

ORIGINAL

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No. _____

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SUPREME COURT, U.S.

In The
Supreme Court of the United States

CHRIS JAYE,
Petitioner,

v.

THE UNITED STATES
Respondents.

On Petition for a Writ of Certiorari
To the US Court of Appeals for the Federal Circuit
2019-1458

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED FOR REVIEW

1. Has the US Court of Federal Claims and US Court of Appeals for the Federal Circuit acting in opposition to controlling law (*Erickson v. Pardus*, *Johnson v. City of Shelby*) by implementing its own pleading standard different from other circuits?
2. Does a federal judge have the right to impose his/her own will and wants into a citizen's complaint to alter the facts alleged as a basis for dismissal? Can a federal judge impose presumed limits on the jurisdiction of a federal court to deprive a citizen the right to petition her own government (First Amendment)?
3. What remedies exist in the law when lies are not corrected and not addressed in the record? What remedies exist in the law when a judge (protected by judicial immunity) illegally dismisses a valid case? How does a citizen remedy this wrong and deprivation of a right (First Amendment) caused by the lies of a judge?

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Order, August 24, 2018 (USC of FC)	Ap 14-16
Order, December 21, 2018 (USC of FC)	Ap 17-22

TABLE OF CITATIONS

Marbury v. Madison – Supreme Court.
Erickson v. Pardus - Supreme Court 2007
Johnson v. City of Shelby - Supreme Court 2014.
 10th Circuit 1991

STATUTES AND RULES

28 U.S. Code § 1654
RCPC 1, 8, 12 and 60

LIST OF PARTIES

Chris Jaye,
Petitioner

The United States,
Respondents.

OPINIONS BELOW

The judgment and decision of the US Court of Appeals for the Federal Circuit was entered on August 6, 2019. It is reproduced in Appendix as Ap 1-10 and Ap 11. Petition for a rehearing was denied on October 3, 2019.

It is reproduced in Appendix Ap 12-13.

JURISDICTION

The jurisdiction of this Court is invoked
per 28 U.S. Code § 1254.

CONSTITUTIONAL PROVISIONS INVOLVED

US Constitution, First Amendment, Fourteenth Amendment, Fifth Amendment, and Seventh Amendment.

BRIEF FACTUAL BACKGROUND

This is *my TENTH petition* to this Court since 2015. Seven have been denied. Two others were rejected by this court's staff illegally and improperly. Accessing the court (First Amendment) which is a right has become an impossibility because of the clever, illegal and lawless tactics of lazy, activists, prejudicial judges who think they are above hearing the claims and cases of the deplorable masses.

We, the people, have a RIGHT to access our courts. But federal judges (protected by this Court's gift of immunity which gives judges a free pass to obstruct justice, lie, rig cases and deprive citizens' rights *without accountability*) have relied on their slick lawyer-style skills and lies in their so-called "orders" to keep us from our courts.

This routine has happened time and time again... as this Court sits by and does nothing. No judge is ever held to account for lying in their rulings which ALWAYS results in the loss to a right of a citizen (First Amendment) at the hands of rogue, lawless, insulting government employees (federal judges).

DEPRIVATION OF RIGHTS

Congress has authorized the rules of court which must be upheld by federal judges. The LAW and the RULES are not in a judge's discretion to ignore. However, it has become beyond routine of unaccountable federal judges to depart from the rules and law to render decisions *they want* for whom they want – and not as the law dictates.

Endless case law was provided as to the liberal pleading standard to prevent this illegal dismissal (yet another one in a series), but it again was not applied. If it were, I would not be here now.

In every court where I have been tossed out illegally and denied all rights to any remedies in the law by rogue, lawless judges, the law was clear and known. But then it was all ignored. The same routine has happened again now in this case.

Relying on their own form of *prejudicial justice* to kill off my case, these judges (like many others) have simply done what they wanted – but not what was required of them. And yet again, it has been done in complete violation of this Court's controlling law and the RULES APPROVED BY CONGRESS.

