ORIGINAL

24-7165

No. _____

IN THE

Supreme Court of the United States

JOHN L. BERMAN,

Petitioner,

v.

Richard Jordan et al.,

Respondent

TIMELY SUBMITTED (POSTMARKED) BECAUSE 90 days from the final (10/22/24) "rehearing" inevitable DENIAL order was 1/20/25, a federal holiday. On Petition for a Writ of Certiorari to the Fourth Circuit

PETITION FOR A WRIT OF CERTIORARI

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QUESTION PRESENTED

1) Is the Fourth Circuit's published "informal briefing" sheet a fraud, such that its statement (the following) is ignored: "The Court will consider this case according to the written ***issues***, facts, and arguments ***presented*** in the Informal Briefs. ... Informal Briefs may be filed on the form provided **or in memorandum or formal briefing format?**" YES.

PARTIES TO THE PROCEEDING

Plaintiff/Petitioner Berman has been a victim of: 1) torture (under the definition of the UN Convention Against Torture[1]); 2) attempted

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[1] Berman submitted his complaint to the UN CAT committee and learned, in the response, that although the US is a signatory to the Convention, it does not "recognize the competence" of the Convention's enforcing committee (Article 28: "Each State may, at the time of signature or ratification of this Convention or accession thereto, declare that it does not recognize the competence of the Committee provided for in article 20"), which absurdity allows the Convention to be toothless,

and successful extortion as a matter of law by lawyers. The perpetrators have been (to date) lawyers in Maryland, Minnesota, Iowa, and California—conspirators with a lawyer-insurance company (Minnesota Lawyers Mutual) in Minneapolis. In addition to Berman's making a record of the futility of "redressing grievances" in the fraudulent US courts—a consolidated state-federal protection racket of judges protecting judges protecting lawyers and their fees—this petitioning has evolved into an anti-corruption project using a continuous set (continuous in time) of federal Congressional candidacies to build a public record to eventually expose and eradicate the ABA judge-lawyer mob and its protection racket.

Respondent Richard Jordan is a nominal "judge" in the Circuit Court of Montgomery County, Maryland. He has never appeared in

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pro-forma phony treaty, and, in the case of the US, one more free pass for lawyers to perpetrate financial crimes and "enrich themselves at the expense of [others]." https://theintercept.com/2018/05/22/joseph-crowley-alexandra-ocasio-cortez-new-york-primary/ .

any action. The protection racket invents novel ways of protecting lawyers and especially judges from appearing in court, in contrast with "regular people," who would be in jail for the same acts perpetrated by the lawyers and "affirmed" by the judges.

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OPINIONS BELOW

See attached.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

The Fourteenth and Fifth Amendments, which are supposedly enforced by the federal courts—and on state courts—guarantee that federal due process and property rights are adhered-to by the States. As I have previously stated, they have become a sad joke in the hands of the courts, because a large majority of law students—and practically all judges—can't pass five randomly-chosen 8th-grade Algebra I quizzes. This case is an excellent illustration of this. There is no "discretion" for a federal district judge to sit on a case for 18 months until a state's highest court makes a final ruling (or a

summary denial). This false procedure makes a mockery of what algebra students learn about probability vs. determinism: "the law is not probabilistic in the same way that factual determinations are. Rather, "the notion that the law is definite and knowable" sits at the foundation of our legal system." Heien v. North Carolina, 574 US 54 (2014)

STATEMENT: The Fourth Circuit ordered that an "informal brief" be filed (https://www.ca4.uscourts.gov/docs/pdfs/informalbrief.pdf?sfvrsn=2ea79077_18#:~:text=The%20Court%20will%20not%20consider,memorandum%20or%20formal%20briefing%20format) in this case. The "informal brief" description (at the above link) states: "The Court will consider this case according to the written *issues*, facts, and arguments *presented* in the Informal Briefs. ... The Court will not consider issues that are not specifically raised in the Informal Briefs. ... Informal Briefs may be filed on the form provided or in memorandum or formal briefing format." I filed my brief in memorandum format.

