

ORIGINAL

No. 25-6901

Supreme Court, U.S.
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OFFICE OF THE CLERK

IN THE
SUPREME COURT OF THE UNITED STATES

Michael Baloga — PETITIONER
(Your Name)

vs.

Brian Jacisin "et al " — RESPONDENT(S)

ON PETITION FOR A WRIT OF CERTIORARI TO

Pennsylvania Supreme Court

(NAME OF COURT THAT LAST RULED ON MERITS OF YOUR CASE)

PETITION FOR WRIT OF CERTIORARI

Michael Baloga Pro se

(Your Name)

65 Shulde lane

(Address)

Wyoming PA 18644

(City, State, Zip Code)

570-239-7344

(Phone Number)

No. _____

Supreme Court of the United States

Michael Baloga

Petitioner, Pro Se

Vs.

Brian Jacisin

Jeff Frankenburger

Jon Fry

Robert Caruso

Respondents,

ON PETITION FOR WRIT OF CERTIORARI TO

The Pennsylvania Supreme Court

PETITION FOR WRIT OF CERTIORARI

Michael Baloga Pro Se

65 Shulde lane

Wyoming PA 18644

570-239-7344

Questions presented:

- I. Whether the Pennsylvania court's application of Sovereign immunity conflicts with the Fourteenth amendment and Federal Constitutional Protections or U.S. Supreme Court Precedent.
- II. Whether the Petitioner (Plaintiff) was deprived due process covered under the Fourteenth Amendment when State investigative employees falsified witness testimony in an official proceeding and both Court of Common pleas and Commonwealth Court said it was within the scope of their duties.
- III. Whether Pennsylvania Sovereign immunity doctrine as applied in this case by lower Courts conflicts with the Fourteenth, Fifth and First Amendment of the Federal law
- IV. Whether the Due Process Clause of the Fourteenth Amendment permits state officials to invoke sovereign or official immunity to shield themselves from liability for falsifying under oath taped witness testimony in an official investigation.

List of Parties:

Michael Baloga (Plaintiff) Pro se
65 Shulde lane
Wyoming PA 18644
(570) 239-7344

Brian Jacisin (Defendant)
Robert Caruso (Defendant)
Jeff Frankenburger (Defendant)
Jon Fry (Defendant)

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Related Lower Court Proceedings

Baloga vs. Jacisin, Caruso, Frankenburger, Fry #2022 CV 6916 Dauphin County Court of Common Pleas Judgement issued August 15, 2023

Baloga vs. Jacisin, Caruso, Frankenburger, Fry #1447 CD 2023 Pennsylvania Commonwealth Court. Opinion ordered May 13, 2025

Baloga vs. Jacisin, Caruso, Frankenburger, Fry # 301 MAL 2025 Pennsylvania Supreme Court Application for allowance of appeal denied December 2, 2025

Baloga vs. Jacisin, Caruso, Frankeburger , Fry #301 MAL 2025 Pennsylvania Supreme Court Reconsideration of Denial for Allowance of of appeal Denied Supreme Court January 20, 2026

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- E. Original Complaint (Lawsuit)
- F. Attorney Peter Paul Olszewski letters to Ethics Commission

Table of Cited Authorities

Hafer vs. Melo 502 U.S. 21 (1991)

Ex Parte Young 209 U.S. 123 (1908)

Mooney vs. Holohan 294 U.S. 103 (1935)

Napue vs. Illinois 360 U.S. 264 (1959)

Glossip vs. Oklahoma 22-7466 (2025)

Borough of Duryea vs. Guarnieri 564 U.S. 379 (2011)

Snyder vs. Phelps 562 U.S. 443 (2011)

Opinions of Case

No. 2022 CV 6916 Dauphin County Court of Common Pleas Order by Judge John Cherry July 10, 2023 Sustaining Preliminary objections by defendant by demurrer. See Appendix A.

No. 1447 CD 2023 Pennsylvania Commonwealth Court order affirming trial court May, 13, 2025
See Appendix B.

No. 301 MAL 2025 Pennsylvania Supreme Court Denied Petition for allowance of Appeal
December 2, 2025 See. Appendix C.

No. 301 MAL 2025 Pennsylvania Supreme Court Denied Reconsideration for allowance of Appeal
January 20, 2026 See. Appendix D.

Statement of Jurisdiction

The Jurisdiction of this Court is invoked under 28 U.S.C. § 1257 (a) In Pennsylvania Supreme Court the denial of allowance for petition to appeal was entered December 2, 2025. A reconsideration for petition to appeal was denied January 20, 2026 and this petition is within 90 days of that date.

