No. 24-7376

ORIGINAL

In the Supreme Court of the United States

Yu Hin Chan,

Petitioner

v.

Joy F. Campanelli, as New York State Kings County Supreme Court judge

Joseph Cadman, Wendy Cidsco, Rovena Beqiri,

Respondents

ON PETITION FOR A WRIT OF CERTIORARI

TO THE UNITED STATES COURT OF APPEALS

FOR THE SECOND CIRCUIT

PETITION FOR WRIT OF CERTIORARI

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Petitioner

QUESTION PRESENTED

1. Is Joy F. Campanelli's behavior of forging Court documents an official act?

2. Is Joy F. Campanelli's repeated ex parte communication with Petitioner's opposition party a violation of Petitioner's due process rights?

3. Is Joy F. Campanelli immune?

4. Are Rovena Beqiri, Wendy Cidsco, Joseph Cadman shielded by immunity?

LIST OF PARTIES

All parties appear in the caption of the case on the cover page.

RELATED PROCEEDINGS

1. Yu Hin Chan v. Joy f. Campanelli, Wendy Cidsco, Joseph Cadman, Rovena Beqiri United States District Court for the Eastern District of New York, 24-CV-8110

2. Yu Hin Chan v. Joy f. Campanelli, Wendy Cidsco, Joseph Cadman, Rovena Beqiri United States Court of Appeals for the Second Circuit, 25-153

TABLE OF CONTENTS

QUESTIONS PRESENTED.....2

LIST OF PARTIES.....3

RELATED PROCEEDINGS.....3

OPINIONS BELOW.....6

JURISDICTION.....6

STATEMENT OF THE CASE.....6

REASONS FOR GRANTING THE WRIT.....7-10

I. Joy F. Campanelli's behavior of forging Court documents Is Not an official act...7

II. Joy F. Campanelli's repeated ex parte communication with Petitioner's opposition party Is a violation of Petitioner's Due Process rights.....8

III. Joy F. Campanelli IS NOT immune.....9

IV. Rovena Beqiri, Wendy Cidsco, Joseph Cadman ARE NOT shielded by immunity.....10

CONCLUSION.....11

APPENDIX.....12-17

1. Order from United States District Court for the Eastern District of New York.....13-16
2. Order from United States Court of Appeals for the Second Circuit.....17

TABLE OF AUTHORITIES

Ex parte Virginia, 100 U. S. 339 (1880).....7

Mitchum v. Foster, 407 U. S. 225, 240 (1972).....8

Pierson v. Ray, 386 U. S. 547 (1967).....8

Pulliam v. Allen, 466 U. S. 522 (1984).....9

Forrester v. White, 484 U. S. 219 (1988).....9

Stump v. Sparkman, 435 U. S.349 (1978).....9

Bradley v. Fisher, 80 U.S. 335 (1872).....9

OPINIONS BELOW

See Appendix

JURISDICTION

Order from the United States Court of Appeals for the Second Circuit dated 5/7/25. The Court has jurisdiction under 28 U.S.C. § 1254(1).

STATEMENT OF THE CASE

Procedural Background

On 11/18/24, Petitioner initiated the case in United States District Court for the Eastern District of New York; On 12/16/24, judge rachel p. kovner sua sponte dismissed the case when Respondents never responded; On 5/7/25, Second Circuit sua sponte dismissed the appeal by denying Petitioner's application to proceed in forma pauperis and before Petitioner ever filed a Brief.

Factual Background

When presiding over the case in which Petitioner is a Defendant, Respondent Joy F. Campanelli and its clerks were found to have repeatedly engaged in ex parte communication with Plaintiffs of that case and even forged Court documents.

Reasons for Granting The Writ

I. Joy F. Campanelli's behavior of forging Court documents Is Not an official act

The Court has recognized that a judge is not absolutely immune from criminal liability, *Ex parte Virginia*, 100 U. S. 339, 348-349 (1880).

In 505280/2024, which Joy F. Campanelli is presiding over, she was found to have forged multiple Court documents. Forging court documents and tampering with evidence is a serious crime.

A judge's official acts do not include committing crimes, therefore, Joy F. Campanelli's behavior is not an official act.

II. Joy F. Campanelli's repeated ex parte communication with Petitioner's opposition party Is a violation of Petitioner's Due Process rights

Congress enacted § 1983 and its predecessor, § 2 of the Civil Rights Act of 1866, 14 Stat. 27, to provide an independent avenue for protection of federal constitutional rights. The remedy was considered necessary because "state courts were being used to harass and injure individuals, either because the state courts were powerless to stop deprivations or were in league with those who were bent upon abrogation of federally protected rights." *Mitchum v. Foster*, 407 U. S. 225, 240 (1972). See also *Pierson v. Ray*, 386 U. S., at 558-564 (dissenting opinion) (every Member of Congress who spoke to the issue assumed that judges would be liable under § 1983).

In 505280/2024, Joy f. Campanelli conspired with Plaintiffs by having ex parte communication with them and forging Court documents, Joy f. Campanelli furthered her conspiracy with New York State Chief Judge Rowan Wilson and Appellate Division Second Department Presiding Judge Hector Lasalle, there is no doubt that Joy F. Campanelli abused the Court system to harass Petitioner and continuously and shamelessly deprived Petitioner of due process rights.

III. Joy F. Campanelli IS NOT immune in this case

1. An injunction against a judicial officer was necessary to prevent irreparable injury to a petitioner's constitutional rights, The Court has recognized that a judge is not absolutely immune from a suit for prospective injunctive relief, *Pulliam* v. *Allen*, 466 U. S. 522, 536-543 (1984).

2. Our cases make clear that the immunity is overcome in only two sets of circumstances. First, a judge is not immune from liability for nonjudicial actions, *i. e.*,actions not taken in the judge's judicial capacity. *Forrester* v. *White*, 484 U. S., at 227-229; *Stump* v. *Sparkman*, 435 U. S., at 360. Second, a judge is not immune for actions, though judicial in nature, taken in the complete absence of all jurisdiction. *Id.*, at 356-357; *Bradley* v. *Fisher*, 13 Wall., at 351.

3. In the current case, lower Court rachel kovner obviously erred in determining that Joy F. Campanelli is shielded by immunity:

To begin with, she is not absolutely immune from prospective injunctive relief which Petitioner raised in the Complaint, Secondly, her behavior of forging Court documents, tampering with evidence, and having ex parte with Petitioner's opposition party is not an official act, but is a CRIME. Her conspiracy is so outrageous and is a total violation of Petitioner's due process rights to further her own ambition.

IV. Rovena Beqiri, Wendy Cidsco, Joseph Cadman ARE NOT shielded by immunity

Joseph Cadman (an inexperienced newly graduate) and Rovena Beqiri[1] were law clerks. Wendy Cidsco is only an administrative clerk.

As Joy F. Campanelli is not shielded by immunity and that these people participated in the conspiracy as alleged in Complaint, they are not shielded by immunity.

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1 Rovena Beqiri is no longer a clerk, but now an attorney working at Sullivan & Cromwell.

CONCLUSION

Judicial Immunity is widely abused by lower Courts to shield judges from liability or lawsuits which they should have faced. The lower court Rachel Kovner made her conclusion without addressing the unique situation in this case: A judge who forged Court documents, tampered with evidence, and repeatedly had ex parte communication with a party IS NOT immune to lawsuits.

This Court should grant certiorari.

Respectfully Submitted,

Petitioner Yu Hin Chan

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