

No. 25-252

IN THE SUPREME COURT OF THE UNITED
STATES

Jalina Fluellen – Petitioner

Vs.

DAVID KRASN, President/Officer of Boyd Gaming Corporation a/k/a Valley Forge Casino and Resort; VALLEY FORGE CONVENTION CENTER PARTNERS, L.P., MICHAEL SADOWSKI, Pennsylvania State Trooper, (Troop-T); JOSEPH MEADOWCROFT, Pennsylvania State Trooper, (Troop-T); TABETHA A. DAVIS; Mia Roberts Perez, Patty Shwartz, Tamika Montgomery-Reeves, and Anthony Scirica – Respondent and Attorney Kelly J. Fox Gerolamo McNulty Divis & Lewbart- Respondents

PETITION FOR REHEARING

Petitioner, Jalina Fluellen, respectfully petitions for rehearing of the denial of her petition for a writ of certiorari to review the judgment of the In The United States District Court For The Eastern District Of Pennsylvania And United States Court of Appeals for the [Third] Circuit.

Jalina Fluellen
2910 W Master Street
Philadelphia PA 19121
Petitioner

TIMELINESS UNDER RULE 44.2

Petitioner files this petition for rehearing on December 5, 2025, which is within 25 days of the order denying certiorari and therefore timely under Rule 44.2 of the Rules of this Court.

QUESTION PRESENTED

1. Whether *Heck v. Humphrey* bars a § 1983 action where the plaintiff plausibly alleges that the criminal judgment itself was procured through fabricated affidavits that concealed the true victim and manufactured probable cause, and whether *Wallace v. Kato* requires equitable tolling when discovery of that fabrication was obstructed by state actors.
2. Does a conflict of interest exist between state actors and Valley Forge Casino—prioritizing private interests over patron safety—where troopers’ falsified documents further incriminated the victim to shield from civil suit, concealed facts of the assault, to retroactively conceal use of excessive force in an unlawful arrest and kidnapping by forcibly carrying the victim away in cuffs (by two male officers), conducted unauthorized searches and seizures while she was already handcuffed, and perpetrated sexual harassment—then released her unsecured while her attacker was freed from their custody first, then wrote a fabricated affidavit —hearsay almost 30 days later.
3. Whether, on this record, the law can tolerate a criminal judgment where the very identity of the victim is obscured—where Valley Forge Casino,

Pennsylvania State Troopers, an unnamed and concealed patron present at the scene, and Petitioner herself all occupy shifting roles—so that it is unclear whether the true victim of the crime is the casino, the officers, the hidden assailant, or Petitioner.

4. Is it lawful for state actors (dully sworn) to fabricate an affidavit of assault, charging a victim as perpetrator based on hearsay—without the alleged victim's own affidavit or testimony.
5. Whether a guilty plea and judgment, coerced and sustained by fabricated evidence that blinded all participants to exculpatory facts and inverted the roles of victim and perpetrator, is void under *Heck v. Humphrey* as malicious prosecution knowingly carried out by state actors to protect themselves and private interests, thereby requiring vacatur and remand of the civil case.

RELATED CASES

- I. U.S. Supreme Court: *Fluellen v. Krasn*, No. 25-252 (certiorari denied ~Nov 10, 2025; rehearing filed Dec 5, 2025 timely under Rule 44.2).
- II. U.S. Court of Appeals, Third Circuit: *Jalina Fluellen v. David Krasn et al.*, No. 24-3083 (affirmed Apr 2, 2025, not precedential: claims untimely more than 2 yrs after 12/29/18; malicious prosecution modified to dismissal without prejudice per *Heck*)
- III. U.S. District Court, EDPA: *Fluellen v. David Krasn et al.*, No. 2:24-cv-00570 (filed Feb 2024; § 1983 false arrest/malicious prosecution claims dismissed Oct 23, 2024 on statute of limitations; malicious prosecution *Heck*-barred).

