

No. 25-5596

In The
Supreme Court of the United States

In re: ARDY MERRITT
Petitioner,

v.

Housing and Urban Development
et al. United States Court
of Appeals Ninth Circuit

ON PETITION FOR STATEMENT OF PETITION

Petition for Rehearing

Petitioner Ardy Merritt respectfully requests a rehearing and reversal of the order entered on November 10, 2025 denying the Petition for Writ of Certiorari to the United States Supreme Court on the following grounds: False claim by a federal judge.

Ardy Merritt
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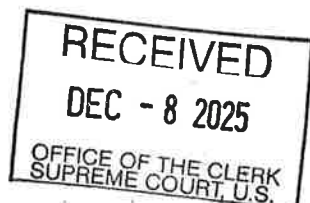


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INTRODUCTION

“**Rehearing** is appropriate where intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented exist. *Sup. Ct. R.* 44.2.” The intervening circumstance as noted in the Notice of Rehearing, concerning a false allegation, “trial had been held, or a hearing” came before the Federal Court for Northern California in San Francisco, in which as stated in the notice, I did not attend nor were any court dates scheduled for me to attend a hearing or trial. I as the petitioner in the Petition for Writ of Certiorari believes such warrants the subject of false claim and such was described to the U.S. Supreme Court in the notice. 98 S.Ct. 1042 John D. CAREY et al., v. Jarius PIPHUS, etc., et al. No. 76–1149 Argued Dec. 6, 1977. Decided March 21, 1978. **3Constitutional Law** Procedural due process rules are meant to protect persons not from **deprivation**, but from mistaken or unjustified **deprivation** of life, liberty or property. U.S.C.A.Const. Amend. 14. 494 Cases that cite this headnote. Also citing: 348 U.S. @505, 75 S.Ct. @506, “The Court explained in *Bramblett* that the **false claims** provision in the 1863 Act clearly cover[ed] the presentation of **false claims** against any component of the Government to any officer of the Government; and it asserted similar breadth for the false statement portion of the act.” The leading synopsis, “in discussing the evolution of §1001, the Court noted that the **false claims** statute, originally enacted in 1863 and by 1955 codified at 18 U.S.C. §287, “clearly covers the presentation of **false claims** against any component of the Government to any officer of the Government.” Plaintiff respectfully requests an additional justice, not privy to the original decision, be included in this determination, not without standing the possible (4 justices.)

The Order itself was presented as evidence with the Notice of Rehearing in which the notice states such deprived me of presenting evidence concerning ‘subject matter jurisdiction,’ and other evidence regarding the unlawful entries into my former place of residence. Noting six months was allowed to file the claim. “In order to cure this denial of any U.S. forum that would provide constitutional protection and remedies for Petitioners, **Rehearing** of the Writ in conjunction with the issues to be presented in a **Petition for Writ of Certiorari**.” Citing §3729 False claims: (a) LIABILITY FOR CERTAIN ACTS: (1) IN GENERAL. – Subject to paragraph (2), any person who – (B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim; -----

Noting from Webster’s Third New International Dictionary, (A Merriam Webster PE. 1625. W36. 2002. C. 1 dic.) The definition of the word claim, “an assertion, statement, or implication (as of value, effectiveness, qualification or eligibility) often made or likely to be suspected of being made without adequate justification.” As noted above False Claims (in bold) Act, the words “Federal Court - subject matter jurisdiction” ... dictates the relevance of the matter in that the wording clearly states the court and matter in which a federal court, on the reverse hand, is noted and can be made to include a federal court. The justification includes ‘standing’ in which the wording subject matter jurisdiction is of focus, and as such would need to be clarified. In the petition concerning Case Number 25-5596 in relation to the Appeals Case Number 24-5400, The Questions Presented involved such factors as the noted appeals court using terminology to

dismiss my case in which such did not satisfy any logical reasoning according to recorded definition concerning the word 'frivolous'; and several United States Amendments being overlooked, noting 4, 10, and 14 in relation, and now Amendment 6, I as plaintiff in the matter strenuously asks the United States Supreme Court not to include itself in its decision-making process to deprive of basic fundamental rights so guaranteed in this nation's constitution; and as being the main body of this nation's highest court of the land.

