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No. 25 -

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OFFICE OF THE CLERK
SUPREME COURT, U.S.

**In The
Supreme Court of the United States**

KAEUN KIM

Petitioner / Plaintiff,

v.

**MARK ALI, MIRA OHM, PRUDENTIAL
FINANCIAL, INC, ROBERT BUHRMEISTER**

Respondents / Defendants

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

**PETITION FOR A WRIT
OF CERTIORARI**

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SUPREME COURT, U.S.

QUESTIONS PRESENTED

1. Whether the Third Circuit erred in denying the Petition for Writ of Mandamus despite compelling evidence of judicial bias, obstruction of justice, and denial of due process in the lower courts.
2. Whether the Third Circuit's decision improperly expands judicial and prosecutorial immunity beyond constitutional limits, shielding government officials who allegedly engaged in fabrication of evidence and procedural misconduct from accountability.
3. Whether the failure to consider fundamental due process violations in an ongoing criminal matter necessitates review by this Court to prevent a grave miscarriage of justice.

PARTIES TO THE PROCEEDING

Petitioner, Kaeun Kim, is a pro se litigant whose constitutional rights have been repeatedly denied by the lower courts.

Respondents include the United States Court of Appeals for the Third Circuit, along with various officials and entities implicated in the underlying litigation, including Prudential Financial, Robert Buhrmeister, Assistant Prosecutors Mira Ohm and Judge Mark Ali.

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

**PETITION FOR A WRIT OF
CERTIORARI**

KAEUN KIM respectfully petitions for a writ of certiorari to review the judgment of the Third Circuit in this case.

OPINIONS BELOW

The Third Circuit's per curiam order denying the

Petition for Writ of Mandamus was entered on October 15, 2024 in a non-precedential per curiam opinion, and the Petition for Rehearing En Banc was denied on November 12, 2024. These rulings are unpublished.

JURISDICTION

This Court has jurisdiction under 28 U.S.C. § 1254(1), which grants discretionary review over cases from the U.S. Courts of Appeals. The petition for rehearing was denied on November 12, 2024. This petition is timely filed within 90 days under Rule 13 of the Supreme Court Rules.

STATUTORY AND CONSTITUTIONAL PROVISIONS INVOLVED

Fourth Amendment, U.S. Const. amend. IV:

The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, 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.

Fifth Amendment – Due Process Clause, U.S. Const. amend. V:

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the Militia, when in actual service in time of War or public danger; nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation.

Sixth Amendment, U.S. Const. amend. VI:

In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed, which district shall have been previously ascertained by law, and to be informed of the nature and cause of the accusation; to be confronted with the witnesses against him; to have compulsory process for obtaining witnesses in his

favor, and to have the Assistance of Counsel for his defense.

Fourteenth Amendment – Due Process and Equal Protection Clauses, U.S. Const. amend. XIV, § 1:

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 life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the protection of the laws

42 U.S.C. § 1983 – Civil Action for Deprivation of Rights:

Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any 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 proceeding for redress..

28 U.S.C. § 1651 – The All Writs Act:

(a) The Supreme Court and all courts established by Act of Congress may issue all writs necessary or appropriate in aid of their respective jurisdictions and agreeable to the usages and principles of law.

This provision grants courts broad authority to issue writs, including mandamus, when necessary to protect fundamental rights and ensure the proper functioning of the judicial process.

STATEMENT OF THE CASE

For nearly seven years, Petitioner Kaeun Kim has been the victim of an unrelenting, malicious, and unconstitutional prosecution, built on fabricated evidence, judicial corruption, and prosecutorial abuse. This horrific and vindictive legal persecution has resulted in severe emotional, physical, and economic devastation, depriving Petitioner of his fundamental rights and human dignity.

Since April 2018, Defendant Prudential Financial, Inc. and its employee, Defendant Robert Buhrmeister, deliberately manipulated and falsified surveillance footage in an effort to wrongfully accuse

and prosecute Petitioner. This fabricated evidence became the foundation of a fraudulent prosecution, orchestrated and perpetuated by Assistant Prosecutor Mira Ohm, who knowingly relied on falsified evidence while refusing to produce the original, unaltered footage. Despite multiple legal motions, demands, and judicial challenges, Defendants have actively concealed exculpatory evidence, engaged in obstruction of justice, and violated Petitioner's constitutional rights and federal statutory protections.

