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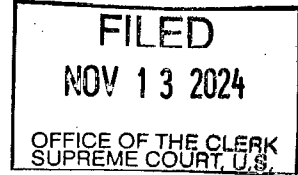
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In the Supreme Court of the United States

Dr. Jeffrey Chijioke-Uche,  
*Petitioner.*

*v.*

General Motors Financial, GMF,  
*Respondent.*



Dr. Jeffrey Chijioke-Uche,  
*Petitioner*

*v.*

General Motors, GM,  
*Respondent.*

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

**PETITION FOR WRIT OF CERTIORARI**

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## QUESTIONS PRESENTED

This petition arises from conflicting interlocutory orders issued by two district court (*U.S. Dist. Ct. E.D. Pa.*) judges in the same cases, creating significant procedural and constitutional concerns. These cases involve two *federal questions* (*Fair Credit Reporting Act [FCRA]* and the *Magnuson-Moss Warranty Act [MMWA]*). In the beginning, *Retired Hon. Judge Eduardo C. Robreno* admitted the **Pro Se** Petitioner's narrative statements and evidence for use as direct testimony for jury trial, recognizing the procedural accommodation necessary for a *Pro Se* litigant. However, the *newly* assigned *Hon. Judge Gerald J. Pappert* subsequently **deleted** / struck the same evidence, reversing prior orders and depriving the Petitioner of essential tools to present his case. These *conflicting* rulings, compounded by the denial of 3d Cir. review under 28 U.S.C. § 1292, raise critical questions about judicial consistency and the uniform application of *federal questions* (FCRA & MMWA) evidence presentation. Immediate intervention by this Court is necessary to prevent *irreparable harm* to the Petitioner at jury trial – This is the only remedy. *The questions presented are:*

1. Whether *conflicting* interlocutory orders from two district court judges, one admitting and the other *deleting* the **pro se** litigant's *narrative statements* content & evidence, raise significant *pro se constitutional rights* violation and *judicial* procedure consistency concerns for fairness.
2. Pursuant to 28 U.S.C. § 1292, are *conflicting* decisions BEFORE *final decision* in cases involving *federal questions* at district court an *interlocutory decision* appealable at the 3d Cir.?

## PARTIES TO THE PROCEEDING

There are two cases & the parties involved are:

***In the first(1<sup>st</sup>) case: (U.S. Dist. Ct. E.D. Pa.)***

1. Dr. Jeffrey Chijioke-Uche is *Pro Se Plaintiff*,
2. General Motors Financial, GMF, is the *Defendant*.
3. Proceeding Federal Question Involved: *FCRA*
  - 15 U.S.C. § 1681 et seq

AND

***In the second (2<sup>nd</sup>) case: (U.S. Dist. Ct. E.D. Pa.)***

1. Dr. Jeffrey Chijioke-Uche is the *Pro Se Plaintiff*,
2. General Motors, GM, is the *Defendant*.
3. Proceeding Federal Question Involved: *MMWA*
  - 15 U.S.C. § 2301 et seq

### ***Parties' Other Information:***

1. Petitioner is a *Pro Se Plaintiff* in both cases related to federal questions (FCRA & MMWA).
2. *General Motors* (GM) is the sole **owner** of *General Motors Financial* (GMF) facing MMWA and FCRA lawsuits respectively in this petition.
3. Both GMF and GM are defendants in both cases (1<sup>st</sup> and 2<sup>nd</sup> Cases) related to the federal questions (FCRA and MMWA) respectively.
4. General Motors (GM) is a **non-participating "Party"** in the 3<sup>d</sup> Cir., as it failed to respond to the 3<sup>d</sup> Cir. Orders to participate (Ignored Orders)
5. General Motors Financial (GMF) is a participating **"Party"** in the 3<sup>d</sup> Cir.

## RELATED PROCEEDINGS

1. **Chijioke-Uche v. GMF**, No. 19-4006 (*U.S. Dist. Ct. E.D. Pa.*)
  - A. *Case-1: FCRA Jury Trial Pending.*
    - (*Retired Judge, Hon. Judge Robreno*)
  - B. *Case-1: FCRA Jury Trial Pending.*
    - (*New Judge, Hon. Judge Pappert*).
2. **Chijioke-Uche v. GM**, No. 20-0216 (*U.S. Dist. Ct. E.D. Pa.*)
  - A. *Case-2: MMWA Jury Trial Pending*
    - (*Retired Judge, Hon. Judge Robreno*)
  - B. *Case-2: MMWA Jury Trial Pending*
    - (*New Judge, Hon. Judge Pappert*)
3. **Chijioke-Uche v. GMF**, (*3d Cir.*)
  - *Case-1: [FCRA] Interlocutory Decision Appeal*
  - *Action No. 24-1690 (3d Cir.)*
4. **Chijioke-Uche v. GM** (*3d Cir.*)
  - *Case-2:[MMWA] Interlocutory Decision Appeal*
  - *Actions No. 24-1691 (3d Cir.).*

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## INTRODUCTION

The petitioner respectfully requests a writ of certiorari to address the *3d Circuit's* dismissal of interlocutory appeal jurisdiction under *28 U.S.C. § 1292*. The writ is also necessary to resolve conflicting decisions between two District Court Judges. *Retired Hon. Judge Robreno's* orders admitted the petitioner's narrative statement and other evidence for the pending jury trial, while *Judge Pappert's* later interlocutory order deleted/struck the same jury trial narrative statement and other evidence previously admitted, creating procedural inconsistency that impacts the Pro Se Petitioner's rights to present evidence at the jury trial.

Hon. Judge Pappert's order of *November 21, 2023* (*Appendix G*) deleted the Petitioner's narrative statement and exhibits, contradicting Judge Robreno's earlier orders of *April 20* and *March 9, 2023* (*Appendices B, J, M*). The *3d Circuit* dismissed the Petitioner's interlocutory appeal on *August 15, 2024*, citing lack of jurisdiction under §1291, while failing to consider §1292(b) *et seq.* (*Appendix D*). The *3d Circuit* provided no detailed opinion, only stating it lacked jurisdiction.

This petition is supported by the following legal rules:

1. *Supreme Court Rules 10 and 11*: Highlight the need to resolve conflicts between lower courts, address federal questions, and permit review in cases of imperative public importance.
2. *Federal Rules of Civil Procedure 54(b) and 26(b)(1)*: Allow clarity in complex litigation and define the scope of discovery relevant to Pro Se

litigants' evidence.

3. *Federal Rules of Evidence 611(a), 602, and 403*: Emphasize fairness, personal knowledge, and reasonable evidentiary rulings, supporting the admissibility of narrative statements for Pro Se cases.

4. *Federal Rule of Appellate Procedure 5*: Governs appellate review under §1292(b) for interlocutory orders affecting substantial rights.

5. *Supreme Court Rule 13*: Ensures timely filing for Supreme Court review.

Supporting case authorities include:

1. *Ragan v. Merchants Transfer & Warehouse Co.*, 337 U.S. 530 (1949): Highlights the Supreme Court's role in maintaining procedural consistency.

2. *In re Plaza Hotel Corp.*, 111 B.R. 882 (Bankr. E.D. Cal. 1990): Stresses the importance of resolving conflicting evidentiary rulings in federal courts.

3. *Ashcroft v. al-Kidd*, 563 U.S. 731 (2011): Underscores the necessity of clear standards to prevent inconsistent treatment.

4. *Will v. Hallock*, 546 U.S. 345 (2006): Demonstrates the Supreme Court's approach to resolving interlocutory appeals under the collateral order doctrine.