The sad truth is that elitist, activist, politically-motivated, contemptuous judges do not want the average citizen in their own courts. And they write orders replete with lies to ensure they are never allowed access. Without any concern to the rights of the people or respect for their own oaths, they waste the people's time, money and taxes to ensure access is deprived while forcing costly appeals to be taken. Judges can do anything to deprive, delay and oppress justice. But because of you, the US Supreme Court -- they are never held to account.

It is due to the gift of judicial immunity given to judges (and their staff) by this Court (and not authorized or wanted by the people) that judges know they will suffer no loss or cost for rigging cases as they have done with all of mine.

As is beyond obvious, the Deep State is embedded in the courts; with the very few elite deciding who they think worthy of entry into *their courts*.

The cost to me (the citizen) has been great. The cost to the elitist, lying judges has been nothing. I am the one who has suffered by their lies... but they do not miss a step. They continue to get their salaries, pensions, health care, etc. And

they get all these benefits while failing to do what they were hired to do, doing the absolute opposite of what they have been hired to do and obstructing justice by their lies. And yet all of this illegality is what you, the US Supreme Court, have declared are to be given a pass via *your invention* of judicial immunity. In your brilliance and understanding of the Constitution, this is supposed to be equal justice under the law?

If you open your eyes, you will come to realize that the people have little to no faith in judges. Without a doubt, it is just a matter of time before good people tell you where you can put your lies you deem orders and say “to hell with the courts!” The day is coming. And you, US Supreme Court Justice, will only have yourselves to blame for failing to remedy these wrongs that have been known to you *for decades*.

Now go ahead and do what you do best at *your discretion*: deny this petition. And by doing so, you can protect, shield and defend the lies of your buddies (other judges). As we know from case law, rulings involving judges are only heard in this Court when you want to protect a judge – and expand your gift of immunity. *Mireles v. Waco* (1991)

What a nice little power-grab racket you (the unelected) have going in the US Supreme Court...

ILLEGAL DISMISSAL: FACTS and LAW

A. No Right to Dismiss

FACT: I filed a suit, paid a fee and provided all proper paperwork (with the correct mailing address). In *my complaint*, I stated the jurisdiction of the court by statute and named the United States as the defendant. I had (and still have) standing.

The US Court of Federal Claims had jurisdiction. Judge Loren Smith lied in saying it did not.

B. Jurisdiction Existed

FACT: I alleged a constitutional issue, an implied contract and a TAKINGS claims. All of these were properly brought to the court with the proper jurisdiction. Although words from my complaint were cherry-picked and edited to find a reason to dismiss (a typical routine of corrupt judges), the circuit judges clearly noted that I asserted that the "United States acted a part in an unlawful taking scheme perpetrated by the State of New Jersey." (Ap 2, see also Ap 10)

Although there were many other clear claims against the United States that were raised (and not mentioned in these fraudulent orders), this alone sufficed to prevent a *sua sponte* dismissal for lack of jurisdiction. (Ap14-16) There was a TAKINGS claim against the United States. The US Court of Federal Claims had jurisdiction on the FACE of the complaint. End of story.

C. Allegations Required to Be Taken as Fact

FACT: Controlling law is clear that all allegations were required to be taken as fact. There was no right by any judge to do anything but accept my allegations as fact. And this was known. ““In deciding whether there is subject matter jurisdiction, “the allegations stated in the complaint are taken as true and jurisdiction is decided on the face of the pleadings.” *Folden*, 379 F. 3 d. at 1354.”” Ap 4.

But then the liars (district and circuit judges) revised, rewrote and reinterpreted my pleading to find a way (by any means necessary) to kill this case. This they cannot do, but this is what is done every day in every court throughout the land by elitist judges who seek to prevent citizens from accessing their own courts.

D. Illegally Dismissed for Failing to State a Claims

FACT: Both Judge Smith (district) and the circuit judges failed to abide by known, controlling law. Judges did not accept my allegations as fact and even barred me from the court due to a lack of "evidentiary support." (Ap 22). Evidence was not entered nor could it have been at this early stage.

Beyond that idiocy, they had no right to delve beyond that which was alleged by me and required to be taken as fact.

