

24-7343

ORIGINAL

IN THE
SUPREME COURT OF THE UNITED STATES

FILED
MAY 01 2025
OFFICE OF THE CLERK
SUPREME COURT, U.S.

CHRISTOPHER L. HARRIS

Pro Se, Petitioner

v.

CITY OF PHILADELPHIA, et al.,

Respondents.

On Petition for Writ of Certiorari to
the United States Court of Appeals
for the Third Circuit

PETITION FOR WRIT OF CERTIORARI

Christopher L. Harris
6818 Chew Avenue

Philadelphia, PA 19119

Tel.: (267) 267-0238

Pro se Litigant

I. Questions for Review

In Kokkonen v. Guardian Life Ins., pursuant to Federal Rule of Civil Procedure 41(a)(1)(A)(ii) the parties executed a Stipulation and Order of Dismissal with Prejudice, dismissing the complaint and cross complaint. On April 13, the District Judge signed the Stipulation and Order under the notation "It is so ordered." The Stipulation and Order did not reserve jurisdiction in the District Court to enforce the settlement agreement; indeed, it did not so much as refer to the settlement agreement.

The Question Presented: Where an officer of the court violates the "Kokkonen rule" by "enforcing" an on-the-record promise only, who has unambiguously invoked the Fourteenth Amendment right to due process, under what circumstance is Petitioner charged on the matter of "acceptance"

thereunto and thereby purge the taint from a
Kokkonen violation; *inter alia*?

In Allgeyer v. Louisiana, the Supreme Court struck down a Louisiana statute that restricted citizens' ability to contract for insurance outside the state, establishing the principle of economic liberty under the Fourteenth Amendment's Due Process Clause.

The Question Presented: Where an officer of the court violates Article I, Section 10, Clause 1 of the U. S. Constitution against "Freedom of Contract," who has duly invoked equal protection, under what circumstance is the abridgement of such privileges justifiable under Fourteenth Amendment rights and thereby purge a taint from the Allgeyer decision; *sua sponte*?

II. List of Parties

- 1) CHRISTOPHER L. HARRIS, PRO SE
6818 CHEW AVENUE
PHILADELPHIA, PA 19119
Tel: (267) 267-0238
- 2) OFFICER LESKO BADGE NO. 3374,
INDIVIDUALLY & AS A POLICE OFFICER FOR
THE
- 3) OFFICER DOHAN BADGE NO. 4690,
INDIVIDUALLY & AS A POLICE OFFICER FOR
THE
- 4) CITY OF PHILADELPHIA
1515 ARCH ST 15TH FLOOR
PHILADELPHIA, PA 19102

III. List of Proceedings

- 1) CHRISTOPHER L. HARRIS v. OFFICER DOHAN
BADGE NO. 4690, et al., COURT OF COMMON
PLEAS PHILADELPHIA COUNTY in JANUARY
TERM 2016 NO. 0575, entered April 6, 2018
- 2) HARRIS v. LESKO, et al., assigned to: CHIEF
JUDGE MITCHELL S. GOLDBERG District: 0313-
2: 2-18-cv-01475, entered August 13, 2024
- 3) CHRISTOPHER L. HARRIS v. LESKO, et al.,
Court of Appeals Docket #24-2604
Nature of Suit: 3440 Other Civil Rights, entered
January 14, 2025
- 4) CHRISTOPHER L. HARRIS v. LESKO, et al.,
Court of Appeals Docket #24-2604, entered
February 20, 2025
- 5) HARRIS v. CITY OF PHILADELPHIA, et al.,
SUPREME COURT OF THE UNITED STATES

