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SUPREME COURT, U.S.

In the Supreme Court of the United States

Philip Hahn, Pro Se
Petitioner

v.

The State of New Jersey,
The University of Medicine and Dentistry of New Jersey, Mark Zarbin
Defendants

On Petition for a Writ of Certiorari
To The Supreme Court of New Jersey

Petition for a Writ of Certiorari

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*Hahn v. The State of New Jersey, The University of Medicine and Dentistry of New Jersey,
Mark Zarbin*

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QUESTIONS PRESENTED

- 1) Does the United States guarantee the right to trial by jury, of more than just a judge-jury of one, per Article IV, section 4 of the Constitution?
- 2) Does voir dire in a jury trial satisfy the requirements of a Republican form of government?
- 3) Is a court created via NJ state law a court of the United States?
- 4) Is a judge presiding over a court created via NJ state law bound by a law made by a Congress of the United States?
- 5) Is a law created by a past Congress of the United States a valid federal law?
- 6) Is a law created by a past Congress of the United States part of the Supreme law of the land?
- 7) Can a matter be finally resolved in the absence of a jury, of more than just a judge-jury of one, confirmation of the presiding judge's finding of fact?
- 8) Should the current Supreme court affirm the Supreme court's opinion in *Slocum v.*

New York Life Insurance Co., 228 US 364?
Hahn v. The State of New Jersey, The University of Medicine and Dentistry of New Jersey,
Mark Zarbin

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PETITION FOR WRIT OF CERTIORARI

Philip Hahn, Pro Se, respectfully petitions this court for a writ of certiorari to review the judgment of the New Jersey supreme court.

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OPINIONS BELOW

The decision by the New Jersey supreme court on December 2, 2025, that denied Philip Hahn the right to trial by jury of more than just a judge-jury of one, is reprinted in the Appellate;

The decision by the New Jersey appellate court on June 18, 2025, that denied Philip Hahn the right to trial by jury of more than just a judge-jury of one, is reprinted in the Appendix;

The decision by the New Jersey superior court on December 8, 2023 that denied Philip Hahn the right to trial by jury of more than just a judge-jury of one, is reprinted in the Appendix.

JURISDICTION

The judgment of the New Jersey supreme court was made on the 10th day of June, 2025.

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

The Supreme court has original jurisdiction via Article III, section 2 of the Constitution as the state of New Jersey is a party to the action.

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STATEMENT OF THE CASE

- 1) On June 1, 2005 Philip Hahn had the lens removed from his right eye during retinal detachment surgery at the University of Medicine and Dentistry of New Jersey (UMDNJ);
- 2) On April 23, 2007 Philip Hahn filed complaint in the Essex Superior Court in Newark, New Jersey;
- 3) On August 17, 2007 claim versus the UMDNJ was dismissed by the Honorable Judge Gary Furnari;
- 3) On February 29, 2008 claim versus Mark Zarbin was dismissed by the Honorable Judge Paul Vichness;
- 4) On October 30, 2023 Philip Hahn made a motion for judgment against the UMDNJ, Doctor Marco Zarbin and John and Jane Doe;
- 5) On December 8, 2023 motion for judgment versus the UMDNJ was denied by Judge L. Grace Spencer;
- 6) On January 18, 2024 plaintiff filed appeal via docket # A-001658-23;

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7) Appeal made via docket #: A-001755-23 was combined with appeal filed via docket #: A-001658-23 sua sponte by a member of the Appellate court of New Jersey;

8) Appeal was denied June 18, 2025 by judges Mawla, Natali and Walcott-Henderson;

9) On August 19, 2024 plaintiff gave notice of petition for certification;

10) On December 2, 2025 the NJ supreme court denied petition for certification.

REASONS FOR GRANTING WRIT

I have personal knowledge of all matters contained herein.

This case presents this Court with an excellent opportunity to demonstrate exactly how matters of federal law, as they apply to matters first pled in court created via state law, can be enforced via a court created via the laws of the United States.