In submitting this petition for a rehearing, a research was conducted by me concerning the matter of the documentation received and came upon the "False Claim Act": fraud against the government. [Electronic resource] Noting from the Westlaw website, I found numerous cases of such acts and one in particular stood out, Ltd., Louis D. Astorino, Dennis L. Astorino, Patrick I. Branch and Bernard J. Quinn." It cites: "Significantly, unlike the instant matter which centers on the jurisdictional bar, 31 U.S.C. §3730(e)(4)(A), of the current version of the **False Claims Act**, Marcus and Neifert-White Co., involves a prior version of the **False Claims Act** and do not involve the issue of the 'Federal Court subject matter jurisdiction..." I as the Plaintiff in Supreme Court Case 25-5596, submit the above case, noted as "Out-of-Plan," still should prove relevant from the standpoint no reasons are given for such notation, also noting all matters of such from the 'Westlaw' website when the search was conducted showing cases "Out-of-Plan." A preliminary hearing was expected by me as the Plaintiff concerning the federal matter, and submits the Order from the federal court deprived me of submitting evidence concerning a claim allowance of up to six-months; in which other matters would have been of focus; and for practical reasoning, until a decision by the federal court was reached accepting my case, I did not file the claim at that time, but a claim was eventually filed and the claim letter itself was supplied to the U.S. Supreme Court as evidence of submitting the claim prior to the deadline.

"By submitting a claim" – refer to noted definition – "the contractor explicitly certifies that it has complied with all relevant laws and regulations." Also note: "must also make specific representations and the undisclosed non-compliance must make those representations misleading or half-truths." In relation to, as noted on the cover page, in a Synopsis Mark Cooper, Jr. v. United States, 82S.Ct. 917. Argued Dec. 12, 1961, decided April 30, 1962, and the Order dated September 20, 2024 in which it is noted, "A review of the district's court docket entries reflects that the district court has certified that this appeal is not taken in good faith and has revoked appellant's in forma pauperis status." Such would pertain to (if) a review actually occurred, why the appeals court in question did not confirm a trial or hearing had indeed taken place. The lower courts are a reflection of the United States Supreme Court. "The Supreme Court, Mr. Chief Justice Warren, held that 'good faith' within statute providing that appeal may not be taken in forma pauperis if the trial court (no (federal) trial court was ever held) certifies in writing that it was not taken in good faith, must be judged by objective not subjective standards, and a defendant's good faith is demonstrated when he seeks appellate review of any issue not frivolous." Citing the word 'frivolous,' silly, non-conforming to laws, in concert with, Sackett v. Environmental Protection Agency. 598 U.S. 651. 143. S.Ct. 1322. (2023): "Construing statutory language is not merely an exercise in ascertaining the outer limits of a word's definitional possibilities but requires determining the meaning which produces a substantive effect that is

compatible with the rest of the law.” In the reverse and remand decision, Chief Justice Roberts and Associate Justice Kagan concurred, and other justices in the majority.

Amendment violations should not be taken lightly (especially noting courts) when such concerns a decision-making process, regardless of who would be considered the perpetrator. Due Process: Throughout the petition for certiorari, it is noted several times concerning such, the Amendments and statutes of law in different forms of law. Plaintiff contends on numerous occasions in the Petition for Writ of Certiorari, the appeals court failed in its obligation to consider Due Process clauses pertaining to prior noted amendments, as they are noted in this Petition for Rehearing.

I feel a brief summary is needed from the standpoint the prior two lower courts leaving too many questions (3) to be answered by the Supreme Court, such were verified and proven in my defense. In which the prior noted paragraph shows relevance in reasoning for filing this particular petition. No Supreme Court Justices could have risen to the point obtaining seats on the highest court of the United States and not understand the reasoning concerning certain laws in which wisdom as well as the knowledge needed by the Chief Justice and Associate Justices play crucial roles in the proper determination of those laws.


