No. 24-6385

In The
Supreme Court of the United States

BABOUCAR TAAL

Petitioner,

V

JOHN CRONIN, CRONIN; BISSON & ZALINSKY, P.C.; DANETTE LABRECQUE; NATHAN LABRECQUE; VALERIE RAUDONIS; DAVID TENCZA; JACK S. WHITE; WELTS, WHITE & FONTAINE P.C.; BILL WEIDACHER; KATHLEEN EDWARDS; KELLER WILLIAM BEDFORD NH

Respondents.

PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES SUPREME COURT

BABOUCAR TAAL Pro Se

% 36 Bridge Street #6

Nashua, NH o3062

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QUESTION PRESENTED

1. Whether victims of a state actor-led conspiracy to sell real property at an undervalued price—without a forfeiture proceeding, yet proceeds of fraudulent sale also seized thus defrauded—have a constitutional right to seek redress in federal court for a violation of the Fifth Amendment's Takings Clause, under the principles established in *Tyler v. Hennepin County*?
2. Whether, in light of *Bill Johnson's Restaurants, Inc. v. NLRB*, *Bounds v. Smith*, and other precedents, plaintiffs whose constitutional rights have been violated by state actors(in a conspiracy to defraud) are entitled to seek a jury trial for monetary damages under federal law and Supreme Court case law?
3. Whether federal courts are obligated to ensure the protection of substantive rights, property rights including Equal Protection and Due Process, when state courts(incl state highest court in conflicts and retaliation) refuse to review or provide relief from judicial/professional misconduct, as established in *Marbury v. Madison* and *Lane v. Frank*?
4. Whether, under the *Marbury v. Madison* doctrine, federal courts must review constitutional violations and provide a forum for appeals, particularly when lower courts refuse to hear or review constitutional claims in the context of state actor misconduct?

PARTIES TO THE PROCEEDINGS

The following were Named, Noticed and Served defendants (per VT Process of Service), some of the defendants retained counsel recommended by 2+ persons, banks & law firms **named in the qui tam case that J Sessions alluded to though irrelevant to this Fraud, Civil** Rights Claim. Others outright ignored the complaint and others submitted late(outside of **20 days legal-fed rules requirement) answers, where FRCivP informed and dictates a** Default Judgment against. Judge Sessions refused, the clerk's office prevented to enter **said perfunctory parties Rights'-Federal Rules-base Legal obligation. Again some of the** defendants (at the time represented by state[NH & VT] licensed-trained have also repeatedly made filings with J Session where they also failed to serve their very federal **court filings (to include pleas/answers for their clients and or Motion for Dismiss), the** while wantonly making false, fraudulent misrepresentation that they "in fact" served on **plaintiff all of their federal court filings in a United States Tribunal, wherein they in my** verifiably asserted complaint against of defrauding plaintiff and his family in a race-base **state aided sanctioned fraud on Rights and Property. J Session deem nothing wrong with** said knowing-willful fraud on the impartial-disinterested functions of a United States **Tribunal and the Constitutional(Due Process) Rights afforded to parties in federal court:**

1. John Cronin of 395 Kearney Cir., Manchester, NH 03104;
2. **CRONIN, BISSON & ZALINSKY, P.C. of 722 Chestnut St Manchester NH 03104;**
3. Danette Labrecque of 59 Essex Rd, Bedford, NH 03110;
4. **Nathan Labrecque of 59 Essex Rd, Bedford, NH 03110;**
5. Valerie Raudonis 60 Walden Pond Dr., Nashua, NH 03062;

6. David Tencza of 10 Monica Dr., Nashua, NH 03062;

7. Jack S. White of 5 Kevin Road, Nashua, NH 03062;

8. WELTS, WHITE & FONTAINE P.C of 29 Factory St, Nashua, NH 03060;

9. Bill Weidacher of 15 Cooper Lane, Bedford, NH 03110;

10. Kathleen Edwards of 3 Clydesdale Ct., Goffstown, NH 03045;

11. KELLER WILLIAM BEDFORD NH-REALTY of 168 S River Rd, Bedford, NH 03110.

12. Mark Derby is a state judge that presided over the simple divorce where parties had an agreement, but he, lawyers at Welt... saw 'bill churning" thus weren't going to allow for a simple pay off to my ex, so he appointed his friend Cronin, who brought his lawfirm Cronin, Bison, and then brought his friend Bill Weidacher, who brought his lady friend Kathleen Edwards and the both brought in Keller Williams.

13. Guylaine Dubois was my ex-spouse, we were married for 23+ years and had 4 kids.

14. NH Supr. Crt CJ MacDonald having material conflict with atty Tencza(for a referral about St Mary's Bank issues in the filed qui tam in VT) sent attn to the incoming Hillsborough County DA Conlon. Tenca et al intercepted as they left the DA office to pass on to the then NH-AG leaving to take over as CJ of the NH Supreme Court. My appeal to the NH Supreme Court was taken away from Sr Justice Hicks(as there was no CJ) given to justice Hantz Marconi who falsely claimed that I did not file Notice of appeal. When that turned out to be utterly false, she still dismissed my fraud "taking" artifice to defraud by state actor Derby et al. She's suspended and her husband now accused of fraud.