IV. Table of Contents

I.	Questions Presented	i
II.	List of Parties	ii
III.	List of Proceedings	iii
IV.	Table of Contents	iv
V.	Table of Authorities	v
VI.	Petition for Writ of Certiorari	11
VII.	Opinions Below	11
VIII.	Basis for Jurisdiction	12
IX.	Constitutional Provisions, Statutes	
X.	and Rules	12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26
XI.	Statement of the Case	26, 27, 28
	A. Excessive Force with Taser and Civil Rights Violation	28, 29, 30, 31, 32
	B. The District Court Proceedings	32, 33, 34, 35, 36
	C. The Appellate Court Proceedings	36, 37, 38
XII.	REASONS FOR GRANTING THE WRIT	38
1.	TO AVOID IMPROPER BIAS, THIS COURT SHOULD CLARIFY “LIBERTY” UNDER THE U.S. CONSTITUTION THAT APPLIES WHEN AN OFFICER OF THE COURT ABRIDGES FAIR TERMS OF A SETTLEMENT AGAINST PRO SE LITIGANTS WHO HAVE PREVIOUSLY INVOKED THE RIGHT TO APPEAR BY FEDERAL STATUTE 28 U. S. C. § 1654	38
	CONCLUSION	38, 39
	LIST OF APPENDICES	40
	STATEMENT OF COMPLIANCE	41

PROOF OF SERVICE 42, 43

V. Table of Authorities

Cases

Allgeyer v. Louisiana	3
Buchanan v. Warley	38
Gardiner v. A.H. Robins Co., 747 F.2d 1180 (8th Cir. 1984)	36
Graham v. Connor, 490 U.S. 386 [1989]	26
Hafer v. Melo, 502 U.S. 21 [1991]	31, 32
Harris v. Lesko, 2:18-cv-01475	32
Harris v. Lesko, 3374 4690 (2019)	11, 26
In re Antar, 71 F.3d. 97, 101 (3d Cir. 1995)	37, 38
Katz v. United States	26
Kokkonen v. Guardian Life Ins.	2, 3
Liljeberg v. Health Services	34
Liteky v. United States	35, 36
United States v. Miller, <u>197 F.3d 644, 648</u> (3d Cir. 1999)	37

Statutes

18 U. S. C. § 242	12, 13, 28
18 U. S. C. § 1506	13, 30
18 U. S. C. § 1512(c)(1)(2)	13, 14, 33, 34

- 18 U. S. C. § 1621(2) 14, 34
- 28 U. S. C. § 453 14, 15, 38
- 28 U. S. C. § 455(a), (b)(1) 15, 36
- 28 U. S. C. § 1254(1) 12, 15
- 28 U. S. C. § 1654 15, 16, 38
- 28 U. S. C. § 2072(a), (b) 16, 37, 38
- 28 U. S. C. § 2106 16, 38
- 33 Pa. Stat. § 5 16, 17, 28
- 42 U. S. C. § 1981(a), (b) 17, 27
- 42 U. S. C. § 1983 17, 18, 27
- 42 U. S. C. § 1988(a) 18, 19, 27
- Civil Rights Act of 1871 20, 27
- Rules Enabling Act of 1934 20, 27
- Constitutional Provisions**
- Article I, Section 9, Clause 3 20, 37
- Article I, Section 10, Clause 1 3, 20
- ARTICLE I. DECLARATION OF RIGHTS**
- Constitution of Pennsylvania § 8 21, 30
- Constitution of Pennsylvania § 17 21, 37
- ARTICLE V. THE JUDICIARY**
- Constitution of Pennsylvania § 17(b) 21, 33

ARTICLE VI. PUBLIC OFFICERS

Constitution of Pennsylvania § 3 20, 21, 33
United States Constitution, Amendment IV .. 22, 26
United States Constitution, Amendment XIV
..... 2, 3, 22, 38

Rules and Regulations

207 Pa. Code § 2.6(B) 19, 28
Canon 3(A)(2), (C)(1)(a) 19, 35
Fed. R. Civ. P. 41(a)(1)(A)(ii) 2, 22, 28
Fed. R. Civ. P. 60(d)(3) 23, 28, 37
Fed. R. Civ. P. 68(b) 23, 28
Local Civil Rule 41.1(b) 23, 36
Supreme Court Rule 10(c) 23, 24, 28
Supreme Court Rule 12(2), (3) 24, 41
Supreme Court Rule 13(1), (3) 24, 25, 41
Supreme Court Rule 39.1 25, 26

VI. Petition for Writ of Certiorari

Christopher L. Harris, pro se Petitioner, will respectfully petition this court for a writ of certiorari to review a judgement on the U. S. Court of Appeals for the Third Circuit.