Further, this case presents this Court with an opportunity to demonstrate exactly how the current, and past, opinions of the Supreme court operate in the context of Article VI of the Constitution and the 10th amendment.

We have adopted a legal system where there is to be one Supreme court and one that employs a system of checks and balances.

The mission of the courts of the state of New Jersey, - to provide just decision on the merits - is failing because the judges that have presided over the courts created via NJ state law have declined to honor the past Supreme court opinions as facts that cannot be otherwise re-examine.

In order for court the courts of the state of NJ to function properly, the current members of the Supreme court of the United States have to honor their legal obligation to enforce

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the prior Supreme court opinions that required a jury of 12 confirmation of a judge's finding of fact.

It appears as though the members of the NJ bar are using the complexity of the law in an effort to defeat otherwise meritorious claims, - i.e. the judges must realize that a court created via NJ state law is not a court of the United States and therefore not bound by the 7th amendment.

Fortunately, a judge presiding over a court created via federal law, - i.e. a law of the United States, is bound by the 7th amendment and the prior Supreme court opinions also as a result.

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**POINT 1: THE CRITERIA FOR GRANTING A WRIT OF CERTIORARI IS
STATED IN SUPREME COURT RULE 10**

The Rules of the Supreme Court of the United States reading in pertinent part as follows:

Rule 10. Considerations Governing Review on Writ of Certiorari reads in pertinent part as follows:

- (b) a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals;
- (c) a state court or a United States court of appeals has decided an important question of federal law that has not been, but should be, settled by this Court, or has decided an important federal question in a way that conflicts with relevant decisions of this Court.

The Supreme court of the United States is a court of appeals.

**POINT 2: THE MEMBERS OF THE SUPREME COURT ARE BOUND BY
ARTICLE IV, SECTION 4 OF THE CONSTITUTION**

Article VI of the Constitution reads in pertinent part as follows:

'....This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding....'

As a result, even though a judge operating in the District of Columbia is not bound by the Constitution, the fact remains that the law of the Constitution remains the *supreme law of the land* in spite of the fact that Washington, DC is not part of the United States.

Therefore, a member of the Supreme court is bound by Article IV, section 4 of the Constitution.

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POINT 3: A CLAIM DECIDED BY A JUDGE ALONE IS NOT A REPUBLICAN FORM OF GOVERNMENT

By definition a Republican form of government is one where the people chose their leaders. A person whose fate is decided by a judge alone assigned to his case is not the beneficiary of a Republican form of government.

Judges are not elected in the state of NJ, but rather appointed. As a result, a person having a case heard in a court created via NJ law is not the beneficiary of being able to choose his leaders.

When a person is given opportunity to choose the jurors for a jury that will decide the facts of a case the Constitutional requirement of a Republican form of government being provided is being met.

POINT 4: THE UNITED STATES GUARANTEES THE RIGHT TO TRIAL BY JURY, OF MORE THAN JUST A JUDGE-JURY OF ONE, PER ARTICLE IV, SECTION 4 OF THE CONSTITUTION

Articled IV, section 4 of the Constitution reads in pertinent part as follows:

'....The United States shall guarantee to every State in this Union a Republican Form of Government....'

By definition, a republican form of government, is as follows per the federal common law of *In re Duncan*, 139 US 449 (1891) reading in pertinent part as follows:

'.... a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies,...'

As a result, the members of the current Supreme court, when acting as part of the United States, and when acting in an individual capacity, are legally obligated to guarantee the state of NJ a government where *it is the right of the people to choose their own officers for governmental administration.*

The legal obligation, on the part of the Supreme court of the United States, and the members of the Supreme court when acting in their individual capacities, is met via the members of the Supreme court enforcing *Slocum v. New York Life Insurance Co.*, 228 US 364 reading in pertinent part as follows:

'....wherein it uniformly has been held (a) that we must look to the common law for a definition of the nature and extent of the right of trial by jury which the Constitution declares "shall be preserved;" (b) that the right so preserved is the right to have the issues of fact presented by the pleadings tried by a jury of twelve, under the direction and superintendence of the court; (c) that the rendition of a verdict is of the substance of the Hahn v. The State of New Jersey, The University of Medicine and Dentistry of New Jersey, Mark Zarbin