* *Of defendants have neither answered said complaint nor filed for appearances and/or participated at neither the VT District Court nor the 2nd Circuit Appeals Court. Copies of the two petitions for writ of certiorari forwarded to defendants(respondents) came back for they refused delivery as dilatory tactic hence refuse to file for appearance.*

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TABLE OF AUTHORITIES

JURISDICTION

This Court has jurisdiction and is invoked under 28 U.S.C. § 1257(a).

U.S. CONSTITUTION **FEDERAL STATUTES**

18 U.S.C. § 242 .....

18 U.S.C. § 371 .....

28 U.S.C. § 1254 (1) .....

28 U.S.C. § 455(a) .....

42 U.S. Code § 1983 - Civil action for deprivation of rights .....

The case involves the First, Fifth & Fourteenth Amendment to the U.S. Constitution:

The First Amendment to the Constitution: -the amendment, in part, states-demands that no state shall "deprive any person of life, liberty, or **property, without due process of law[honest impartial disinterested adjudication]; nor deny to any person within its** jurisdiction the equal protection of the laws."

The Fifth Amendment to the Constitution: "No person shall ... be deprived of life, liberty, or **property,** without due process of law. The clause in Section One of the Fourteenth **Amendment to the United States Constitution provides: ... nor shall any State deprive any** person of life, liberty, or **property**, without due process of law.

The Fourteenth Amendment to the Constitution:

"No State shall . . . deprive any person of life [or] liberty or property without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

U.S. CONST. amend. XIV, § 1"

Miscellaneous Authority

Fed. R. Evid. 1519

OPINIONS BELOW

- Justice Sotomayor for 2nd Circuit granted an extension to file Writ of Certiorari petition
- Mandate of the 2nd Circuit Appeals Court was issued on April 19, 2024;
- 2nd Circuit **Denial** of en banc reconsideration was issued on April 12, 2024;
- **Grant** of en banc [re]consideration without **brief** filing; - **Denial** of submitting a **brief**
-**Denial** of filing of an"**Appeal as a Right**", in all required forms; **briefing &/or hearing**;
- **Granting-Holding** of a "28 sect 1915 Motion in **abeyance**" to await the very district judge that denied-deprived plaintiff due process. Dated Nov 17, 2023 ***See appendix A & B***

JURISDICTION

[X] For cases from **federal courts**:

The date on which the United States Court of Appeals denied(brief filing) decided and dismiss appellant's case on Feb 1st 2024

[X]A timely petition for reconsideration(rehearing) was denied by the 2nd Circuit Appeals Court on Feb 23rd 2024

[X] A request for permission to file a motion for reconsideration en banc was Granted on March 6th, 2024

[X] An extension of time to file the petition for a writ of certiorari was granted to and including Sept 9, 2024. And met, but wasn't docketed and asked to refile thrice.

The Jurisdiction of the Court is invoke under 28 U.S.C $1254(1)

STATEMENT OF FACTS & MEMORANDUM OF LAW IN SUPPORT

The 2nd Cir stated "When [a] plaintiff proceeds pro se, . . . a court is obliged to construe his pleadings liberally." McEachin v. McGuinnis, 357 F.3d 197, 200 (2d Cir. 2004) (citing Weinstein v. Albright, 261 F.3d 127, 132 (2d Cir. 2001)) This obligation entails, at the very least, a permissive application of the rules governing the form of pleadings." Yet plaintiff and his family were denied and deprived of 2nd Circuit very own case law

holding. The United States Supreme Court states, "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, __ U.S. __, 127 S. Ct. 2197, 2200 (2007)

For "In light of the serious nature of the claims pressed in this action, we encourage the district court to consider whether the appointment of [pro bono] counsel pursuant to 28 U.S.C. § 1915(e)(1) is warranted." I add that I filed a Motion for the appointment, Cir J Park gave J session court to weigh in(in what was a untenable, that the very court that deny and deprive us the victims of fraud pre-deny a Rule 59 provision will turn around to grant appointment of counsel to prove he was wrong on the law and facts). And here the district court refused to rule on 28§1915(e)(1), also wantonly claim what wasn't in plaintiff's sworn IP-affidavit to reach unsubstantiated-unsupported verdict

Appellant, is a United States Citizens, a minority defrauded in a majority white state[NH] where his person and property was subjected to fraud by in essence the state for its "actors and agents" in wanton brazenness not just in an illegal "Taking" then proceeded in knowing-willful blatant disregard that expropriated the very proceeds after these defendants in a scheme undersold my home by $550K, stole my home, my tools & machineries My Clothes(without paying fed taxes on said stolen property & materials).

