25-7237

NO._____

ORIGINAL

In The

Supreme Court of the United States

DAVID KISSI,

Petitioner,

v.

UNITED STATES DEPARTMENT OF JUSTICE

Respondent.

Petition for Writ of Certiorari for
To the U.S. Court of Appeals for the
District of Columbia Circuit
Should Be Granted

Case No. 25-5164

PETITION FOR WRIT OF CERTIORARI

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QUESTIONS PRESENTED

Can a court rely on 'Hearsay' to decide on a real estate transaction?

PARTIES TO THE PROCEEDING:

PETITIONER:

DAVID KISSI

RESPONDENT:

U.S. DEPARTMENT OF JUSTICE

The related proceeding is:

I. *David Kissi v. Department of Justice* Case No. 1:12-cv-01515-RBW, U.S. District Court for the District of Columbia, denying Kissi the recovery of his funds from Pramco II, LLC, order issued on September 4, 2013. See APPENDIX A.

TABLE OF CONTENTS

APPENDICES

TABLE OF AUTHORITIES

STATUTES and RULES

Regarding U.S. Supreme Court Rule 4 thru Rule 10:

Rule 4: Sessions and Quorums, I am a pro se and I don't have a deep knowledge about Sessions and Quorums at the High Court.

Rule 5: I never took the Bar exam, but I have taken several courses in business and civil law and I don't practice in any court unless I am pro se.

Rule 6: N/A

Rule 7: N/A

Rule 8: N/A

Rule 9: N/A – I am not a certified lawyer, but I am a pro se individual.

Rule 10: As indicated from the hearing "Can a Judge Decide a Case on Hearsay?"

To start with Judge Walton had launched a big campaign against me and told everyone who would listen that I have filed 96 frivolous cases intended to harass people. And in my response I did challenge

Walton that I never did that. And if he keeps repeating such falsehood I will ask the court to charge him with Hearsay and Perjury. See Appendix H (Hearsay) and 28 USC § 1746 on Perjury. In fact, for Attorney General Merrick Garland had vouched that I am an honorable man, and I had several cases where I have received favorable opinions.

The courts should note that when this case started 26 years ago, I and my spouse spent close to $1 million in a matter involving the Dept. of Justice, Pramco, the Small Business Administration, Emil Hirsch and Judge Walton. All this heavy expenditure shows we take our cases seriously.

CONSTITUTIONAL AUTHORITY

INTRODUCTION

A reading of a transcript in combined case #s PJM 02-42, PJM 02-43, and PJM 02-44, that recorded the alleged transactions between both parties show multiple judicial errors and fraud that trial Judge Peter J. Messitte of Maryland in 2003 simply overlooked. And if he hadn't overlooked them, then the outcome of this case would have been different, and our assets would not have been taken without compensation by Respondents Emil Hirsch and Pramco. See App.32a, an extract of a transcript in the Maryland case before Judge Messitte.

This case is of Public Interest because it conflicts with an earlier ruling of Federal Judges O'Malley and Carr of Ohio that said ownership of a real property should be evidenced by a marketable and bona fide title(s) of the owners. See App.16a – their Ohio rulings. Also, see App.12a, letter from SBA Officer Richard Blewett as evidence that the SBA, in its position as Seller, failed to convey marketable titles to the Buyers, Emil Hirsch and his client, Pramco. All this makes it expedient to conduct a review of Certiorari. See Supreme Court Rule 10 – on deciding to review for a Writ of Certiorari.

OPINIONS BELOW

Appendix A, App.1a shows the Final Order of the U.S. District Court for the District of Columbia in case # 12-1515 RBW dated 9/04/2013. Appendix B, App.10a shows the Order and Mandate of the U.S.

Court of Appeals for the D.C. Circuit in case # 25-5164 dated 12/17/2025.

JURISDICTION

The amount in controversy is $10 million, and I am seeking $35 million for injuries and malicious intent and for throwing me into jail. All this is for federal jurisdiction. See 28 USC § 1332. The Order and Mandate for the lower court's final decision is dated December 17, 2025.

CONSTITUTIONAL AMENDMENT AND STATUTORY PROVISIONS INVOLVED

The next stop for a review is at this High Court, and this jurisdiction is affirmed by 28 USC § 2403(a) because this review concerns both 5th and 14th Amendment issues.

U.S. Const. amend. V

> No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a grand jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; 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.

U.S. Const. amend. XIV § 1

> All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of the law; nor deny to any person within its jurisdiction the equal protection of the laws.

42 U.S.C. § 1983

> Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia.

Petitioner also believes that this Court's review is warranted since the Lower Court's ruling in this case contradicts the lower court rulings among Maryland/District of Columbia and Ohio which contradicts Supreme Court Rule 10.

