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No. _____

FILED

MAY 15 2026

OFFICE OF THE CLERK
SUPREME COURT, U.S.

IN THE SUPREME COURT OF THE UNITED STATES

ABRAHIM FATA, *Petitioner,*

v.

ABRAHAM ORTIZ, et al., *Respondents.*

ON CONSOLIDATED PETITION FOR A WRIT OF CERTIORARI TO THE UNITED STATES
COURT OF APPEALS FOR THE THIRD CIRCUIT

CONSOLIDATED PETITION FOR A WRIT OF CERTIORARI

ABRAHIM FATA *Petitioner Pro Se*

P.O. Box 122 Allentown, PA 18105

aflegalmail@gmail.com

(484) 486-5289

Dated: JULY 05, 2026

QUESTIONS PRESENTED

PURSUANT TO SUPREME COURT RULE 12.4, this single petition seeks review of six judgments from the same court involving identical or closely related questions:

1. **The Misjoinder Conflict (Rule 21):** Whether Federal Rule of Civil Procedure 21, which mandates that "misjoinder of parties is not a ground for dismissing an action," prohibits a court from dismissing a pro se litigant's personal claims with prejudice solely because the litigant improperly attempted to join or represent his minor children.
2. **The "Self-Adjudication" Conflict (28 U.S.C. § 144):** Whether a district judge violates the mandatory "shall proceed no further" command of § 144 by personally adjudicating the sufficiency of a bias affidavit against himself, rather than referring the matter to another judge for assignment as required by statute.
3. **Abuse of the "Frivolous" Standard:** Whether a court violates the "factual frivolousness" standard established in *Denton v. Hernandez* by "piercing the veil" of a complaint to find it "irrational" when the petitioner has provided twelve corroborating documents establishing the factual reality of the underlying incident.
4. **The Jurisdictional Characterization Error:** Whether a court violates the Due Process Clause and the "less stringent standard" for pro se litigants (*Haines v. Kerner*) by reframing a complaint explicitly initiated under the Racketeer Influenced and Corrupt Organizations Act (RICO) as a standard 42 U.S.C. § 1983 claim to apply "state action" and *Heck v. Humphrey* bars that are inapplicable to racketeering claims.
5. **The "Counsel Mandate" Catch-22 (Rule 17):** Whether the automatic dismissal of minor children's constitutional claims—solely because the indigent parent is proceeding pro se—violates the minor's right of meaningful access to the courts under the Fourteenth Amendment.

LIST OF PARTIES AND DIRECTLY RELATED PROCEEDINGS

Petitioner: Abraham Fata

Respondents: The following are the only responding parties as they appear on the lower court dockets for the six consolidated proceedings:

1. **Abraham Ortiz** and **Pamela Perez** (Respondents in No. 25-1887 and No. 25-1867).
2. **Commonwealth of Pennsylvania** and **County of Lehigh** (Respondents in No. 25-1889).
3. **Jason Willis**, Supervisor of Lehigh Valley Pretrial Services, Inc. (Respondent in No. 25-1889).
4. **Garrett Hall** and **Kelsey Krempasky**, Lehigh County Probation Officers (Respondents in No. 25-1889).
5. **Robert Sletvold**, Lehigh County Public Defender (Respondent in No. 25-1889).
6. **Jill Herschman**, Lehigh County Clerk of Judicial Records (Respondent in No. 25-1889).
7. **Brenda I. Sabastro**, Lehigh County Court Room Monitor (Respondent in No. 25-1889).
8. **Jacqueline Amantine** and **Son of Jacqueline** (Respondents in No. 25-2077).
9. **Charles Lang** and **Martha Lang** (Respondents in No. 25-1886).
10. **Aracelly Delgado** and **Chris Delgado** (Respondents in No. 25-1888).

Directly Related Proceedings: Pursuant to Supreme Court Rule 14.1(b)(iii), the following lower court proceedings are directly related to this petition:

- *In re: Abraham Fata*, No. 25-1867 (3d Cir.), affirming No. 5:24-cv-02402 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.
- *Fata v. Commonwealth of Pa.*, No. 25-1889 (3d Cir.), affirming No. 5:24-cv-04861 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.
- *Fata v. Amantine*, No. 25-2077 (3d Cir.), affirming No. 5:24-cv-04862 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.
- *Fata v. Lang*, No. 25-1886 (3d Cir.), affirming No. 5:24-cv-06934 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.
- *Fata v. Delgado*, No. 25-1888 (3d Cir.), affirming No. 5:24-cv-06935 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.
- *Fata v. Ortiz*, No. 25-1887 (3d Cir.), affirming No. 5:24-cv-06936 (E.D. Pa.). Judgment Jan. 6, 2026; Rehearing denied Feb. 18, 2026.

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TABLE OF AUTHORITIES

Cases:

- *Ashcroft v. Iqbal*, 556 U.S. 662 (2009)
- *Denton v. Hernandez*, 504 U.S. 25 (1992)
- *Durham v. Kelley*, 82 F.4th 217 (3d Cir. 2023)
- *Erickson v. Pardus*, 551 U.S. 89 (2007)
- *Haines v. Kerner*, 404 U.S. 519 (1972)
- *Heck v. Humphrey*, 512 U.S. 477 (1994)
- *Liljeberg v. Health Services Acquisition Corp.*, 486 U.S. 847 (1988)
- *Osei-Afriye v. Med. Coll. of Pa.*, 937 F.2d 876 (3d Cir. 1991)
- *Stancavage v. Northumberland Cnty.*, 2025 U.S. Dist. Lexis 75390

Statutes and Rules:

- 18 U.S.C. § 1509
- 18 U.S.C. § 1512
- 18 U.S.C. § 1961
- 18 U.S.C. § 1964(c)
- 28 U.S.C. § 144
- 28 U.S.C. § 1254(1)
- 28 U.S.C. § 1915(e)(2)(B)
- 42 U.S.C. § 1983
- Sup. Ct. R. 12.4
- Sup. Ct. R. 14
- Fed. R. Civ. P. 21

OPINIONS BELOW

The per curiam opinions of the United States Court of Appeals for the Third Circuit are not published in the Federal Reporter but are available at docket numbers 25-1867, 25-1886, 25-1887, 25-1888, 25-1889, and 25-2077. The memoranda and orders of the District Court for the Eastern District of Pennsylvania are included in the Appendix.