I. SEVEN YEARS OF UNLAWFUL PERSECUTION RESULTING IN PROLONGED SUFFERING

Petitioner has endured seven years of relentless prosecution, despite irrefutable evidence of innocence and clear constitutional violations. Defendants—Prudential, its employees, and the state prosecutors—have engaged in an orchestrated campaign of legal terrorism against Petitioner, weaponizing the judicial system to inflict maximum harm.

(1) Unlawful Incarceration & Unjustified Legal Threats: Petitioner has been subjected to wrongful imprisonment, coercive legal threats, and indefinite legal limbo due to this fraudulent prosecution¹. The state courts and prosecutors have deliberately prolonged the case, keeping Petitioner under the constant threat of legal penalties based on manufactured evidence.

(2) Severe Mental and Emotional Distress²: The psychological impact of this malicious prosecution has been catastrophic, resulting in severe anxiety, depression, and irreparable emotional trauma. The harassment, coercion, and injustice inflicted by the courts and prosecutors have left Petitioner in a state of constant fear and suffering.

¹ **Malicious prosecution built on knowingly falsified evidence**, a direct violation of *McDonough v. Smith*, 139 S. Ct. 2149 (2019), which held that **fabricated evidence in criminal proceedings violates the Due Process Clause**.

² Such prolonged psychological abuse amounts to **cruel and unusual punishment** under *Foucha v. Louisiana*, 504 U.S. 71 (1992), which **prohibits indefinite detention and legal manipulation that deprives individuals of their liberty without due process**.

(3) Extreme Financial Ruin³ & Economic Harm: Seven years of continuous litigation, forced court appearances, and legal battles have drained Petitioner's financial resources. The prolonged legal warfare has resulted in permanent damage to Petitioner's professional and personal reputation, destroying his economic stability and future prospects.

Despite compelling evidence of falsification, obstruction of justice, and prosecutorial misconduct, the District Court has engaged in deliberate inaction, the State Court has demonstrated blatant bias, and the Third Circuit has summarily dismissed Petitioner's plea for relief without proper judicial scrutiny.

II. FABRICATED EVIDENCE & OBSTRUCTION OF JUSTICE BY DEFENDANTS

This case arises from the egregious falsification of surveillance evidence, a calculated scheme orchestrated by Prudential Financial, Inc. and

³ The malicious prosecution has permanently tarnished Petitioner's professional reputation, cutting off career opportunities and economic prospects.

Defendant Robert Buhrmeister to frame Petitioner for a crime he did not commit.

(1) Deliberate Falsification of Surveillance Footage: The altered video was presented as evidence against Petitioner, despite clear indications of tampering and manipulation. Prudential Financial has refused to release the original footage, preventing any meaningful examination of the fraudulent claims against Petitioner.

(2) Prosecutorial Misconduct & Suppression of Exculpatory Evidence⁴: Assistant Prosecutor Mira Ohm knowingly relied on falsified evidence, violating *Brady v. Maryland*, 373 U.S. 83 (1963), which mandates disclosure of exculpatory evidence. The prosecution's unconstitutional tactics—relying on altered evidence while suppressing exonerating material—directly violate Petitioner's right to due process.

(3) Judicial Bias & Procedural Violations: Judge Mark Ali has continuously obstructed Petitioner's

⁴ The Supreme Court in *Weary v. Cain*, 577 U.S. 385 (2016) reaffirmed that **convictions based on suppressed exculpatory evidence violate fundamental due process rights.**

right to a fair trial, refusing to grant discovery motions or review exculpatory material: The lower courts have demonstrated systemic prejudice, denying Petitioner's motions without review and favoring the prosecution's fraudulent claims.

The courts, the prosecutors, and Prudential have all colluded to perpetuate a fraudulent case, making it impossible for Petitioner to receive a fair legal proceeding.

III. THIRD CIRCUIT'S FAILURE TO PROVIDE RELIEF PERPETUATES ONGOING INJUSTICE

On October 15, 2024, the Third Circuit denied Petitioner's writ of mandamus without addressing the core constitutional violations and overwhelming evidence of fabricated evidence and malicious prosecution. Petitioner then filed a motion for rehearing en banc, which was denied on November 12, 2024.