IV. Montgomery County Court of Common Pleas: *Commonwealth v. Fluellen*, No. CP-46-CR-0004102-2019 (judgment/plea negotiation Dec 29, 2018 – Aug 20,2019) Valley Forge Casino incident; fabricated affidavits inverted victim/offender roles).

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AUTHORITIES CITED

Cases cited in the Third Circuit opinion (Appendix A)

- Budhun v. Reading Hosp. & Med. Ctr., 765 F.3d 245 (3d Cir. 2014).
- Coello v. DiLeo, 43 F.4th 346 (3d Cir. 2022).
- Curry v. Yachera, 835 F.3d 373 (3d Cir. 2016).
- Dubose v. Quinlan, 643 Pa. 244 (Pa. 2017).
- Grayson v. Mayview State Hosp., 293 F.3d 103 (3d Cir. 2002).
- Heck v. Humphrey, 512 U.S. 477 (1994).
- Kach v. Hose, 589 F.3d 626 (3d Cir. 2009).
- Wisniewski v. Fisher, 857 F.3d 152 (3d Cir. 2017).

Cases cited in the District Court opinion (Appendix B)

- McGovern v. City of Philadelphia, 554 F.3d 114 (3d Cir. 2009).
- Owens v. Okure, 488 U.S. 235 (1989).
- Poole v. Marks, 441 F. App'x 854 (3d Cir. 2011).

Cases cited in petitioners “arguments” (Appendix B & D)

- Bradley v. Pittsburgh Bd. of Educ., 910 F.2d 1172 (3d Cir. 1990).
- Chevron U.S.A. Inc. v. Natural Resources Defense Council, Inc., 467 U.S. 837

(1984).

Kost v. Kozakiewicz, 1 F.3d 176 (3d Cir. 1993).

Loper Bright Enterprises v. Raimondo, 144 S. Ct. 2244 (2024).

Marbury v. Madison, 5 U.S. (1 Cranch) 137 (1803).

Miranda v. Arizona, 384 U.S. 436 (1966).

Relentless, Inc. v. Department of Commerce, 144 S. Ct. 2258 (2024).

Trump v. United States, 144 S. Ct. 2323 (2024).

Wallace v. Kato, 549 U.S. 384 (2007).

Petitioners Writ Of Certiorari

Manuel v. City of Joliet, 580 U.S. 357 (2017)

OPINIONS BELOW

- I. The opinion of the **United States Court of Appeals** appears at Appendix A to the petition and publicly reported but is considered unpublished.
Jalina Fluellen v. David Krasn et al., No. 24-3083 (3d Cir. April 2, 2025) (per curiam affirmance).
- II. The opinion of the **United States District Court** appears at Appendix B to the petition and publicly reported but is considered unpublished.
Fluellen v. David Krasn et al., No. 2:24-cv-00570 (E.D. Pa. Oct. 23, 2024).
- III. The Judgment of **Commonwealth v. Fluellen**, No. CP-46-CR-0004102-2019 (Montgomery County Ct. Common Pleas Aug. 20, 2019 judgment/plea)

appears at Appendix C to the petition and publicly reported but is considered unpublished.

JURISDICTION

- I. **Third Circuit Appeals (No. 24-3083, April 2, 2025, App. 1a):** Timely filed notice of appeal received March 3, 2025. Affirmed dismissal of 42 U.S.C. § 1983 claims as time-barred (5+ years from Dec. 29, 2018 incident). Malicious prosecution claim Heck-barred until favorable termination of CP-46-CR-0004102-2019; modified to dismissal **without prejudice**. Rejected equitable tolling despite *Wallace v. Kato* concealment arguments.

- II. **Eastern District Court Pa. (No. 2:24-cv-00570, Apps. 1b-2b):**

ECF 41 (Oct. 23, 2024, App. 1b): Timely filed complaint Feb. 5, 2024. Dismissed **with prejudice** - statute of limitations expired (2 years from Dec. 29, 2018); no accrual delay despite *Wallace v. Kato*, 549 U.S. 384 (2007).

