In the Supreme Court of the United States

19-6565

ORIGINAL

(INDEX NO.)
IN. RE.: DOCK. NOS.:
18cv12064(LLS)(SDNY), 19-39(2ND CIR. CT.)
18cv12064(LLS)(SDNY), 19-1392(2ND CIR. CT.)(MANDAMUS OF 19-39)

CESTUI QUE STEVEN TALBERT WILLIAMS

v.

UNITED STATES OF AMERICA, et al.

ON PETITION FOR WRIT OF CERTIORARI

In association with:

"ORDER," Doc. "108" of Williams v. USA, et al., 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.)(RSP)(BDP)(RR);

"ORDER," Doc. "109" of Williams v. USA, et al., 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.)(RSP)(BDP)(RR);

"STRIKE ORDER," Doc. "104" of Williams v. USA, et al., 18cv12064(LLS)(SDNY), 19-39(2nd Cir. Ct.)(RSP)(BDP)(RR) (Chief Clerk Catherine O'Hagan Wolfe);

"PETITION FOR WRIT OF CERTIORARI;"

&

"MOTION TO PROCEED IN FORMA PAUPERIS"

STEVEN TALBERT WILLIAMS
CESTUI QUE, Pro Sé Litigant
(Currently Displaced)
Fitted Sole Productions, D.B.A. &
Fitted Fables, D.B.A.
(Previously addressed at: 449 E. 14th Street, Apt. 7d New York, N.Y. 10009)
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C/O A. In Care of Steven Talbert Williams 363 Seventh Ave., 17th Fl. N.Y.C. 10001-3904
STWLEGAL@gmail.com

NOVEMBER 7, 2019

No. _____

_____

IN THE

SUPREME COURT OF THE UNITED STATES

_____

CESTUI QUE STEVEN TALBERT WILLIAMS — PETITIONER
(Your Name)

vs.

UNITED STATES, ET AL. — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO
NEW YORK STATE COURT OF APPEALS FOR THE SECOND CIRCUIT
Cestui Que Steven Talbert Williams v. USA, et al.,
19-1392(2d Cir. Ct.)(RSP)(BDP)(RR)
(a mandamus action from Williams v. USA, et al., 18cv12064(LLS)(SDNY), 19-39(JAC)(PWH)(JMW))
(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

STEVEN TALBERT WILLIAMS, CESTUI QUE
(Your Name)
American Guild of Variety Artists:
In Care of Steven Talbert Williams
363 Seventh Ave., 17th Fl.
(Address)

New York, N.Y. 10001-3904
(City, State, Zip Code)

N/A (Contact: STWLEGAL@gmail.com)
(Phone Number)

QUESTION(S) PRESENTED

1. **U.S. Const. Am. 5, 10 (recordkeeping), 14 §1; Fed. R. Evid. 501, 502; 18 U.S.C. 1001(a)**:
   a. Under the *"Fairness," "Extrajudicial Partial Disclosure,"* and *"Implied Subject Matter"* doctrines (including the *"Exhaustion"* doctrine; see *DARBY v. CISNEROS*, 509 U.S. 137 (1993), *"exhaust available administrative remedies before seeking judicial review"*), did the judicial officials and clerical employees of the *United States Court of Appeals for the Second Circuit* (within *WILLIAMS v. USA, ET AL.*, Dock No. 19-1392) err by intentionally laching upon their obligations of *"work product protection"* (154 Cong. Rec. 18,016 (2008)), under **U.S. Const. Am. 5, 10, 14 §1** and **Fed. R. Evid. 501, 502**, through estoppel, to acknowledge the absence of disclosed prevalent information (**18 U.S.C. 1001(a)**), thereby, forcefully inducing a waiver of PLAINTIFFs' rights (worthy of sanctions), as exceptional circumstances, which PLAINTIFF previously made numerous attempts to resolve (from previously claimed estoppel offenses against the District Court (see *WILLIAMS v. USA, ET AL.*, 18-12064(LLS)(SDNY)), under the *Post-Filing Delayed Review* doctrine), yet whose attempts were denied, within the trials of *WILLIAMS v. USA, ET AL.*, 19-39(2nd Cir. Ct.) and *WILLIAMS v. USA, ET AL.*, 19-240(2nd Cir. Ct.)?
2. **U.S. Const. Am. 10; 18 U.S.C. 1001(a)**:
   a. If a PLAINTIFF has made numerous attempts to cure clerical filings of both the District and Appellate courts, gone ignored and/or lached (under **U.S. Const. Am. 10; 18 U.S.C. 1001(a)**), should *"In re von Bulow, 828 F.2d 94, 96 (2d Cir. 1987)"* (see Appendix A and Appendix B) be a viable common law usage for a determination to deny a mandamus action based upon *"exceptional circumstances* [which]*warrant the requested relief?;"*
3. **U.S. Const. Am. 5, 6, 14 §1; Fed. R. Civ. P. 11; U.S. S.Ct. Rule 8; 18 U.S.C. §402**:
   a. Based upon evidence within the accompanying Appendices A to Z, and upon determination of judicial officials and clerical employees of the *United States Court of Appeals for the Second Circuit* intentionally laching upon their *"work product protection"* obligations (under the *"Fairness," "Extrajudicial Partial Disclosure," "Implied Subject Matter"* and *"Exhaustion"* doctrines) and, thereafter, laching upon an issuance of orders for sanctions and the curing of PLAINTIFFs' filings, will the *Supreme Court of the United States* determine a ruling in favor of PLAINTIFFs' sanction claims of estoppel, contempt, and discriminatory delay of court processes (under: **U.S. Const. Am. 5, 6, 14 §1; Fed. R. Civ. P. 11; U.S. S.Ct. Rule 8; 18 U.S.C. §402**) against the federal officials and officers of both the District and Appellate courts?
   b. Based upon evidence within the accompanying Appendices A to Z, and upon determination of judicial officials and clerical employees of the *United States Court of Appeals for the Second Circuit* intentionally laching upon their *"work product protection"* obligations (under the *"Fairness," "Extrajudicial Partial Disclosure," "Implied Subject Matter"* and *"Exhaustion"* doctrines), which allegedly induced a threat to national security and to the assets within PLAINTIFFs' claimed beneficial trust (the *"LINDA WILLIAMS BENEFICIAL TRUST,"* Appendix U; for which *WILLIAMS v. USA, ET AL.*, 18-12064(LLS)(SDNY)'s COMPLAINT (Appendix H) was sought for relief as an antitrust, subversion and national security matter), will the *Supreme Court of the United States* vacate and remand the *"In re von Bulow"* judgment of *WILLIAMS v. USA, ET AL.*, 19-1392(2nd Cir. Ct.)?
4. **Fed. R. Civ. P. 12(e), (f)(1)**:
   a. Should the *"STRIKE ORDER"* (Doc. *"104"* of Dock. No. 19-1392(2nd Cir. Ct.) (Appendix C), striking the filing of an injunction and other supporting documents (see PLAINTIFF's June 21, 2019 filing of a replacement T-1080, a non-clerically requested curing a prior defect of) (including PLAINTIFF's *"Letter To Chief Clerk Ms./Mrs. Kathleen O'Hagan: Validation Of Filing An Affidavit (Doc. 82),"* Doc. *"88"* of Dock. No. 19-1392(2nd Cir. Ct.) (see Appendix D of the associated certiorari of *"Cestui Que Steven Talbert Williams v. United States, **18cv12064**(LLS)(SDNY), **19-1392**(2nd Cir. Ct.)"*) and *"Motion To Strike Defectiveness (Doc. 84)"* Doc. *"89-1"* of Dock. No. 19-1392(2nd Cir. Ct.) (Appendix E) (both filed on June 3, 2019, prior to the Appellate Court requesting clarification of PLAINTIFF's strike motion, and again on June 10, 2019 (see PLAINTIFF's *"CERTIFICATE OF SERVICE"* for June 10, 2019, Doc. *"98-1"* of Dock. No. 19-1392(2nd Cir. Ct.; Appendix F. U.S. S.Ct. Rule 14.1(i)(vi))), have been provided, whether or not enforced under **Fed. R. Civ. P. 12(e)** or **Fed. R. Civ. P. 12(f)(1)**?
5. **U.S. Const. Am. 11(c); U.S. S.Ct. Rules 8, 12 to 14, 16, 19, 20; 28 U.S.C. §1254**:
   a. Should a waiver of sovereign immunity petition be denied for filing with a certiorari petition (under the above **U.S. S.Ct. Rules** and **28 U.S.C. §1254**), when the certiorari pertains to a sanctions action under **U.S. Const. Am. 11(c)**?

LIST OF PARTIES

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

[✓] All parties **do not** appear in the caption of the case on the cover page. A list of all parties to the proceeding in the court whose judgment is the subject of this petition is as follows:

1. PLAINTIFF:
   a. CESTUI QUE STEVEN TALBERT WILLIAMS (Pro Sé):
      i. American Guild for Variety Artists
      (In Care of Steven Talbert Williams)
      363 Seventh Ave., 17th Fl.
      New York, N.Y. 10001-3904
      STWLEGAL@gmail.com
2. DEFENDANTS:
   a. NEW YORK STATE COURT OF APPEALS FOR THE SECOND CIRCUIT ("2nd Cir Ct."):
      i. Thurgood Marshall U.S. Courthouse
      40 Foley Sq., New York, N.Y. 10007
      (a) HON. ROSEMARY S. POOLER (address unknown);
      (b) HON. BARRINGTON D. PARKER (address unknown);
      (c) HON. REENA RAGGI (address unknown);
      (d) CHIEF CLERK CATHERINE O'HAGAN WOLFE (address unknown); and
      (e) CLERK HEZEKIAH TOFT (address unknown)

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INDEX TO APPENDICES

INDEX TO APPENDICES (CONTINUED)

Note: District of Columbia libraries [redacted] restricted, ALLEGEDLY, Plaintiff [redacted] from utilizing the tax payer funded computers.

PLAINTIFF seeks to amend upon notice of an order from the Sup. Ct.

TABLE OF AUTHORITIES CITED

CASES — PAGE NUMBER

STATUTES AND RULES

OTHER

JURISDICTION

[✓] For cases from **federal courts:**

The date on which the United States Court of Appeals decided my case was September 5, 2019 (see Appendix A & B)

(*WILLIAMS v. USA, ET AL.*, 18-cv-12064(S.D.N.Y.), 19-1392(2nd Cir. Ct.)).

[✓] No petition for rehearing was timely filed in my case.

[ ] A timely petition for rehearing was denied by the United States Court of Appeals on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1254(1).

- Additionally enforced under:
  - U.S. Const. Art. 3, §2, Cl. 1;
  - U.S. S.Ct. Rules 8, 10(a), 12.2;
  - 28 U.S.C. §§2101(a), 2350(a)

[ ] For cases from **state courts:**

The date on which the highest state court decided my case was _____. A copy of that decision appears at Appendix _____.

[ ] A timely petition for rehearing was thereafter denied on the following date: _____, and a copy of the order denying rehearing appears at Appendix _____.

[ ] An extension of time to file the petition for a writ of certiorari was granted to and including _____ (date) on _____ (date) in Application No. ___A_____.

The jurisdiction of this Court is invoked under 28 U. S. C. § 1257(a).

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Q1. **U.S. Const. Am. 5**, "*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*[;]" [emphasis added]

U.S. Const. Am. 10, "*powers... reserved to the States respectively, or to the people*[;]"

U.S. Const. Am. 14 §1, "*due process of law*[;]"

Fed. R. Evid. 501, "*a claim of privilege*[;]"

Fed. R. Evid. 502, "*(a)... disclosure is made in a federal proceeding*[,]... *waiv*[ing] *the attorney-client privilege or work-product protection... (b)... (1) disclosure is inadvertent; (2) the holder of the privilege or protection took reasonable steps to prevent disclosure; and (3) the holder promptly took reasonable steps to rectify the error... (c)... disclosure is made in a state proceeding... (d)... disclosure is also not a waiver... (e)... effect of disclosure... (f)... this rule applies to state proceedings and to federal court-annexed and federal court-mandated arbitration proceedings... (g)... (1) 'attorney-client privilege' means the protection... for confidential attorney-client communications; and (2) 'work-product protection' means the protection... for tangible material (or its intangible equivalent) prepared in anticipation of litigation or for trial*[;]"

18 U.S.C. 1001(a) , "*(a)... whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully... (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both*[;]"

Q2. **U.S. Const. Am. 10**, "*powers... reserved to the States respectively, or to the people*[;]"

18 U.S.C. 1001(a) , "*(a)... whoever, in any matter within the jurisdiction of the executive, legislative, or judicial branch of the Government of the United States, knowingly and willfully... (1) falsifies, conceals, or covers up by any trick, scheme, or device a material fact; (2) makes any materially false, fictitious, or fraudulent statement or representation; or (3) makes or uses any false writing or document knowing the same to contain any materially false, fictitious, or fraudulent statement or entry; shall be fined under this title, imprisoned not more than 5 years or, if the offense involves international or domestic terrorism (as defined in section 2331), imprisoned not more than 8 years, or both* [;]"

Q3. **U.S. Const. Am. 5**, "*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*[;]" [emphasis added]

U.S. Const. Am. 6, "*the right to a speedy and public trial*[;],... *to have compulsory process*[;]"

U.S. Const. Am. 14 §1, "*due process of law*[;]"

Fed. R. Civ. P. 11(c), "*Sanctions... (1)... the court may impose an appropriate sanction*[;]"

18 U.S.C. §402, "*Any person, corporation or association willfully disobeying any lawful writ, process, order, rule, decree, or command of any district court of the United States or any court of the District of Columbia, by doing any act or thing therein, or thereby forbidden, if the act or thing so done be of such character as to constitute also a criminal offense under any statute of the United States or under the laws of any State in which the act was committed, shall be prosecuted for such contempt*[;]"

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

Q4. Fed. R. Civ. P. 12(e), (f)(1), "*(e)... A party may move for a more definite statement of a pleading... (f)... The court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter. The court may act: (1) on its own; or (2) on motion made by a party either before responding to the pleading or, if a response is not allowed, within 21 days after being served with the pleading*[;]"

Q5. U.S. Const. Am. 11, "*Judicial power*[;]"

U.S. S.Ct. Rule 8, "*1. Whenever a member of the Bar of this Court has been disbarred or suspended from practice in any court of record, or has engaged in conduct unbecoming a member of the Bar of this Court,... 2. After reasonable notice and an opportunity to show cause why disciplinary action should not be taken, and after a hearing if material facts are in dispute, the Court may take any appropriate disciplinary action against any attorney who is admitted to practice before it for conduct unbecoming a member of the Bar or for failure to comply with these Rules or any Rule or order of the Court* [;]"

U.S. S.Ct. Rule 12, "*Review on Certiorari*[;]"

U.S. S.Ct. Rule 13, "*Review on Certiorari: Time for Petitioning*[;]"

