

In the Supreme Court of the United States

Docket No. _____

NICHOLAS E. PURPURA, PETITIONER

V.

GOVERNOR CHRIS CHRISTIE; PRES. OF SENATE STEVEN M. SWEENEY; ASSEMBLY SPEAKER VINCENT PRIETO; ATTORNEY GENERAL JOHN J. HOPFFMAN; JOSEPH RICK FUENTES, JUDGES MICHAEL A. DONIORUDOLPH A. FILKO; EDWARD A. JEREJIAN; THOMAS V. MANAHAN; JOSEPH W. OXLEY; RONALD LEE REISNER; LEONARD P. STARK; RUGGERO J. ALDERT; LEGISLATORS; LORRETTA A. WEIBERG; RICHARD J. CODEY; ANNETTE QUIJANO; PETER J. BARNES, III; REED GUSCIORA; CLEOPATRA G. TUCKER; GORDON M. JOHNSON; PAMELA R. LAMPITT; JOHN F. MCKEON; SEAN KEAN; BONNIE WATSON COLEMAN; ROBERT SINGER; NIA H. GILL; GRACE SPENCER; SHIRLEY K. TURNER; PATRICK J. DIEGNAN; MILA M. JASEY; TIM EUSTACE; GABRIELA M. MOSQUERA; JASON O'DONNELL; GARY SCHAER; LOUIS D. GREENWALD; CHARLES MAINOR; VALERIE VAINIERI HUTTLE; HERBERT CONAWAY; RICHARD COOK; ACHILLE TAGLIALATELA;

PETITION TO EXPEDITE
RULE 22

ON WRIT OF CERTIORARI ON PETITION
TO THE UNITED STATES COURT OF APPEALS for the THIRD CIRCUIT
*In Forma Pauperis**

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Pro se for the Petitioners

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BRIAN W. MASON, ESQ. Wall,
DAVID V. BOBER, ESQ.
J. ANDREW RUYMANN, ESQ.
Council's for Appellee/Defendants

"No State can make an illegal act legal; nor does the judiciary have the authority or power to condone or create law, regardless of who institutes such law, whether it be the legislature or the executive branch; if said law violates the United States Constitution. The purpose of the judiciary is to declare the law[s] either constitutional or unconstitutional. The District and Circuit Courts took it upon themselves, based upon a political ideology, to condone unconstitutional "de facto" administrative law!"

Nicholas E. Purpura, Chaplain

*Attached Affidavit & Declaration

REASON FOR EXPEDITING & GRANTING A WRIT OF CERTIORARI

1. Petitioner is a Chaplain and ‘*constitutional lecturer*’; admittedly not an attorney. Strict scrutiny will evidence that the District and Circuit Courts allowed the Defendants who are being represented by three (3) teams of attorneys; (i) NJ State Attorneys General; (ii) U.S. Department of Justice, Attorney; (iii) private outside attorneys, far too much leeway and thereby ignored federal law. Each of these entities, in one form or another has blatantly violated *Fed. R. Civ. P.* and Supreme Court precedents. They have done so, apparently, with anticipated impunity. These procedures were more about the protection of the named politically powerful individuals [Defendants] than the preservation of the US Constitution. As a result, unconstitutional *de facto* administrative law will continue to infect the health of our nation.

2. Petitioner submits this Motion pursuant to Rule 22, to each individual justice on this Honorable Court, for the valid and extremely important purpose of expediting this Petitioner’s Writ of Certiorari. This request has become obligatory due to unquestionably extraordinary circumstances whereby many rulings issued by sitting justices on this Court have had their decisions violated¹ and ignored by the lower courts and the Defense teams.

¹ The opinions of the lower courts point to no relevant citation to the issue at bar, but distort facts, laws and have failed to address the exception to Rule 12(b)(1) which rendered it inapplicable. Void any legal explanation for the departure from prior policy, see *Anastasoff v United States*,. 233 F3d 898: *declared that unpublished opinions not precedent and are unconstitutional because the framers, in speaking of “judicial power” in Article III would have in mind the common law courts of the time, **which consider themselves fully bound by their prior decisions.***

Also relevant: “*No citation courts in effect refuse to hear litigant’s arguments that challenge judgment is inconsistent with court’s ruling in other cases. Refusing to hear argument for consistent judicial treatment raises serious ‘due process’ concerns, especially given the strong association of consistency with fairness and correctness in our legal culture*”. Jessie Allen, Brennan Center for Justice NYU School of Law.