Although this Court has made this known *ad nauseum*, Judge Loren Smith chose to act corruptly, go rogue and *sua sponte* dismiss this case on grounds that there were no claims worthy to be heard. This is a failure to state a claim decision, **not a jurisdictional ruling**. To further his scheme to dismiss, he added "frivolous" as a basis in his *sua sponte* revised decision (Ap 22) as if such a determination could even be made **at the pleading stage**.

At all times, he violated his limited authority at the pleading stage and his role as a judge. In fact,

he did not act as a judge, but rather as DEFENSE COUNSEL. And this is not his job.

E. No Right to Act as Defense Counsel

FACT: No judge ever had the power to *sua sponte* dismiss a claim that alleged fully, completely and clearly claims against the United States. No circuit judge reviewing the *sua sponte* dismissal (Ap 14-16) had any right to affirm this dismissal for the reasons asserted.

The United States was the defendant. They had the obligation to mount a defense – not Judge Loren Smith nor his cohorts.

F. No Right to Revise My Complaint

FACT: Judge Loren Smith imposed his views onto my claims. “[Plaintiff’s complaint is, in essence, an appeal.” (Ap 15)

I never said this. I never alleged this. This is not in my complaint. I never claimed this. The JUDGE said this. And the judge (Judge Loren Smith) inserted his feelings into my FACTS.

I do not need some corrupt, activist, lying judge revising my valid complaint. I know what I said. And so does Judge Loren Smith. My complaint as I wrote it was all that was required to be relied upon. Nothing else.

G. No Right to Restrict the Jurisdiction of the United States Court of Federal Claims

FACT: Judge Loren Smith revised the role of the US Court of Federal Claims. "This Court's authority to hear cases is primarily set forth by the Tucker Act..." (Ap 14) "Primarily" does not mean only.

Since Judge Loren Smith chose not to consider the other aspects which would give rise to jurisdiction, he dismissed my case illegally for the reasons that fit his purpose. And as evidenced by his fraudulent orders, Judge Loren Smith chose to ignore my pleadings as to constitutional issues *not sounding in tort* when he killed this case.

Avoidance is not adjudication.

H. Circuit Court Had No Jurisdiction

FACT: Judge Loren Smith did not declare the ruling as final. Judge Loren Smith did not give me the right to amend as is required. Judge Loren Smith ignored my motion to supplement my pleadings and my constitutionality issues raised, briefed and brought to a court with the proper jurisdiction. (Ap 17-22)

The brilliant, "honorable" judges of the circuit court had a duty to remand this non-final order. All matters were not final. It was not declared final. And the constitutional issues (First Amendment, petitioning of

my government) were not addressed in a court that had jurisdiction to hear these issues.

Judge Loren Smith (in his illegality) used the routine tactic of avoidance of other claims to ensure the death of my case. This was not corrected by the circuit judges, but furthered by the circuit judges who seized control over that which should have been remanded.

I. Due Process Violations and Lies by Judges

Judge Loren Smith knew from my pleadings that I was NOT SERVED at the address on record given. (Ap 17-22) And he lied about it. “[S]he did not receive notice of the Court’s [August 24, 2018] Opinion and Order. . . because plaintiff’s incorrect address was given to the Clerk’s Office.” (Ap 17) This is a total lie. And the record proves this to be a lie.

In asserting this lie to ensure the case never came back to life by the vacating that was due via R. 60, he then further lied by asserting that there were no “substantial rights” impacted (Ap 18) which was regurgitated by the circuit judges. Notice is a substantial right.

The fundamental right to notice and the process that follows (such as the right to file a motion for reconsideration) were deprived. And these were substantial rights. But alas, the purpose of federal judges is to kill cases brought by the “deplorables”... and do so by any means necessary.

As it stands, due process that would be given to any other litigant similarly situated was not provided nor remedied by the rules once again.

J. No Right to Presume That Which Is Not Pled

FACT: I filed no claim sounding in tort. Ever. Anywhere.

Repeatedly, the presumption by the “honorable” judges to deflect the attention away from my factual allegations was made in the orders that such was done. It was not.