U.S. S.Ct. Rule 14, "*Content of a Petition for a Writ of Certiorari*[;]"

U.S. S.Ct. Rule 16, "*Disposition of a Petition for a Writ of Certiorari*[;]"

U.S. S.Ct. Rule 19, "*Procedure on a Certified Question*[;]"

U.S. S.Ct. Rule 20, "*Procedure on a Petition for an Extraordinary Writ*[;]"

28 U.S.C. §1254, "*Courts of appeals; certiorari; certified questions... Cases in the courts of appeals may be reviewed by the Supreme Court*[;]"

STATEMENT OF THE CASE

CITATIONS

3. ORDER (Appendix A):
   a. *"Petitioner, pro se, has filed a petition for a writ of mandamus and moves for leave to proceed in forma pauperis. Additionally, Petitioner moves for sanctions, leave to file additional documents, 'waiver of official sovereign immunity,' 'an order sine qua non,' and 'an order nisi.' 2d Cir. 19-1392, docs. 3, 52, 72, 74, 76, 77. Upon due consideration, it is hereby ORDERED that the motion for leave to proceed in forma pauperis is GRANTED for the purpose of filing the mandamus petition. It is further ORDERED that the mandamus petition is DENIED because Petitioner has not demonstrated that exceptional circumstances warrant the requested relief. See In re von Bulow, 828 F.2d 94, 96 (2d Cir. 1987). It is further ORDERED that the remaining motions are DENIED."*

4. *"STRIKE ORDER"* (Appendix C):
   a. *"Petitioner's Steven Talbert Williams submission of a Supplementary Papers to Writ,...*

      "IT IS HEREBY ORDERED that the said Supplementary Papers to Writ, Certificate of Service, Deferred Appendix, Exhibits, Brief & Special Appendix, Motion, for certificate of appealability, for consent judgment, for continuance of appeal, for default judgment, for leave to appeal, for restraining order, to certify question, to expedite appeal, to intervene, to vacate judgment, Form B, Certificate of Service for Form B and Oral Argument Statement, Brief, Certificate of Service for Brief, Motion, for injunction, Exhibits, Supplementary Papers to Writ, Motion, for consent judgment, for summary enforcement, Motion, for restraining order, Motion for continuance of appeal, Motion, to file supplemental documents, Letter, Exhibits and Motion, to strike, Letter and Exhibits, Motion, to strike are stricken from the docket."

5. ORDER GRANTING IFP APPLICATION (Appendix G):
   a. *"COLLEEN McMAHON,...*

      "Leave to proceed in this Court without payment of fees is authorized."

6. ORDER OF DISMISSAL (Appendix P):
   a. *"Plaintiff... alleging that his 'primary claims' are against the United States for its 'co-conspired infiltration and influence within the IRS to conceal tax documents... The Court dismisses the complaint*[.]" *Id.* at *"Page 1."*

   b. *"Plaintiff brought an earlier suit challenging his eviction from his late mother's apartment and unrelated matters that had either taken place or were pending in New York Criminal Court, the Transit Adjudication Bureau and a criminal court in Montgomery County Maryland. Williams v. United States, No. 15-CV-5114(LAP)(SDNY Dec. 10, 2015)... The district court dismissed that action, and the Court of Appeals affirmed,... Williams v. United States, No. 16-189 (2d Cir. May 18, 2016).*

      "In this new action, Plaintiff again ***refers*** *to his eviction, his criminal proceedings, and matters relating to his late mother*[.]" [emphasis added] *Id.* at *"Page 2."*

   c. *"Plaintiff... annexes...* ***a 'supplemental filing' in which he lists 169 defendants*** *... [']****associated to the overall matter of claim racketeering, enterprise corruption, economic espionage and the alleged illegal eviction from Peter Cooper Village/ Stuyvesant Town****.' The defendants include agents of the IRS, bank employees, judges,... trusts,... and others* ***too numerous to mention****.*

   d. *"In a subsequent letter,* ***Plaintiff indicates that this matter is*** *'brought before the Court primarily as an* ***'anti-trust'*** *matter' (Letter, ECF No. 3)*[.]" [emphasis added] *Id.* at *"Page 3."*

e. "***Plaintiff's claims rise to the level of the irrational***, *and there is* ***no legal theory*** *on which he can rely*[.]" [emphasis added] *Id.* at "*Page 3.*"

f. "*Because the* ***defects in Plaintiff's complaint cannot be cured with an amendment***, *the Court declines to grant Plaintiff leave to amend...*

"*Plaintiff is warned that* ***further duplicative or frivolous litigation*** *in this Court can result in an order barring Plaintiff from filing new action in forma pauperis*[.]" [emphasis added] *Id.* at "*Page*[s]" 3, 4; and

g. "*Plaintiff's complaint" is* ***dismissed as frivolous*** *under 28 U.S.C. §1915(e)(2)(B)(i)...*
"[I]***n forma pauperis status is denied*** *for the purpose of an appeal.*" [emphasis added] *Id.* at "*Page 4.*"

7. CIVIL JUDGMENT (Appendix Q):

a. "*IT IS ORDERED, ADJUDGED AND DECREED that the complaint is dismissed under 28 U.S.C. §1915(e)(2)(B)(i).*

"*The Court certifies under 28 U.S.C. §1915(a)(3) that any appeal from the Court's judgment would not be taken in good faith.*"

8. COMPLAINT (Appendix H):

a. "*U.S. Const. Art. 1 §8 Cl. 17, 1 §10,3 §3, 6 §3; U.S. Const. Am. 1, 4, 5, 6, 7, 8, 10, 13 §3, 14 §1, 14 §4, 16, 26 §1; Habeas Corpus (28 USC §2241*[and 28 U.S.C. §2255(e)]); ***Clayton Act (1914); Sherman Antitrust Act (1980); Economic Espionage Act (1996); RICO; Dodd-Frank Act (2010); Rent Stabilization Act (1969)****; and other Acts of Congress. Seeks immediate leave to the App. Ct. for* **[S.D.N.Y.]** *named as defendant (Conflict of Interest), as well as for a ruling on prima facie evidence).*" [emphasis added] *Id.* at "*Page 2.*"

b. "*Defendant 1: United States of America (namely U.S. Dept. of Treas.; IRS; and SSA)...*
"*Defendant 2:... UBS AG...*
"*Defendant 3:... Bank of NY Mellon Corp....*
"Defendant 4:... *Well Fargo Bank, NA*[.]" *Id.* at "*Page 4*" to "*Page 5;*" and

c. "* *Primary Action is brought against the United States due to an alleged co-conspired infiltration and influence* ***within the IRS*** *(to* ***conceal tax documents*** *and other information of Mrs. Linda Paula Streger Williams' (Decedents')* ***Individual Retirement Acct****. (IRA)* ***trust*** *(****Pershing, LLC & UBS Acct.*** *# x7439 –* ***EIN*** *#: x8899 –* ***Treas. (IRS) form SS-4****#: x6766 and evidence of a* ***W-9 form****) and other claims), however, the agencies are enjoined for further claimed corruptive acts (including the SSA).*

"* **[S.D.N.Y.]** *is named a defendant*[,] *creating a* ***conflict of interest for jurisdiction*** *and warranting not only the reopening of trial # 15-cv-5114(LAP)(SDNY) but also immediate leave to the App.Ct. where the original complaint for 15-cv-5114(LAP)(SDNY) may be evidenced as stating jurisdiction being enforced under 15 USC §26.*

"* *Claimed factual events and evidence (including* ***new evidence*** *of Pershing Sq. Hldg. Grp., LLC's* ***Initial Public Offering****, evidencing UBS AG and BNY (Pershing LLC)* ***reinvesting assets within the mortgaged trusts of Peter Cooper Village/Stuyvesant Town*** *(PCV/ST) [ ]Apt. 7D of Building 449 E. 14th Street*[,] *includ*[e] *claims of:*

STATEMENT OF THE CASE

CITATIONS (CONTINUED)

(1) *Decedents' legal representative, **Mr. Avrom R. Vann's** **neglect** to provide Plaintiff access to assets within an 'irrevocable' testamentary **'BENEFICIAL TRUST'** (Trust LPSW) upon his **custodial age** of 30 yrs. Old;*

(2) ***FDIC's validation of assets within Trust LPSW;***

(3) *Tishman, BlackRock and CW Cap. Asset Mgmt.'s (CWCAM's) eviction of Decedent (after her death), Plaintiff and Mr. Williams, Jr. (Willis Eugene Williams, Jr.) from **PCV/ST** where the **owners allegedly performed financial background checks on all tenants** (obtaining knowledge of Decedents assets and records) (see Matter of Dizzengoff) and a real property asset in Pennsylvania, where PCV/ST owners previously **attempted to** [ ] **evict Decedent** (as the original tenant) claiming the dwelling was not her primary resid*[ence;]

(4) ***CWCAM's neglect** to provide Plaintiff or Mr. Williams, Jr. a **renewal lease after the death of Decedent;***

(5) ***CWCAM bringing an early action in N.Y.H.C. for eviction** of Plaintiff (a rent stabilized tenant* [-] ***StateFarm Renters Insur.#**: x7212-5*[]*; and*

(6) *a complex interwoven networking of financial institutions connected to the ownership of PCV/ST (namely BlackRock (AIG), Tishman, Merrill, Wells, Gramercy, PSH (PSW), Blackstone Grp., and other related corporations)*[.]

*"Such is further claimed to be an alleged **co-conspired antitrust and racketeering mortgage scheme** (through CMBS, CDOs, DIL auctions, dark pool investments and staged judicial proceeding;... namely* [under] *U.S. Const. Am. 1, 4, 5, 8, 10, 13 §1, 14 §1, 14 §4,... **where §10(b) and §13 of the SEC Act of 1934, Clayton Act (Sherman Act), Security Act of 1933 (as amended), Sarbanes Oxley Act (2002), as well as the Dodd-Frank Act of 2010 are highlighted**), perpetrated, as claimed, to illegally reinvest into securitized investments of Decedents' IRA, as well as the claimed **prejudicial removal of rent stabilized tenants to eliminate PCV/ST's tax exemption status in exchange for greater return on market-valued apartments** and to create an opportunity to convert the community of PCV/ST into cooperative or condominium housing, while **implementing a series of organized enterprise corruption and economic espionage schemes to deter Plaintiffs' acquisition of Trust LPSW's assets** (including an alleged inducing of a criminal record...* [and the] *use of public servants*[, for] *whom* [ ] *financial institutions* [have]*control* [over their] *pensioned assets* [ ])... [and] ***enslav***[e]***him within impoverishment, via subversion** (equivalent to that of **attempted murder**)*[;] *further utilizing means of internet intrusion and other deceptive acts to accomplish such endeavors."* [emphasis added] *Id. at "Page 5"* to *"Page 6."*

9. NATURE OF SUIT & DIVERSITY OF CITIZENSHIP (letter) (Appendix K):

a. *"As this complaint if still under review, I, CESTUI QUE STEVEN TALBERT WILLIAMS (Plaintiff), seek clarification of the primary cause of action, being the nature of the suit, where such **nature is brought before the Court primarily as an 'Antitrust' matter, under No. 410**, and not solely as a 'Civil Rights: Other' matter (No. 440) (filed by '(rdz).' Further, diversity of citizenship is additionally sought for enjoining it to a collateral habeas corpus*

matter from the state of Maryland, where bringing suit in a district court of Maryland would, as claimed, be a matter of prejudice and may lead to retaliatory actions by the Maryland Court or others." [emphasis added] *Id.* at Doc. "*3*" of Dock. No. 18cv12064 (filed "*12-21-2018*," [emphasis added] dated "*12-22-2018*" [emphasis added]) (see CIVIL DOCKET, filed by "*(sc)*," "*Entered 12-24-2018*").

10. CIVIL DOCKET (case type. *440 Civil Rights*) (Appendix J):
    a. "*Nature of Suit: 440 Civil Rights: Other.*" *Id.* at 1.
    b. "*COMPAINT... (rdz) (Entered: 12/21/2018).*" *Id.* at 4 ("*Date Filed*[:]... ***12/20/2018***" [emphasis added] *Id.* at 4).
    c. "*Letter from C. Steven Talbert Williams, dated 12/22/18 re:* ***NATURE OF SUIT*** *& DIVERSITY OF CITIZENSHIP... (sc) (Entered: 12/26/2018).*" [emphasis added] *Id.* at 4 ("*Date Filed*[:]... *12/21/2018*" *Id.* at 4).
    d. "*NOTICE OF* ***CASE ASSIGNMENT*** *– SUA SPONTE to Judge Louis L. Stanton... (mro) (Entered: 12/26/2018).*" [emphasis added] *Id.* at 4 ("*Date Filed*[:]... *12/21/2018*" *Id.* at 4).
    e. "***CIVIL JUDGMENT***... *(Signed by Judge Louis L. Stanton on 2/26/2018)... (Entered: 12/26/2018).*" [emphasis added] *Id.* at 4, 5 ("*Date Filed*[:]... *12/21/2018*" *Id.* at 4).
    f. "*Appeal Remark as to 8 Notice of Appeal, filed by Cestui Que Steven Talbert Williams. IFP DENIED 12/26/2018.* ***LITIGANT INSISTED ON FILING TWO SEPARATE NOA'S****. EACH NOA HAS OTHER DOCUMENTS ATTACHED TO IT.* ***NOA #2 IS ATTACHED TO THE FIRST****. (tp) (Entered: 01/03/2019).*" [emphasis added] *Id.* at 5 (filed "*01/02/2019*" *Id.*)
    g. "*Appeal Record sent to USCA (Electronic file). Certified Indexed record on Appeal... transmitted to the U.S. Court of Appeals. (tp) (Entered: 01/03/2019)*" *Id.*
    h. "*LETTER... re: UPDATED TITLE PAGE TO '****MOTION FOR FED.R.CIV.P. 60****'... (sc) (Entered: 01/11/2019)*" [emphasis added] *Id.* at 5 (Doc. "*13*," filed "*01/03/2019*" *Id.*)
    i. "*NOTICE OF MOTION; See '****Emergency Motion to Direct the Clerk to Perform Duty (Not all Defendants on Docket)****' – To compel Pro Se Intake Unit of SDNY to perform duties of logging in all named defendants onto the docket' (28:1361) may incur* ***lashes*** *for proof of service and dismissal of* ***travel****... (sc) (Entered: 01/14/2019)*" [emphasis added] *Id.* (Doc. "*14*," filed "*01/10/2019*" *Id.*)
    j. "*Received* ***returned mail*** *re: 6 Order Granting IFP Application. Mail was addressed to Cestui Que Steven Talbert Williams,* ***General Delivery Services, 333 1st Avenue, NY, NY 10003*** *and was returned for...* ***no such number*** *unable to forward. (vn) (Entered: 01/11/2019)*" [emphasis added] *Id.*
    k. "*LETTER... to Judge Colleen McMahon... dated 1/14/19 re:* ***Plaintiff****...* ***seeks to have the IFP status renewed*** *for the appellate trial of Dock. No. 19-39(2nd Cir. Ct.)... currently delay*[ing] *court processes to serve all of the named defendants upon PACER... (sc) (Entered: 01/15/2019)*" [emphasis added] *Id.* 5, 6 (Doc. "*15*").
    l. "*NOTICE OF MOTION; re: to Separate & Title the* ***Exhibits*** *of Doc. 12*[.]" [emphasis added] *Id.* at 6 (Doc. "*16*," filed "*01/14/2019*" *Id.*).
    m. "*Received* ***returned mail*** *re: 5 Judgment – Sua Sponte (Complaint), 4 Order of Dismissal. Mail was addressed to Cestui Que Steven Talbert Williams,* ***General Delivery Services, 333 1st Avenue, NY, NY 10003*** *and was returned for...* ***not Deliverable as Addressed****... (vn) (Entered: 01/16/2019)*" *Id.*