3. More compelling, this Honorable Court must settle the question, once and for all, as to whether “*federalism*” has meaning and whether unconstitutional *de facto* Administrative law, which is no law at all, as was unanimously confirmed by this very court *en banc*², can take precedent over constitutional law.

4. The Fourteenth Amendment reads in part, that no state shall “*deprive any person of life, liberty, or property, without due process of law.*” This applies to state and local governments. The Due Process Clause of the Fifth Amendment applies to federal government. Most Due Process issues involve state laws – the threshold issue before the Court is just that, whether a state can usurp the United States Constitution.

5. Under the color of law, New Jersey government officials have consistently and continuously deprived the rights of this Petitioner and every citizen of this otherwise great state. This matter requires close analysis (strict scrutiny) in order to fully perceive the extent of the denial of due process this Petitioner and others have undergone at the hands of unconstitutional coercive power.

6. This esteemed judicial body must consider collectively, as a liberty interest, whether there has been an interference with individual rights which rises to the level of an unconstitutional deprivation.

7. The United States District and Third Circuit courts have entered decisions which conflict with the decisions of other Courts of Appeal and this Supreme Court. *Heller*, *McDonald*, and *Caetano*, are examples of whether there is an inalienable right to “*self-protection*” and whether

² See, *Bond v. United States*, 09-1127 (2011) and *Department of Transportation et al., v Assoc. of American RR...* No. 13-1080 (2015).

or not a state can convert a constitutional right into a privilege³ which clearly violates “*Federalism*”.

8. This Petitioner respects and is fully cognizant of the volatility of this subject but also believes that this highest Court must not continue to ignore its fiduciary duty and declare definitively the legality of “*federalism*”. Article IV, Section 2 and the Second Amendment are controlling law over all these United States. Every citizen regardless of which state he/she resides must be treated equally anywhere he may live or travel within the borders of the United States. The right to bear arms must be consistent across the board and not be infringed upon by political autocrats who endeavor to become a law unto themselves.

9. This action calls for the *strict scrutiny standard*. The state, not the Petitioner carries the burden of proof⁴ when an individual brings a claim against a state pronouncing interference with a fundamental right where the challenge is that a state failed to demonstrate any compelling interest other than a political ideology. Regarding this Writ, the record clearly demonstrates that no legitimate and substantial interest resided in any process by which the lower courts functioned.

10. The necessity for immediate adjudication is even more glaring as this Writ will detail how both lower courts ignored the RICO statutes- (42 U.S.C. 1985, and 1986; 1983 Civil Rights- which mandate an “*affirmative*” response with “specificity and particularity”. It should be noted

³ The Supreme Court made clear in *Hale v Hekle*, 201 U.S. 43, 74 held: “*if the state may compel the surrendering of one constitutional right as a condition of favor, it may compel a surrender of all. It is inconceivable that guarantees embedded in the Constitution of the United States may be manipulated out of existence.*”

⁴ See, *Bowers v Hardwick*, 478 U.S. 186, 189 (1986) “*to prevail, the State would have to prove that the statute (in this case de facto administrative Law) is supported by a compelling interest and is the most narrowly drawn means of achieving that end*”

herein; not even a general denial can be found in the record. The courts disregarded, without comment or acknowledgment that the Defendants had by rule, forfeited and were in default. See; Rule 8 (b) (c) and (d). “ *The rules do not permit defendants to avoid responding to legal argument.*” 8(b)(6).

11. The law is unambiguous that for a “*full and fair*” hearing to have occurred, the courts must demonstrate compliance with elementary legal rules of evidence, and state reasons for their determination. The courts must indicate what evidence was relied upon. Invented technicalities and dilatory practices do not fulfill those requirements. Allowing such diversions to direct the outcome of this Civil Rights legal action is not just illegitimate but such actions breed frustration with the Federal Courts and ultimately “disrespect for law”⁵.

12. At no time throughout these unnecessarily protracted proceedings has this Petitioner requested damages or punishment for the Defendants, but simply the restoration of a constitutional right, now and in the future.

13. This Petitioner’s Writ, considering its vital importance, is very short. Yet in its brevity there resides legally irrefutable facts and conclusively proves that this entire matter is/was *stare decisis*.

14. Important note to the expedited jurists: The Circuit Court conveniently ignored a very important piece of data presented to it by this Petitioner. Following District Court Judge Shipp’s convoluted Order for this Petitioner to re-file his original Brief after more than a year had passed, Judge Shipp was removed from the case. Note: This Petitioner does not know if or how that removal relate, however, after being removed from the case, this same judge, while

⁵ See ***Roadway Express v Pipe***, 447 U.S. 752, at 757.

presiding over a tangentially equal controversial legal action, astonishingly, issued a “Consent Order” which agreed in every detail with the claims of relief as they are detailed in this Petitioner’s original Brief. Judge Shipp even went so far as to cite, as did this Petitioner in his Brief, *Heller, McDonald, and Caetano* and Second Amendment inalienable rights.