To retrieve and recover from a state sanctioned fraud on a minority victim in a majority state where to retain counsel must come up with "$200,000 Retainer" for starter where a citizen and his children committed No Crimes yet system meant to protect us, allowed for us to be defrauded in "broad daylight in NH" and to recover one must get into extreme debt to recover what is legally ours but for co-conspirators in a well honed

scheme visited on us, stole our home, stole the proceeds meant to be our share of their fraud? "The US Supreme Court has, in limited circumstances, held that an individual must be afforded pauper status. But as the Seventh Circuit has explained, "[t]the few proceedings in which civil litigants have been held entitled to a subsidy (via free counsel or waiver of fees) arise from prosecution-like proceedings, in which the public proposes to take away a person's children or impose other loss so great that it amounts to deprivation of fundamental right." Lewis, 279 F.3d at 529 (citing M.L.B. v. S.L.J., 519 U.S. 102(1996), Boddie v. Connecticut, 401 U.S. 371 (1971)).

That concern could be addressed in a future case involving an as-applied challenge brought by a litigant actually confronted by such a deprivation." 18. Petitioner filed Title 11 petition at NH Bankruptcy Court seeking protection to prevent the sale of his home in a divorce that petitioner's ex spouse agreed to a settlement and 5 banks and a private businessperson were ready to provide the refinancing to pay off the current at the time and the (ex) pay off. The state court j Derby then came up with a plan that he will appoint his partner in a scheme as real estate commissioner to make sure just like what bankr J Falcone would later confirm in his statement and the actions of bankr J Harwood in a Title 11 provision-protection made sure that this Taal is punished for a I continue to expose wanton misconduct, knowing-wilful violations of petitioner's federal right, the U.S. Constitution affords all.

Where and as the Supreme Court recent holding states; "a pro se complaint, however inartfully pleaded, must be held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, __ U.S.__, 127 S. Ct. 2197, 2200 (2007)

(per curiam) This is particularly so when the pro se plaintiff alleges that her civil rights have been violated. See McEachin, 357 F.3d at 200. 20. As Vt District court judge "WKS" usurped federal law thus violated plaintiff's substantive rights provided in 14th Amend Equal Protection, for I and my kids were entitled to a default Judgment as Matter of Law for failures by defendants to answer complaints served in a federal lawsuit in right jurisdiction. Another instance of wanton grave abuse of discretion for racial animus and favor to familial/personal/comity conflicts.

"BAH" aka J Beryl A Howell is a federal judge in the district of Columbia who presided over plaintiffs Ruby Freeman and Wandrea Shaye Moss of Atlanta GA, and defendant Rudolph W. Giuliani of NYC & FL(both diverse federal jurisdiction) but none of the filing was at the 10 federal courts of FL, GA or NY. J "BAH" stated case law for default; "First, the law is well-settled that "[a] default judgment establishes a defendant's liability for every well-pleaded allegation in the complaint," and "it remains for the court to consider whether the unchallenged facts constitute a legitimate cause of action." Cong. Hunger Ctr. v. Gurey, 308 F.Supp.3d 223, 227-28 (D.D.C.2018) (quoting Carpenters lab.-Mgmt. Pension Fund v. Freeman- Carder LLC, 498 F.Supp.2d 237, 240 22.

J "WKS", not only deny and deprive us Equal Protection where we were defrauded and an illegal "Taking" but he claims to pre-deny plaintiff's Rule 59 motion in a grave abuse of discretion but repeatedly use falsity, of Certification filing by defendants and their VT attorneys(with conflicts to). Court also claims what's demonstratively false that I made $60+K the preceding year where I the affiant stated/sworn to and contrary to the facts, the complete opposite. See Affidavit attach; doc #60 23-1012. Judge WKS wantonly

misstated plaintiff's filing of a 2nd Cir transferred to the district court. All of which **should have been under the de novo review for [2nd] Circuit courts undertake in** Impartial Disinterested "Appeal as Right" adjudication?

We were deprived/denied that J WKS would make repeated orders not unsupported by the facts of federal court filings while ignoring defendants and their **counsels knowing-willful false misleading of "false certification of service", to usurp and** flout federal rules and statute to favor defendants. As was reported in VT digger, by **Morgan True; "Brendan Delaney, a software technician, uncovered the alleged fraud while working for the New York City Division of Health Care Access implementing** eClinicalWorks systems for the Rikers Island prison...His attorney said the case could **have been brought virtually anywhere in country because of eClinicalWorks' massive** reach, but they chose Vermont. "We knew that Vermont had a dedicated interest in large **health fraud cases, and we knew they had a talented team of lawyers who were ready to** dig in," said the lawyer, Colette Matzzie of the firm Phillips and Cohen, in a phone **interview Wednesday. The chief of the Civil Division of the U.S. attorney's office, Nikolas** Kerest, and Assistant U.S. Attorney CJ Foster worked on the case with Matzzie's firm, as **well as attorneys with the U.S. Department of Health and Human Services."**

This was a crime in NY that ended up in VT that Judge Session "WKS" drew, unlike plaintiff's case where we were victimized by courts and defrauded by (white) defendants **and their lawyers the latest; 3 VT licensed ones). And more troubling that these lawyers** were confident that when they made a false fraudulent Certification of Service "WKS" **will excuse them and chuck it under his judicial discretion. In the Sealed filing of where**

defendants admit and acknowledge that they illegally seized the supposed residual proceeds meant for me and my kids of the fraudulent disposal of my home as retaliation under tutelage of state actor Derby for filed a 31 § 3730 case.