STATEMENT OF THE CASE

CITATIONS (CONTINUED)

n. "*Received **returned mail** re: 5 Judgment – Sua Sponte (Complaint), 4 Order of Dismissal. Mail was addressed to Cestui Que Steven Talbert Williams, **General Delivery Services, 333 1st Avenue, NY, NY 10003** and was returned for... **not Deliverable as Addressed**... (vn) (Entered: 01/16/2019)*" *Id.*

o. "***PETITION FOR PEREMPTORY WRIT OF MANDAMUS**... (sc) (Entered: 01/23/2019)*" [emphasis added] *Id.* (Doc. "*17*," filed "*01/15/2019*" *Id.*).

p. "*LETTER... re: **MISSING FROM DOCKET 18-CV-12064**, FILED **1/7/19**... (sc) (Entered: 01/25/2019)*" [emphasis added] *Id.* (Doc. "*18*," filed "*01/24/2019*" *Id.*).

q. "*ORDER... The **Court denies all of** Plaintiff's **motions**, including the applications entered on the docket under numbers 7 and 9-19. **This action**, under docket number 18-CV-12064(LLS), **remains closed**, and **any further filings must be directed to the United States Court of Appeals** for the Second Circuit... **SO ORDERED**. Denying 14 Motion See **Emergency Motion to Direct the Clerk to Perform Duty (Not all Defendants on Docket)**';... **Denying 17 Motion for Writ of Mandamus**;... (Signed by Judge Louis L. Stanton on 2/26/2018)... (Entered: 3/26/2018) (**rjm**) Transmission to Appeals Clerk... (Entered: 03/26/2019).*" [highlighting and emphasis added] *Id.* (Doc. "*20*"); and

r. "*First **Supplemental ROA** Sent to USCA (Electronic File)... 20 Order on Motion for Miscellaneous Relief, **Order** on **Motion for Writ of Mandamus**, Order on Motion for Permission for Electronic Case Filing, 10 **Affidavit in Support**... Case Number 19-0039,... (tp) (Entered: 3/27/2019)*" [emphasis added] *Id.*; and

STATEMENT

11. This matter, under U.S. Const. Art. 3 §2, Cl. 1; U.S. S.Ct. Rule 12, is brought before the *Supreme Court of the United States* ("U.S. S.Ct.") from an appeal of *Cestui Que Steven Talbert Williams v. United States,et al.*, 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.), questions the (i) "ORDER" (Doc. "*108*," Appendix A, of Dock. No. 19-1392(2nd Cir. Ct.), dated September 5, 2019) and (ii) "*STRIKE ORDER*" ("Strike Or.," Appendix C, Doc. "*104*" of Dock. No. 19-1392(2nd Cir. Ct.), dated June 27, 2019), where:

a. The "ORDER" (Doc. "*108*," Appendix A. See also a duplicate "ORDER," Doc. "*109*," Appendix B) of Dock. No. 19-1392(2nd Cir. Ct.), PLAINTIFF claims, was **intentionally erred, through collateral estoppel, by the Appellate Court in issuing sanctions** (intentionally laching upon their "*work product protection*" obligations, under the "*Fairness*," "*Extrajudicial Partial Disclosure*," "*Implied Subject Matter*" and "*Exhaustion*" doctrines) for his claimed collateral and promissory estoppel of an early dismissal (under the *Post-Filing Delayed Review* doctrine for antitrust matters), the disclosure of financial trade secrets and personally identifying number (PLAINTIFFs'

and his mothers' social security number exposed to the general public; claimed to have induce threats to his personal well-being to national security of the U.S. Government) and numerous attempts to resolve claimed intentional discriminatory clerical errors of contempt, including missing defendants and documents, associated to the overall claimed antitrust matter of Dock. No. 18cv12064(LLS)(SDNY); allegedly pertinent for validating the claimed illegally reinvested beneficial assets of the "*LINDA WILLIAMS BENEFICIAL TRUST*," as well as economic espionage, racketeering, enterprise corruption, and identity theft claims, where the District Court is claimed to have blatantly denied PLAINTIFF his First Amendment right to pursue an antitrust action (under the *Post-Filing Delayed Review* doctrine, after PLAINTIFF allegedly provided the Court evidence within his COMPLAINT (Appendix H) of the last four digits for most of his deceased mother's trust account filings (which, as claimed, induced an illegal eviction from PLAINTIFFs' apartment dwelling after such assets were allegedly reinvested into his community of residence, *Peter Cooper Village/Stuyvesant Town* ("PCV/ST"), and after being denied a renewal lease for his alleged rent stabilized apartment) (all enforced under: U.S. Const. Am. 1, 4, 5, 6, 8, 10, 13 §3 (claimed aiding and abetting subversion within impoverishment), 14 §1; 18 U.S.C. §402); and

b. The provided "*STRIKE ORDER*" ("Strike Or.," Appendix C, Doc. "***104***" of Dock. No. 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.), dated June 27, 2019), striking PLAINTIFFs':

> "*Supplementary Papers to Writ, Certificate of Service, Deferred Appendix, Exhibits, Brief & Special Appendix, Motion, for certificate of appealability, for consent judgment, for continuance of appeal, for* ***default judgment****, for leave to appeal, for restraining order, to certify question, to expedite appeal, to intervene,* ***to vacate judgment****, Form B, Certificate of Service for Form B and Oral Argument Statement, Brief, Certificate of Service for Brief,* ***Motion, for injunction****, Exhibits, Supplementary Papers to Writ, Motion, for consent judgment,* ***for summary enforcement****,* ***Motion, for restraining order****, Motion for continuance of appeal, Motion, to file supplemental documents,* ***Letter****,* ***Exhibits*** *and* ***Motion, to strike****.*" [emphasis added]

claimed unconstitutionally provided, where PLAINTIFFs' initial filings of supplemental papers were denied for filing in light of "*the defect has not been cured*" (Strike Or. at ¶1); where the "*NOTICE OF DEFECTIVE FILING*" (Doc. "84" of Dock. No. 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.), dated May 23, 2019) stated, "[o]*n May 21, 2019 the Motion, to file supplemental documents...* [were m]*issing supporting papers for motion (e.g, affidavit/affirmation/declaration) (FRAP 27)*[.]"

STATEMENT OF THE CASE

i. PLAINTIFF insists the Court see evidence of the filing of a supporting affidavit, was, in fact, filed on May 20, 2019 (as a "*PROCEDURAL MOTION*"), where, on May 21, 2019, such filings were a personally curing of dates within electronic filings; as such are evidenced within Appendix D (signifying a replacement T-1080 and replacement Certificate of Service, both filed May 21, 2019).

ii. The "*Motion, for injunction*" is claimed to have been the first filing for relief, which allegedly contains numerous trade secrets (mostly related to real property auctions) and scientific theories exposed to defendants and the general public for over a two month period before its striking.

iii. The "*Letter, Exhibits and Motion, to strike* [defectiveness]" are claimed to have never been associated to the filing of supplemental papers for the clerk to strike as defective.

iv. Sanctions are **not** sought against the clerical employees of the Appellate Court, however, the struck filings are sought for re-docketing and/or re-docketing upon to the U.S. S.Ct. remand (sought sua sponte).

12. PLAINTIFF insists upon this trial being consolidated within the trial of 19-5405(U.S. S.Ct.) for collateral estoppel (contempt) claims against HON. POOLER, HON. PARKER, and HON. RAGGI, upon waiver of official immunity, in an amount not less than: (i) ONE MILLION DOLLARS, for contempt of conspired retaliatory and discriminatory obstruction claims related to antitrust offenses (U.S. Const. Am. 1, 5, 14 §1; 18 U.S.C. §§401, 1031(c), 1341, 1505, 1513; 42 U.S.C. §1981; *Antitrust Civil Process Act*; *Sherman Act.* See CRM §§1725, 1727); and (ii) THREE-HUNDRED THOUSAND DOLLARS, for compensatory and punitive damages (including costs and legal fees) (see 5 U.S.C. §552(b)(3), (b)(10))(all in their individual capacities).

STATEMENT OF THE CASE

PART A - BILL OF PARTICULARS

PART A.1 – "ORDER" (DOC. "108" OF 19-1392(2ND CIR. CT.)): DISCLOSURE, VIA POST-FILING DELAYED REVIEW & WORK PRODUCT PROTECTION (UNDER THE FAIRNESS, EXTRAJUDICIAL PARTIAL DISCLOSURE, IMPLIED SUBJECT MATTER & EXHAUSTION DOCTRINES)

PART A.1.a – DISCLOSURE, VIA POST-FILING DELAYED REVIEW

13. As claimed, the ORDER (Doc. 108, Appendix A) intentionally denied PLAINTIFFs' claims for sanctions, through collateral estoppel, where the judicial officials, HON. POOLER, HON. PARKER, and HON. RAGGI, lached upon validation of antitrust claimed as evidenced within the COMPLAINT of Dock. No. 18-12064(LLS)(SDNY), under the *Post-Filing Delayed Review* doctrine, where HON. LOUIS L.STANTON is claimed to have committed collateral and promissory estoppel by providing an early dismissal of the COMPLAINT (Appendix H), denying PLAINTIFF his rights to a fair trial by mooting the Court's obligation to acquire an authentic financial contract for the LINDA WILLIAMS BENEFICIAL TRUST (including the testamentary instrument, Appendix U) and verifying securitized assets (see Appendix U's attached filing of PLAINTIFFs' response email from the *Federal Deposit Insurance Corporation*, "F.D.I.C.," evidencing "*a certificate of ownership that you made in 1987 with Microsoft Corporation*") to either proceed with arbitration or to then provide a dismissal for antitrust claims; common law verified within the Plausibility, Parallelism and "proof of contract" doctrines, stipulated within the trials of *BELL ATLANTIC CORP. v. TWOMBLY*[1] ("Matter of Twombly"), *ASHCROFT v. IQBAL*[2] ("Matter of Iqbal") and *ERICKSON v. PARDUS*[3] ("Matter of Erickson"). U.S. Const. Am. 1, 4, 5, 14 §1; 18 U.S.C. §1513. See U.S.A.M. §8-2.262, "[t]*itle III of the Civil Rights Act of 1964, 42 U.S.C. § 2000b, prohibits discrimination... of race, color, religion, or national origin in public facilities*[.]" See also Matter of Twombly, "'*plausibility standard,' is guided by two principles...* [t]*hreadbare recitals of the elements of a cause of action... do not suffice*[,' citing Matter of Iqbal.]." See also Matter of Iqbal, citing Matter of Twombly (550 U.S. 544, 555), "*a court must proceed 'on the assumption that all the allegations in the*

FOOTNOTE 1: 556 U.S. 662 (2009).
FOOTNOTE 2: 550 U.S. 544, 555, 570, 679 (2007), 127 S. Ct. 1955, 1964 167 L. Ed. 2d 929, 2007 U.S. LEXIS 5901.
FOOTNOTE 3: 127 S. Ct. 2197 (2007).

complaint are true (even if doubtful in fact)'[.]" See also Matter of Twombly, "*only a* [com]*plaint that states a plausible claim for relief survives a motion to dismiss. Id., at 556.*" See also a Federal Court Law Review publication,[4] entitled "*Tightening Twiqbal: Why Plausibility Must Be Confined to the Complaint*" ("Tightening Twiqbal," "*9 Fed. Ct. L. Rev. 79 (Spring 2016),*" by Mr. Justin Rand):

> "*Justice Souter laid the seeds for a new era of pleading practices. Stating a claim under section 1, he wrote, would require a complaint 'with enough factual matter . . . to suggest that an agreement was made*[' ('*Id. at 556*').]"

See also Matter of Iqbal:

> "*parallel conduct is... much like a naked assertion of conspiracy in a* [15 U.S.C.]*§1 complaint...* "[T]*he Court held that the complaint must contain...* [']*a reasonable expectation that discovery will reveal evidence of an illegal agreement*[' ('Id. at 1965'),]... *especially so in light of the potentially enormous expense of discovery in such a large antitrust case, which would imbue even a largely groundless §1 claim with significant 'in terrorem... settlement value*[' (*Id.* at 1966').]"

See also a Spiegel & McDiarmid, LLP internet publication,[5] entitled "*Twombly's New 'Plausibility' Standard for Complaints*[:] *A New Special Pleading Rule for Antitrust or Complex Case Plaintiffs, or for All Plaintiffs?*" ("Twombly's 'Plausibility' Standard for Complaints," by Mr. Tillman L. Lay, dated "*November/December 2007 Vol. 48, No. 6*"):

> "*Twombly arose out of a class action Sherman Act complaint alleging a conspiracy in restraint of trade*[('*15 U.S.C. § 1 (2000 & Supp. V 2006)*')]... "*The Court began with a recitation of prior antitrust precedent holding that parallel behavior by competitors, even conscious parallelism, was, without more, evidence to infer an unlawful agreement among those competitors*[(Matter of Twombly '127 S. Ct. at 1964[')]...
> "*More fact-specific allegations about the agreement will likely be required. Because... the facts concerning any such agreement would, by their nature, be 'largely in the hands of the alleged conspirators'...*
> "*Indeed, the Court's holding on the first Twombly conspiracy theory could be viewed as little more than a... 'parallelism plus' requirement for antitrust conspiracy claims*[('[S]*ee precedent cited in note 8, supra*')]..."