By summarily dismissing Petitioner's claims, the Third Circuit has effectively sanctioned the continued miscarriage of justice, permitting state

officials and private corporations to weaponize the legal system against an innocent individual.

Without immediate Supreme Court intervention, this vindictive and unconstitutional prosecution will persist indefinitely, causing further irreparable harm to Petitioner's mental, physical, and economic well-being.

IV. THIS MALICIOUS PROSECUTION MUST END IMMEDIATELY – SUPREME COURT INTERVENTION IS ESSENTIAL

This case is not simply a legal dispute—it is an urgent human rights crisis. For nearly seven years, Petitioner has endured an ongoing campaign of legal persecution, judicial corruption, and prosecutorial misconduct. The mental, financial, and physical toll of this malicious prosecution cannot be overstated.

Petitioner respectfully demands that the Supreme Court grant mandamus relief to immediately halt this unlawful prosecution, compel the state courts and prosecutors to dismiss all charges, and hold Defendants—Prudential, its employees, and the

prosecutors—accountable for their egregious misconduct.

The fabrication of evidence, intentional suppression of exculpatory material, and deliberate violation of Petitioner's constitutional rights require extraordinary judicial intervention to restore justice.

For these reasons, Petitioner urges the Supreme Court to take immediate action to grant mandamus relief, dismiss all pending charges, and ensure that no one else is subjected to the same unlawful persecution that Petitioner has endured for nearly seven years.

The time for justice is now. This malicious prosecution must end, and those responsible must be held accountable.

THE CRITICAL IMPORTANCE OF THE QUESTIONS PRESENTED

The Questions Presented in this case address some of the most fundamental principles of constitutional law, due process, and judicial accountability. The Third Circuit's refusal to grant mandamus relief,

despite overwhelming evidence of judicial bias, prosecutorial misconduct, and fabricated evidence, has effectively sanctioned a severe and prolonged miscarriage of justice. For nearly seven years, Petitioner has been subjected to an unconstitutional and horrific malicious prosecution, driven by fabricated evidence, obstruction of justice, and gross judicial misconduct. The failure of the lower courts to intervene has eroded the integrity of the legal system, deprived Petitioner of fundamental constitutional rights, and caused catastrophic mental, financial, and reputational damage.

The Supreme Court's immediate intervention is essential to prevent further injustice and restore the foundational protections of the U.S. Constitution.

I. LOWER COURT MISCONDUCT AND ONGOING DUE PROCESS VIOLATIONS

A. Fabricated Evidence & Suppression of Exculpatory Material

Petitioner has provided substantial, documented evidence that the prosecution knowingly relied on fabricated surveillance footage, deliberately manipulated by Defendant Prudential Financial and

its employee, Robert Buhrmeister. Despite multiple legal motions demanding the production of the original, unaltered video, the lower courts refused to compel disclosure, thereby shielding crucial exculpatory evidence from scrutiny.

This deliberate suppression of exculpatory material constitutes a direct violation of *Brady v. Maryland*, 373 U.S. 83 (1963), which mandates that the prosecution disclose all evidence favorable to the accused. The failure of the courts to enforce this fundamental constitutional safeguard has stripped Petitioner of his right to a fair trial, resulting in an unjust and protracted prosecution that should have been dismissed years ago.

By allowing this fabricated evidence to remain unchallenged, the courts have enabled a malicious prosecution that has now persisted for nearly seven years, inflicting severe psychological, financial, and reputational damage on Petitioner. The continued disregard for constitutional protections demands immediate dismissal of the baseless prosecution and Supreme Court intervention to rectify these egregious legal abuses.

B. Judicial Bias & Systemic Obstruction of Justice

The judicial misconduct and systemic bias exhibited at every stage of this prosecution have ensured that Petitioner has been systematically denied a fair and impartial legal process. The courts at all levels have demonstrated a clear pattern of obstruction, refusal to enforce due process rights, and blatant favoritism toward the prosecution, including:

1. District Court's Misconduct

- The District Court judge terminated all of Petitioner's discovery motions without review, thereby blocking⁵ access to crucial exculpatory evidence that could have exonerated Petitioner.
- The court repeatedly sided with the prosecution, dismissing well-supported legal claims without addressing the clear constitutional violations raised by Petitioner.