5. *North Georgia Finishing, Inc. v. Di-Chem, Inc.*, 419 U.S. 601 (1975): Reaffirms due process rights and the need for procedural consistency in conflicting court orders.

These *conflicts* and procedural inconsistencies demonstrate the critical need for the Supreme Court's intervention to ensure fairness, safeguard constitutional rights, and provide clarity on federal appellate jurisdiction.

**OPINIONS BELOW**

Appendix A (*p. 1a*): General Motors Financial (GMF) disclosed General Motors (GM) as its sole owner on 05/13/2024. This establishes their corporate relationship and relevance to the Petitioner's FCRA and MMWA (§2301) claims.

Appendix B (*p. 3a*): Retired Judge Robreno's 04/20/2023 order admitted the Petitioner's FCRA and MMWA narrative statements and jury trial evidence, emphasizing procedural fairness for Pro Se litigants.

Appendix C & E (*p. 6a & 16a*): Orders from Judge Robreno on 08/08/2022 and 08/31/2022 directed all parties to file jury trial documents, confirming the interlocutory nature of the district court's decisions and intent to proceed with a jury trial.

Appendix D (*p. 7a*): The Third Circuit dismissed the Petitioner's interlocutory appeal on 08/15/2024, citing lack of jurisdiction under 28 U.S.C. § 1291 without addressing § 1292. The Court failed to provide an opinion despite the Petitioner's request.

Appendix F (*p. 17a*): On 07/10/2023, after Judge Robreno's retirement, the case was reassigned to Judge Pappert, marking the start of conflicting rulings on the Petitioner's narrative statements and evidence.

Appendix G (*p. 18a*): Judge Pappert's 11/21/2023 order struck the Petitioner's narrative statements and evidence, creating procedural conflict with Judge Robreno's prior orders.

Appendix H (*p. 23a*): The Petitioner's original narrative statement filed on 04/10/2023, per Judge Robreno's orders, illustrates compliance and highlights the impact of conflicting rulings.

Appendix I (*p. 65a*): A Federal Circuit Order dated 04/15/2024 transferred the appeal to the Third Circuit, suggesting § 1292 jurisdiction but reflecting confusion over appellate jurisdiction for interlocutory decisions.

Appendix J (*p. 70a*): Judge Robreno's 03/20/2023 order denied Respondents' motion to exclude the Petitioner's narrative statement and scheduled further proceedings.

Appendix K (*p. 72a*): On 04/18/2023, the Third Circuit issued a show-cause order questioning its jurisdiction over the interlocutory appeal, highlighting the need for Supreme Court clarification.

Appendix L (*p. 77a*): Judge Pappert's 11/04/2024 denial of certification for interlocutory review amplified procedural obstacles for the Petitioner, necessitating Supreme Court intervention.

Appendix M (*p. 78a*): Judge Robreno's 04/20/2024 order permanently admitted the Petitioner's narrative statements and evidence, further emphasizing conflict caused by Judge Pappert's rulings.

Appendix N (*p. 83a*): The altered narrative statement by Judge Pappert illustrates procedural inconsistency with Judge Robreno's prior orders.

Appendix O (p. 129a): Judge Robreno's order to secure a USPS expert witness confirmed GMF's use of fake USPS mail documents during discovery, relevant to the Petitioner's FCRA (§1681) claims.

### JURISDICTION

This Court has the jurisdiction (authority) to review the Third Circuit's judgment under 28 U.S.C. § 1254(1) and resolve *conflicting* decisions by the two District Court's Judges: In support as well as clarify the 3d Cir. jurisdiction of interlocutory appeal from district court pursuant to 28 U.S.C. § 1292 – *Interlocutory Decisions*. Also, in addition:

- a) The date on which the United States 3d Cir. Court of Appeals dismissed Petitioner's appeal was 8/15/2024
- b) This petition filing was *post-marked* at the U.S. Supreme Court on 8/13/2024.
  - 1. The Supreme Court Ordered an amendment of the Petition on 12/4/2024.
  - 2. The amendment is due within 60 days from the date the Supreme Court Ordered the amendment.

### CONSTITUTIONAL, STATUTORY, AND REGULATORY PROVISIONS INVOLVED

#### 1. STATUTORY PROVISIONS UNDER 28 U.S.C. § 1292

a) *Controlling Question of Law*: Section 1292(b) expressly provides petitioners with a statutory right



to request certification of interlocutory appeals on significant and controlling questions of law. In denying certification, the district court failed to recognize the legal significance and potential case-wide impact of the controlling question<sup>1</sup> presented by the petitioner, impeding the petitioner's right to pursue a critical legal resolution and adversely affecting the procedural *integrity* of the litigation.

**b) *Material Advancement of Litigation:***

Congress designed § 1292(b) to promote judicial economy and fairness by allowing *interlocutory* review of pivotal questions that could *materially* advance the conclusion of a case. By declining certification, the district court effectively forces the petitioner into prolonged litigation, in potential disregard of Congress's intent to provide litigants with early recourse on legal issues that, if resolved, would expedite final resolution. Thus, the district court's refusal to certify undermines the statutory right to seek efficient and just judicial proceedings.

**c) *Substantial Ground for Difference of Opinion:*** Where substantial grounds exist for a difference of opinion on critical issues, § 1292(b) grants petitioners a procedural right to *interlocutory review*. The petitioner contends that the district court's denial of certification disregards this statutory right, particularly given the broad implications of the question at hand for the petitioner's case and the

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<sup>1</sup> (a) Conflicting rulings create uncertainty and affect the Plaintiff's right to present evidence. (b) This raises issues under 28 U.S.C. §§ 1291 and 1292 on interlocutory appeals. (c) Fifth and Seventh Amendment rights are at risk without Supreme Court resolution. (d) Excluding key evidence causes irreparable harm, requiring immediate review.

potential need for appellate guidance, *adding that* the 3d Cir. Court stated that they had no jurisdiction to hear the appeal – which is contrary to § 1292.

## 2. CONSTITUTIONAL RIGHTS IMPLICATED BY THE DENIAL TO CERTIFY

**a) *Due Process (Fifth and Fourteenth Amendments):*** The district court's refusal to certify effectively denies the petitioner's due process rights. The right to interlocutory appeal under § 1292(b) is not merely procedural but a substantive opportunity to seek review of a question that could fundamentally impact the petitioner's rights. The court's denial of this statutory mechanism restricts the petitioner's access to appellate review, thus depriving the petitioner of the full scope of procedural due process protections intended under federal law.

**b) *Access to Fair Judicial Review (Article III and Due Process):*** The petitioner's constitutional right to seek fair judicial review encompasses the right to present significant legal issues for appellate consideration. The denial of certification effectively obstructs access to the federal appellate system and limits the petitioner's opportunity to argue pivotal questions of federal law. This barrier infringes upon the petitioner's fundamental right to have critical legal determinations reviewed by an appellate court, a safeguard essential to ensuring a fair and just resolution.

**c) *Right to a Fair Trial:*** The denial of certification could result in the petitioner's enduring an unfair trial on unresolved legal issues that have significant case-wide implications. The petitioner submits that allowing the district court's decision to stand risks

prejudicing the jury trial proceedings and ultimately impacting the petitioner's right to a fair trial. It's undisputed that a Retired District Court Judge previously admitted Petitioner's jury trial narrative statements and other evidence, which the new District Court Judge erroneously struck with an interlocutory decision, causing Order conflict. Certiorari is essential to rectify this procedural inequity and to preserve the integrity of the petitioner's constitutional right to fair adjudication.