ECF 40 (Oct. 10, 2024, App. 2b): Timely filed motion for injunction (ECF 39). Denied **without hearing** - rejected Art. III § 2 jury trial/due process claims; no irreparable harm shown.

- III. This Court's jurisdiction arises under 28 U.S.C. § 1254(1) to review certiorari denial (No. 25-252, ~Nov. 10, 2025). **Timely petition for rehearing** filed December 5, 2025 under Supreme Court Rule 44.2 (within 25 days of cert denial). All filings below were timely per docket records to the petition.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED**Third Circuit Opinion (App. A, 1a–2a)****Federal Statutes/Rules Cited by Court**

28 U.S.C. § 1291 (final district court decisions) – App. 1a

28 U.S.C. § 1292(a)(1) (injunction interlocutory appeals) – App. 1a

42 U.S.C. § 1983 (civil rights claims; 2-year PA limitations) – App. 1a–2a

42 Pa. Cons. Stat. § 5524 (PA personal injury limitations) – App. 1a–2a

District Court Orders (App. B, 1b–4b)**Federal Statutes/Rules Cited by Court**

42 U.S.C. § 1983 (civil rights claims; 2-year PA limitations) – App. 1b–2b

42 Pa. Cons. Stat. § 5524 (PA personal injury limitations) – App. 1b

Fed. R. Civ. P. 65 (preliminary injunctions) – App. 2b, 3b

Local Civil Rule 26.1, E.D. Pa. (discovery filings) – App. 3b–4b

Petitioner Claims for Redress and Rehearing**U.S. Constitution**

U.S. Const. amend. I (free exercise; access to courts; public humiliation) – App.

1d–2d, 1f–2f

U.S. Const. amend. IV (unlawful arrest/seizure; excessive force; unreasonable search; fabricated probable cause) – App. 1a, 1c–7c, 1f–2f

U.S. Const. amend. V (due process; coercion/self-incrimination; liberty deprivation) – App. 1a, 1b–2b, 1d–2d, 1f–2f

U.S. Const. amend. VIII (cruel and unusual punishment) – App. 1c–7c, 1f–2f

U.S. Const. amend. XIV (due process; equal protection; selective enforcement) – App. 1a–2a, 1b–2b, 1c–7c, 1d–2d, 1f–2f

U.S. Const. art. III, § 2 (judicial power; jury trial) – App. 1a

Federal Statutes

18 U.S.C. § 1001 (false statements) – App. 1c–4c, 1f–2f

18 U.S.C. § 242 (deprivation of rights under color of law) – App. 1c–7c, 1d–2d, 1f–2f

18 U.S.C. § 1962 (RICO extortion via plea threats) – App. 7c, 1f–2f

18 U.S.C. § 1512 (tampering with victims/witnesses) – App. 1c–7c, 1f–2f

18 U.S.C. § 1519 (destruction/alteration of records in federal investigation) – App. 1c–4c

42 U.S.C. § 1983 (civil rights deprivations) – App. 1a–2a, 1b–4b, 1c–7c, 1d–2d, 1f–3f

42 U.S.C. § 1985 (civil rights conspiracy) – App. 1d–2d, 1f–2f

2 U.S.C. § 1986 (neglect to prevent conspiracy) – App. 1d–2d, 1f–2f

Pennsylvania Constitution

Pa. Const. art. I, § 11 (open courts; remedy for injury) – App. 2b–3b, 1d–2d

Pennsylvania Statutes

4 Pa.C.S. § 13A05 (casino patron safety) – App. 1f–2f

18 Pa.C.S. § 505 (self-defense justification) – App. 1f

18 Pa.C.S. § 2701(a)(1) (simple assault) – App. 1c–2c, 3c–4c, 6c–7c, 1f

35 P.S. § 780-113 (controlled substances/paraphernalia) – App. 3c–4c, 7c, 11c, 1f

42 Pa.C.S. § 8351 (Dragonetti Act – malicious prosecution) – App. 7c, 1d–2d

Federal Procedural Rules (Petitioner's Challenges)