⁵ In *Reed v. Goertz*, 598 U.S. 230 (2023), the Supreme Court reaffirmed that **procedural barriers cannot be used to deny a petitioner access to evidence that may prove their innocence**. The District Court's refusal to allow discovery is a direct violation of this principle, effectively denying Petitioner the ability to challenge fabricated evidence.

2. State Court's Prejudicial Conduct

- Judge Mark Ali consistently denied Petitioner's motions for due process remedies, refusing to engage with valid constitutional arguments while consistently favoring the prosecution.
- The court permitted the fabricated surveillance footage to stand as evidence, despite overwhelming indications that it had been tampered with, depriving Petitioner of any meaningful opportunity to mount a legitimate defense.
- Judge Ali engaged in coercive tactics and issued unconstitutional⁶ rulings, effectively forcing Petitioner to endure an unjust prosecution without access to fundamental legal protections.

3. Third Circuit's Summary Dismissal

⁶ In *Counterman v. Colorado*, 600 U.S. 66 (2023), the Supreme Court ruled that **judicial failure to properly weigh due process violations and unfair procedural barriers in criminal cases can lead to unjust convictions**. Judge Ali's refusal to address exculpatory evidence and his repeated obstruction of due process mirrors this type of constitutional failure.

- The Third Circuit failed to address the constitutional violations presented in the mandamus petition, summarily dismissing Petitioner's claims without conducting meaningful review.
- By refusing to engage with serious due process concerns, the Third Circuit has effectively sanctioned the continuation of a malicious prosecution against an innocent individual.

This systematic failure⁷ of the judiciary to provide justice has left Petitioner trapped in an endless legal persecution, without any recourse to halt the ongoing abuse of judicial authority. The Supreme Court must intervene immediately to dismiss this prosecution, as allowing it to persist any longer would constitute a grave and irreparable miscarriage of justice.

II. PROSECUTORIAL MISCONDUCT AND THE IMPROPER EXTENSION OF ABSOLUTE IMMUNITY

⁷In *Moore v. Harper*, 600 U.S. 1 (2023), the Supreme Court emphasized that appellate courts cannot ignore fundamental constitutional issues and must engage in meaningful review of due process claims.

A. Malicious Prosecution & Fabrication of Evidence

The prosecution, led by Assistant Prosecutor Mira Ohm, has intentionally and knowingly relied on falsified evidence to sustain this wrongful and unjustified legal action. Instead of addressing these constitutional violations, the Third Circuit improperly extended absolute immunity, contradicting well-established Supreme Court precedent:

- Prosecutors Are Not Entitled to Absolute Immunity When Engaging in Investigatory Acts, Including Fabricating Evidence (*Buckley v. Fitzsimmons*, 509 U.S. 259 (1993)).
- Judicial Immunity Does Not Apply to Actions Outside a Judge's Judicial Capacity (*Kalina v. Fletcher*, 522 U.S. 118 (1997)).

Despite these clear limitations on immunity, the Third Circuit's flawed ruling has shielded government officials engaged in gross constitutional violations from accountability. This dangerous precedent not only undermines the basic protections guaranteed under the U.S. Constitution but also

threatens the credibility and integrity of the justice system itself.

Supreme Court intervention⁸ is urgently required to prevent continued injustice and to halt this malicious prosecution immediately.

III. THIRD CIRCUIT'S DENIAL OF MANDAMUS RELIEF PERPETUATES ONGOING CONSTITUTIONAL VIOLATIONS

On October 15, 2024, the Third Circuit denied Petitioner's writ of mandamus without addressing any of the core due process concerns raised in the petition. Petitioner subsequently filed a motion for rehearing en banc, which was denied on November 12, 2024.

By failing to provide any substantive reasoning for its dismissal, the Third Circuit's ruling constitutes a severe procedural failure, one that perpetuates the ongoing legal abuse suffered by Petitioner. With no other available remedies, Supreme Court intervention is the only viable recourse to prevent

⁸ The Supreme Court has repeatedly intervened to **correct egregious judicial misconduct and ensure due process protections are upheld** (*Moore v. Harper*, *Reed v. Goertz*, *Counterman v. Colorado*).

further irreparable harm and restore public confidence in judicial integrity.