VII. Opinions Below

That a decision by U. S. Court of Appeals for the Third Circuit denied the pro se Petitioner's appeal as of right which it reports in HARRIS v. LESKO 3374 4690 (2019) (See App A). The court also denied pro se Petitioner's request for rehearing en banc on February 20, 2025 (See App B). This order and the Honorable Anthony J. Scirica's vote were limited to panel rehearing only and will be attached to the Appendices ("App").

VIII. Basis for Jurisdiction

Christopher L. Harris's petition for appeal had been denied on February 20, 2025. Mr. Christopher L. Harris will be invoking the Supreme Court's jurisdiction under 28 U. S. C. § 1254(1), having timely filed this petition for a writ of certiorari within ninety days of the U. S. Court of Appeals for the Third Circuit's denial of rehearing.

IX. Constitutional Provisions,

Statutes and Rules

18 U. S. C. § 242 *Deprivation of rights under color of law*

Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects any person in any State, Territory, Commonwealth, Possession, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution or laws of the United States, or to different punishments, pains, or penalties, on account of such person being an alien, or by reason of his color, or race, than are prescribed for the

punishment of citizens, shall be fined under this title or imprisoned not more than one year, or both; and if bodily injury results from the acts committed in violation of this section or if such acts include the use, attempted use, or threatened use of a dangerous weapon, explosives, or fire, shall be fined under this title or imprisoned not more than ten years, or both; and if death results from the acts committed in violation of this section or if such acts include kidnapping or an attempt to kidnap, aggravated sexual abuse, or an attempt to commit aggravated sexual abuse, or an attempt to kill, shall be fined under this title or imprisoned for any term of years or for life, or both, or may be sentenced to death.

18 U. S. C. § 1506 *Theft or alteration of record or process*

Whoever feloniously steals, takes away, alters, falsifies, or otherwise avoids any record, writ, process, or other proceeding, in any court of the United States, whereby any judgment is reversed, made void, or does not take effect; or

Whoever acknowledges, or procures to be acknowledged in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same— shall be fined under this title or imprisoned not more than five years, or both.

18 U. S. C. § 1512 *Tampering with a witness, victim, or an informant*

(c) Whoever corruptly—

- (1) alters, destroys, mutilates, or conceals a record, document, or other object, or attempts to do so, with the intent to impair the object's integrity or availability for use in an official proceeding; or
- (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned for not more than 20 years, or both.

18 U. S. C. § 1621 *Perjury generally*

Whoever—

(2) in any declaration, certificate, verification, or statement under penalty of perjury as permitted under section 1746 of title 28, United States Code, willfully subscribe as true any material matter which he does not believe to be true;

is guilty of perjury and shall, except as otherwise expressly provided by law, be fined under this title or imprisoned not more than five years, or both. This section is applicable whether the statement or subscription is made within or without the United States.

28 U. S. C. § 453 *Oaths of justices and judges*

Each justice or judge of the United States shall take the following oath or affirmation before performing the duties of his office: "I, _____, do solemnly swear (or affirm) that I will administer justice without respect to persons, and do equal right

to the poor and to the rich, and that I will faithfully and impartially discharge and perform all the duties incumbent upon me as ____ under the Constitution and laws of the United States. So, help me God."

28 U. S. C. § 455 *Disqualification of justice, judge, or magistrate judge*

(a) Any justice, judge, or magistrate judge of the United States shall disqualify himself in any proceeding which his impartiality might reasonably be questioned

(b) He shall also disqualify himself in the following circumstances:

(1) Where he has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding

28 U. S. C. § 1254 *Courts of appeals; certiorari; certified questions*

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

28 U. S. C. § 1654 *Appearance personally or by counsel*

In all courts of the United States the parties may plead and conduct their own cases personally or by counsel, as by the rules of such courts, respectively, are permitted to manage and conduct causes therein.