Noting the False Claim Act which in this case refers to the Federal Court in San Francisco, Judge Maxine M. Chesney, 3:24-cv-03968-MMC in which documentation clearly shows the wording used, and I state the negative impact on me concerning such. Citing 579. U.S. 176. 136 S.Ct. 1989. 195 L.Ed.2d 348, “Government – **False Claims**. Implied **false** certification theory may be basis for **False Claims Act** liability.” In this case, a reconsideration by the U.S. Supreme Court based upon the fact of my not being given the right to state my case concerning “subject matter jurisdiction” is of focus. Such should have been in consideration concerning Plaintiff in the matter of the federal case. I cannot and will not concur the U.S. Court of Appeals Ninth Circuit did not find any discrepancies in my case concerning the federal agency when contracts presented to both federal and appeals courts should have brought to their attention the wording in contracts concerning “safe conditions” in which unlawful entries were of a common occurrence and the noted parties in the Petition for Writ of Certiorari were informed of the occurrences and would not address the situation. As such, The U.S. Supreme Court is being requested to entertain this Petition for Rehearing and allow for the afore noted to occur. Reverse and remand is also of focus back to the United States Court of Appeals Ninth Circuit.

348 U.S. @ 505. 75 S.Ct. @506 and it asserted similar breadth for the false statement portion of the Act. Justice Stevens joined by Justice Ginsburg and Justice Bryer. In which the afore noted justices concluded in the majority, “A review of pertinent lower court decision demonstrates that the judicial function exception is an obvious attempt to impose limits on Bramblett’s expansive reading of §1001 and that the exception has a substantial and longstanding following.” False claims: 31 U.S.C. 3729. (3)(b) Definitions. (iii) acts in reckless disregard of the truth or falsity of the information.

As with the United States Supreme Court in its procedure to locate documents submitted to the U.S. Court of Appeals Ninth Circuit, such would also apply to the afore noted court, seeking documents from the federal court, and such would pertain to the afore noted Order concerning 'good faith. Plaintiff cannot understand how such an analysis of good faith can be noted when the noted appeals court failed in its obligation to even demonstrate they were acting in accordance with this nation's Constitution, or even prescribed laws.

In citing Patrick D. Thompson vs. U.S., "A statute that criminalizes **"false" statements** also criminalizes **statements** that are both **false** and misleading, or **false statements** made with intent to mislead." Plaintiff stipulates "with intent" will not be substantiated since such is not required. However, the statement in retrospect to the words are false, which lead me to believe initially, such words were used as a means to clarify an underlining aspect, 'subject matter jurisdiction' and is the reasoning for what amounts to a false statement, in which the statement itself, amounts to a claim of me having attended a court session, and I have stipulated no such session was ever held in which I was a participant. Also noting from 31 USC 3729: False Claims, where it is noted "the term claim (3)(b) does not include request or demands for money or property that the Government has paid to an individual as compensation for Federal Employment or as an income subsidy with no restrictions on that individual's use of the money or property" The word certification from the on-line website encyclopedia.com, "the action or process of providing someone or something with an official document attesting to a status (or level of government.)"

In an on-line article concerning 'implied false certification theory,' in the explanation of defining the False Claim Act, false or fraudulent to apply, "claim must not simply be a request for payment, but must also make specific representations, and the undisclosed non-compliance must make those representations misleading half-truths." 31 U.S.C.A. § 3730(b)(2). The United States is a party to a privately filed **False Claims Act** (FCA) action only if it intervenes in accordance with the procedures established by federal law....

In U.S. v. Alvarez  Supreme Court of the United States June 28, 2012 567 U.S. 709 132 S.Ct. 2537, concerning a justice claiming to have been awarded certain distinguishing medals from this nation's military. Only to have it come to light such was not true. Plaintiff submits the relevance concerning a false claim, in its exactness, no. However, a claim was made by one who would be perceived as an Honorable justice of the judicial branch. The U.S. Supreme Court made note there are certain restrictions when free speech becomes of focus, namely from the standpoint other judges may feel inclined to make statements contrary to what is truth and what is fiction. We must not go there in any fashion, shape or form!

Plaintiff contends when the documented statement by the federal court notes certain occurrences had in fact taken place, such was misleading, and restating the Amendment Six to this nation's

constitution concerning knowing who are the witnesses so they may be addressed. I also contend if Respondent's Counsel was present, or whoever, under whatever circumstances, I should have been notified concerning such an occurrence before such an occurrence had taken place.