### STATEMENT OF THE CASE

#### A. FEDERAL QUESTIONS CLAIMS.

This case involves General Motors Financial (GMF) and General Motors (GM) – both corporations. GM is the sole owner of GMF (see Appendix A). The Petitioner filed two lawsuits at E.D. Pa Court under the Fair Credit Reporting Act (FCRA) and the Magnuson-Moss Warranty Act (MMWA). These claims involve GMF's violations under the FCRA and GM's violations under the MMWA. The Petitioner purchased a GM-manufactured vehicle covered by GM's Manufacturer's Warranty, including engine turbocharger coverage, and financed the purchase through GMF, GM's financial arm.

When the vehicle developed an engine turbocharger problem, the Petitioner contacted GM to seek repairs under the warranty. However, despite over **10 months** passing, GM failed to repair the vehicle, allegedly violating the MMWA and resulting in a significant loss of vehicle use and financial harm on the Petitioner. Both GM & GMF stole the Petitioner's vehicle from the dealership's service shop where they told petitioner to keep the vehicle for repair of the

engine turbocharger. This was their attempt to hide GM's violation of manufacturer's warranty which they failed to honor. Additionally, GM and GMF **connived** to report the Petitioner's credit information **inaccurately** to the Credit Reporting Agencies (Experian, TransUnion, and Equifax) to **obscure** GM's failure/violation to honor the warranty. This **inaccurate** reporting by GMF, despite the Petitioner having no **missed payments**, damaged the Petitioner's *credit standing* and led to **credit denials** from potential lenders. Therefore, the Petitioner demanded jury trials in both cases. The **retired** District Court Judge subsequently ORDERED (**see Appendix B, H, M**) the Petitioner's FCRA & MMWA **Narrative Statements** as his Direct Testimony at the Jury Trial because Petitioner is *Pro Se*. The petitioner relies on this Narrative Statement and his other FCRA & MMWA evidence to present his claims to the Jury.

#### **B. SUBSEQUENT EXCLUSION OF EVIDENCE**

In preparation for the jury trials, the original district court judge (who later retired: *Hon. Judge Robreno*) issued orders (**see Appendix B, H, M**) to permit the Petitioner, a *Pro Se* litigant, to introduce various forms of evidence, including his *narrative statement*<sup>2</sup> as direct testimony. This accommodation was

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<sup>2</sup> The narrative statements are crucial for the jury, as the *Pro Se* Petitioner lacks an attorney at trial. Judge Robreno ordered their use as direct testimony under the April 20, 2023, order (Appendix B). Judge Pappert's exclusion conflicts with this, causing irreparable harm and warranting appeal under 28 U.S.C. § 1292. Despite this, the District Court denied certification for interlocutory appeal. Appendix B also confirms

granted due to the Petitioner's Pro Se status and the additional challenges of self-representation in a jury trial. However, following the retirement of the original judge, a newly assigned judge took over the case. This new judge subsequently issued interlocutory orders (see *Appendix G, N*) deleting the Petitioner's *previously admitted* narrative statement including other critical jury trial exhibits necessary for proving FCRA & MMWA liability & damages claims, thereby limiting the evidence the Petitioner could present.

The new Judge (Hon. Judge Geral J. Pappert) deleted the contents of the admitted narrative statement and re-wrote the narrative statement by *changing* its contents then afterwards sent it to Petitioner and "*forced*" Petitioner that he must read to the jury that *changed* content during trial. The Petitioner's original *admitted* narrative statements written by Petitioner were re-written to favor the respondents as half of the contents were *deleted* and *re-written*. This is fraudulent.

### C. INTERLOCUTORY CERTIFICATION DENIAL

Following the new judge's interlocutory conflicting orders excluding key evidence from the jury trial – Petitioner's FCRA & MMWA Narrative Statement (Direct Testimony), the Petitioner sought an interlocutory appeal in the Third Circuit Court of Appeals under 28 U.S.C. § 1292(b), seeking immediate review of these "*Conflicting*" exclusionary orders due to their potential impact on the fairness & irreparable harm that could cause at

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Judge Robreno's bifurcation order, emphasizing the narrative's necessity. Supreme Court intervention is required to resolve this conflict.

the jury trial. However, the district court *denied* certifying the order for interlocutory appeal at the 3<sup>rd</sup> circ. Appellate. The Third Circuit dismissed the appeal, citing a lack of jurisdiction, leaving the Petitioner without appeal right before the jury trial.

**D. RETIRED JUDGE ADMITTED NARRATIVE STATEMENT FOR JURY TRIAL USE.**

On April 20, 2023(see Appendix B & M), Hon. Judge Eduardo C. Robreno of the United States District Court for the Eastern District of Pennsylvania issued an Order permitting the Petitioner, proceeding pro se, to submit a narrative statement as his direct testimony at trial in support of his claims under the Fair Credit Reporting Act (FCRA) and the Magnuson-Moss Warranty Act (MMWA). This order was issued to accommodate the Petitioner's self-representation, recognizing that he would not have legal counsel to conduct questioning on the stand. The summary Judgment filed by GM & GMF was DENIED by Judge Robreno, and the cases were prepared for jury trial on the Petitioner's Demand. Judge Robreno enforced with an ORDER that the Petitioner shall proceed to the Jury Trial with his admitted Narrative Statement (Direct Testimony) and other admitted evidence.

***Key provisions in Judge Robreno's order:***

1. *Bifurcation Of Trial Phases:* The trial was ordered to be conducted in two phases—a liability phase and a damages phase—allowing the Petitioner to establish GM's liability under the FCRA and MMWA before addressing damages.
2. *Filing Of Narrative Statement:* The order allowed the Petitioner to file a written narrative statement on April 10, 2023. This narrative statement detailed the

petitioner's account of GM's & GMF's **liabilities**. This narrative would serve as the basis for his direct testimony, replacing traditional *in-court* examination due to his pro se status. Judge Robreno's order authorized the Petitioner to present his case's narrative and critical evidence at jury trial. This ruling aimed to uphold procedural fairness, accommodating the Petitioner's pro se status by allowing his written statement to replace direct questioning, a decision aligned with judicial practices that ensure access to justice for self-represented litigants.

#### **E. NEW JUDGE DELETED ADMITTED EVIDENCE.**

On November 21, 2023, (see Appendix G) *Hon. Judge Gerald J. Pappert* of the U.S. District Court for the Eastern District of Pennsylvania issued an interlocutory order that significantly limited the evidence Petitioner could present at trial. This order included the deletion of the Pro Se narrative statement contents and striking of several evidence that *Hon. Judge Eduardo C. Robreno* had previously admitted as the Petitioner's direct testimony in support of his FCRA and MMWA claims; the narrative statement is Petitioner's Direct Testimony, which was his account and experience of the FCRA & MMWA harm he experienced in the hands of the respondents. This interlocutory Decision by the New Federal District Court Judge conflicts<sup>3</sup> with the

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<sup>3</sup> The new judge's order excluding the Petitioner's narrative statement and jury trial evidence is interlocutory, not resolving the case or issuing a final judgment, making it appealable under 28 U.S.C. § 1292. The jury trial involves federal questions under

Retired Judge's Order that admitted the Narrative Statement (Direct Testimony) on the substantial grounds of the Petitioner's Right as a *Pro Se* (Self-Representation) in the case.