28 U. S. C. § 2072 *Rules of procedure and evidence; power to prescribe*

(a) The Supreme Court shall have the power to prescribe general rules of practice and procedure and rules of evidence for cases in the United States district courts (including proceedings before magistrate judges thereof) and courts of appeals

(b) Such rules shall not abridge, enlarge or modify any substantive right. All laws in conflict with such rules shall be of no further force or effect after such rules have taken effect

28 U. S. C. § 2106 *Determination*

The Supreme Court or any other court of appellate jurisdiction may affirm, modify, vacate, set aside or reverse any judgment, decree, or order of a court lawfully brought before it for review, and may remand the cause and direct the entry of such appropriate judgment, decree, or order, or require such further proceedings to be had as may be just under the circumstances.

33 Pa. Stat. § 5 *Acceptances to be in Writing*

No person within this state shall be charged, as an acceptor on a bill of exchange, draft or order drawn for the payment of money exceeding twenty dollars, until his acceptance shall be in writing, signed by himself, or his lawful agent.

42 U. S. C. § 1981 *Equal rights under the law*

(a) Statement of equal rights

All persons within the jurisdiction of the United States shall have the same right in every State and Territory to make and enforce contracts, to sue, be parties, give evidence, and to the full and equal benefit of all laws and proceedings for the security of persons and property as enjoyed by white citizens, and shall be subject to like punishment, pains, penalties, taxes, licenses, and exactions of every kind, and to no other

(b) "Make and enforce contracts" defined

For purposes of this section, the term "make and enforce contracts" includes the making, performance, modification, and termination of contracts, and the enjoyment of all benefits, privileges, terms, and conditions of the contractual relationship

42 U. S. C. § 1983 *Civil action for deprivation of rights*

Every person who, under color of any statute, ordinance, regulation, custom, usage, State or Territory or the District of Columbia, subjects, or

causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceedings for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated, or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be a statute of the District of Columbia.

42 U. S. C. § 1988 *Proceedings in vindication of civil rights*

(a) **Applicability of statutory and common law**

The jurisdiction in civil and criminal matters conferred on the district courts by the provisions of titles 13, 24, and 70 of the Revised Statutes for the protection of all persons in the United States in their civil rights, and for their vindication, shall be exercised and enforced in conformity with the laws of the United States, so far as such laws are suitable to carry the same into effect; but in all cases where they are not adapted to the object, or are deficient in The provisions necessary to furnish suitable remedies and punish offenses against law, the common law, as *modified and changed by the*

constitution and statutes of the State wherein the court having jurisdiction of such civil or criminal cause is held, so far as the same is not inconsistent with the Constitution and laws of the United States, shall be extended to and govern the said courts in the trial and disposition of the cause, and, if it is of a criminal nature, in the infliction of punishment on the party found guilty.

207 Pa. Code § 2.6(B) *Ensuring the right to be heard*

(B) A judge may encourage parties in a proceeding and their lawyers to settle matters in dispute but shall not act in a manner that coerces any party into settlement.

Canon 3 *A Judge Should Perform the Duties of the Office Fairly, Impartially and Diligently*

(A) Adjudicative Responsibilities

(2) A judge should hear and decide matters assigned, unless disqualified, and should maintain order and decorum in all judicial proceedings

(C) Disqualification

(1) A judge shall disqualify himself or herself in a proceeding in which the judge's impartiality might reasonably be questioned, including but not limited to instances in which:

(a) the judge has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding

Civil Rights Act of 1871

The Civil Rights Act of 1871, also known as the Ku Klux Klan Act or the Third Enforcement Act, was passed to combat the Ku Klux Klan's violence and intimidation against African Americans during Reconstruction, granting individuals the right to sue state and local officials for civil rights violation.

Rules Enabling Act of 1934

The Rules Enabling Act of 1934 (28 U. S. C. § 2071-2077) granted the Supreme Court the power to establish rules for federal courts, including rules of civil procedure and evidence, and it also established a process for the creation and revision of these rules through advisory committees and the Judicial Conference.