I have always contended the state's eviction case did not belong in state court which was the reasoning for filing the case in federal court. A federal agency was involved in the case and therefore, procedures should have proceeded as a first act to disavow the liability of the federal agency. 28 U.S.C.A. §1443. Item (2) – For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law. In this case, it is the above noted reference to Amendment 6.

Petition for Rehearing

Petitioner *Ardy Merritt*, respectfully requests a rehearing and reversal of the Order entered on the *November 10, 2025*, denying the Petition for a Writ of Certiorari to the *United States Supreme Court*, on the following grounds: False or fraudulent claim by a federal judge.

Dated: December 1, 2025

Ardy Merritt

In Pro se

I certify that the above Petition for Rehearing is presented in good faith and not for delay and that the petition is restricted to the grounds above specified.

Dated: December 1, 2025

Respectfully submitted

A handwritten signature in cursive script, reading "Ardy Merritt". The signature is written in dark ink and is positioned below the typed name "Ardy Merritt".

31 USC 3729: False claimsText contains those laws in effect on November 24, 2025
From Title 31-MONEY AND FINANCESSUBTITLE III-FINANCIAL MANAGEMENTCHAPTER
37-CLAIMSSUBCHAPTER III-CLAIMS AGAINST THE UNITED STATES GOVERNMENT
Jump To:[Source](#)[Credit](#)[Miscellaneous](#)[References In Text](#)[Amendments](#)[Effective Date](#)

§3729. False claims

(a) Liability for Certain Acts.-

(1) In general.-Subject to paragraph (2), any person who-

- ✖ (A) knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
- ✖ (B) knowingly makes, uses, or causes to be made or used, a false record or statement material to a false or fraudulent claim;
- (C) conspires to commit a violation of subparagraph (A), (B), (D), (E), (F), or (G);
- (D) has possession, custody, or control of property or money used, or to be used, by the Government and knowingly delivers, or causes to be delivered, less than all of that money or property;
- (E) is authorized to make or deliver a document certifying receipt of property used, or to be used, by the Government and, intending to defraud the Government, makes or delivers the receipt without completely knowing that the information on the receipt is true;
- (F) knowingly buys, or receives as a pledge of an obligation or debt, public property from an officer or employee of the Government, or a member of the Armed Forces, who lawfully may not sell or pledge property; or
- (G) knowingly makes, uses, or causes to be made or used, a false record or statement material to an obligation to pay or transmit money or property to the Government, or knowingly conceals or knowingly and improperly avoids or decreases an obligation to pay or transmit money or property to the Government,

is liable to the United States Government for a civil penalty of not less than \$5,000 and not more than \$10,000, as adjusted by the Federal Civil Penalties Inflation Adjustment Act of 1990 (28 U.S.C. 2461 note; Public Law 104-410¹), plus 3 times the amount of damages which the Government sustains because of the act of that person.

(2) Reduced damages.-If the court finds that-

- (A) the person committing the violation of this subsection furnished officials of the United States responsible for investigating false claims violations with all information known to such person about the violation within 30 days after the date on which the defendant first obtained the information;
- (B) such person fully cooperated with any Government investigation of such violation; and
- (C) at the time such person furnished the United States with the information about the violation, no criminal prosecution, civil action, or administrative action had commenced under this title with respect to such violation, and the person did not have actual knowledge of the existence of an investigation into such violation,

the court may assess not less than 2 times the amount of damages which the Government sustains because of the act of that person.

(3) Costs of civil actions.-A person violating this subsection shall also be liable to the United States Government for the costs of a civil action brought to recover any such penalty or damages.