#### F. PROCEEDINGS IN THE FEDERAL DISTRICT COURT

The Petitioner initiated two lawsuits in the *Federal Eastern District of Pennsylvania* to address alleged violations of the *Fair Credit Reporting Act* (FCRA) by *General Motors Financial* (GMF) and the *Magnuson-Moss Warranty Act* (MMWA) by *General Motors* (GM). These claims were based on GM's alleged failure to honor a warranty on the Petitioner's vehicle and GMF's allegedly inaccurate reporting of the Petitioner's credit information. The Petitioner demanded a *jury trial*, and the initial presiding judge, *Judge Eduardo C. Robreno*, issued orders allowing the Petitioner to submit a *narrative statement as direct testimony* at jury trial due to the Petitioner's *Pro Se* status. This narrative statement was intended to detail the Petitioner's claims, experiences, and damages directly to the jury. During these proceedings, *GM and GMF* filed *motions in limine* seeking to exclude the Petitioner's narrative statement as his direct testimony, arguing that it should not be permitted in its entirety. Judge Robreno, however, **denied** *GM and GMF's* respective *motions in limine* and issued an *ORDER* affirming that the Petitioner shall present the narrative

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FCRA and MMWA. Judge Robreno's order allowing the narrative statement as direct testimony accommodated the Petitioner's pro se status, aligning with *Haines v. Kerner*, 404 U.S. 519, 520 (1972), which grants pro se litigants reasonable leeway.



*statement as his direct testimony at the jury trial.* This order allowed the Petitioner to proceed with his prepared narrative statement, enabling him to present his claims to the jury in a structured manner as permitted by judicial proceedings.

After Judge Robreno's retirement, the case was reassigned to *Judge Gerald J. Pappert*, who subsequently issued an *interlocutory order* on *November 21, 2023*. This order, in conflict with Order by *Judge Eduardo C. Robreno*, struck significant portions of the Petitioner's narrative statement and key exhibits that Judge Robreno had previously admitted. Judge Pappert's interlocutory decision contrary to the Order of *Judge Eduardo C. Robreno* effectively limits the scope of evidence that the Petitioner could present at the jury trial. In response, the Petitioner sought an *interlocutory appeal* under *28 U.S.C. § 1292(b)* to challenge these restrictions<sup>4</sup>, arguing that the exclusions substantially impacted his ability to present his case fully to the jury. However, the district court declined to certify the appeal, leading the *Third Circuit Court of Appeals* to dismiss the appeal for lack of jurisdiction due to the interlocutory nature of the order. The sequence of these proceedings, especially the conflicting rulings on the admissibility of the Petitioner's narrative statement, has created substantial procedural limitations for the Petitioner, constraining his ability

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<sup>4</sup> Conflicting rulings by Judges Robreno and Pappert on the Petitioner's narrative statement risk irreparable harm and highlight procedural hurdles in interlocutory appeals under *28 U.S.C. §§ 1292(b) and 1294(1)*. The deletion of the statement violates *McKaskle v. Wiggins*, *Haines v. Kerner*, and *FRE 611/602*, necessitating Supreme Court intervention to ensure fairness and resolve ambiguities.

to present critical evidence. This procedural posture has led the Petitioner to seek relief through this *Writ of Certiorari*.

**G. PROCEEDINGS IN THE FEDERAL AND 3D CIRCUIT COURTS REGARDING APPEAL JURISDICTION.**

1. The petitioner first filed the interlocutory Order appeal at the ***Federal Circuit*** Court. After review by the Federal Circuit Court, the appeal was transferred to the Third Circuit Court; the Federal Circuit Court cited that it's the Third Circuit Court that has *jurisdiction* to hear the appeal. The Federal district court denied the Petitioner's request to certify the appealed decision as an interlocutory decision under 28 U.S.C. § 1292(b), *even when the Order by the Federal District Court was an interlocutory decision*.

2. The Third Circuit reviewed the case to assess its jurisdiction over the appeal, particularly given the *interlocutory nature* of the district court's evidentiary rulings, which were before jury trial. On *August 15, 2024*, the Third Circuit Court of Appeals issued an order *dismissing* the appeal due to lack of jurisdiction, citing that the district court's Order of November 21, 2023, was not a "*final decision*" under 28 U.S.C. § 1291 which it would have had jurisdiction.

2. Significantly, the ***Third Circuit suggestion*** via its order recommended that the Petitioner could pursue a *Writ of Certiorari at the United States Supreme Court* to request relief from the *uncertified interlocutory decision*, which limited the Third Circuit's ability to review the appeal. By filing a writ of certiorari, the Petitioner seeks Supreme Court intervention to address the jurisdictional barrier

created by the uncertified interlocutory order, thereby potentially enabling a review of the **conflicting** ORDERS, which excludes Petitioner's narrative statement (*Direct Testimony*) et al. imposed by the new district court Judge.

3. The petitioner is seeking a favorable difference in opinion of this Honorable Court ("the U.S. Supreme Court") under 28 U.S.C. § 1292 – *Interlocutory Decisions* because there is no **other remedy** to cure the **conflicting** ORDERS error except the *Writ of Certiorari*. The Third Circuit concluded by stating that it did **not** take a position on the merits of the appeal but was bound to dismiss it solely on *jurisdictional grounds as it suggested that it lacked jurisdiction*. The Third Circuit's **opinion** further suggested that the Petitioner should file a *Writ of Certiorari* with the U.S. Supreme to seek that the U.S. Supreme Court should grant the Cert to cure the conflicting Orders at the District Level which are interlocutory decision conflicts.

### REASONS FOR GRANTING PETITION

This Court should resolve whether conflicting interlocutory orders from two district court judges, one *admitting* and the other *deleting* the pro se litigant's jury trial narrative statement content & evidence, raise significant *pro se constitutional* rights violation and judicial procedure consistency concerns for fairness and whether pursuant to 28 U.S.C. § 1292, if *conflicting* decisions BEFORE final decision in cases involving federal questions such as FCRA & MMWA at the *district court* is an interlocutory decision appealable at *3d Cir.*; thus, the resolution by Supreme Court is based on the following reasons:

## 1. DELETION OF ADMITTED EVIDENCE.

A. The actions of the new District Court Judge, *Hon. Gerald J. Pappert*, in **deleting** significant portions of the Petitioner's already *admitted* narrative statements under the **pretext** of "unnecessary background information"(see **Appendix G, N**) undermine the **integrity** of the judicial process and raise serious concerns about the application of partiality, prejudice, and unfairness on *Pro Se* Petitioner. This narrative statement, *previously admitted* as direct testimony by Retired Judge *Eduardo C. Robreno* (see **appendix B, H, M**), is the Plaintiff's firsthand account as *the injured victim* of alleged **federal questions** (FCRA & MMWA) violations.

B. The narrative statement encapsulates the Plaintiff's *lived experiences* and is critical for presenting his claims to the jury. By selectively *deleting* these contents, the new judge appears to prioritize favoring defendants at the expense of the Plaintiff's constitutional rights, including the **Seventh Amendment** right to a jury trial and the **Fifth Amendment** guarantee of due process. Such judicial interference distorts the fact-finding process and effectively **manipulates** justice. Deletion<sup>5</sup> of significant part of the previously Ordered narrative statement is harmful to justice and impairs Petitioner's Right.

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<sup>5</sup> By deleting key parts of the Petitioner's narrative statement, the District Judge violated the principles established in *McKaskle v. Wiggins*, 465 U.S. 168 (1984) and *Haines v. Kerner*, 404 U.S. 519 (1972), as well as the procedural fairness mandated by FRE 611 and FRE 602. These actions warrant the Supreme Court's intervention.