*right, because to dispense with a verdict is to eliminate the jury which is no less a part of the tribunal charged with the trial than is the court, and (d) that [****57] when the issues have been so tried and a verdict rendered they cannot be reexamined otherwise than on a new trial granted by the court in which the first trial was had or ordered by the appellate court for some error of law affecting the verdict....'*

*'....Coughran v. Bigelow recognizes that this is the true conception of trial by jury, for it is there said, 'if the evidence be not sufficient to warrant a recovery, it is the duty of the court to instruct the jury accordingly, and, if the jury disregard such instruction, to set aside the verdict.' Why instruct the jury in such a case if they have no office to perform? Why contemplate that they may not conform to the instruction if it be immaterial whether they do or not? And why take their verdict or have any concern about it if none is required? The answers are given in prior decisions, which hold, as before shown, that in such a case it is essential 'that the jury make its verdict, albeit in conformity with the order of the *398 court;' and that if there be a verdict, 'the action is ended, unless a new trial be granted, either upon motion or upon appeal....'*

As the law now stands, failure on the part of the Supreme court of the United States to direct that a trial with a jury of 12 commence in the matters at the bar is in violation of title 18 section 242.

POINT 5: ABSENT FEDERAL ENFORCEMENT OF THE LAW, A STATE JUDGE CAN SIMPLY IGNORE FEDERAL LAW

The Constitution of the United States reads as follows in pertinent part:

Article I, Section 1

All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives.

Section 8: Powers of Congress

The Congress shall have Power.... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

The 10th amendment reads as follows:

'...The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people....'

So, absent Supreme court intervention, or other law, there is nothing to stop a judge that is presiding over a court created via NJ state law from simply finding that the law of the 73rd Congress, - that provides for the right to trial by jury via the 7th amendment, is not necessary and proper for carrying into Execution the....Power vested by the Constitution in the Government of the United States.

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POINT 6: THE LAWS OF THE UNITED STATES ARE THE SUPREME LAW OF THE LAND IN A COURT CREATED VIA STATE LAW

Article VI of the Constitution reads in pertinent part as follows:

'...This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding....'

At first glance there appears to be two avenues that can be taken where the *'... Laws of the United States....'* will not be the *'...supreme Law of the Land....'*

Note: *'...Laws of the United States which shall be made in Pursuance....'* of *'...This Constitution....'* are not part of the Constitution.

However, from *McCulloch v. Maryland*, 17 U.S. 316 we have:

*"...But this question is not left to mere reason: the people have, in express terms, decided it, by saying, *406 'this constitution, and the laws of the United States, which shall be made in pursuance thereof,' 'shall be the supreme law of the land,' and by requiring that the members of the state legislatures, and the officers of the executive and judicial*

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departments of the states, shall take the oath of fidelity to it. The government of the United States, then, though limited in its powers, is supreme; and its laws, when made in pursuance of the constitution, form the supreme law of the land, 'anything in the constitution or laws of any state to the contrary notwithstanding.'...."

As a result, either '*....this constitution,....*' or '*....the laws of the United States....*' could be the supreme law of the land.

Fortunately, from *Schick v. United States*, 195 US 65 we have in pertinent part:

*'....If there be any conflict between these two provisions, the one found in the Amendments must control, under the well-understood rule that the last expression of the will of the lawmaker prevails over an earlier [*69] one....'*

So, the above referenced part of Article VI starts with, '*....This Constitution, and the Laws of the United States which shall be made in Pursuance thereof;....*'

Clearly, '*....the Laws of the United States....*' is written after '*....This Constitution....*'

As a result, '*....the Laws of the United States....*' is the '*....the last expression of the will of the lawmaker....*' on the matter.