(b) Definitions.-For purposes of this section-

(1) the terms "knowing" and "knowingly"-

(A) mean that a person, with respect to information-

(i) has actual knowledge of the information;

(ii) acts in deliberate ignorance of the truth or falsity of the information; or

(iii) acts in reckless disregard of the truth or falsity of the information; and

(B) require no proof of specific intent to defraud;

(2) the term "claim"-

(A) means any request or demand, whether under a contract or otherwise, for money or property and whether or not the United States has title to the money or property, that-

(i) is presented to an officer, employee, or agent of the United States; or

(ii) is made to a contractor, grantee, or other recipient, if the money or property is to be spent or used on the Government's behalf or to advance a Government program or interest, and if the United States Government-

(I) provides or has provided any portion of the money or property requested or demanded; or

(II) will reimburse such contractor, grantee, or other recipient for any portion of the money or property which is requested or demanded; and

✱ (B) does not include requests or demands for money or property that the Government has paid to an individual as compensation for Federal employment or as an income subsidy with no restrictions on that individual's use of the money or property;

(3) the term "obligation" means an established duty, whether or not fixed, arising from an express or implied contractual, grantor-grantee, or licensor-licensee relationship, from a fee-based or similar relationship, from statute or regulation, or from the retention of any overpayment; and

(4) the term "material" means having a natural tendency to influence, or be capable of influencing, the payment or receipt of money or property.

(c) Exemption From Disclosure.-Any information furnished pursuant to subsection (a)(2) shall be exempt from disclosure under section 552 of title 5.

(d) Exclusion.-This section does not apply to claims, records, or statements made under the Internal Revenue Code of 1986.

(Pub. L. 97-258, Sept. 13, 1982, 96 Stat. 978 ; Pub. L. 99-562, §2, Oct. 27, 1986, 100 Stat. 3153 ; Pub. L. 103-272, §4(f)(1)(O), July 5, 1994, 108 Stat. 1362 ; Pub. L. 111-21, §4(a), May 20, 2009, 123 Stat. 1621 .)

Published

2Environmental Law

Although the Clean Water Act (CWA) extends to more than traditional navigable waters, the use of "navigable" shows that Congress focused on its traditional jurisdiction over waters that were or had been navigable in fact or which could reasonably be so made. Federal Water Pollution Control Act § 502, 33 U.S.C.A. § 1362(7).

3 Cases that cite this headnote



149EEnvironmental Law

149EVWater Pollution

149Ek173Waters protected

3Statutes

The meaning of a word in a statute may only become evident when placed in context.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

ARDY MERRITT,
Plaintiff.

v.

HOUSING AND URBAN
DEVELOPMENT, et al.,
Defendants.

Case No. 24-cv-03968-MMC

JUDGMENT IN A CIVIL CASE

Re: Dkt. No. 13


Decision by Court. This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

The AC is hereby DISMISSED without further leave to amend, for lack of subject matter jurisdiction.

IT IS SO ORDERED AND ADJUDGED

Dated: 8/15/2024

Mark B. Busby, Clerk of Court


Jenny Galang
Deputy Clerk

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

SEP. 20 2024

MOLLY C. DWYER, CLERK
U.S. COURT OF APPEALS

ARDY MERRITT,

Plaintiff - Appellant,

v.

UNITED STATES DEPARTMENT OF
HOUSING AND URBAN
DEVELOPMENT; et al.,

Defendants - Appellees.

No. 24-5400

D.C. No.

3:24-cv-03968-MMC

Northern District of California,
San Francisco

ORDER

A review of the district court's docket reflects that the district court has certified that this appeal is not taken in good faith and has revoked appellant's in forma pauperis status. *See* 28 U.S.C. § 1915(a). This court may dismiss a case at any time, if the court determines the case is frivolous. *See* 28 U.S.C. § 1915(e)(2).

Within 35 days after the date of this order, appellant must:

- (1) file a motion to dismiss this appeal, *see* Fed. R. App. P. 42(b), or
- (2) file a statement explaining why the appeal is not frivolous and should go forward.

If appellant files a statement that the appeal should go forward, appellant also must:

- (1) file in this court a motion to proceed in forma pauperis, OR

(2) pay to the district court \$605.00 for the filing and docketing fees for this appeal AND file in this court proof that the \$605.00 was paid.

If appellant does not respond to this order, the Clerk will dismiss this appeal for failure to prosecute, without further notice. *See* 9th Cir. R. 42-1. If appellant files a motion to dismiss the appeal, the Clerk will dismiss this appeal, pursuant to Federal Rule of Appellate Procedure 42(b). If appellant submits any response to this order other than a motion to dismiss the appeal, the court may dismiss this appeal as frivolous, without further notice.