The 2nd Cir held "Accordingly, the "dismissal of a pro se claim as insufficiently pleaded is appropriate only in the most unsustainable of cases." Boykin v. Keycorp, 521 F.3d 202, 216 (2d Cir. 2008). The District Court, in its evaluation of plaintiff's pro se complaint, failed to apply these directives." Here J Session in a pattern where he refused to rule on plaintiff's motion before him including request for a hearing to get to the issue of repeated "fraud on the court" where the impartial judicial machinery is be willfully interfered to obstruct justice and deprive/violate plaintiff federal rights.

J Session rather did the complete opposite of the Circuit holding, where he neither allowed for a refiling of an amended complaints and or with instruction: Failed to afford nor "instructed plaintiff to file an amended complaint that (1) alleged the personal involvement of two defendants; (2) identified two "John Doe" defendants; (3) stated a claim against the municipal defendant; (4) pleaded conspiracy with the requisite level of detail; and (5) complied with the relevant formatting rules." And dare us to seek justice as provided, protected and guaranteed in the United States Constitution to all without regard. After he was sure that petitioner's homestead was sold in Dec 2021, literally 4 days after, he saw the legal obligation or need to adhere to 28 §455 and remember to respect petitioner's federal rights that the US Constitution guarantees. As the Supreme Court has recently observed, "a pro se complaint, however inartfully pleaded, must be

held to less stringent standards than formal pleadings drafted by lawyers." Erickson v. Pardus, __ U.S. __, 127 S. Ct. 2197, 2200 (2007)(per curiam) (internal quotation omitted).

This is particularly so when the pro se plaintiff alleges that her civil rights have been violated. See McEachin, 357 F.3d at 200. Accordingly, the "dismissal of a pro se claim as insufficiently pleaded is appropriate only in the most unsustainable of cases." Boykin v. Keycorp, 521 F.3d 202, 216(2d Cir. 2008). 28. The District Court, in its evaluation of plaintiff's pro se complaint, failed to apply these directives. As described above, the District Court instructed plaintiff to file an amended complaint that (1) alleged the personal involvement of two defendants; (2) identified two "John Doe" defendants; (3) stated a claim against the municipal defendant; (4) pleaded conspiracy with requisite level of detail; and (5) complied with the relevant formatting rules.bankr J from Falcone.

The facts here are clear and the the US Supreme explains the absolute necessity in a due process context that "under 28 U.S.C. §455 (a) the grounds for recusal must be evaluated on an objective basis, keeping in mind what matters is not the reality of bias or prejudice but its appearance to an objective observer," unaffiliated layman. Liteky v. U.S., 510 U.S. 540, 548 (1994); Liljeberg, 486 U.S. at 865; U.S. v. Snyder, 235 F.3d 42, 45 (1st Cir. 2000). As "the purpose of 28 U.S.C. § 455(a) is to promote confidence in the judiciary by avoiding even the appearance of impropriety whenever possible. Liljeberg v. Health Servs. Acquisition Corp., 486 U.S. 847, 865-65 (1988) 29. "If the factual basis established by the moving party provides what an objective, knowledgeable member of the public would find to be a reasonable basis for doubting a judge's impartiality, then recusal under 28 U.S.C. § 455(a) is required. Allied-Signal, 891 F.2d at 970.

Why then did bankr. judges Harwood and then Falcone refused to recuse (despite 1st Cir J Lynch ordering Harwood to never adjudicate matters dealing with Taals in the prior illegal foreclosure retaliation that force us to seek Title 11 protection. In this case where plaintiff sought to protect his and children homestead and after the filing and Notice to Cronin et al while "Automatic stay" in Fully in effect all the defendants continued to violate it said United States Statutory provisions and bankr J Harwood constantly wanton waived the very protection I sought for me and my children to safeguard a homestead that had 4 times what' was required to satisfy the only legal claim; paying settlement to my ex. See appdx.

The latter, bankr J Falgone(from ME) later boldly claimed that I am known in their circles and thus his wanton dismissal my seeking federal Title 11 protection as he previously denied my seeking additional debt to pay off the encumbrances after bot Harwood and him conspire to allow for the sale of my home as retaliation along with who ever bankr. J Falcone have been discussing the case with, and how to take whatever decisions to deprive, deny and be defrauded, it's what "they all" want!

The Supreme Court has held that the mail fraud statute is "limited in scope to the protection of property rights." McNally v. United States, 483 U.S. 350, 360 (1987) Further which statute if any did bankr. Fagone et al relied upon to dismiss petitioner Taal's case on the very day set aside to hearing testimony &/or see evidence, confirm the plan. Rather bankr. j Falcone said "we here know you quite well"[the circuit court judge issued an order, means ordering the transcript of the record is a waste of time] for [the case] already decided this case, before getting the brief and or record? To reassert, that

"question of law...question of statutory interpretation" is what petitioner brings to the 1st Circuit Court of Appeals for the districts of NH, ME, RI... that I herein seek adjudication prior to presenting my case to the United States Supreme Court.