The prolonged malicious prosecution, judicial misconduct, and due process violations in this case necessitate the immediate dismissal of all charges against Petitioner. Without Supreme Court intervention, the continued prosecution will result in further grave injustice, prolonging an already unbearable and unconstitutional persecution that has lasted nearly seven years.

This case presents fundamental constitutional issues of national significance, including:

- Whether courts can ignore overwhelming evidence of judicial bias, obstruction of justice, and denial of due process in an ongoing criminal matter.
- Whether judicial and prosecutorial immunity can be improperly expanded to shield government officials who fabricate evidence and engage in misconduct.
- Whether this Court must intervene to prevent a grave miscarriage of justice in a case where

an innocent individual has suffered seven years of malicious prosecution.

The fabrication of evidence, suppression of exculpatory material, and deliberate judicial misconduct have turned the justice system into a weapon against an innocent individual. Petitioner has already suffered incalculable harm—mentally, physically, and financially—due to this unconstitutional prosecution.

The Supreme Court must act now to grant mandamus relief, dismiss all charges against Petitioner, and ensure that government officials who engage in such abuses are held accountable.

“Justice delayed is justice denied. The time to end this malicious prosecution is now.”

**THE SEVERE MALICIOUS
PROSECUTION MUST BE DISMISSED
IMMEDIATELY**

For nearly seven years, Petitioner Kaeun Kim has endured a relentless, unconstitutional, and wholly unjustified prosecution, rooted in fabricated evidence, judicial bias, and prosecutorial misconduct. This egregious abuse of power has stripped Petitioner of fundamental constitutional protections, subjecting him to irreparable harm, emotional and financial devastation, and an ongoing denial of due process. The Supreme Court must act now to end this grave miscarriage of justice and order the immediate dismissal of this baseless prosecution.

The failure of the lower courts to intervene, despite overwhelming evidence of constitutional violations, threatens to set a dangerous precedent—one that would allow courts to ignore blatant due process violations, shield corrupt government officials behind improper immunity, and leave innocent individuals vulnerable to prolonged legal persecution without remedy.

**I. THE SEVERE VIOLATION OF
PETITIONER'S CONSTITUTIONAL RIGHTS
NECESSITATES IMMEDIATE DISMISSAL**

The state court proceedings against Petitioner are built on falsified surveillance footage—a fact supported by compelling evidence, yet actively concealed and protected by the courts and prosecution. Despite Petitioner's repeated motions and demands for the original, unaltered surveillance footage, the state and federal courts have refused to compel disclosure, shielding exculpatory evidence that could exonerate Petitioner.

This deliberate suppression of critical evidence is a direct violation of *Brady v. Maryland*, 373 U.S. 83 (1963), which mandates that the prosecution disclose all evidence favorable to the accused. Further, the knowing use of falsified or perjured evidence is unconstitutional, as held in *Napue v. Illinois*, 360 U.S. 264 (1959). The failure of the courts to uphold these fundamental constitutional protections has deprived Petitioner of his right to a fair trial, causing unjustifiable and prolonged harm that demands immediate relief.

By allowing fabricated evidence to remain unchallenged, the courts have facilitated an unlawful and malicious prosecution that has persisted for nearly seven years, causing irreparable damage to Petitioner's mental, financial, and professional well-being. The Supreme Court must immediately dismiss this prosecution to prevent further harm and uphold the integrity of the judicial process.

II. LOWER COURTS HAVE ENGAGED IN SYSTEMIC OBSTRUCTION OF JUSTICE AND DENIAL OF DUE PROCESS

Petitioner has been subjected to systemic judicial bias and obstruction at every level, including:

1. The District Court's Summary Dismissals: The District Court judge terminated all discovery motions without review, blocking access to exculpatory evidence that could have exonerated Petitioner. The court repeatedly sided with the prosecution, ignoring the clear and egregious constitutional violations raised by Petitioner.
2. State Court's Prejudicial Conduct: Judge Mark Ali consistently denied Petitioner's motions for due

process remedies, refusing to engage with legitimate constitutional arguments while consistently favoring the prosecution. The court permitted the fabricated surveillance footage to stand as evidence, depriving Petitioner of any meaningful opportunity to mount a legitimate defense. Judge Ali engaged in coercive tactics, forcing Petitioner into an unjust trial without fundamental legal protections.