See also *DELGADO v. NEW YORK CITY DEPARTMENT OF CORRECTION*, 797 F.Supp. 327, 23 N.Y.D. 4th Ed. 626 (S.D.N.Y. 1992), "[c]*ourt has jurisdiction to supervise orderly completion of litigation and to avoid procedural abuses injurious to any party.*" See also Twombly's 'Plausibility' Standard for Complaints, referencing Matter of Erickson:

> "*a pro se prisoner's conclusory allegation—that prison officials'* [termi]*nation of his medical*

FOOTNOTE 4: Source: "http://www.fclr.org/fclr/articles/pdf/RandVol9Iss2FinalPublication.pdf."
FOOTNOTE 5: Source: "https:// www.spiegelmcd.com/files/tll_imla_twombly.pdf."

treatment 'endanger[ed] [his] life'—was sufficient to satisfy the new 'plausibility' stan[dard (*'Id. at 2200'*).] *The Court cited both Twombly and 'the liberal pleading standards set forth by Rule 8(a)(2)' to support this result*[(*'Id.'*).] *Erickson provides some clues, however meager, on the limits of the new Twombly 'plausibility' standard. Erickson itself suggests that the plaintiff's pro se status was relevant*[(*'Id.'*)]... *Perhaps more troubling, especially for municipal attorneys, is the cynical possibility that the new Twombly standard is intended primarily to protect large corporations from discovery burdens in plaintiff class actions, as opposed to governmental defendants facing civil rights claims...*

"Indeed, the standard is all but an engraved invitation to judicial activism— that courts can decide the 'plausibility' of a complaint at the outset, based on little more than the judge's subjective assessment of its likely merit, as supplemented by the arguments of counsel, and unhinged from any factual record at all...

"One would expect (or at least hope) that torts, contract breaches, and civil violations... are the exception rather than the rule in corporate behavior; therefore,... [A]*ny plaintiff should draft its complaint with Twombly in mind."*

See also Tightening Twiqbal:

"The Court of Appeals for the Second Circuit... [found] *the District Court's requirement of 'plus factors' for Sherman Antitrust Act claims to be reversible error*[('[s]*ee Twombly v. Bell Atl. Corp., 425 F.3d 99, 114 (2005) ('But plus factors are not required to be pleaded to permit an antitrust claim based on parallel conduct to survive dismissal.')*')]... *But the Supreme Court reversed the judgment of the Second Circuit in an opinion that is both infamous and controversial*[(*'Bell Atl. v. Twombly, 550 U.S. 544, 570 (2007)'*)]...

See also a *Supreme Court of New York* publication,[6] entitled "*THE COMMERCIAL DIVISION LAW REPORT*" (Vol. 15, No. 3, 2012):

"the fraud and aiding and abetting fraud claims were part of a common scheme. GSP Finance LLC v. KPMG LLP, Index No. 650841/2011, 9/6/12 (Kapnick, J)...

"[W]*ith respect to plaintiff's causes of action for aiding and abetting a breach of fiduciary duty, the court indicated that the elements of such a cause of action are (1) a breach by a fiduciary of obligations to another; (2) knowing participation by defendant in the breach; and (3) damages to plaintiff. The court stated that although plaintiff argued that* [de]*fendants had constructive knowledge of the judgment debtor's breach, actual knowledge is required for an aiding and abetting cause of action.*

See a *Cornell Law Review* (89 Cornell L. Rev. 191 (2003)) publication,[7] entitled "*Judicial Estoppel and Inconsistent Positions of Law Applied to Fact and Pure Law*" (by Ms./Mrs. Kira A. Davis):

> "***The doctrine of judicial estoppel,... prevents a party from asserting a position in one legal proceeding that directly contradicts a position taken by that same party in an earlier proceeding***[(*'See, e.g., Brandon v. Interfirst Corp., 858 F.2d 266, 268 (5th Cir. 1988); Patriot Cinemas, Inc. v. Gen. Cinema Corp., 834 F.2d 208, 212 (1st Cir. 1987); Lawrence B. Solum, Caution! Estoppel Ahead: Cleveland v. Policy Management Systems Corporation, 32 Lov. L.A. L. REv. 461, 471 (1999)'*)]." [emphasis added]

See also *UNITED STATES v. WILLIAMS* , 341 U.S. 70 (1951), "*a citizen may not be denied the right to inform on violation of federal laws. In re Quarles, 158 U. S. 532; Motes v. United States, 178 U. S. 458.*"

FOOTNOTE 6: Source: "http://www.nycourts.gov/courts/comdiv/lawreport/Vol15-No3/JF%2015-3.pdf."
FOOTNOTE 7: Source: "http://scholarship.law.cornell.edu/clr."

STATEMENT OF THE CASE

See *TROWBRIDGE, ET AL. v. STATE OF NEW YORK*, Civ. Action No.16cv3455:

> "*Justice delayed is justice denied. The constitutional right to a trial—a speedy and public trial—is the foundation of our adversarial criminal justice system. The right to challenge the state's evidence and confront witnesses in a meaningful and timely manner gives legal and moral legitimacy to the system as a whole.*"

See *MEEKS v. DASHIELL, ET AL.*, No. 638 (MD App.Ct., 2006):

> "[t]*he doctrine of judicial estoppel* [ ] ***prohibits*** *a litigant from 'blowing hot and cold,' by* ***taking one position that is accepted by one court and advocating a completely contrary position in another court, to try to gain advantage****. Vogel v. Touhey, 151 Md.App. 682, 722 [828 A.2d 268] (2003) (citing Eagan v. Calhoun, 347 Md. 72, 88 [698 A.2d 1097] (1997)).*" [emphasis added]

See also a *Robinsongray.com* internet publication,[8] entitled "*Fourth Circuit expands the scope of Rule 60(a), FRCP*" (by Mr. Bobby Stepp, dated September 29, 2014):

> "[In] *revisit*[ing] *two sanctions orders*[,]... *the court found "sanctions to be appropriate with what it consider*[ed] *to be egregious discovery abuse*[']... *and ordered... to pay... costs, expenses and attorneys' fees, which were established in excess of $1 million.*"

See also *WILLY v. COASTAL CORPORATION, ET AL.*, 503 U.S. 131 (112 S.Ct. 1076, 117 L.Ed.2d 280), "[a] *court may impose Rule 11 sanctions in a case in which the district court is later determined to be without subject-matter jurisdiction.*" *Id.* at 134-139. See a *Scotusblog.com* publication,[9] entitled "*Overview of Supreme Court's cert. before judgment practice*" (by Mr. Kevin Russell, dated February 9th, 2011):

> "[I]*n the majority of cases, the Court has granted cert. before judgment so that it can hear a case along with another that it has already decided to review through the normal process...* [I]*n United States v. Fanfan,*[No. 04- 105 (U.S. S.Ct., 2004) ('Matter of Fanfan'),] *the Court granted cert. before judgment to take the case as a companion to United States v. Booker*[, No. 04-104, 543 U.S. 220 (2005) No. 04—104, 375 F.3d 508, aff'd and rem'd; and No. 04—105, vac'd and rem'd];"

See also *ARMFIELD v. MOORE*, 44 N.C. 157 (N.C. 1852):

> "*According to my Lord Coke, an estoppel is that which concludes and 'shuts a man's mouth from speaking the truth.' With this forbidding introduction, a principle is announced, which lies at the foundation of all fair dealing between man and man, and without which, it would be impossible to administer law as a system;*"

14. Review of Fed. R. Civ. P. 4 (28 U.S.C. §1915) is sought for an official ruling upon the "*postfiling delayed review*" doctrine, for the claimed early Dismissal, provided after the granting of an In Forma, and after providing the Court evidence of the existence of financial contracts associated to claimed antitrust, racketeering, economic espionage and corruption of enterprise offenses. See Matter of Fanfan, "*The Commission believes that use of a preponderance of the evidence standard is*

FOOTNOTE 8: Source: "https://robinsongray.com/fourth-circuit-expands-the-scope-of-rule-60a-frcp."

appropriate to meet due process requirements and policy concerns in resolving disputes regarding application of the guidelines to the facts of a case."

15. In review of the *Declaratory Judgment Act* and 28 U.S.C. §§2201-2202, such provisions govern a claimed unconstitutional dismissal where post-filing delayed review is warranted. See *PUBLIC SERV. COMM'N v. WYCOFF CO., INC.*, 344 U.S. 237 (1952):

> *"an enabling Act which confers a discretion on the courts, rather than an absolute right upon the litigant. P. 344 U. S. 241... The remedy afforded by the Act is available only in cases of actual controversy which admit of an immediate and definite determination of the legal rights of the parties. Pp. 344 U. S. 242-243."*

See also Fordham Law Review (55 Fordham L. Rev. 1165 (1987)),[10] entitled "*Controlling and Deterring Frivolous In Forma Pauperis Complaints*" (by Ms./Mrs. Mary Van Vort):

> "[L]***ack of clarity has resulted in confusion among the courts as to the proper time to dismiss a frivolous IFP appli***[cation]...
> "***Under*... *postfiling delayed review*, *a complaint is docketed and the motion to proceed in forma pauperis is granted, if the plaintiff meets the financial criteria.* ***A court****, however,* ***cannot dismiss the complaint on grounds of frivolousness until the issuance of process and the responsive pleadings****. E.g., Bayron v. Trudeau, 702 F.2d 43, 45 (2d Cir. 1983)*[.]" [emphasis added]

16. In review of HON. STANTON's Dismissal for frivolousness, issued five days after PLAINTIFFs' authorized In Forma (upon return from the Court's Christmas Break; perhaps reviewing the COMPLAINT in only a day or two), such is asserted as being a "*postfiling delayed review*" where, to be remedial in our collaborative understanding of this issue (as cited from 55 Fordham L. Rev. 1165 (1987)), when the "*complaint is docketed and the motion to proceed in forma pauperis is granted,*" the court "*cannot dismiss the complaint on grounds of frivolousness until the issuance of process and the responsive pleadings. E.g., Bayron v. Trudeau, 702 F.2d 43, 45 (2d Cir. 1983).*" See In Forma Pauperis and the Civil Litigant, "***a complaint is legally frivolous only if the plain***[tiff] ***can prove no set of facts in support of the claims***[.]" [emphasis added]

a. Given the above citation of In Forma Pauperis and the Civil Litigant, it is therefore PLAINTIFFs' liability to prove the existence of "*facts in support of the claim*[,]" where such obligation was, as evidenced, fulfilled when presented to the District Court within the COMPLAINT, highlighting

FOOTNOTE 9: Source: "http://ir.lawnet.fordham.edu/flr/vol55/iss6/12."
FOOTNOTE 10: Source: "https://www.scotusblog.com/2011/02/overview-of-supreme-court%E2%80%99s-cert-before judgment-practice."

claims as an antitrust matter related to him performing investigations into acquiring tax information of DECEDENTs' securitized trust; stating such was a:

> *"co-conspired infiltration and influence within the **IRS** (**to conceal tax documents** and **other information of Mrs. Linda Paula Streger Williams'** (Decedents') **Individual Retirement Acct.** (IRA) **trust** (Pershing, LLC & UBS Acct.#: x7439 – EIN#: x8899 – Treas. (IRS) form SS-4#: x6766 and evidence of a W-9 form) and other claims) however, the agencies are enjoined for further claimed corruptive acts (including the SSA)"* [emphasis added] (COMPLAINT at p.5).

17. In summary, the granting of §1915 In Forma, when accompanied with PLAINTIFFs' stipulated allegations of accounting numbers for a trust agreement (in ownership of U.S. Treasury tax filings; a viable claim to relief), provide prima facie evidence of the District Court laching to verify the proof of contract with financial institutions, aiding in antitrust offenses, and therefore the Appellate Court, denying PLAINTIFF his right to pursue sanctions against the District Court, additionally aided in antitrust offenses. See Twombly's "Plausibility" Standard for Complaints, *"evidence of an illegal agreement*[.]"). See also *STEFLER v. UNITED STATES*, 319 U.S. 38, 41 (1943), "[t]*he statute authorizes the suit,... upon order of the court*[.]" See also Matter of Twombly, "*a* [com]*plaint that states a plausible claim for relief survives a motion to dismiss. Id., at 556.*" See also ORDER OF DISMISSAL (*Id.* at p.3; Appendix P), citing PLAINTIFF, *"this matter is... an 'anti-trust' matter.' (Letter, ECF No. 3)."* See also 28 U.S.C. §1915(a)(1), *"the person is entitled to redress."* See also *TROWBRIDGE, ET AL. v. STATE OF NEW YORK*, Civ. Action No.16cv3455: *"Justice delayed is justice denied."*

PART A.1.b – WORK PRODUCT PROTECTION

18. As claimed in the opening statement, the Appellate Court officers and officials lached upon their *"work product protection"* obligations (under: U.S. Const. Am. 1, 4, 5, 10, 14 §1; Fed. R. Evid. 501, 502; 18 U.S.C. §1001(a)) to oversee the disclosure of the Court's and PLAINTIFFs' filings for Dock. Nos. 18-12064(LLS)(SDNY), 19-39(2nd Cir. Ct.), 19-240(2nd Cir. Ct.) and 19-1392(2nd Cir. Ct.), under the *"Fairness," "Extrajudicial Partial Disclosure," "Implied Subject Matter"* and *"Exhaustion"* doctrines.

19. In explanation, the Appellate Court cited *"In re von Bulow, 828 F.2d 94, 96 (2d Cir. 1987)" ("Petitioner has not demonstrated that exceptional circumstances warrant the requested relief"*) as a reason to deny the mandamus action of Dock. No. 19-1392(2nd Cir. Ct.), where, just like the District Court did for Dock.

STATEMENT OF THE CASE

No. 18-12064(LLS)(SDNY)'s "*frivolousness,*" claimed as laching upon obligations to discover and verify the contract of the LINDA WILLIAMS BENEFICIAL TRUST, "*In re von Bulow*" pertained to the discovery and disclosure of attorney-client privileges within a mandamus action.