"This Court's precedents set forth an objective standard that requires recusal when the likelihood of bias on the part of the judge " 'is too high to be constitutionally tolerable.'" Caperton v. A. T. Massey Coal Co., 556 U. S. 868, 872 (2009) (quoting Withrow v. Larkin , 421 U. S. 35, 47 (1975)). Applying this standard, the Court concludes that due process compelled the judge's recusal. In the underlying case a Bankr j Falcone first acts on a Title 11 where victim- petitioner sought protection to keep our homestead) to issue a series of orders that fellow bankr. j Harwood failed to rule on, yet gave constitutionally froth, legally untenability order (where there was a legally sufficient Motion for Recusal).

In court that gave the Cronin et al to go ahead and sell my homestead(as Harwood stated; "he see no reason why they couldn't proceed to close" while refusing to rule on our filed "Motion for Sanction" on a prior filing by Trustee Sumski of delayance to submit copy of my SS card that was at my house that state judge Derby had ordered and forbidden me to enter and forbid me from my clothing, medicine and all others and three(3)+ later, I never gotten Anything from my home all confiscated? Yet as here refused to even see and review that record that bankr j Falcone stated at the dismissal of our Title 11 hearing, "we here know you quite well" That statement made on a federal record was excise from the transcript I paid for, that fact the 1st Cir Appeals Court wasn't interested to review(for they knew like Wellons), the CA2 refuse even the basic taking of briefs that apprise them of facts on an Appeal[as a Right] for victims are Taals.

When adjudicators engage in acts outside the scope of their authority, base decisions on biased views, or misinterpret the law, it constitutes a grave abuse of discretion requiring also the legally and jurisdictional mandated "de novo review" by the requisite Appellate Court, bolstered by the US Supr Crt holing in Lane v. Frank. Here the 2nd Circuit Court of Appeals for the [VT]district. "Exhibiting bias against due process, a Constitutional guarantee, protections and provisions. District court's refusal to timely rule on filed request for hearing, rather court time his dismissal with prior petition to this court to seek redress for wanton property fraud rife with "fraud on the court" and conspiracy by defendants. The illegal "Taking" of property where state actor derby provided legal cover repeatedly fronts in NH to its actors/court officers in family court, here in an Equal Protection deprivation.

Judicial record is define as "the record of official entry of the proceedings in a court of justice or of the official act of a judicial officer in an action or special" Does not Taal asking the court so that the clerk of the 1st Circuit act upon the filed transcript request form as federal law, federal court rules and federal statute provide, enough, or due process as the U S Constitution dictates. This appellate court by Refusing to hear or see the complete Record seems to create a "path" to lead to their affirming the wholesale denial and deprivation of a federal substantive right to petitioner here. The 3jpanel of federal circuit here is saying we will not allow for the "review of the base facts of the case or the record of the underlying cases" where at the trial court defendants colluded to refused to served on plaintiff their untimely-defaulted answers to served complaint, defendants and counsels' motion to dismiss district judge knew all about this, used it to

blame plaintiff for his very dismissal I and his kids had no opportunity to object to what they weren't served. How's that free, fair impartial disinterested process of adjudication by an honest arbiter of facts?

Parties in a United States Tribunal are Not required to engage in legal gymnastics to be provided filings in Federal Proceedings before a disinterested impartial unconflicted arbiter of facts where the plaintiff even as victims rely to trust the safeguards in established rules of the Process. Yet even after notifying the very supposed arbiter be told I had 6 months to seek(this as he sat on motions noticing him and seeking hearing on what Appellate Circuit Courts had deem "fraud on the court" where the independent functions of a court is impeded with false fraudulent certification of service here WKS acquiesce/invites.

In any motion to dismiss the non-moving party must be afforded the legal right to object, hence the defendants and their lawyers in what is obvious collusion with the court for he acquiesce to accept this fundamental departure of due process protection and used the "fraud on the court" to dismiss plaintiff Civil Rights Case and violation of Substantive Rights. The 2nd Cir also said rather than the requisite "de novo review" we are satisfied with such arbitrariness in the actual flouting of the United States Constitution usurp federal laws and violate federal substantive rights.