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It follows that '*...the laws of the United States....*' are the supreme law of the land rather than '*...This Constitution....*'

**POINT 7: THE CURRENT MEMBERS OF THE SUPREME COURT MUST
ENFORCE SLOCUM V. NEW YORK LIFE INSURANCE CO., 228 US 364**

Absent a jury confirmation of a judge's finding of fact, there is nothing to stop a judge presiding over a court created via NJ state law from deciding the applicable law of a matter in spite of the actual law of a matter. Of course, such an action would be in violation of the federal common law of *In re Duncan*, 1891 US 449 reading in pertinent part as follows:

'.... a republican form of government is guaranteed to every State in the Union, and the distinguishing feature of that form is the right of the people to choose their own officers for governmental administration, and pass their own laws in virtue of the legislative power reposed in representative bodies,...'

Therefore, the current members of the Supreme court of the United States must enforce *Slocum v. New York Life Insurance Co.*, 228 US 364 by affirming the prior Supreme court's opinion.

Otherwise, a judge presiding over a court created via NJ state law can just ignore the prior Supreme court opinions.

Note: Per Article III of the Constitution, an opinion of the current Supreme court would be enforced via the law of the Constitution of the United States instead of a prior Supreme court opinion.

Slocum v. New York Life Insurance Co., 228 US 364 reading in pertinent part as follows:

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'....when the issues have been so tried and a verdict rendered they cannot be reexamined otherwise than on a new trial granted by the court in which the first trial was had or ordered by the appellate court for some error of law affecting the verdict....'

'....wherein it uniformly has been held (a) that we must look to the common law for a definition of the nature and extent of the right of trial by jury which the Constitution declares "shall be preserved;" (b) that the right so preserved is the right to have the issues of fact presented by the pleadings tried by a jury of twelve, under the direction and superintendence of the court; (c) that the rendition of a verdict is of the substance of the right, because to dispense with a verdict is to eliminate the jury which is no less a part of the tribunal charged with the trial than is the court, and (d) that...'

*'....Coughran v. Bigelow recognizes that this is the true conception of trial by jury, for it is there said, 'if the evidence be not sufficient to warrant a recovery, it is the duty of the court to instruct the jury accordingly, and, if the jury disregard such instruction, to set aside the verdict.' Why instruct the jury in such a case if they have no office to perform? Why contemplate that they may not conform to the instruction if it be immaterial whether they do or not? And why take their verdict or have any concern about it if none is required? The answers are given in prior decisions, which hold, as before shown, that in such a case it is essential 'that the jury make its verdict, albeit in conformity with the order of the *398 court;' and that if there be a verdict, 'the action is ended, unless a new trial be granted, either upon motion or upon appeal....'*

POINT 8: A LAW CREATED BY A PAST CONGRESS OF THE UNITED STATES IS A VALID FEDERAL LAW

In re Tarble's Case, 80 US 397 reading in pertinent part as follows:

'....The Constitution and the laws passed in pursuance of it, are declared by the Constitution itself to be the supreme law of the land,....'

Article I, Section 1: Congress reading in pertinent part as follows:

'....All legislative Powers herein granted shall be vested in a Congress of the United States, which shall consist of a Senate and House of Representatives....'

Section 8: Powers of Congress

'....The Congress shall have Power.... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof....'

There is nothing at the bar to prove that the laws of the United States shall be made by only one Congress. As a result, different Congresses can create laws that are all the laws of the present United States.

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**POINT 9: THE MEMBERS OF THE SUPREME COURT ARE BOUND BY
ARTICLE IV, SECTION 4 OF THE CONSTITUTION**

In the event that a member of the Supreme court of the United States operates in a dual capacity, - one as a part of the United States, the other in an individual capacity, the members of the Supreme court must be bound by Article IV, section 4 of the Constitution and the facts of the matter per *Slocum v. New York Life Insurance Co.*, 228 US 364.

In other words, as agents of the United States of America, the current Supreme court justices are legally obligated to direct that a jury of 12 trial commence in the matters at the bar.