See *IN RE: THE COUNTY OF ERIE*, Dock. No. 06-2459-OP (2007):

"*The writ is available because: important issues of first impression are raised; the privilege will be irreversibly lost if review awaits final judgment; and immediate resolution of this dispute will promote sound discovery practices and doctrine...*

"[T]*he writ is appropriate to review discovery orders that potentially invade a privilege, where: (A) the petition raises an important issue of first impression; (B) the privilege will be lost if review must await final judgment; and (C) immediate resolution will avoid the development of discovery practices or doctrine that undermine the privilege. Chase Manhattan Bank, N.A. v. Turner & Newall PLC, 964 F.2d 159, 163 (2d Cir.1992); In re Long Island Lighting Co., 129 F.3d 268, 270 (2d Cir.1997)...*

"*Post-judgment relief... 'justifies the more liberal use of mandamus in the context of privilege issues.' In re Long Island Lighting Co., 129 F.3d at 271; see also In re von Bulow, 828 F.2d 94, 99 (2d Cir.1987)...*

"[T]*o promote 'broader public interests in the observance of law and administration of justice.' Upjohn, 449 U.S. at 389, 101 S.Ct. 677;...*

"[P]*ublic officials are duty-bound to understand and respect constitutional, judicial and statutory limitations on their authority; thus, their access to candid legal advice directly and significantly serves the public interest*[,... a]*brogating the privilege undermines that culture and thereby impairs the public interest.*

"[See]*In re Buspirone Antitrust Litig., 211 F.R.D. 249, 252-53 (S.D.N.Y.2002) (employing the 'primary purpose' standard in assessing whether the attorney-client privilege protects certain documents);... U.S. Postal Serv., 852 F.Supp. at 163 (applying a 'dominant purpose' standard)...*

"[See] *Ross v. City of Memphis, 423 F.3d 596, 601 (6th Cir.2005) ('[A] government entity can assert attorney-client privilege in the civil context.'); In re Lindsey, 148 F.3d 1100, 1107 (D.C.Cir.1998) (per curiam) (noting the existence of 'a government attorney-client privilege that is rather absolute in civil litigation'); cf. Proposed Fed.R.Evid. 503(a)(1), reprinted in 56 F.R.D. 183, 235 (1972) (describing a client, for the purpose of defining the attorney-client privilege, as a 'person, public officer, or corporation, association, or other organization or entity, either public or private ')*[.]" [emphasis added]

See "*In re von Bulow,*" determining "*whether mandamus is an appropriate remedy:*"

"*Under the All Writs Statute, a Court of Appeals is empowered to 'issue all writs necessary or appropriate in aid of [its] ... jurisdiction[ ] and agreeable to the usages and principles of law.' 28 U.S.C. Sec. 1651(a) (1982). This power 'is meant to be used only in the exceptional case,' Bankers Life & Casualty Co. v. Holland, 346 U.S. 379, 383, 74 S.Ct. 145, 148, 98 L.Ed. 106 (1953), and not as 'a substitute for an appeal.' Schlagenhauf v. Holder, 379 U.S. 104, 110, 85 S.Ct. 234, 238, 13 L.Ed.2d 152 (1964). See also Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 34, 101 S.Ct. 188, 190, 66 L.Ed.2d 193 (1980) (per curiam) (mandamus is 'to be invoked only in extraordinary situations'). As we have noted, 'the touchstones ... of review by mandamus are usurpation of power, clear abuse of discretion and the presence of an issue of first impression.' American Express Warehousing, Ltd. v. Transamerica Insurance Co., 380 F.2d 277, 283 (2d Cir.1967)...*

"*La Buy v. Howes Leather Co., 352 U.S. 249, 259-60, 77 S.Ct. 309, 315, 1 L.Ed.2d 290 (1957) (acknowledging important function of mandamus to monitor district courts);... Note, Supervisory and Advisory Mandamus Under the All Writs Act, 86 Harv.L.Rev. 595, 618 n. 96 (1973) ('In precisely such areas as discovery, advisory mandamus would be expected to have its greatest value.').*

"[As] *stated in American Express Warehousing that '[w]hen a discovery question is of extraordinary significance*[']*... the writ of mandamus provides an escape hatch from the finality rule. 380 F.2d at 282;*

see also Investment Properties Int'l, Ltd. v. IOS, Ltd., 459 F.2d 705, 707 (2d Cir.1972) (discovery issue found to be 'the heart of the controversy')...

"The Supreme Court has stated that in reviewing mandamus a court must consider whether the party seeking the writ has any 'other adequate means to attain the relief he desires.' Allied Chem. Corp. v. Daiflon, Inc., 449 U.S. 33, 35, 101 S.Ct. 188, 190, 66 L.Ed.2d 193 (1980) (per curiam)...

*"**Since discovery orders are generally collateral in nature**, they will rarely satisfy these requirements. See Cipollone v. Liggett Group, Inc., 785 F.2d 1108, 1118 n. 14 (3rd Cir.1986); Sporck, 759 F.2d at 315 n. 4; Beal v. Schul, 383 F.2d 401, 402 (3d Cir.1967) (Seitz, J., dissenting); American Express Warehousing, 380 F.2d at 285 n. 2 (Lumbard, Ch. J., dissenting); Atlantic City Elec. Co. v. General Elec. Co., 337 F.2d 844, 845 (2d Cir.1964) (per curiam)...*

*"Thus, **mandamus is particularly appropriate** in the present circumstances **where an important question of law is likely to evade review** due to the **collateral nature of the issue**, see Colonial Times Inc. v. Gasch, 509 F.2d 517, 526 (D.C.Cir.1975) (**mandamus may issue** to correct an error in a discovery order **if the issue** 'while important to the general course of a litigation,' **is collateral** and thus 'lost to appellate review in fact if not in theory.')...*

"If petitioner is correct, he will now be compelled--if we deny mandamus--to reveal communications that strong public policy protects from disclosure. See ['Bogosian v. Gulf Oil Corp., 738 F.2d 587, 591-92 (3d Cir.1984)']...

"[B]ecause an appeal after disclosure of the privileged communication is an inadequate remedy, the extraordinary remedy of mandamus is appropriate.' Harper & Row, 423 F.2d at 492; see also Barclaysamerican Corp. v. Kane, 746 F.2d 653, 654-55 (10th Cir.1984) (mandamus appropriate to review discovery orders involving a claim of privilege when disclosure would render meaningful appellate review impossible and when disclosure involves questions of substantial importance to the administration of justice); General Motors Corp. v. Lord, 488 F.2d 1096, 1099 (8th Cir.1973) ('Extraordinary circumstances may be presented where the order under attack exemplifies a novel and important question in need of guidelines for the future resolution of similar cases.')[.]"

20. Under the "*Fairness*" doctrine, "[c]*ourts recognize that, by suppressing relevant evidence,...* [such] *always burdens a litigant seeking to discover the relevant evidence contained in the privileged communication*" (see "*Fairness and the Doctrine of Subject Matter Waiver of the Attorney-Client Privilege in Extrajudicial Disclosure Situations,*"[12] "Disclosure Situations," *University of Illinois Law Review*, 1988); it "*aim*[s] ***to prevent prejudice*** *to a party and distortion of the judicial process* ***that may be caused by the privilege-holder's selective disclosure during litigation*** *of otherwise privileged information*" [emphasis added] (*In Re Von Bulow* at 31).

    a. Abuse of Fairness is an "*'unwarranted extension' of the law),* ['*Sanderson v. Winner, 507 F.2d 477, 479 (10th Cir.1974),*']*cert. denied, 421 U.S. 914, 95 S.Ct. 1573, 43 L.Ed.2d 780 (1975)*" (*In Re Von Bulow* at 11); it is rather "[']*the need to resolve a significant question of first impression where the failure to do so may adversely affect the efficient operation of the district courts*[']" (*Id.*, citing "*In re Cement Antitrust Litig., 688 F.2d 1297, 1304 (9th Cir.1982)*").

FOOTNOTE 12: Source: "https://www.nixonpeabody.com/en/ideas/articles/1988/12/01/fairness-and-the-doctrine-of-subject-matter-waiver-of-the-attorney-client-privilege-in."

STATEMENT OF THE CASE

21. The "*Extrajudicial Partial Disclosure*" doctrine, in coordination with the Fairness doctrine, utilizes "*protect*[ion]...*from selectively disclos*[ure] *and potentially misleading evidence*... [which] ***does not waive the privilege*** *as to the undisclosed portions of the communication*[,... because] *disclosures in the public arena may be 'one-sided' or 'misleading',...* [for which] *waiver a fortiori cannot extend*" [emphasis added] (*In Re Von Bulow*, at 32, 34).

22. PLAINTIFF states, if selective disclosure forcefully induces a waiver of his rights via Extrajudicial Partial Disclosure and Fairness, such may provide for an "*Implied Subject Matter*," which may alter the entire course of the trial; wherein this matter, he claims the District and Appellate courts intentionally lached upon curing his reporting of clerical errors which not only changed the case type of the trial (from anti-trust to civil rights) and the number of defendants (allegedly changed at their discretion), but also hid filings, denied the opportunity to file a separate appeal for a class action suit, delivered federal mail for court documents to a false address (located across the street from a defendant), exposed financial and other trade secrets after filing requests for protective orders.

23. PLAINTIFF alleges, he allegedly made numerous attempts to correct misinterpreted and maliciously altered filings, executed by the two courts, which went exhausted (*Exhaustion* doctrine. See *DARBY v. CISNEROS*, 509 U.S. 137 (1993), "*exhaust available administrative remedies before seeking judicial review*").

24. PLAINTIFF insists the U.S. S.Ct. see fit to hold the District and Appellate courts liable for sanctions, in that his mandamus action of Dock. No. 19-1392(2nd Cir Ct.) was justified and should not have been escheated from the pursuit of justice. See In Re Von Bulow:

> "[T]*he concern that a remedy after final judgment cannot unsay the confidential information that has been revealed may account for the liberal use of mandamus in situations involving the production of documents or... covered by other more general interests in secrecy...* [See] *Hartley Pen Co. v. United States District Court, 287 F.2d 324, 330 (9th Cir.1961) (order requiring disclosure of trade secrets).*

STATEMENT OF THE CASE

PART B - ARGUMENT

25. Estoppel is, in essence, an undermining factor for claimants seeking redress while living within impoverishment; a back-hand slap against U.S. citizens and the constitutional provisions which safeguard them against tyranny and oppression. When combined with the likelihood of antitrust offenses, which, as claimed, not only affect the general world economy but citizens within dwellings run by such financial institutions (with a strong-arm of monopolized power and federally established rights to inspect financial documents of tenants), the threat of domestic invasion is at the doorstep of an Anti-Jacksonian enslavement; a modern day Calvinist movement upon those without the financial means to enjoy the liberties for which this great and powerful Country was founded upon.

PART B.1 – ARGUMENT: CONTEMPT OF COURT PROCESSES

26. PLAINTIFF holds HON. POOLER, HON. PARKER, and HON. RAGGI in civil and criminal contempt of court processes, where the issued dismissal of the mandamus (Dock. No. 19-1392(2nd Cir. Ct.) was, as claimed, a conspired retaliatory and discriminatory act of judicial estoppel, in aid of subversion (as an accessory after the fact), and herein insists upon the Court issue sanctions (Fed. R. Civ.P. 11(c)) for claimed offenses and injuries sustained. U.S. Const. Am. 1, 4, 5, 13 §3, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1505, 1513, 3691; 28 U.S.C. §§1927, 2072, 2112 (review); 42 U.S.C. §1981. See Matter of *NIEVES v. BARTLETT*, No. 17-1174 (2018). See also *CLAPPER v. CLARK DEVEL.,*

INC., ET AL., No. 17-4056(U.S. App.Ct., 6th Cir., 2018):

> *"Federal courts derive their contempt power from 18 U.S.C. § 401... Contempt comes in two varieties, civil and criminal. 'The distinction between civil and criminal contempt lies in the purpose of the court's mandate. Civil contempt sanctions are designed to enforce compliance with court orders and to compensate injured parties for losses sustained.' Downey v. Clauder, 30 F.3d 681, 685 (6th Cir. 1994) (citations omitted). In contrast, '[c]riminal contempt sanctions . . . are imposed to vindicate the authority of the court by punishing past acts of disobedience.' Id. (citations omitted)."*

See also *GIDEON v. WAINWRIGHT*, 372 U.S. 335, 339, 341, 342 (1963), citing *BETTS v. BRADY*,

316 U. S. 455, 465 (1942), referencing the "*Due Process Clause of the Fourteenth Amendment:*"

> "[I]*n Palko v. Connecticut, 302 U. S. 319 (1937),... the Court,... was careful to emphasize that 'immunities that are valid as against the federal government by force of the specific pledges of particular amendments have been found to be implicit in the concept of ordered liberty, and thus, through the Fourteenth Amendment, become valid*[']"

STATEMENT OF THE CASE

PART B.2 - ARGUMENT: CONSPIRED DISCRIMINATORY COLLATERAL JUDICIAL ESTOPPEL

27. Sanctions are stated as being in direct relationship with conspired collateral judicial estoppel (enforced under U.S. Const. Am. 5, 14 §1), associated to the trials of: *WILLIAMS v. UNITED STATES, ET AL.*, 15-cv-5114(LAP)(SDNY), 16- 189cv(ALK)(DJ)(BDP)(2nd Cir. Ct), 137 U.S. 1611(No. 16M111, 2017); *WILLIAMS v. UNITED STATES, ET AL.*, 18-12064(LLS)(SDNY), 19-39(2nd Cir. Ct.), 19-240(2nd Cir. Ct.); File No. 2013- 3538(SCNY) (Estate of Linda Williams); *PEOPLE v. STEVEN WILLIAMS*, Docket No. 2012NY089333(NYCC); *MARYLAND v. WILLIAMS, STEVEN T.*, N0. ID00283543 (M.C. Dist.Ct., 2012); and *ST OWNER LP v. EUGENE WILLIAMS*, Index No. 52069/12(Chan)(JHS)(NYHC)), where judicial officials and subordinate officers may be held liable for conspired discriminatory civil rights offenses (under: 42 U.S.C. §§1981, 1983; 18 U.S.C. §§241, 371) to act in offense advocacy (U.S. Const. Am. 1; 18 U.S.C. §§2, 3) for related antitrust associated claims by various banking institutions affiliated with PLAINTIFFs' beneficial securitized trust assets (LINDA WILLIAMS BENEFICIAL TRUST) and the prior trust of PCV/ST (WACHOVIA BANK COMMERCIAL MORTGAGE TRUST 2007-C30).

28. Collateral estoppel is enforced under U.S. Const. Am. 5 as a discriminatory Bivens action against HON. POOLER, HON. PARKER, and HON. RAGGI (U.S. Const. Am. 14 §1; 42 U.S.C. §1981) and for previously referenced claims of Recordkeeping Clause obstruction by employees of the District and Appellate courts (U.S. Const. Am. 5, 10, 14 §1; 42 U.S.C. §1983). See *Internal Revenue Manual* ("IRM") §5.17.5.14(2), "*Bivens remedies are available only where there is a constitutional violation and the victim has no other remedy. Davis v. Passman, 442 U.S. 228 (1979).*"

29. Collateral estoppel claims may be seen through associated claims against the SURROGATE COURT OF THE STATE OF NEW YORK (File No. 2013- 3538. See *WILLIAMS v. UNITED STATES, ET AL.*, 19-5405(U.S. S.Ct.), 19-6227(U.S. S.Ct.)), where PLAINTIFFs' mother's death certificate (displaying her social security numbers) is claimed to have been publicly displayed for a two year period; a threat placed not solely upon the assets of the LINDA WILLIAMS BENEFICIAL TRUST, but also the U.S. Government (a public concern for national security).