Here the 2nd Cir claims that plaintiff has no reasonable chance to Recover for actual harm based on "fraud on the court" where the "judicial machinery, independent impartial function of adjudicating" have been corrupted. To the question, where or what exactly is the 2nd Cir Appellate court of jurisdiction basing her decision, if at the same

breath they refused to allow briefing on the matter, where even the Nation's Highest **Court adhere to the precepts of Briefs and or Hearing to be apprised of facts and matters** on contention or dispute? The U.S. Constitution, the U.S. Supreme Court case law **dictates "nonmoving party must be [served], afforded due process to file objection, the** right to all evidences in support presented to fair competent court of jurisdiction, legally **constituted statutorily obligated to take/hear said "appeal as a right"**

"When a party relies upon the [United States]Constitution in order to challenge or **sustain the validity of some act of government affecting his legal rights, the court's exercise of the power of judicial review is arguably an inevitable consequence of the fact** that a court must deal with all issues which are necessary to a resolution of the case **before it." US Supr. Ct Chief Justice Marshall in articulating the federal doctrine of** judicial review in Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803)." 37. The remedial **discretion under Rule 52(b) was articulated in U.S. v. Atkinson, 297 U.S. 157 (1936).**

A Court of Appeals should correct a plain error affecting Substantial Rights if the **error "seriously affect[s] the Fairness, Integrity or Public Reputation of Judicial proceedings."** see also Connor v. Finch, 431 U.S. 407, 421, n. 19 (1977) (civil appeal). An **error may "seriously affect the Fairness, Integrity or public reputation of judicial** proceedings" independent of the defendant's innocence. Conversely, a plain error **affecting substantial rights does not, without more, satisfy the Atkinson standard, for otherwise the discretion afforded by Rule 52(b) would be illusory.**

ACTUAL CASES OF WANTON MISCONDUCT

1) https://www.wmur.com/article/new-hampshire-supreme-court-justices-2000-case/61712396

INTRODUCTION-SUMMARY STATEMENT OF THE CASE

This case involves a fraudulent taking of property scheme orchestrated by state actors, including family judge Mark Derby, real estate agent Cronin, and various others in a perfected pattern, to illegally take and misappropriate the petitioner's property under the guise of a simple divorce proceeding. The petitioner and his ex-spouse, Guylaine Dubois, reached an settlement agreement in their divorce. However, after a series of manipulations, the defendants colluded to fraudulently sell the petitioner's home—worth $1.2 million—for significantly less, misappropriating the proceeds and depriving the petitioner and his children of their rightful property. This scheme, which involved fraud, retaliation, and the abuse of state authority, has persisted despite the petitioner's attempts to seek justice through the courts.

In a simple divorce proceedings and an a Settlement agreement, petitioner's spouse, Guylaine Dubois, filed for dissolution of their 24-year marriage in November 2019. After a contentious start, a mediator attorney Greg Martin(*see appdx*), facilitated an agreement between the parties, where Ms. Dubois agreed to a payment settlement, and the petitioner would retain ownership of the family home. However, despite the agreement, Attorney Raudonis (Ms. Dubois's attorney) delayed providing the petitioner with the final agreement, frustrating the process. This led to the case being handed over to state actor Judge Derby. Delay and Obstruction by Defendant's Counsel The mediation agreement, which was supposed to be finalized, was obstructed by the actions of Attorney Raudonis and the defendants. Despite repeated requests from the petitioner

and mediation facilitator Martin for a copy of the agreement, the petitioner was denied access to review it. This caused further delays and allowed the case to be moved to the court system, as the artifice/fraud/scheme began to unfold.

Defendants & state actor churned of Fees in Fraudulent "Taking", Sale of private Property, attorney & other fees escalated from $3,000 to over $153,000($70K just Cronin & Derby), as the case moved forward with legal cover by(NH) "state actor Judge Derby". The fraudulent sale of the petitioner's home—valued at $1.2 million—orchestrated, as they s[t]old our home for half, paltry $575,000 to co- conspirators. Case of; https://www.nytimes.com/2022/08/18/realestate/housing-discrimination-maryland.html The defendants kept the proceeds of this sale, including building materials & home tool equipment worth $110,000+, despite the petitioner's objections, resulting in a significant financial loss to the petitioner and his children.

Courtroom Misconduct and Inaccurate Findings During the final hearing on September 30, 2020, state actor Judge Derby made prejudicial remarks based on false information, including misleading claims about the petitioner's assets, insurance claims, and personal property. Despite evidence to the contrary, Judge Derby ignored the factual testimony provided and issued a ruling that misrepresented the facts, furthering the fraudulent scheme. This Fraudulent Conduct by Defendants The defendants, including Cronin, Tenzca, and their associates, engaged in a scheme to undervalue the petitioner's property and sell it to "straw buyers" who were unable to obtain financing. Despite the fact that multiple lenders had denied these buyers, the defendants continued with the sale at a fraudulent price. The petitioner had financing offers in place to pay off his ex-

spouse and retain the property, but these offers were disregarded by the court and defendants, who continued to perpetuate the fraud.

Violation of Property Rights and Discrimination The defendants and Judge Derby deliberately circumvented legal processes and violated the petitioner's constitutional property rights, including due process and equal protection under the law. The petitioner, a Black man, was subject to racial discrimination in New Hampshire, where his property was targeted by the defendants in a scheme to defraud him and children of their home. Failure of Lower Courts to Address Fraud and Protect Constitutional Rights Despite the fraudulent nature of the transaction, the petitioner was denied relief by the district court and the 2nd Circuit Court of Appeals. The lower courts dismissed the case without properly addressing the fraud, violations of due process, and the ongoing conspiracy to deprive the petitioner of his property. Additionally, the refusal of the New Hampshire Attorney General's Office to investigate the misconduct of state actor Judge Derby and his associates further demonstrates the systemic failure to protect the petitioner's rights.