Article I, Section 9, Clause 3

"No Bill of Attainder or ex post facto Law shall be passed."

Article I, Section 10, Clause 1

"No State shall . . . pass any . . . Law impairing the Obligation of Contracts."

Constitution of Pennsylvania § 3 *Oath of Office*

Senators, Representatives and all judicial, State and county officers shall, before entering on the duties of their respective offices, take and subscribe to the following oath or affirmation before a person authorized to administer oaths. "I do

solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity."

Constitution of Pennsylvania § 8 *Security from searches and seizures*

The people shall be secure in their person, houses, papers and possessions from unreasonable searches and seizures, and no warrant to search any place or to seize any person or things shall issue without describing them as nearly as may be, nor without probable cause, supported by oath or affirmation subscribed to by the affiant.

Constitution of Pennsylvania § 17 *Ex post facto laws; impairment of contracts*

No ex post facto law, nor any law impairing the obligation of contracts, or making it irrevocable any grant of special privileges or immunities shall be passed.

Constitution of Pennsylvania § 17 *Prohibited activities*

(b) Justices and judges shall not engage in any activity prohibited by law and shall not violate any canon of legal or judicial ethics prescribed by the Supreme Court. Justices of the peace shall be governed by rules or canons which shall be prescribed by the Supreme Court.

United States Constitution, Amendment IV

The right of the people to be secure in their person, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall be issued, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.

United States Constitution, Amendment XIV

All people born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Federal Rule of Civil Procedure 41(a)(1)(A)(ii)

(a) Voluntary Dismissal

(1) By the Plaintiff

(A) Without a Court Order. Subject to Rules 23(e), 23.1(c), 23.2, or 66 and any applicable federal statute, the plaintiff may dismiss an action without a court order by filing:

(ii) a stipulation of dismissal signed by all parties who have appeared

Federal Rule of Civil Procedure 60(d)(3) *Relief from a Judgement or Order*

(d) Other Powers to Grant Relief. This rule does not limit a court's power to:

- (3) set aside a judgment for fraud on the court

Federal Rule of Civil Procedure 68(b) *Offer of Judgement*

(b) Unaccepted Offer. An unaccepted offer is considered withdrawn, but it does not preclude a later offer. Evidence of an unaccepted offer is not admissible except in proceedings to determine costs

Local Civil Rule 41.1(b) *Dismissal and Abandonment of Actions*

(b) Whenever in any civil action counsel shall notify the deputy clerk or the judge to whom the action is assigned that the issues between the parties have been settled, the deputy clerk shall, upon order of the judge to whom the case is assigned, enter an order dismissing the action with prejudice, without costs, pursuant to the agreement of counsel. Any such order of dismissal may be vacated, modified, or stricken from the record, for good cause shown, upon the application of any party served within ninety (90) days of the entry of such order of dismissal, provided the application of the ninety-day time limitation is consistent with Federal Rule of Civil Procedure 60(c).

Supreme Court Rule 10(c) *Considerations Governing Review on Writ of Certiorari*

(c) a state court or a United States court of appeals have decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with the relevant decisions of this Court

Supreme Court Rule 12(2), (3) *Review on Certiorari: How Sought; Parties*

(2) A petitioner proceeding *in forma pauperis* under Rule 39 shall file an original and 10 copies of a petition for a writ of certiorari prepared as required by Rule 33.2, together with an original and 10 copies of the motion for leave to proceed *in forma pauperis*. A copy of the motion shall precede and be attached to each copy of the petition. An inmate confined in an institution, if proceeding *in forma pauperis* and not represented by counsel, needs to file only an original petition and motion

(3) Whether prepared under Rule 33.1 or Rule 33.2, the petition shall comply in all respects with Rule 14 and shall be submitted with proof of service as required by Rule 29. The case then will be placed on the docket. It is the petitioner's duty to notify all respondents promptly, on a form supplied by the Clerk, of the date of filing, date the case was placed on the docket, and docket number of the case. The notice shall be served as required by Rule 29