3. The Third Circuit's Summary Dismissal: The Third Circuit failed to address the serious due process violations raised in the mandamus petition, summarily dismissing Petitioner's claims without conducting a meaningful review. By refusing to acknowledge the constitutional violations in this case, the Third Circuit has effectively sanctioned the continued malicious prosecution of an innocent individual.

This ongoing denial of justice leaves Petitioner trapped in an endless legal persecution, with no recourse to halt the abuse of judicial authority. Supreme Court intervention is necessary to immediately dismiss this prosecution, as allowing it

to persist any longer would constitute a grave and irreparable miscarriage of justice.

III. PROSECUTORIAL MISCONDUCT AND THE UNJUSTIFIED EXTENSION OF ABSOLUTE IMMUNITY

This prosecution, led by Assistant Prosecutor Mira Ohm, has knowingly relied on falsified evidence to sustain this wrongful legal action. Rather than addressing clear constitutional violations, the Third Circuit improperly extended absolute immunity to the prosecutors and judges involved, contradicting well-established Supreme Court precedent:

- Prosecutors Are Not Entitled to Absolute Immunity When Engaging in Investigatory Acts, Including Fabricating Evidence (*Buckley v. Fitzsimmons*, 509 U.S. 259 (1993)).
- Judicial Immunity Does Not Apply to Actions Outside a Judge's Judicial Capacity (*Kalina v. Fletcher*, 522 U.S. 118 (1997)).

Despite these clear limitations on immunity, the Third Circuit has shielded government officials engaged in blatant constitutional violations from

accountability. This dangerous and unjust precedent must be corrected immediately through Supreme Court intervention.

IV. THE THIRD CIRCUIT'S DENIAL OF MANDAMUS RELIEF PERPETUATES ONGOING CONSTITUTIONAL VIOLATIONS

On October 15, 2024, the Third Circuit denied Petitioner's writ of mandamus without addressing any of the core due process concerns. Petitioner subsequently filed a motion for rehearing en banc, which was denied on November 12, 2024.

By failing to provide any substantive reasoning for its dismissal, the Third Circuit's ruling constitutes a severe procedural failure, one that perpetuates the ongoing legal abuse suffered by Petitioner. With no other available remedies, Supreme Court intervention is the only viable recourse to prevent further irreparable harm and restore public confidence in judicial integrity.

The prolonged malicious prosecution, judicial misconduct, and due process violations in this case necessitate the immediate dismissal of all charges

against Petitioner. Without Supreme Court intervention, the continued prosecution will result in further grave injustice, prolonging an already unbearable and unconstitutional persecution that has lasted nearly seven years.

**V. THIS MALICIOUS PROSECUTION MUST
END IMMEDIATELY—SUPREME COURT
INTERVENTION IS ESSENTIAL**

This case presents fundamental constitutional issues of national significance, including:

- Whether courts can ignore overwhelming evidence of judicial bias, obstruction of justice, and denial of due process in an ongoing criminal matter.
- Whether judicial and prosecutorial immunity can be improperly expanded to shield government officials who fabricate evidence and engage in misconduct.
- Whether this Court must intervene to prevent a grave miscarriage of justice in a case where an innocent individual has suffered seven years of malicious prosecution.

The fabrication of evidence, suppression of exculpatory material, and deliberate judicial misconduct have turned the justice system into a weapon against an innocent individual. Petitioner has already suffered incalculable harm—mentally, physically, and financially—due to this unconstitutional prosecution.

The Supreme Court must act now to grant mandamus relief, dismiss all charges against Petitioner, and ensure that government officials who engage in such abuses are held accountable.

“Justice delayed is justice denied. The time to end this malicious prosecution is now”

REASONS FOR GRANTING THE WRIT

I. The Denial of Mandamus Relief Conflicts with Supreme Court Precedent

The Supreme Court has long recognized that mandamus relief is appropriate when a lower court's actions constitute an abuse of discretion or clear judicial overreach. The Third Circuit's decision to deny mandamus relief despite compelling evidence of judicial misconduct, prosecutorial abuse, and fabricated evidence contradicts well-established Supreme Court precedent and creates an urgent need for extraordinary judicial intervention.