28 U.S.C. § 2403 (AG intervention on constitutional issues) – App. 3b, 4d, 6d

Fed. R. Civ. P. 5.1 (constitutional challenge notice) – App. 3b, 4d, 6d

STATEMENT OF THE CASE

On December 29, 2018, at approximately 3:36 a.m., Petitioner Jalina Laura Fluellen was lawfully gambling at Roulette Table 404 in the Valley Forge Casino when she was assaulted from behind by another patron after casino staff failed to intervene in an escalating situation. **(App. C.1c)** Petitioner alleges that casino security and Pennsylvania State Troopers Joseph Meadowcroft and Michael Sadowski then misidentified her as the aggressor, used excessive force to arrest her

without probable cause, and released the actual assailant despite video evidence and fabricated affidavit showing Petitioner was the victim. **(App. C.1c)**

The constitutional violations did not end with the physical incident on December 29, 2018; they were initiated and entrenched when Trooper Sadowski later filed a falsified police complaint almost 30 days after incident and affidavit of probable **(App. C.1c-2c-6c)** cause that inverted victim and offender, omitted exculpatory facts, and became the foundation of CP-46-CR-0004102-2019. Relying on that fabricated charging narrative, the Commonwealth secured a coerced guilty plea on August 20, 2019 **(App. C.7c-13c)** under threat of three years' incarceration, leading to fines, probation, and a stay-away order from the very person who attacked her. **(App. C.13c)** Compliance to all orders and unwarranted threats by courts on behalf of Valley Forge Casino **(App. C.12c)** shows the relative nature of court threats on and off documents.

Petitioner then pursued civil redress under 42 U.S.C. § 1983 in the Eastern District of Pennsylvania and on appeal to the Third Circuit, alleging unlawful arrest, excessive force, malicious prosecution, religious-freedom violations, and an ongoing conspiracy to shield Valley Forge Casino and state actors from liability. **(App. C.1c-13c)** These courts dismissed my case on statute-of-limitations and *Heck* grounds without evidentiary hearings, despite allegations supported by documented via affidavit of fabricated probable cause, concealment of the true victim, and coercive plea **(App. C.3c-6c)** practices made timely discovery and earlier filing impossible. The criminal acts that began on December 29, 2018 thus

initiated a continuing course of fabricated process, immunity, and institutional retaliation that has caused Petitioner ongoing emotional, physical, spiritual, and economic injury to this day.

REASONS FOR GRANTING REHEARING

I. PRESENTS NATIONAL PRESIDENTIAL IMPORTANCE

This case presents a national problem because it exposes a structural gap in how courts treat fabricated evidence, coerced pleas, and delayed discovery of constitutional injuries in the § 1983 context. When lower courts apply *Heck v. Humphrey* and rigid limitations rules to bar any civil redress—even where the conviction itself is alleged to rest on falsified affidavits, inverted victim–offender identities, and concealed exculpatory facts—they effectively immunize the very misconduct that the Constitution forbids. That result is not confined to Petitioner; it can recur anywhere police and prosecutors can shield fabricated narratives behind a guilty plea and then invoke *Heck* to block scrutiny.

The need for redress is therefore national, not merely local to Valley Forge Casino or Pennsylvania. Across the country, victims of fabrication and coercive plea practices face the same *Catch-22*: they cannot challenge the corruption of the criminal process without first overturning a conviction that was itself procured by that corruption, and they are told their claims expired before they could reasonably discover the fraud. Without clear guidance that (1) *Heck* does not bar suits targeting the fabrication and manufacture of the judgment itself, and (2) *Wallace v. Kato*

requires equitable tolling when state-actor concealment delays discovery, state actors and private partners can systematically insulate themselves from accountability.