C. The Supreme Court has previously intervened in cases where judicial actions compromised litigants' ability to present their narrative. In *McKaskle v. Wiggins*, 465 U.S. 168, 174 (1984), the Court emphasized that self-represented litigants must retain control over their case's presentation, as it is their story to tell. Similarly, in *Haines v. Kerner*, 404 U.S. 519, 520 (1972), the Court held that Pro Se litigants' submissions must be liberally construed to ensure fairness. **Federal Rule of Evidence 611** also forbids courts from arbitrarily limiting how evidence is presented, emphasizing clarity and fairness over rigid procedural control. Furthermore, forcing or manipulating a party to exclude their firsthand testimony contradicts **FRE 602**, which requires that witnesses testify based on personal knowledge. Any attempt to silence or distort the Plaintiff's narrative is not only an error of law but also a grave miscarriage of justice. Deleting contents previously admitted created *conflicts*.

D. The Supreme Court's intervention is warranted to resolve this *conflict* and ensure that procedural fairness is maintained. The *Federal Rules of Evidence (FRE 611)* and the *Federal Rules of Civil Procedure (FRCP 16)* grant courts the authority to structure proceedings to ensure clarity and fairness, especially for *Pro Se* litigants. Moreover, the Supreme Court has emphasized the importance of resolving conflicting judicial orders in cases that significantly impact substantive rights, as in *Arizona v. California*, 460 U.S. 605, 618 (1983), where the Court resolved inconsistencies in orders to protect procedural integrity and ensure justice. The exclusion of evidence contradicts procedural due process principles outlined in *Bank of Marin v. England*, 385 U.S. 99 (1966).

## 2. 3D CIR. HAS JURISDICTION.

A. The Third Circuit Court's assertion that it lacks jurisdiction under 28 U.S. Code § 1291 for interlocutory decisions *ignores* the explicit authority granted by 28 U.S. Code § 1292. Section 1292(b) permits appellate review of interlocutory decisions when such decisions involve *controlling questions of law*, substantial grounds for difference of opinion exist, and an immediate appeal may materially advance the litigation's termination. In this case, the conflict between the orders of Retired Judge Eduardo C. Robreno (March 9, 2023, and April 20, 2023) permitting the Petitioner's Narrative Statement as direct testimony and New Judge Gerald J. Pappert's order **deleting** significant portions of that statement represents a clear **interlocutory decision conflict**. Such conflicting decisions create irreparable harm<sup>6</sup> by depriving the Petitioner of critical evidence for the jury trial, thereby justifying appellate jurisdiction under § 1292.

B. The Third Circuit's refusal to exercise jurisdiction is a denial of the Petitioner's **Seventh Amendment right** to a jury trial and procedural due process under the **Fifth Amendment**. The exclusion of the Narrative Statement, a firsthand account of the Petitioner's victimization under the Fair Credit Reporting Act (FCRA) and Magnuson-Moss Warranty Act (MMWA), impairs the Petitioner's ability to

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<sup>6</sup> Irreparable harm occurs when pretrial rulings impair a party's ability to present their case, risking an unfair trial. *Abney v. United States*, 431 U.S. 651, 662 (1977), affirms immediate review for such harm, especially when evidentiary exclusions threaten Seventh Amendment rights. Supreme Court intervention is warranted here.

present his case. The Supreme Court has consistently intervened to protect litigants' rights in similar circumstances, including in *Abney v. United States*, 431 U.S. 651, 662 (1977), where the Court held that interlocutory decisions causing irreparable harm to a party's fundamental rights warrant appellate review. The Third Circuit's failure to recognize the irreparable harm caused by conflicting orders undermines its duty to safeguard justice.

C. The manipulation of justice by the Third Circuit in dismissing the Petitioner's appeal on jurisdictional grounds contravenes established Supreme Court precedent. In *Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541, 546 (1949), the Court held that interlocutory orders resolving important and separate legal questions that are effectively unreviewable after final judgment fall within appellate jurisdiction. The decisions by Judges Robreno and Pappert constitute such orders, as they directly impact the admissibility of key evidence **before** the trial even begins. The Third Circuit's reliance on § 1291(see *Appendix D*), while ignoring § 1292(b), demonstrates a failure to address these critical issues, necessitating Supreme Court intervention to correct this miscarriage of justice.

### 3. IMPACT OF INTERLOCUTORY DECISION.

The Petitioner, acting **pro se**, faces significant procedural and evidentiary *restrictions* that severely *impact* his ability to present his claims under the Fair Credit Reporting Act (FCRA) and the Magnuson-Moss Warranty Act (MMWA). Initially, *Judge*

*Eduardo C. Robreno*, recognizing<sup>7</sup> the unique challenges faced by a pro se litigants, permitted the Petitioner to use a *narrative statement as his direct testimony* at trial. This was subsequently struck by a newly assigned judge, leaving the Petitioner with limited means to convey critical elements of his case to the jury. The Petitioner's pro se status and the unique evidentiary limitations warrant the Supreme Court's intervention to ensure that procedural barriers do not infringe upon his right to a fair trial by the Judges' *conflicting* rulings. If the error is not cured by the Supreme Court, Petitioner will incur "*irreparable harm*" at the jury trial because decision by jury can never be re-examined in the United States.

#### 4. CONFLICTING DISTRICT COURT ORDERS.

The case involves *conflicting*<sup>8</sup> district court orders: Judge Robreno's initial decision admitted the Petitioner's narrative statements with his Order of 03/9/2023 and associated evidence (*see Appendix M & H*), while the subsequent order from Judge Gerald J. Pappert *reversed* these Orders, deleting significant contents of the narrative statements and key jury trial exhibits (*see Appendix G & N*). This inconsistency in judicial decisions concerning the admissibility of *pro se litigant* evidence accentuates a

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<sup>7</sup> Immediate review is necessary to ensure pro se litigants' access to justice, as upheld in *Haines v. Kerner*, 404 U.S. 519, 520 (1972). Judge Robreno also Ordered USPS Expert Witness for Plaintiff because GMF provided FAKE mail (*See Appendix O*).

<sup>8</sup> Conflicting rulings by Judges Robreno and Pappert highlight the need for uniform evidentiary standards to protect pro se litigants' due process rights, as emphasized in *Gideon v. Wainwright*, 372 U.S. 335, 344 (1963).



need for the Supreme Court to establish uniform standards on evidentiary accommodations for pro se litigants (*Gideon v. Wainwright*, 372 U.S. 335 (1963)). The **deletion** of *Pro Se* litigant's **admitted** evidence by the new District Court Judge is fraudulent and puts the **integrity** of our judicial system in question & jeopardy. Because a Party is Pro Se does not in any way waive the Party's rights to justice that the district would manipulate Pro Se (Plaintiff's evidence) to favor the Defendants (Corporations) because they have money to over-power *Pro Se*(Plaintiff/Petitioner) who is an individual – That is injustice. Our judicial system is **Honorable & Trusted**, and its integrity should never be questioned. This lower court's judicial error needs to be corrected by the Supreme Court.

##### 5. JURISDICTIONAL IMPASSE.

The Third Circuit Court of Appeals dismissed the Petitioner's appeal due to lack of jurisdiction<sup>9</sup> while holding on to 28 U.S.C. § 1291, instead of using 28 U.S.C. § 1292(b), given the interlocutory nature of the district court's evidentiary rulings. In its dismissal, the Third Circuit suggested that the Petitioner file a *Writ of Certiorari* with the Supreme Court, given that 28 U.S.C. § 129 give appellate court's jurisdiction *on interlocutory Orders* (*Connecticut National Bank v. Germain*, 503 U.S. 249). This jurisdictional impasse effectively leaves the Petitioner without recourse for challenging critical evidentiary exclusions prior to the final judgment. The Supreme

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<sup>9</sup> The Third Circuit's dismissal of the Petitioner's appeal under 28 U.S.C. § 1291 ignored 28 U.S.C. § 1292(b), allowing review of interlocutory orders on controlling legal questions. *Connecticut Nat'l Bank v. Germain*, 503 U.S. 249, 253 (1992), confirms appellate jurisdiction applies where statutes permit.