Supreme Court Rule 13(1), (3) *Review of Certiorari: Time for Petitioning*

(1) Unless otherwise provided by law, a petition for a writ of certiorari to review a judgment in any case, civil or criminal, entered by a state court

of last resort or a United States court of appeals (including the United States Court of Appeals for the Armed Forces) is timely when it is filed with the Clerk of this Court within 90 days after entry of the judgment. A petition for a writ of certiorari seeking review of a judgment of a lower state court that is subject to discretionary review by the state court of last resort is timely when it is filed with the Clerk within 90 days after entry of the order denying discretionary review

(3) The time to file a petition for a writ of certiorari runs from the date of entry of the judgment or order sought to be reviewed, and not from the issuance date of the mandate (or its equivalent under local practice). But if a petition for rehearing is timely filed in the lower court by any party, or if the lower court appropriately entertains an untimely petition for rehearing or *sua sponte* considers rehearing, the time to file the petition for a writ of certiorari for all parties (whether or not they requested rehearing or joined in the petition for rehearing) runs from the date of the denial of rehearing or, if rehearing is granted, the subsequent entry of judgment.

Supreme Court Rule 39.1 *Proceedings in Forma Pauperis*

(1) A party seeking to proceed *in forma pauperis* shall file a motion for leave to do so, together with the party's notarized affidavit or declaration (in compliance with 28 U. S. C. § 1746 in the form prescribed by the Federal Rules of Appellate Procedure, Form 4. See 28 U. S. C. § 1915. The motion shall state whether leave to proceed *in forma pauperis* was sought in any other court and, if

so, whether leave was granted. If the court below appointed counsel for an indigent party, no affidavit or declaration is required, but the motion shall cite the provision of law under which counsel was appointed, or a copy of the order of appointment shall be appended to the motion.

Statement of the Case

Over 55 years ago, the Supreme Court held in Katz v. United States, that the Fourth Amendment protects people, not just places, and that electronic surveillance constitutes a search and seizure which requires a warrant based on probable cause.

In Graham v. Connor, 490 U. S. 386 [1989], this court held “A claim of excessive force by law enforcement upon an arrest, stop, or other seizure of an individual is subject to the objective reasonableness standard of the Fourth Amendment, rather than a substantive due process standard under the Fourteenth Amendment.” Harris v. Lesko, 3374 4690 (2019).

The Civil Rights Act of 1871, also known as the Ku Klux Klan Act or the Enforcement Act of 1871, was a U. S. federal law intended to combat the paramilitary violence of the Ku Klux Klan and protect the civil rights of African Americans. See 42 U. S. C. §§ 1981(a), (b) Equal rights under the law, 1983 Civil action for deprivation of rights, and 1988(a) Proceedings in vindication of civil rights.

The Rules Enabling Act of 1934 is a legislative act that granted the Supreme Court of the United States power to establish rules for the federal courts. Congress passed the Rules Enabling Act in 1934, giving the Supreme Court the power to develop rules of civil procedure and rules of evidence specifically for the federal courts.

This case presents the question of whether a “voluntary” dismissal of action is satisfied under

Fed. R. Civ. P. 41(a)(1)(A)(ii) and bright-line rule when an officer of the court violates Title 33 Pennsylvania Statute § 5 *Acceptances to be in Writing* by charging the pro se Petitioner with “acceptance” who have been unambiguously invoking Constitutional rights to due process, but without the federal court ensuring a right to be heard in accordance with 207 Pa. Code § 2.6(B). See Fed. R. Civ. P. 68(b) *Unaccepted offer*. Also, Supreme Court Rule 10(c) *Considerations Governing Review on Writ of Certiorari*. See Fed. R. Civ. P. 60(d)(3) *Other Powers to Grant Relief*. Also 18 U. S. C. § 242 *Deprivation of rights under color of law*.