Allowing fabricated affidavits, concealed victims, and coerced pleas to be unreviewable under § 1983 undermines public confidence in the judiciary, invites further collusion between law enforcement and private entities whose economic interests conflict with patron safety, and disproportionately harms vulnerable communities who are most likely to face coercive plea pressures. Only this Court can resolve the growing conflict in how lower courts apply Heck and Wallace to such claims, and ensure that fabricated criminal process does not become a constitutionally protected zone of impunity. Redress in this case would thus provide urgently needed national guidance on when manipulated criminal proceedings may be challenged, how limitations accrue when state misconduct hides the injury, and whether victims of such schemes may obtain civil relief without first overcoming rigged convictions.

II. THE COURT OVERLOOKED RECORD MATERIALS DOCUMENTING FABRICATION AND CONCEALMENT

Petitioner's claims are not speculative. The fabrication of probable cause, inversion of victim identity, and concealment of exculpatory facts are documented in sworn affidavits and record materials already submitted in the proceedings below and referenced in the Appendix to the petition. Those affidavits identify the absence of any sworn victim complaint, the role-inversion of Petitioner as offender rather

than victim, and material omissions that formed the sole basis for the criminal process challenged here.

The courts below did not address these record materials when applying Heck v. Humphrey or denying equitable tolling under Wallace v. Kato. The Court's denial of certiorari therefore misapprehended the procedural posture of this case, which rests on allegations of fabrication and concealment supported by sworn record evidence already before the Court.

III. THE COURT OVERLOOKED CONTROLLING LIMITS ON HECK v. HUMPHREY

The denial of certiorari rests on an implicit assumption that Heck v. Humphrey categorically bars Petitioner's § 1983 claims. That assumption misapprehends Heck's scope. Heck precludes only those civil claims that would necessarily imply the validity of a lawfully obtained criminal judgment. It does not bar claims alleging that the criminal judgment itself was manufactured through falsified evidence. Where a plaintiff alleges that probable cause was fabricated and the victim identity concealed, the constitutional injury is not guilt or innocence, but the corruption of the criminal process itself.

This Court's decision in Manuel v. City of Joliet, 580 U.S. 357 (2017), confirms that fabricated-evidence and unlawful-detention claims challenge the legality of the process, not the correctness of a conviction. The lower courts' application of Heck here converts that doctrine into absolute immunity for fabricated criminal

proceedings, a result this Court has never endorsed. The Court's denial of certiorari overlooked this dispositive distinction.

IV. THE COURT OVERLOOKED WALLACE v. KATO'S EQUITABLE TOLLING REQUIREMENT

In *Wallace v. Kato*, 549 U.S. 384 (2007), this Court recognized that § 1983 accrual rules are subject to equitable tolling, particularly where a plaintiff cannot reasonably discover the constitutional injury or its cause.

Petitioner alleged that the fabrication of probable cause and concealment of the true victim were not discoverable at the time of arrest or plea, due to state-actor obstruction and reliance on falsified affidavits. The courts below nevertheless treated accrual as immediate and denied tolling without addressing Wallace's controlling framework.

The denial of certiorari failed to consider whether Wallace requires tolling when the alleged fabrication itself prevents timely discovery of the claim. That question is dispositive and unresolved.

CONCLUSION

Because the Court overlooked controlling law limiting *Heck v. Humphrey* and requiring equitable tolling under *Wallace v. Kato* when fabrication conceals the constitutional injury, Petitioner respectfully requests rehearing of the denial of certiorari, that the judgment below be vacated and remanded for further proceedings, and that the Court grant such other relief as justice requires.

CERTIFICATE OF COMPLIANCE

I certify that this Petition for Rehearing complies with the word limit of Supreme

Court Rule 44.2.

A handwritten signature in black ink, appearing to read "Jalina Fluellen", written over a horizontal line.

Jalina Fluellen

Petitioner, sui juris