Court's intervention is therefore warranted to cure this jurisdictional barrier, allowing the Petitioner the opportunity for meaningful review of the district court's interlocutory decisions. Supreme Court ruling would harmonize conflicting circuit interpretations, supported by *Boelens v. Redman Homes, Inc.*, 748 F.2d 1058 (5th Cir. 1984).

#### 6. CONSTITUTIONAL RIGHTS VIOLATION

The exclusion of the Petitioner's narrative statement (Direct Testimony) and key exhibits impinges on his Seventh Amendment right to a jury trial and his **Fifth Amendment** due process rights. The district court's decision to strike these materials, especially after an initial order permitting them, deprives the Petitioner of his constitutional rights to present evidence and testify directly in a jury trial. Supreme Court review is essential to safeguard these constitutional rights, ensuring that evidentiary exclusions do not unjustly hinder the Petitioner's ability to present his case fully and fairly before a jury. The exclusion of jury trial evidence undermines the Seventh Amendment rights affirmed in *Curtis v. Loether*, 415 U.S. 189 (1974), and *Parklane Hosiery Co. v. Shore*, 439 U.S. 322 (1979).

#### 7. IMPLICATIONS OF ACCESS TO JUSTICE.

This case has broader *implications* for *pro se* litigants nationwide, who may face similar evidentiary and procedural challenges. The Supreme Court's intervention would provide crucial guidance on the standards for admitting evidence and narrative statements from *pro se* litigants, setting a precedent that ensures fair treatment and access to justice for self-represented individuals. A decision from the

Supreme Court could clarify the standards by which federal courts assess evidentiary accommodations for pro se litigants, promoting uniform access to justice and reducing the barriers that pro se individuals face in pursuing their claims.

The defense counsel capitalized on the Pro Se litigation by falsifying documents, which the retired Judge had already denied and told them not to use in the trial. The autonomy of pro se litigants in legal representation is underscored in *Faretta v. California*, 422 U.S. 806 (1975). The broader implications for consumer rights litigation are underscored by *Safeco Insurance Co. of America v. Burr*, 551 U.S. 47 (2007). Appellate immediate review is warranted because it will serve the judicial efficiency required and resolves significant legal questions affecting the outcome of the litigation as emphasized by *Gillespie v. U.S. Steel Corp.*, 379 U.S. 148 (1964).

#### 8. UNUSUAL JUDICIAL PROCEEDINGS.

This case involves Controlling Questions of Law. Federal Rules of Evidence (FRE)<sup>10</sup> and Federal Rules of Civil Procedure (FRCP) govern *direct testimony* and the use of *narrative statements* to present evidence in jury trials, enabling parties to address the jury directly. The ***Seventh Amendment*** guarantees the

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<sup>10</sup> The Federal Rules of Evidence (FRE) and Civil Procedure (FRCP) ensure consistency and fairness in trials. Here, the retired judge allowed the pro se Petitioner to use a narrative statement and related evidence for the jury trial. The new judge's exclusion of this evidence creates procedural inconsistency, undermining the Petitioner's Seventh Amendment right to a fair jury trial (*Carolina Line, Inc. v. Redman*, 295 U.S. 654, 657).

right to a jury trial in federal civil cases. It states, "*In Suits at common law, where the value in controversy shall exceed twenty dollars, the right of trial by jury shall be preserved, and no fact tried by a jury shall be otherwise re-examined in any Court of the United States, then according to the rules of the common law.*"

The Seventh Amendment applies specifically to civil cases, ensuring that parties have the right to a **jury trial** in most federal civil lawsuits involving monetary damages. In this case, the Petitioner demanded a jury trial, and the Federal District Court granted it via the Retired Judge of the Court (*Hon. Judge Robreno*). Then the Retired Judge prepared this case for a jury trial with Order["See Appendix C"] and Ordered["See Appendix B" & Appendix M"] that the Petitioner is a Pro Se Litigant, he will **not** have an attorney at the Jury Trial to question him; therefore, it is Ordered that the Petitioner shall file with the court a "*Narrative Statement*"(as his *Direct Testimony*)[See Appendix H] and as part of his Jury Trial exhibits/evidence.

Also, ALL respondents' *motions in limine* to exclude/strike Petitioner's evidence (exhibits for jury trial), including the Narrative Statement, were previously **Denied** by the *Retired* Federal District Court Judge [See **Appendix J**]. When Hon. Judge Robreno retired, the case was reassigned to a *New* Federal District Court Judge (Judge Pappert) [See Appendix F"]. The *New* Judge made a *conflicting decision, in the same case*, which is an *Interlocutory Decision* that did *not* resolve the entire case to have the Petitioner's Narrative Statement (*Direct Testimony*) content **Deleted** [See **Appendix G**]. In clarity, through the interlocutory order, the *new* judge

excluded ALL Petitioner's jury trial evidence the *Retired* Judge Ordered to be used at the jury trial. This is a departure from the *unusual course of judicial proceedings* in which the District Court issued *conflicting* Orders in the same case to impair the petitioner's rights at the jury trial.

#### 9. DUE PROCESS VIOLATION.

The exclusion of critical evidence strikes at the core of Petitioner's right to present his case fully. The district court's refusal to certify the order, combined with the Third Circuit's dismissal, effectively leaves Petitioner without recourse despite the substantial effect on his case (*Boag v. MacDougall*, 454 U.S. 364 (1982)). This weakens the due process rights guaranteed under the Fifth Amendment, as Petitioner faces trial without essential evidence, creating a severe disadvantage that prejudices<sup>11</sup> his case. This case offers the Court an opportunity to address statutory compliance for pro se litigants, as seen in *United States v. Bendolph*, 409 F.3d 155 (3d Cir. 2005). Hon. Judge Eduardo C. Robreno Ordered Pro Se Petitioner shall use Narrative Statements at Trial. The decision will clarify standing under the FCRA, following principles in *Spokeo, Inc. v. Robins*, 578 U.S. 330 (2016). The judicial due process has been violated in these cases involved.

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<sup>11</sup> The denial of jurisdiction over conflicting interlocutory orders violates the Petitioner's Fifth Amendment right to due process, depriving a fair trial and redress under 28 U.S.C. § 1292(b). *Logan v. Zimmerman Brush Co.*, 455 U.S. 422, 429-430 (1982), affirms due process guarantees a chance to present evidence. Supreme Court intervention is essential to ensure justice.

## 10. MISINTERPRETATION OF 28 U.S.C. §1292

The district court and 3d Cir. d interpretation of § 1292 and applicability concerning the requirement to review *interlocutory appeals* is misrepresented. The § 1292 statute is intended to allow review where an order involves controlling legal questions with substantial grounds for difference of opinion and could materially advance litigation. In cases like this, where the *interlocutory order* has an outsized impact on jury trial rights, the 3d Cir. is supposed to be aware that jurisdiction was extended to the appellate court for immediate review pursuant to §1292(a) or (b), because the Supreme Court already emphasized that 3d Cir. has jurisdiction; contrarily, the 3d Cir. Misinterpretation of § 1291 over § 1292.