The briefing schedule for this appeal is stayed.

The Clerk will serve on appellant: (1) a form motion to voluntarily dismiss the appeal, (2) a form statement that the appeal should go forward, and (3) a Form 4 financial affidavit. Appellant may use the enclosed forms for any motion to dismiss the appeal, statement that the appeal should go forward, and/or motion to proceed in forma pauperis.

FOR THE COURT:

MOLLY C. DWYER
CLERK OF COURT

Courts; Removal of Cases from State Courts (Refs & Annos)

28 U.S.C.A. § 1443

§ 1443. Civil rights cases

Currentness

Any of the following civil actions or criminal prosecutions, commenced in a State court may be removed by the defendant to the district court of the United States for the district and division embracing the place wherein it is pending:

(1) Against any person who is denied or cannot enforce in the courts of such State a right under any law providing for the equal civil rights of citizens of the United States, or of all persons within the jurisdiction thereof;

(2) For any act under color of authority derived from any law providing for equal rights, or for refusing to do any act on the ground that it would be inconsistent with such law.

CREDIT(S)

(June 25, 1948, c. 646, 62 Stat. 938.)

Hubbard v. U.S.



Supreme Court of the United States May 15, 1995 514 U.S. 695 115 S.Ct. 1754 131 L.Ed.2d 779

False Statements. Statute criminalizing false statements before federal departments or agencies does not apply to judicial proceedings.

Show synopsis

... The Court explained in *Bramblett* that the false claims provision in the 1863 Act “clearly cover[ed] the presentation of false claims against any component of the Government to any officer of the Government,” **348 U.S.**, at **505**, **75 S.Ct.**, at **506**, and it asserted similar breadth for the false statement portion of the Act, *ibid.*....

... For if the word “department” encompasses the Judiciary, as *Bramblett* stated, **348 U.S.**, at 509, **75 S.Ct.**, at 508, the judicial function exception cannot be squared with the text of the statute....

98 S.Ct. 1042

Supreme Court of the United States

John D. CAREY et al., Petitioners,

v.

Jarius PIPHUS, etc., et al.

No. 76-1149

Argued Dec. 6, 1977. Decided March 21, 1978.

3Constitutional Law

Procedural due process rules are meant to protect persons not from **deprivation**, but from mistaken or unjustified **deprivation** of life, liberty or property. U.S.C.A.Const. Amend. 14.

494 Cases that cite this headnote

Rehearing is appropriate where “intervening circumstances of a substantial or controlling effect or to other substantial grounds not previously presented” exist. *Sup. Ct. R. 44.2*. The intervening circumstance here is that now *all* of Petitioners' claims arising out of a terrorist bombing at the Grand Hyatt Amman *2 Hotel have been dismissed by Illinois courts despite Illinois entities' direct participation into the management and security determinations for the hotel. This deprivation of access to justice constitutes substantial grounds for review not previously presented to this Court. In order to cure this denial of any U.S. forum that would provide constitutional protection and remedies for Petitioners, **Rehearing** of the Writ in conjunction with the issues to be presented in a **Petition** for **Writ** of **Certiorari** to be filed by April 29, 2014 is appropriate.

136 S.Ct. 1989
Supreme Court of the United States

UNIVERSAL HEALTH SERVICES, INC., Petitioner

v.

UNITED STATES and Massachusetts, ex rel. Julio Escobar and Carmen Correa.

No. 15-7
Argued April 19, 2016. Decided June 16, 2016.

United States



False certification

The "implied false certification theory," providing that when a defendant submits a claim it impliedly certifies compliance with all conditions of payment, can be a basis for liability under the False Claims Act (FCA), at least where two conditions are satisfied: (1) the claim does not merely request payment, but also makes specific representations about the goods or services provided; and (2) the defendant's failure to disclose noncompliance with material statutory, regulatory, or contractual requirements makes those representations misleading half-truths; abrogating *U.S. v. Sanford-Brown, Ltd.*, 788 F.3d 696, 31 U.S.C.A. § 3729(a)(1)(A).

338 Cases that cite this headnote

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