Judicial Misconduct and Abuse of Power Evidence submitted in the case suggests that judge Derby, along with the other defendants, engaged in misconduct and abuse of power by manipulating the legal process to achieve a fraudulent result. The refusal of federal courts to intervene and protect the petitioner's constitutional rights has resulted in a miscarriage of justice, undermining the protections afforded under U.S. law. State actor judge Derby in collusion with his friend Cronin(where they admit to have done the scheme before), who then recruited his friend Weidarcher who brought his lady friend all of Keller williams, in a simple divorce, where parties agreed on payoff settlement,

(attorneys saw torpedoing said settlement offers more billable hours conspire to sell me and my kids' home under sold the home by 50%(valued at $1.2M for $575K throwing in $110K worth of building materials and home machinery to the Labrecque in a scheme to flip my $1.2M, 5.8 acres in Bedford, NH. Plaintiff Taal and family in a blatant retaliation in an "illegal Taking" state actor Derby with Cronin, Welt et al proceeded in wanton scheme in ex parte meets scheme, well after the case was over and done with at the NH family, my ex received her share yet here defendants kept the very 'share of the fraudulent' sale of me and my kids property, whereby there was neither a forfeiture proceeding in any United States Tribunal that me and my childrens property were subjected to as parties rather they said the NH state grants them ways, means and procedure thus to defraud us.

Plaintiff filed a complaint against defendants and a subsequent "Seal filing" as the district court refused to timely rule, of the continued actions and obstruction of justice in an ongoing conspiracy. The court failed to rule on the default judgment as a matter of law, the statute provided for failure to answer a complaint. But also that the defendants and their counsel made false certification that they served the plaintiff all their court filings they knew was fraudulent thus "fraud on the court". A further indication that the court wasn't a disinterested impartial arbiter as he then used a questionable P.O.Box that a clerk told me is why defendants refused to serve answers and documents on me. The court's dismissal of our case contradicts U.S. Supreme Court Wellon and Constitutional provisions and stare decisis holdings for "Private Property."

2) https://www.fosters.com/story/news/2008/04/19/judge-coffey-suspended-for-3/52442138007/
3) https://www.nbcboston.com/news/local/nh-judge-arrested-for-allegedly-falsifying-documents-lying-about-it;
4) https://www.nashuatelegraph.com/news/local-news/2021/02/13/former-nashua-judge-charged-with-tampering-with-records/
5) https://www.nhpr.org/nh-news/2023-04-24/special-committee-to-look-at-how-nh-family-courts-operate

REASON FOR GRANTING THE PETITION

Recognizing in its repeated Affirmance of the Guarantees, Protections and Provisions these United States Constitution confer on all its citizens, where no court below this one can summarily dismiss, flout and usurp, this court can only do justice by Grant of Certiorari to settle the repeated "carve-out" Fundamental Rights Abridgment. In addition to the RIGHT TO SEEK REDRESS FOR "Calculated Fraudulent Acts under COLOR OF AUTHORITY and cover in a conspiracy by state actor(Derby) and state Agents" RAMPANT IN FAMILY COURTS. For even as TYLER provided LEGAL CLARITY for Property Rights in any proceeding involving State "TAKING" here with clear Facts,(all preempted by plaintiff's due Rights to a Default Judgment, district J "WKS" engage in grave abuse of discretion to usurp what this very court time and time again holdings as DC District J "BAH" stated in Moss et al v Guilliani. VT District reasoning in depriving and flouting of Rights to favor counsels, their clients and others he has conflicts with and the 2nd CIRCUIT (3jpanel) Contradicts itself and all other sister Circuits starting deprivation of making a legal record(filing/brief) which Appellate Court Rely to Review.

For the "Taking" of a private property in a simple divorce, more likely has never

been before this court, but the brazenness of (the artifice, fraud, and defrauding) by the **defendants with state actors like Mark Derby are perpetrated on citizens daily. Done** under cover and "color of authority". Here where I offered with 5 lending institutions and **business acquaintance offer to provide said financing/funding yet state actor Derby and** co-defendants use state authority (all NH licensed to perfect the artifice) saw fit to **defraud me and my kids in property we already part-own, sold off my home for less than** half the value, in a fraudulent giving to the Labrecques, 5+ banks refused them mortgage.