Constitutional Statutory Provisions

42 U.S.C. 1943

U.S. Constitution Amendment XIV. Section 5

U.S. Constitution Amendment V.

U.S. Constitution Amendment I.

Statement of Case

Michael Baloga a Wyoming Borough Pennsylvania Councilman was a victim of Pennsylvania State Ethics Commission investigation in which employees falsified sworn taped testimony in an official proceeding which constitutes a deprivation of rights without due process. In 2018 The State Ethics Commission received a letter from former Wyoming Borough Councilmen saying Mr. Baloga received a free driveway on his property when a Sewer project was being done on his street. (Mr. Baloga denies it was on his property and the Ethics Commission never did a survey to prove this false claim). The Pennsylvania State Ethics Commission did a full investigation and sent an Investigative report/ Findings report in February 2019 saying Baloga benefited from a free driveway on his property. Baloga couldn't afford an attorney and out of fear signed a consent agreement but wanted stipulations to reflect that he was innocent. The State Ethics Commission investigative attorney Jeff Frankenburger (Defendant) threatened Baloga if he withdrew from the Consent agreement they would seek tremble charges a \$10,000 fine and possible jail time. Baloga wanted conditions in the Consent agreement that he never asked anyone to put a driveway on his property, furthermore the access was not on Baloga's property it is owned by Susquehanna Realty. Attorney Frankenburger withdrew the Consent agreement on May 22, 2019. Baloga then hired Attorney Peter Paul Olszweski from Scranton PA. Mr. Baloga's defense attorney Peter Paul Olszweski of Scranton PA discovered the Employees of the State Ethics Commission falsified under oath Sworn testimony and lied in the taped

Interviews to try to convict Baloga. (**See Appendix F&E.**) Attorney Olszweski demanded an evidence hearing because the Commissions Investigative Complaint/Findings report contained intentionally false and malicious allegations. Attorney Olszweski subpoenaed the Four defendants including Jeff Frankenburger trying to find the author of the findings report because the Ethics Commission would not reveal the author of the report which is against Pennsylvania State law. The Pennsylvania State Ethics commission resisted the subpoena to Attorney Jeff Frankenburger and briefed it. Instead of facing the evidence hearing the Pennsylvania State Ethics Commission withdrew all charges against Baloga in March 2021. In March 2022 Baloga filed a lawsuit for wrongful use of Civil proceedings thru Weisburg law of Philadelphia which was argued by the Ethics Commission to transfer it to Dauphin County. In Dauphin County Pennsylvania Judge John Cherry acknowledged the wrong doing and the Plaintiff arguments as persuasive but sustained the defendants preliminary objections by demurrer. Weisburg law then appealed it to the Commonwealth Court of Pennsylvania in which the opinion of the Court was the Ethics Employees were acting within the scope of their duties. The Commonwealth Court in their order made this statement. **“Assuming Baloga’s allegation is true and Appellees actions were either grossly negligent or conducted in bad faith, frauds, deceits, concealments, misrepresentations, torts, negligent acts, and other malfeasances do not necessarily render such conduct outside the scope of Appellees employment”** The Commonwealth Court seemed to downplay changing witness testimony. This is

Concerning when a Court allows unlawful behavior to be within the scope of the State employees duties. This is misconduct. The Court's opinion seems to take away a fundamental Fourteenth amendment right Life, Liberty, and property and seems to condone unlawful acts by State entity employees. Michael Baloga in fact did plead sufficient facts as seen in the Pennsylvania State Ethics Findings report and the under oath sworn taped testimony transcripts. This is seen in black and white that the author of the Investigative Complaint/ Findings report changed what key witnesses said and put it in their findings report to try to convict Baloga. While these examples are not a full comprehensive list, the areas of inquiry, and the basis for inquiries include but not limited to the following allegations in the Investigative/Findings report. Example as follows: In the Pennsylvania State Ethics Findings report they reported that Borough Contractor James O'hara saying in Paragraph 25 of the findings report "**James O'hara, during a December 13, 2018 interview with the Commission investigator, confirmed that he authorized the construction of the driveway and installation of drainage pipe for Baloga's benefit following discussions with Baloga O'Hara would not have directed the work without the request being made by Baloga**" However, any reading of Non-party, James O'Hara's December 13, 2018 Sworn statement clearly confirms that Mr. O'Hara made no such representations, Under no circumstances can anyone engaged in a search for the truth interpret the transcript of Non-party , James

O'Hara December 12, 2018 Sworn Statement to confirm what Paragraph 25 and 25 b allege. Here is Mr. O'Hara's Sworn Statement as follows:

FRY: Did you ever have any conversations with Mr. Baloga, Wyoming Councilman , prior to construction?