A. Excessive Force with Taser and Civil Rights Violation

On March 25, 2014, Mr. Christopher L. Harris (hereinafter “pro se Petitioner”) was falsely arrested

by two Philadelphia Police Officers in connection with a Non-Traffic Statutory Summary Offenses Citation. The pro se Petitioner had been shot with a Taser multiple Times in the lower back until the officer switches the weapon to its "stun mode" and places it on the victim's right ankle which completes the weapon's electrical circuit where the pro se Petitioner lost all consciousness. Without the rightful intervention of either a police officer, or even another witness, the pro se Petitioner was quickly placed into a pair of handcuffs and squad car, where the suspect was taken into police custody. The officers drove the pro se Petitioner and/or victim to a nearby hospital while unconscious still, whom the ER later released into Philadelphia Police custody as they issue a citation to Municipal Court.

Once the pro se Petitioner responded to the citation which states that a trial would be scheduled in Courtroom 404, Criminal Justice Center, 1301 Filbert Street, April 8, 2014, at 2:00 PM, the pro se Petitioner ended up learning that there literally isn't any court documentation relating to such an incident. For it was the second time within twelve months that the pro se Petitioner had been assaulted and falsely arrested by Philadelphia Police Officers of the City's 14th District. However, in the latter occurrence, there was not a malicious prosecution involved. See Constitution of Pennsylvania § 8 *Security from searches and seizures*. Also, 18 U. S. C. § 1506 *Theft or alteration of record or process*.

With the same legal counsel from that prior incident which involves the 14th Police District, whereas the pro se Petitioner suffered from an

orbital-floor fracture without any justification and spent roughly three and one-half months locked in a Detention Center where the case was acquitted in a court trial. That retained Law Firm then initiates a second lawsuit on the same counts of Assault & Battery in Court of Common Pleas for Philadelphia County. Prior to arbitration in state court, the pro se Petitioner was under the impression that if such a resolution was to be disliked or contested, the next step would be to pursue the appeal to a higher court in this case. Since that Law Firm did not make such federal law or Civil Right claims at any point during nor following the arbitration hearing and outcome in state court, counsel of record withdrew from this case and the pro se Petitioner became a formal litigant who laid claims to both state and federal laws. See Hafer v. Melo, 502 U. S. 21 [1991].

"[O]fficers may be held personally liable for damages

under § 1983 based upon actions taken in their official capacities.” Once the petitioner laid claims to federal laws, Defendant counsel removed such matters to federal court. *Harris v. Lesko*, 2:18-cv-01475 (E.D. Pa., filed Apr. 6, 2018).

B. The District Court Proceedings

Due process of law, a fundamental principle of fairness, ensures that legal proceedings are conducted according to established rules and principles, protecting individuals from arbitrary or unfair treatment by the government (See App. C).

On May 14, 2018, Judge Goldberg ordered that a status hearing is scheduled for May 31, 2018, at 11:00 AM in courtroom 4B. The next day, Judge Goldberg reschedules the hearing for June 12, 2018, at 10:00 AM in courtroom 4B.

Upon an individual review of the district court's record on June 4, 2018, Judge Goldberg commences deception upon the court and violates procedural due process by tampering with the victim indicating falsely that the court was unable to forward a court notice for the status hearing, as the pro se Petitioner's notification had been ostensibly returned to sender via U. S. Mail which is entered on record June 5, 2018.

As far as the status hearing on June 12, 2018, the pro se Petitioner will contend that the Chief District Judge Mitchell S. Goldberg fabricated the entire court transcript, pp. 1-9, down to the ECR OPERATOR: STEPHEN SONNIE. See Constitution of Pennsylvania § 3 *Oath of Office*. Also, Constitution of Pennsylvania § 17(b) *Prohibited activities*. 18 U. S.

C. § 1512 *Tampering with a witness, victim, or an informant.*

For that “direct statement” on record cannot be true if a notice had been sent just once and the pro se Petitioner did, in fact, make an appearance to the courthouse for a status hearing on June 12, 2018 (ECF NOS. 4, 5, 6). See 18 U. S. C. § 1621 *Perjury generally*. Moreover, the pro se Petitioner was not sent a notice that depicts a deviation as to where the judge was planning to conduct a hearing which underwent “last minute” changes from courtroom 4B to courtroom 6A. See *Liljeberg v. Health Svcs. Acq. Corp.*, 486 U. S. 847 (1988). “Disqualification of a judge is appropriate when he or she reasonably should have known that the situation created an appearance of impropriety, even if the judge was not actually aware of the details in the situation.”