AFFIDAVIT IN SUPPORT OF STATEMENT OF THE CASE

That I swear under Oath that I am David Kissi and that I have a personal knowledge of this matter. And I am at least 21 years of age. That I, my wife, and our Trust account suffered irreparable damages as a result of the mistakes and judicial errors trial judges Joseph R. Goodwin and Peter J. Messitte; Emil Hirsch and Pramco II, LLC, the Respondents intentionally inflicted when the U.S. Small Business Administration (SBA) made unwittingly us the payee of their loans that had no marketable titles. The loans' principal, interests and taxes belonged to somebody else. Also, App. 12a, for SBA Officer Richard Blewett's two letters which should be considered as newly discovered evidence that has never been heard in any court. In fact, Blewett's letters show that he could not identify all the boxes and bales of records and they were disorganized prior to the SBA selling them to Pramco. So, the idea that our records were being held at the SBA warehouse or offices was Hearsay. This is why Judge Messitte threw up his hands because neither he nor Pramco's Lawyer Emil Hirsch, could determine how much we were obliged to pay Pramco. See App. 32a, Extract of a transcript in hearing on

2/24/2003 before Judge Messitte on the amount owed to Pramco. Even Judge Messitte claimed he had no information to rely on to make a decision.

Newly discovered evidence implied that the SBA sold Petitioner's mortgage notes with cash only with no proof of receipt. See App. 12a – 13a, Blewett's letters. By his silence Blewett implied the SBA had none. Also, see Federal Rules of Civil Procedure Rule 37(b). His letters implied within bales of records one couldn't find us or which one we were assigned to. This implies the transaction was based on Hearsay. This leads one to believe that a larger amount owed by an unknown payee was assigned to us when Hirsch/Pramco saw that we had sufficient assets to pay for a higher amount. That has brought us great sorrows.

Blewett's letters considered as newly discovered information suggests my conviction should be set aside. That Hearsay also means my criminal conviction, that the trial court had ruled was criminal contempt, had gone hand in hand and if the unjust judgment is to be set aside, then my criminal conviction should be set aside too. See App. 12a-13a Blewett's letters. and I should be awarded a nominal sum of $35 million and my criminal record should be cleared for I was falsely imprisoned.

The court should also take into consideration the precedents or similar cases like that of Ohio

Federal Court Judge O'Malley and Carr's similar cases where similar fraudulent loans including Pramco's were bought and sold and the courts dismissed them. See App.16a, Ruling of Judges O'Malley and Carr. But two Trial Judges Goodwin and Messitte in the Maryland Federal Court ignored such frauds that could have given us relief, especially using the Preliminary Injunction to sell off our assets when they should have had a Preliminary Injunction constrained by Affidavit(s) from the Respondents. Without such safeguards, we filed for a Chapter 11 and appealed the proceedings, but Judge Messitte denied us an appeal, a Right we were entitled to under the Due Process. See Federal Rules of Appellate Procedure Rule 3(a)(1).

WHY THIS CERTIORARI SHOULD BE GRANTED

An Interpretation of The SBA's Errors, Confusion, Hearsay and Mistakes That Pushed the Kissis' DK&R Company into Bankruptcy in 2000

Richard Blewett, SBA Director of Asset Sales on 7/24/2004 wrote David Kissi to say:

"That this responds to your letter of May 18, 2004, regarding questions related to the sales of your U.S. Small Business Administration loans in Asset Sales #3 and #4, under the Freedom of Information Act.

The following is responsive to your request. The SBA sold SBA #70743130 and #55366330 in Asset Sale #3 on December 5, 2000 in pool AO210 to Latte Stone, LLC. They made an "all or nothing" bid of $278,384,879 for 29 pools of loans containing 6,389 loans with an aggregate Unpaid Principal Balance of $569,843,808. On August 7, 2001, the SBA sold #92182730 in Pool AD003 to Pramco II. This pool was comprised of 65 loans with an Unpaid Principal Balance of $8,850,551. The winning bid was $2,686,000. As stated previously, the SBA accepted one bid for the 29 pools comprising Block 1(101-115) and Block 2 (201-214) and individual loan or pool prices are not available. All sales are cash to the Agency."

What the above means is that:

The U.S. records the SBA's own mistakes and bookkeeping errors did put us into the wrong pool of their bulk or unmarked bales and confusing bulk pool of loans that pushed us into bankruptcy. According to SBA Officer Blewett, there is no indication those pools were personally reviewed or examined or seen before they handed them to Pramco.

The whole transaction was based on Hearsay, and none can rely on the two Bulk Sales we were summarily thrown into because the government is saying part of our loan went to a company called Latte Stone, LLC and another part to Pramco II, LLC. So how did Pramco claim all of our loans in one bulk pool? Subsequently, we have been severely injured. It appears the SBA has no forum to remedy its Bulk Sale

errors. We have been on our own 24 years. We hired lawyers who came and went without avail. To cover its errors and Pramco's fraud the government sent me to prison in 2009.

The errors Blewett's letters highlight could be interpreted as newly discovered information that the court can consider to grant a trial or certiorari and grant us remedy for its wrongs and Pramco's fraud.