On the other hand, the *conflicting* rulings by Hon. Judge Robreno and Hon. Judge Pappert created procedural inconsistency, contrary to *Arizona v. California*, 460 U.S. 605 (1983), and *United States v. United Mine Workers*, 330 U.S. 258 (1947). The confusion extended to the district court's new Judge, Hon. Judge Gerald J. Pappert who thinks that "Order" or decision made **before** any Jury trial is not an interlocutory decision even if the decision did not terminate the case, however, "An **interlocutory decision** is a ruling made by a court during the course of a legal proceeding, but **before** the final resolution or judgment in the case.." The district court judge failed to certify the interlocutory Order for review.

## 11. RISK OF IRREPARABLE HARM.

The restrictions placed on Petitioner's evidence are likely to cause *irreparable* harm, as the exclusion of

evidence diminishes his ability to substantiate his claims under the FCRA and MMWA, which are federal questions. Without review, Petitioner will face jury trial under conditions that favor Respondents without Petitioner's ability to readout his Narrative Statement as a Direct Testimony, and any subsequent appeal would likely be too late to correct the prejudicial effect. Immediate Supreme Court intervention is necessary to clarify the reach of § 1292(b) in such cases and safeguard litigants' rights to fair trials as well as clear the conflicting district court rulings on the Narrative Statements.

## 12. SUBSTANTIAL PREJUDICE.

The prior judge Ordered that the Petitioner shall present his Narrative Statement as his *Direct Testimony* and evidence, and a new judge later excluded it with an interlocutory order, and the refusal to certify the interlocutory order for *Third Circuit Court appeal review* could amount to arbitrary or irreparable harm on the Petitioner. This exclusion is a sudden reversal and impacts the petitioner's fundamental rights at the jury trial; this lacks the procedural fairness required under the Fifth Amendment, especially because it appears to be without substantial justification. It is necessary that the 3d Cir. review the interlocutory order because there is federal questions' evidence excluded<sup>12</sup> in the

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<sup>12</sup> The exclusion of the Petitioner's Narrative Statement, previously admitted as testimony, and denial of appeal certification raise serious Fifth Amendment due process concerns. Sudden reversals in pretrial rulings create substantial prejudice. Conflicting orders under FCRA and MMWA necessitate appellate review to resolve disputes, ensure uniform

Narrative Statement. The exclusion of the Petitioner's Narrative Statement contravenes principles established in *Haines v. Kerner*, 404 U.S. 519 (1972), and *Faretta v. California*, 422 U.S. 806 (1975), which protect pro se litigants' ability to present their cases. The substantial legal questions of the admissibility of narrative testimony for pro se litigants are supported by *Cruz v. Beto*, 405 U.S. 319 (1972).

### 13. CONTROLLING QUESTIONS OF LAW

When conflicting District Court Orders exist in legal cases handling federal questions (FCRA & MMWA) as it is in this petition, this raises the controlling question of law and requires the Supreme Court to intervene for resolution of the questions presented.

### 14. DENIAL OF RIGHTS

The district court's refusal to certify the interlocutory order ("See Appendix L") under 28 U.S.C. § 1292(b) deprived the Third Circuit of jurisdiction to review a decision that significantly impacted Petitioner's ability to present his claims at the jury trial. Section 1292(b) was designed to allow immediate appellate review of interlocutory orders when they involve controlling questions of law, substantial grounds for difference of opinion, and the potential to materially advance the termination of litigation.

By refusing to certify the order, the district court precluded the Third Circuit from addressing potential legal errors that could irreparably harm the Petitioner's rights at the jury trial. This refusal

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federal law (*Grable*,... 545 U.S. 308, 312), and uphold justice (*Fuentes v. Shevin*, 407 U.S. 67 (1972))



undermines the statutory purpose of § 1292(b), which exists to prevent prejudicial outcomes stemming from lower court decisions that severely limit a party's case presentation. Without certification, Petitioner faces jury trial with key evidence excluded, directly affecting his FCRA and MMWA claims, which are controlling questions of Federal Law. Supreme Court intervention is essential to clarify the circumstances under which certification should be granted, ensuring that district courts cannot arbitrarily withhold access to appellate review and thereby compromise litigants' rights to fair and just proceedings. The FCRA and MMWA involve controlling questions of federal law, as they are federal statutes enacted by Congress and apply nationwide in the U.S.

#### 15. FEDERAL QUESTIONS ARE INVOLVED.

The FCRA) and (MMWA) are federal statutes that provide nationwide consumer protection, establishing rights and responsibilities that are vital to the public interest. Both laws create federal questions that warrant Supreme Court review due to their roles in ensuring standardized protections across the United States. The narrative statement content stricken/~~deleted~~ with *conflicting* interlocutory order has the FCRA & MMWA evidence which was thoroughly examined by the District Court retired Judge (*Hon. Eduardo C. Robreno*). This is why Judge Robreno Ordered (*see Appendix B, M*) that the Narrative Statement **shall** be used at the Jury Trial for the interest of Justice<sup>13</sup>. The case directly impacts

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<sup>13</sup> The FCRA and MMWA establish federal standards for consumer protection, creating federal questions under federal jurisdiction. Conflicting interlocutory orders excluding the

credit reporting practices governed under the FCRA, as addressed in *Cortez v. Trans Union, LLC*, 617 F.3d 688 (3d Cir. 2010). This case reinforces the application of warranty enforcement rights under the MMWA, highlighted in *Anderson v. Sara Lee Corp.*, 508 F.3d 181 (4th Cir. 2007).

#### 16. APPEALABLE COURT DECISION.

**a. Nature of Interlocutory Orders:** An interlocutory order is any court decision that addresses preliminary matters in a case without resolving the *entire* case. Orders on motions in limine (which seek to admit or exclude certain evidence before trial) is not the decided “FINAL” decision of the case but rather determine the admissibility of specific pieces of evidence or testimony before the jury trial. (“See *Abney v. United States*, 431 U.S. 651 (1977)”). The Interlocutory Decision may cause irreparable harm if not appealed. Therefore, 28 U.S.C §1292 is invoked for this purpose.

**b. Final Decision vs. Interlocutory Order:** A jury verdict, as the “**final decision**,” is based on the entirety of the trial, including evidence presented, witness testimony, and jury deliberations. However, orders on motions in limine are made *before* the jury trial begins to manage the evidence that the jury may consider. Because they do not determine the ultimate rights of the parties but only limit or exclude certain evidence, they are classified as *interlocutory*.

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Plaintiff's Narrative Statement (Appendix G) undermine the retired judge's prior ruling on its admissibility, impacting FCRA and MMWA evidence. Supreme Court review is needed to resolve these conflicts, ensure uniformity in federal law (*Verizon Maryland*, 535 U.S. 635, 642), and uphold justice.

## 17. TO CURE THE CONFLICT

Granting this Cert would establish uniform evidentiary standards, aligning with *Steffel v. Thompson*, 415 U.S. 452 (1974). The primary law that permits the appeal of an interlocutory decision is 28 U.S.C. § 1292:

**A. 28 U.S.C. § 1292(a):** This provision allows for the immediate appeal of certain types of *interlocutory orders without* the need for district court certification, including orders granting, continuing, modifying, refusing, or dissolving injunctions, as well as certain orders in receivership or admiralty cases.