During the rather brief status hearing on June 12, 2018, Chief District Judge Mitchell S. Goldberg initially questioned whether discussions about a settlement were made in the case; prior to the pro se Petitioner being asked by the judge to step out of the courtroom to have a private conference with a party for one side in the case. He did not so much as make the same effort to privately communicate with the pro se Petitioner during that status hearing which creates the appearance of partiality. Canon 3(A)(2), (C)(1)(a). See also Liteky v. United States, 510 U. S. 540 (1994). Recusal under 28 U. S. C. § 455(a)—which requires a federal judge to "disqualify himself in any proceeding in which his impartiality might reasonably be questioned"—is subject to limitation that has come to be known as "extrajudicial source" doctrine. The "extrajudicial source" doctrine is one application of its pejorative

requirement for the term "bias" and "prejudice" as they are used in §§ 144 and 455(b)(1) with specific reference to the work of judges.

In *Gardiner v. A.H. Robins Co.*, the Supreme Court held, "[T]hat in ordinary litigation the settlement of a dispute is solely in the hands of the parties with which the courts normally do not become involved," but these federal court judgements are neither in compliance with federal laws, Code of Conduct for United States Judge, nor the decisions of this court. See 28 U. S. C. § 455(a), (b)(1) *Disqualification of justice, judge, or magistrate judge.*

C. The Appellate Court Proceedings

On a timely appeal, pro se Petitioner renewed an argument that the district court's Local Rule 41.1(b) is inconsistent with both Federal Rules of Procedure and legal precedent in terms of contract law and statutory

principles which ultimately conflict with the relevant decisions of this court. The Chief District Judge explicitly conveyed deep-seated favoritism and unequivocal antagonism or bias toward a party for one side in the case when he subsequently dismissed a Rule 60(d)(3) motion as untimely on April 2, 2024. See *United States v. Miller*, 197 F.3d 644, 648 (3d Cir. 1999). "[F]ederal courts have long recognized that they have an obligation to look beyond the label of a motion filed by a pro se litigant and to determine whether the motion is, in effect, cognizable under a different remedial statutory framework." See Article I, Section 9, Clause 3. Also, Constitution of Pennsylvania § 17 *Ex post facto laws; impairment of contracts*. See 28 U. S. C. § 2072(a), (b) *Rules of procedure and evidence; power to prescribe*. In *re Antar*, 71 F.3d. 97, 101 (3d Cir. 1995), the U. S. Court of Appeals for the Third Circuit held "that bias existed

where the judge explicitly admitted bias against a party.”

XII. REASONS FOR GRANTING THE WRIT

1. To avoid improper bias, this court should clarify “liberty” under the U. S. Constitution that applies when an officer of the court abridges fair terms of a settlement against pro se litigants who have previously invoked the right to appear by federal statute 28 U. S. C. § 1654

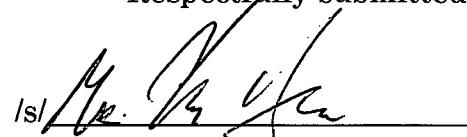
In a 1917 Supreme Court case *Buchanan v. Warley*, the Court struck down a Louisville, Kentucky ordinance that prohibited Black people from living in white-majority neighborhoods, ruling that it violated Fourteenth Amendment protections to freedom of contract and property rights. See 28 U. S. C. § 2106 *Determination*. Also, 28 U. S. C. § 453 *Oaths of justices and judges*.

CONCLUSION

For the foregoing reasons, pro se Petitioner
has respectfully requested that this court issue a
writ of certiorari to review the judgement of the U. S.
Court of Appeals for the Third Circuit.

DATED: 2025 MAY 15

Respectfully submitted,



/s/

CHRISTOPHER L. HARRIS