My brief presented the following issue:

> [T]here is *no discretionary time element* in a Rule 12(b)(6) evaluation of a complaint, such that, as below, a federal district judge's sitting on a complaint long enough (here 18 months) until the rejection of appeals and petitions through a State's highest court (inevitable rejections in the case of Maryland, the most corrupt court system in the US by important measures) has occurred. ... The dismissal Order relies only on its novel "wait for a state supreme court" to make non-final decisions somehow "final." There is no cited legal authority for such an invention. The dismissal was erroneous and must be reversed because it bars every state-court decision from a §1983 challenge...

Whether a federal district court dismisses on 12(b)(6) or (1), it applies legal principles (i.e. "law"), not "discretion." And even if it were to apply discretion, it should *and must* say so, in order to create a proper record of facts and law for review.

My brief set forth the issue that there was no discretion for the judge to sit on the case for some indeterminate length of time; and then declare state-court decisions, "final." Whether the judge's used his erroneous invention to assert a Feldman bar or preclusion, *it did not matter*: his discretionary waiting however long he wanted was impermissible. That "sit and wait" legally-erroneous "method" (the issue I set forth) invalidated both the Feldman and preclusion bars.

The US district judge, "invented" this plainly-flawed, novel approach he thought could get around Thana v. BD. OF LICENSE COM. FOR CHARLES COUNTY, 827 F. 3d 314 (2016), which clearly sets forth (or as clearly as judges ever get, by and large) that the *correct* Feldman bar pertains only to the scope of §1257—final state high-court judgments. Whether this flawed discretionary "sit and wait" trick is used to get 'round Feldman or preclusion, it doesn't matter. The core issue here underlying both Feldman and preclusion is: *there is no such discretion in a legal determination*, per Heien above.

The appeals court retreated from the legal carnage in the trial court by declaring, with no explanation, that Feldman and preclusion are "independent grounds." In my rehearing-request, I made clear that they are *not* independent; they both depend on this false-discretion: wait for 18 months. The appeals court did not explain how they are independent grounds because it cannot. *This silence made the "informal briefing" sheet a fraud perpetrated by the Fourth Circuit*: I presented the single issue underlying both Feldman and preclusion; and the appeals court proclaimed that they were independent, i.e. two separate issues. So they avoided the underlying issue of a discretionary "sit and wait," and uprooted "the definite and knowable foundation of our legal system." Hein.

This is just another example of how the non-analytical polysci know-nothings, who infest law schools and courts, have destroyed our former Constitution. They rule arbitrarily, with no reasoning, just a proclamation—of "independent grounds" or whatever "works" to clear the docket and go play golf at conferences.

This case is an excellent illustration of how the courts have destroyed the Constitution, winging decisions by allowing out-of-control discretion https://www.duluthnewstribune.com/opinion/columns/candidates-view-discretion-is-out-of-control-in-minnesota-courts to destroy out former Bill of Rights.
https://www.duluthnewstribune.com/opinion/columns/candidates-view-lets-not-give-up-on-our-country .

REASONS FOR GRANTING: This Petition will not be granted because it shows, among other things, that the district court judge—who is now one of Harvard's quatloos-provider "overseers"—is a scammer who thinks he can evade a legal determination with "discretion." This case will go into my compendium of evidence that US courts are Orwellian—part of my upcoming presentation in Germany (and probably other EU countries) to expose US courts as the frauds they are.

CONCLUSION: This is the end game of the corrupt, royal-class, ABA lawyer-monopoly-mob, which, among other things, gives lawyers

privileges in federal court, which are plainly equal protection violations. I have pegged the endgame (in rough correlation with a chess match) from the 1983 Feldman BOTCH that crippled our Bill of Rights and killed due process and property rights, by letting State-court judges run wild.
https://x.com/MakeUSAgeekyAgn/status/1910950359800905860/photo/1

The exact timing of the end game isn't important, but I have repeated dozens of times that reading the riot act (on the corrupt courts) into the Congressional Record is the first step in averting riots on, and in, Congress and elsewhere.

Jan 21, 2025

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