

No. 18 - 9750

**IN THE
SUPREME COURT OF THE UNITED STATES**

John G. Curry — PETITIONER

vs.

**Mark Joseph Lopez, Associate Judge, Circuit Court of Illinois, Cook County, et al.
— RESPONDENT(S)**

**ON PETITION FOR A WRIT OF CERTIORARI TO
UNITED STATES COURT OF APPEALS FOR THE SEVENTH CIRCUIT**

SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

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IN THE
SUPREME COURT OF THE UNITED STATES

SUPPLEMENTAL BRIEF TO PETITION FOR WRIT OF CERTIORARI

Petitioner John G. Curry (John Curry) respectfully submits this supplemental brief to his previously submitted petition for writ of certiorari (filed 6/7/2019, distributed for conference of 10/1/2019) to call attention to a new case as an intervening matter not available at the time of the John Curry's last filing and prays that a writ of certiorari issue to review the judgments previously stated in his petition.

SUMMARY OF SUPPLEMENTAL ARGUMENT

A precedential opinion that was issued since the filing of John Curry's petition for certiorari answers a substantial part of the first of his three questions presented, subject to This Court's acceptance of the new case law regarding application/misapplication of the *Rooker-Feldman* Doctrine.

SUPPLEMENTAL ARGUMENT

The first question presented in John Curry's petition is:

Whether John G. Curry or someone similarly situated can be denied a federal forum, contrary to standards, by misapplication of doctrines, such as *Rooker-Feldman* or absolute judicial immunity, to override conferred jurisdiction that would otherwise permit the U.S. District Court to hear the merits of the resulting civil rights violation case and provide remedy under 42 U.S.C. § 1983, 1985, and 1986 and justice initiated by mandamus to compel investigation/prosecution under 18 U.S.C. § 242. (U.S.C. formatting improved/corrected since petition filed)

On September 18, 2019, the U.S. Court Of Appeals For The Third Circuit (3rd Circuit) issued a precedential opinion, which directly effects John Curry's

certiorari petition. This 3rd Circuit opinion is on their Docket No. 18-3373. The full title as it appears on the cover is:

SURENDER MALHAN, for himself and as parent of E.M. and V.M.,
Appellant

v.

SECRETARY UNITED STATES DEPARTMENT OF STATE; ATTORNEY
GENERAL NEW JERSEY; STATE OF NEW JERSEY; ELIZABETH
CONNOLLY, in her official capacity as acting Commissioner of Office of
Child Support Services; NATASHA JOHNSON, in her official capacity as
Director Division of Family Development; JOHN DOES 1-10; OFFICE OF
CHILD SUPPORT SERVICES

This new Opinion (*Malhan*) settles the issue, regarding the *Rooker-Feldman* Doctrine being used by U.S. District Courts to override jurisdiction conferred by Congress. The District Court dismissed Malhan's second amended complaint, holding that it lacked jurisdiction under the *Rooker-Feldman* doctrine. But the 3rd Circuit reversed this dismissal in a 24-page Opinion after extensive analysis.

In John Curry's U.S. District Court case (*Curry v. Lopez*), the *Rooker-Feldman* Doctrine and the Doctrine of Absolute Judicial Immunity were used to claim lack of jurisdiction, overriding jurisdiction conferred by Congress, thereby denying him the right to a federal forum to hear his civil rights violation case on the merits. U.S. Court Of Appeals For The Seventh Circuit (7th Circuit), in a 2-page Order, affirmed the dismissal based on the District Court lacking jurisdiction, thereby denying John Curry the right to a federal forum to hear the merits of his civil rights violation case.

The *Rooker-Feldman* cases, as argued in John Curry's petition, were not similar cases to Curry v. Lopez, but *Malhan* is remarkably similar in that *Malhan* was a state family court case gone horribly wrong and the *Malhan* plaintiff filed a federal case in a U.S. District Court alleging that his civil rights were violated because federal laws were violated against him and he was injured. In fact, two of 3 federal laws Malhan claimed were violated in his Counts 2, 5 & 6, were two of the same federal laws John Curry claimed were violated to his detriment: the federal Consumer Credit Protection Act (CCPA), 15 U.S.C. § 1673, and the due process clause of the 14th Amendment to the Constitution. However, John Curry's District Court Complaint contained 18 plausible Counts that were dismissed.

The holdings in *Malhan* are as follows:

"We adopt this approach and hold that *Rooker-Feldman* does not apply when state proceedings have neither ended nor led to orders reviewable by the United States Supreme Court." (page 12)

And

"Applying these principles, we hold that none of the interlocutory orders in Malhan's state case are "judgments." For one, they are not "final judgments or decrees rendered by the [New Jersey Supreme Court]." 28 U.S.C. § 1257(a). Nor have they "finally resolved all the federal questions in the litigation" or else satisfied practical finality under *Cox. Federacion*, 410 F.3d at 25; see *Cox*, 420 U.S. at 477–85. Malhan has had several motions pending since 2016, discovery is incomplete, no trial is scheduled, and the family court has made clear (so far) that Malhan's support obligations will not change until a final divorce decree is entered. See App. 31; N.J. Br. 6–7. His state court proceedings are far from "ended." *Exxon*, 544 U.S. at 291; see, e.g., *Federacion*, 410 F.3d at 24 & n.10. So *Rooker-Feldman* did not deprive the District Court of jurisdiction." (page 15)

The 3rd Circuit ended the Opinion by concluding:

"The District Court had federal question jurisdiction and should have fulfilled its "virtually unflagging" obligation to exercise that jurisdiction. We will reverse its application of *Rooker-Feldman* and *Younger* to Counts 2, 5, and 6 and remand for proceedings on the merits. We will affirm the Court's dismissal of Counts 1, 3 and 4." (pages 23-24)(See also *Colorado River Water Conservation Dist. v. United States*, 424 U.S. 800, 817 (1976) for "virtually unflagging" reference)

Because of these holdings and the remarkable similarities of *Curry v. Lopez* and *Malhan* (not all similarities are listed herein for the sake of brevity) This Court should find that the *Rooker-Feldman* Doctrine was misapplied in John Curry's case and that contributed heavily in him being denied the right to a federal forum to hear the merits of his civil rights violation case and denied opportunity to prove that the Defendant judges forfeited their absolute judicial immunity and that all four Defendants should be held civilly and criminally liable for the deprivations of his civil rights and his injuries.

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,



John G. Curry – Petitioner (pro se)

Date: September 19, 2019

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