STATEMENT OF THE CASE

PART B.3 - ARGUMENT: STYMIED ISSUANCE OF SUMMONS (IN REVIEW OF A *POST-FILING DELAYED REVIEW*)

30. PLAINTIFF holds HON. POOLER, HON. PARKER, and HON. RAGGI liable for aiding and abetting S.D.N.Y. for civil and criminal contempt of court processes, where a "*LETTER*" from the N.Y.A.G.'s MS./MRS. LETITIA JAMES to the Appellate Court was allegedly docketed (Doc. "*60*" of Dock. No. 1392(2nd Cir Ct.), referencing "*N.Y. Pub. Officers Law 17(4) (requiring proper service of 'summons, complaint, process, notice, demand or pleading' before defendant may request representation from the Office); N.Y. Exec. Law 63(1)*[,]" where:

> "[t]*he district court never authorized issuance of a summons, Fed. R. Civ. Proc. 4, because it sua sponte dismissed the complaint for failure to state a claim. See 28 U.S.C. § 1915(e)(2)(B)...*
> ""['[S]*ee*[ ] *Petway v. N.Y. City Transit Auth., 450 F. App'x 66, 66 n.2 (sd Cir. 2011) ('Because the District Court dismissed [plaintiff's] complaint pursuant to 28 U.S.C. § 1915(e)(2) prior to its service on any defendant, no defendant has appeared in the case*[.')']...
> "[B]*y concluding that the complaint does state a claim on which relief may be granted*[, s]*uch a ruling would affect the defendants, and therefore, should not issue*[, or be dismissed, or commence proceedings,] *without affording notice and an opportunity to be heard*[, upon granting of an In Forma Pauperis]*; that is an 'essential principle of due process.' Cleveland Bd. Of Educ. V. Loudermill, 470 U.S. 532, 542 (1985)*[.]"

31. See an additionally alleged "*LETTER*" from the legal representative of the U.S Government (U.S. ASST. ATTORNEY, BENJAMIN H. TORRANCE) (Doc. "*40*"):

> "[t]*he district court dismissed the complaint before the defendants appellees had been served or appeared in the action. Accordingly, at this time, the defendants-appellees do not intend to participate in the appeal unless requested to do so by the Court.*"

   a. Since the filing of the above letter, the Appellate Court has <u>continued</u> to make service upon agencies of the UNITED STATES, as defendants, until electronic service was acquired, whereby additional defendants (claimed unconstitutionally excluded from the Appellate Court) were added to the docket; however, the docket still excludes defendants whom were initially presented to the District Court within the "*COMPLAINT: STATEMENT OF NAMED PARTIES,*" naming <u>One Hundred & Seventy-Six defendants</u>, not "*169*" as evidenced in the dismissal (Appendix P). See Appendix T.

32. The claimed neglect of S.D.N.Y. to issue summonses, whether "*by a United States marshal or deputy marshal or by a person specially appointed by the court*" (Fed. R. Civ. P. 4(c)), is further claimed a conspired retaliatory and discriminatory act of judicial estoppel in aid of subversion of PLAINTIFFs' life within impoverishment, as an accessory after the fact. U.S. Const. Am. 1, 4, 5, 13 §3, 14 §1; Fed. R. Civ. P.

11(c); Fed. R. Crim. P. 42; 5 U.S.C. (see *Administrative Procedure Act* and *Ethics in Government Act of 1978*); §18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1505, 1513, 3691; 28 U.S.C. §§1927, 2072, 2112 (review); 42 U.S.C. §1981. See Matter of Nieves. See also Matter of Gideon. See also *THAI LAO LIGNITE (THAILAND) CO., LTD., ET AL. v. GOVERNMENT OF THE LAO PEOPLE'S*, No. 10 Civ. 5256 (KMW):

> *"A court may also impose sanctions on a party, its counsel, or both, for other misconduct in discovery under its inherent power to manage its own affairs. DLC Mgmt Corp. v. Hyde Park, 163 F.3d 124, 135-36 (2d Cir. 1998)... "['See Cine Forty-Second Street Theatre Corp., 602 F.2d at 1066 & n.8 (upholding severe Rule 37 sanctions upon a showing of gross negligence only)']... "['Pursuant to its inherent power, a court may impose a wide range of sanctions against a party or its counsel for any abusive litigation practice undertaken in bad faith. See, e.g., Penthouse Int'l Ltd. v. Playboy Enters., 663 F.2d 371, 386 (2d Cir. 1981).']"*

33. ~~30.~~ S.D.N.Y.'s neglect to issue summonses after the granting of the In Forma (in essence, approving valid claims for antitrust claims for exhibited contractual account information of the trust's assets), due to HON. STANTON's early dismissal, is proven to have been in opposition of Rule 4's legislative intent, which allegedly induced further hardship (in opposition of: U.S. Const. Am. 1, 5, 13 §3, 14 §1. See Fed. R. Evid. 404(b)(2), "*intent*" and "*plan*" of obstruction). Fed. R. Evid. 104, 902, 1005. See 28 U.S.C. §1733(a), "*to prove the act.*" See also Fed. R. Evid. 401(b), "*the fact is of consequence in determining the action*"); Fed. R. Evid. 410(b)(2); 18 U.S.C. §1001(a). See Matter of Nieves. See also Matter of Gideon.

34. ~~31.~~ In reference to Fed. R. Civ. P. 4's note, HON. CHIEF J. MCMAHON's granting of PLAINTIFFs' In Forma causes "*consequences of confusion*" and, as alleged, "*problems with complaint screen*[ing] *process*[es]" (see 54 Fordham L. Rev. 413 (1985)) when determining whether to issue an early sismissal, prior to "*process and the responsive pleadings.*"

35. ~~32.~~ As cited, the granting of In Forma not only relieves an impoverished individual from the hardships which fees of the Court may have upon them, but also authenticates the validity of a claim for which relief may be granted, formally commencing the trial proceeding process, "*for which a judicial officer, in review of the complaint (granted in forma), may not, thereafter, dismiss*" until supporting documents are provided for further adjudication. See "*Indigents in the Federal Courts: The in Forma Pauperis Statute - Equality and Frivolity*"[13] (by Mr. Stephen M. Feldman, 54 Fordham L. Rev. 413 (1985)).

FOOTNOTE 13: Source: "http://ir.lawnet.fordham.edu/flr/vol54/iss3/3."

STATEMENT OF THE CASE

PART B.4 - ARGUMENT: CLASSIFYING OF NATURE OF SUIT AS CIVIL RIGHTS (OTHER)

36. ~~30.~~ Validation of this matter's nature of suit is alleged as being pertinent to all aforementioned claims of contempt and conspired retaliatory and discriminatory judicial estoppel, where, upon filing the Comp., employees of the S.D.N.Y.'s PRO SÉ INTAKE UNIT are evidenced as recording the nature of suit on the CIVIL DOCKET as a civil rights (and other) matter.

37. ~~31.~~ After checking the CIVIL DOCKET on December 21, 2019, PLAINTIFF allegedly witnessed the nature of suit different from that of the primary claim made within the Comp., where, on December 22, 2019, he wrote a "*LETTER*" to the Court, entitled NATURE OF SUIT & DIVERSITY OF CITIZENSHIP (Appendix K), attempting to clarify the nature of the suit in preparation of a criminal trial for antitrust offenses.

38. ~~32.~~ On January 15, 2109, PLAINTIFF attempted to correct the claimed maliciously entered clerical mistake, whereby he filed an emergency motion, "*direct*[ing] *the clerk to change case type*" (Doc. "*47*" of Dock. No. 1392(2nd Cir. Ct.).

39. ~~33.~~ PLAINTIFF held S.D.N.Y.'s PRO SÉ INTAKE UNIT in civil and criminal contempt of court processes, where the classifying of the Comp.'s case type as "*440 Civil Rights,*" as evidenced on the CIVIL DOCKET (*Id.* at p.1), was, as claimed, a conspired retaliatory and discriminatory act of judicial estoppel (See Matter of Nieves. See also Matter of Gideon), in opposition of claims in the Comp., as was the alleged motivating factor for HON. STANTON to dismiss this matter as being in association with the complaint filed within *WILLIAMS v. UNITED STATES, ET AL., "15cv5114(LAP) (S.D.N.Y. Dec. 10, 2015)*" (DISMISSAL at p.2), as such claimed obstruction by the Appellate Court (further alleged as being perpetrated in retaliation for attempting to bring action against the PRO SÉ INTAKE UNIT) is further claimed in aid of subversion of PLAINTIFFs' life within impoverishment, as an accessory after the fact. U.S. Const. Am. 1, 5, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 5 U.S.C. Ch. 5, Subch. I, §500, et seq.;18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1505, 1513, 3691; 28 U.S.C. §636(e); 42 U.S.C. §1983. See "*Brief amici curiae of The First Amendment Foundation and Fane Lozman*"[14] within Matter of Nieves, No. 17- 1174(2018):

FOOTNOTE 14: Source: "https://www.supremecourt.gov/DocketPDF/17/17-1174/66130/20181009113553355_17-1174%20Amicus%20Brief.pdf."

STATEMENT OF THE CASE

First Amendment prohibits government officials from subjecting an individual to retaliatory actions . . . for speaking out[.]' Hartman v. Moore, 547 U.S. 250, 256 (2006). The ability to bring a [dam]ages action when such 'retaliatory actions' occur, id., serves as both an important check on government abuse, and an opportunity—often the only one—for the individual to vindicate her rights. See, e.g., 42 U.S.C. § 1983; Robertson v. Wegmann, 436 U.S. 584, 590–91 (1978)."

PART B.4 - ARGUMENT: CLANDESTINED RULE 60 MOTION

40. ~~30.~~ PLAINTIFFs' filed Fed. R. Civ. P. 60 Motion (Appendix L) was, as claimed, maliciously and intentionally hidden amongst filings of Doc. 8 of Dock. No. 15cv5114(LAP)(SDNY), as such was hidden amongst other filings consisting of PLAINTIFFs' "*NOTICE OF APPEAL*[and HON. STANTON's]... *Order of Dismissal*[,]" excluding the Fed. R. Civ. P. 60 Motion from the CIVIL DOCKET; insisted as being a valid sanctions claim; holding HON. POOLER, HON. PARKER, and HON. RAGGI liable for offenses and injuries sustained. U.S. Const. Am. 1, 4, 5, 6, 13 §3, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 5 U.S.C. (see *Administrative Procedure Act* and *Ethics in Government Act of 1978*); §18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1342, 1505, 1513, 3691; 28 U.S.C. §§636(e), 1735, 1927, 2072, 2112; 42 U.S.C. §1983. See Matter of Nieves. See also Matter of Gideon. See also *UNITED STATES v. WILLIAMS*, 341 U.S. 70 (1951), see: "*United States v. Waddell, 112 U. S. 6...* [(]*interference with the right to establish a claim*[);... A] *citizen may not be denied the right to inform on violation of federal laws. In re Quarles, 158 U. S. 532*[.]"

PART B.5 - ARGUMENT: SPOLIATION OF JANUARY 7, 2019 FILINGS

41. ~~31.~~ PLAINTIFFs' Missing Petition (Appendix M) and Missing Affidavit (Appendix N) are, as claimed, maliciously and intentionally excluded from S.D.N.Y.'s CIVIL DOCKET filings of Dock. No. 18cv12064(LLS)(SDNY), as such was perpetrated to obstruct and delay court processes in a retaliatory manner, and further claimed to have been in aid of subversion of PLAINTIFFs' life within impoverishment, as an accessory after the fact; insisted as being a valid sanctions claim; holding HON. POOLER, HON. PARKER, and HON. RAGGI liable for offenses and injuries sustained. U.S. Const. Am. 1, 4, 5, 6, 13 §3, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 5 U.S.C. (see *Administrative Procedure Act* and *Ethics in Government Act of 1978*); §18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1505, 1513, 3691; 28 U.S.C. §§636(e), 1735 (lost filings), 1927, 2072, 2112

(review); 42 U.S.C. §1983. See Matter of Nieves. See also Matter of Gideon. See also Matter of Draper, "*evasion of trial by* [ ]*delay shall not be tolerated.*" See also Fed. R. Civ. P. 5(d)(4), "*clerk must not refuse to file a paper*[.]"

PART B.6 - ARGUMENT:
OBSTRUCTION OF NOTICE OF APPEAL (RULE 3(C)(3))

42. The filing of PLAINTIFFs' two appeal notices, as claimed, was a conspired retaliatory and discriminatory act, where one appeal was sought for a class action suit under "*Rule 3(c)(3)*" upon the appellate form of *Federal Rules of Appellate Procedure Form 1*, yet suppressed from being filed as a separate action on appeal ("*NOA #2 IS ATTACHED TO THE FIRST.*" *Id.* at Doc. 8 of Dock. No. 18cv12064(LLS)(SDNY). Appendix O), otherwise claimed as a lost filing of spoliation (28 U.S.C. §1735) necessary to prove PLAINTIFFs' intent to commence a class action suit (especially for the overall claimed antitrust matter for domestic housing terrorism, where rent stabilized and/or elderly tenants have, or had, securitized investments, or other beneficial assets, reinvested illegally for the purposes of aiding in converting a residential community to market rate prices) (Fed. R. Evid. 902, 1005; 28 U.S.C. §1733(a), "*to prove the act*"); insisted as being a valid sanctions claim; holding HON. POOLER, HON. PARKER, and HON. RAGGI liable for offenses and injuries sustained. U.S. Const. Am. 1, 4, 5, 6, 13 §3, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 5 U.S.C. (see Administrative Procedure Act and Ethics in Government Act of 1978); §18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1505, 1513, 3691; 28 U.S.C. §§636(e), 1735 (lost filings), 1927, 2072, 2112 (review); 42 U.S.C. §1983. See Matter of Nieves. See also Matter of Gideon. See also FRAP 3(b)(2) "*appeals may be joined or consolidated by the court of appeals.*" See also "*Notes of Advisory Committee on Rules—1967*" (FRAP 3):

> "*timely filing of a notice of appeal is 'mandatory and jurisdictional,' United States v. Robinson, 361 U.S. 220, 224, 80 S.Ct. 282, 4 L.Ed.2d 259 (1960)...*
> "*In class actions, naming each member of a class as an appellant may be extraordinarily burdensome or even impossible. In class actions if class certification has been denied, named plaintiffs may appeal the order denying the class certification on their own behalf and on behalf of putative class members, United States Parole Comm'n v. Geraghty, 445 U.S. 388 (1980); or if the named plaintiffs choose not to appeal the order denying the class certification, putative class members may appeal, United Airlines, Inc. v. McDonald, 432 U.S. 385 (1977). If no class has been certified, naming each of the putative class members as an appellant would often be impossible. Therefore the amendment provides that in class actions, whether or not the class has been certified, it is sufficient for the notice to name one person qualified to bring the appeal as a representative of the class.*" [emphasis added]

STATEMENT OF THE CASE
PART B.6 - ARGUMENT: DIVERTING OF JUDICIAL MAIL

43. PLAINTIFFs' mailing address was, as claimed, maliciously recorded as being "*General Delivery Services 333 1st Avenue NY, NY 10003*" (see CIVIL DOCKET, Appendix J) (a trucking company, no longer in existence. 18 U.S.C. §1001(a). See CIVIL DOCKET note, "*(Entered: 12/27/2018)*") despite alleged numerous attempts to correct the address to "*General Delivery of the USPS*" (verbatim, as was allegedly conveyed to the clerical officers of the PRO SÉ INTAKE UNIT), having judicial mailing lost (without reference to returned mail on the docket. Fed. R. Evid. 902, 1005; 28 U.S.C. §§1733(a) ("*to prove the act*"), 1735 (lost filings)); insisted as being a valid sanctions claim; holding HON. POOLER, HON. PARKER, and HON. RAGGI liable for offenses and injuries sustained. U.S. Const. Am. 1, 4, 5, 6, 13 §3, 14 §1; Fed. R. Civ. P. 11(c); Fed. R. Crim. P. 42; 5 U.S.C. (see Administrative Procedure Act and Ethics in Government Act of 1978); §18 U.S.C. §§2, 3, 241, 371, 401, 402, 1031(c), 1341, 1342, 1505, 1513, 3691; 28 U.S.C. §§636(e), 1735, 1927, 2072, 2112; 42 U.S.C. §1983. See a St. Johns Law Review (Vol. 88, No. 1, Art. 8) publication,28 entitled "*The Shortcomings of New York's Long-Arm Statute: Defamation in the Age of Technology*" (by Mr. Robert D. Nussbaum, spring 2014), in reference to the false address:

> "*The Court has recognized that speech that elicits illegal activity or imminent violence is outside the boundaries of protection*[('*See Chaplinsky v. New Hampshire, 315 U.S. 568, 571-72 (1942)*')]... "[P]*laintiffs... should be compensated for 'impairment of reputation and standing in the community, personal humiliation, and mental anguish and suffering*[.]'"