The most significant in this matter is that Blewett never says that the SBA conveyed any marketable titles to Pramco to sell our properties among all the loans in the Bulk Sales the Agency was handling. See App.16a, rulings of Ohio Federal Judges O'Malley and Carr where Pramco was involved in the buying and selling of fraudulent loans. Through the SBA's Hearsay and Pramco's fraud we were irreparably injured, and our business has been ruined.

Judge Messitte made several errors in conflict with 28 USC § 1651, among them was:

I. That he granted the Preliminary Injunction without instructing Emil Hirsch/Pramco to support its claims with an Affidavit. As mentioned above, Judge Messitte could not even determine the alleged debt we owed to Pramco. See App. 32a, extract of Messitte's hearing on the debt. He concluded it was Hearsay.

II. Judge Messitte did not consider the great harm his action will cause us. For example,

since it was a Preliminary Injunction not restrained by an Affidavit, Pramco's Attorney Emil Hirsch abused his discretion and seized 3 of our properties and sold them where Pramco had no title to them. Then he returned and seized 11 other properties without a court order. See *Di Biase v SPX Corp.*, 872 F.3d 224 (2017) where it is stated that:

a. "A Preliminary Injunction shall be granted only if the moving party clearly establishes entitlement to the relief sought."
b. "A Plaintiff seeking a Preliminary Injunction must demonstrate that he is likely to succeed on the merits, that he is likely to suffer irreparable harm in absence of the Preliminary Injunction relief." Rather, Hirsch used the Injunction to fraudulently overstep the law and trash our Due Process.

III. Judge Messitte caused us to lose substantial income that we could have used to pay our mortgages, vendors and taxes. This additional loss of income totally ruined us and caused us to spend thousands of dollars in legal fees. This shows that trial Judge Peter J. Messitte was one-sided, for he ought not to have used a Preliminary Injunction that had no Affidavit and he didn't consider

> the harm he was inflicting. *Blackwelder* states: "...the first step [of review for a Preliminary Injunction] should be to balance the likelihood of irreparable harm to the plaintiff against the likelihood of harm to the defendant." See *Blackweldger Furninture Co. of Statesville, Inc. v Seilig Manufacturing Co. Inc.,* 550 F.2d 189 (1977).

In sum, *"The principal function of a Preliminary Injunction is to maintain the status quo, thus a request for an injunction to prohibit an Act is rendered moot by the happening of the act."* See *Di Biase.* For example, Judge Messitte unlawfully used his Preliminary Injunction to violate the Kissis' Due Process when he wrote judges in Ohio to remand a case that Petitioner Kissi filed in Ohio while residing in the government camp in Ohio. He use his Preliminary Injunction to justify his request. Then when Judge Messitte received the case he quashed it, thereby usurping the authority of the Ohio judge who had accepted the case. Furthermore, when Judge Messitte issued the Preliminary Injunction it contained a "Listing of Kissi Cases", many of which were filed in Maryland State Courts, which he demanded Kissi withdraw from those courts or face contempt charges. This is also a clear violation of the Rooker-Feldman Doctrine, where lower federal courts (U.S. District Courts) have no authority to review or overrule state courts. See *Safety Kleen, Inc.*

(Pinewood) v Wyche, 274 F.3d 846 (2001), citing the Rooker-Feldman Doctrine.

The Public Interest warrants that the Supreme Court should grant us a Writ of Certiorari. This is because many people who own properties at some future time will be confronted with the problem we have faced, i.e., whether they have marketable title(s) to resell their home or properties. Note that at the time of our case, debt collector Pramco had over 100 foreclosure cases as the plaintiff in federal courts in the U.S. including Puerto Rico and the U.S. Virgin Islands. So, it is in the public's interest that such a ruling will deter organizations and individuals like Pramco and Emil Hirsch that will do anything to collect unquantified debt, they did not legitimately purchase. See App.16a - ruling of Ohio Federal Judges O'Malley and Carr.

CONCLUSION

In sum, this court should grant our Certiorari because of the conflicts in this case. The trial judge felt he could do anything he wants with his unlawful Preliminary Injunction prohibited by 28 USC § 1651. On more than four occasions, Judge Messitte in the process of liquidation of our assets mistakenly invoked Preliminary Injunctions that should have been cited as a 'Preliminary Injunctions supported by Affidavits'. This could have provided the safeguard to protect our Due Process.

With newly discovered evidence which we did not have earlier, our Certiorari should be granted because of my false imprisonment engineered by Hearsay and the disclosure by Blewett that the government's sale of our properties was based on Hearsay. And if not available, then this case should be set for mediation.

I am looking for $35 million in compensation plus interest.

Dated March 17, 2026

Respectfully Submitted by,
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NB: This court should note that about 8 to 10 years ago, Associate Justice Elena Kagan voluntarily abstained from all Kissi cases. This is because Kissi had sued her at the Justice Department before she came and sat on the Bench at the Supreme Court.

Certificate of Service

That since I am proceeding pro se and I am a beneficiary of the CJA, the Clerk may distribute copies of this Brief to all Respondents at no cost to us. See Kissi's CJA Order already on the record.

David Kissi