**B. 28 U.S.C. § 1292(b):** This provision permits a discretionary appeal of other interlocutory decisions that do not fall under § 1292(a) if<sup>14</sup>:

1. *The district court certifies that the order involves a controlling question of law.*
2. *There is substantial ground for difference of opinion on that question; and*
3. *An immediate appeal may materially advance the ultimate termination of the litigation.*
4. *Once the district court issues this certification, the Court of Appeals must also agree to accept the appeal for it to proceed.*

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<sup>14</sup> The appealability of interlocutory orders under 28 U.S.C. § 1292 allows review of pretrial decisions affecting litigation. § 1292(a) permits immediate appeals for certain orders, while § 1292(b) allows discretionary appeals for controlling legal questions that could advance case resolution. This prevents harm and inefficiency, as upheld in *Caterpillar Inc. v. Lewis*, 519 U.S. 61, 74 (1996). The denial of interlocutory appeal here highlights the importance of § 1292(b) in safeguarding fairness and addressing pivotal legal issues.

## 18. NATIONAL SIGNIFICANCE.

In these cases, there is an immediate need to appeal the *interlocutory decision* because there is ground for a difference of opinion on the Federal Questions' (FCRA & MMWA) narrative statement (Direct Testimony) evidence use at jury trial, which was previously Admitted for Petitioner's Jury Trial use by **Retired** Judge Robreno via an *Order*. This case offers an opportunity to clarify statutory protections under the FCRA, as discussed in *Safeco Insurance Co. of America v. Burr*, 551 U.S. 47 (2007), and the MMWA, as in *Dairy Queen, Inc. v. Wood*, 369 U.S. 469 (1962). There are now *conflicting Orders* (decisions) from the New Federal District Court Judge (Judge Pappert) to exclude the Petitioner's Direct Testimony contents, which were approved by the Retired Federal District Court Judge (Hon. Judge Robreno) via an order. The Supreme Court of the United States needs to intervene here in the interest of justice. In summary, granting the Petition would enable the Supreme Court to resolve significant procedural, statutory, and constitutional issues and errors affecting the Petitioner's right to a fair trial, protect critical consumer rights under federal law (Federal Questions), and provide the necessary clarity on the rights of pro se litigants in federal courts when Federal Questions are involved in cases. This case has national significance because of the following key:

1. *The case could harmonize conflicting decisions in the federal Circuit courts or in the Federal District Courts.*
2. *The case could have precedential value.*
3. *The validity of statute of the United States is in question.*

This case is considered to have ***national significance*** because its outcome could impact a broad range of individuals, industries, or institutions across the country. Cases involving national significance often address key issues of public interest, federal law interpretation, or constitutional rights. When it comes to the Fair Credit Reporting Act (FCRA) and the Magnuson-Moss Warranty Act (MMWA), national significance is evident in the following ways:

19. THIS CASE HAS PRECEDENTIAL VALUE.

This case has ***precedential value*** because its resolution is likely to establish a legal principle or rule that will guide district courts in deciding similar cases in the future such as when two district court judges split. This means the Supreme Court should review and grant this petition because the decision will have precedential<sup>15</sup> values.

20. HARMONIZE CONFLICTING DECISIONS.

This case has the potential to ***harmonize conflicting decisions*** because two different district court judges within the same court issued contradictory rulings on the same legal matter. This created uncertainty and inconsistency, not only for the parties involved but also for future litigants and the judicial system. The Supreme Court must resolve inconsistencies to establish uniform standards, as

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<sup>15</sup> Conflicting rulings on the Petitioner's narrative statement and jurisdictional uncertainty under 28 U.S.C. § 1292 demand Supreme Court review to resolve ambiguities. *Marbury v. Madison*, 5 U.S. 137 (1803), and *Grable*,..., 545 U.S. 308 (2005), affirm the Court's role in clarifying federal questions.

highlighted by the conflicting orders in this case and supported by *Bank of Marin v. England*, 385 U.S. 99 (1966). These conflicting Federal District Court decisions underscore the need for harmonization:

### 1. Retired Judge's Ruling:

The Retired Judge, *Hon. Judge Eduardo C. Robreno*, issued an order *admitting* petitioner's *Narrative Statements* and other evidence as **admitted** (see *Appendix B, H, M*) for the jury trial. This decision acknowledged the procedural rights of the pro se litigant and complied with federal rules supporting *narrative testimony* in certain circumstances, especially for self-represented parties.

### 2. New Judge's Conflicting Ruling:

Upon reassignment of the case, the New Judge, *Hon. Judge Gerald J. Pappert*, issued an interlocutory order, **deleting** the same exact *Narrative Statements contents and striking (see *Appendix G, N*) other jury trial evidence previously **admitted** by the Retired Judge (*Hon. Judge Eduardo C. Robreno*). This order effectively reversed the earlier decision of the Retired Judge's ruling thereby creating *conflict* of decision (Orders).*

## CONCLUSION

For the foregoing reasons, the Petitioner respectfully requests this Court grant the writ of certiorari to address critical procedural and substantive issues in these federal questions cases. Conflicting orders by the Federal District Court — (a) Judge Eduardo C. Robreno permitting the Pro Se Petitioner's Narrative Statement and jury trial evidence as Direct Testimony while denying motions to exclude, and (b)

Judge Gerald J. Pappert subsequently granting motions to exclude the same evidence—have created an irreconcilable conflict that jeopardizes the Petitioner's right to a fair jury trial.

This conflict necessitates immediate review to ensure procedural fairness and consistency. The District Court's refusal to certify the interlocutory order under 28 U.S.C. § 1292(b), coupled with the Third Circuit's dismissal under 28 U.S.C. § 1291 without addressing jurisdiction under § 1292, leaves the Pro Se Petitioner without remedy to avert irreparable harm at trial. Only this petition for the Writ of Certiorari can resolve these conflicts and uphold justice.

The conflicting interlocutory orders of the two district court judges on the admissibility of the **Pro Se** petitioner's narrative statements (direct testimony) and evidence meet the criteria for the **collateral order doctrine** which permitted immediate appellate review. These orders conclusively resolve disputed issues separate from the merits of the case and would be effectively **unreviewable** after a final judgment from the jury trial, creating **irreparable harm**. (*Cohen v. Beneficial Industrial Loan Corp.*, 337 U.S. 541, 546 (1949); *Digital Equipment Corp. v. Desktop Direct, Inc.*, 511 U.S. 863, 867 (1994)). This evidence is for the **federal questions** involved (FCRA & MMWA).

The resolution of conflicts is essential to uphold the principles of fairness and justice, ensuring that lower courts adhere to consistent standards in their rulings. By addressing these inconsistencies, the Supreme Court reinforces its role as the final arbiter of federal statutes and protects the **integrity** of the *judicial*

previously permitted by the District Court Order of **03/9/2023 by Judge Robreno**, safeguarding Petitioner's rights for liability & damage claims for every of the *federal questions*, like FCRA & MMWA involved here.

**5. Issue Precedential Guidance** on the standards for managing *conflicting* orders by subsequent judges, the accommodation of pro se litigants in presenting evidence which includes the use of *Pro Se* Narrative Statements, and the application of 28 U.S.C. § 1292 to *interlocutory orders* impacting substantial party's rights *before jury trial* as seen in this case.

**6. Review** this entire petition to resolve ALL the issues outlined therein and grant Relief.

**7. Provide "ANY" other Relief** the Supreme Court deemed fit, suitable, effective, and appropriate to preserve the integrity, dignity and honor of the judicial procedure pertaining the Federal Questions involved in these cases.

**8. Give the 3d Cir.** appropriate directions under 28 U.S.C. § 1292 *et seq* that will help in resolving the district court's order conflicts impacting Petitioner's rights as Pro se.

Respectfully submitted, **January 2025**

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