See also Matter of Nieves. See also Matter of Gideon. See also a Fordham Law Review (60 Fordham L. Rev. 257 (1991)) publication,29 entitled "*Sanctions, Symmetry, and Safe Harbors: Limiting Misapplication of Rule 11 by Harmonizing It with Pre- Verdict Dismissal Devices*" (by Mr. Jeffrey W. Stempel, 1991), in reference to the claimed intentionally lost (or destroyed) mail:

> "[M]*ost courts have found sanctions available where a particular claim or group of claims is unsupported by fact or law even if the paper as a whole has merit*[('[s]*ee, e.g., Townsend v. Holman Consulting Corp., 929 F.2d 1358, 1363 (9th Cir. 1990) (en banc) (overruling Murphy v. Business Cards Tomorrow, Inc., 854 F.2d 1202, 1205 (9th Cir. 1988))*')]"

See also UNITED STATES v. HALBERT, 640 F.2d 1000 (9th Cir. 1981):

> "*A misrepresentation may be material without inducing any actual reliance. What is important is the intent of the person making the statement that it be in furtherance of some fraudulent purpose. United States v. Goldberg, 455 F.2d 479,* 481 (9th Cir.), cert. denied, 406 U.S. 967, 92 S. Ct. 2411, 32

FOOTNOTE 15: Source: "https://scholarship.law.stjohns.edu/lawreview/vol88/iss1/8."
FOOTNOTE 16: Source: "http://ir.lawnet.fordham.edu/flr/vol60/iss2/2."

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L. Ed. 2d 665 (1972); Irwin v. United States, 338 F.2d 770, 773 (9th Cir. 1964), cert. denied, 381 U.S. 911, 85 S. Ct. 1530, 14 L. Ed. 2d 433 (1965); United States v. Reid, 533 F.2d 1255, 1263 (D.C. Cir. 1976); United States v. Regent Office Supply Co., 421 F.2d 1174, 1182 (2d Cir. 1970); Erwin v. United States, 242 F.2d 336, 337 (6th Cir. 1957)... [A] *false name in connection with a mailing is usually prosecuted under 18 U.S.C. § 1342, we see no reason why employment of an alias cannot also evidence a fraudulent activity under section 1341 when the facts clearly indicate that the name was used for a fraudulent purpose. United States v. Pearlstein, 576 F.2d 531, 535-37 (3d Cir. 1978).*"

PART B.7 – ARGUMENT: WAIVER OF OFFICIAL IMMUNITY

"[S]*ee... Dunlop v. Munroe, 7 Cranch 242, 269 (1812) (a federal official's liability 'will only result from his own neglect in not properly superintending the discharge' of his subordinates' duties); Robertson v. Sichel, 127 U. S. 507, 515–516 (1888).*"
- Matter of Twombly

44. PLAINTIFF insists the U.S. S.Ct. rule upon claims as being axiomatic in nature, including for that of aiding antitrust claims, as accessories after the fact, due to the existence of a valid contract for securitized assets (under the *Post-Filing Delayed Review* doctrine), proving himself entitled to such assets within the "*irrevocable*" and "*sole beneficia*[l]" testamentary trust instrument (Appendix U), and his claim to ownership (previously sought within *WILLIAMS v. UNITED STATES, ET AL.*, 137 U.S. 1611(2017)). See 60 Fordham L. Rev. 257 (1991), "*[see* [('*Cheek v. Doe, 828 F.2d 395, 397-98 (7th Cir. 1987) (court reserves the right to impose whatever sanction it deems necessary to effectu*[ate] *the purposes of rule 11*')]...

45. Upon waiver with official immunity, as requested within the accompanying "*Petition For Waiver Of Sovereign Immunity (Sanctions Upon Hon. Rosemary S. Pooler, Hon. Barrington D. Parker & Hon. Reena Raggit, 2nd Cir. Ct.),*" such may provide the U.S. Government, an optional remedy to base a determination upon for instituting sanctions, "*elevating a claim's pretrial survival to a presumption against sanctions and a 'semi-safe' harbor... that treat the pretrial proceedings merely as a factor to consider in Rule 11 decisions*" (60 Fordham L. Rev. 257 (1991) at 279), or, as quoted previously, "*a quasi-public good,*" which may, in turn, instill a positive outlook to sanctioning proceedings and the role between the relationship between citizens and the judicial system; where such inherent values, believed to be conceptualized by our founding fathers, may be had (a new form of governing a free society, not only evolving the legal system, but additionally encouraging the exchange of contractual litigation to progress the intent of capitalism and societal gain, for profit or otherwise). See 60 Fordham L. Rev. 257 (1991), a:

structural approach to[the role of] *Rule 11 that has largely been overlooked by commentators and courts*[('*the integration of the Rule 56 summary judgment test with the Rule II*[,]... *to prompt judges to appreciate the potentially different inferences available when viewing a Rule 11 motion*[,... where, just like t]*he author writes,* '[*sanctions,... should be imposed for unreasonable... claims*[,' or contractual settlement remedies which may substitute for sanctioned amounts for disciplinary action)]...

"*Rule 11 imposes an objective standard... 'Simply put, subjective good faith no longer provides the safe harbor it once did*[' ('*Eastway Constr. Corp.*['*v. City of New York,*'] *762 F.2d 243 at 253*')... W]*here the court finds a Rule 11 viola*[tion]*, the court is required to impose a sanction, although it has discretion as to the type of sanction and the amount of a monetary sanction*[('*Eastway Constr. Corp., 762 F.2d at 254 n.7. However, judicial discretion is not ed. See, e.g., Eastway Constr. Corp. v. City of New York, 637 F. Supp. 558, 584 (E.D.N.Y. 1986)*')]...

"[C]*ourts appear to have moved toward limiting Rule 11 to the 'least severe sanc*[tion]*' necessary to effectuate the purposes of the rule, with appellate courts in many instances reversing or remanding very large sanctions awards*[ ]...

"[The above doctrine may be enforced so as to] *build*[ ] *upon the approach taken by the Minnesota Supreme Court in Uselman v. Uselman*[, ('*464 N.W.2d 130 (Minn. 1990);*').] *It better serves the purposes of both the civil rights laws and judicial efficiency by... reducing the temptation for a trial court... It would also restore some of the symmetry that has been lost*[,... the] *potential for* [im]*proving judicial decisions and litigant behavior...*

"[I]*n Townsend v. Holman Consulting Corp.,*['*929 F.2d 1358 (9th Cir. 1991) (en banc),*'] *the Ninth Circuit seemed unduly cynical about the legal profession, stating:*

> "*It would ill serve the purpose of deterrence to allow, as does Murphy, a 'safe harbor' for improper or unwarranted allegations...*

"[T]*he court envisions, presumably because counsel sought it, an excessively safe harbor...*

"*Although a large number of Rule 11 or other sanctions are imposed due to claims or assertions that are eliminated well before trial*[('[s]*ee e.g., Fox v. Acadia State Bank, 937 F.2d 1566, 1570-71 (11th Cir. 1991) (sanctions imposed for securities law claims dismissed prior to settlement of remainder of case); Val-Land Farms v. Third Nat'l Bank, 937 F.2d 1110, 1111, 1117-18 (6th Cir. 1991) (sanctions imposed for statutory claim dismissed upon Rule 12(b)(6) motion); Quiroga v. Hasbro, Inc., 934 F.2d 497, 499, 505 (3d Cir. 1991) (sanctions imposed after grant of summary judgment against employee's claim of contractual employment)*'),] *adop*[tion] *of the presumptive safe harbor would provide valuable protection to litigants in close cases or where litigation becomes protracted. It would also tend to promote economy of legal resources by establishing some fairly clear limitations upon the potential for Rule 11 'satellite litigation.*"

46. Within the applied doctrine, the quasi-public good (or semi-safe harbor) application allows for "*the 'least severe sanction' approach*" (60 Fordham L. Rev. 257 (1991) at 289, 290, citing "*Jennings v. Joshua Independent School District,*['*877 F.2d 313*[, '*322*'] *(5th Cir. 1989)*"]), utilizing inventive techniques which may increase return profitability upon sanctioned relief lost, or substituted; a creative mind-set to enhance appropriations established through the litigation process; as such a technique may be utilized through use of summary judgments.

STATEMENT OF THE CASE

PART B.8 – ARGUMENT: EXPOSURE OF TRADE SECRETS & SCIENTIFIC THEORIES

47. As previously claimed, the Appellate Court aided (18 U.S.C. §§2, 3) in the disclosure of financial trade secrets for the assets within the LINDA WILLIAMS BENEFICIAL TRUST, where PLAINTIFF reported of "*a certificate for ownership of an investment that you made in 1987 with Microsoft Corporation*" by the F.D.I.C. to both the District and Appellate courts, and that personally identifying information of: (i) his social security numbers were unconstitutionally disclosed to within his original complaint of *WILLIAMS v. USA, ET AL.*, 15-cv-5114(LAP)(SDNY) (as an exhibited appearance ticket from *New York Police Department's Metropolitan Transit Authority's* public servants); and (ii) his mother's social security numbers (upon her death certificate), were unconstitutionally disclosed to the general public within the filings of *Estate of Linda Paula Streger Williams*, File No. 2013-3538(SCNY); as such provided for threats to not just his life (while living on the streets of New York City), but also to the national security of the U.S. Government.

48. On May 13 & 17, 2019, PLAINTIFF allegedly filed a "*Motion For Injunctive Relief: Sanctions Upon Hon. Louis L. Stanton & Pro Sé Intake Unit*" (the cover reading April 18, 2019) within the Appellate Court (struck, due to a claimed misinterpretation of a "*PROCEDURAL MOTION*" filing, mentioned in ¶11(b) of the opening statement. See Appendices C through F); as such motion, containing business trade secrets and scientific theories (some of which entail the trade secrets) was delivered to all named defendants of the mandamus action for sanctions and made viewable to the general public for nearly a two month period before its striking. See PART B.9 and PART C of this certiorari (an *Alternate Dispute Resolution*, "ADR," proposal), displaying a summarized version for one of the business trade secrets (for a real estate company he intended to register during the timeframe of his first filings with the *Library of Congress*, "*FSP – Book 1*," not "*FS**B***" [emphasis added] as mentioned within the filed motion, wherein the filings allegedly contain a picture of PLAINTFFs' intended real estate company's logo, named "*Fitted R.E.*"), utilized by PLAINTIFF to provide as a settlement offer to his ADR proposal.

a. As claimed, PLAINTIFF holds HON. POOLER, HON. PARKER, HON. RAGGI, CHIEF CLERK

WOLFE and MR. TOFT liable for offenses and any injuries sustained, pertaining to the disclosure of trade secrets (under: U.S. Const. Am. 1, 4, 5, 8, 10, 14 §1; 5 U.S.C. §§552(b)(4), (b)(7), 552a; 18 U.S.C. §1836, et seq.). See Matter of Delgado, "[c]*ourt has jurisdiction to supervise orderly completion of litigation and to avoid procedural abuses injurious to any party.*" See also In Re Von Bulow, "*other more general interests in secrecy.*"

PART B.10 – ARGUMENT: "*STRIKE ORDER*"
(DOC. "*104*" of DOCK. NO. 18cv12064(LLS)(SDNY), 19-1392(2nd Cir. Ct.)

49. This matter is brought before the *Supreme Court of the United States* ("U.S. S.Ct.") from an appellate action associated to the trial of *Cestui Que Steven Talbert Williams v. United States*, 18cv12064(LLS)(SDNY), where such seeks questioning of a provided STRIKE ORDER, striking PLAINTIFFs':

> "*Supplementary Papers to Writ, Certificate of Service, Deferred Appendix, Exhibits, Brief & Special Appendix, Motion, for certificate of appealability, for consent judgment, for continuance of appeal, for* ***default judgment****, for leave to appeal, for restraining order, to certify question, to expedite appeal, to intervene,* ***to vacate judgment****, Form B, Certificate of Service for Form B and Oral Argument Statement, Brief, Certificate of Service for Brief,* ***Motion, for injunction****, Exhibits, Supplementary Papers to Writ, Motion, for consent judgment,* ***for summary enforcement****,* ***Motion, for restraining order****, Motion for continuance of appeal, Motion, to file supplemental documents,* ***Letter****,* ***Exhibits*** *and* ***Motion, to strike****.*" [emphasis added]

claimed unconstitutionally provided, where PLAINTIFFs' initial filings of supplemental papers were, in fact (see the struck "*Letter*"), filed with a supporting affidavit (as such was the cause for the struck documents (see NOTICE OF DEFECTIVE FILING, accompanying the STRIKE ORDER of Appendix C)).

50. The "*Letter, Exhibits and Motion, to strike* [defectivesness]" are claimed to have never been associated to the filing of defectiveness for the clerk to strike.

51. Sanctions are not sought, however, the filings are sought for re-docketing and/or re-docketing upon remand of the trial to the U.S. S.Ct., sought sua sponte.