After said brazenness they culminate it with the illegal forfeiture after defendants scheme netted them illegal profits from a private property in a simple divorce just here **their victims are a black man and kids who owned his home, all in a United States** Tribunal. For plaintiffs, and family, race in NH, a clear violation of the Equal Protection **Clause of US Constitution. iii. The district court first dismisses plaintiff's case when** defendants defaulted, then blame plaintiff for waiting on his very rulings on plaintiff's **filed motion(well over 5 months plus) for a hearing and on the defendants' default that federal rules of civil procedure mandates.**

The court flouted rules provisions to then dismiss our case where we were Not **provided filings by defendants (6-7) "motions to dismiss" by trained license(NH, VT)** lawyers employing "fraud on the court" tactics. J Session usurped safeguards in **established rules to violate substantive Rights in 1st and 14th Amendment of the US** Constitution, to curry favors. One District Court(VT) and 2nd Circuit(3jpanel) Decision **Conflicts with ALL of these United States Supreme Court (constitutional) Holdings in**

Matter of Private Property Rights, Fundamental(due Process) Rights as it pertains (fraudulent "Taking") us seeking Redress for Wilful Wrong in an Ongoing Conspiracy and Wanton-Illegal Forfeiture of the very Proceeds Meant for Me and My children all done Under Color of Authority in majority state of NH against minority victims.

CERTIORARI SHOULD BE GRANTED FOR THE LOWER COURTS FAILURE AND REFUSAL TO AFFORD PLAINTIFFS BASIC DUE PROCESS PROVISIONS-PROTECTIONS CONTRADICTS 2ND CIRCUIT'S FAILURE TO ADHERE TO ITS VERY OWN CASE LAWS AND THE DISMISSAL WITHOUT ALLOWING A BRIEFING. DEFENDANT HAD ALREADY DEFAULTED YET J-SESSIONS USURPED THE LAW TO FAIL TO ENTER A DEFAULT JUDGMENT WHICH PLAINTIFFS HAD A FILING AND WERE ENTITLED AS A MATTER OF LAW, ADD TO THAT WILFUL FALSE(fraud on the court) CERTIFICATION FILED-ACCEPTED-ENCOURAGED BY THE COURT. WHERE US-LAW DEMANDED A LEGAL LAWFUL FINDINGS CONSISTENT WITH FACTS.

The decisions of the lower court undermine basic Fairness in due process context, substantive Rights guarantees the very United States Constitution provides, protects and guarantees to its citizens in "same rules to applies" for acts of misconduct and wanton "Taking" of private property in a fraud and artifice to defraud. Our "Rules of Process" established as safeguards were flouted to take our property to put themselves above the law, established promulgated "rules and/of our laws" dictates in all matters and manners of relationship between people and private property rights, relations with their governments. Here J-Sessions and 2nd Cir seem to affirm a carve out exception for what

is in a Seal finding that exposes wanton misconduct by court officers, district court waive **such flouting of federal statute in lieu of protection and the U.S. Constitution.**

This case and the pattern of Artifice Practiced on us Innocent Unsuspecting **Victims(albeit facts & in the case takes blatancy to its own level) in in this "Taking",** stealing of our property, violation of our Rights in a Conspiracy using levers of NH-state **government to perfect a fraud, Artifice to Defraud, wanton "Taking" of Private Property,** by state actors/licensed agents, where these United States Constitution provide us Right **to seek Redress; district J "WKS" and 2nd Cir said we mustn't be afforded such Right?** The NH-AG claimed to closed case, for implication of tax exempt St Mary's Bank(Credit **Union)whose profits meant for ordinary shareholders are diverted in a patronage system!**

CONCLUSION

I. For the foregoing reasons, the petition for writ of certiorari should be granted. In the alternative, that the court looks at or directs review of the wanton usurping **safeguards in US tribunal in the established Federal Rules of Civil and Appellate** Procedure/Process. For if as it is here recurring in a pattern to deprive, and the flouting **safeguards in established rules of procedures is encouraged and permitted.**

II. Petitioner requests that the Court grant Certiorari to review to address and **clarify what permeates in too many family courts throughout the nations where citizens** are being victimized by a process meant to bring closure of difficult chapters in family **life, dynamics and relationships but here but subjected to abuse and wanton criminality,**

frauds and artifice to defraud add the racial element bore of impunity. Also and more **importantly is allowed courts failures to safeguard substantive federal Rights** Constitutional Guarantees, Provisions and Protections. Due Process where petitioner's **Substantive Rights were wantonly violated, deprived of Equal Protection by states and** state actors using the process to engage in acts and deeds contrary to the administration **of justice in a United States tribunal.**

III. Here even as a Circuit Court judge Park found reason based on precedence at **the very court and US Supreme case law to have allowed the appointment of counsel, but** for the 'Seal filing' the 3j panel deemed the case going forward implicates fellow court **officers/non party here. The refusal to adjudicate an appeal Is a Departure of gigantic** proportion where Federal Law Statute mandates taking of appeal to do a de novo review **but here wanton deprivation of petitioner an Appeal as a Right" review was violation** appellant' right where his chance to stop the theft of property was unnecessarily.

The petition for writ of certiorari should be granted, in the Interest of true Justice, vindication of Substantive Rights, Provisions, Protections (of property Rights) all found **in these United States Constitutional Guarantees(to all).**

Submitted by, Dated: Dec 10, 2024

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