OHARA: I met him, not prior to it, but ah, I met him in his yard, Project was almost completed summer of 2016.

FRY: Okay , So you never had discussions with him at all? O'HARA : No (emphasis

added) This is one example where the Pennsylvania State Ethics Commission changed under oath taped witness testimony and put it in their Investigative Complaint/ Findings

report that stated something that the witness never said. Another example is in

Paragraph 24 of the Complaint/ Findings report when making a statement about what

Borough engineer Daryl Pawlush said as follows: Paragraph 24 Investigative/Findings

report **Prior to the start of construction on Shulde lane in October 2015, Baloga**

approached Borough engineer, Daryl Pawlush (following a council meeting) and

requested construction of a driveway to connect the lower end of Baloga's property to

Shulde lane. Paragraph 24 (a) of Investigative complaint/ findings report states: **Baloga**

requested the contractor (O'Hara) complete a driveway during construction of the

Shulde lane Sewer project. Paragraph 24 (c) of the Investigative/Findings report states:

Pawlush did not deny speaking to O'Hara to facilitate Baloga's request for

construction of a driveway. However any plain reading of Mr. Pawlush's Sworn under

oath statement confirms the author of the findings report mischaracterized Mr. Pawlush's

Sworn Statement, Mr. Pawlush did not speak to O'Hara to facilitate Baloga's request . In fact, when Mr. Pawlush was asked specifically whether Mr. O'Hara spoke to him about constructing a driveway on Mr. Baloga's property, on two separate occasions, Mr. Pawlush responded with a definitive "**NO**"

JF: Did O'Hara ever talk to you about maybe completing the work on his property?

DP: "NO" Here the Author of the findings report was not truthful when the report said that Pawlush did not deny speaking to O'Hara to facilitate Baloga's request for construction of a driveway. Pawlush indeed said in his sworn statement that he never spoke to O'Hara about construction of a driveway on Baloga's property and is fact affirmative evidence that there never was any conversation between Mr. Pawlush and Mr. O'Hara about Mr. Baloga's alleged driveway on his property and any interpretation to the contrary and/ or averment of the contrary is intentional misconduct by all those responsible for averments. More than that Baloga never asked Pawlush to put a driveway on his property. The Author of the report made that up. The appeal to the Pennsylvania Commonwealth Court was ruled on May 13, 2025 to affirm the trial courts decision . Weisburg law then withdrew their counsel from Baloga because Baloga could no longer afford attorney fees.

Baloga then filed PRO SE in Pennsylvania Supreme Court a petition for Allowance of appeal on June 8, 2025 and was denied on December 2, 2025. Baloga filed for Reconsideration for allowance of appeal on December 8, 2025 and the Pennsylvania Supreme court denied Reconsideration for allowance of appeal on January 20, 2026.

Reason for Granting Writ of Certiorari

Councilman Michael J. Baloga's Fourteenth Amendment right under Due process was violated when Robert Caruso (Defendant) former Executive director of Pennsylvania State Ethics Commission Brian Jacisin (Defendant) former Deputy Executive director of investigations of the Pennsylvania State Ethics Commission, Jeff Frankenburger (Defendant) Jon Fry (Defendant) of the State Ethics Commission oversaw the investigation and falsified sworn testimony in an official proceeding to try to convict Michael Baloga. . The Ethics Commission in the Findings report stated something the witness never said this is called misconduct and wrongful use of Civil proceedings 42 P.A. C.S. 8351. This raises a critical question about limits of Sovereign immunity in this case, especially when State officials engage in unlawful conduct. These three Pennsylvania Court rulings that favoured the defendants violated Michael Baloga's (Plaintiff) due process rights under the Fourteenth Amendment and is in conflict with the following U.S. Precedent cases that protect due process under the law Including (**Napue vs. Illinois 360 U.S. 264 (1959)**, **Hafer vs. Melo 502 U.S. 21 (1991)**, **Ex parte young 209 U.S. 123 (1908)**, **Mooney vs. holohan 294 U.S. 103 (1935)** **Glossip vs. Oklahoma 22-7746.** The Pennsylvania Courts application of Sovereign immunity in this case conflicts with Federal Constitutional protections and U.S. Supreme Court Precedent which violates