15. The lower courts never considered this legal filing to be about an important constitutional challenge and cared even less about whether or not New Jersey is violating Civil Rights by infringing on the Second Amendment. It was all about who the Defendants were and their official positions. In a nutshell, the rule of man appears to have been permitted to trump the rule of law. This Petitioner is confident that this Honorable Court will not allow that to stand.

Respectfully submitted,

Nicholas E. Purpura, Chaplain

DECLARATION IN SUPPORT FOR LEAVE TO PROCEED WITHOUT COST

TO THE HONORABLE COURT, DEFENDANTS AND THEIR ATTORNEYS OF RECORD,
AND ALL INTERESTED PARTIES:

COMES NOW, Nicholas E. Purpura, Petitioner to file this Declaration to address this matter “*in the interest of substantial justice*” requesting a grant of waiver of all fees.

This notice concerns whether the rights defined in the Constitution are to be protected and to serve as a warning in regards to “*federalism*” and the potentially devastating consequences which will threaten every American’s constitutionally protected rights, if the rule of law, “*due process*”, and judicial integrity are compromised.

At this stage of the proceedings gross errors in law must be addressed. [*Decision[s]and order[s]*] If the District and Circuit Court rulings are allowed to stand they will weaken constitutional civil rights, as well as the rules governing “*federalism*”, not just in New Jersey, but also throughout the many states. No cost or fee should be imposed on establishing American Jurisprudence. This *Pro Se* Petitioner has taken on this battle on his own and except for some very small donations from friends the costs of this almost two year struggle has been borne by this Petitioner. As such he prays that this Honorable Court will understand that costs and fees must never be permitted to impede justice.

At stake here, is not a Republican, Democrat, Liberal or Conservative issue. It is far more than just the violation of a *Second Amendment* fundamental right. The significance of this Petition is based upon the need to halt the dangerous trespass upon “*federalism*” which has become the standard operating procedure of out of control legislators, jurists and officials who have placed their own political ideology ahead of the Constitution and their sworn oath to defend it. Those individuals appointed to our Federal Court system who unabashedly and heretofore sans consequence, continue to issue rulings based upon that same concept must also and finally be restrained. Ending those practices should never have a price tag imposed upon it. No American should ever have to absorb financial burdens in protection of a Constitutional Civil Right.

Financial Information

Regardless, Petitioner is without the financial ability to fund these proceedings, his entire income is derived through “Social Security” [\$1599.00 per-month], and is without any other viable assets. As a United States citizen, Petitioner is entitled to be heard and hereby declares under the penalty of perjury that this statement is true and correct.

Petitioner believes there is a lawful and constitutional right to proceed without costs, even if one had the ability to fund these legal proceedings. The opportunity to be heard was adjudicated by this Court, which held: “*that a natural man or woman is entitled to relief for free access to its judicial tribunals and public offices in every State in the Union*” (2 Black 620, see also *Crandell v. Nevada*, 6 Wall 35).

Petitioner should not [and must not] be charged a fees, *or costs for lawful and constitutional right to petition this court in this matter in which he is entitled to relief, as it appears that the filing fee rule was originally implemented for fictions and subjects of the State and should not be applied to Plaintiff who is a natural individual and entitled to relief.* *Hale v. Henke*, 201 US 42.

Respectfully, the Courts belong to the people, and Petitioner thanks this Honorable Court in advance for the opportunity to be heard and argue this important issue free of the financial burden that would impede or even halt the important issues at bar.

Respectfully,

Nicholas E. Purpura, Chaplain

VERIFICATION

The undersigned hereby verifies under penalty of perjury, under the laws of the United States, that the above statements true and correct according to this Petitioner's current information and knowledge.

Proof of Service

On June __, 2017 Petitioner did serve the following counsel[s] representing defendants by Certified Return Receipt mail via the USPO a full and complete copy of Petitioners Motion to Expedite, & attachment (Declaration in support) *in forma pauperis* and Motion for Writ of Certiorari, and Appendix B.

I, _____ Nicholas E. Purpura, Chaplain

Done the ___ of the month of June in the year two thousand seventeen in New Jersey, a man who identified himself as Nicholas E. Purpura appeared before me, a notary, and attested to the truth of this affidavit with his signature/seal affixed upon this document.

Seal Notary Public

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