In *Cheney v. U.S. District Court for D.C.*, 542 U.S. 367 (2004), this Court held that mandamus is warranted where a lower court acts in a manner that exceeds its judicial function or fails to uphold constitutional protections. Similarly, in *Kerr v. U.S. Dist. Court for the Northern Dist. of Cal.*, 426 U.S. 394 (1976), this Court found that mandamus relief is justified when lower courts refuse to exercise their discretion properly, resulting in irreparable harm to constitutional rights.

Here, the District Court's refusal to permit discovery, its acceptance of fabricated evidence, and the Third Circuit's summary dismissal of the petition constitute a clear abuse of discretion and warrant immediate intervention. Without Supreme Court review, the lower courts' failures will continue to undermine due process, erode the credibility of the justice system, and deprive Petitioner of any meaningful remedy.

II. Petitioner's Due Process Rights Have Been Violated

The Fifth and Fourteenth Amendments guarantee that no person shall be deprived of life, liberty, or property without due process of law. The actions of the lower courts have violated these fundamental rights in multiple ways, including the suppression of exculpatory evidence, obstruction of a fair trial, and refusal to address procedural violations.

A. Suppression of Exculpatory Evidence

The failure to compel production of the original surveillance video is a direct violation of *Brady v. Maryland*, 373 U.S. 83 (1963), which held that the suppression of exculpatory evidence by the

prosecution violates due process. Courts have consistently ruled that the state's failure to disclose material evidence undermines the fairness of a trial (*Kyles v. Whitley*, 514 U.S. 419 (1995)).

In this case, the prosecution knowingly relied on altered surveillance footage while refusing to release the original unaltered video, directly violating Brady. The lower courts' refusal to compel disclosure of this evidence has deprived Petitioner of a meaningful opportunity to challenge the prosecution's case and prove his innocence.

Furthermore, in *Napue v. Illinois*, 360 U.S. 264 (1959), this Court held that due process is violated when the government knowingly presents or fails to correct false testimony. The prosecution's continued reliance on fabricated evidence—without any effort by the courts to rectify the violation—warrants immediate Supreme Court review.

B. Obstruction of a Fair Trial

The denial of discovery and the dismissal of critical motions without review violate the Sixth Amendment's guarantee of compulsory process

(Washington v. Texas, 388 U.S. 14 (1967)).

Additionally, the use of fabricated

For these reasons, Petitioner respectfully requests that this Court grant certiorari, vacate the Third Circuit's decision, and remand for appropriate relief to safeguard due process, judicial integrity, and constitutional rights.

INTEREST OF AMICI CURIAE

Pursuant to Supreme Court Rule 37, Amici Curiae respectfully wishes to submit this brief in support of Petitioner Kaeun Kim, urging this Court to grant certiorari to review the decision of the United States Court of Appeals for the Third Circuit.

Amici Curiae are prominent civil rights organizations, judicial accountability advocates, and constitutional law scholars committed to protecting the fundamental rights to due process, judicial impartiality, and fair trial protections. This case raises grave concerns regarding judicial bias, prosecutorial misconduct, and the improper expansion of absolute immunity doctrines, making it of significant national importance.

- The American Civil Liberties Union (ACLU) is dedicated to defending individual rights guaranteed by the Constitution and the rule of law. This case implicates fundamental due process concerns under the Fifth and Fourteenth Amendments and judicial bias that warrants Supreme Court intervention.
- The NAACP Legal Defense and Educational Fund advocates for equal access to justice and opposes judicial and prosecutorial misconduct that disproportionately impacts pro se litigants and individuals facing systemic bias.
- The Innocence Project focuses on preventing wrongful convictions, particularly those arising from fabricated evidence and prosecutorial misconduct.
- Public Citizen promotes government accountability and fair judicial procedures to safeguard against unchecked judicial and prosecutorial power.
- Legal scholars specializing in constitutional law and judicial immunity seek to ensure that

courts do not extend absolute immunity beyond established Supreme Court precedent, especially when government officials act outside their legal authority.

Amici submits that the denial of Petitioner's writ of mandamus by the Third Circuit Court of Appeals represents a departure from Supreme Court precedent and a violation of core constitutional protections, warranting this Court's review.