the Fourteenth Amendment under due process because it undermines the integrity of judicial proceedings. In **U.S. Hafer vs. Melo 502 U.S. 21 (1991)** and **Ex Parte Young 209 U.S. 123 (1908)** two U.S. Supreme Court cases which allows lawsuits against state officials for unconstitutional acts in which in this case the PA State Ethics Commission employees acted "They falsified sworn witness testimony in an official proceeding". The three Pennsylvania Courts erred by overlooking this grievous unlawful act including the Pennsylvania Supreme Court that denied the Petition for Allowance of appeal, and reconsideration for denial of allowance of appeal. This is a matter of public concern if State Ethics investigative officials can falsify witness testimony and the Courts claim they have Sovereign immunity, this is a violation of the Fourteenth amendment the Fifth, Amendment and possible First Amendment. In **Mooney vs. holohan 294 U.S. 103 (1935)** the court held that the knowing use of false evidence by state officials violates due process. In **Napue vs. Illinois 360 U.S. 264 (1959)** this case reaffirms that the states use of false testimony violates the Fourteenth Amendment. In a recent U.S. Supreme Court case **Glossip vs. Oklahoma 22-7466 (2025)** The prosecution was found to have violated its constitutional obligation by knowingly allowing false testimony to go uncorrected violating Glossip's Fourteenth Amendment right of Due Process.

The decisions of the Pennsylvania Courts in Baloga vs. Jacisin under mines the integrity of judicial proceedings and a right for redress by trying to shield State Ethics employees under Sovereign immunity after they performed unlawful acts (Falsifying under oath taped witness testimony). The Pennsylvania State Courts decisions in this case on

Sovereign immunity is incorrect based on Federal law namely the Fourteenth Amendment under due process. The Fourteenth Amendment provides the constitutional basis for federal oversight of state actions, and federal civil rights statutes, enacted under the authority of section 5 of the Fourteenth amendment, provide the legal mechanism to challenge violations that might otherwise be blocked by the Eleventh Amendment Sovereign immunity claims. The denial of the Pennsylvania Supreme Court underscores the need for the U.S. Supreme Court to intervene to ensure justice is served and that Michael Baloga's due process rights are not violated. The right of redress is very critical here so State Entities like the Pennsylvania State Ethics Commission will be deterred to Falsifying witness testimony in the future. The Pennsylvania Supreme Court by denying Baloga's petition left him with no remedy or redress.

In regards to the First Amendment if Pennsylvania State Immunity doctrine as applied by the three Pennsylvania Courts in this case is being used to completely block redress against officials who commit unlawful acts this effectively denies Baloga's constitutional right to petition the government for redress of grievances. The U.S. Supreme Court has recognized that absolute immunity cannot shield unlawful acts when it completely forecloses access to justice. The Pennsylvania Courts have erred by not recognizing that the changing of witness testimony is unlawful, they did the opposite by saying it is within the scope of the Pennsylvania State Ethics employee's duties, and saying the

Plaintiff didn't plead sufficient facts for egregious behavior. The changing of under oath witness testimony and putting in in an investigative report to try to convict Baloga is egregious behavior. These changes were not typographical errors but blatant lies. The facts are in black and white as seen in the Pennsylvania State Ethics Commission findings report and sworn taped witness testimony.

This also may be matter of Public Concern when Baloga filed a lawsuit scrutinizing the actions of the State Ethics Commission which involves Government Accountability, and falls squarely within the constitutional considerations of speech and petition concerning matters of public concern. Precedent cases include "**Borough of Duryea Pennsylvania vs. Guarnieri 564 U.S. 379 (2011)** ; **Snyder vs. Phelps, 562 U.S. 443 (2011)**".

In regards to the U.S. Fifth Amendment it's due process clause (applied to states via the Fourteenth Amendment) underpins civil rights lawsuits especially through federal laws like 42 U.S.C. 1983 which lets you sue state officials acting "under color of state law: for violating constitutional rights including those in the Fifth Amendment of fair procedures.

The Pennsylvania State Ethics officials have violated the most basic trust of an Ethics Commission and maybe they should take a lesson from the Bible. Historically a Bible is used to swear an oath in court in an attempt to deter the bearing of false witness.

Conclusion

Therefore Mr. Michael J. Baloga respectfully requests that the Court grants his petition for Writ of Certiorari.