My complaint (the one ignored and reinterpreted by judges) specifically asserted the jurisdiction of the court as to the claims I did bring – and none were torts.

LAWLESS COURTS

Despite all your grandiose words on paper, you hold no judge to account who fails to do as you have directed or as Congress put into law. (*Erickson v. Pardus* as an example.) Instead, you have implemented a scheme to shield them from account when caught in lies. And the lies of judges are causing the deprivation of rights which this court cannot countenance.

As the incredible statistics of illegal dismissals of valid cases prove, judges do not want a citizens to

access their own courts. This is especially true as it pertains to *pro se* litigants and in cases involving those judges truly serve; other judges, lawyers and other fellow government actors.

By your creativity (*without the approval of the people*), you have abused and misused your authority to give protections to some (government employees) at the cost of **constitutional rights** to others. The undisputed result of this scheme (weaponizing the courts) by YOU is always the same: the citizen loses everything while the corrupt judge (government actor) suffers nothing.

If this is an absurd notion, then answer me this: When was the last time a judge was held to account for lying in a ruling? Rigging a case? Dismissing a case illegally? Referred for impeachment? What referrals for arrests have been made by you to the US Department of Justice for obstruction of justice when a judge has illegally dismissed a citizen's case? Violated their right to access their own court? Proclaiming to act as judges, but instead acted as defense counsel for some over others?

In reverse, I can point to a string of rulings by corrupt, lawless judges that have deprived me of a

court, rights and remedies in the law -- with my property still stolen from me. Despite all the laws and your words, I have never made it past the pleading stage. This has been deliberate. This is case-rigging.

So exactly where does one turn when judges act corruptly? How does one get remedies in the law (put in place by CONGRESS or as the Constitution dictates) when those in the Judicial Branch are the ones breaking the laws? Lying?

And with judicial immunity being an absolute gift given by YOU (and not the people), what rulings can judges not make? What can judges not order be done? Seized? Taken? Corruptly and maliciously? By the lies like that which are replete in the orders in this case and appeal?

Exactly, where are the checks and balance over the Judiciary as it pertains to this gift given unto your own? 42 USC §1983-1988 clearly is eviscerated by you as well via judicial immunity. So what are our rights to prevent rogue judges from barring the people from their own courts?

Moreover, from what laws can you (judges and justices) not exempt yourself? What can you not

do in your capacity as a judge if everything you do in such a capacity is immune by *your* determinations? And exactly how is there equal justice under the law when those doling out the law (judges and justices) have exempted themselves from the law? Who the hell do you think you are?

CONCLUSION

A lie is a lie is a lie. Lies by your precious judges cannot stand as fact and law. There needs to be a remedy. Lies need to be remedied.

Without a doubt, the Founding Fathers did not authorize judicial immunity nor did they give judges the power to make rulings on lies. And since judges have no right to lie, a judgment based on lies can carry not authority in the law.

But then again, what choice do I have to remedy an unlawful ruling due to this "Catch-22" you have imposed upon the people?

By your doing, you have seen to it that the citizen is simply screwed by judges (coming and going) thanks to your creation of common law which you are not empowered to make. This is wrong and unconstitutional.

Despite your usurpation of power over the will of the people, judges do not serve themselves. And judges are not free to simply rule by lies. But where is the remedy? Where there is a right, there is a remedy. Or is this just another meaningless US Supreme Court decision?

Now how do you plan on giving a remedy to this mess? These lies? This last act of case-rigging by your beloved fellow judges? No need to answer. I know. You will do nothing:

“Petition is Denied.” PS: Enjoy being screwed out of another court yet again and having no way to remedy the theft of your property caused by lies resulting in illegal takings and via void judicial decrees which we will not remedy... with love, *the “Honorable” Justices of the US Supreme Court.*

God bless America.

And long live the Second Amendment.

Our Founding Fathers knew what they were doing... and long before your illegal judicial immunity came into creation!

s/ Chris Ann Jaye
Chris Ann Jaye
Pro se, Petitioner