled in Lafountain v Harry, 716 F.3d 944 that under federal Rules of Civil procedure 15(a) the plaintiff is allowed to amend.

The plaintiff should have been able to amend to add more facts and to change the defendant to Paul Lee a Federal Agent in the Marshals Division in Buffalo. The plaintiff did file a motion for Rule 25 to substitute the defendant in which wasn't heard.

Now it's ironic since if amended would have explained all the property lost because of the unlawful transfer. But when the government wanted to amend a criminal matter it was allowed even though it had violated the grand jury clause since it was hard enough to even get an indictment.

It's funny how federal rule of criminal procedure rule 7(c)(1) is the same thing as to federal rule of civil procedure 8(a). When in a motion to dismiss the indictment as a matter of law but when the government wants to "amend" the indictment by federal rule of criminal procedure 7(f) which is equal to federal rule of civil procedure 8(a).

It also means that since it's a lawsuit against the United States that the United States is being prejudiced by applying the rules to its own needs.

Now if not mistaken if there was to amend a judgment under federal rule of civil procedure 59(e) it had to meet criteria. "A motion to alter or amend a judgment maybe only if there has been: (1) a clear error of law; (2) an intervening change in the law; (3) newly discovered evidence; or (4) a showing of manifest injustice," Jones v Gobbs, 21 F. app'x 322, 323 (6th cir 2001)

This fits under (1) clear error of law and (4) a showing of manifest injustice since the federal marshal was transferring the petitioner around the jails making the petitioner lose legal work and be limited to have access to the courts.

So in the interest of justice to satisfy federal rule of civil procedure 8(a) the petitioner should be able to amend the complaint. That why to dismiss would be a miscarriage of justice.

Reason to Grant Petition
23-cv-2202

To be able to satisfy Federal Rule of Civil Procedure 8(a) in which then petitioner should be allowed to amend once so the essential facts are there to survive the test of such, is met by the federal rule of civil procedure.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Am

Date: November 15, 2024