POINT 10: A MATTER CANNOT BE FINALLY RESOLVED IN THE ABSENCE OF A JURY, OF MORE THAN JUST A JUDGE-JURY OF ONE, CONFIRMATION OF THE PRESIDING JUDGE'S FINDING OF FACT

Slocum v. New York Life Insurance Co., 228 US 364 reading in pertinent part as follows:

'...Coughran v. Bigelow recognizes that this is the true conception of trial by jury, for it is there said, 'if the evidence be not sufficient to warrant a recovery, it is the duty of the court to instruct the jury accordingly, and, if the jury disregard such instruction, to set aside the verdict.' Why instruct the jury in such a case if they have no office to perform? Why contemplate that they may not conform to the instruction if it be immaterial whether they do or not? And why take their verdict or have any concern about it if none is required? The answers are given in prior decisions, which hold, as before shown, that in such a case it is essential 'that the jury make its verdict, albeit in conformity with the order of the *398 court,' and that if there be a verdict, 'the action is ended, unless a new trial be granted, either upon motion or upon appeal....'

Slocum is clear where a jury is to perform its office.

Failure of the judges to enforce *Slocum*, in courts created via New Jersey state law, are in violation of the general federal common law created by the past Supreme courts of the United States that is regulated by, and to be enforced via, the 7th amendment.

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POINT 11: THE 73RD CONGRESS CREATED THE RIGHT TO TRIAL BY JURY PER THE 7TH AMENDMENT

Fortunately, the 73rd congress session 2 chapter 651 statutes at large section 2 reads as follows:

'...SEC. 2. The court may at any time unite the general rules prescribed by it for cases in equity with those in actions at law so as to secure one form of civil action and procedure for both: Provided, however, that in such union of rules the right of trial by jury as declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate. Such united rules shall not take effect until they shall have been reported to Congress by the Attorney General at the beginning of a regular session thereof and until after the close of such session....'

Approved, June 19, 1934.

The 73rd congress session 2 chapter 651 statutes at large section 1 reads as follows:

'... Be it enacted by the Senate and House of Representatives of the Supreme Court of United States of America in Congress assembled, That the Supreme Court of the United States shall have the power to prescribe, by general rules, for the district courts of the United States and for the courts of the District of Columbia, the forms of process, writs, pleadings, and motions, and the practice and procedure in civil actions at law. Said rules shall neither abridge, enlarge, nor modify the substantive rights of any litigant. They shall take effect six months after their promulgation, and thereafter all laws in conflict therewith shall be of no further force or effect....'

Per the 73rd congress session 2 chapter 651 statutes at large section 2 it is a law of a Congress that there is a right to trial by jury per the 7th amendment.

A judge that presides over a court created via NJ state law can act in an individual capacity, or as a part of the state of NJ as an agent of the state.

A law made by a Congress of the United States is part of the law of the state of NJ, in spite of the fact that neither a NJ legislature, nor a NJ supreme court enacted the law.

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The 10th amendment reads as follows:

'....The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people....'

Absent the evidence of the prior Supreme court opinions brought to the bar, there is nothing at the bar holding that a law made by a Congress of the United States is part of the Supreme law of the land. As a result, there would be nothing at the bar to stop a judge presiding over a court created via state law to hold that there is no right to trial by jury, - in spite of the law created by the 73rd congress.

Fortunately, the 73rd congress session 2 chapter 651 statutes at large section 2 reads as follows:

'....SEC. 2.....Provided, however, that in such union of rules the right of trial by jury as declared by the seventh amendment to the Constitution shall be preserved to the parties inviolate....'

Per the 73rd congress session 2 chapter 651 statutes at large section 2 it is a law of a Congress that there is a right to trial by jury per the 7th amendment.

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A law made by a Congress of the United States is part of the law of the state of NJ, in spite of the fact that neither a NJ legislature, nor a NJ supreme court enacted the law per the 10th amendment .

CONCLUSION

For the foregoing reasons, Philip Hahn respectfully requests that this Court issue a Writ of Certiorari to review the judgment of the New Jersey supreme court.



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