JURISDICTION

PURSUANT TO SUPREME COURT RULE 12.4, this is a single consolidated petition for a writ of certiorari seeking review of six judgments from the United States Court of Appeals for the Third Circuit, as they involve identical or closely related questions.

The judgments of the United States Court of Appeals for the Third Circuit were entered on **January 6, 2026**. Timely petitions for panel rehearing were denied on **February 18, 2026**. This petition is filed within 90 days of the date of the order denying rehearing. The jurisdiction of this Court is invoked under 28 U.S.C. § 1254(1) and Supreme Court Rule 12.4.

CONSTITUTIONAL AND STATUTORY PROVISIONS INVOLVED

U.S. Const. amend. XIV, Section 1 "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 law; nor deny to any person within its jurisdiction the equal protection of the laws."

28 U.S.C. Section 144 "Whenever a party to any proceeding in a district court makes and files a timely and sufficient affidavit that the judge before whom the matter is pending has a personal bias or prejudice either against him or in favor of any adverse party, such judge shall proceed no further therein, but another judge shall be assigned to hear such proceeding."

28 U.S.C. Section 1915(e)(2)(B) "The court shall dismiss the case at any time if the court determines that... (B) the action or appeal—(i) is frivolous or malicious; (ii) fails to state a claim on which relief may be granted; or (iii) seeks monetary relief against a defendant who is immune from such relief."

Federal Rule of Civil Procedure 21 "Misjoinder of parties is not a ground for dismissing an action. On motion or on its own, the court may at any time, on just terms, add or drop a party. The court may also sever any claim against a party."

STATEMENT OF THE CASE

Petitioner, an indigent and incarcerated individual at the time of filing, initiated six related actions alleging a coordinated racketeering enterprise involving private citizens and government officials. These claims are centered on a 2016 sexual attack on Petitioner's son and a subsequent decade-long conspiracy to cover up the crime and frame the Petitioner. To demonstrate that his claims possessed an arguable basis in fact and were not "frivolous," Petitioner provided the District Court with **twelve corroborating documents**. These included 2017 psychological reports confirming the trauma suffered by his son and a 2021 supervised visit assessment. Despite this evidence, the District Court summarily reframed these racketeering actions as standard civil rights claims under 42 U.S.C. § 1983. This reframing allowed the court to apply the "state action" doctrine and the *Heck v. Humphrey* bar—restrictions that do not exist under RICO—to dismiss the cases as "frivolous" before discovery.

Furthermore, the courts summarily dismissed the constitutional claims of Petitioner's minor children because Petitioner was proceeding *pro se*. In so doing, the courts violated the plain mandate of **Federal Rule of Civil Procedure 21**, which prohibits dismissing an action based on misjoinder. By terminating the entire action rather than dropping the minor parties, the courts extinguished Petitioner's own individual legal interests. When Petitioner moved for recusal due to the judge's extrajudicial communication with a prison warden, the challenged judge personally denied the motion in violation of the mandatory referral mandate of **28 U.S.C. § 144**.

REASONS FOR GRANTING THE PETITION

I. The Decision Below Calls for an Exercise of this Court's Supervisory Power Regarding Misjoinder (Rule 10(a)). The Third Circuit affirmed a dismissal that utilized the misjoinder of parties as a ground for terminating the entire action. This is a direct violation of **Federal Rule of Civil Procedure 21**, which explicitly states that misjoinder is **not** a ground for dismissal. The lower courts dismissed Petitioner's personal claims with prejudice solely because he improperly attempted to represent his minor children. Under Rule 21, the proper remedy was to drop the children as parties, rather than destroying Petitioner's independent legal standing.

II. The Third Circuit Departed from Judicial Procedure by Allowing a Judge to "Self-Adjudicate" Bias. Under 28 U.S.C. § 144, the judge "shall proceed no further" once a sufficient affidavit is filed. Judge Goldberg ruled on his own impartiality after extrajudicial contact with a prison warden. This "self-adjudication" is a structural error that undermines the "appearance of justice" established in *Liljeberg v. Health Services Acquisition Corp.*

III. The Lower Court Conflicts with relevant decisions of this Court regarding Frivolousness. The dismissal of the complaint as "factually frivolous" is in direct conflict with *Denton v. Hernandez*. Petitioner grounded his narrative in factual reality by submitting twelve specific documents corroborating the underlying 2016 incident. By declaring these claims "irrational" without addressing the submitted evidence, the lower courts created a standard that conflicts with the *Denton* mandate to weight initial assessments in the plaintiff's favor.

IV. This Case Involves a Deep Circuit Split Regarding the "Counsel Mandate" for Children. The Third Circuit's strict bar on parents representing children pro se conflicts with the more "flexible approach" of other circuits. This Court should resolve whether indigent children must forfeit their fundamental rights simply because their parents cannot afford legal counsel.

CONCLUSION

For the reasons stated above, the petition for a writ of certiorari should be granted.

Respectfully submitted,

Abraham Fata, Petitioner Pro Se

Dated: JULY 05, 2026