ARGUMENT: ALTERNATE DISPUTE RESOLUTION: LIABILITY FOR ADDITIONAL SANCTIONS: SEMI-SAFE HARBER SETTLEMENTS (TAX-SHIFTED LIABILITY)

50. **PLAINTIFFs'** applied doctrine, of seeking a remedy for a quasi-public good, or semi-safe harbor, where such may be had through an offered Alternative Dispute Resolution Sanctions Proposal by enforcing sanctions to prove factual claims to comply with waiver of Federal and State immunity provisions, solely to provide a "no-escape" basis for forthcoming litigation, where settlement may provide for the means to pursue an inevitable quasi-public good, as a "***fee-shifting mechanism***," [emphasis added] where the pursuit of evidence for antitrust matters (as this case involves) may be determined, interlocutory, solely on relevance of there existing a contractual agreement for relief (see Matter of Twombly, See also Matter of Iqbal. See also Twombly's 'Plausibility' Standard for Complaints. See also *ERICKSON v. PARDUS*, 127 S. Ct. 2197 (2007)). See 60 Fordham L. Rev. 257 (1991):

> "[I]*n Matsushita Electric Industrial Co. v. Zenith Radio Corp.,*[*'475 U.S. 574 (1986),'*] ***the Court held that summary judgment could be granted in a complex antitrust case***...
> "*In Sullivan v. School Board of Pinellas County,*[*'773 F.2d 1182 (11th Cir. 1985)*',] ***the court*** *stated that '[d]eterminations regarding frivolity are to be made on a case-by-case basis,' but* ***observed that '[f]actors considered important in determining whether a claim is frivolous' include introduction of evidence by the claimant and 'whether the trial court dismissed the case prior to trial or held a full-blown trial on the merits***.'[*'Id. at 1189.'*]
> "***Decisive facts may not emerge until discovery or trial***. *The law may change or clarify in the midst of litigation.* ***Even when*** *the law or* ***the facts appear*** *questionable or* ***unfavorable at the outset, a party may have an entirely reasonable ground for bringing suit***[("['*Christiansburg Garment Co. v. E.E.O.C., 434 U.S. 412, 42*[1, 4]*22 (1978)*'])]...
> "[See] ***Greenberg v. Hilton International Co.***['Matter of Greenberg,' *'870 F.2d 926 (2d Cir.),* ***remanded and vacated on other grounds***, *875 F.2d 39(2d Cir. 1989),'* a]*t the [trial] disposition stage,* ***the strength or weakness of a case may be viewed as a whole***." [emphasis added]

ARGUMENT: ALTERNATE DISPUTE RESOLUTION: LIABILITY FOR ADDITIONAL SANCTIONS: SLIP LAW PROPOSAL (*"INDIVIDUAL TAX IMMUNITY ACT"*)

51. Due to claims against the **IRS**, **SSA** and other federal agencies, requiring waiver of **UNITED STATES** Government immunity, for which **PLAINTIFF** is unaware of any congressional act enabling an individual to acquire a settlement within a proper timeframe (See Matter of Clarke, "*the application of* ***sovereign immunity depends on which party will be bound by a judgment****, not on who might ultimately bear the economic loss*[.]" [emphasis added]), he proposes to the *Senate Legal Counsel* and *Law Revision Counsel* the following "*Act to Immunize an Individual from Tax liability within Sovereignty*," the shortened title being the "*Individual Tax Immunity Act*" ("ITIA," Appendix Z), as such would provide a citizen of the U.S. Government the available means to redress grievances in an efficient manner, promoting stability for the nation, a speedy trial and growth of knowledge within the legal profession. See also IRM §5.17.5.4:

> "*Congress has not provided the aggrieved party with an alternative legal venue by which to contest the legality of a particular tax. Enochs v. Williams, 370 U.S. 1 (1962); South Carolina v. Regan, 465 U.S. 367 (1984).*"

52. Within Matter of Clarke, referencing "*Clarke's invitation to create* ***a new doctrine of... immunity***," [emphasis added] such references the allowance for "*tribal official immunity*," however, unlike such, the ITIA is presented as a new doctrine to allow a U.S citizen to obtain sovereign immunity through a settlement, structured or qualified, as such may additionally benefit the U.S. Government not only economically (as a party of interest to a contractual agreement, or treaty), but for society as a whole.

53. As asserted, much of the hindrance to pursue legal remedies against the

UNITED STATES concerns whether the citizen is seeking solely his/her own personal interests or that of society as a whole (whether or not educationally).

54. It is **PLAINTIFFs'** intent not only to provide the ITIA as a source of tax-shifted liability and a revenue accruing outlet for citizens with verifiable cases against the government (through waiver of immunity, mandamus and an injunctive settlement), but also to promote legal advancement (as did our founding fathers did with the framers of the U.S. Constitution, for which constitutional statutes were enacted after its framing), where such a victim of crime must legislatively pursue legal revision of at least two (2) legal provisions (legal evolution; as **PLAINTIFF** intends to with the introduction of the ITIA and accompanying slip laws, seeking a revising of the federal rules for the federal courts to provide a response to a complaint within a fourteen (14) day period); as such shall satisfy grounds to assert sovereignty. See Postgrad Tax-Exempt Programs, as reiterated, "***Education has traditionally been seen as a quasi-public good, benefiting*** *not only those who acquire it, but also* ***society generally***." [emphasis added] See also Matter of Clarke:

"[A]***n entity that has agreed to indemnify the defendant is not a necessary party whose joinder is required*** *by Federal Rule of Civil Procedure 19. See, e.g., Gardiner v.* [Vir]*gin Islands Water & Power Auth., 145 F.3d 635, 641 (3d Cir. 1998);...*
"[R]***aising*** [a] ***defense is*** [not necessarily]***sufficient to preserve*** [a trial, if in pursuit of a settlement, where such a]... ***decision***[w]*ould be interpreted as part of a 'game of telephone,'* [such as the]... *decision in Barr v. Mateo, 360 U.S. 564 (1959), which involved official immunity.* ***'It is not the Court's usual practice to adjudicate either legal or predicate factual questions in the first instance,'*** *... CRST Van Expedited, Inc. v. EEOC, 136 S. Ct. 1642, 1653 (2016).*"
"[T]*he defense of sovereign* [im]*munity and the defense of official immunity operate 'the same way procedurally' because they are both presented in a motion to dismiss and are subject to* [in]*terlocutory appeal*[.]" [emphasis added]

55. When a verified victim asserts a claim for damages amounts against a U.S. Government employee, under 42 U.S.C. §1981 or 42 U.S.C. §1983, such is suggested to be provided as relief amounts for personal injury and/or comparable injury incurred from fraud by an agency officer or official, and to place such damage amounts into a revolving credit account of the federal government to be used for the betterment of society, as such may allow the victim an opportunity to assert tax exemption for sovereign immunity (where the **IRS's** normal Alternative Minimum Tax exemption of 26 U.S.C. §55 amount may be satisfied well over a threshold of One Million Dollars ($1,000,000)). See the **IRS's** Audit Guide Rev. 5/2011, when "*consider*[ing]... *making adjustments to income due to... lawsuit proceeds*[,... t]*he personal and dependent exemptions taken by the taxpayer may be limited or phased out due to the increase in income from the lawsuit...*"

a. Relief amounts may additional be presented in the ITIA as a settlement option to enact legislative provisions for a real property revolving account or REIT.

PRAYER FOR RELIEF

56. Damages are sought against ~~U.S. DOJ's ATTORNEY GENERAL, MR.~~ HON. POOLER, HON. PARKER ~~WILLIAM PELHAM BARR (ATTORNEY BARR, in official capacity)~~ and HON. RAGGI (each) in an amount no less than ONE ~~HUNDRED~~ MILLION DOLLARS, for contempt of conspired retaliatory and discriminatory estoppel, related to antitrust and subversion offenses (U.S. Const. Am. 1, 5, 11, 14 §1; 18 U.S.C. §§401, 1031(c), 1341, 1505, 1513; *Antitrust Civil Process Act*; *Sherman Antitrust Act*). See Immunity Petition. See *Criminal Resource Manual* ("CRM") §§1725, 1727. See also O'BANNON v. TOWN COURT NURSING CTR., 447 U.S. 773, 775 (1980), "ascertainable monetary value."), *College Loan Review publication* (47 B.C.L. Rev. 773 (2006)), entitled "Redefining and THREE HUNDRED THOUSAND ~~50~~ DOLLARS for compensatory and punitive damages (including costs and fees; see 5 U.S.C. §552(b)(3), (b)(10); see also DANIELS v. WILLIAMS, 474 U.S. 327, 331 (1986); see also HURTADO v. CALIFORNIA, 110 U.S. 516, 527 (1884)).

~~malice or intent, or when it involves reckless or callous indifference to federally protected rights of others.~~" [Highlighting and emphasis added]

See also *KONOVER PROPERTY TRUST, INC. v. WHE ASSOCIATES, INC.*, No. 2851 (opined by Thieme, J, 2002)

"*the jury found that WHE was entitled to an award for prejudgment interest on each of these counts, awarding WHE prejudgment interest of $206,550.00 on each count... The base amount awarded for damages on the detrimental reliance/promissory estoppel claim is double the amount awarded for each of the other two claims. It follows, therefore, that* ***the prejudgment interest awarded for the detrimental reliance/promissory estoppel claim should also have been double the amount awarded for prejudgment interest awarded on the other counts***,...

"*Only the prejudgment interest award for the detrimental reliance/promissory estoppel claim would be in need of adjustment...*

"[W]*e leave it to the trial court to determine the effect on the total judgment*[.]" [emphasis added]

62. All damage amounts are sought under the *Legal Tender Clause* of U.S. Const. Art. 1 §10 Cl. 1. 31 U.S.C. §5103. See *GWIN v. BREEDLOVE*, 43 U.S. (2 How.) 29, 38 (1844). See also *GRIFFIN v. THOMPSON*, 43 U.S. (2 How.) 244 (1844). See also a *Yale Law Journal* (42 Yale L.J. (1933)) publication,[17] entitled "*THE GOLD CLAUSE IN PRIVATE CONTRACTS*" (by Mr. George Nebolsine):

"*The American doctrine was thus established that, in the absence of contrary agreement between the parties, an obligation to pay money is to pay that which the law shall recognize as money when the payment is to be made*[. 'See] *Metropolitan Bank v. Van Dyck,*['*27 N. Y. 400 (1863).*']"

63. All sought after damage amounts, as referenced above, are contingent upon the acceptance of the accompanying ADR proposal, seeking the commencement of a contractual agreement, under the "*economic benefit doctrine...* [(]*Ennis v. Commissioner, 17 T.C. 465 (1951); Johnson v. Commissioner, 14 T.C. 560 (1950)*[)]"[18] (U.S. Const. Art. 1 §§5 (business), 8 Cl. 3, 3 §2, Cl. 1), to establish revolving real property fund and securitized investment accounts with the *United States Treasury Department* for "*a quasi-public good,*"[19] where interest

~~[17] See https://www.yalelawjournal.org/article/punitive-damages-punitive-damage-reckoned~~

earned by the U.S. Government may recuperate any loss in monetary damage awards; an alternative remedy for convicted individuals, providing for a newly conceptualized moral reform program (as opposed to institutional reform), eliminating the use of a sought after qui tam (or other) administrative proceeding. See accompanying *Alternative Dispute Resolution Proposals Sanctions Upon Hon. Louis L. Stanton & Pro Se Intake Unit, S.D.N.Y.* ("ADR Sanctions Proposal"), within the above provided hyperlink. See also an *American Bar Association* ("ABA") publication,[20] entitled *"The Fifth Circuit Accepts Judicial Estoppel as a Basis for Discovery"* (by Ms./Mrs. Monique Sasson, dated June 24, 2013), quoting *REED v. CITY OF ARLINGTON*, 650 F.3d 571 (5th Cir. 2011), *"because judicial estoppel is an equitable doctrine, courts may apply it flexibly to achieve substantial justice."*

64. Damage awards, as aforementioned, are sought jurisdictionally under Fed. R. Crim. P. 60 (as a victim of crime), where intervention by **U.S.A.G. BARR** (or deputy of) may expedite the proceeding in expectation of achieving a settlement (through the ADR Sanctions Proposal), which may provide for the assignment of a U.S. Magistrate and commencement of pretrial hearings to adjudicate upon axiomatic evidence within the Appellate Court, prior to being remanded to the *Supreme Court of the United States* for certiorari review and order nisi determination ,

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FOOTNOTE 17: Source: "https://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?referer=https://www.google.com/&httpsredir=1&article=3609&context=ylj."

FOOTNOTE 18: See a Journal of Legal Education (Vol. 65, No. 3, 2016) publication, entitled "Postgraduate Legal Training: The Case for Tax-Exempt Programs" (by Mr. Adam Chodorow and Mr. Philip Hackney) Source: "https://jle.aals.org/home/vol65/iss3/2."

FOOTNOTE 19: Source: "https://www.law.cornell.edu/constitution-conan/amendment-11/state-sovereign-immunity#fn60."

FOOTNOTE 20: Source: "http://apps.americanbar.org/litigation/committees/adr/articles/spring2013-062413-fifth-circuit-accepts.html."

REASONS FOR GRANTING THE PETITION

Granting permission to review this matter of contemptuous judicial estoppel claims, seeking sanction awards, should be had in the interest of justice to:

1. hold federal officers and officials liable for damages (upon granting of waiver of immunity. See "*Petition For Waiver Of Sovereign Immunity,* [illegible] also "*Petition for Peremptory Writ Of Mandamus* [illegible]

2. advance upon legal revision; and

3. to expedite trial proceedings, for the U.S. Government to make a superior ruling of illegalities, where the interests of society are benefitted by a settlement, agreeing to the acceptance of lesser damages, which will, in turn, benefit society through the use of revolving real property and securitized accounts, and where defendants, as proposed, shall perform two years of community service as a moral reform program, benefiting from their contributions to intellectual property (receiving royalty payments from psychology textbooks and other materials) and other forms of monetary benefits, such as a real property investment program (from a R.E. fund of tax sale property), where they will have the opportunity to return to their positions [illegible] or decide to invest within real estate, where partial profits are provided to the Government as a quasi-public good and semi-safe harbor agreement, under the economic benefit doctrine;

4. to strike the STRIKE ORDER, so as to adjudicate upon the procedural motion (seeking the filing of other documents within the mandamus action); and

5. to ensure the privacy of documents which were disclosed, allegedly, to the general public and defendants (who are claimed to have nothing to do with the mandamus action, but were associated to WILLIAMS v. USA, ET AL., 18-12064 (SDNY)) for nearly a two month period, where such filings contained, allegedly, financial and other trade secrets, as well as scientific theories associated to PLAINTIFFs' intent to form a R.E. company (for solar power).

CONCLUSION

The petition for a writ of certiorari should be granted.

Respectfully submitted,

Steven Talbert Williams, Cestui Que (**PLAINTIFF**, Pro Sé)

Date: November 7, 2019

KRISTIN CHERISE BOVELL
NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires September 30, 2024

District of Columbia: SS

Sworn to and subscribed before me on
the 7 day of November 2019

Notary Public's Signature
My Commission Expires Sept 30 2024

39.

KRISTIN C. BOVELL NOTARY PUBLIC DISTRICT OF COLUMBIA COMMISSION EXPIRES 09-31-2019