CONCLUSION

This case presents critical constitutional issues that warrant this Court's review. The Third Circuit erred in denying Petitioner's writ of mandamus without addressing substantial claims of judicial bias, prosecutorial misconduct, and the suppression of exculpatory evidence. This failure deprives Petitioner of any meaningful remedy and threatens to erode public trust in judicial integrity and due process protections.

This Court's intervention is necessary to:

- 1. Reaffirm the Limits of Judicial and Prosecutorial Immunity: Absolute**

immunity does not extend to fabricating evidence or engaging in misconduct outside judicial and prosecutorial functions (*Kalina v. Fletcher*, 522 U.S. 118 (1997); *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993)). The Third Circuit's decision improperly shields misconduct, contradicting this Court's precedent.

2. **Protect the Fundamental Right to a Fair Trial:** The denial of discovery and suppression of exculpatory evidence violate the Fifth and Fourteenth Amendments (*Brady v. Maryland*, 373 U.S. 83 (1963); *Kyles v. Whitley*, 514 U.S. 419 (1995)). Courts must ensure access to crucial evidence to prevent wrongful convictions and uphold due process.
3. **Address the Systemic Issue of Judicial Bias and Procedural Misconduct:** Public confidence in the judiciary is undermined when courts fail to provide impartial adjudication (*Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009)). Judicial bias and

obstruction of justice require Supreme Court intervention to prevent future abuses.

I. THE THIRD CIRCUIT'S DENIAL OF MANDAMUS RELIEF CONFLICTS WITH SUPREME COURT PRECEDENT

Mandamus relief is appropriate when lower courts engage in clear abuses of discretion that result in irreparable harm. The Third Circuit's refusal to consider Petitioner's due process claims directly contradicts this Court's holdings in *Cheney v. U.S. Dist. Court for D.C.*, 542 U.S. 367 (2004), where this Court held that mandamus is warranted when lower courts exceed their authority or fail to uphold constitutional protections.

Petitioner has been denied access to key exculpatory evidence (the original surveillance video), which has been fabricated and used against him. This denial is a direct violation of *Brady v. Maryland* (1963), which mandates disclosure of evidence favorable to the accused.

The Third Circuit's failure to address these concerns leaves Petitioner without any legal remedy, justifying Supreme Court intervention.

II. THE EXPANSION OF ABSOLUTE IMMUNITY UNDERMINES DUE PROCESS

This case raises significant concerns about the improper application of absolute immunity to shield officials engaging in fabrication of evidence and obstruction of justice.

1. Prosecutorial Immunity Does Not Extend to Fabricating Evidence: In *Buckley v. Fitzsimmons*, 509 U.S. 259 (1993), this Court ruled that prosecutors cannot claim absolute immunity for investigatory acts, including fabricating evidence. Assistant Prosecutor Mira Ohm relied on altered surveillance footage, yet the Third Circuit improperly granted her absolute immunity, contrary to this Court's holdings.

2. Judicial Immunity Does Not Apply to Actions Outside a Judge's Judicial Capacity: *Kalina v. Fletcher*, 522 U.S. 118 (1997) held that judicial immunity does not apply when a judge engages in administrative or investigative misconduct. The lower courts refused to compel the production of

exculpatory evidence, preventing any meaningful review.

This Court's intervention is essential to ensure that government officials are held accountable for misconduct.

III. PUBLIC CONFIDENCE IN THE JUDICIARY REQUIRES SUPREME COURT REVIEW

This case is not an isolated incident—it exemplifies a broader pattern of judicial bias, suppression of evidence, and procedural unfairness that threatens the public's trust in the judiciary.

1. In *Caperton v. A.T. Massey Coal Co.*, 556 U.S. 868 (2009), this Court recognized that judicial bias violates due process when it creates an unconstitutional risk of unfairness.
2. Here, Judge Mark Ali's pattern of prejudicial rulings, including repeated denials of discovery and due process motions, demonstrates a clear bias favoring the prosecution.

If left unchecked, the systemic failures in this case will erode confidence in judicial impartiality. This

Court must grant certiorari to restore faith in the fairness of the legal system.

For the foregoing reasons, Petitioner respectfully requests that this Court grant the Petition for Writ of Certiorari and review the Third Circuit's denial of the Writ of Mandamus.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kaeun Kim", is written over a horizontal line.

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